

TESTI
Antichità, Medioevo e Umanesimo

Latin and Coptic

Languages, Literatures, Cultures in Contact

edited by
Maria Chiara Scappaticcio
and **Alessia Pezzella**

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Small Remarks on Latin-Greek-Egyptian Multilingualism in a Late Record of Court Proceedings from Aphrodito*

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A record of court proceedings runs on the recto, along the fibres of the papyrus *P.Cair.Masp.* III 67329 (TM 18454). The document, arranged in two columns, is written on a roll of remarkable dimensions (the surviving fragments are circa 135 cm wide). This manuscript is relevant primarily for its historic and legal implications, but it also bears some information on the use of Latin in late antique provincial chanceries and on its role and relationship with Greek and local languages. In fact, this record not only offers evidence for Graeco-Latin language contact but also hints at language contact with Coptic. However small and circumstantial, these aspects help us shed light on who learned Latin, in what contexts and why.

The chairing officer of the hearing was a certain Fl. Paulus, *scholasticus* and *defensor civitatis* of the city of Antaiopolis. His prosopography, along with the mention of the month Payni of the third indiction (col. I l. 2), indicate a narrow range of dates for the document: May 26-June 24 of AD 524¹. Given the mention of the *proto-*

* The research leading to these results has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation program (Grant agreement no. 636983); ERC–PLATINUM project, University of Naples ‘Federico II’ – Principal Investigator: M.C. Scappaticcio. I am grateful to all the present and past members of PLATINUM for their valuable support.

¹ See *P.Cair.Masp.* II 67254 and *P.Ross.Georg.* III 34. In *P.Cair.Masp.* III,

kometes of Aphrodito, Apollos, it is generally accepted that the papyrus belonged to the well-known archive of his son, Dioscoros². In spite of the different opinion expressed by the first editors³, the case discussed before the judge concerned the transfer of some lots of land from the territory of the village of Thmonachtê to that of Aphrodito, and in particular its consequences in terms of taxation⁴.

p. 149, the papyrus is mistakenly attributed to AD 529 / 530. The error was first noted by G. Zereteli in *P.Ross.Georg.* III, p. 141. The date of AD 524 / 525, which the latter suggested, was later approved by B.R. Rees, *The defensor civitatis in Egypt*, «Journal of Juristic Papyrology», 6 (1952), pp. 73-102, esp. 93 footnote 130, and by subsequent scholars. The precise date of AD 524 was first argued by C. Zuckerman, *Du village à l'empire. Autour Du Registre Fiscal d'Aphrodito (525/526)*, Paris 2004, p. 32 footnote 21; his opinion was shared by M. Resel, *Syndikoi, Ekdikoi und Defensores Civitatis in Prozessprotokollen aus der Provinz/Diözese Ägypten*, «Imperium and Officium Working Papers» (2011), pp. 1-56, esp. 39.

² L.S.B. MacCoull, *Dioscorus of Aphrodito. His work and his world*, Berkeley - Los Angeles - London 1988, p. 9.

³ See *P.Cair.Masp.* III, p. 149. It must be noted that the introduction of *P.Cair.Masp.* III 67329 was written by É. Cuq and not by J. Maspero. The latter, in fact, died on 17 February 1915 in the battle of Vauquois and his father, G. Maspero, edited the volume but found no descriptive entry on this item among his son's papers. Cuq's opinion was shared by Rees, *The defensor civitatis* cit., p. 93.

⁴ A similar operation is attested by *P.Lond.* V 1686. H.I. Bell, *Review of: Catalogue Général des antiquités égyptiennes du Musée du Caire: Papyrus grecs d'époque byzantine*, «The Journal of Egyptian Archaeology», 3.4 (1916), pp. 288-292, esp. 292; R. Rémondon, *P. Hamb. 56 et P. Lond. 1419 (notes sur les finances d'Aphrodito du VIe siècle au VIIIe)*, «Chronique d'Égypte», 40.80 (1965), pp. 401-430, esp. 428; T. Dorandi in *CbLA* XLI 1194; Zuckerman, *Du village* cit., p. 32; G. Bransbourg, *Capital in the Sixth Century: The Dynamics of Tax and Estate in Roman Egypt*, «Journal of Late Antiquity», 9.2 (2016), pp. 305-414, esp. 323 footnote 64.

