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DATING THE COPTIC LEGAL DOCUMENTS FROM APHRODITE

Introduction

The remarkable Coptic property exchange published by Anthony Alcock from the transcript and translation prepared by the late P.J. Sijpesteijn in cooperation with Monika Hasitzka (P. Mich. inv. 6898)[1] has brought an entirely new perspective to the question of the dating of the other Coptic legal documents from the village of Aphrodite, still mostly unpublished. In a recent note, Leslie MacCoull[2] has argued that the Michigan contract should be dated to 571-572, rather than to 616-617 as proposed by Alcock, and has sought to show that other Coptic documents, related to it by prosopography, are also to be dated in the vicinity of the date she proposes.[3] Such an early date, in our view, is untenable, and in what follows we shall try to show why Alcock's date for the Michigan contract is if anything too early rather than too late. The stakes in this argument are by no means trivial, for they involve not only the correct placement of a considerable dossier of papyri but our entire picture of the archives of Aphrodite after Dioskoros (last attested in 585) and our general view of the date at which Coptic came to be commonly used for the composition of legal instruments.[4]

A first essential point is that in considering the Coptic documents from Aphrodite we are dealing with two dossiers of Coptic documents, not a single dossier.[5] The first group consists of two texts belonging to the archive of Dioskoros son of Apollos and drawn up during his period working as a notary in Antinoopolis:

(1) *P. Lond.* V 1709 (arbitration; date must be after 565/6, but by no more than few years).

(2) *P. Cair. Masp.* 67176 recto + P. Alex. inv. 689 + *P. Cair. Masp.* 67275 and 67351 + *MPER* XV 139 + Corpus Christi College Ms. 541, fr. 1-8; (cession of land, not yet fully published; dated 28.x.569).[6] *P. Cair. Masp.* 67353 recto is another version of the same text (a Greek document of 569 is

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[1] Published in *Enchoria* 26 (2000) 1-19; see Hasitzka's remarks and corrections in *Enchoria* 27 [2001] 200-203. It should be noted that when, not long before his death, Sijpesteijn turned over the materials concerning the papyrus to Klaas Worp, he made no mention of Hasitzka's role.

[2] "P. Mich. Inv. 6898 Revisited: A Sixth-Century Coptic Contract from Aphrodite," *ZPE* 141 (2002) 199-203. In this note the reader will find full citation of MacCoull's own earlier work on the Coptic papyri from Aphrodite.

[3] Although we shall argue below that the dates proposed by MacCoull are too early, it should be noted that they represent a considerable improvement over those she maintained confidently as recently as 1997, in her "Dated and Datable Coptic Documentary Hands Before A.D. 700," *Le Muséon* 110 (1997) 349-366, where the Vatican documents are placed 35 years earlier than they are in the note published in 2002. See 203 n. 29 of that note for a veiled allusion to the fact that we read proofs of the note and argued in correspondence at that time that even the dates presented there were too early.

[4] We are indebted to Jean-Luc Fournet for discussion of points involved in this article. Portions of the argument set out below are also included in our *Chronological Systems of Byzantine Egypt,* 2nd ed. (Leiden 2004) 106-108.

[5] The rich contribution of Aphrodite to our knowledge of Byzantine and early Arabic Egypt is contained in two main groups: (1) the sixth- and seventh-century archives and (2) the eighth-century dossier of Korra b. Sherik. The first group, long treated as a single entity centered around Apollos and his son the notary Dioskoros, is coming to be recognized as containing subgroups both from the period of Dioskoros' lifetime, particularly that of Phoibammon son of Triadelphos, and from after it. Much still remains to be done in elucidating the structure of these finds; for now see the remarks of J.-L. Fournet, *Atti XXII Congr.* (Florence 2001) I 475-85 and (on the possibility that the dossier of Phoibammon may need to be seen as a separate entity) J. G. Keenan, *BASP* 39 (2002) 214-15). The present paper aims to demonstrate that there is a significant, bilingual body of material from the first half of the seventh century. Its relationship to the dossiers already cited remains to be studied more fully.

