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John F. Oates

CESSIONS OF KATOIKIC LAND
IN THE LATE PTOLEMAIC PERIOD*

This paper presents a discussion of a number of texts which concern the cession of land from one *katoikos hippeus* to another *katoikos hippeus* during the late Ptolemaic period. These number 10 texts published in *BGU* volume eight from the Herakleopolite nome, three in the Oxyrhynchus series from Oxyrhynchus and one, *P. Fouad* 38, which may be from Oxyrhynchus. They have been only rather cursorily studied and the fullest discussion is that of Kunkel in the *Zeitschrift der Savigny Stiftung* in 1928.¹ The most recent document published is *P. Oxy.* LV 3777. My interest in them is what they can tell us about the community of Hellenes called *κατοίκοι ἱππείς* which begin to appear in the papyri in the late second century B.C. Study of this community is in turn part of a larger interest on my part of how the Greeks created community in Ptolemaic Egypt and how this community or communities interacted with the Egyptian population. What I present here is a limited and small part of a far reaching reassessment of the conventional "ethnic" and military biases that have dominated the interpretation of these matters in papyrological scholarship since its beginnings.

In this paper, I leave large issues aside to concentrate on what we can learn from these cessions and the people involved in the transactions. First to de-

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¹ *Rom. Abt.* 48 (1928) 285-313. *BGU* VIII 1732, 1734, 1735 were republished in this article. They were reprinted in *SB* IV 7420-2. 1734 was originally published as *BGU* VI 1261 and 1735 as *BGU* IV 1186

scribe what we possess, each cession required a certain amount of documentation so that there was a document of cession and a separate document attesting the transaction by an oath taken by the one ceding land. We have only one document which contains both cession and oath (*P. Oxy.* XLIX 3482); each one, however, attests the existence of the other and more importantly the existence of the transaction.

The Berlin texts in volume VIII of the *BGU* series are numbered 1731 to 1740, none is totally complete and 1739 and 1740 are so fragmentary that they can only count as evidence that a cession took place without adding much detail. Nos. 1731 to 1734 are cession documents; nos. 1735 to 1740 are oaths attesting the validity of the cession. Among the Oxyrhynchus texts XLIX 3482 is a document of cession with oath and LV 3777 is an oath. *P. Oxy.* XIV 1635 is a fragmentary cession document and *P. Fouad* 38 is the lower part of an oath document regarding a cession which may also come from Oxyrhynchus. There are also a number of cessions documents of the early Roman period from Oxyrhynchus which are similar to the Ptolemaic texts in language and form and have been helpful in reconstructing the Oxyrhynchus texts at points. I will return to the significance of these for understanding the overall nature of the documents later in this paper.

First then we can consider the cession documents which possess a number of peculiarities, some previously noted and some not observed. The *BGU* documents are all notarial documents. They carry a brief heading of date at the top by year, month and day. They do not have the regnal dating formula that characterizes most contracts and appear to be copies of documents from the archives. They begin with the verb *ὁμολογεῖν*, followed by the names of the parties, and then the motive verb *εὐδοκεῖν*, which is hardly more than a repeat of *ὁμολογεῖν*. This is followed by a statement that this transfer has been made in the registry of the *katoikoi hippeis*. (The wording is slightly different in the various documents but the fact that prior registration is necessary for the cession to take place is clear in both the *BGU* Herakleopolite documents and the Oxyrhynchite ones.) The Oxyrhynchus cession documents, 1635 and 3482 both begin with the regnal date although abbreviated as is the practice at this period. They also begin with *ὁμολογεῖν* but the motive verb is *παρακεχωρηκέναι*. This section is followed by a statement of how much land is being ceded.

Next there is the statement of the receiver's good will and benefactions to the ceder, then a guarantee that the ceded land is free of obligations, particularly those to the royal treasury. There could not of course be private liens. Following these clauses, comes a close description of the land being ceded in terms of location and neighbors and then rather elaborate and lengthy guaran-

tees against further action, penalties if action is brought, and the signatures of the parties.

