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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Amin Benaissa

### **A HERACLEOPOLITE LAND LEASE OF THE FIFTH CENTURY\***

THE FOLLOWING PAPYRUS from the Bodleian Library preserves the top right-hand corner of a lease contract dating from AD 439. In it four individuals from the Heracleopolite village of Phebichis let some land around the same village to the monk apa Didymus, who appears to be from a different locality. As a result of the loss of the left-hand half of the document and the relative incompetence of the scribe (cf. 2–3 n., 4–5 n., 12 n., 12–13 n.), the restoration of the body of the contract and the terms of the lease are rather uncertain. The lease is for one year and appears to involve an artificially irrigated plot of land (cf. *μηχανή* at 16 with note); but details of the area of the plot, the crop and the rent are irrecoverable.

Despite its fragmentary state the papyrus presents some noteworthy features. The high number of lessors and the space in line 7 strongly suggest that they are comarchs in charge of leasing land that fell under the collective fiscal responsibility of the village (see 7 n.). Another point of interest is that the lessee is a monk, a rare situation paralleled (to the best of my knowledge) only by *P. Flor.* III 279 (Aphrodito, 514) and *P. Prag.* II 158 (Hermopolis, v/vi).<sup>1</sup>

\* My thanks to Dr. Nikolaos GONIS for his comments on a draft of this article.

<sup>1</sup> Cf. also *P. Mon. Apollo* 26 (Hermopolite, VIII), in which two monks take under lease land from the *dikaion* of their monastery; on this document see recently T. S. RICHTER,

From a formal point of view, the contract is atypically composed from the lessors' perspective, i.e. in the form 'We [the lessors] have leased to you [the lessee] ...'. This is much less common than the inverse formulation 'I [the lessee] have taken on lease from you [the lessor(s)]', but it is not unparalleled among Heracleopolite leases; cf. from the list below *CPR* 1 247, *P. Rain. Cent.* 101 and *SB* 9876, and cf. also the lease of a house *P. Gen.*<sup>2</sup> 1 10 (Phebichis; 316).<sup>2</sup>

Heracleopolite land leases of the Byzantine period are relatively few. I have identified the following:<sup>3</sup>

<i>Document and Date</i>	<i>Village</i>	<i>Crop</i>
<i>CPR</i> 1 40 (300)	Tkois	<i>chortos</i>
<i>P. Rain. Cent.</i> 82 = <i>CPR</i> 1 41 (304/5)	Sobthis (Mikra)	wheat
<i>CPR</i> 1 247 (335)	Kalates	<i>chortos</i>
<i>BGU</i> III 938 (385)	Sobthis Mikra	<i>arakos</i>
<i>CPR</i> 1 42 (IV)	Sobthis Mikra, Sakapry, Ninopakan, Noeris	lessee's choice
<i>P. Vindob. G</i> 26249 <sup>4</sup> (IV/v)	—	wheat, <i>chortos</i> (?)

'The cultivation of monastic estates in late antique and early Islamic Egypt: some evidence from Coptic land leases and related documents', [in:] Anne BOUD'HORS, Catherine LOUIS, J. CLACKSON & Petra SIJPESTIJN, (edd.), *Monastic Estates in Late Antique and Early Islamic Egypt: Ostraca, Papyri, and. Studies in Honour of Sarah Clackson*, Cincinnati 2009, pp. 205–215, at 209–210.

<sup>2</sup> Cf. J. HERRMANN, *Studien zur Bodenpacht im Recht der graeco-ägyptischen Papyri*, München 1958, pp. 44–45. He notes that 'Vertragsredaktionen von seiten des Verpächters boten sich vor allem dann an, wenn in der Vertragsurkunde zugleich der Empfang einer Zahlung durch den Pächter bestätigt werden sollte' (44). This is the case in *CPR* 1 247 and *SB* 9876, both of which are *μισθοποχαί*. There is no trace of such an arrangement in *P. Gen.*<sup>2</sup> 10, *P. Rain. Cent.* 101 and our document, but the last two are incomplete.

