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## À propos two recently (re)published demotic debt agreements : P. Haun. Inv. Demot. 2 and P. Hauswaldt 18

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Tomasz Markiewicz

**À PROPOS TWO RECENTLY  
(RE)PUBLISHED DEMOTIC DEBT AGREEMENTS:  
P. HAUN. INV. DEMOT. 2 AND P. HAUSWALDT 18\***

A. THE DATE OF P. HAUN. INV. DEMOT. 2

THE MOST RECENTLY PUBLISHED DEMOTIC acknowledgement of debt is P. Haun Inv. Demot. 2, from Gebelen.<sup>1</sup> The document does not contain anything out of the ordinary and its main interest lies in the appearance of the title *šmnt n s'nh* – “woman receiving an allowance” – which has been treated by the editor in an informative *excursus*. Nevertheless, the reading of the papyrus contents can be slightly improved.

The initial lines of the papyrus have been lost and with them the dating formula. However ll. 4–5 mention the 30th of Pachons in a year 35 (?)<sup>2</sup> as the date on which the debt has to be repaid. The editor allows for the possibility of the document being drawn in the reign of Ptolemy VI or

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\* The author is a holder of a scholarship of the Foundation for Polish Science.

<sup>1</sup> U. KAPLONY-HECKEL, “Das Getreide-Darlehn P. Haun. Inv. Demot. 2” in: K. RYHOLT (ed.), *Acts of the Seventh International Conference of Demotic Studies. Copenhagen, 23–27 August 1999*, Copenhagen 2002, pp. 229–248.

<sup>2</sup> The second numeral is unfortunately damaged, but the editor’s suggestion that it was a “5” seems very plausible.

Ptolemy VIII and argues in favour of the former, thus dating the document to 147/146 BC.<sup>3</sup> However – no doubt through an oversight – the editor left the full title of the notary unread having omitted l. 16. It reads:

x+15 *sb Dḥwtj-ir-dj-s sꜣ Nḥ t-Mn ntj sb (n) rn nꜣ wꜣb.w n H.t-Hr nb.t Nt*  
*r.wj nꜣ ntr.w sn.w nꜣ ntr.w*  
 x+16 *mnḥ.w ḥrm nꜣ ntr.w mr ḥt-w nꜣ ntr.w ntj pr.w ḥrm pꜣ ntr mr mw.t pꜣ*  
*ntr r-tm ḥt[ ]*  
 x+17 *nꜣ ntr.w mnḥ.w pꜣ 5 sꜣ.w*

(15) Wrote *Dḥwtj-ir-dj-s*, son of *Nḥ t-Mn*, who writes in the name of the priests of Hathor Lady of Pathyris (and) the Gods Adelphoi (and) the Gods (16) Euergetai and the Gods Philopatores (and) the Gods Epiphaneis and the God Philometor (and) the God Eupator (17) (and) the Gods Euergetai of 5 *phylai*.

These titles belong to the joint reign of Ptolemy VIII, Cleopatra II and Cleopatra III and are attested between 143/142 and 118 BC.<sup>4</sup> The date mentioned in P. Haun. Inv. Demot. 2 is the 22nd of June 135 BC and the document was drawn some time before it. It is worth noting that this makes the notary *Dḥwtj-ir-dj-s*, son of *Nḥ t-Mn*, attested for 41 years, as he first appears in P. BM 10518 dated to 176 BC.<sup>5</sup>

The two or three illegible words left untransliterated in l. 8 are no doubt *ḥwt šḥ (nb)* – “without a struggle”; they are actually rendered by the editor in the translation as “ohne jeden Widerspruch”.

#### B. P. HAUSWALDT 18

#### AND THE INTEREST RATE IN PTOLEMAIC EGYPT.

*P. Hauswaldt 18* (dated to years 10 and 11 of Ptolemy IV, or 212/11 BC) contains an acknowledgement of a money debt accompanied by a subsequent

<sup>3</sup> KAPLONY-HECKEL, “Das Getreide-Darlehn” (cit. n. 1), p. 231.

<sup>4</sup> See P. W. PESTMAN, *Chronologie égyptienne d'après les textes démotiques (332 av. J.-C. – 453 ap. J.-C.)*, Leiden 1967, p. 149.

