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SETTLING A DISPUTE IN FOURTH CENTURY SMALL OASIS  
(P. Mich. Inv. No. 4008)

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12.2 x 14.5 cm.

AD 364

Tafel VI

The text on the front of the papyrus runs along the fibers; the other side is blank. The papyrus is evenly cut off on the right side and partly at the top. It is mutilated on the left, where ca. 8 letters have been lost, and at the bottom, where the lower part of the document is missing. Five vertical creases are still visible: the papyrus must have been rolled once from right to left. On the back, on the left side, there is a *kollesis* which is 3.2 cm. wide. The hand is semi-cursive and easy to read.

The events described in the papyrus—and ultimately the events which lead up to our document—are somewhat obscured by the damage of the papyrus on the left and at the bottom. This is particularly true for the beginning of line 11, where we have some minor structural problems (see our note). Our reconstruction of the text and interpretation, however, seems to make good sense. The focal point of the document is a settlement that has been reached privately as a result of a dispute that arose between the centurions Flavius Lalachios, on the one hand, and Flavius Lalachos, on the other, along with the Aurelii Pelios, Kanopos and the other sons of Lalachos, and one more individual whose name is partly lost (see the note to line 6). As the text informs us (lines 7-8), all these individuals are relatives of Lalachios' late wife (for her name which is lost in the lacuna at the beginning of line 7, see our note). Upon his wife's death, Lalachios inherited from her a vineyard along with all the appurtenances belonging to the estate.

Lalachios came to the possession of the property in the course of a second indiction, at all likelihood in the year 357/358 AD (for the reconstruction of the dates, see note to line 11). Five years later, in the course of a seventh indiction, probably in 362/363 AD, the relatives of the deceased wife entered into a dispute with Lalachios, because, as they argue, they were burdened with more arouras than were registered under the "name" (in the register of owners of land) of the father of the deceased wife of Lalachios (lines 12-13). At first glance, this statement does not make sense. As we will show later in this introduction, however, it has to do (a) with compulsory cultivation, the so-called *epinemesis* and (b) with the family ties between Lalachos *cum suis* and the deceased wife of Lalachios. At any rate, instead of resorting to the courts for a solution, Lalachios agreed to settle the matter privately and invited his relatives to come to the Small Oasis in order to establish together, on the grounds of the official census records, a fair distribution of the land imposed by the state. If in the future something turns out to be incorrect, both parties seem to agree to undertake some sort of joint responsibility. At this part, however, the papyrus breaks off.

As was just mentioned, the central issue in the dispute arises from the distribution of the *epinemesis*, that is ownerless or abandoned state land which was imposed on all farmers that owned land in the form of an attachment for compulsory cultivation. In the earlier Roman period this is known as *epimerismos*, whereas in the period of our papyrus that term has been

replaced with *epinemesis*; in reality, however, there is hardly any difference.<sup>1</sup> The word *epinemesis* as such is only restored in our papyrus (lines 17-18), but the idea of imposed land is mentioned *dissertis verbis* (lines 12f.) and thus leaves little room to doubt the restoration. Apparently, it took five years for Lalachos and his party before they realized the unfair distribution of the imposed land (line 11). It may have taken a while for Lalachos and his people to go back and check the registers, where they discovered the discrepancy.<sup>2</sup> Alternatively, they might have realized the problem when the next *epinemesis* took place. This type of assessment did not have a fixed frequency, but we know that it could take place as frequently as every five years.<sup>3</sup> This might also be the case in our text.

As we mentioned above, there is an other issue in this document that is rather obscure: Lalachios came into possession of the vineyard from his wife after her death. Why did the other party complain that more land was imposed upon them than was entered as obligation in the name of the father of Lalachios' wife? Did Lalachios rent or sell the piece of land to Lalachos *cum suis*? Although originally we considered such an eventuality, we later rejected it, because (a) there is no such indication in the surviving text, and (b) there is no space that can accommodate a verb with the meaning of "sell" or "rent."