[6] See MacCoull, *Acts of the Second International Congres of Coptic Studies* (Rome 1985) 159-65 and J.-L. Fournet, *Etudes coptes* VIII (Cahiers de la Bibliothèque Copte 13, Lille 2003) 175, with mention of two additional Coptic legal documents, still unpublished, from the Dioskoros archive: P. Lond. inv. 2849, a lease, and P. Berol. inv. 11349, the end of a notarial act.

on the verso; see MacCoull, *Dioscorus of Aphrodito* [Berkeley1988] 13 and 41-43; dated by MacCoull, *Cd'É* 56 [1981] 189 to early 570).

These papyri are on any reckoning the earliest known legal documents drawn up in Coptic. They should perhaps not be equated fully to formal Greek notarial documents, as none of them contains the notarial subscription that a *tabellio* document would present, but there is no reason to doubt that the parties who commissioned these documents considered them both binding and effective.[7]

The second group of Coptic documents from Aphrodite consists of *P. Vat. Copt.* 1-3 and 5; the scanty details about no. 4 of this group available to us do not give us much information to build on, but it is likely enough that it belongs to this cluster also.[8] The essential information about these texts is as follows:

P. Vat. Copt. 1: no date; parties: Tsyra daughter of Sabine, Kollouthos and David sons of the late Christophoros. Hypographeus: Victor son of the late Phoibammon. Witnesses: Theodosios, Victor son of Apater, priest, and John. Notary: George.

P. Vat. Copt. 5: dated to indiction 14; parties: Taham daughter of Promaos, Kollouthos and Markos sons of Christophoros. Hypographeus: Victor son of the late Phoibammon. Witnesses: Theodosios, Victor son of Apater, priest, and Markos. Notary: Theodoros?

P. Vat. Copt. 2: dated to ind. 13; parties: Jacob and Constantine. In the same hand as

P. Vat. Copt. 3, date not preserved. Notary: George?

It is clear from prosopographical links that P. Mich. inv. 6898 belongs to this group as well. The beneficiaries of this party are the same as those of *P. Vat. Copt.* 5, Kollouthos and Markos. This entire group in turn has links to some Greek papyri that belong late in the 6th or in the 7th century, namely *P. Mich.* XIII 662, 664, and 666. It is thus on this nexus of papyri that the argument below will focus. It must be stated emphatically that this dossier has no prosopographical connections whatsoever to the first, sixth-century dossier. There is thus no *a priori* reason to assign the two groups to the same period.

All of the documents of the second group are lacking in definitive chronological information in the form of regnal or consular dating. In some cases this is the result of the loss of the beginning of the papyrus, in others not. One in which the top is lost, *P. Mich.* 664, does preserve an oath formula by the emperor Mauricius. The 4th indiction mentioned as future must thus be 585/6 or 600/1 and the date of the papyrus 584/5 or 599/600. The first of these dates would fall at the very end of Dioskoros' known activity (he died in or shortly after A.D. 585), but the second would be well beyond it.

Documents without regnal years

There is also an important piece of external evidence in *P. Mich.* 662, which opens with an invocation by the Holy Trinity. It is dated only to Hathyr 3, 4th indiction. The invocations by the Trinity were introduced by the emperor Phocas, and the first 4th indiction after his accession is 615/6, which would yield a date of 31.x.615.[9] Unlike scribes in Lower Egypt, the Upper Egyptian scribes continued to use trinitarian formulas after Phocas' replacement by Heraclius. The reasons for this regional divide are un-

[7] The earliest Coptic legal document signed by a notary seems to be *CPR* IV 90 from 7.i.596. Despite its formal character, this text lacks a dating formula.

