

URI YIFTACH-FIRANKO (JERUSALEM)

THE *CHEIROGRAPHON* AND THE PRIVATIZATION OF SCRIBAL ACTIVITY IN EARLY ROMAN OXYRHYNCHOS¹

The *cheirographon* is the documentation of a legal transaction in the format of a letter. Its author is the prospective debtor, its addressee the future creditor. The *cheirographon* opens as a rule with the greeting *χαίρειν*, which is followed by the provisions of the contract. These are reported in the first person, frequently introduced by the verb *ὁμολογῶ*. Finally, at the bottom of the document, we find its date of composition.² The *cheirographon* is one of the most popular types of format used for the documentation of legal transactions in Egypt. It is attested for the first time in the third century BCE, and is still widely in use during the Byzantine period.³

The *cheirographon* shows an outstanding peculiarity. Other legal documents report the circumstances of their composition: the double document reports that it was issued in the presence of six witnesses who could later be summoned and confirm that the contents of the document really reflect the terms of the contract. The agoranomic instrument was, as shown by its name, composed by and before the

¹ I thank Prof. R.S. Bagnall for reading and commenting on this paper, and Prof. R. Westbrook for stepping in as my respondent on a very short notice, and for his highly illuminating notes.

² Wolff, *Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats, II: Organization und Kontrolle des privaten Rechtsverkehrs* (Munich 1978) 107. Cf., e.g. *P.Grenf.* II 17 = *MChr* 138 (136 BCE – Thebais): ἔτους λδ Τ[ϛ]βι θ̄. Πατοῦς Πατοῦτος | Τακμήιτι Πατοῦτος χαίρειν. ὁμολογῶ | ἔχειν παρὰ σοῦ κώνον σιδηροῦν ἐν ὑποθήκῃ, ἐφ' ᾧ εἰάν με ἀπαιτῆς καὶ μὴ ἀποδίδω σοι ἀποτίσω σοι χαλκοῦ (τάλαντον) α | τιμὴν τοῦ προγεγραμμένου κώνου. | ἔγγυος Θαῆσις πρεσβυτέρα Πόρτιτος | τῶν προκειμένων πάντων. ἔγραψεν | — Δρύτων Παμφίλου ὑπὲρ αὐτῶν διὰ τὸ φάσκειν | αὐτοὺς μὴ εἰδέναι γράμματα. | (ἔτους) λδ Τῶβι θ̄. Variations, as for example the omission of the *χαίρειν* formula, are also attested: cf., e.g., *P.Tebt.* II 391 = *MChr* 138 (99 CE – Tebtynis), and Wolff, *ibid.* 107 n. 6.

³ Cf., e.g., *P.Col.* IV 76 (247 BCE – Philadelphia (?)) and *P.Cair.Masp.* III 67328 (521 CE – Aphroditēs Kômê, Antaiopolitês). It is also used outside Egypt. We possess *cheirographa* from second-century CE Judaea and Arabia, e.g., *P.Yadin* 11 (124 CE – En Gedi) and from early first-century CE Puteoli: cf., e.g. *T.Sulpicii* 48 (48 CE). The *cheirographon* is also frequently mentioned in literary, jurisprudential and epigraphic sources from different parts of the Roman Empire from the second century BCE onwards. Cf. Wolff (supra n. 2) 110.

agoranomos – a state notary who would register the document in his files and witness to its validity.⁴ The *cheirographon*, on the other hand, does not report, before the Byzantine period, where it was composed or by whom; nor does it report the presence of witnesses. The document does not indicate, in other words, how its applicability can later be tested.⁵

A possible solution to the problem of validity is provided by one of the meanings of the adjective *χειρόγραφον* as it appears in *LSJ: holograph, manuscript*, i.e. “a document wholly in the handwriting of its author.”⁶ Following this etymology, H.J. Wolff, formulated in his *RGP II* the rule, by which the *cheirographon* was made *binding* (sic!) because the debtor wrote the document in his own hand, because he wrote the document *mittels bindender Schrift*.⁷ Yet Wolff, like those studying the *cheirographon* before him, was well aware of the difficulty of this statement. While some *cheirographa* are known or can be assumed to be written by the debtor, in others the debtor just adds a short account of the transaction (*hypographê*) beneath a contract that is written by someone else, while in a third group of documents even the *hypographê* is issued by another person.⁸ Still, we do not have any evidence of a *cheirographon* being invalidated because it was not completely, or even partially holographic.⁹

I do not claim that the existence of the ‘allographic’ *cheirographa* is completely irreconcilable with Wolff’s explanation.¹⁰ I also grant that, in accordance with its name, the *cheirographon* was widely used throughout the Ptolemaic and Roman periods for the holographic documentation of obligations, avoiding the complexities

⁴ Wolff (supra n. 2) 57-59, 83-84.

⁵ In very few cases, witnesses are present at the composition of the *cheirographon*. Cf., e.g., *P.Fouad I* 45,17 = *ChLA XLII* 1207 = *FIRA III* 121 = *CPL* 189 (153 CE – Alexandria); *P.Oxy.* XLIX 3483,11-12 (early I CE). Witnesses are also routinely deployed in *cheirographa* in Judaea/Arabia: *P.Yadin* 11^v (124 CE – En Gedi), 21, 31-32 and 34; 22,37-38 and 40 (both 130 CE – Ma’oza).

⁶ *LSJ*⁹ p. 1985 s.v. *χειρόγραφος, ον.* and *Webster’s Third New International Dictionary of the English Language* (Springfield, Massachusetts 1961) p. 1081 s.v. *holograph*.

⁷ Wolff (supra n. 2) 107-108.

⁸ E.g., Mitteis, *Grundzüge und Chrestomathie der Papyruskunde* II, 1 (Leipzig 1912) 56; Wolff, (supra n. 2) 108.

⁹ Accordingly, in the *dêmosiôsis* procedure (cf. infra p. 337) the *hypographê* (i.e. a summarizing account of the transaction at the bottom of the contract) needs to be written by the debtor, but not the entire document. Cf. e.g., *P.Oxy.* IX 1200, 45-46 (266 CE – Oxyrhynchos): *περὶ τοῦ εἶναι τὴν ὑπογραφὴν ἢ ἰδιόγραφον τοῦ γράψαντος*. The fact that a legal instrument was written by the debtor in person could be used, however, as a proof of his liability: cf. H.C. Youtie, ‘Υπογραφεὺς: The Social Impact of Illiteracy in Graeco-Roman Egypt’, *ZPE* 17 (1975) 201-221 (= *Scriptiunculae posteriores* I (Bonn 1981) 179-199) at 211 n. 27.

¹⁰ We could assume that Wolff’s *Prinzip der Eigenhändigkeit* was valid, and whenever the document was written by others, this deviation was caused by the debtor’s illiteracy. In this case, he would empower a literate bystander to compose the document for him; cf., in this direction, Youtie (supra n. 9) 206-207.

involving the witnessed or notary instruments. But I am not sure that holography ever became a legal principle, a real *essentiale negotii* for the *cheirographon*. In the course of the Ptolemaic and Roman periods we repeatedly encounter scribes who ‘usurp’ the scheme of the *cheirographon* as a routine scheme for documents issued by them, in their office: this is the case with the *liblarii* of early second-century CE Arabia;¹¹ this is also the case with the *tabelliones* throughout the empire from the fourth century CE onwards.¹² In both cases the *cheirographon* is routinely employed and as a matter of course. Accordingly, at least in the eyes of the scribes who applied the *cheirographon* in their offices, drawing up the document in the debtor’s own handwriting was not a legal prerequisite. This may speak against Wolff’s theory. In the case of the *liblarii*, however, and to some extent also in that of the *tabelliones*, we face one major difficulty: we are not familiar with the causes and the historical context of the introduction of the *cheirographon* as the routine scheme of the professional scribe.¹³ Such an historical context is provided, on the other hand, by the third example, that of early Roman Oxyrhynchos.