The most plausible explanation is that the deceased wife of Lalachios and Flavius Lalachos as well as the person whose name is lost in the lacuna are all children of Hiereus, that is they are brothers and sister (for a detailed discussion and a family tree, see note to lines 5-6). Aurelii Pelios, Kanopos, and the other sons are, then, all sons of Flavius Lalachos and nephews of the deceased wife of Lalachios. Under such familial ties, the story in our text can be interpreted in the following way: just before or after her marriage, the bride of Lalachios received from her father a vineyard at Moumpsa, perhaps as part of her dowry. When she felt her death approaching (line 8), the wife bequeathed the property to her husband Lalachios. Thus he became the owner. The vineyard carried a proportional share of the family's obligation to farm a number of *arourai* imposed on them by *epinemesis*. Most likely, the last *epinemesis* had taken place before the property changed hands; and the entire imposition of *arourai* remained registered under the name of the father. But the rest of the family felt that Lalachios, the issuer of the present document, had not received a share of the burden proportional to their own share. Hence they complained. Perhaps through a miscalculation of its size, Lalachos' *epinemesis* might have been less than it should have been, and, as a result, his wife's relatives would pay more than the proportional share imposed on Hiereus' estate (τὸ αἰροῦν). The concession which Lalachios made to the other party was a remeasuring of the land registered in the name of his deceased wife's father so that any discrepancy will be rectified.

<sup>1</sup> The institution of *epinemesis* is introduced under Diocletian, but it is not a real administrative novelty. It existed already from the early Roman times onwards under different names known as *epimerismos* and *epibole*. On the *epimerimos*, see G. Poethke, *Epimerismos. Betrachtungen zur Zwangspacht in Ägypten während der Prinzipatszeit*, Papyrologica Bruxellensia 8 (Bruxelles 1969) especially 63-69.

<sup>2</sup> The party of Lalachos must have checked a register similar to that in *P. Cair. Isid.* 12, a complete roster of landholders in Karanis to whom "parcels of land were assigned for cultivation at Ptolemais, Bacchias, and Kerkesoucha Agoras in 313/314" (p. 117). The landholders are listed by name in alphabetical order. This order by name is essential for understanding what is said in line 13 of our text (τῶ ὀνόματι τοῦ πατρὸς αὐτῆς).

<sup>3</sup> See e.g. *P. Cair. Isid.* 12, especially the discussion in the introduction; cf. Poethke, *op.cit.* (above, n.1) 63-66. For periods of five years (a *lustrum*) in connection with taxation of land, see *P. Pher.* introduction §2.

The present text contributes to our knowledge of disputes and private settlements from the late Roman period. As in many other cases from late antique Egypt, the disputing parties are relatives (lines 7-8) and prefer to come to terms outside the courtroom—there is not even a question of court in the present case. However, it is the first instance of a dispute not over property rights, but over the *epinemesis*, which is also mentioned for the first time in such a context. Furthermore, it is the only settlement of dispute to date to come from the Small Oasis. Our document is the final stage of the settlement. In most cases in this period and later the final stage of a settlement reached out of court was encapsulated in a special type of document that was drawn up by the legal specialist of the time, the notary public. Settling disputes out of courts using a special document, which is in lieu of a court decision, is recorded as early as the latter part of the third century, but becomes such a standard practice by the sixth century that scholars have argued that courts were completely abolished in the Byzantine period. Regularly, there is a third party—a friend or friends of the disputing sides—involved in settlements of dispute who plays the role of the arbitrator and facilitates the negotiations between the two sides.<sup>4</sup>

The papyrus is also the latest in date to come from the Small Oasis<sup>5</sup> and it records some rather unusual proper names (see notes to lines 3-4, 5-6 and 7).

