

Micaela Langellotti  
King's College London  
micaela.1.langellotti@kcl.ac.uk

### Sales in the *grapheion* archive of Kronion

#### Introduction

The *grapheion* archive of Kronion from Tebtunis is a group of over two hundred documents concerning the running of the local notarial office in the village of Tebtunis, in the Fayum, in the first half of the first century AD. For a period of nearly twenty years, from AD 7 to 26, the *grapheion* of Tebtunis was managed by a man called Apion; on his death, in AD 26, his office was taken up by his son Kronion, who held it for a further thirty years until AD 56. The collection is mostly made up of contracts, but also includes a fair amount of other types of documents, such as registers of various kind and accounts of expenses. The *grapheion* papyri are exceptionally important not only because they throw considerable light on the procedures of the *grapheion* office of a large Fayum village, but also because they allow the reconstruction of several aspects of village society in Tebtunis in a period of transition from Ptolemaic to Roman administration during which important changes occurred. The best evidence is provided by contracts, which constitutes the 64% of the whole archive, and by three full drafts of registers listing day by day the basic details of over 1,300 contracts drawn up in AD 42 and 45/6.

This paper aims to investigate the role and importance of formally contracted sales and cessions in the socio-economic life of the village of Tebtunis by examining contracting parties, objects, and terms and conditions of the agreements, as well as the use of demotic.

#### The evidence

The evidence will be distinguished into contracts and registers, with a particular focus on the three long drafts dated to AD 42 and 45/6. The contracts allow us to investigate format, sex and age distribution of contracting parties, percentage of shared property, transactions between relatives, and objects of sales, whereas the three registers provide us with the information necessary to work out and compare monthly distribution and average of sales and cessions in the years AD 42 and 45/6, when a shrinkage is recorded, and to calculate the breakdown between real property and movables.

## a) Contracts

Contracts of sales are the most represented contract type in the archive (36%). To date, 50 contracts of sales dated between AD 18 and 56 have been published, of which five are coupled with a contract of loan as to form a mortgage. All sales are written in Greek, with the exception of five demotic contracts with Greek subscriptions. Regular sales cover a period of time which goes from AD 18 to 48 – the last demotic sale attested being dated to AD 44 -, whereas sales coupled with loans range from AD 29 to 56.

Contracts of cession only constitute a meager 6% of the total body material, with eight cessions so far published, dated between AD 25 and 46.

Before examining these contracts into more detail, it is worth clarifying the difference between sales and cessions. Sale - *prasis* in the papyri - refers to a transaction the validity of which is guaranteed by a payment in money, and where the seller has full ownership on the object sold. Cession, on the other hand, is the conveyance of a special type of land (catoecic, kleruchic, and hieratic land) of which the seller only has the privilege of use, but not the full ownership. Two types of cessions are attested in the *grapheion* archive: *parachoresis*, concerned with private property, and *enchoresis*, which is the instrument used for public property received ‘in grant’, such as *kleroi phylakitikoi*, or ‘special’ category of land like hieratic land.

First, I will examine the format, starting with the contracts of sales.

The five demotic contracts with Greek subscriptions all exhibit the same format: a demotic body distinguished into two parts, sale (*prasis*) and cession (*syngraphé apostasion*), and Greek subscriptions of the contracting parties. The sale part includes transfer of property, acknowledgement of receipt of money, and delivery of the object; in the cession part the seller formally relinquishes any claim over the object. In two texts the top preserves the date in Greek, and the word *ekdosimon*, showing that those were copies for the contracting parties (*P.Mich. V 249-250*). Greek subscriptions contain the following clauses: a) agreements of the contracting parties to abide by the Egyptian law of sale; b) acknowledgement of receipt of money (with reference to real payment – *dia cheiros*); c) guarantee clause (*bebaiosis*), through which the seller guarantees that the payment of all taxes due on the property sold has been fulfilled; d) optional approval clause by a third part (*eudokesis*). Two sales exhibit the docket of registration through Kronion, notary of the *grapheion* (*PSI VIII 909, PSI XX Congr. 6*), whereas one is recorded through the *grapheion* of the village of Talei (*P.Mich. V 251*). In a contract dated to AD 47 (*P.Mich.*

V 276), the sale of a house is said to be executed in the form of a six-witness contract (typical of demotic sales) through the record-office (*mnemoneion*) of Arsinoe.