The *cheirographon* is extremely popular in Roman Oxyrhynchos. Taking just the most common types of transactions (e.g. sales, loans), we have some 85 contracts issued in Oxyrhynchos in the first three centuries CE as *cheirographa*, which make roughly a third (85:254) of all the contracts that came down to us from that nome.¹⁴ In comparison, in the Arsinoïtês the *cheirographa* make less than 8 per cent of the total finding (7.8%).¹⁵ The importance of the *cheirographon* in the Oxyrhynchite nome is best explained, I believe, if we assume that in Oxyrhynchos, just as in second-century CE Arabia or in the later Roman Empire, the *cheirographon* was used by a professional scribe as his routine, default format. Yet we need not make do with just a hypothesis. The assumption that many if not most Oxyrhynchite *cheirographa* were written by a professional scribe is strongly supported by their physical features, as well as by references made in the document to the circumstances of its composition. We may even be able to conjecture the

¹¹ The Judean *cheirographa* bear much resemblance to the late antique *tabellio* documents (i.e., the incorporation of the date and place clause at the beginning of the document and the naming of the scribe who wrote the document), and may have served as their prototype (cf. *infra* n. 66).

¹² E. Sachers, ‘Tabellio’, *RE* IV A.2 1844-1863 at 1854; H.J. Wolff, ‘Der byzantinische Urkundenstil Ägyptens im Lichte der Funde von Nessana und Dura’, *RIDA* 8 (1961) 115-154, at 115-119; M. Kaser, *Das römische Privatrecht* II (Munich 1975) 78-80.

¹³ On the *tabelliones* cf. *infra* n. 66.

¹⁴ 45 loan contracts (63% of a total of 71 Oxyrhynchite loans), 22-23 land conveyances (56% of 39), 8 animal sales (80% of 10), 5 lease contracts (4% of 128), 5 marriage documents (28% of 18) and 1 slave sale (6% of 17). Receipts were not studied in the present survey.

¹⁵ 31-32 loan contracts (13% of 242), 28 animal sales (42% of 67), 13 land conveyances (7% of 194), 2 leases (0.6% of 325), 1 slave sale (5.5% of 18), 1 marriage document (2% of 46).

location of that scribe and to pinpoint some important landmarks in his history in the course of the early Roman Empire. Before we do so, let us survey the features and fields of application of the *cheirographon* in the Ptolemaic period.

The format of *cheirographon* is applied in legal documents as early as the third century BCE, and remains common in later times.¹⁶ This popularity can be accounted for by its simplicity: unlike other contemporary formats, the composition of the *cheirographon* did not necessitate the presence of witnesses or a state official, nor was it ever registered on a regular basis in a public archive.¹⁷ The scheme of the document is also quite simple: the *cheirographon* is not usually issued as a double-document;¹⁸ it usually does not contain the cumbersome date or penalty clauses, which are typical in other Ptolemaic formats:¹⁹ in *cheirographa* one uses just what one needs in a simplified form. The *cheirographon* is also unique in its physical features: it is usually very narrow, its width measuring in some extreme cases 6 cm. and incorporating 10-15 letters.²⁰ The material can be procured by cutting of strips from other papyri, as I usually do when I have to take notes in the library. Nor was it necessary to be a professional scribe to write a *cheirographon*: in *P.Dion.* Dionysios son of Kephalas writes, according to E. Boswinkel and P.W. Pestman, his *cheirographa* himself.²¹ If one is illiterate or slow-writing, he or she would naturally need the *cheirographon* to be written by someone else. Yet even in such cases one would not turn necessarily to a professional scribe.²²

¹⁶ The Ptolemaic source material yields 78 documents of this format. It is the third best attested scheme after the double document (226 documents), and the *agoranomic* instrument (158).

¹⁷ The practice of registering *cheirographa* in an official archive (probably the local *grapheion*) is attested in late second-century BCE Hermopolitês: cf. *P.Dion.* 32,21-22 (107 BCE); 34,17-18 (116 BCE). It is, however, unattested in any other Ptolemaic or Roman source. In the second and third centuries CE the *cheirographon* could be deposited in the Archives of the *Nanaion* and the *Hadrianeion* in Alexandria. Yet this procedure – the *dêmosiôsis* – is a special measure, taken some time after the document was composed and under special circumstances (cf. infra n. 57): not every *cheirographon* was subject to *dêmosiôsis*. Cf. Jörs (cf. infra n. 57) 118.

¹⁸ Cf., however, *P.Hamb.* II 170 (241 BCE – Oxyrhynchitês); *P.Oxy.* XLIX 3493 (175 CE – Oxyrhynchos) and Wolff (supra n. 2) 75-77. The Judaean *cheirographa* also take the form of double document. Cf., e.g., *P.Yadin.* 11 (124 CE – En Gedi).

¹⁹ Compare with *P.Grenf.* II 17 (text supra n. 2) the double document *BGU X* 1943 (215/4 BCE – Thôlthis) lines 1-3 (date and place clause), and lines 11-13 and 17-19 (penalty clauses).

²⁰ Cf., e.g., *SB XII* 10782 (247/6 BCE – Oxyrhynchitês (?)).

²¹ *P.Dion.* p. 282.

²² In the deposit contract *P.Grenf.* II 17 from 136 BCE Thebais (text supra n. 2) Papous son of Papous, who “says that he does not know letters” has the famous Dryton son of Pamphylos write the *cheirographon* for him. Dryton is not a professional scribe, but is still able to put together a quite flawless legal document (cf. *P.Dryton* p. 409). I thank Dr. Vandorpe for discussing with me the paleography of this document.

In the Ptolemaic period, then, the *cheirographon* made possible the expeditious and uncomplicated documentation of transactions. It would be used primarily when the parties deemed the transaction important enough to be submitted to writing, but not sufficiently important to necessitate the intricacies involving, e.g., summoning six witnesses or approaching a public scribe. Accordingly, most Ptolemaic *cheirographa* record relatively small-scale land-related economic activities such as loans of grain, land-leases and land-related contracts of labor.²³

The *cheirographon*'s sphere of economic activity shifts after the Roman conquest. In the Arsinoîtês it no longer focuses on agriculture.²⁴ It is used here as 'filler' for the documentation of obligations for which no other format has taken root as well as for the documentation of animal sales and loans.²⁵ In other respects we note continuity: the *cheirographon* is still frequently written by the debtor himself or, in cases of illiteracy, by a literate bystander. The text is still also quite narrow, with an approximate average of 20-25 letters a line.²⁶

The sphere of activity changes in the Oxyrhynchitês as well: here the *cheirographa* focus primarily on cash loans.²⁷ Yet in Oxyrhynchos the changes

²³ Cf., e.g., *P.Hib.* I 86 (248 BCE – Oxyrhynchitês (?)): wheat loan; *PSI* IX 1023 (106 BCE – Pathyrîtês): receipt; *PSI* X 1097 (54/3 BCE – Oxyrhynchos): lease contract.

²⁴ In the early Roman Arsinoîtês, land related transactions commonly assume, particularly in the late first and second century, the form of *hypomnêma*. Cf. U. Yiftach-Firanko, 'The Rise of the *hypomnêma* as a Lease Contract in the First Century Arsinoîtês,' in J. Frösén et. al. (edd.) *Proceedings of the XXIV International Congress of Papyrology, Helsinki 1st-7th of August 2004* (Societas Scientiarum Finica, Helsinki 2007) Vol. II 1051-1061.