- ← [ὑπατεία]ς τ[ῶν δεσποτῶν ἡ]μῶν Ἰουουινιαν[οῦ] αἰωνίου Αὐγούστου τὸ α//  
 [καὶ Ο]ὐαρρωνιανοῦ τοῦ ἐπιφανεστάτου.  
 [Φλάουιο]ς Λαλάχιος (ἐκατοντάρχη) κάτρων Ὀάσεως Μικρῶς  
 4 [καταμένω]ν ἐν τῇ αὐτῇ Ὀάσει Φλαυίῳ Λαλάχῳ (ἐκατοντάρχη) τῶν αὐτῶν  
 [κάτρων] καὶ Αὐρηλίῳ Πελίῳ καὶ Κανώπῳ καὶ τοῖς λυποῖς υἱοῖς  
 [καὶ . . . . .]ωνίῳ διὰ τῶν ὑπογραφῶντων χαίρειν. ἐπιδὴ  
 [Αὐρηλία ( )] . . . . . ις θυγάτηρ Ἰερέως ἡ γεναμένη μου γυνὴ συνγε-  
 8 [νῆς ὑμῶ]ν τυγχάνουσα τελευτῶν μέλλουσα κατέλιψεν  
 [μοι τὸ ἀ]πελικὸν χωρίον ἐν ἐποικίῳ Μούμψα καὶ τὰς ὑποτελ-  
 [λούσας αὐτῷ] γὰρ καὶ ὕδατα καὶ παντοῖα φυτὰ καὶ ἀναδεξάμενον  
 [ . . . . . ] β// ἰνδικ(τίωνος), ἐπὶ δὲ τῆς ζ// ἰνδικ(τίωνος) ἀμφιβετήσεται πρὸς  
 12 [με τὸν Λαλά]χιον ὡς περιεσσοτέρου ἀρουρηδοῦ ἐπιτεθέντος ὑμῖν  
 [ἢ τοῦ αἰρ]σύντος τῷ ὀνόματι τοῦ πατρὸς αὐτῆς Ἰερέως Ἀμμων( ),  
 [ἐλθόντων] ὑμῶν εἰς διάλυσιν ὁμολογῶ ὁμνύμενος τὸν παν-  
 [τοκράτορα] θεὸν καὶ τὴν εὐσέβειαν τοῦ δεσπότη ἡμῶν αἰωνίου  
 16 [Αὐγ(ούστου)] Ἰουουινιανοῦ ὑμῶν παραγινομένων ἐπὶ τὴν Ὀασιν  
 [ἐλθεῖν π]ρὸς ἀκριβῆ λόγον τὸ ἐροῦν αὐτῷ τῷ ὀνόματι ἐν ἐπι-

<sup>4</sup> The *locus classicus* for this discussion is A.A. Schiller, “The courts are no more,” *Studi in onore di Edoardo Volterra* 1 (Milano 1969) 469-502. The topic, however, is discussed anew and from a different perspective in T.Gagos–P. van Minnen, *Settling a Dispute: Towards a Legal Anthropology of Late Antique Egypt* (especially the last two sections of the introduction), forthcoming by the University of Michigan Press.

<sup>5</sup> For all the papyri see the listings in Calderini-Daris, *Dizionario s.v. Ὀάσις Μικρά*, and the *Supplemento* 1. For information on the Egyptian oases, see G.Wagner, *Les Oasis d’Égypte à l’époque grecque, romaine et byzantine d’après les documents grecs*. Recherches de papyrologie et d’épigraphie grecques, IFAO 100, Le Caire 1987.

[νεμήσει ὅ]κου ἔστιν ἀρουρηδοῦ ἀκολούθως κήνωφ καὶ εἴ τι φα-  
 [νήσεται ]ω κινδύ[νω] [ . . . ] ων ἡμῶν ἐπιγνῶναι

1 Ἰουινιαν[οῦ], oo smeared, perhaps ex corr. 3 and 4 ✱ 4 φλαυῖω pap. 5 read  
 λοιποῖς υἱοῖς pap. 6 read ὑπογραφόντων ἐπειδή 7 θυγατηρ' pap.  
 7-8 read συγγε[νής] 8 τυγχανουσα pap read κατέλειπεν 11 read ἡμοφικ-  
 βητήσατε 15 read εὐκέβειαν 17 read αἰροῦν

“In the consulship of our lords Jovinianus, eternal Augustus, for the first time, and Varronianus, the most noble.

Flavius Lalachios, *centurio* of the *castra* of the Small Oasis, residing in the same Oasis, to Flavius Lalachos, *centurio* of the same *castra*, and to Aurelii Pelios and Kanopos and the other sons, and (Aurelios) –onios, through the persons signing below, greetings. Because Aurelia –is, daughter of Hiereus, my deceased wife, being a relative of yours, left to me just before her death the vineyard in the village Moumpsa along with the fields and the waters and all sorts of plants which belong to it and (because), after I had taken possession of it, you raised a dispute towards me, Lalachios, [not (?) in the] second indiction, but in the seventh indiction, on the grounds that a larger measurement in arourae were imposed upon you than was the proportionate share for the (registered) name of her father, Hiereus, son of Ammon ( ), since you have agreed to a settlement, I acknowledge, swearing by God the Almighty and the piety of our lord Jovinianus, the eternal Augustus, that in your presence in the Oasis the proportionate share for this name in *epinemesis* of whatever is the measurement in arourae in accordance with the census has come to an accurate calculation and if something will turn out ....”

1-2. The addition made above line 1, although in smaller script, seems to be by the hand responsible for the rest of the document; compare also the addition in the next line. Whether the insertion has any significance cannot be determined.

The second line of the consular date was probably centered. No *gentilicium* seems to have been used for Jovianus and the same we may assume also for Varronianus. Therefore the scribe must have started writing this line with a space of ca. 3-4 letters from the left margin. Centralization of the second line in consular dates is not unusual, especially in the late period.

