

P.OXY. II 373 DESCR.: LOAN OF MONEY SECURED ON LAND

This article offers a full edition of a papyrus published in *The Oxyrhynchus Papyri*, vol. II, p. 312, in 1899, in the form of the following description:

‘CCCLXXIII. Loan of 1120 drachmae from Selene to Apollonia with her guardian Themistocles Καισάρειος ὁ καὶ [. . . . In the event of Apollonia failing to repay, Selene was to take possession of 10 arurae of catoecic land belonging to Apollonia near Sinaroi in the lower toparchy, the neighbouring landmarks being βορρᾶ γῆς, ἀπηλιώτου πλευρισμός. Cf. clxxiii. 21, note. Dated in the second year of Imp. Titus Caes. [Vesp. Aug.] (A.D. 79/80). Imperfect. 32 lines. 13 × 10.5 cm.’

This description condemns several interesting features to silence. It does not say that the loan is part of a composite roll: still attached at the left, opposite ll. 16–27, are the ends of nine lines of a document written in a different hand; whether it was an official or private assemblage, we cannot tell. We are not told that Apollonia is an ἀκτή, a citizen of Alexandria. Being the debtor, Apollonia is also referred to as a ‘Persian of the descent’, the first woman of this status to receive this fictitious appellation.

The type of the legal instrument used is of some interest. It is a ‘*menein*-contract’, a distinct minority among Oxyrhynchite loans on security of the late first and second centuries; see J.-L. Alonso in *Symposion 2015* (2016) 139–46. μένειν (here at 13) was the key word in the forfeiture clause: if the debtor failed to repay, the collateral for the loan would ‘remain’ with the creditor. This is the earliest such document to be published. The others are P.Oxy.Hels. 31 (86), P.Coll. Youtie I 50 = P.NYU II 29 (early 2nd c.), P.Oxy. III 506 = M.Chr. 248 (143), P.Oslo II 40A–B (150), P.Oxy. XXXIV 2722 (154); cf. also P.Oxy. III 485 = M.Chr. 246 (178) and PSI XIII 1328 (201).

This loan is also among the earliest in a phase that began around 69 and saw large loans taken against security, presumably an outcome of the establishment of the βιβλιοθήκη ἐγκτήσεων; see F. Lerouxel, *Le marché du crédit dans le monde romain (Égypte et Campanie)* (2016) 112–20, 341f. The number of women who appear in loans as creditors or debtors also increases after 69 (Lerouxel 122–5; cf. id., *CCRH* 37 (2006) 121–36). Loans secured on land are not uncommon; for those from Oxyrhynchus, see J. Rowlandson, *Landowners and Tenants in Roman Egypt* (1996) 198–201, 322f.

Only the top left-hand part of the document is extant, but about three quarters of the text lost to the right may be restored from parallels. It is written along the fibres and the back is blank.¹

Bodl. MS. Gr. Class. f 70 (P)

10.5 (w) × 13 (h) cm

79/80

[ἔτους δε]υτέρου Αὐτοκράτορος Τίτου Καίσαρ[ος Οὐεσπασιανοῦ Σεβαστοῦ]
 λ ἐν Ὀξυρύγγων πόλει τῆς Θηβα[ίδος.]
 ἐδάνισεν [Cε]λήνη Ἥρωνος τοῦ Ἥρωνος μητρ[ρὸς c. 13 τῶν ἀπ’ Ὀ-]
 ξυρύγγων πόλεως μετὰ κυρίου τοῦ ἑαυτῆ[ς c. 22]
 5 τοῦ Ψάμμιδος μητρὸς Διδύμης τῆς [c. 5 τῶν ἀπὸ τῆς αὐτῆς πόλεως]
 Ἀπολλω[νί]α Δημητρίου ἀκτῆ Περσεΐνης [τῆ]ς ἐπ[ι]γονῆς μετὰ κυρίου 6–7]
 κλέους [τοῦ] Θεμιστοκλέους Καισαρείου τοῦ καὶ Ζ[η]νείου ἐν ἀγνιᾷ ἀργυρίου]
 Σεβαστοῦ νομίματα δραχμὰς χιλίας ἑκατὸ[ν εἴκοσι κεφαλαίου, αἶς οὐδὲν τῶ]
 καθόλου προσήκται· ἀποδότω δὲ ἡ δεδανισμ[ένη τῆ] Σελήνη τὰς τοῦ ἀργυρί-

¹ The photograph is reproduced courtesy of the Bodleian Library, University of Oxford (Creative Commons licence CC-BY-NC 4.0). It was made for the International Photographic Archive in 1978/1979; see R. Coles, *ZPE* 39 (1982) 132.

