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P. Oxy. XVI 1979 desc. Deed of surety

The Journal of Juristic Papyrology 32, 29-34

2002

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Nikolaos Gonis

**P. OXY. XVI 1979 DESC.
DEED OF SURETY**

THE PAPYRUS WAS DESCRIBED IN VOLUME XVI of *The Oxyrhynchus Papyri* in the following fashion: "A nearly complete undertaking on oath addressed to Flavius Apion (III; ...) by a γεωργός to act as surety that Aur. Victor, a φύλαξ, would remain on his holding. The formula is practically identical with that of P.S.I. 61-2; cf. also 135 (W. 384), 996, P. Brit. Mus. 778 (iii, p. 279), P.S.I. 52, 180. (...) On the verso some remains of the title."

The description was accompanied by transcripts of lines 1-11 and 23-26. For the sake of completeness, a full edition is presented below.¹

P. Oxy. XVI 1979 is one of the few deeds of surety addressed to the Apions in which the person under surety is not an ἐναπόγραφος γεωργός.² A parallel is *P. Oxy. I 199 = P. Lond. III 778* (568), which concerns a field-guard (ἀγροφύλαξ).

The Oxyrhynchite deeds of surety have received extensive commentary by Itzhak F. Fikhman on several occasions.³ A comprehensive study of this

¹ Minor differences from *ed. pr.* (e.g. in the supply of brackets and sublinear dots) will not be signalled in the notes.

² Cf. G. BASTIANINI, "Una malleveria dall'archivio degli Apioni", [in:] R. PINTAUDI (ed.), *Miscellanea Papyrologica* (= *Pap. Flor.* 7), Firenze 1980, p. 25 n. 3.

³ In Russian and French; I mention only those in French: "Une caution byzantine pour des *coloni adscripticii*: *P. Oxy. VI 996*", [in:] *Miscellanea Papyrologica* (cit. n. 2), pp. 67-77; "Les cautionnements pour les *coloni adscripticii*", [in:] *Proceedings of the XVI International Congress of*

documentary genre by Bernhard Palme (*Form und Funktion der byzantinischen Gestellungsbürgschaften*) is due to appear shortly.

P. Oxy. XVI 1979

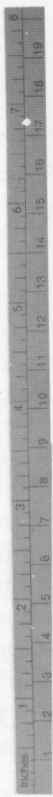
Plate

17.6 × 36.3 cm

19 August 614

- † ἐν ὀνόματι [ι] τοῦ [υ] κ[υρίου] υ καὶ δεσπό(του) Ἰησοῦ Χριστοῦ
 του Θεοῦ καὶ
 ω[τ]ῆρος ἡμῶ[ν]. βασιλείας τοῦ θει[ο]τάτου καὶ
 εὐσεβ(εστάτου) ἡμῶν [δεσπότου μεγίς]του εὐεργέ[τ]ου
 Φλ(αουίου) Ἡρακλείου
 4 τοῦ αἰωνίου Αὐ[γούστου καὶ Αὐ]τοκρ(άτορος) ἔτους [δ],
 Μεσορῆ κς, ἰνδικτίωνος β.
 Φλ(αουίω) Ἀπίωνι [τῷ πανευφ(ήμω)] πατρικί[ω]
 γεουχ(οῦντι) καὶ ἐνταῦθα
 τῇ λαμπρᾷ Ὁ[ξυρυγχιτῶν] πόλει διὰ Μην[ᾶ] οἰκέτου ἐπερω(τῶντος)
 καὶ προσπορίζ(οντος) τῷ ἰδίῳ δεσπό(τη) τῷ αὐτῷ ἀνδρὶ
 8 τὴν ἀγωγὴν κα[ὶ ἐνο]χίην Αὐρήλιος Μακάρις υἱὸς
 Μηνᾶ μητρὸς Μ[άν]νας ἀπὸ Μεγάλ(ου) Εἰρηναρχίου τοῦ
 Ὁξυρυγχι(του) νομ[οῦ] δ[ια]φέροντος τῇ ὑμετέρα ὑπερφ(υεία)
 ἐναπόγραφο[ς αὐτ]ῆς γεωργός. ὁμολογῶ ἐκουσία
 12 γνώμη καὶ αὐθ[αι]ρέτω προαιρέσει ἐπωμνύμε(νος) τὸν
 θεῖον καὶ σεβάσμιον ὄρκον ἐγγυ[ᾶ]σθαι καὶ ἀναδέχεσθαι
 παρὰ τῇ ὑμε[τ]έ[ρα] ὑπερφ(υεία) Αὐρήλιον Βίκτωρα φύλακα
 υἱὸν Μαθθί[ου] μητ(ρὸς) ..] εουσης ἀπ[ὸ το]ῦ αὐτοῦ ἐποικ(ίου)
 16 καὶ αὐτὸν ἐν[α]πόγραφον], ἔφ' ὧτε αὐ[τὸ]ν ἀδιαλείπτως
 παραμείνα[ι καὶ διά]γειν ἐν τῷ αὐτῷ κτήμ(ατι)· καὶ
 ἐπιζητούμε(νον) πρὸ[ς ἐμ]ῆ [π]αράφέρω καὶ παραδώσω
 δίχα λόγου ἔνθα αὐτὸ[ν] καὶ παρείληφα ἐν τῇ
 20 φυλακῇ τοῦ ἐνδόξου ὑμῶν οἴκου. εἰ δὲ μὴ τοῦτο
 ποιήσω, ὁμολογῶ ὑπεύθυνος εἶναι πᾶσιν τοῖς
 πρὸ[ς α]ὐτὸν ἐπιζητουμέ(νοις) ἀποκρίνασθαι. κυρ(ία) ἡ ἐγγύη