Though both Varronianus and Jovianus are well attested in other sources in the East and the West, this is the second time their consulate appears in the papyri (the other being *CPR* X 107, 9) and, for the first time, the formula is so elaborate (cf. R.S. Bagnall et alii, *Consuls of the Later Roman Empire* (Atlanta 1987), *sub anno* 364). Although the name of the latter consul is widely known as Jovianus, both papyri record him as Ἰουινιανός! Varronianus, the son of Jovianus, became *nobilissimus* in AD 362 (cf. *PLRE* I 964). Since no month and day are mentioned at the top of the document, we assume that both those items and the expression ὑπατείας τῆς προκειμένης were mentioned towards the end of the document.

3-4. The proper name Λαλάχιος appears here for the first time; Λάλαχος in line 4 is very rare too and is attested only in *P. Flor.* I 50.12, 88, 109 (AD 268) and in *PSI* XIII 1332.29 (II/III AD). It is possible that the former is nothing but a corrupted version or simply a diminutive of the latter, in which case we would find a very interesting instance of homonymity between the two parties and a serious slip on the side of the scribe. In terms of origin, as the stem of the two names seems to suggest, this is a Greek name that evolved from the

noun λάλαξ, “babbling” (see *LSJ*). The hapax λαλαχεύω found once in *P. Oxy.* II 294.25, where it is probably used in the sense of λαχνόω (“grow up?”), may be another—but less likely—candidate to be related with this name. In other sources, a name Λάλαξ was probably inscribed in *IG* XII (3) 817 (?V/IV BC) from Thera, but the reading was disputed by Kaibel; see the listing in Matthews-Fraser, *A Lexicon of Greek Personal Names* I (Oxford 1987).

✱: also in line 4. For this symbol meaning ἑκατοντάρχη, *centurio*, see *O. Douch* 53.15 (but without context the symbol is ambiguous; see, for example, *O. Douch* 128.3-6). Both soldiers are naturally not yet listed in R.Cavenaile, “Prosopographie de l’armée romaine d’Égypte d’Auguste à Dioclétien,” *Aegyptus* 50 (1970) 213ff. or in the corrections and additions by N.Crinitti in *Aegyptus* 53 (1973) 93ff. and 59 (1979) 190ff.

κάκτρον: also in line 5, for which see S.Daris, *Il lessico latino nel greco d’Egitto* (Barcelona<sup>2</sup> 1991) 50-51 (both the singular τὸ κάκτρον and the plural τὰ κάκτρα are listed there); cf. also H.J. Mason, *Greek Terms for Roman Institutions*, ASP XIII (Toronto 1974), s.v. κάκτρα. Traces of several forts have been discovered in the Small Oasis. Since no name of the *castra* is mentioned in the text or of a *cohors* stationed there, we may assume that we are dealing with one of the most important forts; the Small Oasis was very important for defending Egypt from invasions from the west, as it was situated in the western *limes Aegypti*. Perhaps the two noncommissioned officers of our text were stationed in the κάκτρον Ψώβθεωσ in the metropolis of the Small Oasis, although this *castra* is attested in the sources only from the Vth century onward. On the military history of the Small Oasis, see G.Wagner, *op.cit.* (above, footn. 5) 390ff.

5-6. The proper name Πέλιος has been read thus far only in *P. Oxy.* XII 1486.1 (III/IV A.D.). Preisigke (*Namenbuch* s.v.) seems to think that this is an alternative spelling for Πέλειος.