[8] MacCoull 2002 (above, n. 2) 199 n. 2 cites earlier articles where these unpublished papyri are described. For no. 4 see *Cd'É* 56 (1981) 191; there are two individuals named Kollouthos mentioned, one of whom could of course be the son of Christophoros. *P. Vat. Copt.* 7 is published by H. Foerster in *AnalPap* 13 (2003) 63-67; it is a private letter in a distinctly literary hand.

[9] See *BL* 7.116. MacCoull 2002 (above, n. 2) 201, gives a confused discussion of the invocation of this papyrus, which she describes as "Type 2b, Justinian" (what "Justinian" means here is obscure). At first she says that as a trinitarian invocation "it cannot be earlier than the reign of Maurice," which is wrong (it cannot be earlier than Phocas). She goes on, however, to state that her results "contradict" the chronology of invocations put forward by us, who did not have this Aphrodite material available to us, in providing an example of a trinitarian invocation in 585. Methodologically, of course, papyri dated insecurely by prosopography are hardly the material one would use to upset a well documented system, and MacCoull offers no reason to do so.

known. The beginning of this papyrus is fully preserved, and it does not have a regnal date. Now regnal dates had been required on all legal instruments ever since Justinian's *Novel* 47, dated in 537, and the absence of a regnal date under Byzantine rule is thus worthy of note. That is not to say that compliance with Justinian's rule was immediate or universal. The first attestation of a regnal date in Egypt comes only in May, 539, and there are numerous papyri of Justinian's reign that continue the habit of using consular dating without adding the regnal date (*CSBE*, 2nd ed., 47). But it must be emphasized that these papyri do employ a dating formula that identifies the year uniquely by an officially-sanctioned system of names proclaimed in Constantinople, mainly the postconsular reckoning of Fl. Basilius (cos. 541); they do not begin documents solely with an indiction number, month and day. The latter usage is, in principle, easy to accept during the periods of Persian occupation and Arab rule, when no imperial authority in Constantinople was recognized in Egypt, but it is difficult to reconcile with a period when an emperor was in power in Constantinople and fully recognized in Egypt, and it is essential to ask whether we find the omission of all year identifiers other than the indiction only at times of political disturbance or also in periods when no such explanation is available.[10] If political disturbance is necessary, we would be led to prefer a date for *P. Mich.* 662 not in the fall of 615, a time by which Heraclius' rule was firmly established throughout Egypt, but to 30.x.630, shortly after the end of Persian rule, or perhaps to 645, after the Arab conquest.[11]

There is an important cluster of documents from the Fayyum that bears on this problem. These have recently been discussed by N. Gonis;[12] we give here a table including not only the documents he treats but the others with fairly secure chronological information that come from the period of transition from Phocas to Heraclius:

Reference	Ind.	Date	julian	invocation	regnal?	notary
CPR XXIV 27	13	Tybi 13	8.i.610	3C	yes–Phocas	?
SPP XX 209	13	Pham. 3	27.ii.610	3C	no	Kosmas
CPR XXIV 28	[15]	Thoth 6	4.ix.611	lost	yes–Heraclius	?
CPR X 130	15	Phaophi 8	6.x.611	1	yes	?
CPR X 131	[1]5	Mech. 10	5.ii.612	1	yes	?
P. Lond. I 113.6a	15	Pharm. 7	2.iv.612	3C	no	Kosmas
P. Bodl. 141	1	Ep. 13	7.vii.612	3C	no	?
P. Rain. Cent. 120	1	Thoth 14	11.ix.612	1	yes	?
P. Heid. V 350	1	Choi. 23	19.xii.612	1	yes	John
P. Heid. V 361	1	[Pau.] 14	8.vi.613	1	yes	George
P. Lond. I 113.6c	9	Phao. 5	2.x.620	1	no (Persian occupation)	George
CPR XXIV 30	10	Pachon 2	27.iv.622	1	no (Persian occupation)	?
CPR XIX 32	11	Tybi 3	29.xii.622	1	no (Persian occupation)	Kalomenas
BGU I 315	1	Ep. 28	22.vii.627	4A	no	George

[10] Apparent lack of invocation and regnal date can, of course, be the product of loss of the top of a papyrus. Cf. our discussion of *BGU* I 311 in *CSBE*, 2nd ed. 115 with n. 62.