<sup>3</sup> Unless otherwise indicated dates are those given by the *Heidelberger Gesamtverzeichnis der griechischen Papyrusurkunden Ägyptens*: <<http://www.rzuser.uni-heidelberg.de/~gvo/>>. Cf. also *CPR* 1 44 (IV) and *SB* xxvi 16488 (vi), whose provenance could be either Arsinoite or Heracleopolite.

<sup>4</sup> Published by Claudia KREUZSALER, 'Ein herakleopolitanischer Pachtvertrag mit "unmöglicher" Konsuldatierung', *ZPE* 141 (2002), pp. 191–198.

<i>Document and Date</i>	<i>Village</i>	<i>Crop</i>
<i>P. Vind. Sijp.</i> 9 (ca 417) <sup>5</sup>	Phys	lessor's choice(?) <sup>6</sup>
<i>P. Rain. Cent.</i> 101 (457)	Ankyron polis	—
<i>P. Vindob. G</i> 26724 <sup>7</sup> (464 or 479)	—	wine, wheat, <i>chortos</i>
<i>P. Rain. Cent.</i> 113 (525/6)	—	<i>kokkos</i>
<i>SB VIII</i> 9876 (534)	Noeris ( <i>BL IX</i> 266)	<i>chortos</i>
<i>P. Worp</i> 35 <sup>8</sup> = <i>P. Stras.</i> v 318 (596)	—	—
<i>T. Varie</i> 14 (VI)	Taamorou	<i>chortos</i>
<i>CPR VIII</i> 68 (VI/VII)	Sobthis Mikra	—

### Text

Bodl. MS. Gr. class. f 65 (P)

6.4 x 14.5 cm

AD 439

The light-brown papyrus is complete at the top and right sides with minimal margins. It is written along the fibres in a practiced but coarse medium-sized cursive. Two vertical folds are visible. The back is now covered by a piece of cardboard within the glass frame, so that it is impossible to determine whether it is blank or not. The scribe frequently substitutes *omega* for *omicron*.

<sup>5</sup> On the date cf. R. S. BAGNALL *et al.*, *Consuls of the Later Roman Empire*, Atlanta 1987, p. 669.

<sup>6</sup> βουληθης (sc. the lessor) in line 10 could be a scribal mistake for βουληθηω (sc. the lessee); see the editor's note on lines 9–10.

<sup>7</sup> Published by B. PALME, 'Flavius Olympius, der "kaiserliche Hofrat"', [in:] F. BEUTLER & W. HAMETER (edd.), *Eine ganz normale Inschrift' ... und ähnliches zum Geburtstag von Ekkehard Weber. Festschrift zum 30. April 2005 (Althistorisch-epigraphische Studien, Bd. 5)*, Wien 2005, pp. 470–476.

<sup>8</sup> J.-L. FOURNET, 'P. Stras. v 318 complété: la grande *philoponia* d'Héracléopolis et les protocoles en cursive inclinée', [in:] F. A. J. HOOGENDIJK & B. P. MUHS (edd.), *Sixty-Five Papyrological Texts Presented to Klaas A. Worp on the Occasion of his 65th Birthday (Pap. Lugd. Bat. xxxiii)*, Leiden 2008, pp. 243–253.

According to the *Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford*,<sup>9</sup> the papyrus was bought from B. P. Grenfell in 1896. It is published here with the kind permission of the Bodleian Library, University of Oxford.