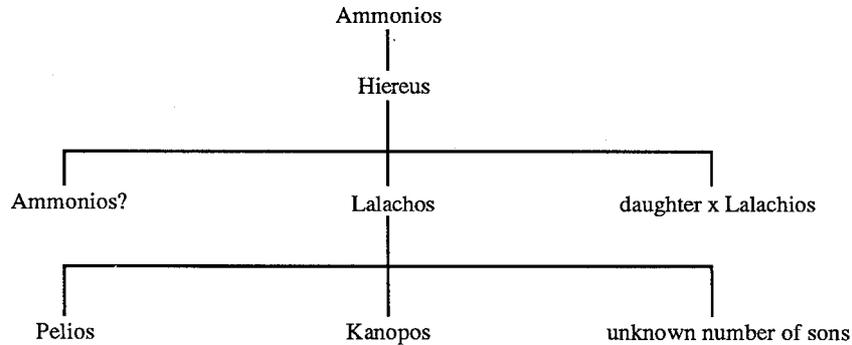
Because of the way this section is phrased it is hard to establish (1) how many individuals there are in the party of Lalachos, and (2) what the exact relationship is between all these individuals. Part of the problem is created by the unclarity of the expression καὶ τοῖς λυποῖς υἱοῖς. Are they the sons of Pelios or of Lalachos? Is Pelios a brother or a son of Lalachos? There is only one fact that is certain: all these individuals (including the party lost in the lacuna of line 6) were close relatives of the deceased wife of Lalachios (συγγενεῖς). In the most likely scenario, Aurelii Pelios and Kanopos and the other sons are all sons of Flavius Lalachos. Probably the third party that is lost in the lacuna was a brother of Lalachos. The scribe finished with the Lalachos and his own family as soon as he put down “and the other sons”. Therefore, we have to supply in line 6 the connector καί. The *gentilicium* Aurelios is not necessary in line 6, because it is subsumed already in the previous line. It is possible within the same family to have Flavii and Aurelii, as this status designation was not always inheritable, especially in low-grade military families (see J.G. Keenan, *ZPE* 13 (1974) 294-6). A very likely supplement for this line would be: [καὶ Ἀμμ]ωνίῳ (cf. also note to line 13). It is noteworthy that the scribe has omitted the patronymic for all parties, except for the deceased wife of Lalachios, but there the name is of significance, because the dispute involves her father and the fact that the land once belonged to him.

Given all the above considerations and the considerations in our introduction, we find it very plausible that Lalachos and [Ammon]ios might have been brothers of the former wife of Lalachios. She is not called explicitly “sister” in the text, because of the involvement of the sons of Lalachos to whom she would have been “aunt.” In contrast to the party of Lalachos, Lalachios is not joined by relatives. As it seems, he is without children from his wife. If all this is not mere fantasy, then we can construct a family tree (see next page):

Finally, it is also possible that the individuals mentioned in lines 4-6 are not as strictly related as we think and form three parties that simply belong to an extended family unrelated to that of the wife of Lalachios. However, if that were true, we would have problems in trying to speculate the actual cause of the dispute.

The expression διὰ τῶν ὑπογραφόντων is not particularly common in the papyri; it is used for representation through agents (see *P. Wash. Univ.* II 82, note to line 6); cf. also the phrasing in *P. Münch.* I 2, another settlement, but of later date (578 AD). Flavius Lalachos and the other people in his party are represented by the persons who sign the present document, i.e. at the time of drawing the present document they are no longer present in person; cf. line 16, where it is said that they have come to the Small Oasis. There is a strong possi-

### Family Tree of Hiereus



bility that they are absentee landlords; cf. H. Braunert, *Die Binnenwanderung. Studien zur Sozialgeschichte Ägyptens in der Ptolemäer- und Kaiserzeit*, Bonner Historische Forschungen 26 (Bonn 1964).

6ff. The narrative of Lalachios starts with the facts that have led up to the present agreement listed in chronological order and introduced in a causative form. There are two reasons expressed with causal sentences (ἐπειδὴ ... κατέλειπεν ... καὶ ... ἀμφιβητήσατε), which conclude with the apodosis ὁμολογῶ + the infinitive construction in line 17.

7. In the lacuna at the beginning of the line we expect a short name (e.g. Θ]άις), unless Αὐρηλία was abbreviated. The patronymic Ἱερεύς, though rare as a proper name (three instances all together listed in the *Namenbuch* and the *Onomasticon*) should be read here; the reading of the word as ἱερεύς and its interpretation as “priest” in this part of the text would not make sense; in line 13, because the reference is exclusively to Hiereus, the scribe gives also his patronymic, which he omits here.

8. τελευτῶν μέλλουσα: “just before her death”, as soon as she realized that her death was approaching. For similar or parallel expressions, see *P. Ant.* III 198.5; *P. Cair. Isid.* 62.9; *P. Oxy.* I 131.9 (again in the context of a dispute); and *P. Oxy.* XLVI 3311.4.

κατέλ(ε)ιπεν: for the spelling, cf. B.G. Mandilaras, *The Verb in the Greek Non-Literary Papyri* (Athens 1973) § 306 (13). The verb καταλείπω is a sort of neutral verb, with no specific technical meaning to indicate whether the wife died intestate or not. There is no specific reference to a will, but τελευτῶν μέλλουσα κατέλ(ε)ιπεν seems precisely to indicate a will.

