

A LAND LEASE FROM OXYRHYNCHUS AT WASHINGTON UNIVERSITY IN ST. LOUIS

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Abstract. — Edition of a papyrus fragment of a land lease, dating to the fifth/sixth century CE. The object of the lease is probably the half share of an irrigated farm. The papyrus adds new evidence to the small corpus of Byzantine land leases from the Oxyrhynchite nome.

Keywords: land lease, *mechane*, irrigated farm, rent roll

P.Wash.Univ. inv. 108¹ was purchased or excavated by W.M.F. Petrie during his second mission at al-Bahnasa, ancient Oxyrhynchus, in 1922. The papyrus, obtained during the same season along with other pieces, was then acquired by Washington University in St. Louis after paying a subscription to the British School of Archeology.²

The papyrus preserves seven lines of text written along the fibers. The *verso* is blank. A *kollesis* runs at about 3 cm from the left edge. The fragment is broken on all sides and is marred by numerous holes, including a large one in its upper right corner. The surface of the first three lines has been rubbed in places, resulting in a loss of ink.

The text is written in a fluent professional hand, a common one for legal documents, which can be compared to the script of documents dated between the fifth and the beginning of the sixth century CE, such as *P.Oxy.* 68.4688 (442?), 70.4780 (457), 49.3512 (492) and 67.4615 (505).³

¹ This papyrus has been studied in the framework of the American Society of Papyrologists' Summer Institute in Papyrology held at Washington University in St. Louis (July/August 2018). I would like to thank Todd Hickey, Roger Bagnall, Peter van Minnen, and the anonymous reader for their feedback and suggestions. In addition, I am grateful to Catherine Keane, Chair of the Department of Classics at Washington University, and Joel Minor from the Department of Special Collections, Washington University Library, for hosting the SIP and supporting my stay in St. Louis. The last stages of research have been conducted as part of the project "Notae: not a written word but graphic symbols" that has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (Grant agreement No. 786572) (PI Antonella Ghignoli).

² For the acquisition history see T.M. Hickey, "Papyri from the Summer Institute in Papyrology at Washington University in St. Louis: Introduction," *BASP* 57 (2020) 297–301.

³ The images of these papyri can be viewed on the website <http://www.papyrology.ox.ac.uk/POxy/>.

The fragment bears the remains of a land lease from the Oxyrhynchite nome. The origin can be inferred from the provenance of the papyrus and is corroborated by the formulary, such as the phrase in l. 5 which is found exclusively in documents from this region.⁴ The papyrus has special interest as a new addition to the corpus of Byzantine land leases from the Oxyrhynchite nome, which has yielded a relatively small number of these documents in comparison with other districts such as the Arsinoite or Hermopolite nomes.⁵

The beginning of the document, containing information such as a date and the identities of lessor and lessee, is not preserved. Nevertheless, the abstract honorific λογιότης in l. 1 indicates that the landowner is likely to have been an *ekdikos* or *scholastikos*.

The object of the lease was in all likelihood the half share of a μηχανή, an artificially irrigated unit of cultivation.⁶ Although the term μηχανή is not preserved on the papyrus, it can be supplied after the expression ἥμισυ μέρος in l. 2.⁷ The turn of phrase in ll. 3–5 is commonly found in leases of μηχαναί to elaborate characteristics of a plot, such as its plants and a cultivable area.⁸ More tellingly, the participle τῶν συνγεωργουμένων in l. 4 is found exclusively in leases of μηχαναί, where it refers to the *arourai* of land associated with the irrigated plot. The phrasing of l. 3, however, is peculiar in that it does not reproduce the typical construction found in Oxyrhynchite land leases but conforms rather to the formulary employed in land leases from other locales, such as Aphrodite, Antinoopolis, and Hermopolis.⁹

⁴ See note to l. 5.

⁵ Cf. I.F. Fikhman, “Oxyrhynchus und Hermupolis in byzantinischer Zeit (eine vergleichende Betrachtung der Pachtverträge),” in id., *Wirtschaft und Gesellschaft im spätantiken Ägypten. Kleine Schriften*, ed. A. Jördens (Stuttgart 2006) 145–151; see A. Jördens, “Die Agrarverhältnisse im spätantiken Ägypten,” *Laverna* 10 (1999) 126–131 with 127, n. 40 for a list of Oxyrhynchite land leases; see also the list published by R. Mazza, *L'archivio degli Apioni: terra, lavoro e proprietà senatoria nell'Egitto tardoantico* (Bari 2001) 189–191, with the additions by N. Gonis, introduction to *P.Oxy.* 82.5324. To these add *P.Oxy.* 83.5367 (537?), 5370 (mid sixth century), 5374 (552/553), 5380 (578), 5383 (583), and the present text.

