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"L'Archivio degli Apioni. Terra, lavoro e proprietà nell'Egitto tardoantico",
Roberta Mazza, Bari 2001 : [recenzja]

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REVIEW OF BOOKS

Roberta MAZZA, *L'Archivio degli Apioni. Terra, lavoro e proprietà nell'Egitto tardoantico* (*Studi storici sulla Tarda Antichità* 17), Bari: Edipuglia, 2001, 254 pp. (with one plate), ISBN 88-7228-332-9

This interesting volume published already a few years ago by Roberta Mazza enriches the spectrum of monographs dedicated to recently becoming more and more popular period of history of Antiquity. It contributes greatly to our understanding of the Byzantine times, their economic and social history. The socio-historical context covers the times from the reign of Anasthasius to the Persian conquest of Egypt, the problem of the rise of the provincial aristocracy in the East, agrarian relations in Egypt and – last but not least – the echoes of the Monophysite controversy.

The book main subject – as obviously pointed out by the title – is the famous family of Flavii Apiones but the true hero of the monograph are the papyri that deal with their property. To them in general is dedicated the first chapter of the book. The history of the discovery is followed by a lengthy discussion on the possible classification of the Apiones' papers (pp. 13–46). As a whole, they are to be seen as an “archive” in Martin's classification, but the core of the documentation, pertaining to the administration of their “glorious house” in Oxyrhynchos, was – as Mazza argues – already selected and accumulated in the Antiquity, constituting thus a dossier. A set of useful tables accompanies this part of the book enumerating the papyri in chronological order, with a brief indication of their content and the reasons of inclusion of each of the document into the archive; whenever it is possible the archaeological provenance of the papyri is stated (the study on this aspect of the documents contributes to the author's conviction that at least some of the Oxyrhynchos papyri used to belong together). Obviously the most part of the documentation (Table A) is constituted by text dealing with the Oxyrhynchos estate. What follows is the list of the references to Apiones in the literary and juridical sources. One could perhaps wish at

this point a short description of the passages in question, it would contribute to better comprehension of the material.

The second chapter is devoted to the family itself, the possible origin and rise of its splendour, finally to its prosopography. Mazza sums up the results of her predecessors (of whom the most recent and eminent are Bernhard Palme and Jean Gasco) providing a clear and illuminating illustration of the history of Apiones. For the sake of the reader's commodity, one could perhaps expect a clearer inventory of the most important sources, both literary and papyrological ones that relate to each of the Apiones.

Special attention is given to Fl. Apion II and the issue of the succession of his estate. Mazza adopts, advancing however some minor doubts, Palme's earlier hypothesis, who on the basis of *P. Oxy.* xvi 1829 interpreted together with some other documents, has suggested that Apion's estate be jointly held by his children, Strategios II and daughters, and later taken over by his grandchildren born to his daughter Praiecta and Strategios Paneuphemos. Palme's idea is indeed convincing but at any rate it would be interesting to reconstruct the actual legal way in which this effect was achieved, as what Mazza states, is impossible under the rule of the Roman law of succession. It is hardly likely that at the same time "i suoi (i.e. of Apion II – *ἴ. Ὑ*) beni in Egitto fossero rimasti per un periodo indivisi tra il primogenito Strategios e gli altri fratelli e sorelle" and "il console Apion (II – *ἴ. Ὑ*) ... prima di morire avrebbe infatti designato suoi eredi i nipoti Apione Georgios, generati dalla propria figlia, Praiecta" (p. 70). Either there was an intestate succession after the death of Apion II (which indeed may have resulted in a kind of the old *consortium ercto non cito* between the heirs), but that excludes the possibility of Apion's having instituted his grandchildren as heirs, or there was the will of the consul, in which case we would expect some well devised pattern of succession. The change of the nomenclature (first the Apion's heirs are termed as *kleronomoi* and later as *diadochoi*) does not clarify the picture further, as these terms seem to have been used in the 6th cent. papyri interchangeably (even though generally the first one used to refer to *hereditas* and the latter one to *bonorum possessio* in the legal texts, but in these times the difference did not matter anymore after Justinian's reform unifying the system of law of succession). Apion II may have used the scheme of a trust (*fideicommissum universale*) or perhaps the grandchildren were called to the succession as *heredes substituti* of the first generation of Apion's offsprings. Yet another convincing hypothesis, not recorded by Mazza, has been offered by B. Palme in his "Strategios Paneuphemos and die Apionen", *ZSS* 115 (1998), pp. 302-304 (it is worth clarifying that contrary to what the Austrian scholar has written, within the means of *Nov.* 118, both children of the daughters and sons were entitled to intestate succession). Palme has suggested Fl. Apion III and Georgios be adopted by their maternal grandfather which granted them rights to intestate succession with equal shares with their mother and their uncle Fl. Strategios II (*adoptio plena*).