10	ου δραχμὰς χιλίας ἑκατὸν εἴκοσι τῆ τριακ[άδι τοῦ 5–7 μηνὸς τοῦ 6–8] ἔτους Αὐτοκράτορος Τίτου Καίσαρος Οὐεσπασι[ανοῦ χωρὶς πάσης ὑ-] περθέσεως. ἐὰν δὲ μὴ ἀποδῶ καθὰ γέγραπ[ται, συγχωρεῖ ἡ δεδανεισμέ-] νη μένειν περὶ τὴν Σελήνην καὶ τοὺς παρ' αὐ[τῆς μεταληψομένους ἀντὶ] τοῦ προκειμένου κεφαλαίου ἀπὸ τοῦ ὠρικμέ[νου τῆς ἀποδόσεως χρόνου τὴν]		
15	κράτησιν καὶ κυρείαν εἰς τὸν αἰεὶ χρόνον κα[τοικικῆς καὶ ὠνημένης εἰς κατοικί-] αν γῆς κιοφόρου σπορίμο[υ] ἐξ ὠ[ρ]θογωνείου ἀρ[ουρῶν δέκα ἀπὸ τῶν ὑπαρχουσῶν] αὐτῆ περὶ Σιναροὶ τῆς κ[άτω τοπ]αρχίας ἐκ το[ῦ 7–10 ἀρουρῶν 4–7] κοντα ἐπτὰ ἀφ' ἧς ἐὰν αἰ[ρῆται α]ὐτῶν ἡ Σελή[νη c. 25] ται σχοινισμοῦς· γείτο[νε]ς τῶν ἀρου[ρῶν νότου c. 20]		
20	βορρᾶ γῆς, ἀπηλιώτου πλευρισμός, λιβὸς θε[c. 20] καὶ ἐξίναί τ[ῆ] Σελήνη ἀπὸ τῆςδε τῆς συγ[γραφῆς μετεπιγράφεται] διὰ τῶν καταλοχισμῶν τὰς δέκα ἀρούρας, μ[ὴ] προδεδηθείη τῆς τῆς δεδανεισ-] μένης παρουσίας μηδὲ συνεπιγραφῆς κα[ὶ] ἀποφέρεσθαι τὰ ἐξ αὐτῶν περι-] εσόμενα [κα]ὶ χρᾶσθαι καὶ οἰκονομεῖν περ[ὶ] αὐτῶν καθ' ὃν ἐὰν αἰρήται τρό-] 25 πον, ἐφ' ἃς καὶ μηδεμίαν τῆ δεδανεισμέ[νη] ἢ τοῖς παρ' αὐτῆς μεταληψομένοις] καταλείπεσθαι ἔφοδον ἀλλὰ καὶ ἐπάναγκ[ον τὴν δεδανεισμένην παρέξεσθαι] τῆ Σελήνη καὶ τοῖς παρ' αὐτῆς διὰ πα[ντὸς μὲν βεβαίας, καθαρὰς δὲ καὶ] ἀπὸ δημοσίω[ν] [καὶ τῶν ἄλλων τελεσμάτων πάντων τῶν ἔμπροσθεν] χρόνων μέ[χρι c. 50]		
30	ἀπὸ δὲ τοῦ ἡ[ἴ]ων c. 50] αὐτῶν οὔτε [c. 50] κατ' οὐδένα [τρόπον c. 45] ὡς δεδήλωτ[αι c. 50] . . α. [c. 55]		

3 l. ἐδάνεισεν 6 l. Περσίνη 9 l. δεδανεισμένη 15 l. κυρίαν 16 l. ὀρθογωνίου 17 l. Σιναροῦ
21 l. ἐξεῖναι, συγγραφῆς

‘Year second of Emperor Titus Caesar Vespasianus Augustus, (*month*) 30(?), in the city of Oxyrhynchi of the Thebaid. Selene daughter of Heron granddaughter of Heron, mother ..., of those of the city of Oxyrhynchi, with her guardian her own ..., ... grandson of Psammis, mother Didyme, has loaned to Apollonia daughter of Demetrios, a citizen, Persian of the descent, with her guardian ... —kles son of Themistokles, of the Caesarian tribe and the Zeneian deme, in the street, one thousand one hundred twenty silver drachmas of imperial coinage as principal, to which nothing has been added at all. The debtor should repay the one thousand one hundred twenty silver drachmas to Selene on the thirtieth of the month of ... of the ... year of Emperor Titus Caesar Vespasianus, without any delay. If she does not repay as stated, the debtor agrees that there shall remain to Selene and her successors, instead of the afore-stated principal, from the set time of the repayment, the possession and control for ever, of ten aruras by rectangular measurement of wheat-bearing sowable katoikic land and of land bought into conversion to katoikic land, from the —ty-seven aruras that belong to her near Sinary in the Lower Toparchy, from the (allotment) of ..., from whatever ... Selene chooses ... measurements. The boundaries of the aruras are: on the south ..., on the north a boundary, on the east an embankment, on the west ... And (the debtor agrees) that Selene shall from the date of this contract be permitted to change the registration of the ten aruras through the office of the enrolments without requiring the

debtor's presence or consent to the transfer, and to receive the proceeds and to use and dispose of them in whatever way she chooses, upon which (aruras) the debtor and her successors shall have no right to make a claim, but the debtor shall necessarily deliver to Selene and her successors fully guaranteed and free from public imposts and all the other dues, from previous years up to ..., and from now ... of them, neither ... in no way ... as has been stated ...'