This papyrus was mainly studied in the framework of the historical research into 6th century Aphrodito. Thanks to the vast amount of material coming from Kôm Ishgau, scholars have deeply investigated this peculiar town – which, to use Roger S. Bagnall's words, was «anything but a typical village»⁵ – and minutely reconstructed many aspects of the human presence in that place in Late Antiquity. In particular, *P.Cair.Masp.* III 67329 provides us with some information on the tax administration of the village and on its relations with the neighbouring hamlets⁶.

Furthermore, the document is of particular interest for the research on Roman military units in the region in Late Antiquity – namely for the presence of cavalry squadrons of the *equites Maurii scutari* garrisoning Hermopolis⁷ – and for the enquiry into the nature of the ἀρουρατίων, a tax on real estate which could also be collected by clerks of public banks (χρυσῶναι)⁸.

As far as Roman law is concerned, moreover, scholars have seen in this text a confirmation that the proceedings of the hearings held by the *defensor civitatis* had to be recorded in written form, although this officer at the time dealt with limited issues, both in terms of the territory subject to his power (the single *civitas* with its

⁵ R.S. Bagnall, *Reading Papyri, Writing Ancient History*, London - New York 1995.

⁶ Rémondon, *P. Hamb.* 56 cit., p. 428.

⁷ A.M. Kaiser, *Rekrutierungspraxis im spätantiken Ägypten*, in *Le métier de soldat dans le monde romain*, cur. C. Wolff, Lyon 2012, pp. 99-123, esp. 109; 116; Ead., *Egyptian Units and the Reliability of the Notitia dignitatum, pars Oriens*, «Historia», 64.2 (2015), pp. 243-261, esp. 252 footnote 70.

⁸ R. Bogaert, *La banque en Égypte byzantine*, «Zeitschrift für Papyrologie und Epigraphik», 116 (1997), pp. 85-140, esp. 117 footnote 150; J.G. Keenan, *Review of: Du village à l'empire. Autour Du Registre Fiscal D'Aphrodito (525/526)*, «Bulletin of the American Society of Papyrologists», 42.1-4 (2005), pp. 285-296, esp. 291.

territorium) and of the possible content of the cases (*causae minores*)⁹. It should also be noted that in this document the *defensor* served a function which can be considered administrative or notarial rather than judicial. In fact, this is not a case of litigation, for the officer is not asked to decide the case, but only to control and certify that the parties made their statements about the transfer of the estates and about the taxes due by Psimanobet. It is uncertain whether Fl. Paulus acted in the framework of the tax jurisdiction attributed

⁹ The duty of recording the proceedings of the hearings held by the *defensor civitatis* may probably be inferred by *Cod. Theod.* 1, 29, 2: see A. Steinwenter, *Das Verfahren sine scriptis im justinianischen Prozeßrecht*, «Zeitschrift der Savigny Stiftung für Rechtsgeschichte: Romanistische Abteilung», 74 (1957), pp. 306-323, esp. 321. As for the object of litigation, the *defensor* at the time was responsible only for lawsuits which did not exceed the value of 50 *solidi*, since it was no earlier than in AD 535 (see *Novell. Iust* 15, 3, 2) that his jurisdiction was extended to cases worth up to 300 *solidi*. On the origins of the *defensor civitatis* and on his evolution between the East and the West see V. Mannino, *Ricerche sul defensor civitatis*, Milano 1988; R.M. Frakes, *Contra Potentium Iniurias: The Defensor Civitatis and Late Roman Justice*, Munich 2001; F. Pergami, *Sulla istituzione del defensor civitatis*, «Studia et Documenta Historiae et Iuris», 61 (1995), pp. 413-431; P. Biavaschi, *Lingua, diritto e cultura nel Codice Teodosiano. Alcune note sul defensor civitatis al tempo di Teodosio I*, in *Miscellanea Italica*, cur. G. Rocca, G.M. Facchetti, P. Biavaschi, Milano 2005, pp. 7-23; F. Oppedisano, *Maiorano, la plebe e il defensor civitatis*, «Rivista di Filologia e d'istruzione classica», 139.2 (2011), pp. 422-448. For the *defensor civitatis* in Egyptian records of proceedings see Resel, *Syndikoi* cit. The epigraphic evidence on the *defensor civitatis* was investigated by D. Feissel, *Trois fonctions municipales dans l'épigraphie protobyzantine* (curator, defensor, pater civitatis), in *The Epigraphic Cultures of Late Antiquity*, cur. K. Bolle, C. Machado, C. Witschel, Stuttgart 2017, pp. 473-500. A comprehensive and updated report of the imperial legislation on the *defensor civitatis* and on the extension of its jurisdiction can be found in R.M. Frakes, *The defensor civitatis and the Late Roman City*, «Antiquité Tardive», 26 (2018), pp. 127-147.

to the *defensor civitatis* by some imperial constitutions, such as *Cod. Theod.* 11, 1, 19¹⁰ and 12, 6, 23 (= *Cod. Iust.* 10, 72(70), 10)¹¹.