²⁵ Cf., e.g., *P.Bingen* 61 (56 CE – Tebtynis): sale of a donkey; *P.Louvre* I 12 (142 CE – Soknopaiou Nêsos): sale of a camel; *P.Heid.* III 239 (163 CE – Ptolemais Euergetis): loan contract; *P.Mich.* V 266 (38 CE – Tebtynis (?)): provisory deed of gift; *P.Hamb.* I 70 = *SB* III 6274 = *Sel.Pap.* I 59 = *FIRA* III 29 (after 28.8.145 CE): acknowledged of indemnity; *P.Ryl.* II 94 = *Sel.Pap.* II 255 (15-36 CE – Euhêmeria): act of bail.

²⁶ Cf. *P.Mich.* V 266 (38 CE – Tebtynis (?)), with a picture at <<<http://wwwapp.cc.columbia.edu/ldpd/app/apis/item?mode=item&key=michigan.apis.2848>>>; *P.Sakaon* 61 = *P.Thead.* 3 (299 CE – Theadelphia), with a picture at <<<http://ipap.csad.ox.ac.uk/4DLink4/4DACTION/IPAPwebquery?vPub=P.Sakaon&vVol=&vNum=61>>>. There are also some exceptions: cf. *P.Mich.* V 276 (47 CE – Arsinoîtês), with as many as 120 letters a line.

²⁷ Cash loans are recorded in thirty-two out of the fifty-four Oxyrhynchite *cheirographa* surveyed here: *P.Coll.Youtie* I 50 (early II CE); *P.Genov.* II 62 (98 CE); *P.Harr.* I 85 (117 CE); *P.IFAO* I 14 (140 CE); III 30 (early I CE); *P.Oslo* II 40a and 40b (150 CE); III 130 (late II CE); *P.Oxy.* II 269 = *Sel.Pap.* I 69 (after 137 CE); 272 (after 10.5.66 CE); III 507 = *Sel.Pap.* I 62 (146 CE); XIV 1641 (68 CE); XXXIV 2722 (154 CE); XXXVI 2773 (82 CE); 2774 (129 CE); XLIV 3198 (145/6 or 170/1 CE); XLVII 3351 (34 CE); XLIX 3487 (65 CE); 3490 (140/1 CE); LV 3798 (144 CE); *P.Princ.* II 32 (99/100 CE); *P.Turner* 17 (69 CE); *P.Ups.Frid.* 3 (122 CE); *P.Yale* I 63 (64 CE); 65 (141-144 CE (?)); *PSI* VI 687 (I-II CE); VIII 878 (152/3 CE); *SB* VI 9296 (153-161 CE); 9372 (II CE); X 10222 = *P.Oxy.* II 305 *descriptum* (20 CE); 10238 (37 CE); 10246 (55 CE). Cf. also the *parathêkê* *P.Oxy.* XXXIII 2677 (II CE) and the dowry receipt *P.Oxy.* II 267 = *MChR* 281 (37 CE).

amount to much more than that. The first relates to the use of the *hypographê*. As a rule, the *hypographê* presupposes the involvement of at least two different persons in the composition of the document, both at least to some extent literate. The *hypographê* is most commonly used when the document is composed by a professional scribe, and the debtor (or his literate bystander) adds his autograph confirmation.²⁸ Accordingly, the Ptolemaic *cheirographa*, which are commonly holographic, very rarely contain *hypographai* (2-3:47).²⁹ This is also the case in first-century CE Arsinoitês,³⁰ but not in contemporary Oxyrhynchos. Here the *hypographê* is present in fifteen documents, and absent in only two.³¹ Whenever the document contains a *hypographê*, the lines in the body of the text also tend to get longer³², and the hand tends to be that of an experienced, professional scribe.³³

The Oxyrhynchite *cheirographa* were mostly written, then, by professional scribes, who used a relatively wide format. The documents do not relate the name of the scribe, yet we do have some circumstantial evidence. Most of the documents in our group record a money transfer διὰ τῆς ἐπὶ τοῦ πρὸς Ὀξυρυγχιτῶν πόλει Σαραπιείου τραπέζης (or sim.) with an account of bankers involved.³⁴ At the bottom of the document we also find a confirmation by a bank official of the act of transfer (*diagraphê*) itself. Moreover, in most cases the *cheirographon* is reported to

²⁸ Wolff (supra n. 2) 164-166.

²⁹ The Ptolemaic exceptions are *P.Mich.* III 183 (182 BCE – Tebtynis); *P.Oxy.* XIV 1639 (73/44 BCE – Oxyrhynchos); *P.Tebt.* I 156 = *MChr* 47 (91 BCE – Tebtynis) (?). *P.Oxy.* XIV 1639 is the earliest instance of a bank *cheirographon* of the type discussed in this article. In the related material the bank *cheirographon* is already mentioned a century earlier: *P.Ryl.* IV 585 fr. 2 ll. 45-46 (early II BCE – Unknown Provenance).

³⁰ Among the first-century Arsinoite documents surveyed here, sixteen contain no *hypographê*; only two do. No *hypographê* in: *BGU* I 260 = *MChr* 137 (89 CE); *P.Bingen* 61 (56 CE – Tebtynis); *P.Gen.* I 23 = *MChr* 264 (70 CE); *P.Louvre* I 16 (41-54 CE – Soknopaiou Nêsos); *P.Mich.* I 266 (38 CE – Tebtynis (?)); V 276 (47 CE); 331 (41 CE); 338 (45 CE); 353 (48 CE); 354 (52 CE); IX 571 bis (96-98 CE – Karanis); *P.Ryl.* II 94 = *Sel.Pap.* II 255 (15-36 CE – Euhêmeria); *P.Tebt.* II 387 (73 CE – Tebtynis); 391 (99 CE – Tebtynis); *P.Wisc.* II 53 (55 CE – Koptos); *SB* XIV 12138 (41-54 CE – provenance uncertain). *Hypographê* in *BGU* XI 2112 (mid I CE); *Stud.Pal.* XXII 17 (I/II CE).

³¹ With *hypographê*: *P.Oxy.* II 264 = *MChr* 266 (54 CE); 267 = *MChr* 281 (37 CE); 269 = *Sel.Pap.* I 69 (57 CE); XIV 1641 (68 CE); XXXVI 2773 (82 CE); XLIX 3483 (early I); 3487 (65 CE); LVIII 3915 (30 CE); *P.Oxy.Hels.* 29 (54 CE); *P.Turner* 17 (69 CE); *P.Yale* I 63 (64 CE); *SB* X 10222 = *P.Oxy.* II 305 *descriptum* (20 CE); 10238 (37 CE); 10246 = *P.Oxy.* II 304 *descriptum* (55 CE); 10256 (55-67 CE). Without *hypographê*: *P.Oxy.* II 272 (after 10.5.66 CE); XLVII 3351 (34 CE).

³² An average of ca. 35 letters a line in Oxyrhynchite documents that contain *hypographê*. Cf., e.g., *P.Oxy.* II 267 = *MChr* 281 (40 letters a line); XLIX 3487 (35); *SB* X 10222 = *P.Oxy.* II 305 *descriptum* (35). In the Ptolemaic period the average is ca. 25 letters a line. In the contemporaneous Arsinoitês the average is 27.

³³ Cf., e.g., *P.Oxy.* XLIX 3487 (65 CE), with a picture at <<<http://163.1.169.40/gsd/collect/POxy/index/assoc/HASH0102/0a069d91.dir/POxy.v0049.n3487.a.01.hires.jpg>>>.

³⁴ Cf. infra n. 38.

be issued on the same day as the transfer.³⁵ Accordingly, there seems to have been a close connection between the scribe and the bank. I do not think, however, that the scribe was actually working from within the bank. Before 69 we may have more than one bank near the *Sarapeion*³⁶ and the same format is used by them all. I assume therefore an independent bureau, located near the *Sarapeion*, which issues legal documents recording transactions involving neighboring banks.³⁷ The view that the scribe was independent will also help us to understand the later development of the scribal office.

