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NEW EDITION OF A FRAGMENTARY DEED OF SURETY
FROM THE BERLINER COLLECTION (*BGU III 752*)

aus: Zeitschrift für Papyrologie und Epigraphik 206 (2018) 194–198

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Thanks to the project of digitalization of the Berliner Papyrus collection, it is now possible to check for the first time the transcription of papyri included in the first volumes of the *BGU* series. In the present article, I suggest new readings and supplements to a fragmentary Greek deed of surety¹ published by U. Wilcken in the third volume of the series (*BGU* III 752). The editor dates the document vaguely to the Byzantine or early Arab period (so also HGV).

Our text falls into the category of Fayyumic documents starting with an invocation but lacking the regnal or consular date, which deprives us of the ability to date them with precision. This absence of dating formulas other than the indiction year as well as the style of invocation (namely the pattern “Christ, Mary and the Saints”) point either to the period of Persian occupation (i.e. 618–629²) or to the period of Arab conquest (i.e. after 640); for all this information concerning the dating of the document, see *CSBE*²: 99–109; 298; N. Gonis, *P.Bodl. I 141: An Arsinoite Church and a Room to Rent in the Summer of an Elusive Year*, *ZPE* 141 (2002), 165–168. The prosopographical data, and specifically the mention of the διοικητής Kalomenas (see n. to l. 5), also point to a dating to the seventh or eighth century: Kalomenas of our text could be identified with the one mentioned in *SB* I 4712.7;15 (Arsinoite nome; ca. 630–640; see HGV); *SB* VIII 9748.1;5 (Kom el-Haryane, Arsinoite nome; mid-7th cent.; see HGV); *SPP* X 152 verso.1 (Arsinoite nome; 6th–7th cent.); for Kalomenas, cf. the remarks of N. Gonis (Notes on the Aristocracy of the Byzantine Fayum, *ZPE* 166 (2008), 210), who dates the present papyrus to the early Islamic period (*op. cit.*, n. 48).

The high quality of the digital photo³ enables a more precise transcription of the document. Due to the condition of the papyrus many parts of the preserved fragment remain illegible. In the commentary offered below, I discuss my suggestions concerning the transcription and reconstruction of the text. At the end of the article, I offer a revised transcription of the whole document, where several minor corrections to the first edition are included, together with an English translation.

In the *editio princeps* the papyrus is transcribed as follows:

- [† Ἐν ὀνόματι τοῦ κυρίου καὶ δεσπότου Ἰησοῦ Χριστοῦ]
[τοῦ θεοῦ καὶ σωτῆρος ἡμῶν καὶ τῆς δεσποίνης]
[ἡμῶν τῆς ἁγίας θεοτόκου καὶ πάντων τῶν ἁγίων Χοίακ
[.....] εἰκα[.....] τεσσαρα(και)δεκάτης [ἰν(δικτίωνος) ἐν] Ἀρ(σινόῃ).
5 [..... Καλ(?)ομηναῖ διοικητῆ υἱ[ὸ] Κ]αίσαριου
[.....] ε. ος [ὀ]ρμωμέ[ν]φ ἀπὸ τῆς
[Ἀρσινόϊτων πόλεως] [Ἀὐρ]ήλιος Φ[οιβάμ]μων
[.....] λαμπρο[τά]του διοικη[τοῦ] υἱὸς Μηναῖ
[ἀπὸ τῆς αὐτῆς πόλ]εως ἀπὸ ἀμφοδου Ἐρμο / / / /
10 [χ(αίρειν). Ὁμολογῶ ἐκουσί]α γνώμη ἐγ[γ]υᾶσθ[αί] καὶ
[ἀναδεδέχθαι παρ]ὰ τῆς [σῆς] λαμ[π]ρότη[τος]
[- -]ν μετὰ κυρί[ου] [.] . . . ρ . [- -]