⁶ For the meaning of μηχανή as an artificially irrigated plot of land see N. Gonis, “A Late Byzantine Land Lease from Oxyrhynchus: P.Oxy. XVI 1968 Revised,” *Tyche* 15 (2000) 93 and T.M. Hickey and J. Keenan, “P. Lond. V 1876 descr.: Which Landowner?” *Cd'Ég* 79 (2004) 242 with n. 8.

⁷ See the commentary below.

⁸ Cf. *PSI* 1.77.16–20 (551), *P.Berl.Zill.* 7.12–18 (574), *P.Oxy.* 83.5383.18–20 (583) and *SB* 26.16722.2–3 (late sixth century).

⁹ See the commentary below.

A point of interest is that the contract apparently did not indicate a precise amount for the rent, which was to be paid according to the landowner's rent roll (ἀ]παιτησίμω, l. 6) by the private, "receiving" measure in use on the estate (παραλ]ημπτικῶ μέτρω, l. 7). The existence of rent rolls could provide an explanation for the scarcity of land leases from the Oxyrhynchite nome: it has been argued that rent rolls could have replaced the written leases¹⁰ or that they could have been complementary to them,¹¹ with a lease being drawn up when the situation warranted (e.g., when the land acquired a new owner) and the rent roll used thereafter.¹² Moreover, rent rolls were linked to large estates, which seem to have dominated the rural landscape of the Oxyrhynchite nome, diminishing the need for traditional legal instruments governing tenancy.¹³

P.Wash.Univ. inv. 108 H × W = 8.6 × 10.8 cm Oxyrhynchite nome, V/early VI

 1 τῆ] σ]ῆ] λογιότητι ἐν πεδ]ι . [
 2]μένου] ἥμισυ μέρος [.]λ[
 3]ιοις κ[α]ὶ] φοίνιξ[ι] καὶ π[
 4 τ]ῶ]ν συγγεωργουμένων[ν
 5 εἰς σπορὰ]ν ὧ]ν ἐὰν αἰρῶμαι γενη]μάτων
 6] ἀπαιτησίμω. τὸν δὲ φόρο]ν . . [
 7 παραλ]ημπτικῶ μέτρω τῶ] δέοντ[ι καιρῶ

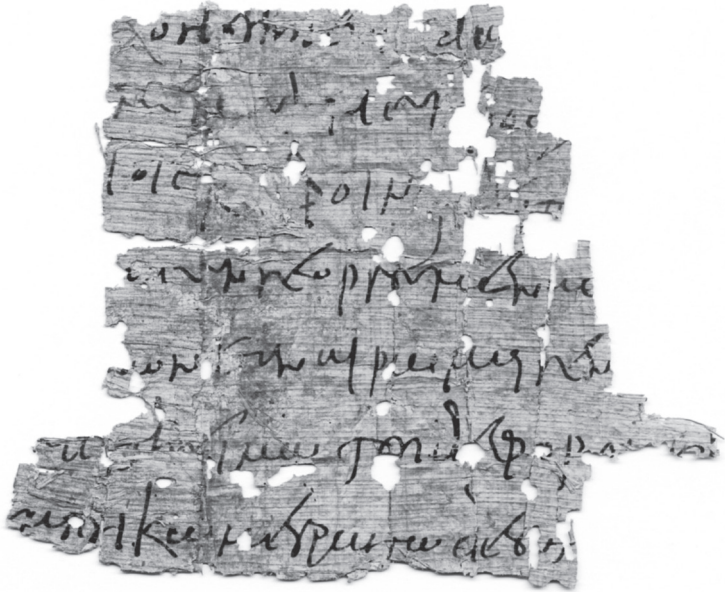
4 l. συγγεωργουμένων

¹⁰ See J. Rowlandson, "Crop Rotation and Rent Payment in Oxyrhynchite Land Leases: Social and Economic Interpretations," in A. Bülow-Jacobsen (ed.), *Proceedings of the 20th International Congress of Papyrologists* (Copenhagen 1994) 499 and Jördens (n. 5) 138–139.

¹¹ See Mazza (n. 5) 110 and R. Mazza, "Gli affitti fondiari dell'Ossirinichite nell'età tardoantica," in B. Palme (ed.), *Akten des 23. Internationalen Papyrologenkongresses* (Wien 2007) 441.

¹² In addition, Mazza (n. 11) 440 recalls the role played probably by *relocatio tacita* (implicit renewal of the lease). See also T.M. Hickey, *Wine, Wealth, and the State in Late Antique Egypt* (Ann Arbor 2012) 20.

¹³ The arguments provided for the scarcity of Oxyrhynchite land leases in light of the rural social relations of the region are well synthesized and discussed by Gonis (n. 6) 94–96.



“... (belonging) to Your Eloquence in the plain(s) ... the half part of ... and with date palms and ... (with the *arourai*) farmed with it ... for the sowing of whatever crops I choose ... (according to) the rent roll. The rent ... by the receiving measure at the proper time ...”