The involvement of banks in the documentation of legal transactions is attested in *cheirographa* from Oxyrhynchos down to the mid third century CE. Yet as time goes by, it becomes less frequent. In the first century we count as many as fourteen Oxyrhynchite bank *cheirographa*, and only nine that are not associated with the bank. In the first half of the second century we have a roughly equal number of documents in both groups (4 to 7). But in the second half of the second century we have just five documents that report the involvement of a bank and 20 that probably do not. In the first half of the third century CE the relation is two to 49, and no bank *cheirographon* is found among the 51 Oxyrhynchite *cheirographa* dating to its later half.³⁸

³⁵ *P.Oxy.* II 264, 22-26 = *MChr* 266 (54 CE): *Kaisareios* 15; 269,20-22 = *Sel.Pap.* I 69 (57 CE); *Germanikeios* 18; XLIX 3487,38-41 (65 CE): *Phaôphi* 4; LV 3798,53-57 (144 CE): *Epagomenai*; *SB* X 10222,30-32 = *P.Oxy.* II 305 *descriptum* (20 CE): *Tybi* 16; 10234,10-11 = *P.Oxy.* II 323 *descriptum* (35 CE); *Neos Sebastos* 21; 10238,26 (37 CE); *Choiach* 24 (restored in the *diagraphê*); 10246,26-28 = *P.Oxy.* II 304 *descriptum* (55 CE); *Neos Sebastos* 4. In *P.Oxy.* LVIII 3915,29-30 (30 CE) the document is composed in *Sabastos* 10, and the transfer takes place on the following day (*Sebastos* 11). The same month as in the actual document (*Pachôn*), but with no indication of the exact day, is reported in the *diagraphê* of *P.Oxy.* II 267,32-34 = *MChr* 281 (37 CE).

³⁶ R. Bogaert, 'Les banques affermées de l'Égypte romaine', *Studi in onore di Cesare Sanfilippo*. III (Milan 1983) 37-61 at 48.

³⁷ Cf. J. Krüger, *Oxyrhynchos in der Kaiserzeit: Studien zur Topographie und Literaturrezeption* (Frankfurt am Main 1990) 101.

³⁸ First century: reference to a bank in *Pifao* III 30,3-4 (early I); *P.Oslo* III 130,9-10 (late I); *P.Oxy.* II 264,6-7 (54 CE); 267,3-4 = *MChr* 281 (37 CE); 269,2-3 = *Sel.Pap.* I 69 (57 CE); XLIX 3487,7-9 (65 CE); LVIII 3915,13-14 (30 CE); *P.Turner* 17,6-7 (69 CE); *P.Yale* I 63,3 (64 CE); *SB* X 10222,5-7 = *P.Oxy.* II 305 *descriptum* (20 CE); 10234,1-13 = *P.Oxy.* II 323 *descriptum* (35 CE); 10238,3-5 (37 CE); 10246,2-4 (55 CE); XIV 11302,7 (late I CE). No reference to a bank in *P.Oxy.* II 272 (after 10.5.66 CE); XIV 1641 (68 CE); XXXVI 2773 (82 CE); XXXVIII 2846 (late I CE) (?); XLVII 3351 (34 CE); 3483 (early I CE) (?); *P.Oxy.Hels.* 29 (54 CE); *P.Princ.* II 32 (99/100 CE); *SB* X 10256 (55-67 CE). Approximately datable to the first or second century with reference to a bank: *SB* VI 9372,4-6 (II CE); XVI 13041,2 (I-II CE). Early second century: reference to a bank in *P.Köln* III 148,3-6 (117-153 CE); *P.Oxy.* LV 3798,16-18 (144 CE); *P.Oxy.Hels.* 34,10-12 (101 CE); *P.Yale* I 65,10-13 (141-144 CE (?)). No reference in *Pifao* I 14 (140 CE); *P.Mert.* I 14 (103 CE); *P.Oxy.* III 507 = *Sel.Pap.* I 62 (146 CE); 511 (103 CE); XIV 1710 (148 CE); XXXVI 2774 (129 CE); *P.Ups.Frid.* 3 (122/3 CE).

However, what we have here is not simply a gradual decline: in the third quarter of the second century, that is the period extending from 150 to 174, we have four bank *cheirographa* out of a total of ten documents in which the clause referring to the bank was preserved, yet all these *cheirographa* date to the beginning of the quarter, to the 150's.³⁹ In the entire period extending from the beginning of the Roman period down to the end of the 150's we note as many as twenty-four *cheirographa* involving a bank, while such an involvement can be ruled out in seventeen only.⁴⁰ In the rest of the second and the third century, on the other hand, we find four bank *cheirographa* at the most out of a corpus of 112 *cheirographa* issued in the Oxyrhynchite nome.⁴¹ I am under the impression that something happened around 160, an impression that is also supported by the related material. Down to the early 160's, bank *cheirographa* are mentioned in twelve papyri, at least ten of which are certainly Oxyrhynchite.⁴² There is, on the other hand, no undisputable reference from any later date.⁴³

Late second century: reference to a bank in *P.Mil.* I 51,6-8 (after 161 CE); *P.Oxy.* I 91,8-10 (187 CE); XXXIV 2722,7-8 (154 CE); *PSI* VIII 878,8-9 (152/3 CE); *SB* VI 9296,8-11 (153-161 CE). No reference in *P.Matr.* I 2 (181/2 CE); *P.Mert.* I 19 (173 CE); *P.Oslo* II 40a and 40 b (150 CE); *P.Oxy.* IV 719 ll. 10-29 (after 25.10.193 CE); XIV 1696 (197 CE); XVII 2134 (after 13.12.170 CE); XVII 2135 bis (188 CE); XLIX 3493; 3494 (both from 175 CE); LVII 3911 (199 CE); *P.Oxy.Hels.* 36 (167 CE); *P.Rein.* II 101 (198-209 CE); *P.Stras.* I 54 (153/4 CE); *P.Wisc.* I 9 (183 CE); *PSI* XII 1253 (186 CE); *SB* XVI 12333 (189-193 CE); XX 14199 (179 CE); XXIV 16009 (186 CE (?)). Third century *cheirographa* reporting the involvement of a bank are *P.Oxy.* XXXI 2584,7-9 (211 CE); *SB* V 7634,18-20 (249 CE).

³⁹ *P.Mil.* I 51 (after 161 CE); *P.Oxy.* XXXIV 2722 (154 CE); *PSI* VIII 878 (152/3 CE); *SB* VI 9296 (153-161 CE). No reference to a bank in *P.Mert.* I 19 (173 CE); *P.Oslo* II 40a and 40 b (150 CE); *P.Oxy.* XVII 2134 (after 13.12.170 CE); *P.Oxy.Hels.* 36 (167 CE); *P.Stras.* I 54 (153/4 CE).

⁴⁰ A bank is mentioned in *PIFAO* III 30 (early I CE); *P.Köln* III 148 (117-153); *P.Oslo* III 130 (late I CE); *P.Oxy.* II 264 (54 CE); 267 = *MChr* 281 (37 CE); 269 = *Sel.Pap.* I 69 (57 CE); XXXIV 2722 (154 CE); XLIX 3487 (65 CE); LV 3798 (144 CE); LVIII 3915 (30 CE); *P.Oxy.Hels.* 34 (101 CE); *P.Turner* 17 (69 CE); *P.Yale* 60 = *SB* VI 9289 (6/5 BCE); 63 (64 CE); 65 (141-144 CE (?)); *PSI* VIII 878 (152/3 CE); X 1099 (6/5 BCE); *SB* VI 9296 (153-161 CE); X 10222 = *P.Oxy.* II 305 *descriptum* (20 CE); 10238 (37 CE); 10246 (55 CE); XIV 11302 (late I CE); XVI 12700 = *SB* XIV 11286 (Augustan period). No bank in *PIFAO* I 14 (140 CE); *P.Mert.* I 14 (103 CE); *P.Oslo* II 40a and 40 b (150 CE); *P.Oxy.* II 272 (after 10.5.66 CE); III 507 = *Sel.Pap.* I 62 (146 CE); 511 (103 CE); XIV 1641 (68 CE); 1710 (148 CE); XXXVI 2773 (82 CE); 2774 (129 CE); XLVII 3351 (34 CE); *P.Oxy.Hels.* 29 (54 CE); *P.Princ.* II 32 (99/100 CE); *P.Stras.* I 54 (153/4 CE); *P.Ups.Frid.* 3 (122/3 CE); *SB* X 10256 (55-67 CE).