¹ On this text type, see B. Palme, Pflichten und Risiken des Bürgen in byzantinischen Gestellungsbürgschaften, in: G. Thür, F. J. Fernández Nieto (Hgg.), *Symposion 1999. Vorträge zur griechischen und hellenistischen Rechtsgeschichte (Pazo de Mariñán, La Coruña, 6.–9. September 1999). Comunicaciones sobre Historia de Derecho Griego y Helenístico (Pazo de Mariñán, La Coruña, 6–9 septiembre de 1999 (Akten der Gesellschaft für griechische und hellenistische Rechtsgeschichte 14)*, Köln, Weimar, Wien 2003, 531–555. For further information and updated bibliography see F. Mitthof in *CPR* XXIII 30, introd., 181–182 (secondary literature is offered in note 5, 182); Csaba A. La’da–Amphilochios Papathomos, Eine griechische Gestellungsbürgschaft aus der Spätantike, *Tyche* 32 (2017), introd. (in print).

² All dates are A.D.

³ Available in: <http://berlpap.smb.museum/record/?result=0&Alle=P+2579>.

[- - -]οσ ψαωροριω . [- - -]
 [- - -] ε . . . [- - -]
 15 [- - - λ]αμπρότητο[ς] . . ρ . [- - -]
 [- - -] ἐν τῇ δημοσίᾳ [φυλακῆ]
 [- - -] . . ενκ . . . τα[- - -]

5 Ἀὐρ(ηλίου) Καλ(?)ομηνᾶ J. M. Diethard, *Pros. Ars.* I, num. 2813 (cum n. 375) (= *BL VIII* 33); [τῷ λαμπροτάτῳ Καλ]ομηνᾶ N. Gonis, *ZPE* 166 (2008), 210 n. 48 16 ἐν τῇ δημοσίᾳ [: ἐν τῇ δημοσίᾳ [φυλακῆ] proposuit P. J. Sijpesteijn, *ZPE* 62 (1986), 156 (n. 4) (contra *BGU III*, p. 4 [= *BL I* 64]: ἐν τῇ δημοσίᾳ [φρουρᾶ]).

Upper left margin: The diagonal trace preserved above the first preserved line in the far left side of the papyrus might well be the remains of a χ belonging to χμγ. We should not rule out completely the possibility that this trace is the remains of a crux decorating alone or together with other cruces the upper left part of the papyrus. In any case, the numbering of the lines should change.

4 [.] . εικα[. . .]: This line starts with the two-digit number of the day of the month in letters. The lost part of the line contained the units of this number, followed by the symbol ζ, which stands for καί and is preserved. After (καί) one should read εἰκά[δι]. For the suggested restoration, cf., e.g., *P.Lips.* I 3 (= *Chrest.Mitt.* 172) col. I.18 (256): Χοίακ δευτέρᾳ καὶ εἰκάδι; *P.Vind.Sal.* 9.2 (509): Θὼθ ὀγδόη καὶ εἰκάς (I. εἰκάδι) τρίτης ἰνδικτίονος.

τεσσαρα(και)δεκάτης: A σ is visible before the symbol ζ standing for καί. Therefore, what we have here is τεσσαρασ(και)δεκάτης, which is commonly attested in the papyri dated from the Byzantine and early Arab periods and is considered by some editors as a misspelling for τεσσαρεσκαιδεκάτης; cf., e.g., *P.Oxy.* LXXII 4923.2;3 (550). Since the δ is lost, I suggest the reading τεσσαρασ(και)[δ]εκάτης.

ἐν] Ἀρ(σινότη): Parts of ἐν, namely the diagonal stroke forming the upper part of ε as well as the largest part of ν (especially its right part), are still visible on the papyrus. Instead of Ἀρ(σινότη) I would suggest Ἀρ(σινοῖτων πόλει), which is much more frequent than Ἀρσινότη and also constitutes the official name of the city. In addition, the *usus scribendi* points also to this version; cf. ll. 6–7: ἀπὸ τῆς | [Ἀρσινοῖτων πόλει]ς.

5 Καλ(?)ομηνᾶ: Since the reading of all five letters is secure, I see no reason why the restoration Καλ]ομηνᾶ should be considered as doubtful. In my transcription (see below) I adopt N. Gonis' suggestion (Notes on the Aristocracy of the Byzantine Fayum, *ZPE* 166 (2008), 210 with n. 48). Gonis rejects the supplement Ἀὐρηλίου Καλ]ομηνᾶ (J. M. Diethard, *Pros. Ars.* I, no. 2813 with n. 375 = *BL VIII* 33), and proposes [τῷ λαμπροτάτῳ Καλ]ομηνᾶ.