Besides these relevant historic and legal-historic aspects, there is a feature that deserves some attention with regard to the possible contacts between the Latin language and Coptic culture. This feature involves both script and language.

According to a practice constantly attested from the age of Diocletian (although there are some forerunners in the Principate), the records of the proceedings of the hearings held by the Roman officers in the Hellenophone provinces were not entirely in Latin¹². The rich papyrological sources of this era clearly show

¹⁰ Imp. Gratian. Valentin. Theod. (31 January AD 348): «*Id, quod in titulis debitis sub praestatione confertur auraria, non aliter nisi scientibus defensoribus detur, quo sub eorum conscientia, sicut et ante praeceptum est, solvantur debita securitatesque reddantur, custodita sanctione emissae primitus legis, quo apocharum vel securitatum, quae restituentur, digesta signatio, cum a susceptoribus dabitur, et formam indictionis teneat et manifestationem eius quae fuerit exacta praestationis ostendat*».

¹¹ Imp. Valentin. Theodos. Arcad. Cynegio pp. (28 November AD 389): «*Susceptores praesentibus defensoribus et modum iugationis possessorum et species singulas vel earum numerum quantitatemque perscribant*». See Mannino, *Ricerche* cit. pp. 110-116; Frakes, *The defensor civitatis* cit., pp. 131-143.

¹² R.A. Coles, *Reports of Proceedings in Papyri*, Bruxelles 1966; R. Haensch, *Typisch römisch? Die Gerichtsprotokolle der in Ägypten und den übrigen östlichen Reichsprovinzen tätigen Vertreter Roms*, in *Monumentum et instrumentum inscriptum. Beschriftete Objekte aus Kaiserzeit und Spätantike als historische Zeugnisse*, cur. H. Borm, N. Ehrhardt, J. Wiesehofer, Stuttgart 2008, pp. 117-126; B. Palme, *Die bilinguen Prozessprotokolle und die Reform der Amtsjournale im spätantiken Ägypten*, in *Symposion 2013*, cur. M. Gagarin, A. Lanni, Wien 2014, pp. 401-427; J.-D. Rodríguez-Martín, *Protocolos procesales en dos lenguas: un ejemplo en un papiro de Montserrat*, «*Index*», 44 (2016), pp. 123-140; B. Palme, *Libellprozess und Protokollverfahren*, in *Symposion 2017*, cur. G. Thür, U. Yiftach, R. Zelnick-Abramovitz, Wien 2018, pp. 257-275; J.-L. Fournet, *La pratique du latin dans l'Égypte de l'Antiquité tardive*, in *Latin in Byzantium I. Late Antiquity and Beyond*, cur. A. Garcea, M. Rosellini, L.

that, with rare exceptions, Latin was used for the ‘framework’ of the record: that is, for non-dialogic sections, such as the identification of the speakers and the descriptive phrases regarding events occurring in court (e.g., people entering or leaving the courtroom¹³, members of the administration reading aloud a document¹⁴, the use of torture¹⁵). By contrast, the ‘body’ of the record – that is, the utterances spoken in court – were written in *oratio recta* in Greek, with the single exception of the sentences of the magistrates, which had to be in Latin until AD 397, when an imperial constitution by Honorius and Arcadius eventually permitted that the judges issue their verdicts in Greek¹⁶.

These features are to be found also in *P.Cair.Masp.* III 67329, which ranks among the latest samples of this type of document. Latin is employed to introduce the statements from the parties¹⁷, whereas most of the report consists of speeches in Greek. A sin-

Silvano, Turnhout 2019, pp. 73-91; M. Pedone, *Apud acta. Studi sul processo romano alla luce della documentazione papirologica (IV-VI sec. d.C.)*, Torino 2020.

¹³ See e.g., *P.Sakaon* 34 l. 2: «C[u]m adisset Arion{e}, Horion d(ixit)».

¹⁴ See e.g., *SB XX* 14707 l. 2: «officium recitavit»; *P.Thomas* 25 l. 2: «ex officio dictum est».