<sup>5</sup> KAPLONY-HECKEL, “Das Getreide-Darlehn” (cit. n. 1), p. 231

forfeiture of land serving as pledge to the debt. The object of the debt was 10 *debens* of silver, which the debtor was originally supposed to repay after a period of one year, but failed to do so. The fragment stating the amount to be repaid (beginning of l. 3 of P. Hauswaldt 18a) is unfortunately damaged, but the end of l. 2 records the interest rate. As it had been properly read by Sethe<sup>6</sup> and Spiegelberg,<sup>7</sup> it goes:

(...) *ḫw-ḫw ms r-ḫr-j (tn?) kṯ 1/2 r kṯ 2 r kṯ 2 1/12*

(...) while they accrue against me at the rate of 1/2 (copper) *kite* for every (?) 2 (silver) *kite*, makes 2 1/12 (silver) *kite*.

If this be taken at face value, the interest rate amounted to 1/48, or 2 1/12 %, per year. This rate is, however, so small, that it had led Sethe to the assumption, this was not the actual interest on loan, but an additional *agio* of some sort. Wrongly believing that the usual interest rate in Ptolemaic Egypt was 50% for loans in money and in kind alike, he suggested the beginning of l. 3 be restored as follows:

[(n) p<sup>3</sup> bnr (n) p<sup>3</sup>j-ḫw ḫw mtw-ḫw ḫr ḫd 15 kṯ 2 1/12 d<sup>3</sup>d<sup>3</sup> ms.t]

... beyond their interest, so they make 15 *deben* 2 1/12 *kite* as capital and interest.

This proposal was accepted by Manning.<sup>8</sup>

I would like to suggest a different interpretation, namely that the rate mentioned in l. 2 refers to the interest calculated at a *monthly* basis. Demotic loans seldom mention monthly interest in their principal clause (one example can be found in P. Tebtunis 227, ll. 16–17, which is *nota bene* also a

<sup>6</sup> K. SETHE & J. PARTSCH, *Demotischen Urkunden zum ägyptischen Bürgschaftsrechte*, Leipzig 1920, pp. 259–60.

<sup>7</sup> W. SPIEGELBERG, *Die demotischen Papyri Hauswaldt*, Leipzig 1913, p. 57.

<sup>8</sup> J. MANNING, *The Hauswaldt Papyri. A Third Century B.C. Family Dossier from Edfu*, Sommerhausen 1997, p. 141 (transcription), p. 144 (translation).

loan with “mortgage”<sup>9</sup>), but this is not so uncommon in the penalty clause of some of them, e.g. P. BM 10113, ll. 3–5, P. Louvre 9293, ll. 4–6, P. Berlin 3110, ll. 5–7, possibly also P. Loeb 48 + 49 A (= P. Hou 12), ll. 3–5.<sup>10</sup> The first column of P. Moscow 113 gives a summary of the transaction, including interest calculated at  $1/4$  kite per month (*hr'ibd*).<sup>11</sup>

On the contrary, Greek loan agreements show that the interest was regularly calculated per month and the rate was 2 drachmas per 100 = 2%.<sup>12</sup> What it would amount to annually has been a matter of a minor controversy, as it depends on the number of months in the year. If Egyptian calendar of 12 months was used, the annual interest rate amounted to 24%, if the Macedonian one of 12–13 months – to 25%.<sup>13</sup> Since the Macedonian calendar was equated with the Egyptian one under Ptolemy V at the end of the 3rd century BC,<sup>14</sup> the question poses no problems for the 2nd and 1st century BC, but remains open for the almost the whole of the 3rd century BC.<sup>15</sup>

The scribe and parties of the demotic P. Hauswaldt 18 obviously used the Egyptian calendar of 12 months. Since they did not set the interest rate at 2% but at the somewhat awkward  $2\ 1/12\%$ , they must have aimed at an

<sup>9</sup> R. PARKER, “An Abstract of a Loan in Demotic from the Fayum”, *RdÉ* 24 (1972), pp. 129–136, pl. 13.

<sup>10</sup> The punitive interest in these papyri is stated to be “per month”, dem. *hr'ibd*.