1 This line belongs to the opening section of the contract, in which the lessee expresses his willingness to lease a parcel of land from the addressee. The honorific abstract τῆ σ]ῆ λογιότητι was probably preceded by ἀπὸ τῶν ὑπαρχόντων: see *P.Flor.* 3.325.7 (489) ἀπὸ τῶν ὑπαρχόντων τῆ ὑμῶν λαμπρότητι, “from the property of Your Splendour” and *P.Oxy.* 82.5331.7 (474) ἀπὸ τῶν ὑπαρχόντων τῷ σῶ μεγέθει, “from the property of Your Magnificence.” This formula is then followed by the geographical location of the lease object: see *P.Mich.* 11.611.7–9 (412) ἀπὸ τῶν ὑπαρχόντων ἡμῖν (*l. ὑμῖν*) ἐν πεδίοις κώμης Πλελῶ ἐδάφους Παιεανοῦ καλουμένου, “from your property situated in the plains of the village Plelo, in the field called Paeianos.”

– τῆ σ]ῆ λογιότητι: the honorific abstract, with its corresponding adjective λογιώτατος, “most eloquent, most learned,” is a common attribute for *ekdikoi* and *scholastikoi*.¹⁴

¹⁴ Cf. H. Zilliaccus, *Untersuchungen zu den abstrakten Anredeformen und Höflichkeitstiteln im Griechischen* (Helsinki 1949) 89 and O. Hornickel, *Ehren- und Rangprädikate in den Papyrusurkunden* (Giessen 1930) 27–28.

– ἐν πεδι . [: the semicircle after πεδι could be the first bowl of an *omega* for ἐν πεδιῶ or it could be an *omicron* open on top (cf. the first *omicron* of λογιότητι l. 1) for ἐν πεδιό[ις]. Both expressions are well attested, although ἐν πεδιό[ις] is favored among Oxyrhynchite land leases.

2]μένου: this ending could belong to the participle καλου]μένου, which would refer to a specific field among the lessor's property, as in *P.Mich.* 11.611.7–9 quoted above and *P.Oxy.* 82.5337.9–10 (493).

– ἥμισυ μέρος [.]λ[: the bowl of the *mu* of ἥμισυ seems to connect directly to the following *iota* without its common ligature sign, but the right part of *mu* could as well be lost, abraded between the first vertical stroke of the letter and the *iota*; the vertical line descending from the bowl of *upsilon* belongs to the *mu* of μέρος and it is followed by traces of the top of *epsilon* and of the loop of *rho*. The diagonal trace visible at the end of the line is likely to be the left stroke of a *lambda*.

A possible reconstruction can be ἥμισυ μέρος [ὄ]λ[όκληρον μηχανῆς, “a whole half share of an artificially irrigated farm,” or alternatively, ἥμισυ μέρος [ὄ]λ[οκλήρου μηχανῆς, “a half share of a whole artificially irrigated farm.” Cf. *P.Oxy.* 82.5332.12 (480) ὄλοκληρον ἥμισυ μέρος μηχανῆς, “a whole half share of an artificially irrigated farm,” *P.Cair. Masp.* 1.67110.21–22 (565) τρίτον μέρος ὄλοκληρον τοῦ ὄλοκλήρου κεραμοπλαστικ[ο]ῦ κεραμείου, “a third whole share of a whole pottery workshop,” and *PSI* 3.188.8 (540) μέρος ὄλοκλήρου κτήματος ἐπιῦδρου, “a (?) share of a whole irrigated plot of land.”

3 Maybe σὺν φυτοῖς παντοῖοις κ[αὶ] φοίνιξι[ι] καὶ π[αντὶ] δικαίῳ or π[ᾶσι] δικαίοις, “with all sorts of plants and with date-palms and with all the rights.” Cf. *P.Hamb.* 1.23.19–20 (569, Antinoopolis) σὺν φυτοῖς παντοῖοις ἐγκάρποις τε καὶ ἀκάρποις καὶ φοίνιξι κ[αὶ] δικαίοις πᾶσι, “with all sorts of plants, both bearing fruit and not bearing fruit, and with date-palms and with all the rights.”

This section specifies components of the irrigated farm that are included in the lease. The Washington papyrus departs from the common formula used in the Oxyrhynchite nome, in which these elements are expressed through μετά + genitive. See for instance *PSI* 1.77.16–20 (551) or *P.Berl. Zill.* 7.12–18 (574). It employs instead a construction with the dative, presumably governed by σὺν, and, additionally, it mentions date-palms, which have hitherto not appeared in the Oxyrhynchite enumerations. Both these features are attested in land leases from other places: cf. *P.Hamb.* 1.23.19–20 (quoted above), *P.Lond.* 5.1694.9–10 (516/517 or 531/532, Aphrodite),

P.Michael. 43.6 (526, Aphrodite), *P.Cair.Masp.* 2.67170.20–21 (562, 563 or 564, Panopolite nome) and *P.Hamb.* 3.222.13–14 (sixth/seventh century, Hermopolis).

