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mente in tempo così breve al successo del progetto di “*armare con legibus Imperatoriam maiestatem*”.

Il Digesto che ci è conservato la grandezza e l'originalità della giurisprudenza classica chiudendo nel modo simbolico la storia del diritto antico, e offrendo all'Europa Medievale un pilastro più importante a cui venne costruita la *scientia iuris* dal undicesimo secolo fino al Novecento. Intorno al Digesto è cresciuta una grande massa della letteratura giuridica medievale e moderna non sempre favorevole al diritto romano, ma la discussione sull'autorità vincolante del *Corpus Iuris* ha iniziato molti nuovi correnti nella giurisprudenza. Il *Corpus Iuris* e soprattutto il Digesto erano il punto del riferimento comune ed universale per tutta la giurisprudenza europea fino alla fine del settecento. Le interpretazioni, glosse e commentari che si sono addensati intorno ai frammenti del Digesto in quel periodo non facilitano il lavoro degli interpreti. Far fronte a questo bagaglio culturale richiede un enorme sforzo di commissione dei traduttori che non si contendono della propria solerzia ma anche in varie materie consultano l'ambiente romanistico coinvolgendo nel suo lavoro gran parte degli scienziati di lingua tedesca come consulenti. In questo modo la traduzione del *Corpus* che nasce esorbita dall'uso scolastico e diventa un vero progetto scientifico.

Anche se la traduzione del *Corpus Iuris* va lentamente avanti, questa ci dà sempre di nuovo occasione per valutare il suo contenuto nella lingua in cui è cresciuta la letteratura giuridica di ottocento, così importante per comprensione del diritto nei vari paesi Europei.

[Jerzy Krzyńcówek]

Sarah J. CLACKSON, *Coptic and Greek Texts relating to the Hermopolite Monastery of Apa Apollo*, Griffith Institute Monographs, Oxford 2000, ISBN 0-900416-75-0

The book of Sarah Clackson – a revised version of her doctoral thesis submitted to the University College London in 1996 – contains the publication (in some cases the republication) of 63 Coptic and 3 Greek papyri thought by the editor to be related to the Monastery of Apa Apollo in the Hermopolite nome and assigned by her to the 6th-8th centuries (to this dossier belongs also P. Vindob. K 11.375 published by Monika Hasitzka in the present volume of the *JJP*, pp. 55-58). The texts – from now on to be cited as *P. Mon. Apollo* – are dispersed among many collections worldwide and have been connected together by the author after a great amount of “museum archaeology”. Her criteria for attributing the papyri to this particular monastery are: first of all by the mention of the Monastery of Apa Apollo, the use of *formulae* and/or format with “an established connection with the Hermopolite monastery of Apa Apollo” (p. 4); equally helpful were the Hermopolite toponyms and acquisition information. This combined set of criteria allows, according to Clackson, to attribute more or less certainly all but one of the texts (no. 32) published in this volume to the Monastery of Apa Apollo in the Hermopolite nome. However, some caution is advisable, first and foremost let us remember that there are at least six monasteries of Apa Apollo in Egypt known to us from excavations and/or textual evidence, two of them in the vicinity of el-Ashmunein. Thus a reader using this important book must not forget that some of the attributions suggested by the

editor rely on much weaker grounds than others. In some cases the editor herself could not avoid a rather dangerous situation, giving in to use of vicious circle in the proving of the texts provenance: the inclusion of text X in the *dossier* provides arguments for the inclusion of text Y, which speaks for the inclusion of Z, which in turn strengthens the arguments for the inclusion of X. A successful challenge of one of these attributions could break the whole chain. This applies in particular to the author's hypothesis that the formula *anok pason NN eishai* can be regarded as characteristic of the texts from this particular monastery. A discovery of a single text with this formula with a secure attribution to some other Apa Apollo monastery could seriously weaken this theory. Clackson is well aware of this and formulates the said hypothesis quite carefully (§3.2, p. 16-17), admitting that she knows of two occurrences of *anok pason NN eishai* formula in texts from other places (*P. Wadi Sarga* 166 and *P. Mon. Epiph.* 287). It is true that no documents with this formula are found among the extensive *dossiers* of the Apa Apollo monasteries in Aphrodito and Bala'izah, but this supposition is only a rather weak *argumentum ex silentio*.

