

BOOK REVIEWS

COTTON, HANNAH M. and ADA YARDENI. *Aramaic, Hebrew and Greek Documentary Texts from Naḥal Ḥever and Other Sites, with an Appendix Containing Alleged Qumran Texts (The Seiyâl Collection II)*. Discoveries in the Judaean Desert XXVII. Oxford: Clarendon Press, 1997. xxvii + 381 pages, 33 figures, 61 plates. ISBN 0-19-826395-3.

The complicated title of this volume reflects the fact that most of the papyri published here come from clandestine excavations and entered what is now known as the Rockefeller Museum in 1952 and 1953 as coming from Wadi Seiyâl (or Naḥal Se'elim, as it is shown in microscopic type on fig. 33, located above Masada).¹ Links to material later found in controlled excavations by Yigael Yadin at Naḥal Ḥever show that the original attribution is untrue for at least some of this material. The volume also (despite the subtitle) contains material not from the Seiyâl Collection. Part of it was found in Yadin's papers after his death (one item, no. 49, is republished here from a photograph found with these papers; the whereabouts of the original is unknown). The material in the appendix was originally attributed to Qumran cave 4, but Yardeni argues here that this also is inaccurate. As far as connections can be found, they are entirely to the known material from Naḥal Ḥever. Nos. 9 and 69 may come from a cave higher in the same ravine system. The exception is no. 50, which joins Mur 26 and is the only item in the volume definitely from Wadi Muraba'at. Because of the tendency of unprovenanced antiquities to be grouped together for sale and attributed to a known site, it is unlikely, as the editors make clear, that we will ever be able to be confident of the source of every fragment in this volume, but it is evident that most of the substantial pieces come from the same source as the Babatha archive, of which the Greek portion has been of compelling

¹ The first part of the publication of this collection is DJD VIII: E. Tov, *The Greek Minor Prophets Scroll from Naḥal Ḥever* (Oxford 1990).

interest (the documents in Semitic languages are still forthcoming). The rest, however, may well come from other locations.²

The volume is beautifully and lavishly produced, with a high standard of accuracy except for 156-57, where a production blunder has omitted an intended quotation (from A. Wasserstein) and instead repeated 8 lines from 156 on 157.³ Commentaries and notes are full, although the introductions to individual documents in the Aramaic section are somewhat less extensive and helpful than those to the Greek texts. The photographic documentation in the plates is exhaustive, even at times redundant; and for the Aramaic texts there are hand-drawings as well as photographs. The bulk of the texts in the volume are small fragments, many with little or no intelligible text, and it would not be hard to carp at the space devoted to them. But the body of documentary papyri from this region is still so limited, the range of open questions so wide, and the interest of the texts so great that it was surely better to err on the side of exhaustiveness as the editors have done.

The numbering of papyri in this volume, which was not under the authors' control, is peculiar and nowhere fully explained. Numbers for the Aramaic (and few Hebrew) papyri run from 7 to 50 (but without a 20 or 48), those for the Greek from 60 to 73, and the pseudo-Qumran material from 342 to 360a, but with no 347, 349-

² For an example of the unresolved difficulties, consider that except for nos. 7 and 49 all of the Greek and Aramaic texts in the main body of this volume are on papyrus, whereas a significant number of the pseudo-Qumran documents are on hide (i.e., parchment); Yardeni discusses this matter in the introduction to no. 7. Since no. 49 does not actually belong to the Seiyâl Collection proper (and is in Hebrew rather than Aramaic), the evidence for the use of parchment in the milieu that produced the Naḥal Ḥever texts is scanty. But no. 49's photograph came from the same Yadin papers where nos. 61 (fr. a, c, d) and 62 from the Salome Komaïse dossier were found.