6 ἀστῆ. See D. Delia, *Alexandrian Citizenship During the Roman Principate* (1991) 13–21 (16 n. 44 on Alexandrian guardians of ἀσταιί), 127–31 (a prosopography of ἀσταιί). Rowlandson, *Landowners and Tenants* 321, knew of only one other Alexandrian who was debtor in a loan secured on landed property.

Περσείνη [τῆ]ς ἐπιγρονῆς. There are several 'Persians' in the documents from Alexandria published in BGU IV, but none of them bears an Alexandrian demotic. A special case is BGU IV 1058 = C.Pap.Gr. I 4 (13 BC), in which the wife of an Alexandrian demesman is a 'Persian'; cf. J. G. Tait, *APF* 7 (1924) 177.

7 κλέους [τοῦ] Θεμιστοκλέους. [Θεμιστο] would fit in the lacuna at the end of the previous line, but so would e.g. [Ἀριστο].

Καισαρείου τοῦ καὶ Ζ[ηνείου]. The same combination of tribal name (Delia 67) and demotic (Delia 60) is found in P.Oxy. XXII 2349.26 (70). Ζ[ηνείου] suits the traces and the space available; it is not possible to read Ἀ[λθαιέως].

8–9 αἶς οὐδὲν τῶ] καθόλου προσῆκται. On this clause, see T. Gagos, L. Koenen, B. E. McNellen in J. H. Johnson (ed.), *Life in a Multi-Cultural Society* (1992) 190; and F. Lerouxel, *ZPE* 181 (2012) 165–8.

9–10 ἀποδότω . . . τῆ τριακ[άδι. Cf. P.Oxy. XLIX 3485.10–11 (38), (P.Oxy. II 318 =) SB X 10249.7–9 (58), (P.Oxy. II 320 =) SB XIV 11491.12–13 (59).

14 ἀπὸ τοῦ ὠρικμέ[νου τῆς ἀποδόσεως χρόνου. Cf. SB XVIII 13167.13 (mid 2nd c.) τῆς ἀποδόσεως ὠρικμένου χρόνου. P.Oxy. III 506.22 (143), another *menein*-contract, has ἀπὸ τοῦ τῆς ἀποδόσεως χρόνου.

15–16 κα[τοικικῆς καὶ ὠνημένης εἰς κατοικί]αν. See P.Oxy. LII 3690.7 and n.; Rowlandson, *Landowners and Tenants* 46–7, 51; A. Benaissa, *ZPE* 170 (2009) 168 (24–[5] n.).

16 κιοφόρου πορίμο[υ] ἐξ ὠ[ρ]θογωνείου. This description, 'presumably indicating a certain level of quality and convenience' (Rowlandson 185), is typical of Oxyrhynchite sales of katoikic land; see P.Dubl. 3.12–13 n.

ἀρ[ουρῶν] δέκα. Restored from τὰς δέκα ἀρούρας in l. 22. The real value of 10 aruras was higher than the 1,120 drachmas borrowed, as often in loans on security, driven by financial need; contrast the prices of land with the data on loans secured on land in Rowlandson 320 and 322f. (Tables 11 and 14).

17 Σιναιοί = TM Geo 2899. The same spelling, -οι instead of -υ, is found in P.Oxy. X 1339.1 (late 3rd c.). Alexandrian landowners in Sinary are fairly well attested; Apollonia is the earliest among them.

ἐκ το[ῦ]. The name of a κλήρος followed. There are four κλήροι attested in the area of Sinary, two of which could fit in the lacuna (Ξένωνος, Ῥοδίππου) if κλήρου was not written, but this could be a new one.

18 -κοντα. In theory this could be the ending of 30, 40, 50, 60, 70, 80, or 90, but with anything other than τριά]κοντα or ἐξή]κοντα the space for the name of the κλήρος in 17 would be too short.