⁴¹ *P.Mil.* I 51 (after 161 CE); *P.Oxy.* I 91 = *Sel.Pap.* I 79 = *CPGr* I 35 (187 CE); XII 1473 (201 CE) (?); XXXI 2584 (211 CE).

⁴² *P.Oxy.* I 98,11-12 = *P.Lond.* III 764 *descriptum* (141/2 CE); II 241,31-33 (ca. 98/9 CE); VIII 1132,16-17 (ca. 162 CE); XLIX 3487,13-16 (65 CE); LV 3798,27-28 (144 CE); *P.Turner* 17,13-15 (69 CE); *P.Yale* I 63,6-8 (64 CE); 65,17-18 (141-144 CE (?)); *PSI* XII 1235,17-18 (86-89 CE); *SB* VI 9190,16-17 (131 CE – Talað); 9569,13-14 (91, uncertain

Thus, the question becomes: why is the bank so rarely documented in Oxyrhynchite *cheirographa* after 160 CE? Before 160, Oxyrhynchite *cheirographa* refer to transactions that were carried out in a bank, and later in *the* bank near the *Sarapeion*. According to R. Bogaert this was originally a private bank, but in 153 it was confiscated by the state.⁴⁴ The change in the *cheirographa*, which sets in a decade later, was an outcome, perhaps, of this confiscation. I do not know if the change in the documentation affected the actual activity in the bank as well. Whichever may be the case, it did not affect the scribes who had previously recorded, in the format of the *cheirographon*, transactions involving a bank.

Earlier in the paper I gave five features that distinguish the Oxyrhynchite bank *cheirographa* from the regular, private ones (supra pp. 329-331). Besides (1) the actual reference to the bank in the document and (2) the transfer account at its bottom, I also pinpointed (3) the existence of a *hypographê*, (4) the professional hand of the text, and (5) the wide format. After 160, the reference to the bank in the document and the confirmation of transfer become rare. This is not the case, however, with the other three features. *Cheirographa* with *hypographai* are just as prevalent in the Oxyrhynchitês after 160 as they were before that date;⁴⁵ the wider

provenance); *SB* XVIII 13122,5-6 = *P.Palau Rib.* 9 (II CE, uncertain provenance). Cf. also a contemporaneous reference to a bank *cheirographon* outside the Oxyrhynchitês in *Stud.Pal.* XX 1,29-30 = *CPR* I 1 = *MChr* 220 lines 12-13 (83/4 CE), reporting a *cheirographon* issued at the quarter of the Tameiôn in Ptolemais Euergetis. Cf. R. Bogaert, 'Liste géographique des banques et des banquiers de l'Égypte romaine, 30^A-284', *ZPE* 109 (1995) 133-173 at 142-143.

⁴³ A possible, but not certain references, in *P.Oxy.* XII 1473,6-7 (201 CE); *SB* VI 9201,13-19 (203 CE).

⁴⁴ Bogaert (supra n. 36) 55-57.

⁴⁵ Evidence on the first century is given above, in note 31. The number of second-century *cheirographa* with and without *hypographê* is roughly equal (13:14), with no manifest different between those written before and after 160 CE. In the first half of the third century, *cheirographa* with *hypographê* are again predominant (20:5-7). Second century *cheirographa* with hypographê: *P.Col.* X 254 (129 CE); *P.Mert.* I 19 (173 CE); *P.Oxy.* I 91 = *Sel.Pap.* I 79 = *CPGr* I 35 (187 CE); XIV 1696 (197 CE); XVII 2134 (after 13.12.170 CE); XXXIV 2722 (154 CE); LV 3798 (144 CE); LVII 3911 (199 CE); *P.Oxy.Hels.* 34 (101 CE); 36 (167 CE); *P.Ups.Frid.* 3 (122/3 CE); *P.Wisc.* I 9 (183 CE); *SB* XVI 12333 (189-193 CE). Without hypographê: *PIFAQ* I 12 (197 CE); 14 (140 CE); *P.Mert.* I 14 (103 CE); *P.Oslo* II 40 a and b (150 CE); *P.Oxy.* III 511 (103 CE); XVII 2135 bis (188 CE); XXXIII 2677 (II CE (?)); XLIX 3493 (175 CE); 3494 (175 CE); *P.Rein.* II 101 (198-209 CE); *P.Yale* I 65 (141-144 CE(?)); *PSI* XII 1253 (186 CE); *SB* XXIV 16009 (186 CE (?)). Third century *cheirographa* with hypographê: *BGU* XI 2118 (223 CE); *P.Gen.* II 116 (247 CE); *P.Mert.* I 25 (214 CE); *P.Mich.* XVIII 792 (221 CE); *P.Oxy.* VI 909 = *Sel.Pap.* I 35 (225 CE); VII 1040 (225 CE); X 1276 (249 CE); XII 1473 (201 CE); 1474 (216 CE); XIV 1636 = *Sel.Pap.* I 49 (249 CE); 1697 (242 CE); 1707 = *Sel.Pap.* I 33 (204 CE); XXII 2350 (223/4 CE); XLII 3049 (247 CE); LI 3638 (220 CE); *PSI* I 79 (216/7 CE); IX 1068 (246 CE); *SB* I 5806 (235 CE); V 7634 (249 CE); XII 11228 = *P.Yale* I 68 (204 CE). Without hypographê: *P.Fouad* I 39 (244-249 CE); *P.Oxy.*

format is maintained in many documents as well⁴⁶ and the hand is still very trained, and seems to be that of a professional scribe.⁴⁷ In all probability, the *cheirographa* continue to be issued after 160 by a professional scribe, plausibly in the same offices that were located in the vicinity of the *Sarapeion* and had formerly recorded transactions involving the banks.

Yet the scribes did not merely outlive their banks. In the course of the second and third century, they experience unprecedented growth and prominence. Before the mid second century, many legal documents were issued in Oxyrhynchos at the *agoranomeion*. This was frequently the case with loans, and invariably with marriage documents, wills, and slave and land sales. Yet around the mid second century, things start to change. From the 140's onwards most loans take the form of a *cheirographon*, from around 160 this is the case with animal sales, and from 179 onwards with land sales. A similar process is discernible also for marriage documents. In the late second and third century the *agoranomeia* are engaged primarily in the composition of slave related documents and perhaps wills.⁴⁸

VII 1039 = *Sel.Pap.* I 71 (210 CE); XXXI 2584 (211 CE) (?); XLI 2989 (III CE); LXI 4117 (240 CE); *P.Wisc.* I 15 (236 CE); *PSI* VI 699 (III CE) (?).

⁴⁶ Some of the *cheirographa* from this period exhibit a largely unprecedented width: cf., e.g., *P.Oxy.* XLIX 3493 (175 CE) and *SB* XII 11228 = *P.Yale* I 68 (204 CE), both with approximate width of 18 cm and ca. 60 letters the column. Narrower formats are used as well: cf., e.g., *P.Mert.* I 25 (214 CE), with a column of ca. 25 letters and 9 cm. wide.