Notwithstanding with this potential problem, the *dossier* collected by Clackson is very interesting and the quality of the publication is very high. An important chapter entitled "Discussion" precedes the actual edition of the papyri. It contains an introduction to the *dossier* (here the above-mentioned criteria for selection of the texts are described) and the summary of findings from it. In this section Clackson discusses for instance the problem, whether the two known monasteries of Apa Apollo in the Hermapolite nome (the well-known monastery at Bawit and the one at Titkooh/Titkois known only from textual sources) could not indeed be one and the same monastic complex. The very title of the volume indicates the author's preference for this hypothesis and she gives arguments to its support (pp. 3-4 and p. 18). However, she is not very consequent in her view and parts of the book give the impression of having been written before the said hypothesis was formulated (esp. §1.4 and 1.5).

Another important question is the type of the monastic rule in the Monastery of Apa Apollo. Following a suggestion of Jean Gascou, Clackson claims that it may have been a Pachomian or post-Pachomian community (p. 8), a view based on the presence of titles like *archimandrite* in the papyri and "archeological evidence, especially the vestiges of a surrounding wall", suggesting that "the monastery was essentially a *coenobium*". However, according to Ewa Wipszycka ('Archimandrite', *Coptic Encyclopaedia* I: 192-4) the use of the title of *archimandrite* was not restricted to cenobite monasteries – it is attested e.g. in documents from Bala'izah and Wadi Sarga; – the title itself was a honorific term given to some superiors because of their personal merits or the rank of their monasteries. Neither is an enclosure wall a characteristic feature of Pachomian communities: many monasteries had walls, e.g. *lauras* at Deir la Dik. And most importantly, the monks in *P. Mon. Apollo* keep their own private property (on which they pay taxes to the Arab authorities, docs. 28-32) and conduct all sort of commercial transactions with other monks, with the monastery as a body and with laypeople. This situation contrasts with what we know about Pachomian communities and their strict principles excluding private property of the monks. It may have been more cautious to state that most probably the Monastery of Apa Apollo was not governed by any formal monastic rule.

The important "Findings from the texts" section includes discussions of the ways the monastery is referred to in the papyri, of the *formulae* associated by the editor with

it, and finally of several aspects of the monastic economy and administration. Thus several paragraphs are devoted to the collection of "tithes" (*aparche*, see below) and *pactum*; to the landholdings of the monastery; to the taxes that the monks paid (or, for that matter, failed to pay as in doc. 31); to credit transactions involving monks as either of the parties (see below); finally to the role of wine in the economy of the monastery. The last paragraphs deal with the administration within the monastery and with its relations with laypeople and other religious institutions (here one might point out that the *History of the churches and monasteries of Egypt* is no longer associated with Abu Salih "the Armenian", as the author states on p. 32, but its authorship is now attributed to Abu al-Makarim, see Aziz Atiya, in *Coptic Encyclopaedia* I, 23).