6 [.] ε . ος: The traces after ε belong clearly to a τ (-εγος is no plausible alternative). The only completion fitting this string of letters is the genitive κόμ]ετος. If so, Caesarius is a *comes* and one should expect at the beginning of the line a honorific epithet attributed to a person of his status, like ἐνδοξο(τάτου), λαμπρο(τάτου), μεγαλοπρε(πεστάτου) or περιβλ(έπτου). Caesarius must have been alive when this contract was issued, since a reconstruction like [τοῦ τῆς λαμπρᾶς μνήμης κόμ]ετος seems too long for the space available.

7 [Ἀὐρ]ήλιος Φ[οιβάμ]μων: The trace visible after [Ἀρσινοῖτων πόλει]ς belongs most probably to the *nomen gentile* of Phoebammon, for which I suggest the reading Ἀ[ὐρ]ήλιος. Instead of Φ[οιβάμ]μων I would like to propose the reading Φο[ι]βάμμων; the combination of α and μ is shaped like the ones contained in λ]αμπρο[τά]του (l. 8 → l. 9 of my transcription; see below) and λαμπρότητο[ς] (l. 15 → l. 16 of my transcription; see below).

8 [.] λ]αμπρο[τά]του διοικητ[οῦ]: At the beginning of the line we expect Phoebammon's title or profession, e.g. terms like σύμμαχος or ἐπικείμενος. Instead of διοικητ[οῦ] read διοικητ[οῦ] (there

are only traces of ι and ο following δ). Since there is no reference to the name of this διοικητής, he must be the same person mentioned in l. 5. In this case, the most probable reconstruction of the passage is τοῦ αὐτοῦ λαμπροτάτου διοικητοῦ].

9 ἀπὸ ἀμφοδου Ἴερμο / / / / . : Before ε there are remains of a τ. After ο there are traces of υ and θ, whereas ι, α and κ are relatively clearly seen. At the end of the line, we can see the η elevated. Thus, I suggest the reading ἀπὸ ἀμφοδου Ἰερμουθιακῆς). Parallels for the name of this district located in Arsinoiton Polis offered by *SPP* X 125.4 (Arsinoite nome⁴; 5th–6th cent.): ἐπ’ ἀμφοδου Ἰερμουθιακῆς); *P.Harrauer* 54.9–10 (Arsinoiton Polis; 579): ἀπὸ ἀμφοδου Ἰερμουθιακῆς. Our text furnishes the third attestation of Ἰερμουθιακή, attested from the 5th cent. onwards; cf. also the variation Θερμουθιακή, attested once in *SB* I 3966 = *SB* III 7083 = *C.Étiq.Mom.* 1667.3–4 (Roman period). As B. Palme remarks (*P.Harrauer* 54, n. to ll. 9–10), the district name Ἰερμουθιακή comes most probably from the toponym Ἰερμουθιακή, the latest attestation of which is dated to the 4th cent. For parallels and bibliography on Ἰερμουθιακή, cf. A. Calderini – S. Daris, *Dizionario dei Nomi Geografici e Topografici dell’ Egitto Greco-Romano* 2, 161 (Milano, 1973); *Supplemento* 1, 112 (Milano, 1988); *Supplemento* 2, 54 (Bonn, 1996); *Supplemento* 3, 37 (Pisa–Roma, 2003); *Supplemento* 4, 57 (Pisa–Roma, 2007); also Palme *op. cit.*

11 [ἀναδεδέχθαι: On the use of the infinitive ἀναδεδέχθαι instead of ἀναδέχεσθαι in deeds of surety from the Arsinoite nome, see F. Morelli in *CPR* XXII 4, n. to l. 10, with bibliography.