To begin, we know from the land registers of the Herakleopolite nome published in *BGU* volume XIV and from those from Kerkeosiris in the Fayum, bodies of material ably studied by Bill Brashear, Dorothy Thompson and John Shelton, that katoikic land was a category of land tenure and was bestowed by royal grant on certain residents of Egypt. The language of the cessions tells us that a separate registry of such land was kept and that there were officials of high rank in charge of it. The cessions also tell us that the land could only be transferred from one *katoikos hippeus* to another. This said, let us look at the transactions.

First of all, these cessions are not contracts in the sense that they involve equal obligations or considerations on both parties. Gifts are not enforceable at law. To be sure the cessions mention "considerations," good will and favors. We can conjecture that they represent repayment of loan or payment of back taxes (implied in *BGU* VIII 1734 and more expressly stated in *P. Oxy.* XLIX 3482) or indeed that there was a hidden sales price. No consideration of price could be explicitly mentioned. I do think that we can safely assume there are indeed real considerations involved in these transfers, but the precise reasons in any given instance must remain unknown. Since the land was inalienable outside of the closed status circle of the *katoikoi hippeis*, it could not of course be mortgaged or used in any way as security for a loan. These last considerations are a real reason for obscurity if not obfuscation in these transactions. The overriding concern of the government and of the parties was to maintain the relationship between those with the status of *katoikos hippeus* and the land designated *katoikike ge*. We must note also that no ceder of *katoikike ge* divests himself entirely of such land. To do so would undoubtedly entail loss of the status of *katoikos hippeus* and its attendant privileges.

The existence of the oath documents which must have accompanied every cession attest the peculiar nature of these transactions. Oaths are added to any transaction only when additional sanctions are necessary. Clearly all parties here felt the tenuous enforceability of the cession document itself. The greatest value of the cession was to describe the property being ceded. When enforcement is left to the gods as by oath (even if the gods are also the royal government), we know that the parties feel quite insecure in the arrangements being made.

Katoikoi hippeis are found in the Hermopolite, Herakleopolite, Oxyrhynchite, Panopolite and Arsinoite nomes. They also appear in some documents from the Hermonthite and around Thebes. We may surmise then that the

institution existed all over Egypt, but I would rather expect it was a larger phenomenon in areas where there was land to grant and where the Ptolemies could still exercise a greater degree of control, that is in the Fayum and Middle Egypt.

When we look at the individual documents we can gain further insight into the nature of this community of privileged residents. I begin here with a document which is not a cession but a will. This is the will of one Dion son of Demetrios from Elaia, a *katoikos hippeus* (BGU VI 1285). The will was made on either 17 December 110 or 8 December 74. Dion leaves to Demetrios his elder son, Δημητρίῳ τῷ πρεσβυτέρῳ μου υἱῷ, his *kleros*, his equipment and his stathmoi, τὸν κλῆρον καὶ τὰ ὅπλα καὶ τοὺς ἀκολουθούους σταθμούς. He makes separate and apparently quite generous provision for his wife and for his younger son Dion. The papyrus is very fragmentary after the first six lines and the exact provisions are not clear.

Nonetheless, in this case we note that Dion can leave his *kleros* and thus his status as a *katoikos hippeus* to his elder son. Whether he could have divided it and made both *katoikoi hippeis* must remain uncertain. This will follows that pattern of other Ptolemaic Greek wills, particularly those of a century earlier in the Petrie Collection so ably reedited recently by Willy Clarysse. As I have pointed out elsewhere² the point of the Petrie wills seems to be to alter what would happen in the case of intestate succession. Here Dion seems to have such a goal in mind. He seems to want his *katoikic* land and privileges to go undivided to his eldest son. He wants to make provision for his wife, Mysta a Corinthian, who he has married by written contract, as he goes out of his way to stress when he states that she is the mother of Demetrios: τῷ γεγονότι μοι ἐκ Μίστας τῆς Εἰξ. [..ο]υ Κορινθίας, ἣ[ι] ἐννεῖμι] κατὰ συγγραφὴν συνοικεῖον. Further he leaves a house and its appurtenances in Thmoupthai to his younger son. There follow in very fragmentary state a list of items or property apparently also left to Dion. It appears that Dion was well compensated for the fact that he received no share in the *katoikic* property and its attendant privileges.

