

793. PETITION

P.Mich. inv. 1681
5 May A.D. 381

Pl. XXXIX

20.4 cm x 16.4 cm
Provenance unknown

The lower part of a petition is preserved on what is probably the bottom half of an original sheet of normal height (30-32 cm), suggesting that another 12-14 lines before the beginning of what is preserved contained the address and initial statement of particulars. Apart from some damage at top left and lower right, and holes here and there, the surviving piece is largely complete. There are visible remnants of a *kollesis* on the right, where the papyrus was cut from the roll.

The petitioner is named Aurelia Eirene; one Herakleides son of Apollonios writes for her. The names of her adversaries (ἀντούς, 7-8) are lost, as is the name and title of the addressee (not determinable, cf. note to line 6). The cause of litigation seems to have been a dispute over a ψιλὸς τόπος, an empty building lot, in the petitioner's village (the name of which does not survive), in the course of which some violence arose. Points of interest include the graphic language used to describe the speech of one of her adversaries (note to lines 1-2) and the first attestation of a postconsular date by the consuls of 380 (note to lines 11-12).

- 1← [±19]..[±11]..
[±9 λέγων εἰς π]ρόσωπ[όν] μου διὰ τῆς ἑαυτο[ῦ]
4 ρινὸς βουλ[όμεν]ος μὲ τοῦ ζῆν ἀπαλάξαι, καὶ εἰ μὴ βο-
ηθίας τε[τυχ]ήκειν ὑπὸ Παμοῦν ὀμοκομήτου μου
πάλε ἂν εἰς ψυχὴν μου ἔπθακεν. διὰ τοῦτο διαφέ-
ρουσα τοὺς λιβέλλους ἐπιδίδωμι τῇ σῆ ἐμμελία
8 αὐτὰ ταῦτα μαρτυρωμένα καὶ ἀξιούσα ἀκθῆναι ἀ-
τοὺς ἐπὶ σοὶ καὶ τὰ ἀκόλουθα τοῖς νόμοις κατ' αὐτῶν πρᾶ-
ξε, φοιλακθῆναι δὲ μοὶ τὴν τοῦ διαφέροντός μου ψει-
λου τόπου νομή(ν) καὶ δεσποτία(ν). *vacat* διεντύχει.
12 μετὰ τὴν ὑπατείαν τῶν δεσποτῶν ἡμῶν Γρατιανοῦ
τὸ ε' καὶ Θεοδοσίου τὸ α' τῶν αἰωνίων Ἀγούστων Παχῶν ι'.
Αὐρηλία Ἰρήνη ἐπιδέδωκα. Αὐρήλιος Ἡρακλείδης

Ἄ[πο]λλωνίου ἔγραψα ὑπὲρ αὐ[τῆς ἀγρα]μμάτου οὔσης.

3 read ἀπαλλάξαι 3-4 read βοηθεία 4 read ὁμοκωμήτου 5 read πάλαι, ἔφθακεν
6 read ἐπιδίδωμι, ἐμμελεία 7 read ἀχθῆναι 8 coi corr. ex cou 8-9 read πρᾶξαι, ρ added
as afterthought 9 read φυλαχθῆναι 9-10 read ψιλοῦ 10 read δεσποτεῖαν 11
ὑπατειαν pap. 12 read Αὐγούτων 13 read Εἰρήνη; ἱρηνη pap. 14 α[πο]λ'λωνίου pap.

(Lines 2 ff.) "...speaking to my face through his nose, wishing to end my life, and if I had not obtained help from Pamoun my fellow villager, he would long since have reached (the end) of my life. Being in dispute (with them) for this reason, I submit the petition to Your Diligence, testifying to these things and asking that they be brought before you, and (that you) carry out the legal consequences against them and that the possession and ownership of the building lot that belongs to me be preserved for me. Farewell.

In the year after the consulate of our masters Gratian for the fifth time and Theodosius for the first time, eternal Augusti, Pachon 10.

I, Aurelia Eirene, submitted (the petition). I, Aurelius Herakleides son of Apollonios, wrote for her because she is illiterate."

2-3 [λέγων εἰς π]ρόσωπ[όν] μου κτλ.: The phrase is found also in the statement of complaint *P.Oxy.* VI 903.22 (IV). Preisigke, *WB* II sv ῥίς, considers the phrase there to indicate speaking nasally, but that seems in itself insufficient to make it worth mentioning in this fashion. The ancients frequently refer to the nose as an organ expressive of anger and contempt; cf. W. Headlam and A. D. Knox, *Herodas. The Mimes and Fragments* (1922) ad Herond. VI 37 and A. S. F. Gow, "Notes on Noses," *JHS* 71 (1951) 81-84, references I owe to Peter Parsons. The writer may then be describing with this phrase the sense of menace conveyed by the speaker's contemptuous anger. Probably ῥόγγος (Lat. *rhonchus*) conveyed a similar sense of contemptuous snort; cf. the V-century letter in which the verb περιερρόγγαεν appears (*P.Col.* VIII 242.3-4, for which see also J.R. Rea, *Proceedings of the 20th International Congress of Papyrologists, Copenhagen, 23-29 August, 1992*, ed. A. Bülow-Jacobsen, [Copenhagen, 1994] 271). In a higher-status petitioner the issue of *iniuria* resulting from public display of contempt might also arise, but that does not seem to be this petitioner's concern.