12 [- - -]ν μετὰ κυρί[ου] . [.] . . ρ . [- - -]: The reconstruction of this passage is very problematic. The reading μετὰ κυρί[ου] suggested by U. Wilcken does not seem probable in this context. Moreover, given that the document is dated to the 7th/early 8th cent., κύριος could not mean “guardian”. Unfortunately, it is very difficult to figure out the correct separation of the words and to suggest a meaningful reading of this line, which must have contained information on the guarantee. A possible restoration could be [διὰ τῆς ὑμετέρ]ας μεγαλοπ[ρε]π[ε]ίας Αὐρήλι[ων]⁵; cf. the use of the phrase διὰ τῶν αὐτῆ προσηκόντων attested in the Oxyrhynchite sureties; cf. *P.Heid.* III 248.1–2 with *BL* VIII 149 (6th/7th cent.; for the provenance of the papyrus see *BL* VIII 149): ἐ[γ]γ[υ]ῖσθαι καὶ ἀναδέχ[εσθαι] παρ[ὰ] τῆ[ς] [οἱ: τῆ] | ὑμῶν ἐνδοξ[ό]τητος [οἱ: ἐνδοξ[ό]τητι] διὰ τῆς ὑμῶν μεγαλοπρεπείας Αὐρήλι[ων]; *P.Pintaudi* 19.7–9 (late 6th / early 7th cent.; see HGV): ἐγγυᾶσθαι καὶ ἀναδέχεσθαι παρὰ τῆ | ὑμῶν ἐνδοξ[ό]τητι διὰ τῆς σῆς θαυμασιότης (l. θαυμασιότητος) | Αὐρήλιον Βαρθολομαίως (l. Βαρθολομαίων) υἱὸς (l. υἱὸν) Σουντωοῦς.

13 [- - -]ος ψαωροῦ . [- - -]: The preserved letters belong to three different words.]ός could be the ending of a genitive, either to πατρός or μητρός, followed by the personal name Ψαωρ. μητρ]ός should presumably be considered as a more probable restoration, given that the genitive πατρός would have been more appropriate in the previous line. Ψαωρ is attested only once in *SB* XXVI 16342.8 (Ankon, Arsinoite nome; 5th cent.) as an abbreviated form of a male name (in our text there is no indication that the name is abbreviated). The fact that ψ comes possibly from the junction of π and σ, leads to the assumption that we are faced with a male name of Coptic origin. If so, μητρός should, of course, be excluded. Nevertheless, there are no Coptic attestations of Ψαωρ. A third possibility is the restoration υἱ]ός (instead of υἱ]όν). The third word preserved in this line is the participle ὀρμώμεγ[ον].

14–15 [- - -] ε . . . [- - -] | [- - -] λαμπρότητο[ς]: Instead of [- - -] λαμπρότητο[ς], I suggest the restoration τῆς σῆς] λαμπρότητο[ς]. What one expects at the beginning of this line is a reference to the origin of the person under surety. Unfortunately this part of the text is very faded and offers no clues for a convincing restoration. The only secure reading in l. 14 is that of ε, already read by the first editor. The appellation in genitive τῆς σῆς] λαμπρότητο[ς] renders the restoration ἐπιζῆ[τοῦμε] [νον παρὰ τῆς σῆς] λαμπρότητο[ς] tempting. This tentative restoration is made after the (partly restored) parallels furnished by *SB* XVIII 13952 (= *SPP* XX 216).15–16 (Arsinoite nome; 591–592; see *BL* VIII 471): ἀλλὰ καὶ ἐπιζῆτοῦμενον παρὰ τῆς ὑμετέρας | [ἐνδοξό]τητος; and *CPR* XXIV 32.17–19 (Arsinoiton Polis; 651):

⁴ The provenance should be corrected to Arsinoiton Polis.

⁵ For this reading I would like to thank Klaus Maresch.

[ἀλλὰ καὶ ἐπιζητούμενον παρὰ τῆς ὑμετέρας ἐνδοξότητος). For bibliography on ἐπιζητεῖν in this context, see B. Palme in *CPR* XXIV 32, n. to l. 18.