Most of the Greek sales we have are subscriptions, lacking the body of the contract.<sup>1</sup> All are drawn up in the form of the *homologia*, that is the standard format for contracts in the Roman period: date, *homologia* clause (*homologeí peprakenai...*) followed by details of the contracting parties, object of sale, acknowledgement of receipt of money, *bebaisis* clause, and optional *endokesis* clause.

Objects of sale can be divided into movables and real property. Movables only cover a very small percentage (9%): 3 sales of slaves, and a sale of a donkey. Among the immovable, houses (and shares of houses), and courtyards represent the most frequent object of sale in the *grapheion* archive with a 47%, followed by a 27% of vacant lots. The complete date of transaction is preserved in only eleven contracts, from which we see that houses exchange hands in the months from April through August, sacred land in April and at the end of December, vineyards in January/February, and donkeys in July.

All cessions are drawn up in the form of *parachoresis*. The format adopted is the same used for sales, except that in the *homologia* clause the verb is *parakechorenai* (to cede) instead of *peprakenai* (to sell). Object of cessions are catoecic land (75%), sacred land (12%), and vine land (12%). The date is preserved in only three contracts of cession of catoecic land – 1 in April, and 2 in May.

Over 130 contracting parties are involved in sales and cessions. Age is only given in complete contracts and detailed subscriptions, and sometimes in a note at the top or back of the papyrus. Age distribution ranges between 21 and 56, with a peak of people entering contracts between late 20s and early 40s. It is interesting to note that the 84% of the contracting parties are male – 50% sellers, and 32% buyers -, while only 16% are women – 10% sellers, and 6% buyers. Sales of shared properties, usually houses and courtyards, represent a common phenomenon within the archive (19%) – normally the co-owners of shared properties were relatives. It is worth observing that 21% of sales are entered by relatives.

Five sales are coupled with a loan. The two contracts together represent a mortgage, where the sale is fictitious and the object of sale constitutes a pledge for the loan. In other words, the seller is in fact a debtor, while the buyer is a lender. This theory is supported by the presence of the word *hypotheke* on the back of two sales (*P.Mich.* V 332 and 335). The object of sale is

<sup>1</sup> Among the *grapheion* papers, 74 out of 136 contracts are subscriptions. The space left blank above the subscriptions clearly suggests that the contracts were drawn up in at least two stages: first the contracting parties would write their subscriptions, then the *grapheion* scribes would fill in the blank space with the body of the contract.

always a house (or a share of a house), whereas the amount of money lent varies from a minimum of 72 dr. to a maximum of 448 dr., depending on the value of the object pledged.

Contracts were drawn up by the scribes associated with the *grapheion* upon payment of a fee (*grammatikon*), which varied depending on the length of the contract, or the number of copies to be made (several in case of sale of a shared property). Subscriptions were usually drawn up by professional scribes, or relatives, in place of the contracting parties when these were illiterate.

#### b) Registers

Sales and cessions are also recorded in seven registers, four of which only offer incomplete information. In these fragmentary registers - one *eiromenon*, abstract of contracts, dated to AD 16, and three *anagraphai*, titles of contracts entered day by day, dated to August-September AD 43 and September 47 - objects of sale are houses, oxen, and looms.<sup>2</sup> Objects of cession are a certain amount of *arouras* (probably from *catoecic* land) and 100 dr. - cessions are all *parachoreseis*. All entries are *homologiai*.