One has the impression that this last part could have been much more elaborate, as the main interest of the *dossier* published by Clackson lies in the fact that it gives some very interesting insights into the economy and administrative mechanisms of an average Coptic monastery (see the article of Ewa Wipszycka in the present volume of the JJP, 00-00). Some additional attention to the problems of economic history on the part of the editor would have improved even more the (unquestionably high) quality of her book. For instance, Clackson devotes a long passage to the discussion of the term *aparche* and finally decides to render it as "tithe", a term used in mediaeval Europe for a heavy feudal Church tax (one tenth of agricultural produce). But according to Ewa Wipszycka (*loc.cit.*) here this term should be understood as "first fruits" – a modest voluntary offering of the faithful to the Church, collected personally by the monks. Henceforth the author's interpretation of the texts labelled by her as "tithe collection guarantees" (section A, pp. 47-57), "tithe collection contracts" (section B, pp. 58-65) and "other tithe collection texts" (section C, pp. 66-76) may not be quite accurate and anyone using them is advised to consult the above-cited article of Wipszycka. Here one might perhaps add that the two *Schenkungsurkunden* cited on p. 19 (*P. KRU* 89.24, 28 and *P. KRU* 100.38, 43) are not "connected with *aparche* which is presented to a monastery or church", as Clackson claims. Both of them refer to the sacrifice of Anna, the mother of the prophet Samuel, who offered her first-born son to God fulfilling a vow (*1 Kg* 1,11), just as the declaring parties in these documents intend to do with their children. If it has anything to do with the technical term *aparche* in *P. Mon. Apollo*, it only speaks in favour of its rendering as "first fruits".

The author's statement that "monasteries performed a public service by providing what appear to have been interest-free 'banking' facilities for laypeople, some of whom repay, their debts by supplying the monastery with commodities such as wheat and oil" (p. 26) implies that it was the monastery as an institution that lent money. But the papyri published in this volume do not support this view: in both "Texts involving monks as creditors" (section F, docs. 33-37) and "Texts involving monks as debtors" (section G, docs. 38-44) we find the monks going about their own business and disposing of their private property. Only in doc. 38 do we see the *dikaion* (on this term see again Wipszycka, *loc. cit.*) of the monastery of Apa Apollo lending money through its head, Apa Theodoros, but here the debtor is also a monk of this monastery. In view of these papyri, the monastery of Apa Apollo may indeed have been regarded by the local lay population as a ready source of credit, but this was because of the economic activities of its individual monks (some of whom were wealthy and willing to lend their surplus money) rather than of the monastery as an institution. Whether the loans were actually

interest-free is questionable: the documents never mention interest, but it could have been hidden in the sum to be repaid, the actual amount lent being smaller, as it actually had been practiced elsewhere.

Similar distinction between the property of the monastery and that of its monks must be made elsewhere: the title of §E "Texts relating to taxation of the monastery" (pp. 91-95) is misleading, as docs. 28-30 published under this heading are tax demands issued by the Arab authorities to individual monks and no. 31 is a notification of an arrest of a monk who failed to pay the *demosion* tax (in Greek). Here not the monastery is taxed, but the monks – and that makes a difference.

The paragraph dealing with the role of wine is perhaps a little too brief. Our understanding of this important field of the monastic economy was greatly enhanced by the study of S. Bacot, "La circulation du vin dans les monastères d'Égypte", in: P. Grimal & B. Menu (eds.), *Le commerce en Égypte ancienne*, Le Caire 1998, 269-288. Her analysis of the Wadi Sarga, Bawit and Saqqara texts relating to wine is recommended to anyone interested in this topic.

Part II – the edition of 66 papyri – constitutes the main body of the book. They are grouped in eleven thematic sections: e.g. texts relating to the collection of *aparche*, to the landholdings of the monastery, texts concerning taxation; this division corresponds roughly with the paragraphs of the "Finding from the texts" section, which is very convenient. Each text is introduced by a detailed description including not only its inventory number, size and (approximate) date, but also its preservation, palaeography, linguistic features, provenance and acquisition details. Its contents are then briefly described and similar documents, if existing, are pointed out. Then follows the usual trio of transcription, translation and commentary, the latter always very detailed. The layout of the editions is very thoughtfully, indeed exemplarily designed, which greatly facilitates reference.

