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Two Byzantine Papyri from the Michigan Collection

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Recommended Citation
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 π(αβδ)ον, 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.

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

1 Οιάννη pap. 5 read Διπλασιότοντων | Δικαιοπραγίας, & corr. from α 6 Υμετέρας pap.

2 Στρατηγής: one is reminded of course of the Strategi 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 'Ιουλιανός, probably supply the definite article and a suitable honorific adjective, τοῦ μεγαλοπρεποῦτα or τοῦ λαμπροτάτου (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 χωνοσταρίου (for papyrus ref-
ferences, S. Daris, *Il lessico latino nel greco d'Egitto*, Papyrologica Castorctaviana 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 χωνοστωφίον.

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 ἐπροχωντι τῆς 'Αρχάδων is expected in the latter part of line 3. *Præsides* 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 'Ἀρχι[νοτῶν]; there seems not to be in the lacuna enough room to include πόλεως (cf. D. Hagedorn, *ZPE* 12, 1973, 291), but a reading like 'Ἀρχι(νοτῶν) [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.


11: If ψάρχει 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 ἄρα: did Philoxenus lose his job, or did his wife cast him out?

TRANSLATION


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 [βασιλείας τοῦ θειοτάτου καὶ ἑυσεβεστάτου]  
(toῦ θειοτάτου καὶ ἑυσεβεστάτου)  
(toῦ αἰώνιου αὐχοῦ[τοῦ καὶ αὐτοκράτορος])  
4 ἔτους ἕν, τοῖς τὸ ἑτεράκοντα τῆς ὑπατίας φλασκονίου βασιλέως  
(toῦ [λ]αμπροτάτου)  
16 μεγάλης Παρασκευῆς τοῦ  
[‘Οξ]ουσιαστῶν [ο]υ[ο]ῦ τῆς  
12 [± 8 υ[λ]ὶ] τοῦ φυλοβέρου  
[ἀπὸ τῆς λαμπροτάτης ὑπατίας ψηφιδωτῶν  
[πόλεως, χ]αρακτηρῶν]  
[ἐξαγορά]ζουσιν παρὰ τῆς σῆς  
[λαμπροτάτης τῆς ἐνετικῆς  
[θεοῦ οὐ]ς ναρδίσσαν μου τιμήν  
[τηκτητικῇ]  
20 [ἀρτα]βάνοι δώδεκα, γί[νονται] σιμήματος  
[ἀπὸ κυκλονοῦ] ἐκ[ταβαί] μ. τὸ δὲ αὐτὸ σιμήμα  
[.........]ον ἐπιτήδευσαν καὶ ζ.  
[.........]ν μέτρῳ τοῦ (σ) σκυτέως  
24 [ἐπάνω]χρος ἀποδόσα σοι ἐν τ' ἔστιν  
[.........]  
[.........]ν ἐν τοῦ ἐνεστητός  
[ἔτους σ'λ'] γ' σ'β' τῆς παροδιάς  
[πέμπτης] τῆς ἐνετικόνος ἐν νέον καρ-  
28 [πῶν τῆς] σον θεῷ ἔκτης
(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 υπατιαν pap. 7 ύλος pap. 14 Ἑξοῳγχιτῶν, 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

6: Mecheir 2 = January 27.

7 Ἀνψωῆς: 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 ἔποικον: 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.

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 κικίνο\'v': sc. ἔλαιον. 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 ομημα: the final letter is almost written as if the word were abbreviated: -μι (cf. 20 - ρμι); but, in the context, this seems unlikely.

22: One might have expected ἀντο κιλίνου 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 ἐπιτηδειον 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 μέταρρ possibly, but not necessarily, ἰν. Otherwise, this is the termination of yet another adjective in agreement with ομημα. For the extra sigma before σωτιωκρ', cf. Gignac, Grammar, 159-60.

24 [ἐπάναγχες]αις: e.g. P. Lugd.-Bat. XIII 15.12. The verb ἀντοδόκω, 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 ο'λ'γ' ο'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: ο'λ' β'. 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 [ἐπινυμηθ]σωκτ: 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 pub-
lication 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 (πρόκυκλος) 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 Basili-
us, 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 cob-
bler'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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Kauf mit Vorauszahlung (P. Mich. inv. 3769); zu J. G. Keenan S. 142 ff.