As already mentioned in the introduction, the best evidence is provided by three long *anagraphai*, which record the daily transactions of the Tebtunites in AD 42 and 45/6: *P.Mich. II 121* verso covers the four-month period from April to August AD 42; *P.Mich. II 123* recto and *V 238* together cover a period of sixteen months from August AD 45 to December 46.<sup>3</sup>

*P.Mich. II 121* records 32 sales in the form of *homologia*, and five cessions - 4 *parachoreseis* and 1 *enchoresis*. Sales are mainly recorded in July (50%) and August (28%), whereas no sale is recorded in June. *Parachoreseis* are entered in July and August, while an *enchoresis* of a *kleros phylakitikos* (allotment originally granted to one of the *phylakitikai*, members of the police force) is registered in June.

In sales, an even distribution of movables and real property is attested: 44% of real property - 25% of houses (and shares of houses), and 19% of vacant lots -, and 40% of movables - 12 donkeys, 1 slave. Interestingly, all sales of donkeys, which concentrate at the beginning of the months of May, July, and August, are listed one after the other, and never in a scattered way;

<sup>2</sup> For the *eiromenon* see *P.Mich. V 241*, for the *anagraphai* see *P.Mich. V 237* and *240*. The entries are also duplicated in *P.Mich. II 128*.

<sup>3</sup> In her 1973 dissertation Toepel used the data included in these registers to calculate the business volume of the village in the years AD 42 and 45/6. However, it must be said that the three registers are different from one another, therefore the results from their comparison should be taken carefully. *P.Mich. II 121* verso is a list of titles without indication of the fee for writing the contract; *II 123* recto is an *anagraphé* which reports a wider range of contracts (e.g. *cheirographiai*) with indication of fees and regular summaries of them; *V 238* is an *anagraphé* with indication of fees, but not summaries of them, and is not as comprehensive as *II 123* recto.

moreover, the contracting parties involved in these transactions always appear as buyers or sellers in two or more consecutive entries, which suggests the presence in Tebtunis of an active donkey trade. Donkeys were mainly used in the Nile Valley and in the Fayum, for transport as well as farming purposes.

Interestingly, the 19% of sales and cessions are in fact 'hidden' loans or loans on security. 'Hidden' loans are two sales of donkeys, and two sales of slaves. On July 2<sup>nd</sup> Patunis sells a donkey to Herakleios, and on the same day Herakleios sells a donkey to Patunis. On July 6<sup>th</sup> Eudaimonis sells a young female slave to Kastor, and a week later Kastor sells a young female slave to Eudaimonis. These particular transactions are to be regarded as loans rather than sales. The first sale of each couple of contracts is only fictitious: here the seller is in fact the debtor – in other words, the seller receives the money from the buyer, who is the lender, without actually selling his donkey, which in fact constitutes a pledge for the loan. Three cessions out of five are coupled with a loan or deposit, so as to form a mortgage. The object ceded is always land (undefined arouras), and constitutes a pledge for the loan or deposit, which is in money.

Contracting parties are all male, with the exception of two – Eudaimonis and Herakleia.

In *P.Mich.* II 123, which covers the whole year AD 45/6, from September to August, 50 sales and 11 cessions are recorded. Sales are evenly distributed over the year, from a minimum of three (February and August) to maximum of 7 (October). In June only one sale is recorded (in AD 42 no sale in June). It seems that in June no formally contracted sales used to take place. If we compare the period from April to August AD 42 (*P.Mich.* II 121) with the same four-month period in AD 46 (*P.Mich.* II 123 recto), we notice that a definite shrinkage (56% circa) is registered: 32 sales in AD 42, against 18 sales in AD 46. An increase in cessions is attested in AD 46.

By comparison with *P.Mich.* II 121, this register exhibits a wider range of objects of sales: sheep, bulls, a pestle, and land cultivated with fodder crops. Movable – sheep, donkeys, bulls, and slaves – represent the 30% of the sales. Immovables constitute the bulk of sales, with a 20% of sales of houses and 18% of looms. Cessions – 6 *enchoreseis*, and 5 *parachoreseis* – concentrate in the months from April to July. Objects of *enchoresis* are hieratic land, and some *kleroi*; the object of *parachoresis* is private land (*kleros*, and undefined arouras).

