

THE CULTIVATION OF MONASTIC ESTATES IN LATE ANTIQUE AND EARLY ISLAMIC EGYPT: SOME EVIDENCE FROM COPTIC LAND LEASES AND RELATED DOCUMENTS*

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INTRODUCTION

The following survey on cultivation of monastic estates according to the evidence from Coptic leases is in three parts. First, I sketch out the evidence, particularly as it relates to the occurrence of monks and monasteries in Coptic lease documents. Next, I deal with two documents from the dossier worked on by Sarah Clackson, the Coptic papyri from the Hermopolite monastery of Apa Apollo. In an analysis of *P.Mon.Apollo* 26, a text which is called *misthōsis*, although it differs conspicuously from all other Coptic *misthōsis* documents, I will argue that this text, which attests to two monks taking possession of land belonging to the monastery's estate, has a functional counterpart in *P.Mon.Apollo* 25, which records a monk's renunciation of land from his monastery's estate. Finally, I will reconsider a crucial issue connected with the *P.Mon.Apollo* dossier, the *aparchē* collection, and I will try to show how *P.Mon.Apollo* 25 and 26 could have been related to the *aparchē* collection documents.

1. COPTIC LEASE DOCUMENTS AND THE EGYPTIAN MONASTERIES

1.1 *General Remarks*

Unlike the Greek,¹ Demotic² and Arabic³ land-leasing dossiers which have been assembled and thoroughly investigated over the last century, the Coptic lease documents—a collection of more than 100 items—are scattered over several editions, some of which are still provisional, and they have scarcely been analyzed or interpreted.⁴ Apart from occasional, but significant, references to lessors, lessees, and leases in private and business letters and in literary texts, Coptic evidence of land-leasing

* I should like to express my gratitude to Petra Sijpesteijn and James Clackson, the organizers of the Oxford conference The Administration of Monastic Estates in Late Antique and Early Islamic Egypt, for giving me opportunity to pay a small tribute to the memory of Sarah Clackson.

¹ Fundamental studies by Waszynski 1905, Comfort 1933 and 1937, Herrmann 1958, Hennig 1967, Hengstl 1972 and *P.Heid.* V; cf. also the abundant literature on particular issues based on those works, such as Banaji 1999 and 2001, Jördens 1999, Oates 1963, Rathbone 1990 and 1991, Rowlandson 1994, 1996 and 1999, Ruffing 1999 and Schnebel 1925, to give only some outstanding examples.

² Cf. Hughes 1952; Seidl 1973; Eyre 1997; Felber 1997; Manning 1999; Mrsich 2003.

³ Cf. Grohman 1935-; Frantz-Murphy 1986, 1994, 1999 and 2001.

⁴ I try to fill this gap by my habilitation thesis "Pacht nach koptischen Quellen. Beiträge zur Rechts-, Wirtschafts- und Sozialgeschichte des byzantinischen und früh-arabischen Ägypten," to be published in the *Papyrologica Vindobonensia*.

comes from two legal formulae in particular: lease contracts (better termed lease declarations, since they are usually unilateral in style), and rent receipts confirming the annual payments for leasehold property. Coptic lease documents fall into three groups with regard to provenance: Fayyumic, Hermupolite and Theban. As a fourth provenance, Aphrodito is attested by the 6th or 7th century Coptic lease document P.BL inv. 2849, but this important text is still unpublished. The small *Fayyum* dossier, although interesting, may be left out of consideration here.⁵ The Hermupolite and Antinoopolite area is a major source of byzantine Greek documents, and it also yields the bulk of Coptic lease documents. The overall formal similarity between Coptic and Greek documents of this provenance is striking. Leases on limited time, called ΜΙΣΘΩΣΙΣ,⁶ as well as long-term agreements, called ΕΜΦΥΤΕΥΣΙΣ, ΕΜΦΥΤΕΥΤΙΚΗ ΣΟΜΟΛΟΓΙΑ, etc.⁷ are clearly modelled on the respective Greek forms. Both types of agreements are also attested in rent receipts, issued to acknowledge payments of *phoros* and *pakton*.⁸ The latest attested lease document drawn up in the Coptic language, dated in 900 C.E., comes from Ashmunein.⁹ From the *Theban area* in the Byzantine and early Arabic period, for which there are scarcely any Greek documents attested, we have two Coptic *misthōsis* texts¹⁰ and some twenty so-called *epitropê* documents,¹¹ all of which are written on potsherds or limestone pieces. According to the *epitropê* formula, the issuer/owner authorizes somebody to sow a plot of his or her estate.¹² To the

⁵ CPR IV 120; 126-127; 129a = CPR II 131. One of four relevant documents, CPR IV 120, has been issued by a tenant bearing the title ΠΑΠΑ to a lessor in the rank of a diacon.