There is also a Demotic will of a *katoikos hippeus*, *P. dem. Moscow 123*³ drawn up in Panopolis in 70 B.C. This is a fascinating document in a which a

² In a review of *P. Petrie*² 1 in *BASP* 29 (1992) 191-198 and in *JJP* 23 (1993) 125-132. And now W. CLARYSSE has resurveyed all the Ptolemaic wills, both Greek and demotic, 'Ptolemaic Wills,' [in:] *Legal Documents of the Hellenistic World*, ed. M. GELLER, H. MAEHLER and A. D. E. LEWIS. London 1995, pp. 88-103.

³ Published by M. MALININE in *Rév. d'Ég.* 19 (1967) 69ff. noted at *SB X 10616* for the Greek subscription.

katoikos hippeus leaves property to his six sons, to a daughter and to his wife. Five of the sons receive land, the sixth a substantial money payment. Wife, daughter and sons share in the distributions of his non-landed property. This testator is clearly a man of enormous wealth and his will opens insight into a number of very interesting areas. Here I can only point out that it parallels *BGU VI 1285* in its concern to continue katoikic status for the eldest son (and maybe in this case for the two eldest sons) and at the same time make proper provision for the younger children. There is, of course, no such thing as a demotic will and one of the chief peculiarities of *P. dem. Moscow 123* is that it is a Greek will not exactly translated into demotic but adapted into that language. We can be sure that the testator, Heti son of Petepheb, has a Greek name as a *katoikos hippeus*, but there are no Greek names in this text. Clearly his concern is the same as that of Dion in *BGU VI 1285*, but there might not have been a katoikic community in the Panopolite nome as large as that in the Herakleopolite. Thus it would be necessary to rely on a demotic and not on a Greek document to insure the continuation of the privileged status of the family.

That the state allows the inheritance of the katoikic land and status is interesting enough. Perhaps of more interest is Dion's and Heti's concern that their property and its status remain in the family without division or squabble among their sons. There is a further document which attests the inheritance of the *kleros* and status of a *katoikos hippeus*. In *BGU XIV 2374* (88-81 B.C.) a hipparches of the *katoikoi hippeis* writes a petition on behalf of an orphan who is a *katoikos hippeus*. He is attempting to collect some debts owed to the deceased father of the orphan from men who are not *katoikoi hippeis*.⁴

Inheritance is also the issue in *BGU VIII 1734*. (The date is lost but the text clearly belongs with the other similar documents, that is in the early first century B.C.) Here Ptolema, a woman aged twenty, (She has as a *kyrios*, a man aged 55, who is probably her father. The text is fragmentary in the opening section and most identifiers have been lost; the ages are recovered from the

⁴ See *P. Mil. Congr. xviii*, page 24 of 142/1 B.C. for the case of an orphan who is a *ἐκατοντάροπος*. At this slightly earlier time the terminology is different from the texts I am discussing, but the situation is the same. See Lucia CRISCUOLO's discussion of this text and of orphans, 'Orphanoi e Orphanoi Kleroi,' *Congr. XVI*, pp. 259-266. Also from the same Panchrates archive is the text published in *P. Mil. Congr. XVII* where a *katoikos hippeus* petitions to have recorded the transfer of land, *katoikike ge*, between himself the deceased *katoikos hippeus* on behalf of the orphaned son, also called a *katoikos hippeus*. The boy's mother serves as his *προστάτις*; on which see Orsolina MONTEVECCHI, 'Una donna *prostatitis* del figlio minore in un papiro del II^a, *Aegyptus* 61 (1981) 103-115.

subscriptions.) cedes 16 arouras of land in two 8 aroura parcels on behalf of her son, an orphan (his father has died) who is called himself a *katoikos hippeus*: τῶν κατοίκων ἱππέων ὀρφανοῦ. She has dealt with the registry and makes all the legal guarantees. This role of a woman is highly unusual in itself. I would also note that her orphaned son inherits the status of *katoikos hippeus* even though underage, anywhere I assume from 1 to 5 years old. Although it is not stated, I would assume that Ptolema and her son retain *katoikike* land also and thus the privileged status.