<sup>11</sup> V. STRUVE, “Three Demotic Papyri of the Pushkin Museum of Fine Arts in Moscow” in: *Papers presented by the Soviet Delegation at the XXIII International Congress of Orientalists*, 51–61.

<sup>12</sup> In pre-Ptolemaic times the interest on money loans was no subject to state regulations and could have been quite high (e.g. P. Berlin 3048 verso B – 100% per annum). Note also the Elephantine Aramaic loans TAD B 3.1 (= P. Eleph. Eng. B 34) and TAD B 4.2 (= P. Eleph. Eng. B 48) that explicitly set the interest rate at 5% per month. It was only some time between 250 and 245 BC that Ptolemy II issued a *diagramma* reducing the maximum interest rate to 2% per month, see P. W. PESTMAN, “Loans bearing no interest?”, *JJP* 16 (1971), pp. 7–8.

<sup>13</sup> The five epagomenal days were ignored, PESTMAN, *loc. cit.*

<sup>14</sup> PESTMAN, *Chronologie* (cit. n. 4), p. 8.

<sup>15</sup> The rate of 25% was accepted by H. E. FINCKH, *Das Zinsrecht der gräko-ägyptischen Papyri* (Diss.), Erlangen 1962, p. 20; J. HERMANN, “Zinssätze und Zinsgeschäfte im Recht der gräko-ägyptischen Papyri”, *JJP* 14 (1962), p. 24; H.-A. RUPPRECHT, *Untersuchungen zum Darlehen im Recht der gräko-ägyptischen Papyri der Ptolemäerzeit*, München 1967, p. 74–77. The year of 12 months and the rate of 24% is opted for by H. KÜHNERT, *Zum Kreditgeschäft in den hellenistischen Papyri Ägyptens bis Diokletian*, (Diss.), Freiburg 1965, p. 39ff.

yearly interest of 25% ( $12 \times 2 \frac{1}{12} = 25$ ). If my proposal to read *hribd* or *hribd nb* in the *lacuna* of l. 3 of P. Hauswaldt 18a be accepted, we could surmise that the yearly interest rate in Ptolemaic Egypt was 25% right to the end of the reign of Ptolemy IV and the subsequent reduction to 24% was a side effect of his successor's reform of calendar.

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NEL CATALOGO NR. 63 (NUOVA SERIE) del maggio 2005 della libreria Creste Gozzini di Firenze (uno dei più noti antiquari giuridici d'Italia) si trova al nr. 1348 la seguente scheda: «Taubenschlag R. Das Strafrecht im Rechte der Papyri, 1916, in -8, mezza tela ed. angoli. Conservata la copertina anteriore. Incollata, sul retro della copertina anteriore, una lettera dell'Autore da Cracovia, che chiede ai colleghi italiani di essere informato su quanto pubblicato in materia di diritto romano, dopo la guerra 1915-18. Inviò autografo dell'A». Come è noto si tratta di un libro importante, ristampato nel 1972,<sup>1</sup> un testo reputato « tuttora fondamentale »<sup>2</sup> per lo studio del diritto penale nei papiri di età greco-ellenistica, romana e bizantina.

La sua stesura fu approntata da Taubenschlag<sup>3</sup> tra l'anteguerra e i tempi drammatici del primo conflitto mondiale, in cui l'attività dello studioso

<sup>1</sup> In «reprographischer Nachdruck» per i tipi delle edizioni Schöner di Aalen.

<sup>2</sup> Così H.-A. RUPPRECHT, *Introduzione alla Papirologia* a c. di L. MICHARDI ZINGALE, Torino 1999, p. 151. Popera di TAUBENSCHLAG vi apre la bibliografia della papirologia (con trattazione criminale):

<sup>3</sup> Sul personaggio si v. in primo luogo l'ampio profilo bibliografico che si deve alla penna dell'allievo Henryk KURSIŹWOSKI, «Rafał Taubenschlag – storico del diritto (6 maggio 1881 – 25 giugno 1958)», *BIBLIOTHECA* 33 (1981 [1982]), p. 103 ss., ora in *Scritti nuovi*, Napoli 2000, p. 405 ss.