9. Viticulture is extensively attested for the Large Oasis. Despite the absence of any discussion for the Small Oasis in M. Schnebel (*Die Landwirtschaft im hellenistischen Ägypten*. Münchener Beiträge 7 [München 1925] 239-292, esp. 241), there are good indications—including our papyrus—for the existence of vineyards and wine production in the Small Oasis too; see G. Wagner, *op.cit.* (above, n. 5) 300. In fact, Wagner argues that the οἶνος ὀασιτικός mentioned in *P. Oxy.* XVI 2048.1 and XLVIII 3425.1 might have come from the Small Oasis.

The ἐποίκιον Μούμψα appears here for the first time. On ἐποίκια, see M. Lewuillon-Blume, *Actes du XV<sup>e</sup> Congrès Internationale de Papyrologie*, Papyrologica Bruxellensia 19 (Bruxelles 1979) 177ff., and eandem, *CdE* 57 (1982) 340ff.

10. ἀναδεξάμενον: in the context, the subject of the verb ἀναδέχομαι is με. The construction anticipates the construction in lines 11-12 (πρὸς με τὸν Λαλάχιον). Lalachios narrates the events in the order they took place.

11. [. . . . .]β<sub>γ</sub>// ἰνδικ(τίωνος), ἐπὶ δὲ τῆς ζ<sub>δ</sub>// ἰνδικ(τίωνος): if ἐπὶ τῆς precedes β<sub>γ</sub>// ἰνδικ(τίωνος), as is likely, then the remaining space in the lacuna hardly accommodates a finite verb on which the participle could depend. Without such a finite verb, the participle may anticipate the following πρὸς με: [οὐκ ἐπὶ

της β<sub>γ</sub>// ἰνδικ(τίωνος), ἐπὶ δὲ τῆς ζ<sub>γ</sub>// ἰνδικ(τίωνος) ἀμφικβητήσεται (read -τε) would make the point that Lalachos and his party should have raised their objections five years earlier, seemingly at the last epinemesis or immediately after Hiereus had given the vineyard to his daughter. But instead of δέ, we would expect a stronger antithesis, such as ἀλλά. The reader may also expect that the first date is connected with ἀναδεξάμενον and refer to the year in which Lalachios took possession of the land. If this is the correct reading, then the phrase may run: καὶ ἀναδεξάμενον | [ μὲν ἐπὶ τῆς β<sub>γ</sub>// ἰνδικ(τίωνος), ἐπὶ δὲ τῆς ζ<sub>γ</sub>// ἰνδικ(τίωνος) ἀμφικβητήσεται. If so, μὲν - δέ would balance the years of Lalachios' accession to the property with the year of Lalachos' complaint, not the syntactical construction (participle - finite verb). With this interpretation the general meaning remains the same.

In the Oxyrhynchite nome with which the Small Oasis was sometimes administratively connected (see P.J. Sijpesteijn, *Customs Duties in Graeco-Roman Egypt*, Stud. Amstel. XVII [Zutphen 1987] 48), the consulate of Jovianus and Flavius Varronianus fell, for the major part, in the 8th indiction. It is very likely that the 2nd and the 7th indictions mentioned in our text belong to the same 15 years indiction cycles; thus the 2nd indiction must have been the one running from Thoth 1, AD 357, through Epagomenai 5, AD 358, and the 7th from Thoth 1, AD 362, through Epagomenai 5, AD 363.

ἀμφικβητήσεται: the augment in this verb is normally added to the preposition rather than the stem (see F.Th. Gignac, *A Grammar* II (Milano 1981) 248ff.). However, verbs beginning with α occasionally omit the augment (*ibidem*, 233); ἀμφικβητέω was no longer felt to be a compound verb.

12. ἀρουρηδοῦ: cf. line 18; on the meaning of this term see T. Gagos-P. van Minnen, *JRA* 5 (1992) 193, note on lines 5-6 of P. Mich. inv. no. 455.

ὕμιν: immediately after this word in the right margin of the papyrus there is some ink which appears to be just a meaningless speck of ink.

13. ὄνοματι: also in line 17. ὄνομα is used here with the meaning: “der in Büchern und Listen stehende Name einer Person zur Festlegung von Rechten und Pflichten des Inhabers”. It is rather curious that in our text there is a question with regard to the father of the deceased wife of Lalachios instead of to herself. See above, introd. to the text.

