

8. Subscriptions to a lease contract

This papyrus contains the subscriptions to a contract involving land cultivation and the payment of *pactum*. The term *pactum* refers to the “rent to be paid by tenants for their leasehold property”.¹ The monastery rented out land to tenants, e.g. monks, and the rent paid by the tenants might have been used to pay the taxes on the land.² Monks might even have been “entitled to act as private lessors, letting out their small plots without direct participation of the actual land owner, the *dikaion*” and, therefore, the tax liability remained with the lessors, besides the rent they were obliged to pay to the monastery for their leasehold property.³ Such a leasehold construction might be attested in this document. Akene, Apa Fane, and an unknown person, seem to agree with Pieou, the person who is drawing up the document, to cultivate a piece of land as well as paying *pactum* (and a double amount if they leave the land uncultivated, l. 5). Apanog, a monk of the monastery of Apa Apollo, acts as a witness.

Several contracts related to the payment of *pactum* are known from the monastery of Apa Apollo (cf. *P.Mon.Apollo* I, p. 17-23). The tithe collection contracts are typically written by monks in a masjucule hand rather than the cursive hand of a professional scribe. It is possible that Pieou, the writer of this document, was also a monk at the monastery of Apa Apollo. The order of the subscriptions to this contract is remarkable. The end of the main body of the contract (l. 1) is followed by the witness subscriptions (l. 2-3) and the agreement by the parties is added afterwards (ll. 3-4). It seems that Pieou, after he finished the contract with his name and the date (l. 4), realised that he had forgotten something and decided to add an extra line as security clause below the statements by the agreeing parties (l. 5).

P.PalauRib. Inv. 443

6.2 × 32.3 cm

Monastery of Apa Apollo (Bawit)

Fig. 12

7th-8th century

A light brown papyrus with some darker stains. The bottom (3 cm) and left (2 cm) margins are preserved. At the right side there is hardly any margin and the text runs until the end of the sheet, as is visible from the continuation in ll. 2-3 and the added word above the line at the end of l. 5. The text is written on the recto across the fibres (*transversa charta*). The verso is empty. A horizontal strap of papyrus is missing from the verso, causing some damage in the last three lines. There is a vertical break line through the middle of the sheet. The fibres on both sides of the break do not exactly fit together, but based on the width of the text and the possible reading of l. 4, it is unlikely that there was a lot more space between the fragments.

The text is written with clear black ink in bilinear angular majuscules. The letters differ slightly in size and shape, also those that are close together (cf. the κ in l. 3 or the λ in l. 5). The subscriptions are probably in the same hand as the body of the contract, but this can hardly be confirmed with certainty based on the remains of l. 1 (cf. the slightly different shape of the *shai* in l. 1 and 5). The spelling of ογ instead of γ after η or ε (ll. 4 and 5) and ϣ instead of β (l. 3) are common in Middle Egypt (cf. *P.Bal.*, pp. 88-89 and 93-94 resp.).

¹ Richter, “The Cultivation” 211; Papaconstantinou, “Notes sur les actes de donation d’enfant” 104; *P.Mon.Apollo* I, p. 19-20.

² Gascou, “Les grands domaines” 14-16.

³ Richter, “The Cultivation” 211-212.

↓

[ca. 22] Ν[ΑΤΖΑΠ ΝΑΤΝΟΜΟΣ ΝΑΤΛΑΔΥ ΝΑΜΦ]ΗΒ[Ο]ΛΙΑ ΝΩΔΧΕ
† [Δ]Ν[ΟΚ ΔΠ]ΔΝΟΣ [ΠΜΟ]ΝΟΧΟΣ ΝΑΠΑ ΔΠΟΛ[ΛΩ †Ο ΜΝ]ΤΡΕ † ΔΝΟΚ ΠΙΣΙΑΚΕ
ΝΚΑΡΙC †Ο ΜΝΤ-
ΡΕ † ΔΝΟΚ ΔΚΕΝ[Η ΜΝ] ΠΑΠΑ ΦΑΝΕ ΜΝ Π . [ca. 4 Τ]ΕΝ[C]ΤΗΧΕ Ε†ΧΩΜΕ †
† ΔΝΟΚ ΠΗΟΥ [ΔΙ]CΖΑΙ ΝΤΑΒΙΧ ΝCΟΥΔ [Μ]ΜΕ[C]ΟΡΗ ΔΥΩ †CΤΗΧΕ †
5 ΔΥΩ ΝΩΔΑΝΚΑ[ΔΥ] ΕΟΥΚΗΒΟΛ ΕΝΕΚΕΒ ΠΕΟΥΠΑΚΤΟΝ ΝΑΤΛΑΔΥ ΝΑΜΦΗΒΟΛΙΑ \ΝΩΔΧΕ/