15–16 . ρ. [- -] | [- -]. ἐν τῇ δημοσίᾳ [φυλακῇ]: After τῆς σῆς] λαμπρότητο[ς] we can clearly see a π as well as the remains of an ο – although the possibility of an α should not be completely ruled out. At the end of the line there is also an α. In this part of the text, the guarantor is expected to promise that he will deliver the person under surety to the public prison. The space left indicates that the traces at the end of l. 15 most probably belong to a verb starting with the preposition παρὰ coordinated with παραδίδωμι (παραδώσω), which was written at the lost beginning of l. 16. If the trace belongs to an ο, then the restoration παρο[ίσω] | [καὶ παραδώσω] seems almost unavoidable. This collocation is very common in the Oxyrhynchite sureties (cf. F. Morelli, in *CPR* XXII 4, n. to ll. 14–16), but is also partly attested in the Arsinoite document *CPR* XXIV 32.19 (Arsinoiteon Polis; 651): παρο[ί]σω κ[αὶ παρα]δ[ώσω αὐτόν]. If the trace at the edge of the papyrus is an α, a possible restoration for this Arsinoite document could be παρα|φέρω καὶ παραδώσω, which is also typical for the sureties from the Oxyrhynchite nome; cf. F. Morelli, *op. cit.* Nonetheless, the use of παραφέρειν in the deeds of surety coming from the Arsinoite nome has been considered as doubtful; see N. Gonis' remark in *P.Oxy.* LXIX 4757, n. to l. 5. Another possibility could be παρα|λόγω καὶ παραδώσω; parallels from the Arsinoite nome are offered by F. Morelli, *op. cit.*

The trace visible right after the lacuna belongs in all likelihood to a pronoun like αὐτόν or τοῦτον; for a close parallel to this formulation, cf. *SB* XVIII 13952 (= *SPP* XX 216).16–17 (Arsinoite nome; 591–592; see *BL* VIII 471): παροίσομεν καὶ π[α]ραδώσωμεν (l. παραδώσομεν) αὐτόν ἐν τῇ | [δημοσίᾳ φυλακῇ; cf. also *SB* I 4817.2–3 with *BL* VIII 316 (Arsinoite nome; Byzantine period) [έτοιμω]ς ἔχειν τοῦτον παραγαγεῖν καὶ [παραδοῦναι | ἐν τῇ δημοσίᾳ φυλακῇ (?)] and *SB* I 4658.14–15 (Arsinoiteon Polis; late 7th cent.–early 8th cent.; see *BL* XIII 192): ἀνάγκην ἡμᾶς εἶναι | π[α]ραγαγεῖν αὐτόν καὶ παραδοῦναι ἐν τῷ ὑμετέρῳ ηλατηρῷ. In addition, perhaps the possibility of ὑμῖν (as plural of politeness) should not be excluded; cf. *SB* I 4659.19 with *BL* VIII 311 (Arsinoiteon Polis; 653; see *CPR* XXIV, 181 with note 12): ὥστε μὲ παραδοῦναι ὑμῖν τ[οῦτον ἐν τῇ δημοσίᾳ φυλακῇ].

As noted in the *apparatus* above, the restoration δημοσίᾳ [φυλακῇ] has already been proposed by J. P. Sijpesteijn; cf. also *CPR* XXII 4.17–18 (Herakleopolis; middle 7th cent.); *P.Oxy.* LXIX 4757.6 (Oxyrhynchos; late 7th cent.). The restoration δημοσίᾳ [εἰρκτῇ] is also possible; cf. *CPR* XXIV 24.12 (Arsinoiteon Polis; 582–602). Parallels and bibliography related to δημόσια φυλακῆ or εἰρκτῆ are offered by F. Morelli in *CPR* XXII 4, n. to ll. 17–18 and B. Palme in *CPR* XXIV 24, n. to l. 12.