Careful as the edition is, there is always place for several additions. Thus e.g. in doc. 16.5 the expression ΠΤΩΥ ΠΟΥΡΙΡΕ denotes the district (ΤΩΥ, Greek *nomos*) of Bousiris in the Delta (S. Timm, *Das christlich-koptische Ägypten in arabischer Zeit*, Wiesbaden 1984, I, 459-463). The editor, however, lists in the commentary three other place-names instead (in the Fayum and near el-Ashmunein), even though in the noteto the same line she rightly compares the village ΠΕΛΕΤΚΗΜΕ with ΠΕΛΧΗΜΙ – modern Balkim in the central Delta (Timm, *op. cit.* 305-306). This is obviously the same place. Does it mean that a Hermopolite monastery could be assigned collection of *aparche* as far away as the Delta? Not necessarily: the inclusion of this document in the *dossier* is not based on very solid grounds. Nothing indicates that the monastery of Apa Mena mentioned in l. 5 was located in the Hermopolite (should we perhaps understand the expression ΖΜ ΠΕΛΕΤΚΗΜΕ as indicating the location of this monastery?).

It seems unlikely to me that the word *limne* in doc. 25 ll.5; 6 and 8 should be understood and translated as "cistern". The context suggests that here it means a cultivable, even if temporarily submerged, piece of land of agricultural use (e.g. for pasturage), liable to taxation (D. Bonneau, *Le régime administratif de l'eau du Nil dans l'Égypte grecque, romaine et byzantine*, Leiden-New York-Köln 1993, 52).

Doc. 26.13 mentions not "2 solidi less 221/2 carats" but "2 solidi of 221/2 carats" – another example of the common phenomenon of undervalued solidi (K. MARESCHE, *Nomisma und nomismatia. Beiträge zur Geldgeschichte Ägyptens im 6. Jahrhundert n. Chr.*,

Opladen 1994, 14-19). The same goes for *P. Ryl. Copt.* 158.29 cited in the commentary to l. 13.

Doc. 48 is not a wine account, but a list of money payments, probably for tax purposes (A new edition of the text is being prepared by Nikolaos Gonis, it is to appear shortly in the *ZPE*).

Doc. 55 is a rather puzzling letter concerning two *maphortia*, the exact interpretation of this term being "elusive" according to the editor (p. 130). It is worth noting that the meaning of the word in question was recently analysed by Maria Mossakowska in an excellent study based on literary, papyrological and iconographic sources (M. Mossakowska, "ΜΑΦΟΡΙΟΝ dans l'habit monastique en Egypte" in J.-Cl. Goyon (ed.), *Aspects de l'artisanat du textile dans le monde mediterraneen (Egypte, Grece, monde romain)*, Paris 1996, 27-38).

The volume is lavishly provided with tools greatly facilitating its the use. There are 16 (*sic*) indices and 4 appendices (listing published Greek papyri concerning the monastery and dialectical variations in the texts), concordances of all the texts published, republished, corrected and discussed, glossary of technical terms, a list of abbreviations and an imposing bibliography. On pp. 37-44 there are also several tables giving a quick overview of the contents of the papyri.

The edition would be incomplete without its plates. Here we find pictures of all papyri except for nos. 6, 23, 40 and 61, the present whereabouts of which are unknown. The quality of the images is a little disappointing: many pictures are too small and there is no reason why they should not have been enlarged beyond their original size. Many of them could have done with some digital manipulation: more contrast or removing of the background, especially if it is dark (fortunately only 3 such cases).

All the criticism expressed above does not hinder the great value of Clackson's book. Just the opposite. In fact, *P. Mon Apollo* is perhaps the best monographic publication of a Coptic dossier since the magisterial work of P. E. Kahle, *Coptic Texts from Deir el-Bala'izah in Upper Egypt*, London 1954. For Coptologists it is a mine of information and a model on how documentary texts should be edited. And for historians, especially those interested in late antique/early mediaeval Egyptian monasticism, economy and law, it is a very user-friendly tool giving easy access to some very interesting documentary sources. The commentary provided by the editor will be a good starting point for any research.

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