⁴⁷ Cf., e.g., *P.Oxy.* XII 1475: elaborate chancery hand with a high degree of proficiency and stylization and some flourishes. *P.Oxy.* XLIX 3493: Documentary hand written fast but with some letter separation: the product of a capable scribe. I thank Dr. R. Cribiore for commenting on the palaeography of the two papyri.

⁴⁸ Twenty-three of the 54 loan contracts from Oxyrhynchos that were written prior to 149 CE were composed at the *agoranomeion*: the number of *cheirographa* is 21. Between 150 and 249 the figures are 16 *cheirographa* and only 1 (!) agoranomic loan contract. Land sales: the source material before 159 CE contains 11 cases of Oxyrhynchite land sales composed at the *agoranomeion*, but no *cheirographon*. Between 160 and 250 CE we register just one agoranomic instrument (*SB* XII 11229, 161-168 or 171-179 CE), and between seven and eight *cheirographa* (cf. infra 51). Similar tendency is evident, perhaps, also in marriage documents: 7 out of 10 marriage documents from the first and first half of the second century whose scheme is identifiable take the form of *agoranomic* instrument, only 3 are *cheirographa*. After 150 CE we have just one *agoranomic* marriage document – *PSI Cong.* XX 10^r ll. 14-28 (174 CE). The other five documents are either *cheirographa* (2 cases), or private protocols (cf. Wolff (supra n. 2) 122-123). In the case of animal sales, all six third-century documents from Oxyrhynchos take the form of *cheirographon*, and none of *agoranomic* instrument. Still, the almost complete absence of earlier evidence – two documents in all: *P.Oxy.* LVIII 3915 (30 CE); *PSI* X 1119 (156 CE) – does not allow to establish change. Slave sales on the other are always predominately agoranomic throughout the early Roman period. This is the case in 15 of the 16 extant Oxyrhynchite *Greek* documents. This also seems to be the case with Greek wills, at least in the late second century CE: cf., e.g., *P.Col.* X 267 (180-192 CE).

The most interesting and significant of the abovementioned developments is undoubtedly that relating to land sales, and land conveyances in general. The Ptolemaic and Roman rulers of Egypt were always interested in keeping an eye on land conveyances.⁴⁹ In the Roman period, one way of achieving this goal was to have all land-sales composed in public instruments, i.e. in legal instruments composed in the *grapheia*, *agoranomeia*, or *mnêmonēia*. In some nomes – most conspicuously the Arsinoitês and the Hêrakleopolitês – this is generally the case at least down to the end of the third century CE.⁵⁰

As we just saw, this is not the case in late second-century Oxyrhynchos. From the late second century, land-sales are recorded in this nome *invariably* in the format of the *cheirographon*. This Oxyrhynchite peculiarity is interesting (and actually quite striking) for two reasons. First, the pattern: the change is across-the-board, and so far as our source material allows us to judge, quite drastic: exclusive use of the agoranomic instrument down to 160, exclusive use of the *cheirographon* from 179 onwards.⁵¹ Drastic shifts of this kind frequently result from conscious acts of reform.

⁴⁹ Cf., e.g., E. Schönbauer, *Beiträge zur Geschichte des Liegenschaftsrechtes im Altertum* (Leipzig 1924); H.J. Wolff 'Registration of Conveyances in Ptolemaic Egypt', *Aegyptus* 28 (1948) 17-96; F. Pringsheim, *The Greek Law of Sale* (Weimar 1950) 232-238. The interest is evident also before Alexander, in different parts of the Greek world. Cf. M. Faraguna, 'A proposito degli archivi nel mondo greco: terra e registrazioni fondiarie', *Chiron* 30 (2000) 65-115; *Idem*, 'Registrazioni catastali nel mondo greco: il caso di Atene', *Athenaeum* 85,1 (1997) 7-33.

⁵⁰ As many as 156 of the 188 Arsinoite documents that record sales in the first through third centuries are composed in an *agoranomeion* or a *grapheion*. The same proportion is maintained in the third century: 10 of the 11 extant documents are issued at the *agoranomeion* of Ptolemais Euergetis. Similar figures are conveyed by the Hêrakleopolitês: at least 20 out of the 22 documents that may have been issued in this nome (many of which may also be of Arsinoite provenance) are composed at the *agoranomeion*. All these documents stem from the third century CE, so we cannot be certain that this was the case also in earlier times. Such a supposition is rendered, however, quite likely by the Ptolemaic finding: cf., e.g., *BGU* VIII 1733 (80-30 BCE).

⁵¹ All 11 contracts recording the sale of immovables from pre-160 CE Oxyrhynchos are agoranomic. *P.Harr.* I 138 (92 CE); *P.Oxy.* I 99 = *P.Lond.* III 765 *descriptum* (55 CE); 100 = *CPJ* III 454 (133 CE); III 577 *descriptum* (117/8 CE); III 588b *descriptum* (108 CE); *PSI* IV 320 (18 CE); VIII 897 I (93 CE (?)); 897 II (93 CE); X 1118 (25/6 CE); *SB* XVI 12553 (I-II CE); XX 14336 = *P.Oxy.* III 633 *descriptum* (91/2 or 107/8 CE). After 160 we count 22 *cheirographa*, 1 agoranomic instrument, 1 *synchôrêsis* and 1 *grapheion* memorandum. *Cheirographa*: *P.Berl.Möller* 6 = *SB* IV 7343 (late III CE); *P.Gen.* II 116 = *SB* XII 11233 (247 CE); *P.Giss.* I 100 (after March 272 CE); *P.Leid.Inst.* 54 (after 271 CE); *P.Oxy.* IV 719 ll. 10-29 (after 25.10.193 CE); IX 1208 (291 CE); X 1277 (257 CE); XII 1475 (267 CE); XIV 1634 (222 CE (?)); 1696 (197 CE); 1697 (242 CE); 1698 (269 CE (?)); 1699 (240-280 CE); 1700 (late III CE); 1701 (III CE); 1702 (290 CE); XLI 2989 (III CE); *P.Palau Rib.* 11 = *SB* XVI 12537 (III CE); *PSI* VI 705 (late III CE); *SB* VI 8971 = *P.Harr.* I 143 (284/5 CE); XX 14199 (179 CE). Possibly also *P.Giss.* I 51 (202 CE) Agoranomic: *SB* XII 11229 (161-168 or 171-179 CE). Synchôrêsis: *P.Oxy.* XIX 2236 (early III CE). Hypomnêma: *SB* XX 14974 = *SB* XVIII

This may also have been the case with the Oxyrhynchite land sales. If so, the change in format and scribe was enjoined from above and did not derive simply from a shift in the popular taste.⁵²

Second, *cheirographa* recording land sales show, more than any other document, the features that characterized the bank, or *Sarapeion cheirographa* in the preceding period: they all contain *hypographai*, and are written in a professional hand and in an extremely wide format (around 15 cm. wide).⁵³ If, relying on these features, we assume that *cheirographa* documenting land sales were composed in the office of the *Sarapeion*, the shift was not from an established professional organ to private hands, but from one organ, that of the *agoranomeion*, to another, that adjacent to the bank near the *Sarapeion*.

There are, however, two fundamental differences between the two scribes. First, in the case of the *agoranomeion*, the place of composition is stated explicitly on the papyrus.⁵⁴ The *cheirographa*, by contrast, do not disclose their authors; we conjuncture their identity solely on account of the document's physical features. Second, the agoranomic instrument is acknowledged as a δημόσιος χρηματισμός, a designation that accords it two privileges.⁵⁵ First, the contents of the document can be enforced without a court sentence. Our attention is drawn, however, primarily by the second privilege.

The rulers of Egypt were always interested in monitoring land. They were especially interested in preventing the creation of conflicting real property rights on the same object, with the legal uncertainty and social unrest that would result from

13331 (190 CE). *Graphieion memorandum*: *P.Oxy.* XIV 1725 (after 24.6.229 CE). Not clear: *PSI* VIII 946 (III CE).