⁶ I know of some forty *misthōsis* documents: BKU III 347; 348; CPR IV 117-119; 121-124; 129c-f; CPR II 139 (= CPR IV 129b); P.Heid. inv. Kopt. 38; P.Heid. inv. Kopt. 276; P.Laur.Copt. 193; P.Lond.Copt. I 1016; 1019; 1021-1022; 1067; 1073; P.Mon.Apollo 26 (=P.HermitageCopt. 3); P.Ryl.Copt. 158-159; 161-164; 166-168; 170; 173, and a number of fragments from the Beinecke library which I am about to reedit.

⁷ I know of seven *emphyteusis* documents: CPR IV 128; P.Lond.Copt. I 1013-1015; P.Ryl.Copt. 174-176.

⁸ I know of thirty rent receipts, eleven of them mentioning *phoros* (corresponding to *misthōsis*) and nineteen mentioning *pakton* (corresponding to *emphyteusis*): *Phoros*: CPR IV 134-141; P.Heid. inv. Kopt. 45; P.HermitageCopt. 4; P.Ryl.Copt. 181. *Pakton*: BL Or 6201 A 22a; 6201 A 22b; 6201 A 23; 6201 A 66; 6201 A 68; 6201 A 103; CPR IV 146-153; P.Beatty Copt. inv. 2177.7; P.Lond.Copt. I 1027; 1056; P.Ryl.Copt. 179-180. On terminological issues, cf. Richter 2002a.

⁹ P.Lond.Copt. I 487, reedited by Richter 2003. This text is no longer influenced by Greek legal language, but employs Arabic terms and concepts. It deals with a *qabāla bi-lā misāḥa* 'tenancy without survey' (cf. Frantz-Murphy 2001).

¹⁰ BKU I 82; O.CrumVC 33.

¹¹ BKU I 40; 48; 64; 75; 79; 95; O.Brit.Mus.Copt. I 35/4; O.Crum 138-139; 206; 307; 482; O.Crum Ad. 26; O.CrumST 38-39; O.CrumVC 28; O.Engelbach 3; O.Medin.HabuCopt. 81; O.Theb. 6; O.Vind.Copt. 42 (= O.CrumST 37).

¹² See here the form of an *epitropê* with fixed rent (*pakton*) in money (e.g. BKU I 79):

+ ΑΝΟΚ (landowner) ΕΤ-ΣΑΙ Ν-(tenant) ΧΕ

It is I, A, who writes to B:

ΤΙ-ΕΠΙΤΡΕΠΕ ΝΑ=Κ Ε-ΤΡΕ=Κ-ΧΟ (object)

I admit you, that you shall sow ...

ΣΜ-Π-ΧΟ ΕΣΡΑΙ Ν-ΤΙ-ΡΟΜΠΕ (ind.-year x)

in the sowing of this year x,

ΝΓ-ΤΙ-ΠΕΥ-ΠΑΚΤΟΝ ΝΑ=Ι ΕΤΕ-(amount)

and you shall give me their *pakton*, being ...

ΝΤΑ-ΡΟΕΙΣ Π=Κ-ΑΧΗΜΙΟΣ ΣΝ-ΣΩΒ ΝΙΜ

and I shall keep you free from penalty in every respect.

Ε-Υ-ΩΡΧ ΝΑ=Κ Α=Ι-ΣΜΝ ΤΙ-ΕΠΙΤΡΟΠΗ

For your security, I have drawn up this *epitropê*,

Ε=Σ-ΟΡΧ Ε=Σ-ΣΝΣΟΜ ΣΜ-ΜΑ ΝΙΜ

it is sure and valid at every place.