¹⁵ See e.g., *P.Oxy.* LI 3619 l. 24: «quò vexato»; *P.Lips.* I 40 ll. 20-21: «et ad officium d(ixit) ‘τυπτέσθω’. Et cumque buneuris caesus fuisset, Fl(avius) Leon-tius Beronicianus v(ir) c(larissimus) pr(aeses) Tebaei(dis) d(ixit) ‘Ελευθέρους μή τύπτητε’ et ad officium d(ixit) ‘Parce’. Cumque peptum ei fuisset».

¹⁶ *Cod. Inst.* 7, 45, 12, *Imp. Honor. Arcad.* (AD 397): «Iudices tam Latina quam Graeca lingua sententias proferre possunt». See C. Russo Ruggeri, *C. 7.45.12 ed il problema della legittimità dell’uso della lingua greca nell’amministrazione della giustizia in età imperiale*, in *Modelli di un multiculturalismo giuridico. Il bilinguismo nel mondo antico. Diritto, prassi, insegnamento*, cur. C. Cascione, C. Masi Doria, G.D. Merola, II, Napoli 2013, pp. 601-630.

¹⁷ E.g., col. II l. 35: «Apollos fil(ius) Dio[scoru] p(ro)to[com]e[tes] ex Afrodit(es vico) d(ixit)»; col. II l. 37: «Fl(avius) Paulus schol(asticus) [et] defen(sor) Antaeopol(eos) c(larissimus) v(ir) d(ixit)».

gle scribe wrote the record by using different scripts (so-called *duplex manus*¹⁸): (1) new Roman cursive for the ‘framework’; (2) a carefully produced, rounded and enlarged Greek semicursive was used for the statements by the judge; (3) a quite angular Greek cursive, slanting to the right and faster in execution, was used for the speeches of the other individuals. Given the poor condition of col. I l. 1, almost nothing remains of the Latin dating formula, which was presumably written in the old-fashioned ornate chancery script known as «misteriosa scrittura grande»¹⁹. The Latin and Greek cursives are much alike, which is typical of the so-called late antique graphic κοινή²⁰. The scribe, therefore, had

¹⁸ See G. Cavallo, *Una mano e due pratiche. Scrittura del testo e scrittura del commento nel libro greco*, in *Le commentaire entre tradition et innovation. Actes du colloque international de l’Institut des traditions textuelles*, cur. M.-O. Goulet-Cazé, Paris 2000, pp. 55-64; Id., *Il contributo delle CbLA agli studi paleografici. Tre schizzi*, in *Die Privaturkunden der Karolingerzeit*, cur. P. Erhart, K. Heidecker, B. Zeller, Dietikon - Zürich 2009, pp. 237-242. A recent discussion of an example of *duplex manus* in a papyrus is found in A. Bernini, *Fasce di lana in un papiro latino (P.Masada 723 riedito)*, «Archiv für Papyrusforschung und verwandte Gebiete», 64.2 (2018), pp. 312-323, esp. 313-314.

¹⁹ On this script see J.-O. Tjäder, *La misteriosa scrittura grande dei papiri ravennati e il suo posto nella storia della corsiva antica latina e nella diplomatica romana e bizantina dall’Egitto a Ravenna*, «Studi Romagnoli», 3 (1952), pp. 173-221; D. Feissel, *Deux modèles de cursive latine dans l’ordre alphabétique grec*, in *Sixty-Five Papyrological Texts. Presented to Klaas A. Worp on the Occasion of his 65th Birthday (P.L.Bat. 33)*, cur. F.A.J. Hoogendijk, B.P. Muhs, Leiden - Boston 2008, pp. 53-64 (rist. in Id., *Documents, droit, diplomatique*, Paris 2010, pp. 541-551); L. Iannacci, M. Modesti, A. Zuffrano, *La misteriosa scrittura grande dei papiri ravennati, tra prassi documentaria pubblica e legislazione*, «Legal Roots», 1 (2012), pp. 89-119; F. Manservigi, M. Mezzetti, *The Didyma Inscription: Between Legislation and Palaeography*, in *Understanding Material Text Cultures*, cur. M. Hilgert, Berlin - Boston 2016, pp. 203-242.

²⁰ G. Cavallo, *La κοινή scrittoria greco-romana nella prassi documentaria di età bizantina*, «Jahrbuch der Österreichischen Byzantinistik», 19 (1970), pp. 1-31.

received a Greek and a Latin graphic education and was capable of writing the text with competence, using the main abbreviations and ligatures in both languages.