There is further evidence of family concern in these cessions of land. In BGU VIII 1731 a wife agrees to the terms of the cession: *συνευδοκεῖ δὲ τῇ παραχωρῆσει τῶν ἀρουρῶν ἢ τοῦ Θερσάνδρου γυνὴ Ἡρακλεία*. In 1733 a brother acknowledges agreement to the cession. In both 1738 and 1739, a son who is designated as his father's heir or successor agrees to the cession along with his father. Both of these latter texts are oaths attesting the cession and the sons swear the oath along with their fathers. In 1738: Ὀμνύομεν by the royals and the gods *Χαιρήμων Ἡρακλείδου Μακεδῶν τῶν κατοίκων ἱππέων καὶ ὁ υἱὸς Ἡρακλείδης Μακεδῶν διάδοχος τοῦ πατρικοῦ κλήρου*. In 1739: Ὀμνύομεν *Τιμασικράτης Τιμασικράτου Θεσσαλὸς τῶν Καίνωνος κατοίκων ἱππέων καὶ ὁ υἱὸς Τιμασικράτης διάδοχος τοῦ πατρικοῦ κλήρου*.

One of the Oxyrhynchos texts presents the same situation as the Herakleopolite documents. In P. Oxy. XLIX 3482 the wife of the ceder gives her approval to the cession as in BGU VIII 1731: *συνευδοκεῖ δὲ πᾶσι τοῖς [κατὰ τὴν συγγραφὴν τῆς ὁμολογίας ἢ Θ]έωνος γυνὴ Διονυσία Ἀμμωνίου μετὰ κυρίου Θέωνος τοῦ αὐτοῦ*.

Thus in six of the fourteen documents we find a larger concern with the cessions of *katoikic* land than just the concern of the ceder. These pieces of land and the status that goes with the land are a concern of the whole family and thus of the community of *katoikoi hippeis*.

In short we have a category of land which is held by persons in a privileged status category, and land which cannot be transferred outside of that status group. The government along with the families took strong steps to preserve this system. Each of the contracts of cession was registered in the *agoranomion* or *archeion* of Herakleopolis or Oxyrhynchos in the extant documents. The oaths too mention such registration or the fact that the contracts (the cessions) and the cheirographa (the oaths) were drawn up through the local registry. The BGU cession texts 1731 to 1734 state that the cession was registered also in the office of hippic affairs; the phrase *διὰ τοῦ ἱππικοῦ λογιστηρίου μετεπιγραφῇ* appears in all these texts. In the Oxyrhynchos texts this registration phrase is further expanded; in XLIX 3482 we read *παρακεχωρηκῆναι αὐτῶι ἀκολούθως*

τοῖς διὰ τῶν τὰ ἵππικὰ χειρίζοντων ὠκονομηνένοις ἀφ' οὗ ὁ Θέων δέδωκεν ὑπομνήματος Εὐδαίμονι τῷ πρὸς καταλοχισμοῖς. *P. Oxy.* XIV 1635 is rather fragmentary but one can see that a certain Alexandros in charge of the hippic registry has the rank of "first friend," i. e. high up in the hierarchy of officialdom.

There is indeed an apparatus of governance for the body of *katoikoi hippeis*. We know of *grammateis* and an *epistates*. There is also an official called ὁ πρὸς τῇ συντάξει although it is unclear what the syntaxis is or what is the extent of such an official's jurisdiction.⁵ Furthermore, these officials are not of minor rank. Alexandros of *P. Oxy.* XIV 1635 is designated τῶν πρώτων φίλων, as is an Apollodoros in *P. Meyer* 1 who is τῶν πρώτων φίλων καὶ ἐπιστάτει καὶ γραμματεῖ τῶν κατοίκων ἱππέων. He appears with the same title in *P. Mil. Congr. XVII*, page 21/22. In *P. Mil. Cong. XVII*, page 5/6 Panchrates is *archisomatophylax* and πρὸς τῇ συντάξει. He later (in *P. Würz.* 4) appears as τῶν ἰσοτίμων τοῖς πρώτοις φίλοις καὶ πρὸς τῇ συντάξει. Also in the Milan text there is Dionysios, *archisomatophylax* and *grammateus* of the *katoikoi hippeis*. It is clear enough that there was an extensive bureaucracy related to the class of *katoikoi hippeis*. This aspect needs much further work as does the internal structure of the group of men so designated. I hope to turn to that as part of my wider examination.