ΑΝΟΚ (landowner) ΤΙ-ΣΤΟΙΧ/

I, A, I agree.

best of my knowledge, only four Greek documents of this type are hitherto known.¹³ The conspicuous use of the term *epitrepein* in these texts may be considered a semantic calque on the Demotic verb *shn* “to lease,” literally, “to command, to confide.”¹⁴ There are also a few Theban rent receipts.¹⁵

The economic activities of monasteries and churches with respect to their estates have been much discussed,¹⁶ but only a few scholars, Sarah Clackson among them, have made use of the rich Coptic evidence.¹⁷ In all the types of Coptic lease documents so far mentioned, there is evidence for monks and monasteries acting in several different ways. In the following I want to discuss just a number of more conspicuous cases.

1.2 Monasteries as Owners of Leasehold Property

Monasteries often occur as lessors of land, acting through their *dikaion* and represented by an *oikonomos*, *phrontistês* or *pronoêtês*. This is the case in Coptic *misthôsis* documents¹⁸ as well as in *emphyteusis* documents¹⁹ and rent receipts²⁰ of the Hermopolite group.²¹ While *misthôsis* documents

Apart from documents with fixed rent amounts in money or kinds, there is a second *epitropê* type containing a sharecropping clause (e.g. *O.Vind.Copt.* 42).

¹³ *O.Wilcken* 1224, *PSI* III 279, *SB* XX 14353, and *O.Qurnat* Mar'î inv. 249. I owe my knowledge of the latter to Jean-Luc Fournet.

¹⁴ The meaning of the Demotic verb *shn* lies somewhere in the semantic area of “beauftragen” (Erichsen, *Dem. Glossar* 446), “überlassen, anvertrauen” (Felber 1997: 116-119), “confier” (Pestman, *Recueil* II 102), “to hand over to a persons care” (Pestman, *P.Survey*, 150, Anm. c), while the Greek word *epitrepein* means “auftragen, anbefehlen, gestatten, zulassen, erlauben” (Preisigke, *Wb.* I 582/3) “to commit, to entrust to, to rely upon, to leave to, to yield up, to permit, to command” (*LSJ* 667/8). I imagine the Theban Coptic term ἐπιτρέπε να= acquired its legal meaning from the Demotic expression *shn n#*, both expressions literally meaning “to commit to somebody, to authorize somebody.” The designation ἐπιτροπή of these documents may have likewise been shaped semantically by the Demotic noun *shn* “lease document.”

¹⁵ *BKU* I 65; *O.Brit.Mus.Copt.* I 87/1; *O.Crum* 169; *O.CrumST* 70. The Theban term usually designating lease rent is *pakton*, see Richter 2002a.

¹⁶ Cf. e.g. de Zulueta 1909; Gasco 1985; Hardy 1931.

¹⁷ Such as Artur Steinwenter 1958, the doyen of Coptic juristic papyrology, in his study *Kirchliches Vermögensrecht der Papyri*, Éwa Wipszycka 1972 in her fundamental study *Ressources et activités économiques des églises en Égypte du I^{er} au VIII^e siècle*, or Georg Schmelz 2002 in his work on church officials in late antique Egypt.

¹⁸ E.g. *CPR* IV 117 (land owner is the “*dikaion* of S. Theodor”); *P.Ryl.Copt.* 163 (land owner is a “holy monastery”); 164 (owner is the “*dikaion* of the monastery of St. Severos”); 166 (land owner is the “*dikaion* of the holy Topos of [...])”).

¹⁹ E.g. *CPR* IV 128: (owner is the “*dikaion* of the holy chapel of [...])”; *P.Lond.Copt.* I 1013 (issued by the *patêrion* of a *philoponeion*); *P.Ryl.Copt.* 174 (owner is the “holy *dikaion* of [...])”).

²⁰ *Phoros* receipts: e.g. *CPR* IV 140 (issued by the *Proestôs* of a monastery), *P.Ryl.Copt.* 181 (issued by the “*dikaion* of the holy altar of St. George”). *Pakton* receipts: e.g. *CPR* IV 147 (issued by the “*dikaion* of the holy altar of St. Herwoj”); 153 (issued by the *oikonomos* of the “holy topos of [...])”); *BL Or* 6201 A66, A 22a, A 103; *P.Beatty Copt. inv.* 2177.7 (from the archive of Lulu, issued by the *dikaion* of “St. Kollouthos at the gateway”); *BL Or* 6201 A22b, A23 and A 68 (from the same archive, issued by the monastery of Gabriel); *CPR* IV 146 (issued by the *dikaion* of the “holy monastery of Apa Jeremias in the south of the City Antinou”); *P.Lond.Copt.* I 1027 (issued by the *patêrion* of a *philoponeion*); *CPR* IV 151 (issued by the “*dikaion* of our lords, the apostles”); *P.Lond.Copt.* I 1055a/b (issued by the “*dikaion* of the holy monastery of Phoibammon”).