[11] It could be objected that *P. Mich.* 662 contains an oath by the *basilike soteria*, which would hardly be applicable once there was no longer a *basileus* in power. But this argument is not compelling, as one of the three exactly datable examples using this phrase can be assigned securely to 647, under Arab rule: *SB* VI 8988.79. (The other two are *P. Lond.* I 113(10).10, from 639/640, and *BGU* I 255.5, from 599. There are several others, lacking exact dates; these are listed in *CSBE*, 2nd ed., appendix H.)

[12] *ZPE* 141 (2002) 165-168, where he reedits *P. Bodl.* I 141. We are indebted to Dr. Gonis for discussion of this group of texts.

The key documents in this table are those with "no" in the column indicating whether a regnal date is present. Because the Trinity invocations were replaced in Lower Egypt by renewed use of the Christ invocations (our type 1) under Heraclius, it is virtually impossible to date the three documents with invocation type 3C after Heraclius is fully established. The crucial point, then, concerns the documents in the group with no regnal date and a Christ (type 1) invocation. In "Invocations," 128f., we argued that such a situation was most readily explicable by the absence of secure Roman authority, that is, that the Persian occupation and period after the Arab conquest were the probable times for such documents.

There are 3 documents listed above that meet these criteria: *P. Lond.* I 113.6c, *CPR* XXIV 30, and *CPR* XIX 32. Of these, *CPR* XXIV 30 has been securely dated by Palme to the Persian period, because one cycle earlier Menas was not yet pagarch and a cycle later the unified pagarchy of the Arsinoite and Theodosiopolite no longer existed. The same arguments secure *CPR* XIX 32 in the following indiction year. *P. Lond.* I 113.6c is more difficult. The absence of regnal dating and the presence of the notary George speak for 620, but the fact that the document is addressed to a representative of Theodosios "the most glorious stratelates from the city of the Arsinoites" has been taken (Worp, *CPR* VII, p. 154) to indicate instead a date in 635, in proximity to *P. Prag.* I 64, securely dated to 636, in which Theodosios appears as stratelates and as dux and Augustalis of Arcadia. The absence of regnal dating in this document remains troubling, however, and as Theodosios is not described as pagarch, it does not seem that 620 is excluded.

BGU I 315, by contrast, has an invocation 4A, which never appears in any text securely datable under Byzantine rule. All securely datable examples can be assigned to the period after the Arab conquest, but there have been a number of attempts to give prosopographical grounds for dating documents with invocations of the larger group 4 to the period of Persian rule.

We must, therefore, accept the high probability that at least one Arsinoite notary (Kosmas), and perhaps others, continued to use the trinitarian invocation and to avoid dating by Heraclius at least until the summer of 612. But that finding does not provide any basis for imagining that similar omission of regnal formulas can have continued after the transitional period, when things may have been disturbed, nor is there any example in which a scribe switched to invocation 1 but avoided dating by Heraclius. We can thus legitimately allow zones at the beginning and end of major disturbances, as well as the disturbances themselves, in which scribe may have expressed caution by avoiding regnal formulas, but we are not given any broader dispensation.

Dating the second Coptic dossier

The relative chronological positions of *P. Mich.* 662 and 664 argued here are consistent with the fact that *P. Mich.* 662, the later one, has absolutely no prosopographical connections with any other Aphrodite text except for the notary Apa Rasios (also in P. Mich.inv. 6898), while *P. Mich.* 664 includes two priests (David s. Andreas as *hypographeus* and Senouthes s. Apollos as witness) whose names can be found in other texts in the same volume that in turn have prosopographical connections to the other Aphrodite papyri. We shall return to them later. Internally, we also find a distinction, with *P. Mich.* 664 showing us a Christophoros son of Apollos as a party, while all of the rest of the texts in this cluster, Greek and Coptic alike, involve sons of Christophoros.[13] The patronymic of Christophoros is not given in any of these other texts, so the identity of the Christophoros of *P. Mich.* 664 with the father of the parties to the other contracts is not entirely certain. It seems probable, however, and the relative chronology argued above is consistent with this view.