ἀφ' ἧς ἐὰν αἰ[ρήται] α]ὔτων ἢ Cελή[νη]. We find a comparable clause in two documents from Tebtynis: P.Kron. 17.22–3 (140) κλήρου κατοικ[ικ]οῦ ἀρου[ρῶν] τεσσάρων [ἀρού]ρας | δύο ἀφ' ἧς ἐὰν αἰρήται ἢ Διδύμη κεφαλῆς ἢ μέρουσ, a loan; and P.Mil.Vogl. IV 238.19 (143/4), a lease. The same phrase may be detected in BGU XX 2843.7 (Heracl.; 72 BC) ἀρουρῶν ἑκατὸν ἀφ' ἧς ἐὰν αἰρή . . . κ[.], where it seems possible to read αἰρήται κε[φαλῆς] (the land is klerouchic).

19 -ται is the end of a verb governing *χοινιμοῦς*, but I do not know which this might be; the construction is unparalleled.

20 βορρᾶ γύης, ἀπηλιώτου πλευρισμός. It is probably a coincidence that this sequence recurs in a cession from Sinary, P.Oxy. LI 3638.12 (220). The meaning of either term has given difficulty. D. Bonneau, *Le régime administratif de l'eau du Nil* (1993) 48f., argued that γύης was an area surrounded by dikes, and was usually public land. More recently, K. Maresch, P.Bub. III 6.v.6 n., pointed out that γύαι were cadastral boundaries that ran along the edges of canals; they lay to the north or south of the area they bordered, following the east-to-west orientation of canals. πλευρισμός would be an embankment whose purpose was to

hold back water (Bonneau 44f.; cf. also P.Hamb. IV 253.10 n.); with a single exception, all examples are Oxyrhynchite.

21–3 These lines were transcribed in P.Oxy. II 273.21 n., as they parallel the clause in P.Oxy. 273.19–24, a cession; a supplement for l. 22 was given in BL I 321. Line 21 is somewhat short as restored.

21 [μετεπιγράφεται]. Cf. BGU IV 1129.27 (Alex.; 13 BC), P.Oxy. II 273.21 (95); μετεπιγραφήναι in P.Stras. I 52.7 (Herm.; 151). On the procedure of μετεπιγραφή and associated state policy, see U. Yiftach in É. Jakab (ed.), *Sale and Community Documents from the Ancient World* (2015) 133–51.

22 καταλοχιμῶν. Translated as ‘the office of the enrolments’, after P. Schubert, *APF* 65 (2019) 280–316, at 290.

23 συνεπιγραφῆς. This noun otherwise occurs only in P.Oxy. II 273.23–4 and XVII 2134.26 (170).

23–4 κα[ὶ] ἀποφέρεσθαι τὰ ἐξ αὐτῶν περι]ερόμενα. The exact wording may have been slightly different; the closest parallels are P.Flor. I 86 = M.*Chr.* 247.23–4 (86) and P.Flor. I 1 = M.*Chr.* 243.7 (154), but both are Hermopolite. ἐξ αὐτῶν is suggested by the space. In P.Oxy. XIV 1704.14 (298) [πάντα τὰ ἀπ’ αὐτῶν περιε]ρόμενα, supply ἐξ rather than ἀπ’, since ἀπ’ is not attested in this context; the same holds for P.Oxy. XIV 1698.16 (269) and P.Mich. XV 719.11 (3rd c.).

27–8 This part of the guarantee clause is restored after P.Mich. XVIII 784.frB.9–10 (18), PSI X 1118.18–19 (25/6), PSI VIII 897A.30–32 (93).

28–9 τῶν ἔμπροσθεν] | χρόνων μέ[χρι. Cf. P.Oxy. III 506.39 (143) [ἀπὸ τῶν ἐπ]άνω χρόνων μέχρι τοῦ τῆς κυρείας χρόν[ου].

29ff. It is not possible to reconstruct this part of the text, which will have contained the non-alienation clause. The sense must be that from that moment (30, ἀπὸ δὲ τοῦ ν[ῦν]) until the loan is repaid the debtor will not be able to sell, mortgage or otherwise dispose of the security (31, αὐτῶν οὔτε []) in any way (32, κατ’ οὐδένα [τρόπον]). Cf. P.Oxy.Hels. 31.20–21 (86) ἀπὸ δὲ τοῦ ν[ῦν] ἕως ἂν ἀποδώσει ἢ δεδανεισμένη τῷ δεδανεικότι] τὰς τοῦ ἀργ(υρίου) (δραχμὰς) φ [μὴ ἐξ]εῖναι κτλ.; P.Oxy. XXXIV 2722.34–6 (154) οὐκ ἐξέεται μοι τὰ αὐτὰ μέρη | τῶν ἐνγαίων οὐδὲ μέρος πωλεῖν οὐδὲ ὑποτίθεσθαι οὐδ’ ἄλλως καταχρηματίζειν κατ’ οὐδένα τρόπον; cf. Alonso, *Symposion 2015* (2016) 140–41, n. 93.

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