²¹ Altogether, nearly 50% of the lessors attested in Coptic *misthôsis* documents and *phoros* receipts from the Hermupolite dossier bear ecclesiastic titles and epithets, although not all of them are explicitly said to be representatives of ecclesiastical institutions such as churches, monasteries and *philoponeia*. In fourteen of twenty-three cases of *emphyteusis*

were styled as the tenant's acknowledgement of the lessor's conditions, Coptic emphyteutic (hereditary) leases were issued in bilateral subjective or even objective style, just like the Greek ones, and were drawn up in two copies, one for each party, lessor and tenant. As is well-known, long-term leasing was a typical strategy used by ecclesiastical institutions in order to earn money from their estates.²² This custom is also confirmed by the Coptic evidence, only one of seven Coptic emphyteutic contracts does not involve such an institution.²³ However, the Theban dossier appears quite different with regard to the participation of monasteries and churches. There is only one single *epitropê* document where a *dikaion* is mentioned,²⁴ and few ecclesiastic or monastic titles occur. But it is possible that local monasteries like the one of St. Phoibammôn could have acted through representatives who were not explicitly identified in the documents.²⁵

1.3 Monks and Clergymen Privately Involved in Leases

At first glance, the case of monks and clergymen privately acting in leases is quite different from the occurrence of monasteries as owners of leasehold property.²⁶ Unfortunately, it is not easy, if at all possible, to distinguish monks from clergymen, nor is it easy to define the nature of their property and its relationship to the estates of their monasteries or churches. Sometimes, however, we actually meet expressions clearly pointing to a closer kind of relationship. *O.Crum* 138 and 482 were issued by a certain Viktor from the (monastery) of the holy Apa John. *O.Crum* 482 was drawn up, as is said, in the presence of Apa Viktôr the priest from the monastery of Apa Phoibammôn, who might be the well-known successor of Bishop Abraham. In *O.Crum* 138, the better preserved document, the issuer does not speak about "my fields" as usual, but he uses the non-possessive expression "the fields." This could be a reference to the fact that he was not himself the owner of the plots which he was to let. Another *epitropê* document, *O.CrumST* 37, was drawn up by a diacon called Eustathios. The leasehold property dealt with in the text are "two plots of clay-land under the sloping ground, from the district of Tribu southward up to the end of my district, which (*namely* the first-mentioned two plots) belong to

(attested by the contracts and *pakton* receipts), ecclesiastical institutions take part as lessors. However, unless it is indicated, it is difficult to decide what kind of institution it is, whether a church or a monastery. There is a tendency of scholars to consider all institutions called "*dikaion* of St. So-and-so" as monasteries, but some of them can be shown rather to have been churches. E.g. the "holy *thysiasterion* of St. Herwôj" is listed as a monastery by Timm 1984-: 205f. and the "*dikaion* of St. Kollouthos at the gateway" is called a monastery by MacCoull 1986: 200 and Krause 1992: 99, but they were probably churches. The latter occurs in the church list *P.Lond.Copt.* I, 1077, its designation "at the gateway" might have served to distinguish it from another church of St. Kollouthos at that town (*P.Lond.Copt.* I 1100).

²² See Mitteis 1901; de Zulueta 1909; Gasco 1985; Hardy 1931; Taubenschlag 1938.

²³ *P.Lond.Copt.* I 1014, where a *koinon*, a village community, acts as owner.

²⁴ *O.Medin.HabuCopt.* 81. The name of the monastery is lost in a gap, but St. Phoibammôn would seem a reasonable candidate (as the monastery is called "in the *jebel* of Jême," but there are some other monasteries located there, e.g. those of the Apa Psate: *P.KRU* 54,34-4; of Apa Pesynthios: *P.KRU* 73,45, etc.).

²⁵ Theben *epitropê* documents used to be awfully terse in conveying personal data, in many cases only the parties' Christian names are given. Since the population of Jême was so much smaller than that of, say, Ashmunein, and the kind of business recorded by *epitropê* documents lasted one season only, there was obviously little need of caution as to the identity of persons well known to each other.