- [ vac. χμ]γ  
 [+ μετὰ τὴν ὑπατ]είαν τῶν δεσποτῶν  
 [ἡμῶν Θεοδοσίου] καὶ Φλ(αουίου) Φαύστε τῶν λαμ(προτάτων).  
 4 [ N.N. (υἱὸς) N.N. πρ]εσβυτέρου καθωλικῆς  
 [ἐκκλησίας καὶ ], νουτις Ἀμωνιανε καὶ  
 [N.N. (υἱὸς) N.N. καὶ ], νιανος Πρίσκου <οἱ> τέττα-  
 [ρες c. 10 ] κώμης Φεβίχεωσ  
 8 [ τοῦ Ἡρακλεοπ]ολίτου νομοῦ, ἀπα Διδύ-  
 [μω μονάζοντι] Μεγάλου μονῆς ἀπὸ  
 [ c. 12 τ]οῦ αὐτοῦ νομοῦ χ(αίρειν).  
 [μεμιθῶκαμέν c]οι πρὸς μώνων τῶν  
 12 [παρόντα c. 6 ] ἐνιαυτῶν τῆς εὐ-  
 [τυχοῦς ἐνάτης] ἰνδ(ικτίονος) ὀνοματωσ  
 [ N.N. c. 13 ] ἐν πεδίοις τῆς αὐ-  
 [τῆς κώμης c. 5 ]. τοῦ παντῶσ κλή-  
 16 [ρου(?) c. 12 ]. μηχανῆς φόρου  
 [ c. 15 ] ατων κυ. ν  
 [ c. 15 ] καὶ τῶν ναυίων  
 [ c. 15 ] ..[...].[...].[

2 *l.* τοῦ δεσπότου; 3 φλ', λαμ', *l.* Φαύστου τοῦ λαμπροτάτου; 4 *l.* πρεσβύτερος? (see n. below), *l.* καθολικῆς; 9 *l.* Μεγάλου; 10 χ *l.* μόνον τόν; 12 *l.* ἐνιαυτόν; 13 *νδ/*, *l.* ὀνόματος; 15 *l.* παντός; 18 *l.* ναυίων

<sup>9</sup> Vol. VI (Accessions, 1890–1915), compiled by F. MADAN & H. H. E. CRASTER, Oxford 1924. The papyrus is given the catalogue number 32469. Acquisition information from 'Corrections, etc.' on p. XXII.

Fragment of a papyrus scroll with approximately 15 lines of ancient Greek text. The script is a cursive hand, likely from the Hellenistic or Roman periods. The fragment is heavily damaged, with irregular edges and several large holes. The text is written in dark ink on a light-colored, fibrous material.



### *Translation*

After the consulship of our lords (*sic*) Theodosius and Flavius Faustus, *virii clarissimi (sic)*.

N.N. (son of) N.N., priest of the catholic church, and –noutis (son of) Amoniane, and N.N. (son of) N.N., and –nianus (son of) Priscus, the four ... (of/from) the village of Phebichis of the Heracleopolite nome, to apa Didymus, monk of the monastery Megalou, from the village of N.N. of the same nome, greetings. We have leased to you for the present ... year only (for the crop of) the auspicious ninth indiction (*n arouras*) in the name of N.N. (which lie) in the fields of the same village ... of the whole allotment ... of the *mechane*, for the rent of ... of the *naubia* ...

### *Commentary*

1.  $\overline{\chi\mu\gamma}$ . On this Christian symbol, which regularly appears at the top of contracts, see *CPR* xxiii 34.1 n.

2–3 On the consulship of Theodosius II and Anicius Acilius Glabrio Faustus in 438, see Bagnall *et al.*, *CLRE*, pp. 410–411, and R. S. Bagnall & K. A. Worp, *Chronological Systems of Byzantine Egypt*, Leiden 2004 (2nd ed.), p. 196. The consuls of 439 have not been attested in a papyrus to date, so that a precise *terminus ante quem* for our document cannot be proposed. It is typical of leases, however, to date from the period between August and November; see Herrmann, *Studien zur Bodenpacht*, (cit. n. 2), pp. 95–96.