17 [- -] . ενκ . . . τα[- -]: Right after the break, there is a clear trace of an ε as well as traces of an ω and a σ, which are fainter and much more uncertain; the distance of these traces indicates the restoration πόλ]εως, which is followed most probably by the sequence ὄ[θ]εν καί. Close parallels to this common wording are offered by *CPR* X 127.15 with *BL* XII 61 (Arsinoiteon Polis; 584): ἐν τῇ φυλακῇ τῆς αὐτῆς πόλ]εως ὄθεν καὶ ἡμ[ε]ίς [αὐτ]οῦς παρ]ειλήφ[αμεν; *SB* XVIII 13952 (= *SPP* XX 216).16–18 (Arsinoite nome; 591–592; see *BL* VIII 471): ἐν τῇ | [δημοσίᾳ φυλακῇ ταύτης τῆς] πόλ]εως ὄθεν καὶ ἡμεῖς τοῦτον | [παρ]ειλήφ[αμεν; cf. also *SB* I 4817.3 with *BL* VIII 316 (Arsinoite nome; see HGV; Byzantine period); *CPR* XXIV 24.12–13 (Arsinoiteon Polis; 582–602); *SB* I 4658.16 (Arsinoiteon Polis is present in the text; late 7th cent.–early 8th cent.; see *BL* XIII 192); *SB* I 4659.19–20 with *BL* VIII 311. The length of the lacuna right before πόλ]εως allows the restoration of τῆς αὐτῆς, τῆσδε τῆς or ταύτης τῆς. Unfortunately, the traces visible in the rest of the line do not fit the commonly attested expressions, including the verb παραλαμβάνω (see the aforementioned parallels).

Bottom margin: There are traces of a line below l. 17 belonging to the next now lost line.

- 1 [- -] χ[μγ- -]
 [† Ἐν ὀνόματι τοῦ κυρίου καὶ δεσπότο[υ] Ἰησοῦ Χριστοῦ]
 [τοῦ θεοῦ καὶ σωτή]ρος ἡμῶν καὶ τῆς δεσποίνης
 [ἡμῶν τῆς ἀγίας θεοτ]όκου καὶ πάντων τῶν ἀγίων. Χοιὰκ
 5 [±13] (καὶ) εἰκά[δι] τεσσαρασ[καυ]δέκατης [ιν(δικτιῶνος)] ἐν Ἀρ(σινοϊτῶν πόλει).

- [τῷ λαμπροτάτῳ Καλ]ομηνῶ διοικητῇ υἱ[ῷ Κ]αيسαρίου
 [τοῦ λαμπρ(οτάτου)? κόμ]ετος [ὀ]ρμωμέ[ν]φ ἀπὸ τῆς
 [Ἀρσινοϊτῶν πόλεω]ς Ἀ[ὐρ]ήλιος Φο[ι]βάμμων
 [title/profession τοῦ αὐτοῦ λ]αμπρο[τά]του διοικητ[οῦ] υἱὸς Μηνῶ
 10 [ἀπὸ τῆς αὐτῆς πόλ]εως ἀπὸ ἀμφόδου Τερμουθιακῆ(ς)
 [χ(αίρειν). ὁμολογῶ ἐκουσί]α γνώμη ἐγγυᾶσθ[αι] καὶ
 [ἀναδεδέχθαι πα]ρὰ τῆς σ[ῆ]ς λαμπρότητος
 [±13] συμεγγυρι[.]α [.]οντρ. . . .
 [±13]ὸς? Ψαωρ ὀρμώμεγ[ον ἀπὸ]
 15 [±13] ἐπιζη[τούμε-]
 [νον παρὰ τῆς σῆς] λαμπρότητο[ς] παρο[ί]σω
 [καὶ παραδώσω αὐτὸ]ν ἐν τῇ δημοσίᾳ [φυλακῆ]
 [ταύτης? τῆς? πόλ]εως, ὅ[θ]εν καὶ . . . τα [±4]
 [- - -] [- - -]

5 ζ pap. 6 ὕ[ω] pap. 9 ὕιος pap.

“† In the name of the Lord and Master Jesus Christ our God and Saviour, and of our Lady the holy mother of God, and of all the saints. Choiak twenty-..., 14th indiction, in the city of the Arsinoites. To Kalomenas, *vir clarissimus, dioecetes*, son of Caesarius, comes, *vir clarissimus* (?), originating from the city of the Arsinoites. Aurelius Phoebammon [title/profession] of the same *dioecetes, vir clarissimus*, son of Menas, originating from the same city from the district of Termouthiake, greetings. I acknowledge by willing resolve that I give surety and pledge to your magnificence ... Psaor, originating from ... required by your magnificence that I will bring him forward and hand him over in the public prison of this/of the same city, where ...”