²⁶ Cf. e.g. from *Ashmunein*: *BKU* III 347; *CPR* IV 148; 149; 152; *P.Heid. inv. Kopt.* 45; *P.HermitageCopt.* 4; *P.Lond.* I 1056; 1073; from the *Theban area*: *BKU* I 48; 79; 95; *O.Crum* 138; 139; 206; 307; 482; *O.CrumST* 37; *O.CrumVC* 28; 30.

(the monastery of) St. Philotheos.” This detailed description is of some significance, as two degrees of ownership are indicated. The actual landlord was St. Philotheos, i.e. his monastery, but obviously the issuer holds certain limited rights permitting him to claim a plot as ΠΑΤΟϣ “my district” (quite an unusual expression) and to authorize a tenant in his own name to cultivate crops on this plot and another one. All this happens without participation of the legal department of the monastery. This observation leads me to the second section.

2. A MONASTERY LEASING LAND TO ITS MONKS

In *P.Mon.Apollo* 26, a document designates itself as a *misthōsis* which varies considerably from all other Coptic *misthōsis* documents with regard to both formulae and content. The document is issued by two monks of the Hermupolite monastery of Apa Apollo and is addressed to the *dikaion* of the same monastery, represented by Apa Georgios, the abbot (*archimandritēs*). The fairly well-preserved business clauses (lines 5-10) read as follows:

You have given us more or less eight waterless artabas in the fields of the little irrigated field, which you have (formerly) exchanged with the inhabitants of Senesla, so that we shall possess them (ΑΜΑΞΕ ΕΡΘΟΥ) and cultivate them with our own hands (ΑΥΤΟΥΡΓΕΙ ΕΡΘΟΥ) under (ΞΑΡΑΤϣ) the Topos and your Fatherhood, from the coming crop of the—with God’s will!—eighth indiction, which we are charged with, and ... (*gap*) ... all days of our life.

The last words before the papyrus breaks off, “thus we, the first-mentioned brother Enoch and brother B..., are ready,” might indicate the beginning of a clause dealing with the rent payment. The docket, preserved on the *verso*, indicates that the rent was two *nomismata* a year, a considerable amount. There are many oddities in this so-called *misthōsis*. The Coptic verb ΑΜΑΞΕ, meaning “possession,” would fit an emphyteutic context at best, but sounds strange in a *misthōsis* implying much more limited leaseholder rights. There is reason to believe that this expression was chosen in order to make the lessees liable for the land-tax payment, which the lessor would have been charged with otherwise. Also the Greek loan-word ΑΥΤΟΥΡΓΕΙ “execute of oneself, work with one’s own hands” is unexpected. According to Hans Förster’s dictionary,²⁷ *P.Mon.Apollo* 26 yields the only instance of the word within the entire corpus of Coptic documentary texts. And even here, its occurrence is remarkable. It was surely the purpose of any lease to excuse the lessors from the burden of fieldwork, and the natural duty of tenants to do the job with their own hands, so why emphasize this fact? Indeed, there is another possible interpretation which cannot be explicitly excluded. In the Greek papyri from Egypt, ΑΥΤΟΥΡΓΕΙ has a special semantic value: according to Preisigke, “to work with one’s own hands” may also mean “not to let out on lease.”²⁸ The wording of *P.Mon.Apollo* 26 might thus have been intended to *exclude subletting* of the tenancy by the tenants. If so, this would be a clear difference to cases such as *O.CrumST* 37, where monks apparently had been *permitted to sublet* leasehold property owned by their monastery. A further unique feature of the *misthōsis* *P.Mon.Apollo* 26 is its term of

²⁷ Förster 2002, s.v., p. 125.

²⁸ Preisigke 1925-, vol. I: 243.

validity: unlike usual terms of *misthōsis* agreements which run from one year to ten or twelve years (in a few cases), this agreement was practically unlimited, lasting “all the days” of the tenants’ life. Another document from the *P.Mon.Apollo* dossier, number 25, seems to be closely connected with the strange *misthōsis* document *P.Mon.Apollo* 26:²⁹ a monk claims himself unable to make further payments of land-tax for a plot of swampy ground which is “upon” him (ἐπὶ αὐτῷ)³⁰ as he says, and he formally renounces every right to—and any liability for—this plot. His renunciation is addressed to the *dikaion* of the monastery, represented by its abbot Apa Daniël, who is said to have previously granted his permission to this transaction. Thus *P.Mon.Apollo* 25 bears evidence for the reversal of the procedure attested by *P.Mon.Apollo* 26.