Ἀμμων( ): the last letter is smeared; perhaps the scribe tried to put an abbreviation mark which is otherwise invisible now. If the reconstruction of the family tree in lines 5-6 is correct (see the note to lines 5-6), then the name here should be expanded to Ἀμμων(ίου). This would then mean that one of Hiereus' sons (probably the eldest) was named after the grandfather.

14. In the lacuna other forms of verbs of motion are possible, see *P. Mich.* XIII 659.138-139 (VI AD) ἐπὶ ταύτην ἐληλύθασι τὴν γενικὴν καὶ περιεκτικὴν διάλυσιν, and *SB VIII* 9763.5 (AD 452-74) εἰς ταύτην ἐλήλυθε τὴν διάλυσιν. Cf. also *P. Haun.* III 57.11 (AD 412-415): [ἀ]μφοτέρα τὰ μέρη εἰς διάλυσιν ἤγαγον; also *SB III* 6611.27 (AD 120/1 AD): τὰ νῦν εἰς διάλυσιν ἀγίωχαν πάντα τὰ κατὰ τὴν ἀμφικβήτησιν. In our text, however, there is no object of ἄγω, and this makes the choice of this verb less likely.

14-16. For the oath-formula, see *P. Haun.* III 57.14f. with note. The present papyrus offers the earliest example of an oath by God the Almighty (cf. O. Montevecchi, *Studi in onore di Aristide Calderine e Roberto Paribeni* II [Milano 1957] 401ff.). Before the publication of our papyrus, the oldest examples were *P. Mich.* XI 613 (AD 415) and the contemporary *P. Haun.* III 57. Our text is also the first to contain an oath by the εὐσέβεια of the emperor(s). It is noteworthy that any reference to the νίκη of the emperor(s) is still absent. With the exception of *SPP XX* 122 (for its date see *BL VII* 263) oath-formulas in the first half of the Vth century AD show the following form: τὴν εὐσέβειαν τῶν/τοῦ πάντα νικόντων/νικῶντος δεσποτῶν/δεσπότου ἡμῶν κτλ. The first papyrus to show the formula τὴν εὐσέβειαν καὶ νίκην τοῦ δεσπότου ἡμῶν is *M. Chrest.* 71.11 of AD 466 (?), cf. *ZPE* 45 (1982) 208. For the above reasons we suggest the following supplements and readings in a number of other papyri: *P. Wash. Univ.* I 24.6 [τῶν τὰ πάντα νικόντων δεσποτῶν κτλ.]; and in line 5 [--- θεὸν τὸν παντοκράτορα κτλ.; in *SB XII* 11203.6: [ὁμολογῶ ὁμνῶ θεὸν τὸν παντοκράτορα κτλ. It should also be noted that *Fragm. A of PSI VI* 689 is correctly dated to AD

423/4. In line 16 of our text Αὔγουστος was probably abbreviated, because the space is not enough to take the word at full length.

17-18. ἐν ἐπι[νεμήσει]: the expression in this exact form finds no parallel among the published papyri, but we cannot find a more suitable supplement for this context. The word that has been lost should refer to the “imposed land”. We have tried the words ἐν ἐπιβολῇ (the supplement is too short), ἐν ἐπιμερισμῷ (but this institution was abolished at the beginning of the fourth century, under Diocletian) and ἐν ἐπινεμήσει (which fits the lacuna and is in accordance with the changes that took place in the fourth century; see our introduction).