One line of argument that might affect the order of the documents mentioning Christophoros needs to be considered at this point. He is referred to as deceased in *P. Mich.* 662 and *P. Vat. Copt.* 1, but the epithet *makarios* (or *makariotatos*) is absent in other contexts. Is this evidence for relative chronology?

[13] Not enough information about *P. Vat. Copt.* 2 and 3 has been published to establish that this is true of them; their link with the other Vatican texts is the notary George.

Unfortunately, it seems unlikely that this is a reliable indicator of relative chronology. It may be pointed out that notaries do not always indicate the fact that the parent of a contractual party is deceased; one has only to refer to Dioskoros himself, in P. Alex.inv. 698 + *P. Cair. Masp.* II 67176, where he signs himself as son of Apa Apollos of Pharoou, the latter not qualified as deceased even though he had been dead for more than two decades, since 546/7. Even a single notary will be inconsistent inside a single document: most pertinently, it must be observed that Apa Rasios in P. Mich.inv. 6898 is inconsistent in lines B.10 and B.14 about whether Paulos (the declaring party's son) is indicated as deceased. In earlier articles, MacCoull (following L. Papini, *BSAC* 25 [1983] 86; cf. *Proc.XVII Cong.* II 767-76) tried to make much of the fact that John the *censitor* is mentioned in *P. Vat. Copt.* 5 without the indication "deceased," which she supposed to be evidence for a date close to John's census, and thus to 535/6, for this papyrus, but now that she has abandoned this date in favor of one 35 years later, it is clear that the absence of such indication is of no evidentiary value.

It is in fact likely that the Vatican group should be considered as very closely clustered in time, at a date around an indiction 14, which is mentioned in *P. Vat. Copt.* 5; the heavy overlap of participants between this text and *P. Vat. Copt.* 1 means that the latter cannot be long separated from it. Similarly, *P. Vat. Copt.* 2 and 3 are in the same hand; 2 is dated to indiction 13. As we have already seen, the fact that in nos. 1 and 5 Christophoros is not consistently designated as deceased (so indicated in no. 1, not so indicated in no. 5) is immaterial, and Christophoros was thus probably dead by the time all of these documents were drawn up.

Now, to return to the constraints imposed by the two Greek texts with some objective indications. A date as late as 630 for *P. Mich.* 662 (see above, p. 239) does not require dating *P. Mich.* 664 in 599/600 rather than 584/5 (see above, p. 238), but it may tend to favor it. A date in 645 for *P. Mich.* 662, however, would greatly increase the presumption of a date to 599/600 for *P. Mich.* 664. Either date will, however, tend to encourage dating the other documents, clustered in indiction 6 (*P. Mich.* 666, P. Mich.inv.6898) and 14 (the Vatican Coptic papyi), as late as possible. That would mean 617/8 (ind. 6) and 625/6 (ind. 14).

Because the tops of both indiction 6 documents are lost, they do not help by indicating if an emperor was in power.[14] The oath formula in P. Mich. inv. 6898 is by God Almighty and the victory and salvation of "our lords who are ruling over us." This formula corresponds with Greek oath formulas not assignable to any particular reign, none of which can be dated before 641 and which as far as datable all seem to come from after the Arab conquest.[15] In any event, no indiction 6 falls during the Persian period, the only other possible choice, and we must therefore assign a high probability to dating indiction 6 here to 647/8.

