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Two Byzantine Papyri from the Michigan Collection

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TWO BYZANTINE PAPYRI
FROM THE MICHIGAN COLLECTION

1. Fragment of a Petition

P. Mich. Inv. 4379

19.7 x 17.3 cm.

Sixth century

Purchased in the Fayûm in 1925, this papyrus contains the top part of a petition addressed by one Philoxenus possibly (far from certainly) to the governor of the province of Arcadia; see line 3 note. Surviving are (in part) the address (lines 1-4); a short proem (lines 5-8), virtually complete; and the beginning of the narrative of events leading up to the petition (lines 8-13). On palaeographic grounds I should be inclined to assign this piece to the sixth century. The address is written in a large, grand, upright hand, which decreases in thickness by the beginning and apparently in size during the course of line 3. Line 4, from $\pi(\alpha\rho\acute{\alpha})\nu$, is written still smaller and with greater slant, evidently by a different hand.¹⁾

The text shows some signs of elegance and has a generally attractive appearance. On the other hand, the writing at the ends of lines 4 and 5 becomes squeezed and cramped, and the text is further marred by a number of corrections and mistakes; see app. crit., *passim*, and commentary note on line 3. Judgements as to the numbers of letters missing at the ends of lines 1-3 and 11-12 are exceedingly difficult owing to at least three factors, all of which have already been alluded to. The first hand is larger than the second hand; line 3 is written narrower than lines 1-2; the second hand, in lines 4 and 5, evidences a tendency toward cramping and squeezing at line ends. Figures in the transcript, estimating numbers of missing letters, are therefore to be regarded with more than usual caution.

1) Compare P. Gen. Inv. 210 (R. Seider, *Paläographie der griechischen Papyri* I, Stuttgart 1967, pl. 55); P. Cairo Masp. II 67126 (W. Schubart, *Griechische Paläographie*, Munich 1925, pl. 59 on p. 93); and P. Lond. I 113.4 (A. Bataille, *Les papyrus*, *Traité d'études byzantines* II Paris 1955, pl. XI; E.M. Thompson, *An Introduction to Greek and Latin Palaeography*, Oxford 1912, pl. 39 on p. 179).

The text is written with the fibers. The reverse side of the papyrus is blank.

↔

φ Φλαουίω 'Ιωάννη [± 15]
 Στρατηγίω 'Ιουλιανῶ [± 15]
 κόμετι τοῦ θείου κ. [.] [.] []
 4 ἐπαρχίας (2nd hand) π(αρά) φιλοξένου ἀρτοκόπου ἀπὸ τῆς 'Αρσι[νο]-
 τῶν.]
 πάντων ἀπολαύτων τῆς καθαρᾶς δικαιοπραγίας
 τῆς ὑμετέρας ἐξουσίας, παρακαλῶ καὶ γὰρ
 μετὰ πάντων τοῦ δικαίου τυχεῖν, τοῦ ἐμοῦ π[ρά-]
 8 γματος ἐν τούτοις ὄντος· πρὸ δεκατεσσάρ[ων]
 ἐτῶν ἡγαγόμεν τὴν ἐμὴν σύμβιον 'Ηραῖν καὶ οὐκ
 ἐ[π]αυσαμένην ἐργαζόμενο[ς τὴν το]ῦ ἀρτ[οκόπου]
 [τέχνην] καὶ τὸ ἐξ αὐτῆς [± 19]
 12 [.....]ς ἐξέβαλε [± 22]
].[

1 Ἰωάννη pap. 5 read ἀπολαυόντων | δικαιοπραγίας, κ corr. from a 6 ὑμε-
 τερας pap.

2 Στρατηγίω: one is reminded of course of the Strategii of the Apion household of Oxyrhynchus, as high government officials in addition to being great landowners (cf. E.R. Hardy, *The Large Estates of Byzantine Egypt*, New York 1931, chap. II). In the present case Strategius is but one of several names held by the official addressed, and it is impossible to tell whether this is his genuine personal name or merely a decorative addition. For the practice of applying strings of names to important officials in the Byzantine period, cf. *BASP* 10, 1973, 43-44; for the difficulties this gives rise to in determining the officials' true names: Gelzer, *APF* 5, 1913, 359-60, n. 5.

In the lacuna after 'Ιουλιανῶ, probably supply the definite article and a suitable honorific adjective, τῶ μεγαλοπρεπεστάτῳ or τῶ λαμπροτάτῳ (cf. P. Ross.-Georg. III 37.3-4; *ZPE* 29, 1978, 197-98). These, but especially the former, seem a bit long for the available space. On the other hand, the letters may have become smaller toward the end of the line.