One more doubt on the legal interpretation of the Apiones' papyri in this part of the book. Mazza says that Leontia "per un breve periodo pare aver esercitato la tutela sul figlio ancora minorenne" (p. 59 and ft. 63). With this statement she follows the ideas of editor of the document in question (*P. Oxy.* LXIII 4397). But contrary to what he says Fl. Apion II was at that time already a major, as every other Roman *sui iuris* since the age of fourteen (and he must have been major already in 539 when he became *consul ordinarius*! – a fact documented by an outstanding piece of evidence, his consular diptych, see App. 10 to Mazza's book). Therefore Leontia acted not as a *tutrix* but as *curatrix* of her son. The presence of the curator was envisaged by the ancient *Lex Laetoria* allowing Romans younger than 25 (*minores vigintiquinque annos*) to evade the effects of their legal actions should they turn out to have negative results to them, once a curator had approved the legal action, *minor vigintiquinque annos* had to fulfill the duties and obligations arising therefrom. NB, this seems to be a common mistake made by papyrologists, see also clarifying remark by Palme, *loc. cit.*, p. 306 ft. 39 with reference to *P. Oxy.* LV 3804; yet the same author on the proceeding page assumes that Fl. Apion III and Georgios must have already been majors in the time *P. Oxy.* XVIII 2196 was executed, as their appear there without their mother acting as the *tutrix*; that may have been very well so, but we have to remember, that males *sui iuris* since the age of 7 needed the tutor's/curator's approval only for the dispositive legal transactions, and the papyrus in question is merely an account, so guardian's presence was not mandatory).

While describing the life of Fl. Apion III (pp. 72–73), Mazza does not make reference to older editors' assumptions that he was still "a minor in Ad 591" (cf. *P. Oxy.* LX 3804). These, especially in the light of the fact that Apion was married in 592 (Greg. *Epist.* II 24), seem totally unfounded.

The problems of the family background could be read together with interesting considerations that the author presents on the pp. 102–106 in a sub-chapter devoted to the management of the real-estate. There she discusses the possible (non)-application of the term "feudal" to Apiones in particular and the history of ancient economy in general, with these five pages she contributes to the methodological debate on applicability of modern terms and models in a study of ancient economy and society.

Chapter Three generally discusses the data provided by the Oxyrhynchos dossier on the cultivation and management of the estate. Especially illuminating are remarks on the territorial structure of the estate (pp. 81–84), and the following description of its individuated parts. On the subsequent pages Mazza discusses various contractual forms of management of the property, especially the subletting schemes as well as *coloni adscripti*.

I have not been fully convinced by the author's interpretation of the so-called *grammatia procbreias* (pp. 125–127 in reference to *P. Oxy.* I 192). The author quite rightly – as it seems – rejects earlier theories of Jairus Banaji, but her explanation

of this document in context of *P. Berl. Zill.* 7, does not seem to have totally clarified its content. Mazza argues that the sum given by the landlord would create an additional legal binding between the landlord and the tenant. Still I do not understand why the landlord would provide the tenant with an additional sum (a handsome sum of 1 3/4 golden solidus) which would have to be repaid upon his request. At the same time no rent for the mechane is mentioned in the document (it could have been stipulated in the missing 15 lines at the beginning, (see *BASP* 1-2 [1994], pp. 56–58). One could perhaps advance a working hypothesis here: could it possible that what we have is actually a fictional loan (which is also the meaning of 'prochreia' cf. Preisigke, *WB*, s.v.) which dissimulates a proper rent contract? Let us remember that the risk of *locatio-conductio rei* is borne by the landlord, who would not be able to demand the rent, should force-majeure occur. In fact in *P. Berl. Zill.* 7 the parties agreed that contract risk would be shifted to the tenant (the rent is to be paid notwithstanding the low Nile flooding – lines 19–22). So a fictional loan would impose on the tenant the duty to pay the sum stipulated in case he would not be able to provide the rent because of poor crops.

After Chapter Four offering brief conclusions of the research, the book concludes with a series of useful appendices. Appendix 5 gives an overview of money, chronological and measurement issues, appendix 6 is a topographical dossier of places in which estates of the *domus gloriosa* were located, appendix 7 lists lease contracts from Oxyrhynchos from the late Antique period. A reader may also wish for a detailed index of topics to accompany the existing and very useful indices of names, toponyms and Latin and Greek terms.

[Jakub Urbanik]

Papyrology and the History of Early Islamic Egypt, ed. Petra M. Sijpesteijn & Lennart Sundelin, Leiden – Boston: Brill 2004 (*Islamic History and Civilization. Studies and Texts* 55), XXI + 270 pp., ISBN 90-04-13886-2

J'ai eu la chance d'être parmi les participants du colloque sur *Documentary Evidence and the History of Early Islamic Egypt*, qui, grâce à l'initiative de deux jeunes savants, Petra M. Sijpesteijn et Lennart Sundelin, a eu lieu en mars 2002 au Netherlands-Flemish Institute in Cairo, et de pouvoir ainsi assister à la seconde naissance de la papyrologie arabe. Conscients de l'importance de leur discipline, de la richesse des matériaux qui, dans les musées et les bibliothèques, attendent d'être publiés et commentés,¹ ainsi que de la possibilité que l'internet

¹ En 1952, Adolf Grohmann évaluait à 50.000 les documents arabes trouvés sous le sol égyptien (dont 16.000 sur papyrus, le reste sur papier), mais Yusuf Rahgib pensait que le