Fragment of a papyrus scroll with Greek text. The text is arranged in approximately 20 horizontal lines. The script is a cursive hand, likely from the Hellenistic or Roman period. The fragment is heavily damaged, with significant portions missing, particularly in the center and right-hand side. The remaining text is faint and difficult to decipher, but some words and characters are visible.



P. Oxy. XVI 1979 desc.

ἀπλ(ῆ) [γρ]αφ(εῖσα) καὶ ἐπ[ερ(ωτηθεῖς)] ὠμολ(όγησα).

τὸ κοιν(όν) τῶ(ν) ὀνομ(άτων)

24 στοι[χ(εῖ)] ἡμῖν αὕτη ἡ ἐγγύη ὡς πρό(κειται). Μάρκος ἔγρ(αψα)

ὑ(πέρ) [αὐτοῦ ἀ]γρ(αμμάτου) ὄντος.†

✠ *di em[u] ... u et eliothb* †

9.1. *Εἰρηναρχείου* | 12.1. *ἐπομνύμενος*

Translation

In the name of the lord and master Jesus Christ, our God and Saviour.

In the reign of our most pious master, greatest benefactor, Flavius Heraclius, the eternal Augustus and Imperator, year 4, Mesore 26, indiction 2.

To Flavius Apion, the renowned patrician, landowner here also in the splendid city of the Oxyrhynchites, through Menas, *oiketes*, asking the formal question and supplying for his own master, the said man, the conduct of and responsibility for (the transaction). I, Aurelius Makaris, son of Menas, mother Manna, from Megalou Eirenarcheiou of the Oxyrhynchite nome, a possession belonging to your extraordinariness, registered farmer of your extraordinariness, greeting. I acknowledge by willing resolve and voluntary choice, swearing the divine and august oath, that I guarantee and receive from your extraordinariness Aurelius Victor, guard, son of Matthias, mother ..., from the same settlement, himself too a registered farmer, upon condition that he shall remain continuously and abide in the same estate, and if he is required of me I shall bring him forward and hand him over without cavil in the place where I have received him, in the prison of your glorious house. If I do not do this, I acknowledge myself accountable to answer for all that is required of him. This deed of surety, written in a single copy, is binding, and in reply to the formal question I gave my assent.

We, the collective body of persons — this deed of surety satisfies us as aforesaid. I, Markos, wrote on his behalf as he is illiterate.

Through me ... the completion was made.