3: The kappa after θείου suggests a reading of κωνιστωρίου (for papyrus ref-

erences, S. Daris, *Il lessico latino nel greco d'Egitto*, Papyrologica Castroctaviana 3, Barcelona 1971, p. 65). But even if that was what the scribe meant to write (a strong possibility), it cannot satisfactorily be read. The letter after kappa, possibly an omicron, has been corrected, possibly to omega. The correction runs into the next letter, a nu written just like the nus clearly represented in line 1. The fourth letter, however, is epsilon; this is guaranteed by the oblique stroke, part of the letter running above the line, which cannot be a descending stroke from line 2. This perhaps more than anything rules out reading κωνσιστωρίου.

The present line, together with the word ἐπαρχίας at the beginning of line 4, suggest the petition's addressee may have been a provincial governor. If that is the case, then something like ἄρχοντι τῆς Ἀρκάδων is expected in the latter part of line 3. *Praesides* were often counts of one sort or another (e.g. P. Cairo Masp. III 67321.1 and note). P. Oxy. XVI 1877.4, in Latin, perhaps points to the sense of what was supposed to be contained in lines 2-4 of the Michigan papyrus: *vir spectabilis comes sacri consistorii et praeses provinciae Arcadiae* (anomalies corrected, abbreviations here resolved). In the present case, Arcadia is the likeliest province to consider because of the papyrus's provenance and the petitioner's *origo* (see line 4). For Arcadia's government at this time: Keenan, *Museum Philologum Londiniense* 2, 1977, 193-202.

4 Ἀρσι[νοιτῶν]: there seems not to be in the lacuna enough room to include πόλεως (cf. D. Hagedorn, *ZPE* 12, 1973, 291), but a reading like Ἀρσι(νοιτῶν) [πόλεως] might be also considered.

5-8: For the practice of beginning a petition with a short proem stressing the addressee's renowned benevolence, sense of justice or the like, and the stock terms employed, see P. Oxy. VI 904; XXVII 2479, with introduction and notes; P. Cairo Masp. III 67279, with notes; and the excursus in P. Berl. Frisk., pp. 81-91, cf. *ZPE* 29, 1978, p. 197.

6 κἀγώ: for the *crasis* (not indicated by the scribe), see F.T. Gignac, *A Grammar of the Greek Papyri of the Roman and Byzantine Periods* I, p. 321.

10-11 τὴν το]ῦ ἀρτ[οκόπου | τέχνην]: restoration suggested by analogy with P. Lond. V 1708.89, though alternative possibilities exist, e.g. εἰς τῆ]ν ἀρτ[οκοπικὴν | τέχνην] or (less likely) ἐπὶ τ]ῷ ἀρτ[οποιῆσαι.

11: If αὐτῆς refers to Philoxenus's τέχνη, then supply in the lacuna a word

for the profit or wages he earned from its practice, e.g. κέρδος (P. Cairo Masp. II 67158.19).

12 ἐξέβαλε: did Philoxenus lose his job, or did his wife cast him out?

TRANSLATION

(Lines 1-11): To Flavius John . . . Strategus Julianus . . . Count of the Sacred Consistory (?) and . . . province, from Philoxenus, baker, from the city of Arsinoites.

Inasmuch as all men profit from the pure righteousness of your power, I too seek, with all men, to attain what is just, my case being in the following circumstances:

Fourteen years ago I married my wife Herais and did not stop working at the baker's trade, and the (wages?) from it . . .

2. 'Sale on Delivery' (plate X)

P. Mich. Inv. 3769 fr.a: 9.2 x 8.5 cm. A.D. 557
fr.b: 9.0 x 18.5 cm.

The document is of the type recently discussed by Roger S. Bagnall in *GRBS* 18, 1977, 85-96. Aurelius Aphouas, an oil manufacturer, having received a satisfactory price, will during a specified future month deliver to the buyer twelve artabs of soap (or ointment -- see line 19 note) made from kiki oil. Close parallels to the formulas (essentially those of a contract of loan) of the present text may be found in P. Lugd.-Bat. XIII 15 and P. Amh. II 150, both of which are drafted as subjective *homologiai*. For a recently published example of this kind of contract, with bibliography, see R. Hübner, *ZPE* 30, 1978, 205-207.

In the Michigan papyrus, a pattern common to contracts of the Byzantine period is evidenced: that is, the party thought to be in better economic straits (here the buyer-creditor) is from the nome metropolis; the other party (the seller-debtor) is from the countryside. In leases and loans, the lessors and creditors tend to be *polis*-dwellers; the lessees (notably, of land) and the debtors frequently come from nearby villages and hamlets. Examples are

too numerous to list; in an incomplete survey I have noted well over a hundred.