The dating clause betrays the scribe's relative incompetence. He appears to have omitted the usual qualification (του) αἰωνίου Ανγούστου after the name of the emperor (cf. *P. Haun.* III 58.1 of the same year for a similar omission) and the iteration numeral of his consulate (τὸ ις'). The month and day are also missing at the end. Both τῶν δεσποτῶν and τῶν λαμ(προτάτων) should be in the singular, since the former word refers only to the emperor and the latter only to the non-imperial consul Fl. Faustus. On the form Φάυστε, cf. below, 5 n.

4–5. πρ]εσβυτέρου καθωλικῆς (I. καθολικῆς) [ἐκκλησίας. When someone's father is a cleric, he is usually described simply by his clerical title, without the specification of his church. We may therefore have here a description of the main party rather than of his father, the genitive πρeσβυτέρου being a scribal error for πρeσβύτερος. Since it is argued below (7 n.) that the lessors in this document are probably managers of collective village land, it is worth mentioning

that priests and deacons often played a prominent part in the administration of their village; see G. Schmelz, *Kirchliche Amtsträger im spätantiken Ägypten*, Leipzig 2002, pp. 309–318.

If the church belongs to Phebichis, the provenance of all the lessors (7), this would be the first attestation of one there. For the use of the epithet καθολικῆ to qualify the principal church of a village, see Ewa Wipszycka, *Études sur le christianisme dans l'Égypte de l'antiquité tardive*, Roma 1996, pp. 168, 173–4.

5. ] .νουτις. The first trace does not seem to be compatible with *pi*, so that the common name Πάπνουτις is excluded. ] Ἀνουτις has a better chance of being right; for instances from the Heracleopolite nome, cf. *CPR* xxiv 1.10 (355), *SPP* xx 117.15 (411).

Ἀμωνιαε. A Coptitized form of the name Ἀμ(μ)ωνιανός, not otherwise attested as far as I know; cf. Φαύστε in line 3 and contrast the name-ending of ] νιανος in line 6.

6. ] .νιανος. The first trace is probably *alpha*, though *omega* cannot be securely ruled out; for some possibilities see F. Dornseiff & B. Hansen, *Rücklaufiges Wörterbuch der griechischen Eigennamen*, Berlin 1957, p. 266.

6–7. τέττα[ρες. F. T. Gignac, *A Grammar of the Greek Papyri of the Roman and Byzantine Periods* 1, Milano 1976, p. 146: 'τέσσαρες normally appears with -cc-, but forms in -τ(τ)- are found sporadically'; for an example of the latter spelling in a Byzantine papyrus, cf. *P. Lond.* III 994.11 p. 259 (Hermopolite, 517).

7. [ρες ε. 10 ] κώμης Φεβίχεωσ. The available space does not warrant restoring ὀρμώμενοι ἀπό in the lacuna; moreover, the phrase becomes common only from the later fifth century onwards (the earliest datable instance from the pre-script of a contract is *P. Oxy.* LXIII 4392.7 [479]). The only alternative is to restore a collective designation of the four lessors. It would be highly unusual in this period to find multiple lessors, unless they were the heads or representatives of a collectivity; see Herrmann, *Studien zur Bodenpacht*, (cit. n. 2), p. 57 with n. 3. A likely possibility, therefore, is that the four men were village administrators in charge of leasing land that was abandoned by fiscally insolvent farmers and for whose taxes the village as a whole became responsible. The clearest illustration of such a situation is given by a group of late fourth-century contracts from the Arsinoite village of Philadelphia, in which the comarchs of the village, usually four in number, lease land ἀπὸ ἀπόρων ὀνομάτων/ἀπὸ ἀπόρου τῆς κώμης: *P. Gen.*<sup>2</sup> 66 = *WCbr.* 381 (374); 67 (382 or 383); 69 (386), 70 = *WCbr.* 380 (372/3); for a discussion of these documents see *P. Gen.*<sup>2</sup> pp. 244–246. Other leases of 'collective' village land are *P. Rain. Cent.* 82 = *CPR* I 41 (Heracleopolite, 304/5), *P. Stras.* III 137 = *SB* v 8019 (Hermopolite, 325), in both of which comarchs act as lessors; *P. Cair. Masp.* I 67103 (526), 67105 (532), 67106 (539), in which land is leased from the δημόσιος λόγος of Aphrodito (cf. also *P. Mert.* I 49 [post 642] with 8 n.); and the Coptic documents *CPR* IV 127 (vIII) and *P. Lond. Copt.* 1014, both involving the