⁵² A reform does not have to take the form of an active action, let alone a comprehensive act of legislation on the part of the provincial authorities in Alexandria (comp. H.J. Wolff (ed. H.-A. Rupprecht), *Recht der griechischen Papyri* I (Munich 2002) 132, on the circumstances that brought about the introduction of the *stipulatio* clause into documentary papyri after 219 CE). In our case, a general ordinance is ruled out by the continued composition of land sales by public scribes in the Arsinoitês after 160 CE (cf. supra n. 50). Yet the tendency to reduce state involvement in private contracts in itself is also manifested in the Arsinoitês – in the shutdown of the village *grapheia* (Wolff, supra 2) 21. The central government seems then to have set the goal – i.e. minimizing state involvement in contracts – but allowed the officials on site to select the measures they deemed appropriate for reaching it. The same policy may account for the downfall of the census and the declarations of birth and death in the third and early fourth century. Cf. R.S. Bagnall, 'Governmental Roles in the Economy of Late Antiquity', *Production and Public Powers in Antiquity. Eleventh International Economic History Congress, Milan, September 1994. Proceedings* (Milan 1994) 86-91 at 89.

⁵³ Cf., e.g., *P.Oxy.* XII 1475, with a picture at <<<http://ipap.csad.ox.ac.uk/4DLink4/4DACTION/IPAPwebquery?vPub=P.Oxy.&vVol=12&vNum=1475>>>.

⁵⁴ E.g. *P.Oxy.* II 266,7 = *MChr* 292 = *Sel.Pap.* I 7 (96 CE): ἐν ἀγοραῖς; XII 1562,2 (279-282 CE, Oxyrhynchos): ἐπὶ τοῦ ἀγορανομείου καὶ μνημονεῖον.

⁵⁵ Wolff (supra n. 2) 139-140, 174-175.

such conflicts. For this purpose, a new archive was created in the mid first century CE, the *bibliothêkê enktêseôn*. Every real property right was to be registered in the *bibliothêkê enktêseôn*. There it would be made public and evident to any future potential purchaser or transferee of the land.⁵⁶ Yet to record a right it had to be documented in a δημόσιος χρηματισμός, that is, most conspicuously, an *agoranomic* instrument. If the right was documented in a *cheirographon*, it had to undergo additional scrutiny before it could be submitted to the *bibliophylakes* for registration. Before the mid third century, this scrutiny (*dêmosiôsis*) had to be performed at the *katalogeion* in Alexandria.⁵⁷

In this respect, things do not change in late second-century Oxyrhynchos. *Cheirographa* that have recorded real property rights still have to undergo *dêmosiôsis* before the right can be recorded in the *bibliothêkê enktêseôn*. Since the *cheirographon* is now invariably used for the documentation of real property rights, after 179 every Oxyrhynchite sale-contract has to go through Alexandria before it can be registered in the *bibliothêkê*. In other words, after the reform the purchaser would either leave his newly acquired rights unregistered and run the risk of creating conflicting rights in the future, or endure the costs, time and efforts involving the scrutiny of the purchase by the *katalogeion* in Alexandria.⁵⁸

⁵⁶ On the policies behind the creation of the new archive cf. the 89 CE edict of M. Mettius Rufus (*P.Oxy.* II 237,8,27-43) II. 31-36: κελεύω οὖν πάντα τοὺς κτήτορας ἐντὸς μηνῶν ἕξ ἀπογράψασθαι τὴν ἰδίαν κτήσιν εἰς τὴν τῶν ἐνκτήσεων βιβλιοθήκην καὶ τοὺς δανειστάς ἄς ἐὰν ἔχωσι ὑποθήκας καὶ τοὺς ἄλλους ἢ ὅσα ἐὰν ἔχωσι δίκαια, τὴν δὲ ἀπογραφὴν ποιείσθωσαν δηλοῦντες πόθεν ἕκαστος τῶν ὑπαρχόντων καταβέβηκεν εἰς αὐτοὺς ἢ κτήσ{ε}ις. Παρατιθέτωσαν δὲ καὶ αἱ γυναῖκες ταῖς ὑποστάσεσι τῶν ἀνδρῶν ἐὰν κατὰ τινα ἐπιχώριον νόμον κρατεῖται (read κρατῆται) τὰ ὑπάρχοντα, ὁμοίως δὲ καὶ τὰ τέκνα ταῖς τῶν γονέων οἷς ἢ μὲν χρῆσ{ε}ις διὰ δημοσίων τετήρηται χρηματισμῶν, ἢ δὲ κατήλθισι μετὰ θάνατον τοῖς τέκνοις κεκράτηται, ἴνα οἱ συναλλάσσοντες μὴ κατ' ἄγνοιαν ἐνεδρευονται (read ἐνεδρεύονται). Cf. Wolff (supra n. 2) 253-254.

⁵⁷ Cf., e.g. *P.Oxy.* IX 1200,44-52 (266 CE – Oxyrhynchos): βουλόμενος (read βουλομένη) δὲ ἀπὸ τῆς δισσηῆς ἀσφαλείας μοναχὴν ἐν δημοσίῳ γενέσθαι δίδωμι τῇ πόλει τὰς ὀρισθείσας (δραχμὰς) ἰβ καὶ τὸ τοῦ τειμήματος τέλος, ἀξιῶ ἀναλαβόντας αὐτὴν παρὰ τοῦ διαπεσταλμένου ὑπ' ἐμοῦ Αὐρηλίου Ἀπολλωνίου ὑπογεγραμμένην ὑπὸ αὐτοῦ περὶ τοῦ εἶναι τὴν ὑπογραφὴν ἢ ἰδιόγραφον τοῦ γράμαντος συνκαταχωρίσαι αὐτὴν τῷδε τῷ ὑπομνήματι εἰς τὴν Ἀδριανὴν βιβλιοθήκην, τὸ δὲ ἴσον εἰς τὴν τοῦ Ναναίου, πρὸς τὸ μέν(ε)ιν μοι τὰ ἀπὸ αὐτῆς δίκαια ὡς ἀπὸ δημοσίου χρηματισμοῦ ἕνεκα τοῦ εὐδοκῆναι τῇ δημοσίῳσει. (ἔτους) ιγ Γαλληνοῦ ἢ Σεβαστοῦ Παύνου. Cf. Wolff (supra n. 2) 129-132, and in detail, P. Jörs, 'Δημοσιώσεις und ἐκμαρτύρησις', *ZSav* 34 (1913) 107-158.

⁵⁸ Quite frequently, the registration interest won the upper hand: no other period or place provides half as many appeals for *dêmosiôsis* as late-second and third-century Oxyrhynchos (14 documents): *P.Heid.* IV 325^r (215 CE); *P.Matr.* 2 (181/2 CE); *P.Mich.* XI 614 (258/9 CE); *P.Oxy.* IV 719 (after 25.10.193 CE); IX 1200 (266 CE); XII 1473 (201 CE) (?); 1474 (216 CE); 1475 (267 CE); XII 1560 (209 CE); 1561 (before 29.8.269 CE); XII 2134 (after 13.12.170 CE); *PSI* XIII 1328 = *SB* V 7817 (201 CE); *SB* XVI

Accordingly, the removal of land sales from the agoranomic instrument to the *Sarapeion cheirographa* seems to frustrate the principle of legal clarity, the principle that was meant to be served by the creation of the *bibliothêkê enktêseôn* a century earlier.⁵⁹ From this perspective, the two reforms are not easily reconcilable. This fact, however, does not make the reform of 160 entirely inexplicable. From the state viewpoint, legal clarity costs. It requires not only the creation and preservation of the *bibliothêkê enktêseôn* itself, but also that of a network of public scribes whose instruments would be recorded in its files.⁶⁰

Accordingly, throughout the Roman period we note an ongoing tendency to limit the types of transactions that are handled directly by the state notary. Leases are withdrawn from the state notaries as early as the first century CE.⁶¹ In the 140's, the same happens in the Oxyrhynchitês with loans.⁶² The new policy culminates in the rise of the *tabellio* document and the complete demise of the state notary in the fourth century CE.⁶³ Hence, the removal of land sales from the state notaries is just one stage in a long, ongoing process of 'privatization' of scribal activity in Egypt.