1 νόμος ἀμφιβολία 2 μοναχός 3 παπᾶς φανε στοιχεῖν 4 στοιχεῖν 5 ἰ. κη εβολ πάκτον ἀμφιβολία

“(1) [... without judgement without law without any] words of objection. (2) I, Apanog monk of Apa Apollo, I bear witness. I, Isiake son of Karis, I bear witness. (3) I, Akene [and] Papa Bane and [NN] we agree with the document. (4) I, Pieou, I wrote with my hand on day one of Mesore and I agree. (5) And if we leave them lying fallow, we will double the *pactum* without any words of objection.”

1 Ν[ΑΤΖΑΠ ΝΑΤΝΟΜΟΣ ΝΑΤΛΑΔΥ ΝΑΜΦ]ΗΒ[Ο]ΛΙΑ ΝΩΔΧΕ Variants of this formulaic phrase are often used in legal contracts, especially documents concerning the repayment of debt, cf. Förster, *WB* 41-43. The phrase ΝΑΤΖΑΠ ΝΑΤΝΟΜΟΣ ΝΑΤΛΑΔΥ ΝΑΜΦΗΒΟΛΙΑ “without judgement without law and without any objection” is sometimes also added to tithe collection contracts from the Hermopolite, e.g. partly supplemented in *P.Mon.Apollo I* 2, 13-14 and 15, 8; see references to the formula in *P.Mon.Apollo I* 33, n. to l. 4. The phrase ΝΑΤΛΑΔΥ ΝΑΜΦΗΒΟΛΙΑ in combination with ΝΩΔΧΕ is found as the conclusion of the body of the loan agreements, e.g. *O.Crum VC* 25, 14 and *P.KRU* 64, 16-17, both from the Theban area; with the only difference that ΝΩΔΧΕ is written between ΝΑΤΛΑΔΥ and ΝΑΜΦΗΒΟΛΙΑ in those texts, while in this text it is added to the end of the phrase (see ll. 1 and 5).

2 ΔΠ]ΔΝΟΣ [ΠΜΟ]ΝΟΧΟΣ ΝΑΠΑ ΔΠΟΛ[ΛΩ The personal name Apanog or Apa Nog is attested several times in texts from the Hermopolite, cf. *P.Bawit Clackson* 49, n. to l. 2-3.

ΠΙΣΙΑΚΕ The name Isiak or Isiakos is a Greek derivation of the name of the Egyptian god Isis. The name is attested only a few times, e.g. in two Greek papyri from the second century CE, but not in Coptic, cf. www.trismegistos.org/name/30772 and *NB Copt*, pp. 42-43.

ΚΑΡΙC The name of the father of Isiake is not attested in Coptic either, but Kāric is attested several times in Greek, cf. www.trismegistos.org/name/16975, e.g. as a patronymic in a list of payments in *P.Mich. XV* 732, R 9; V 49 (Herakleopolite, 5th cent.; BL VIII 219). A stroke is added above the last two letters, perhaps because the iota and sigma together form a well-known *nomen sacrum*.

3 ΔΚΕΝ[Η This is a rare name, cf. *NB Copt*, p. 8; Till, *Prosopographie* 15.

ΠΑΠΑ ΦΑΝΕ The name is not attested in this spelling, but the φ could have been interchanged for β, a typical feature in texts from the Hermopolite, cf. *P.Bal.*, p. 93-94. The name βΑΝΕ is typically prevalent in the Hermopolite nome, cf. Gascou, “Un nouveau calendrier” 389.

ΜΝ The construction of two persons following the first person singular pronoun ΔΝΟΚ with a verb in plural is also found among the witness statements of *P.Mon.Apollo I* 36, 5-6: ΔΝΟΚ CΕΡΗΝΕ ΠΩΕΝ ΒΙΚΤΩΡ ΜΝ ΠΑΚΩΒ | ΠΩΕΝ ΚΕΩΡΚΕ ΤΕΝΟ ΜΕΤΡΕ.