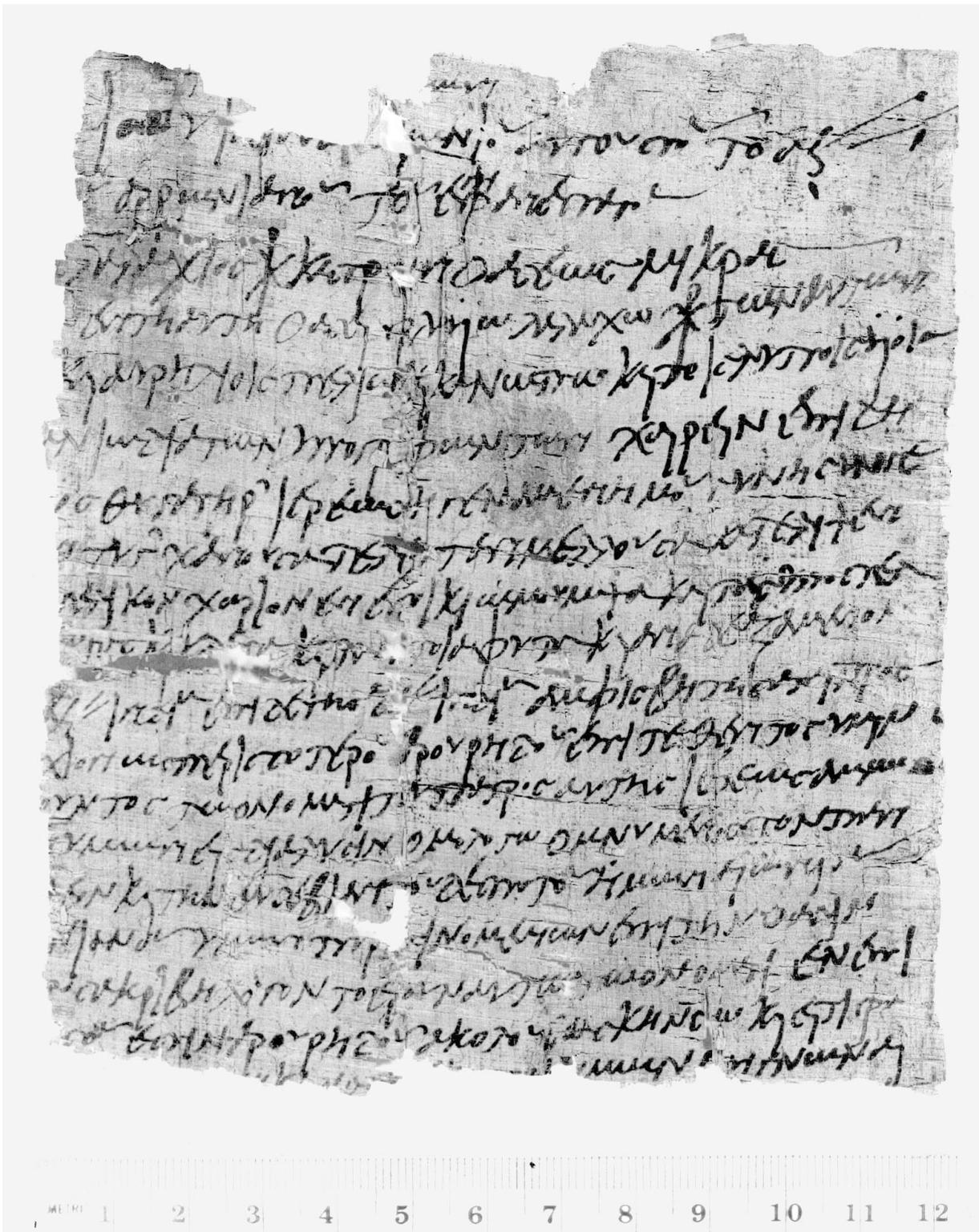
We have been unable to find an exact parallel for the construction π]ρὸς ἀκριβῆ λόγον. The supplement is *exempli gratia*. The verb that is missing in the lacuna must be a verb of motion, such as ἔρχεσθαι or φέρεσθαι, cf. *P. Oxy.* XLVI 3275.A.12-14: π]ερὶ τοῦ κατ’ ἔτος αὐτῷ [λ]όγον ἀκριβῆ πεμφθῆναι, *P. Mich.* XIII 659.73-74: καὶ τῆς ἐνελκομένης τούτῳ παντοίας δημοσίας συντελείας καὶ λόγου γεγονότος ἀκριβοῦς. The phrase τὸ αἰροῦν seems to be the grammatical subject.

18. ἀκολούθως κήνσῳ: the papyrus has no definite article before κήνσῳ, but we cannot imagine that anything else than the regular census is meant here. This census has enabled both sides to determine the exact number of arouras of *epinemesis* that should go with the plot of land and will relieve the side of Lalachos from over-assessment; for instances of this word and practice, see S. Daris, *op.cit.* (above, n. to lines 3-4) 54 and for a brief discussion on the *census*, see *CPR* V 4, note to line 14. Unfortunately, our papyrus breaks off at this point and very little can be said with certainty.

In lines 18-19 Lalachios seems to say that if something goes wrong the parties will jointly (?) bear the ensuing costs: - - - καὶ εἴ τι φα/[νήσεται κακὸν ἐπὶ τῷ ἰδίῳ κινδύ[νῳ] π[άν]των ἡμῶν ἐπιγνώσασθαι; for this compare *P. Cairo Masp.* I 59028, 31: τὴν βλάβην ἐπιγνώσασθαι ἰδίῳ ἡμῶν κινδύνῳ.

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P.Mich. Inv. No. 4008: settling a dispute in the Small Oasis (IV AD)