village *κουβόν*. A possible restoration of line 7, then, is [-ρες *κωμάρχαι*] *κώμης Φεβίχρεως*. A less likely alternative would be to restore [-ρες *γεωργοὶ ἀπὸ*] *κώμης Φεβίχρεως* and presuppose that the four lessors were farmers subletting land that they had themselves taken under lease; but parallels from this period for multiple sub-lessors are hard to come by.

*Φεβίχρεως*. On this well-attested Heracleopolite village, see Maria Rosaria Falivene, *The Heracleopolite Nome*, Atlanta 1998, pp. 241–245, and cf. D. Kaltsas, *P. Heid.* VIII 418.18 n.; to Falivene's list of instances add *P. Heid.* 418.18 (144 or 155 BC) and *SB* XXII 15829.10 (III AD).

9. *Μεγάλου (Ἰ. Μεγάλου) μονῆς*. On the frequent interchange of γ and κ see Gignac, *Grammar* I, pp. 77–80; cf. especially p. 79 for other examples of *μεκαλ-* = *μεγαλ-*. This monastery was not previously known. *Μεγάλου* is probably the fossilized name of the monastery deriving from the name of its founder (*Μέγας*); cf. e.g. τῆς *μηχ(αν)ῆς καλουμένης Μεγάλου* in *P. Oxy.* XVI 1911.160 (557). But given the word order, another possibility is that it is a scribal mistake for *Μεγάλης Μονῆς* (or conceivably *Μεγάλου Μοναστηρίου*), which would be comparable to the name of the Oxyrhynchite monastery *Μέγα Ὄρος* in *P. Oxy.* LXVII 4620.18 (see n. for other instances).

10. The phrase τ[ο]ῦ αὐτοῦ νομοῦ suggests that a different settlement from Phebichis was named in the lacuna. Given the ineptness of the scribe one cannot rule out the less usual formulation [τῆς αὐτῆς κώμης τ]οῦ αὐτοῦ νομοῦ (cf. e.g. *P. Gen.*<sup>2</sup> I 12.8–9 [384], *T. Varie* 14.5–6 [v1]), but it may be slightly too long for the available space.

12. [παρόντα ε. 6 ] *ἐνιαυτῶν (Ἰ. ἐνιαυτόν)*. The putative space after *παρόντα* is puzzling; the usual formula is simply *πρὸς μόνον τὸν παρόντα ἐνιαυτόν* (cf. e.g. *P. Rain. Cent.* 101.7). For other formulas used in stipulating the length of leases, see Herrmann, *Studien zur Bodenpacht* (cit. n. 2), p. 94–95.

12–13. τῆς εὐ[τυχοῦς ἐνάτης] ἰνδ(ικτίονος). Before this phrase the scribe forgot to insert e.g. *καρπῶν, σποράς, εἰς σποράν vel. sim.* (cf. again *P. Rain. Cent.* 101.8; for the use of *σπορά* to refer to the crop of the following year see R. S. Bagnall & K. A. Worp, *Mnemosyne* 31 [1978], pp. 289–90). The crop of 440 will have belonged to the ninth fiscal indiction; see *CSBE*<sup>2</sup>, pp. 127–128, 142.