3. THE RIDDLE OF THE APARCHÊ COLLECTION

Anybody acquainted with Sarah Clackson’s *magnum opus* knows the most intriguing issue connected with a certain type of documents in the *P.Mon.Apollo* dossier: what was the function and setting of the undertaking called *aparchê* (literally, “first-fruit”) collection? Comprising twenty-three items in *P.Mon.Apollo*, it is by far the best attested business transaction carried out and recorded by the monks,³¹ yet the institution is still far from clear to us. There are two main formulae, rediscovered and reconstructed by Sarah: The better preserved formula, which she called “Tithe collection guarantee,”³² works as follows.³³ A monk issues a document styled as an acknowledgement of debt (and even named as such, *asphaleia*) to a fellow monk, acknowledging the *receipt* of (one or more) *villages* (instead of a loan in money or in kind, as it were). In these villages, a so-called “*aparchê* for Apa Apollo” is to be

²⁹ *P.Mon.Apollo* 25,3-6: “As two places were upon me, poverty befell me (and) I was no longer able to manage (*dioikein*) both of them. I requested some trustworthy brethren from the monastery and they requested your Fatherhood on my behalf. Your mercy met me, you took one of them (i.e. the two places) from me, that makes the half of the swampy ground, and you seized the brother Jeremias and loaded it onto him, so that he shall be liable for its taxes (*dêmosia*). Now I renounce my plot from the swampy ground.”

³⁰ The precise meaning of this expression has been debated by Krause 1985: 147 *contra* Brunsch 1981: 97. I have suggested elsewhere that the legal meaning of ἐπὶ αὐτῷ = “being upon somebody” implies *liability* for something rather than possession, cf. Richter 2004: 177.

³¹ *P.Mon.Apollo* 1-23, see Clackson 2000: 47-76.

³² Clackson 2000: 47-57, *P.Mon.Apollo* 1-7.

³³ See here the form of the “Tithe collection guarantee” (*P.Mon.Apollo* 1-7, ed. Clackson 2000):

ἀΝΟΚ ΠΑΣΟΝ ... ΕΙΣΘΑΙ Ν(ΠΑΣΟΝ) ...
 ἄΕ ΕΠΕΙΔΗ ΑΚ(ΣΕΜ)ΠΕΙΘΕ ΝΜΜΑΙ
 ΑΚΤΙ ΝΑΙ Ν-(place name)
 ΕΤΡΑΣΘΚ ΤΕ=α/γ/Υ-ΑΠΑΡΧΗ ΖΑ ΑΠΑ ΑΠΟΛΛΟ
 ΖΜΠΚΑΡΠΟΣ ΝΤΙΡΟΜΠΕ ΤΑΙ ... ΙΝΔ/
 ΖΑΠΕ=α/γ/Υ-ΔΗΜΟΣΙΟΝ/ΠΑΚΤΟΝ ΕΤΕΠΑΙ ΠΕ ...
 ΤΕΝΟΥ ΟΥΝ ΖΜΟΥΘΩ ΜΠΝΟΥΤΕ ΤΙΟ ΝΖΕΤΟΙΜΟΣ
 ΤΑΤΑΑ= ΝΑΤΖΑΠ ΝΑΤΝΟΜΟΣ ΝΑΤΑΑΛΥ ΝΑΜΦΙΒΟΛΙΑ

I, the brother NN, I am writing to (the brother) NN.
 After you have agreed with me,
 you have given me the (village[s]) A(, B, C)
 so that I collect its/their *aparchê* for Apa Apollo
 in the crop of the xth year of indiction
 for its/their *dêmosion* (or: *pakton*), makes (amount).
 Now, with god’s will, I am ready,
 that I will give it without judgement, without law,
 without any trouble at all.

collected. Certain amounts of either *dêmosion* or *pakton* or both are mentioned, specifying or explaining the content of this *aparchê*. Besides this formula, there is another called “Tithe collection contract” by Sarah,³⁴ which forms a straight counterpart to the “guarantee” type: whenever the “guarantee” has “I,” the “contract” says “You,” and *vice versa*.