³ Professor Cotton tells me that the missing passage is the following: "Alongside [Hellenistic civilisation]... and sometimes intermingling with it, there existed another supra-national civilisation, influenced indeed by the encounter with the Greeks (and, later, with the Romans), but formed, and informed and characterised by the common Aramaic inheritance that had existed for many centuries before then as an international and supra-national bond for people of many nations, not all of them Semitic." (*Scripta Classica Israelica* 14 [1995] 111-37 at 130).

350, 355, or 360 (but there is a 360a). The explanation lies in the DJD editorial practice of referring to texts by cave and by inventory number.⁴ The pseudo-Qumran texts are numbered following the numbers for 4Q (= Qumran cave 4) already published. Emanuel Tov's Foreword explains also that nos. 5 and 6 are to appear in DJD XXXVI along with "five or six Nabataean texts."⁵ Papyrological readers (and not they alone) may find the DJD numbering by cave number, site, and text number to have reached absurdity here, with the ugly "XḤev/Se" as the siglum for these items, X meaning that the cave number is unknown, and Ḥev/Se waffling on the provenance. Since this siglum refers to items numbered in a single series but scattered across several volumes (and nothing in such a reference tells which DJD volume the item is in), while DJD plus volume and item number does not give a coherent and consecutive series of numbers (even within a single volume), easy reference is hardly well served.⁶ For that matter, Ḥev/Se is not easy to defend either, because of the presence of at least one text from Wadi Muraba'at. The Checklist of Editions has adopted the abbreviation *P.Ḥever* to refer to the volume.

The first part of the volume, as well as the pseudo-Qumran appendix, is comprised almost entirely of Aramaic papyri, there being just two documents and part of another in Hebrew. Most are small fragments; Yardeni describes just thirteen of them (including the one Muraba'at text) as having "a modicum of running text" and a determinable nature. About half of these are sales (hence the more detailed discussion of these in the introduction). The

⁴ The numbers in many cases go back to original labelling at the time of acquisition; they may be found in the inventory in E. Tov with S. J. Pfann, *The Dead Sea Scrolls on Microfiche, Companion Volume*, 2nd ed. (Leiden 1995), the straitjacket which has (for the most part) prevented reorganization and renumbering.

⁵ On p. 283 we learn that nos. 350 and 355 will appear in DJD XXXVI. No. 347 is a part of no. 32 in the Seiyâl Collection.

⁶ The headers to individual texts are rather rebarbative. An example: "21. XḤev/Se papDeed of Sale E ar". The number is the item number in the volume as described above; then comes the cave number plus provenance indication, then the material (hide is not indicated; like Hebrew, it is a default setting), then (without a space) the document type, a letter representing which Deed of Sale is meant (A-D precede), and a code for script where it is not Hebrew (here Aramaic).

remainder include a renunciation of claims in a divorce,⁷ a receipt for dates, perhaps a *ketubah*, a deposit, a promissory note, and accounts. The sales are mostly double documents witnessed on the back. Most of them are written across the fibers, that is, with the short dimension of the roll, and rolled up from top to bottom. Many hands occur; these are not the work of one or two scribes. Yardeni gives a valuable enumeration of the clauses in the Aramaic sale contracts (the best-represented category in this volume). They show overall a "unified and well-established structure" of clauses; this is also true of promissory notes. Two main types occur, one of an "I have sold to you" formula (as in Greek, except first-person rather than third-person ἐξέδοτο), the other of an "NN said to NN, 'I have sold to you'" type, more reminiscent of the structure of Demotic documents.

Yardeni notes that there are many variants in individual words and much non-uniform orthography. Five documents have dates to the "freedom" or "redemption" of Israel, i.e., the Bar-Kokhba revolt; they do not, unfortunately, bring us closer to pinpointing the starting date of that era.