The papyrus consists of two fragments, an upper and a lower, which, although they can be placed in close proximity to one another, do not physically join. Probably one line, if not more, is lost between the fragments (see line 12 note). The contract is written with the fibers; the reverse side is blank.

↔

- 1 [Ϝ βασιλείας τοῦ θειοτάτου καὶ εὐσεβεστάτου]
 [ἡμῶ]ν δεσπ[ό]τ[ου] Φλ(αουίου)] 'Ιουστ[ι]νιανου]ῦ
 τοῦ αἰωνίου ἀγού[σ]του καὶ αὐτοκράτ(ορος)
 4 ἔτους λ̄, τοῖς τὸ τ̄ε μετὰ τὴν
 ὑπατίαν Φλαουίου Βασιλείου
 τοῦ [λ]αμπροτ(άτου), Μεχεῖρ β̄ Ἰνδ(ικτίονος) ε̄.
 Αὐρήλιος Ἀφουᾶς υἱὸς Ἀνψοῦς
 8 μητρὸς Ἀννίδος, ἐλαιουργὸς
 τὴν τέχνην, ἀπὸ κτήματος
 Μεγάλης Παρορίου τοῦ
 [᾽Οξ]υρυγίτου ν[ο]μ[ο]ῦ τῶ
 12 []
 [± 8 υἱῶ] τοῦ φιλοξένου
 [ἀπὸ τῆς λαμπ]ρᾶς ᾽Οξυρυγχιτῶν
 [πόλεως, χ]αζ[ρε]ιν.] ὁμολογῶ
 16 [ἐσχηκ]ῆναι παρὰ τῆς σῆς
 [λαμπ]ρότητος τὴν ἐντεῦ-
 [θεν συ]ναρέσασάν μοι τιμὴν
 [ἐργασί]ας σμήματος ἀπὸ κικίνο`υ`
 20 [ἀρτ]αβῶν δώδεκα, γί(νονται) σμήμα(τος)
 ἀπὸ κικ(ίνου) ἄρ(ταβαι) ιβ̄. τὸ δὲ αὐτὸ σμῆμα
 [.....]ρ[...].ον ἐπιτήδιον κ αἰ
 [.....]ν μέτρῳ τοῦ {σ} σκυτέω`ς`
 24 [ἐπάναγ]χεῖς ἀποδώσω σοι ἐν τ`ῶ`
 [..... μ]ηνὶ τοῦ ἐνεστώτος
 [ἔτους σ`λ]`γ` σ`β` τῆς παρούσης
 [πέμπτ]της Ἰνδ(ικτί)ο(νος) ἐκ νέων καρ-
 28 [πῶν τῆς] σὺν θεῶ ἕκτης

[ἐπινεμή]σεως ἀνυπερ(θέτως)

[]π[.]υ

(After a vertical space of ca. 2 cm., traces of the very ends of
5 lines of the subscription written in a different hand.)

5 ὑπατιαν pap. 7 ἕλος pap. 14 Ὁξυρυχιτῶν, ὦν corr.? 25 ἐνεστῶτος

1-2: Restoration *exempli gratia*, but not without some degree of confidence in its substantial accuracy, cf. e.g. P. Oxy. XVI 1970.

4-6: Of the four indications of year-date in the text (regnal, post-consular and indiction years, and years of the Oxyrhynchite era [but see below, line 26 and note]), all but the post-consular year set this document as having been drawn up in A.D. 557. The post-consular number is one short, and I have assumed the scribe, by oversight, failed to bring it up to date. For similar problems, cf. P. Lond. V 1686.4 and 1692.3 and notes ad locc. See further Roger S. Bagnall and K.A. Worp, *The Chronological Systems of Byzantine Egypt*, Zutphen 1973, 50-54.

6: Mecheir 2 = January 27.

7 Ἀνψοῦς: suggests a nominative of Ἀνψῆς, not to be found in *Namenbuch* or in Foraboschi's *Onomasticon*; the reading is clear.

9-10: For the κτήμα (elsewhere called an ἐποίκιον: P. Oxy. X 1327, XIX 2244), see P. Oxy. XVI 1913.65-66; cf. P. Oxy. 1913.33; 2024.12; 2032.15, 78.