The oath formula of *P. Vat. Copt.* 1 is of the same sort, and it is thus likely that the indiction 14 to which *P. Vat. Copt.* 5 (which preserves no oath formula) is to be dated and around which *P. Vat.Copt.* 1 must been written (as we have seen) should be assigned to either 625/6 or 655/6, during the Persian occupation or after the Arab conquest. The indiction 13 of *P. Vat. Copt.* 2 (and probably 3) is presumably the preceding year, but their oath formulas are not sufficiently preserved to allow certainty. It does not appear that any significant inroads against Byzantine rule were made by the invaders in Upper Egypt until late 641 or 642,[16] although the years from 638 to 641 are very poorly documented in Upper Egypt,[17] and we should therefore exclude 639-641 as a possible time for the Vatican documents. It is

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[14] The remarkable similarity in formula of these two texts in describing properties leaves no doubt of their close connection.

[15] See *CSBE*, 2nd ed., appendix G, XXXIX (f), (g), (h), and (i), and cf. above, n. 11.

[16] See A. J. Butler, *The Arab Conquest of Egypt* (2nd ed., Oxford 1978) 358.

[17] The last well-preserved and precisely dated text referring to Heraclius from Upper Egypt is *SB* XVI 12492 (Hermopolite), of 18.iii.638. Only one Upper Egyptian dating formula by Heraclius is later than this date, the very heavily restored *SB* VI 8986, from the Apollinopolite (Edfu), assigned to i-ii.641 in the most recent discussion by C. Zuckerman, *JJP*

worth observing that we do not have any clear instance of an oath formula of the kind described from under Persian rule, and a date after the Arab conquest may for that reason be more likely.

Overall, then, it looks as if we should date the documents as follows

Document	Indiction	Julian years	Document	Indiction	Julian years
P. Mich. 664	4	599/600	*P. Mich.* 662	4	645
P. Vat. Copt. 2, 3	13	624/5 or 654/5	*P. Mich.* 666	6	647/8
P. Vat. Copt. 1, 5	14	625/6 or 655/6	P. Mich. inv. 6898	6	647/8

Apa Rasios (*P. Mich.* 662 and P. Mich. inv. 6898) would thus appear in texts separated by only 2-3 years.

These documents are thus, at a minimum, to be distributed over a period of nearly a half century, and possibly somewhat more. It is time then to return to the question whether *P. Mich.* 664 can and should be dated one indiction-cycle earlier, extending the span still further. Do the prosopographical links of David son of Andreas and Senouthes son of Apollos require such a dating? David appears as a witness in *P. Mich.* 667, which has lost its beginning and cannot be dated. It belongs to the papers of Phoibammon son of Triadelphos and thus putatively falls in the period 526-572, although it could perhaps be slightly later—we do not know the date of Phoibammon's death. In any event, we do not know enough about David to demand minimalization of the interval. The other persons mentioned in the papyrus do not do much to constrain its date. A Senouthes son of Apollos is a party in *P. Mich.* 669. This is traditionally thought to be Dioskoros's brother.[18] Gascou has suggested 544 as a date (*BL* 7.117). But the Senouthes of *P. Mich.* 664 is a priest, something we do not know Dioskoros's brother to have been. The identity is thus uncertain and should not affect our consideration of the date of *P. Mich.* 664.

A date to 584/5 would not so much disturb the scheme proposed above as it would affect the question whether the party Christophoros is the same as the father of the parties in the later texts and where in their respective lives the parts of the dossier fall. Because the cluster of texts benefiting the sons of Christophoros is likely to have survived in the possession of this family, this identity seems more likely than not, whereas the identification of Senouthes son of Apollos is of low value. On the whole, then, the date to 599/600 seems to us preferable.

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25 (1995) 187-201. Zuckerman's optimism that the news of Heraclius' death could have reached Edfu in six weeks seems to us to strain the probabilities, but it is difficult to offer a more compelling restoration of this frustrating text.

[18] For this person see now P. van Minnen, "Dioscorus and the Law", in A.A. MacDonald e.a. *Learned Antiquity* (Leuven 2003) 115-133, esp. 122-123 and 133, claiming that Senouthes was not the poet Dioskoros' brother, but rather a different individual.