This beneficial relationship between crown and klerouch is one of the most fascinating aspects of the social and economic history of later Ptolemaic rule in Egypt. The foundation and dynamics of this class have been in part obscured because of the preoccupation of scholars with the military aspects of this group, in fact of every group of klerouchs. At this point I can only point out some aspects of the group's activity and suggest some possibilities.

First there is no evidence of any of these men so designated engaging in any kind of military activity. From the land registers of the Tebtunis and Berlin collections we would surmise that they attended to the care of the land themselves. Many are described as their own farmers and others do not seem far off from the supervision of their holdings. From the number of local documents, petitions, contracts etc., we know that numbers of them were local citizens operating locally. Even when we find a thuggish *katoikos hippeus* raiding the houses of his neighbors, we have evidence of local residence.

The institution of this class as the *katoikoi hippeis*, who seem to subsume the various categories of klerouch, comes after the return of Ptolemy VIII

⁵ See Giovanni GERACI, 'L'ὁ πρὸς τῇ συντάξει,' *Cong. XVI* (1981) 267-276. Note that the designation of this official in *BGU VIII* 1734 is a restoration.

Euergetes II to Alexandria in 145 B.C. It was not a clear cut reform or revision but seems to have developed from that time. Our documents from the Herakleopolite, the Arsinoite and the Oxyrhynchite are all somewhat later, after 120 or so for the Menches archive in the Tebtunis volumes, while the Herakleopolite and Oxyrhynchite texts are almost all from the first century B.C. One must mention the significant number of Egyptians who are promoted to *katoikic* rank. We must also note that all made *katoikoi* are given land grants from land ἐν ἀφέσει, that is land currently unproductive.

Finally in this paper I would like to point out one feature that has only been briefly noted as far as I know, the relationship of the *katoikoi hippeis* to the later privileged class of Hellenes in the Arsinoite nome. These the κάτοικοι τῶν ἐν τῷ Ἀρσινοίτῃ ἀνδρῶν Ἑλλήνων σ' υοε.⁶ I would maintain that this privileged class is a direct formation from the Ptolemaic group of *katoikoi hippeis*. Naturally the military connotation of the designation found in *hippeis* was dropped after the arrival of Augustus. Whether Augustus fostered the existence of such a class or whether it perpetuated its own existence is not now knowable; but we do know that Nero confirmed their privileges upon his accession.

In the Oxyrhynchite nome we find evidence of succession into the Roman period in a number of cessions which continue the form of the Ptolemaic texts particularly in reference to the hippic registry: from PSI X 1118 from the early first century παρακεχωρηκέναι αὐτῷ ἀκολούθως τοῖς ὠκονομημένοις διὰ τῶν ἐκ τοῦ ἵππικου ἀφ' οὗ ἐπιδέδωκεν ὁ Ἡρώδης ὑπομνήματος Ζήνωνι τῷ πρὸς τοῖς καταλοχιμοῖς. The other texts of the first century Roman period are P. Oxy. II 366 descr. (14/15); PSI IV 320 (A.D. 18); P. Ryl. II 159 (31/32); PSI VIII 897 (A.D. 93); P. Stras. III 266 (ca. 100); P. Anag. page 121 is first century and P. Oxy. III 504 and 633 descr. are early second century. In this nome the category of the land remains but there is no evidence for a class of *katoikoi* who were limited to conveying or receiving such conveyances. After the first century this category of land disappears everywhere in Egypt.

In conclusion, these cession documents reveal the Hellenes of the *katoikoi hippeis* class as eager to maintain their status, a status which clearly has great benefits. We can also see the government anxious to create and maintain a class of Greek speakers to provide a cadre of persons who could benefit themselves by providing stability, leadership and continuity to society and thus

⁶ Superbly studied by Daniela CANDUCCI in *Aegyptus* 70 (1990) 211-255 and 71 (1991) 121-216. On the origins of the class, see pp. 226-229. Orsolina MONTEVECCHI argued for the relationship in a paper delivered at the 21st International Congress of Papyrology.