These linguistic and graphic skills may be considered normal, since they are paralleled by most late antique records of proceedings. What is remarkable in this document, however, is that – beside the customary phenomena of Graeco-Latin language contact – it bears some graphic element of the Egyptian linguistic component. One of the estates to be transferred, in fact, is spelled «Πίαρ Σε» in the papyrus²¹. The same location is mentioned in *P.Cair.Masp.* II 67128 and, with the common Greek spelling Πίασε, in several other documents of the archive of Dioscoros²². The term Πίαρ («estate, field») is rather common in the names of cultivated lots of land²³, as is clearly shown by several papyri²⁴, including the famous land-register of Aphrodito (*P.Cair.Masp.* III 67325), which is closely connected to this *P.Cair.Masp.* III 67329²⁵.

According to a custom attested by other documents coming from the Antepolite nome, the name of the country quarter is highlighted by a superposed horizontal line. It has been argued that this practice might have been used to signal the presence of words

²¹ Col. I ll. 11; 16 and 18.

²² *P.Cair.Masp.* II 67134; 67135 = *SB* XX 14294 (supplemented); III 67325; 67326; 67327; *P.Lond.* V 1677; 1689; 1702.

²³ A. Syrcou, *Three Byzantine Documents*, «Archiv für Papyrusforschung und verwandte Gebiete», 48 (2002), pp. 225-232, esp. 227.

²⁴ E.g., Πία Πετό (*P.Cair.Masp.* III 67300); Πίαρσαχώ (*P.Cair.Masp.* III 67319).

²⁵ J.-L. Fournet, *Annexe 2. Liste des papyrus édités de l'Aphrodité byzantine. Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine*, in *Les archives de Dioscore d'Aphrodité cent ans après leur découverte. Histoire et culture dans l'Égypte byzantine (Études d'archéologie et d'histoire ancienne)*, cur. Id., Paris 2008, pp. 307-343, esp. 325.

in Egyptian within Greek texts²⁶. In this peculiar case, however, the Egyptian word is evidently shown by the use of the *hori*: this letter is *ictu oculi* larger than the others and it would itself have been sufficient to display the presence of the foreign word. At any rate, it clearly appears that the scribe was so proficient in spoken and written Egyptian that he chose the spelling Πίαϣ Σε instead of Πία Σε.

The deep connection between the Greek language and Coptic culture is an obvious element: the archive, the library and the intellectual activity of Dioscoros himself are some of the most famous examples in this respect²⁷. Pieces of evidence for the links between Latin and the Coptic milieu, on the other hand, are much rarer: this text provides a small sample of the coexistence between them. A clerk of the chancery of a city officer of Higher Egypt was capable of writing not only in Greek and in Egyptian, but also in Latin. Records of proceedings like this one remind us that, even in the peripheral cities of the empire, there were categories of individuals which were required to have at least a basic knowledge of written Latin as a second or third language. In a similar fashion, officers (like the *defensor civitatis* himself) who represented the Roman authority and were elected among the most prominent members of the city elites were expected to know some Latin, since they were supposed to use Roman Law, which was issued almost exclusively in Latin until AD 534²⁸. If they did not, they

²⁶ S.J. Clackson, *Coptic or Greek? Bilingualism in the Papyri*, in *The Multilingual Experience in Egypt from the Ptolemies to the Abbasids*, cur. A. Papaconstantinou, Farnham - Burlington (VT) 2010, pp. 73-104, esp. 85.

²⁷ MacCoull, *Dioscoros* cit. pp. 16 ss.; Id., 'The Holy Trinity' at Aphrodito, «Tyche», 6 (1991), pp. 109-111, esp. 109; J.G. Keenan, *On Languages and Literacy in Byzantine Aphrodito*, in *Proceedings of the 18th International Congress of Papyrology*, cur. B. Mandilaras, Athens 1988, pp. 161-167; J.-L. Fournet, *Hellénisme dans l'Égypte du VI^e siècle. La bibliothèque et l'oeuvre de Dioscore d'Aphrodité*, Le Caire 1999.

²⁸ S. Corcoran, *Roman Law and the two Languages in Justinian's Empire*, «Bulletin of the Institute of Classical Studies», 60.1 (2017), pp. 96-116, esp. 101.

were possibly helped by the members of their *officia*, like the scribe of this document.

From this perspective, a thorough survey of Latin texts coming from Egypt and an archaeological atlas of Coptic literature may shed light on the environments where the two elements potentially overlapped, thus creating new research horizons in both fields. Despite coming from distant contexts, these two worlds happened to coexist in late antique Egypt, and it is possible that the ‘sword’ of Roman law and the ‘cross’ of Christian Egyptian culture operated through the same individuals for some time.