3 τοῦ ζῆν ἀπαλλάξαι: The use of ἀπαλλάσσω in the middle/passive to mean "depart from life" is classical and common, see *LSJ* sv B.II.2 citing Plato

and Euripides; usage both with and without τοῦ βίου is found. For the papyri, see, e.g., [ἀπαλ]λαγῆναι τοῦ βίου in *P.Oxy.* XVII 2111.38-39 (II A.D.), a report of judicial proceedings concerning a dispute over property, unfortunately too fragmentary to allow us to see the full context of the expression. The active use of the idiom is less common, but ἀπαλλάσσω to mean "destroy" or "remove" is also classical, and θάπτον ἀπαλλάττουσι τοῦ ζῆν ("the gods hasten to deliver from life those they care most for") appears in the pseudo-Platonic *Axiochus* 367c (probably I B.C., certainly no earlier than III B.C., according to J. Souilhé in the *Budé Plato*, vol. XIII.3 [1962] 135).

3-5 εἰ μὴ κτλ.: The pluperfect without augment (reading suggested by P. J. Sijpesteijn) is frequent, cf. Mandilaras, *The Verb* 111 §233 and Gignac, *Grammar* II 224; the ending in -ειν is normal (Mandilaras, *op.cit.* 229 §485 and Gignac, *op.cit.* II 356). One might alternatively read τι[νὸς τυχ]εῖν, with the same sense; but the infinitive instead of indicatives in the protasis of a contrary to fact condition is anomalous although attested. Such infinitives in place of finite verbs are discussed by E. Mayser, *Grammatik* II.3 (1934) 109-110, esp. 110, lines 21-30 for conditional sentences. Mayser suggests assimilation to indirect discourse as the most likely explanation for the construction, but that does not seem applicable here.

4 ὁμοκομήτης: This formation appears on present evidence to be new in the fourth century. Examples are found in *P.Cair.Isid.* 126.12 (probably A.D. 308/309) and *P.Sak.* 44.7, 16 (A.D. 331/32), in both of which searches for fugitive fellow-villagers are in question, *Pap.Lugd.Bat.* XIII 13.4 (A.D. 421), where it refers to the petitioner's adversary, and *PSI* I 43.2 (V A.D.), where the *komarchs* describe themselves as ἀναδεχόμενοι τὴν γνώμην τῶν ὁμοκομητ[ῶν]. A word of identical meaning, συγκωμήτης, appears in the Syrian region, most recently in *P.Euphr.* 1.10-11 of A.D. 245, referring to the petitioners' adversaries; other citations are given by the editors (D. Feissel and J. Gascou, "Documents d'archives romains inédits du Moyen Euphrate," *JSav* [1995] 65-119 at 73 n.16), who view it as a calque of the Latin *convicanus*.

5 The use of the perfect here (as of the pluperfect in 4) seems to be a characteristic instance of its occasional replacement of the aorist in *koine*, discussed in Mandilaras, *The Verb* §§443, 461 ff. The sense of φθάνω here is less clear; the absolute construction with a prepositional phrase like this normally means to arrive or reach something (*LSJ* sv, II.2; Preisigke, *WB* II 690 sv 2). If so,

ψυχή would seem to mean the end of Eirene's life. Reading τύχη instead seems to me (under magnification) unlikely.

5-6 διαφέρουσα: Evidently Preisigke's "in Streit liegen" (*WB* I 367 sv 2); the verb is usually passive in such constructions, and used with a prepositional phrase, but Preisigke cites *P.Lond.* II 232.7 (IV A.D.) for an active use construed with the dative of the person with whom one is in a dispute. Here the writer has, rather awkwardly, used the verb with no complement of any sort.

5-8 A good parallel to the construction here occurs in *P.Lips.* 37.24-25 (Hermopolis, A.D. 389): διὰ το[ῦτ]ο καὶ νῦν ἐπιδίδωμι τῇ κῆ λογιότητι τοῦδε μου τοῦς λιβέλλου[ς] μαρτυρόμενος καὶ ἀξιῶ τούτο[υς] ἐν ἀσφαλεῖ εἶναι κτλ. In our papyrus, however, μαρτυρωμένη has its own object in αὐτὰ ταῦτα.

6 ἐμμέλια can refer to a considerable variety of officials, most commonly the *logistes* but also the *ekdikos*, *syndikos*, *riparius*, *exactor*, and others; see G. Menci's note to *P.Harr.* II 207.11. There appears to be no way of identifying the recipient here.

10 νομή καὶ δεσποτεία is the common translation of the Latin *possessio et dominium*, by which the petitioner is careful to assert both possession and civil ownership.

11-12 The consulate of Gratian for the fifth time and Theodosius for the first was 380 A.D.; the postconsulate was 381. There was no previous instance of the postconsulate in the papyri, and indeed there are two documents bearing dates to the consuls of 381 (Eucherius and Syagrius) before May, *P.Rain.Cent.* 86 and *P.Lips.* 20 (see Bagnall et al., *CLRE* s.a. 381), dated respectively to 25.ii and 2.iv. The accuracy of the scribe of *P.Lips.* 20 is open to doubt, as he has given an indiction number appropriate to writing a year earlier (see Bagnall and Worp, *CSBE* 65), but that error would scarcely support an attempt to argue that in fact ὑπατείας is an error for μετὰ τὴν ὑπατείαν and the document thus datable to 382, except generally in showing the scribe's fallibility. In *P.Rain.Cent.* 86, the indiction number has been erroneously omitted by the scribe, who wrote ἔτους where one would expect a numeral. It may seem unduly violent to suggest that both of these documents have the same error and belong in 382, but we could avoid an overlap of dating by p.c. and consulate otherwise only by supposing in our papyrus an error involving writing p.c. where cos. was intended, and this is not common. We do not know the provenance of our petition, but it seems unlikely that it is significantly upriver from Hermopolis, the source of *P.Lips.* 20,

i.e., that location can explain matters. Whatever the case in the two papyri with the consulate, the date of our papyrus seems secure.

13-14 Herakleides and Apollonios are such common names that, in the absence of any information about provenance, I would not venture to offer an identification of any homonym.

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