According to Sarah Clackson’s interpretation,³⁵ the setting, or *Sitz im Leben*, of these *aparchê* collection documents was the collection of rent and tax payments to be paid by tenants of the monastery: “In the texts, monks are allocated areas for tithe collection which probably corresponded to monastic estates,”³⁶ and elsewhere: “This interpretation is the most appropriate for the texts in this edition because they specify that tithe is then paid out as a tax-rent designated pactum or *dêmosion*.”³⁷ This view has been challenged by Ewa Wipszycka, who claimed estates owned by a monastery could neither be leased out nor could their rents be collected without participation of the monastery’s legal entity, the *dikaion*. Instead, Ewa Wipszycka suggested another interpretation of the procedure: “Je pense que dans les textes publiés par S. J. Clackson, le mot *aparche* désigne ce qu’il désigne normalement, à savoir les prémices, et que ces textes attestent l’existence, en Égypte, d’une coutume que nous ignorions jusqu’à présent et qui consiste en ce que les moines collectent eux-mêmes les prémices, probablement en faisant du porte-à-porte. ... Ce qu’un moine recevait ... au cours de la collecte, devait lui servir pour payer ses impôts (*demosion* ou *pakton*). Dès le moment où la répartition des localités entre les moines était faite, c’étaient les moines eux-mêmes qui devaient verser l’argent au percepteur des impôts; le *dikaion* du monastère n’en était pas responsable.”³⁸

Yet there is a terminological argument speaking against this explanation and in favour of that given by Sarah Clackson. Admittedly, *dêmosion*, although meaning “land tax” in particular, is more often used to designate “taxes” in general. However, to the best of my knowledge, *pakton* in Coptic documents always means rent to be paid by tenants for their leasehold property.³⁹ In a Fayyumic *mishôsis* document⁴⁰ and in all Theban records concerned with leasehold affairs,⁴¹ *pakton* generally means the rent to be paid for one-year leases. In Hermupolite documents, it always designates the rent for emphyteutic leasehold property, in contrast to *phoros*, the term used to designate rent of short-term leases in the *mishôsis* documents from that area.⁴²

Is there a way out of that dilemma? Perhaps our observations concerning monks privately involved in leases and monks being tenants of their own monastery could indicate a solution. If it could be confirmed that monasteries let out their property to individual members of their communities, permitting them to sublease, monks would have been entitled to act as private lessors, letting out their small plots without direct participation of the actual land owner, the *dikaion*. The income collected from the tenants or rather, sub-tenants, could have been solemnly claimed “first-fruits” for the holy landlord Apa Apollo, in keeping with Sarah Clackson’s interpretation. However, the question to be

³⁴ Clackson 2000: 58-66, *P.Mon.Apollo* 8-14.

³⁵ Clackson 2000: 17-23.

³⁶ Clackson 2000: 19.

³⁷ Clackson 2000: 18.

³⁸ Wipszycka 2001: 185.

³⁹ Cf. Richter 2002a; cf. also Papaconstantinou 2002: 102-105.

⁴⁰ *CPR* IV 120.

⁴¹ In particular, the *mishôsis* and *epitropê* documents, cf. above, n. 10 and 11.

⁴² Cf. above, n. 8, cf. also Richter 2002a and 2002b: 116f.

asked is, what advantage would such a complicated arrangement have brought to the monastery. In *P.Mon.Apollo* 25 we met a monk liable to pay land tax for two plots from his monastery's estates, who had obviously not succeeded in earning money from their cultivation. But since *he* was the possessor, at least with regard to tax liability, he was the one who became indebted to the state, while the *dikaion* remained free from debt. Could this have been the intended strategy, invented under the continued tax pressure upon monasteries following the legislation of Abd el-Malik ibn Marwân? On the other hand, by leasing land from their monastery, monks also became creditors to its *dikaion*, such as the monk Enoch and his brother in *P.Mon.Apollo* 26 who engaged themselves to pay two *nomismata* a year. Seen from this angle, Ewa Wispyzcka may be right in her idea of monks begging in villages in order to raise money or produce to be paid for their leasehold property as land tax to the state and as rent to the monastery. But why did they not grow cash-crops on their fields? Whatever the outcome, any resolution of the *aparchê* question has economic implications which will have to be reconciled with other papyrological and broader historical evidence.

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