In *P.Mich.* V 238, which lists transactions registered from September to December AD 46, 14 sales and 8 cessions are recorded. A further decrease in sales (66% circa) is to be noted by comparison with the same four-month period of the previous year recorded in *P.Mich.* II 123,



while a considerable increase in cessions can be noted (3 cessions in Sept – Dec 45, 8 cessions in Sept – Dec 46).

Movables constitute the 78% of the objects of sale, with a concentration of sale of donkeys in October, which might suggest the presence of a market of donkeys taking place in that month. Cessions are divided into four *parachoreseis* and four *enchoreseis*. As already seen before, the *enchoresis* form is used for cession of hieratic land (*pastophorion*), whereas the *parachoresis* form is used for cession of undefined private land.

### Conclusions

The evidence so far examined from the *graphieion* archive has highlighted several important aspects of sales and cessions in the village of Tebtunis in the first half of the first century AD.

First, objects which were and were not entered into formally contracted sales and cessions. The three registers for the years AD 42 and 45/6 have shown that donkeys were the most common object of sales, followed by houses and land. Houses were sold throughout the whole year, from February to October. Looms were also sold quite often, whereas sales of slaves were unsurprisingly rare. Sheep, oxen, and bulls were entered into sales only occasionally; instead, they were usually objects of lease. Cessions were concerned with special categories of land: hieratic and catoecic land, and *kleroi phylakitikoi*. Two types of cession have been identified: *parachoresis*, for private land, and *enchoresis*, for land given ‘in grant’.

Second, specific economic activities are reflected in contracts of sales and cessions. A donkey trade appears to have been particularly active in the months of October and November, possibly in connection with a local periodic market, as well as in May and July, for transportation purposes just after the harvest. A flourishing textile production (wool) is also well attested in sales of looms. This machinery was usually sold in the months which immediately preceded or followed the annual shearing of sheep, that is March and September. Although flocks of sheep and goats were not so frequently sold, sheep rearing can still be identified in the few sales of fodder crops, which took place in the months of January, March, and September. Fodder crops, like sheep and goats, were more often leased than sold – a large number of leases of land cultivated in fodder crops for sheep grazing purposes is indeed attested. Viticulture is not much attested in sales – once again, vineyards were more often leased rather than sold.

Third, a rather high percentage of shared properties, mostly represented by houses and courtyards, and transactions between relatives is attested in full contracts and subscriptions. This

phenomenon has to be attributed to the specific law of inheritance and marriage in force in Egypt – women could inherit real properties from their father or mother, and then hand them over to their husband or children, allowing for a continuous and steady growth of joint ownership. Co-ownership, and the high number of transactions between relatives highlight the important role family ties play in the business of Tebtunis.

Fourth, around 20% of our evidence is constituted by ‘hidden’ loans, and loans on security (sales or cessions coupled with a contract of loan or deposit). In sales and loans on security the object sold is always a house, whereas in cessions and deposit the object ceded is always land. Why were ‘hidden’ loans often preferred to regular loans? A possible explanation is the fact that ‘hidden’ loans did not require payment of interests. It was a more informal agreement where the creditor would benefit from the use of the object pledged, while the debtor would be exempt from paying interests. However, since a contracted loan was not officially registered, the debtor would lose his property should the loan not be repaid. As a consequence, in this type of transactions a high level of trust between the contracting parties was required.

Last, in the year AD 45/6 a shrinkage in sales and an increase in cessions are recorded. The meaning of this phenomenon is difficult to interpret. Since oral contracts were still very common in the Roman period, a decrease of written sales does not necessarily reflect an economic distress, or an actual decrease in selling and buying. Moreover, we lack registers for the years preceding and following AD 45/6, therefore it is not possible to draw general conclusions on the economic situation of Tebtunis in that particular year only on the basis of the sales volume. An increase in cessions, on the other hand, seems to indicate that more land was exchanging hands, which, in fact, might be regarded as an indicator of economic difficulty. The reason for this can be found in the bad Nile flood, which has been argued to have occurred in the year AD 45/6; as a consequence, it is conceivable to assume that many Tebtunites could no longer afford to keep their land, and prefer to sell it as in need for cash.