12: The need for additional room for identification of the second party to the contract, leads to the assumption that at least one line is missing between the upper and lower fragment (see introduction). The definite article at the end of line 11 suggests that line 12 began with an honorific adjective and thereby rules out restoring the expected Flavius or Aurelius.

14-15 [ἀπὸ τῆς λαμπ]ρᾶς Ὁξυρυχιτῶν | [πόλεως: cf. D. Hagedorn, *ZPE* 12, 1973, 277-92, esp. 290-91.

18: Byzantine documents of this kind typically omit indicating the price paid while at the same time insisting on its agreeableness; cf. Bagnall, *GRBS* 18, 1977, 93.

19 [ἐργασί]ας: restored *ad sensum*. - σμήματος ἀπὸ κικίνοῦ: sc. ἐλαίου. For the various spellings of σμήμα, see Gignac, *Grammar*, p. 122(c); for its meanings -- ("ointment", "salve", or "soap"), P. Herm. 38.3 note. Because the product is

here measured by the artab, a dry measure, the last meaning is perhaps to be preferred in this instance. The process of manufacturing kiki oil, and the Egyptian variations thereon together with the medicinal properties of the oil, are discussed by Dioscourides, *De mat. med.* I.32; cf. Galen (ed. Kühn), XI 870.

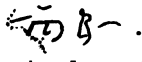
21 σμῆμα: the final letter is almost written as if the word were abbreviated: -μῆ (cf. 20 -μῆ); but, in the context, this seems unlikely.

22: One might have expected ἀπὸ κικίνου at the beginning of this line (cf. lines 19 and 20-21), but this seems ruled out by the presence of the top circular part of what must have been a rho or possibly a beta. After ἐπιτήδιον there is a kappa; then a blank space with room for (perhaps) one letter; then a letter or cluster of letters that stand in correction. Their reading is highly doubtful and their significance correspondingly uncertain.

23: Before μέτρῳ possibly, but not necessarily, ἐ]ν. Otherwise, this is the termination of yet another adjective in agreement with σμῆμα. For the extra sigma before σκυτέω`ς', cf. Gignac, *Grammar*, 159-60.

24 [ἐπάναγ]μας: e.g. P. Lugd.-Bat. XIII 15.12. The verb ἀποδώσω, *inter alia*, is indicative of the close reliance of this type of contract on the formularies for loans; Bagnall, *GRBS* 18, 1977, 86-87, n. 5.

25: For reasons of space and chronology Payni is a likely candidate for the name of the missing month. Also possible are Pachon and Epeiph. Mesore is the final possibility.

26 σ'λ]γ' σ'β': Printed here are the expected years of the Oxyrhynchite era (for which see Bagnall and Worp, *Chronological Systems*, Chapt. VI), but the reading is not without difficulties: . Beta is certain and, by a slightly curved horizontal stroke, characterized as a figure. Also the horizontal and vertical strokes of what might have been a gamma seem to be discernible. Between gamma and beta, sigma may be read on the assumption that it terminates in a large lunate stroke (to indicate its status as a cipher?). Above the sigma appears a small horizontal stroke; in front of the sigma, slightly above the line but in a lower position than the following stroke, another almost horizontal stroke (right edge slightly up) is visible. The latter stroke does not suit lambda, but both horizontal strokes may be marks of the preceding ciphers λ and γ.

29 [ἐπινεμή]σεως: for use of the epinemesis for the fixing of future due

dates in Oxyrhynchite documents, and for the term's apparent reference, in this type of context, to the calculation of crops and taxes from the date of the publication of the tentative tax schedules on May 1st (*praedelegatio*; *Cod. Theod.* 11.5.3), see Bagnall and Worp, *Chronological Systems*, 26-27 and 5 n. 21.

30: Mention of a guarantee or of right of execution (πρᾶξις) may have begun here.

TRANSLATION

In the 30th year of the reign of our most divine and most august ruler, Flavius Justinianus, the eternal Augustus and emperor, the 15th year after the consulship of the most brilliant Flavius Basilius, Mecheir the 2nd, in the 5th indiction.

Aurelius Aphouas, son of Anpses, his mother being Annis, oil manufacturer by trade, from the Great Desert Border estate of the Oxyrhynchite nome, to . . . son of Philoxenus, from the brilliant city of Oxyrhynchites, greetings.

I agree that I have received from your Brilliancy the price here found satisfactory by me for the manufacture of twelve artabs of soap from kiki oil (= 12 art. of soap from kiki oil). The same soap . . . suitable . . . I shall perforce pay over to you in the cobbler's measure in the month of . . . of the present fifth indiction from new fruits of the (*Deo volente*) sixth epinemesis without delay . . .

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