The most coherent and valuable part of the volume is the "archive" of Salome Komaise, daughter of Levi, consisting of no. 12 (Aramaic) and nos. 60-65 (Greek). All of the Greek papyri have been published in articles except for the smaller fragments of no. 62, but they are brought together here with a detailed introduction (pp. 158-65), to which is prefaced a general introduction to the Greek texts (pp. 133-57), the bulk of which also concerns the Salome dossier. The general introduction to the Greek texts also functions to some extent as an overall introduction to the contents and social milieu of the entire volume, as the introduction to the Aramaic and Hebrew documents is mainly diplomatic, linguistic, and palaeographical. Salome Komaise shows a number of similarities and connections to Babatha, and her dossier is in effect a smaller and

⁷ Now discussed further by Cotton and E. Qimron in *Journal of Jewish Studies* 49 (1998) 108-18, offering a new translation and arguing that Yardeni was too tentative in offering this identification of the text. Cf. below on the consequences of the identification.

somewhat less coherent⁸ body of the same sort, covering (in the present state of our knowledge) the years 125-131. She was a Jew living in, and apparently fully integrated with, a Nabataean environment, but at the same time part of a Jewish society for which provincial boundaries had little meaning, as the fate of her papers in the Bar-Kokhba revolt suggests. She had some of the same neighbors in Maḥoza as Babatha and uses some of the same witnesses.⁹

The social and documentary milieu represented here helps to fill out the sense that the Babatha documents give us of a mixed population, mainly Jews and Nabataeans, living along the southern part of the west side of the Dead Sea and the south end of the sea. Both Greek and Aramaic are in normal use for business documents, and signatures in Aramaic can occur in Greek texts (and the reverse, see p. 129). Cotton notes in passing that in this context the phrase *διὰ τὸ αὐτὴν μὴ εἰδέναι γράμματα* clearly means inability to subscribe in any language, not merely in Greek. The use of Greek in these legal texts, Cotton argues, reflects a desire to have legal acts easily recognized in Greek-language courts, i.e., Roman courts; the only court actually mentioned is that of the Roman governor of the province of Arabia. This may be true, but it is all the more striking that under Roman rule legal documents were also written in local languages; see further on this below. It is striking that double documents, with inner and outer text, long obsolete in Egypt, are found in nos. 62, 64, 65, and 69 of this dossier as in Babatha's (although the inner text is generally a short formality, with not enough substance to be of any real use).

For the most part the documentary forms are purely Greek, although with some idiosyncrasies and semitisms (see p. 136, with reference to Lewis's introduction to the Babatha archive). A more exceptional case is no. 64, which is a crude translation from

⁸ See p. 160 on the uncertainties involved in ascribing all of these texts to this dossier.

⁹ See no. 64.46n., 49n. (the references on p. 159, n. 17, are incorrect).

Aramaic, back into which it can be turned with little difficulty.¹⁰ It is hard to see in other cases, however, why the Aramaic background should be held responsible for all the formulaic peculiarities enumerated on 136-37. Regional variation is found even within Egypt, and there is no reason not to think that it occurred widely in the Greek-writing legal world.¹¹ In particular, the fact that a phrase appears in the Egyptian papyri only (or mainly) in a later period is not necessarily significant. Some parts of Egypt from which we have many late antique papyri are hardly at all represented in the legal documents from the first three centuries, particularly the whole stretch of the Nile including Heptakomia, Antaiopolis, Panopolis, and their environs. An instance (not involving this geographical factor) is the phrase μηδένα λόγον ἔχειν πρὸς αὐτήν, listed among the phrases that "may well be the result of the influence of the Aramaic world in which [the papyri] were written," with the comment, "In the Egyptian papyri it rarely occurs before the fourth century CE."¹² The idiom is, however, attested at least as early as the late Ptolemaic period; it is found (and I cite almost at random from the hits in a search of the DDBDP) in *BGU VIII* 1782.11-12 (Herakleopolite, 57/6 BC): καὶ περὶ τοῦ μη[δ]ένα λόγον λείπεσθαι... πρὸς ὑμᾶς.