4 τ[̃]γ συνγεωργουμένω[ν: at first glance it seems as if the scribe wrote συνγεωργ- with *omicron* instead of *omega*. The first loop of the *omega*, however, could be merged with the horizontal stroke of the preceding *epsilon*: for other cases where the horizontal stroke of *epsilon* merges with the following letter: see δὲ φόρογ in l. 6 and μέτρον in l. 7. This participle is commonly employed in Oxyrhynchite leases of μηχαναί and refers to the arouras of land associated with the irrigated farm and leased out with it: see *P.Flor.* 3.325.12 (489), *PSI* 1.77.20 (551), *P.Berl.Zill.* 7.17 (574), and *P.Oxy.* 83.5380.15 (578). The genitive was perhaps governed by μετά, which is the common construction of the Oxyrhynchite formula: apparently a change of construction occurred between ll. 3 and 4.

5 εἰς σπορά]γ ὧν ἐὰν αἰρῶμαι γεγ[ημάτων: this sequence is found exclusively in Oxyrhynchite land leases: see Gonis (n. 6) 99–100.

6 ἀπαιτησίμω: on the ἀπαιτήσιμα, the landowner's rent rolls or lists of exactions, see Gonis, Mazza and T.M. Hickey and J.G. Keenan.¹⁵ We expect here an expression such as ἀκολούθως ἀπαιτησίμω indicating that the rent should be paid (expressed with the verb τελέω) according to the landowner's rent roll: see *P.Oxy.* 55.3803.13 (411), *P.Oxy.* 82.5331.12 (474) and *SB* 26.16722.6 (late sixth century).

– τὸν δὲ φόρογ . . . [: φόρογ could be constructed here with the verb ἀποδίδωμι, or, alternatively, παρέχω: cf. *P.Oxy.* 55.3803.15–16 (411) ἐπά]ναγκες ἀποδώσω τὸν φόρο]ν τῷ δέοντι καιρῷ ἀγνυπ[ερθ]έτως, “I shall necessarily pay the rent at the proper term without delay”¹⁶ and *P.Oxy.* 83.5370.2–3 (mid-sixth century) ἐπάναγκες δὲ ἡμᾶς παρασχεῖν τὸν φόρο]ν [ἐνι]αυσίως ἐν τ[ῷ] δέοντι καιρῷ ἀνυπερθέτως, “and we shall perforce deliver the rent annually at the proper time without delay.”¹⁷ Cf. also earlier parallels for τὸν δὲ φόρον ἀποδώσω, for instance *P.Princ.* 3.151.12 (after 341). None of these verbs, however, can be supplied in the traces following φόρογ, belonging to two or three letters: the upper tip or a vertical, the curved top of a letter compatible with *epsilon*

¹⁵ Gonis (n. 6) 94–95 and 98, n. 6, Mazza (n. 5) 110 and T.M. Hickey and J.G. Keenan, *The Property of a Lady (P.Christodote)* (Firenze 2020) 38–39.

¹⁶ Translation from the edition.

¹⁷ Translation from the edition.

or *sigma* (cf. ἀπαίτησίμω in the same line), and a tall vertical. A tentative supplement could be ἐ[ν]ι[α]υσίως, “annually”: cf. *PSI* 1.77.30 (551) παρασχεῖν τὸν φόρον ἐνιαυσίως, “to deliver the rent annually” and *P.Oxy.* 82.5370.3 and 8 (quoted above), which would however leave the small tip of a vertical stroke preceding *epsilon* unexplained.

7 The rent should be paid by the μέτρον παραλημπτικόν, “the receiving measure”: a parallel is provided by the Oxyrhynchite land lease *P.Mich.* 11.611.18–19 (412) ἐπάναγκες δ’ ἐμὲ παρασχεῖν τὸν φόρον μέτρῳ πα[ραλ]ημπτικῷ τῷ δέοντι καιρῷ, “I will necessarily deliver the rent by the paralemptric measure at the fitting time without delay.”¹⁸

¹⁸ Translation from the edition. On the μέτρον παραλημπτικόν, probably a private, unofficial standard for the measure of grain, see N. Reggiani, “Tax Collection and Grain Measures in Roman Egypt: An Account Involving *paralēmpantai* and a Receipt Issued by the *sitologoi* of Berenikis Aigialou, with Some Notes on Measure Standards (*paralēmptikon, epaiton*),” *APF* 63 (2017) 59–88 and Hickey and Keenan (n. 15) 41, commentary to l. 13.