Ε†ΧΩΜΕ Feminine article † instead of the expected masculine ΠΕ. Perhaps the † could be read as ι, reading ε<π>ι for εΠει, but the vertical hasta extends above and below the line and it seems as though

a horizontal stroke continues at the right side. Although the word $\chi\omega\omega\mu\epsilon$ could mean “written document”, it is unusual in the sense of legal documents, cf. Crum, *Dict.* 770-771.

4 $\pi\eta\theta\upsilon\gamma$ Several spelling variants are attested for the Egyptian name Pieus, e.g. $\pi\epsilon\zeta\eta\gamma$ - $\pi\iota\zeta\eta\gamma$ - $\pi\eta\theta\upsilon\gamma$, see www.trismegistos.org/name/11606. The spelling of η with $\theta\upsilon$ instead of γ is found in the Hermopolite, see *P.Bal.* I, p. 88-89, cf. also $\epsilon\theta\upsilon$ in l. 5. The name is attested in this spelling in e.g. *P.Mon.Apollo I* 36 (= *P.Mich.Copt.* 20), where Pieou son of Papre acts as surety to a contract of repayment to a monk of the monastery of Apa Apollo. Another candidate is Pieou son of Taurine from Terot in the Hermopolite who writes the letter in *P.Köln X* 427 to the holy father (of the monastery?) in his own hand. However, the hand of this letter appears less regular than the one in our contract and some letters differ slightly in shape (see e.g. π , γ , λ and η). Similar small differences in letter shapes are present in *P.Mich.Copt.* 21, an acknowledgement of debt by Pieou to Apa John and Apollo, although the general appearance is more similar to our document.

$\eta\sigma\theta\upsilon\lambda$ [μ] $\mu\epsilon$ [c] $\theta\eta$ Introducing the date on which the document was written, cf. *P.Mon.Apollo I* 5.x+14: $\lambda\iota\sigma\zeta$ $\lambda\iota$ $\zeta\eta$ $\tau\alpha\delta\iota\chi$ $\eta\sigma\theta\upsilon\chi$ [$\theta\upsilon\tau$] “I wrote with my hand on day twenty”. The day is followed by a number and a the name of the month, the same as in *P.Mon.Apollo I* 13, 6: $\omega\lambda$ $\sigma\theta\upsilon$. $\mu\epsilon\sigma\omega\rho$ () which was written on day one (λ) or thirty (λ) of Mesorè. A full dating including the *indiction* might already have been provided in the body of the document.

5 $\eta\psi\alpha\eta\kappa\lambda$ [$\lambda\alpha$] $\epsilon\theta\upsilon\kappa\eta\beta\omega\lambda$ Cf. $\lambda\eta\kappa\lambda\lambda\gamma$ $\epsilon\gamma\kappa\eta\beta\omega\lambda$ in *P.Mich.Copt.* 10, 3, a letter to an official in which the writer complains about someone who took the harvest and left the fields uncultivated, while he himself is liable to pay the taxes (*demosion*) on them. For the spelling $\epsilon\theta\upsilon$ for $\epsilon\gamma$, see *P.Bal.* I, p. 88-89, and cf. $\pi\eta\theta\upsilon\gamma$ in l. 4 and $\pi\epsilon\theta\upsilon\pi\alpha\kappa\tau\omega\eta$ in l. 5.

$\pi\epsilon\theta\upsilon\pi\alpha\kappa\tau\omega\eta$ The Greek noun $\pi\alpha\kappa\tau\omega\eta$ is often attested with the possessive article and generally refers to a the rent on leasehold property in Coptic documents, e.g. in lease contracts and receipts, cf. *P.YaleCopt* 29, 6: $\epsilon\tau\beta\epsilon\chi\epsilon$ $\lambda\kappa\eta\eta\theta\upsilon\gamma$ $\mu\mu\omega\iota$ $\eta\pi\epsilon\theta\upsilon\pi\alpha\kappa\tau\omega\eta$; P.KRU 59, 11; see Förster, *WB* 601, and *P.Mon.Apollo I*, pp. 17-18.

$\eta\psi\alpha\eta\kappa\lambda$ $\eta\mu\phi\eta\beta\omega\lambda\iota\alpha$ $\eta\psi\alpha\chi\epsilon$ See n. to l. 1.

Joanne Vera Stolk
joanne.stolk@ugent.be
j.v.stolk@ifikk.uio.no