The same reservations, to be sure, may be offered about some of the supposed Latinisms identified by Lewis in the Babatha archive (*P. Babatha*, pp. 18-19), like τῆ ἐνεστώσῃ ἡμέρᾳ. Lewis cites this only from *P. Dura* (29.7 and 30.6; '30.7' is a slip), where the editors thought it represented *hac die*. But again, contrary examples are to hand. *P. Yale I* 64.11 (Oxyrhynchos, 75/6), for instance, uses the phrase in the context of a wife's loan to her husband, a distinctively Egyptian transaction in which a Latinism would hardly be the first

¹⁰ Cotton cites *P. Babatha* 19 as a similar case, but there the most striking feature is the scribe's lack of any sense of Greek accident, which is not the same thing.

¹¹ On the general subject of variety and common elements see J. Hengstl, "Klauseln in hellenistischen Rechtsurkunden," in *Hellenismus. Beiträge zur Erforschung von Akkulturation und politischer Ordnung in den Staaten des hellenistischen Zeitalters*, ed. B. Funck (Tübingen 1996) 355-75.

¹² The detail is given in no. 63, note to line 4 (pp. 200-01).

explanation to look for.¹³ Another early example is *P.Oxy.* I 45.8 (AD 95).

A palaeographical comment by David Thomas (pp. 137-40) returns to the long-debated issue of the relationship of the handwriting of these documents and others written in the Greek East outside Egypt to contemporary usage in Egypt. Citing recent work by E. Crisci, Thomas shows that there are strong similarities to Egyptian hands of the period, but also significant distinctive traits, including fewer ligatures than one would expect in Egyptian hands. Individual letter shapes, however, differ only in a small number of cases where the Judaeae papyri seem more archaizing than the Egyptian.

The concluding portion of the general introduction (153-57) carries the main burden of Cotton's argument about the relationship of the parties' Jewish identity to the legal forms they used. She considers that nothing in the legal forms displayed here (and in the Babatha papers) marks the individuals as Jews; only their names do that. She sees no influence of Jewish law in the texts.¹⁴ That does not mean that these texts "constitute evidence for the Hellenization of their writers," however; rather, they show the Jews living in a broader Near Eastern society which has undergone influence from Hellenism without having lost its character. Cotton argues that because the evidence for normative Jewish law is considerably later than these papyri, we cannot see an influence of such law on the documents, especially without knowing just what has in turn influenced the development of the rabbinic legal sources. The difficulties one encounters in assessing arguments about the legal context are considerable, and Cotton points out one especially telling case: "The use of a single term [ἐπίτροπος] for the two types of guardians is due to the influence of Roman law, but

¹³ See T. Gagos, L. Koenen, and B. E. McNellen, "A First Century Archive from Oxyrhynchos," *Life in a Multi-Cultural Society*, ed. J. H. Johnson (Chicago 1992) 181-205, discussing the Yale papyrus on 192-93.

¹⁴ Indeed, Cotton has argued that in some cases the law visible in the documents does not agree with Jewish law. In the case of the law of succession, she has now backed away from her firmer statements to this effect: see "The Law of Succession in the Documents from the Judaeae Desert Again," *Scripta Classica Israelica* 17 (1998) 115-23.

also the very requirement for a woman to be represented by a guardian seems to have been imposed by the Roman authorities. In none of the Hebrew, Aramaic, or Nabataean papyri from the Judean Desert do we find a woman represented by a guardian. Are we in the presence of two different legal systems, or is this merely a question of the language of the document? Unfortunately, the evidence is not sufficient to give an unequivocal answer.... The four deeds in languages other than Greek which would have necessitated the presence of a guardian of a woman under Roman law were not written under Roman rule" (145-46). Obviously a single new document could provide a counter example, but it might take a fair number of additional cases conforming to the pattern for us to be confident that it is not a fluke.

Similar issues arise in the discussion of no. 13 by Cotton and Qimron (cf. above, n. 7): "All this [several turns of phrase similar to divorce documents] does not turn our document into a deed of divorce. Nevertheless, the use of the same formulae in reference to a writ of divorce given by a wife, combined with the fact that the writ of divorce is mentioned en passant as a background to the wife's renunciation—it is by no means the core of the document, even if it is its most interesting and provoking passage—convinces us that this is a matter of routine to be taken for granted. This is irreconcilable with the Halakha which makes the dissolution of a marriage the prerogative of the husband (e.g. *mYeb.* 14.1) (p. 115)."