Commentary

- [δ]: [γ] *ed. pr.* See *BL VIII* 252. The correction was made so that the regnal year could match the indiction.
- On Flavius Apion III see J. Gascou, "Les grands domaines, la cité et l'état en l'Égypte byzantine", *Travaux et Mémoires* 9 (1985), pp. 68-71; J. R. Martindale,

Prosopography of the Later Roman Empire, vol. IIIA, Cambridge 1992, pp. 98-99 (Fl. Apion 4); J. R. Rea, *P. Oxy.* LVIII 3939.4-5 n. (titulature), 3959 introd. (death; but note that *SPP* III 86 does not refer to Fl. Apion III, but probably to Fl. Apion II); B. Palme, "Strategios Paneuphemos und die Apionen", *ZSS RA* 115 (1998), pp. 307-308.

[τῶ πανευφ(ήμω)]. For the restoration see *P. Oxy.* LVIII 3939.4-5 n. (= *BL X* 145).

- 6-8. διὰ ... ἐνοχῆν. On the clause see *P. Oxy.* LXVII 4616.4-6 n. with references.
6. Μηνᾶ. On Menas see *P. Oxy.* LVIII 3935.7 n., LXVII 4616.4 n.
- 8-9. Aurelius Makaris was probably a brother of Aurelius Georgios, son of Menas and Manna, who submitted *P. Oxy.* XVI 1991 (601, cf. *BL VIII* 252), a receipt for replacement parts of a water-wheel; both were tenant farmers, but Georgios is in the service of Strategios Paneuphemos, while Makaris serves the main branch of the Apion family.
9. Μεγάλου Εἰρηναρχείου (l. -είου). This settlement is also attested in *P. Oxy.* I 141 (= *SPP VIII* 1155).5 (503) and XVI 2012.2 (590); in these two texts it occurs with villages known to have been situated in the northern part of the Oxyrhynchite region, so that Μεγάλου Εἰρηναρχείου was probably a northern locality too.

The name of the settlement seems to suggest the presence of a police station in the area. This would suit the fact that *P. Oxy.* 1979 associates the settlement with a φύλαξ, and especially the context in *P. Oxy.* 141.4-5, which refers to τοῖς ἀγροφύλαξι τοῦ Μεγάλου | Εἰρηναρχείου φυλάττους(ι) τὸ ἀντιπελ (l. ἀντιπέρ(α)?)⁴

In *P. Oxy.* I 141 Μεγάλου Εἰρηναρχείου appears to be part of an area controlled by Ioannes, comes (the dossier of this person is discussed in *P. Oxy.* LXVIII [forthcoming]); this Ioannes is not known to have been related to the Apion family. *P. Oxy.* 2012 indicates that by the later sixth century the settlement had passed to the control of the Apions. For other examples of properties that passed from one estate to the other in the course of the sixth century, see *P. Oxy.* LXVII 4615.7 n.

11. ἐναπόγραφο[ς αὐτ]ῆς γεωργός. The literature on ἐναπόγραφοι γεωργοί is growing constantly. Of the more recent publications, I single out: I. F. Fikman, "Esclaves et colons en Égypte byzantine", *AnPap* 3 (1991), pp. 7-17; J. Banaji, "Lavoratori liberi e resistenza coatta: il colonato romano in prospettiva

⁴ I am baffled by τὸ ἀντιπελ, but *pace* D. BONNEAU, "Ἀγροφύλαξ (agrophylax)", [in:] *Proceedings of the XVIII International Congress of Papyrology*, vol. II, Athens 1988) 308, I doubt that it refers to a location opposite Pela: Pela does not lie in the proximity of any of the other locations attested in *P. Oxy.* I 141.