The most decisive change occurs two centuries later. By the mid fourth century the *cheirographon* takes root everywhere in Egypt, even in places, like the Arsinoite nome, which have formerly been strongholds of the agoranomic instrument. In some places, the change may mean a substantial break with past scribal traditions, as the reform also involves the creation of a new system of private scribes, called *tabelliones*, συμβολαιογράφοι, νοτάριοι or νομικοί.⁶⁴ This is not however the case in Oxyrhynchos.

12333 (189-93 CE); XXIV 16265 = *P.Mich.* XI 615 (259/60 CE). All other times and places yield the same number (14 documents): *BGU* II 455 (before 133 – Unknown Provenance); 578 = *MChr* 227 = *JP* 46 (189 CE – Arsinoitês); 614 (217 CE – Arsinoitês); III 717 (149 CE – Arsinoitês); *P.Flor.* I 40 (162/3 CE (?)) – Hermopolitês); 68 (after 13.12.172 CE (?)) – Hermopolitês); *P.Grenf.* II 71 = *P.Lond.* III 711 *descriptum* = *MChr* 190 (244 – Hibis, Oasis Magna); *P.Lips.* I 10 = *MChr* 189 (240 CE – Hermopolis); 120 = *MChr* 230 (after 3.2.89 CE – Oxyrhynchos (?)); *P.Meyer* 6 (125 CE – Tamais, Arsinoitês); *P.Stras.* V 370 (after 1.175 CE – Arsinoitês); *PSI* XII 1238 (244 CE – Arsinoitês); *SB* XVIII 13974 (after 250 CE – Arsinoitês); XXII 15325 (176 CE (?)) – Karanis). *P.Ryl.* II 340^r *descriptum* (253 CE) is dated to discussed period but its provenance is uncertain. Eventually, a simpler procedure was devised, as the *cheirographon* could undergo *ekmartyrêsis* – a registration with the *agoranomos* on-site (Wolff (supra 2) 132-133). Yet this solution came very late, not before the second half, and possibly even the last quarter of the third century. Roughly a century stands, then, between the problem and its solution.

⁵⁹ Cf. supra n. 56.

⁶⁰ One notes that the change takes place roughly simultaneously with the disappearance of the village *grapheia* in the Arsnoite hinterland. Cf. Wolff (supra n. 2) 21 and supra n. 52.

⁶¹ Yiftach-Firanko (supra n. 24) 1057.

⁶² Supra n. 48.

⁶³ Wolff (supra n. 2) 9-10; *id.* (supra n. 12) 115.

⁶⁴ Sachers (supra n. 12) 1850-1852.

In Oxyrhynchos the *cheirographon* was already predominant for at least two centuries, and was issued by professional private scribes located near the *Sarapeion*. All that was added in the fourth century were an additional date clause at the beginning of the document, and a new clause at the end, in which the scribe finally reveals, in his own handwriting, his identity.⁶⁵ Accordingly, even if the new *cheirographon* was imported in the fourth century from outside Egypt, as H.J. Wolff maintains,⁶⁶ in Oxyrhynchos it was sown on fertile ground.

I shall conclude with a methodological note. In monographs on Greek legal documents from Egypt we frequently find the distinction between public documents – i.e. those issued in the presence of witnesses, or under the supervision of a state organ – and private documents, whose composition did not require any of these elements.⁶⁷ This distinction is well founded of course, yet one could also make another distinction, based on the writer's level of expertise: i.e. between documents written by laymen and those composed by professional scribes. It can be assumed that a scribe employed by the state was also professional. Therefore, every document that is drawn up in a public notary office can be assumed to be composed professionally. Yet this does not mean, of course, that every document that was not issued by a state notary was also composed 'unprofessionally'. I would even *a priori* assume that non-official documents were commonly issued by professional scribes as well. Yet documents that are not drawn up by a state organ very frequently do not report the identity of their authors; we do not know, therefore, who these scribes were. In this paper, I have tried to develop a method for surmounting this obstacle.

Although the *cheirographon* does not report its author, first-century CE *cheirographa* from Oxyrhynchos contain some important hints. Many record a transaction that was carried out in a bank near the *Sarapeion*, and are drawn up on the same day as the act of transfer itself. Documents that contain these two features exhibit three other characteristics: they contain *hypographai*, are written by experts,

⁶⁵ Cf., e.g., *P.Oxy.* VIII 1130 (484 – Senokômis, Oxyrhynchitês) l. 31: δι' ἐμοῦ Πέτρου ἐράγη.

⁶⁶ Wolff (supra 12) 134. Wolff's view is strongly supported by the close similarities between the scheme of the *cheirographa* employed by the *tabelliones* and that used in the second-century documents from Arabia. Note, in particular, four elements: (1) the insertion, at the beginning of the document, of the date formula, and (2) the use of the routine Roman dating, by consuls, rather than the Hellenistic-Egyptian one by the year of the reigning emperor: cf., e.g., *P.Yadin* 11 ll. 1,12-13 (Ein-Gedi, 124 CE and Sachers (supra n. 12) 1855), (3) an autograph confirmation by the scribe who wrote the document, with an indication of his name (*P.Yadin* 11,30 and Sachers (supra n. 12) p. 1856-1858) and (4) the presence of witnesses at the composition of the document (*P.Yadin* 11^v and Sachers (supra n. 12) p. 1856).

⁶⁷ Wolff (supra 2) 106, 114, 123. Cf. also J. Méléze-Modrzejewski, 'Le Document Grec dans l'Égypte Ptolémaïque', *Atti del XVII Congresso Internazionale di Papirologia. III (Napoli, 19-26 maggio 1983)* (Naples 1984) 1173-1187 at 1174-1176.

and feature relatively wide formats. On the accumulation of these features in these specific documents I concluded that they were all issued by professional scribes in private bureaus that were located around the *Sarapeion* and acted in close cooperation with the banks. Then, around 160 CE, the reference to the bank largely disappears, but the other features continue to turn up down to the end of the third century. Upon these features – the *hypographê*, the hand and the format – I conclude that the *Sarapeion* scribe, or scribes, never stopped working and documenting transactions in the format of the *cheirophon* down to the end of the Roman period.

This conclusion fits well with what we know in general about legal documentation in Roman Oxyrhynchos. Throughout Egypt legal documents were composed by official scribes in the offices of the *agoranomeion* and the *grapheion*. It was also the case in Oxyrhynchos. Here, however, there was always another ‘professional’ alternative. One could go to the quarter of the *Sarapeion* and have a document composed by scribes who were just as skillful as those located in the *agoranomeion*; the document would take then the form of a *cheirophon*. This availability explains why the *cheirophon* was so popular and eventually predominant in Roman Oxyrhynchos – even in spheres, like land conveyances, that were monopolized by the state notary in other parts of Egypt.

Moreover, the presence of the alternative was not left unnoticed by the state: the continued existence of the private offices taught the state that the scribal system does not have to be public in order to be effective. The insight gained from this experience paved the way to the disintegration of the *agoranomeia* in the fourth century and their replacement, throughout Egypt, by a network of private scribes who carried out most scribal activities from this point. It also explains why the format chosen was that of the *cheirophon*. In this respect, the history of the *cheirophon* is also the story of the privatization of contractual activity in the course of the Roman period.