There is an important contribution also to administrative geography, discussed extensively on 150-52. Most significantly, the way in which the capital villages of toparchies are described suggests that they "achieved a degree of local autonomy and administrative responsibilities already in the first and second centuries" on the way toward becoming poleis with territories, a transformation that occurred at much the same time the Egyptian metropoleis acquired city councils (Severan dates are explicitly attested for some Judean villages); Cotton draws an explicit parallel to the picture of an early Roman move to develop the political institutions of the Egyptian towns, as sketched by Alan Bowman and Dominic Rathbone (*JRS* 82 [1992] 107-27). The poleis of the earlier Roman period, by contrast, had huge territories, with Maḥoza belonging to a district of which Zo'ar was the capital, that

forming in turn part of the territory of Petra, which is located only a little less than 100 km distant.

Despite the extremely fragmentary character of most of these documents, the assemblage as a whole is richly suggestive. Although disclaiming any attempt at a general overview of this society, Cotton (156) reiterates several key themes, most importantly that the context in which these documents must be seen is that of "the Roman Near East as a whole (including Egypt)" and (as already quoted) that we cannot conclude that these individuals were hellenized. In fact, it is stunning just what these papyri do not (except, by the side, in the dating formulas of some of the Aramaic texts) tell us about their possessors (more than their writers), namely their ultimate allegiance to their Jewish identity and apparently to a movement for the liberation of Israel from Roman rule, which finally cost them their lives. Without their names, in fact, we would hardly be able to feel any confidence in identifying them as Jews. The use of languages here (and in the still-unpublished part of the Babatha archive) certainly shows that Aramaic remained usable in legal documents under Roman rule and that competent scribes in both languages were available in at least the more important villages; we still do not know accurately why one language was chosen for one document, the other for another. There is no evidence that the Romans discouraged the use of Aramaic. That may, incidentally, make one doubtful that the decline of Demotic in Egypt was the product of official policy.¹⁵ Nor is there any reason to think that the choice of language reflected a political agenda; even after revolt from Rome, and in circles where there may have been a preference for Hebrew or Aramaic, Greek was used where convenient.¹⁶

For the historian of the Roman East, particularly of Egypt (because of the existence of comparable documents), the implications of the papyri from the Judaean desert are considerable. They should encourage more humility about the extent of our

¹⁵ As argued by Naphtali Lewis, "The Demise of the Demotic Document: When and Why," *JEA* 79 (1993) 276-81.

¹⁶ See D. O. Obbink, *BASP* 28 (1991) 51-57, unfortunately unknown to B. Rochette, *APF* 44 (1998) 42-46.

knowledge of the individuals who produced the numerous legal documents in the Greek papyri of Egypt. For them we have no parallel to the historical and ideological context provided by the Bar-Kokhba revolt; we therefore have no way of knowing what ferment, if any, lay beneath the surface of normality provided by the humdrum property transactions recorded by professionals in the formulaic language one would want to be able to produce in court. For Babatha and Salome Komaise, on the other hand, we have no way of reconciling the apparently normal life on amicable terms with Nabataean neighbors documented in these contracts with whatever involvement in the Bar-Kokhba revolt it was that led them to their deaths and their documents to their preservation.

Despite the fragmentary state of most of the texts, then, this volume offers an enormous amount to stimulate the reader. It is thus particularly fortunate that the quality of the texts (at least for Greek; I am not qualified to judge the Semitic languages) and of the commentaries is excellent. The authors deserve our warm thanks for carrying out a very difficult and surely often tedious task in a manner that brings out fully the value of these scraps over which they have labored and makes it possible for discussion of their significance to proceed with confidence.

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