- storica" [in:] E. Lo Cascio (ed.), *Terre, proprietari e contadini dell'impero romano. Dall'affitto agrario al colonato tardoantico*, Roma 1997, pp. 253-80; idem, "Agrarian History and the Labour Organisation of Byzantine Large Estates" [in:] A. K. Bowman & E. Rogan (eds.), *Agriculture in Egypt from Pharaonic to Modern Times* (= PBA 96), Oxford 1999, pp. 193-216; idem, *Agrarian Change in Late Antiquity. Gold, Labour and Aristocratic Dominance*, Oxford 2001, pp. 97-100, 135, 206-12.
12. ἐπωμνύμε(νος). An orthographic variant of ἐπομνύμενος, present in several Oxyrhynchite deeds of surety. (Inspection of the original shows that *P. Oxy.* XXIV 2420.10 (614, cf. *BL X* 148) does not to have the exceptional ὑπομνύμενος, but ἐπωμνύμενος.)
14. παρὰ τῇ ὕμε[τ]ε[ρ]α ὑπερφυεῖα]. For the construction see *P. Turner* 54.2-3 n. φύλακα. (Cf. above, 9 n. para. 2.) Other Oxyrhynchite documents of this period attesting φύλακες are *P. Oxy.* XVI 1858.2 and 2056.5, 7, 8, 11 (but note that the editors' resolution φυλακ(ίτης) introduces a term not used at that time). It is doubtful whether they were ἀγροφύλακες (on whom see Bonneau, [cit. n. 4], pp. 303-315); a large estate would have required guards of various kinds.
15. μητ(ρὸς) ...]. εἰσνοης. No known name is suggested.
16. καὶ αὐτὸν ἐν[απόγραφον]. Cf. (*P. Oxy.* I 199 =) *P. Lond.* III 778.14 (568), *P. Heid.* III 248.4-5 (VI/VII).
18. ἐπιζητούμε(νον). For the verb and its use in similar contexts see *CPR* XXII 4.14 n. πρὸ[ς ἐμ]έ. Before this prepositional construction Oxyrhynchite deeds of surety usually have αὐτόν or the like. A possible parallel to the omission of αὐτόν may be found in *P. Oxy.* LVIII 3959.19-20 (620), where the edition prints ἐπιζητ[ού]με(νον) | [αὐτὸν πα]ραφέρω; the length of the break suggests that πρὸς ἐμέ may be preferred to αὐτόν.
19. δίχα λόγου. See Fikhman, *Pap. Flor.* VII p. 75 (n. l. 17), and now *CPR* XXII 4.17-18 n., with a full citation of earlier literature.
20. φυλακῆ. For references see Fikhman, loc. cit. 76 (n. ll. 17-18), and *CPR* XXII 4.17-18 n.

Given the nature of his duties, things could well go wrong for a guard. Imprisoned guards are mentioned in *P. Oxy.* 2056.5, 7, 8, 11 (VII); their eventual release may have been combined with a deed of surety such as *P. Oxy.* 1979. A good illustration of thie pitfalls of the function is provided by *P. Gron. Amst.* 1 (re-ed. K. A. Worp, *APF* 42 [1996], pp. 235-242), a petition to a *riparius* of Oxyrhynchus dated to 455, in which the petitioner reports on an incursion of a *gang of criminals* on his landed property and asks: τοὺς δὲ ὑπευθύνους φύλα-

κας | τῶν τόπων ... ἀνενεχθῆναι | καὶ ἐν τῷ ἀσφαλεῖ καταστῆσαι (II. 12-14). There are several texts attesting similar circumstances affecting ἀγροφύλακες, see Bonneau, (cit. n. 4), p. 313.

23. τὸ κοιν(ὸν) τῶν ὀνομ(άτων). For a brief discussion of this phrase see *P. Oxy.* LXVI 4536.32-3 n. (to the examples given there add *P. Oxy.* LXII 4351.17, of the later sixth century).
26. The reading of the notarial signature causes considerable difficulty, and I have preferred not to print any name. In *ed. pr.* the name of the notary is read as . . . *señu* , and receives the following comment: ‘There is no evident change of hand in l. 23, but in l. 26 *Marcu* seems inadmissible, for though *cu* could well be read instead of *en*, and the first two letters may be *ma*, the third is not in the least like *r*.’ J. M. Diethart and K. A. Worp, *Notarsunterschriften im byzantinischen Ägypten*, Wien 1986, p. 83 (*Oxy.* 12.1.1, reproduced in Taf. 44), read the signature as *di em[u M]arcu a.ḥeliiothh*, and note: “U. E. besteht kaum ein Unterschied zwischen der Schrift des Notars und der des Hypographeus; -r- vor -cu sehr schwierig”. As for the verb, et is beyond doubt, but after that and before el there seems to be one extra letter that I cannot explain, unless it has been corrected.

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