13. *ὀνοματῶς (Ἰ. ὀνόματος)*. This word introduces 'the name under which the land was registered' (J. R. Rea, *P. Oxy.* LXIII 4384.11 n.), which could be either that of a former lessee or of the landowner. The Geneva papyri cited and discussed above (7 n.) as parallels to our text contain a similar formulation: *P. Gen.*<sup>2</sup> 66.10 (*ὀνόμα(α)τος Μαρία*); 67.8 (*ὀνόμα(α)τος Γαίων*);<sup>10</sup> 69.6 (*ὀνόματος Μαρία*).

<sup>10</sup> The editors translate the expression with 'du nom de Gaii' (cf. also *P. Gen.*<sup>2</sup>, pp. 244–245), taking *Γαίων* as the plural of *Γάιος* (= Gaius); but it is more likely that this is the nominative singular of the derivative name-form *Γαίων*, which is well attested (see e.g.

15–16 The wording of these two line-ends is not formulaic and does not suggest an obvious restoration. One expects the area of the plot to be specified at this point.

16. *μηχανῆς*. Depending on the context, *μηχανή* here can have either the strict sense of ‘waterwheel’ or the extended one, common in the Byzantine period, of ‘artificially irrigated plot of land’; see *P. Oxy.* LV 3803 introd., and Danielle Bonneau, *Le régime administratif de l'eau du Nil dans l'Égypte grecque, romaine & byzantine*, Leiden 1993, p. 222.

17. *κν. ν*. The dotted letters are well preserved and suggest at first *κνκων*, but this sequence of letters does not result in a meaningful word in this context, unless it is an unattested proper (e.g. geographical or personal) name and/or the result of phonetic spelling. One cannot read *κνδων-*, i.e. a form of *κνδώνεα* ‘quinces’, a word attested in the papyri only by *P. Cair. Zen.* III 59486.2 (257/6 BC?). *κνρον* or *κνρων*, i.e. a phonetic spelling of *κοινόν/κοινων(-)* (for the common interchange of *οι* and *υ* see Gignac, *Grammar* 1, pp. 197–9), may be just possible.

18. ] *καὶ τῶν ναύτων* (*ἢ ναυβίων*). *ναύλων* seems palaeographically less likely, and the mention of ‘freight charges’ would be out of place in a land lease. The oblique trace below this word must have belonged to the following line and probably represents an extension of the second arm of *upsilon*. For the spelling of *ναύβιον* without *beta*, see Gignac, *Grammar* 1, p. 70.

The *ναύβιον* is a cubic measure equivalent to 1.34 m<sup>2</sup> and designates the amount of earth moved to clear canals and reinforce dikes; see Bonneau, *Le régime*, pp. 130–135. The stipulation that work on dikes is the responsibility of the lessee occurs in some Byzantine land leases from the Oxyrhynchite nome in variations of the formula (*ὁμολογῶ/-οὔμεν*) *τὴν ἀναβολὴν τῶν ναυβίων ποιείσθαι*, e.g. *P. Mich.* XI 611.20–21 (412); *P. Oxy.* VI 913.20 (443), where read *ναουίων* instead of {*ν*}*ἄ(ρ)ουρῶν*;<sup>11</sup> *P. Berl. Zil.* 7.25–6 (574); *P. Michael.* 34.8 (VI); *P. Oxy.* XVI 1968.8 (VI); *PSI* VIII 881.4 (VI); cf. also the slightly different formulation in *PSI* IX 1078.23 (356) and *P. Oxy.* LXIII 4390.23 (469) *τῆς ἀναβολῆς τῶν ναυβίων οὐκ ἔστι πρὸς ἐμὲ τὸν μεμεθωμένον*.

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PREISIGKE'S *Namenbuch* and FORABOSCHI'S *Onomasticon s.v.*). The nominative for genitive has a parallel in *P. Gen.*<sup>2</sup> 66.10.

<sup>11</sup> This correction does not appear in the *Berichtigungsliste*, but it was made in a parenthetical note on *P. Oxy.* XVI 1968.8