

This is an extract from:

Byzantine Monastic Foundation Documents:

A Complete Translation of the Surviving Founders' Typika and Testaments

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Published by

Dumbarton Oaks Research Library and Collection

Washington, D.C.

in five volumes as number 35 in the series Dumbarton Oaks Studies

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Trustees for Harvard University

Washington, D.C.

Printed in the United States of America

www.doaks.org/etexts.html

1. *Apa Abraham: Testament of Apa Abraham, Bishop of Hermonthis, for the Monastery of St. Phoibammon near Thebes, Egypt*

Date: first quarter, 7th c.

Translator: Leslie S. B. MacCoull

Edition employed: F. G. Kenyon, *Greek Papyri in the British Museum*, vol. 1 (London, 1893), pp. 231–36 (= *P. Lond. I.77*), with corrections by Friedrich Preisigke, *Berichtigungsliste der griechischen Papyrusurkunden aus Ägypten*, vol. 1 (Berlin-Leipzig, 1922), p. 241.

Manuscript: Original document (papyrus)

Other translations: English, by C. W. Goodwin, “Curiosities of Law. 1. Conveyancing among the Copts of the Eighth Century,” *The Law Magazine and Law Review* 6, no. 12 (1859), pp. 237–48.

Institutional History

Apa Abraham, the author of this document and the founder of the monastery for which it was written, was the fourteenth bishop of the city of Hermonthis (modern Armant) in Upper Egypt, as we know from his diptych which is preserved in the British Museum.¹ According to Krause (“Testamente,” p. 58), he was born about 540–50, became a bishop in 590–600, and lived until circa 610–20; according to MacCoull (“Apa Abraham,” p. 127) he appears to have been born ca. 554 and he died in 624. A portrait of the bishop has survived and is now in the collection of the Egyptian Museum in Berlin.² Apa Abraham did not reside in his diocesan see but rather at the monastery of St. Phoibammon located some five miles from the west bank of the Nile between Hermonthis and Medinet Habu (Krause, “Beziehungen,” p. 31). The site was excavated by the Société d’Archéologie Copte in 1948–49.³ This was not the monastery for which this document was written, however, for Apa Abraham was pressured to relocate his residence, evidently a remote site of difficult access, by Damian (578–605), patriarch of Alexandria, as we know from a surviving ostrakon.⁴ Apa Abraham then chose the abandoned Temple of Hatshepsut (of the XI Dynasty) at Dêr el Bahri (Arabic for “North Monastery”) near Djême (ancient Thebes), a Coptic settlement itself located in the temple of Medinet Habu, as the site of a new Phoibammon monastery. A Coptic papyrus illustrates Papnute, the *lashane* or *protokometes* (village headman) of Djême, joined by the local clergy as representatives of the local residents, recognizing Apa Abraham’s ownership of the site in his capacity as superior of the new monastery.⁵ The monastery was located in the upper terraces of the temple and provided the Arabic name for the site.

A series of preserved testaments, including this document, illustrate the foundation’s superiors transmitting the monastery as a private possession to their successors. In the present document, Apa Abraham designates [2] his disciple the priest Victor as his successor. In a Coptic testament of 634, Victor’s successor Peter designates Iakobos as his own successor.⁶ The testament

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of this Apa Iakobos, dating from towards the end of the seventh century, is also preserved.⁷ It lists Abraham, Victor and Peter as his predecessors in office and designates Victor II as his own successor. Victor II was still superior in 711/12 but there is no surviving testament. Other Coptic documents preserve the names of superiors down to Suros, circa 770–82.⁸ The neighboring monastery of Epiphanius was also transmitted over the course of several generations by its superiors through use of private testaments, one of which survives from the seventh century.⁹ It is not known how long the monastery of Phoibammon was inhabited. Dated graffiti from the tenth, eleventh and twelfth centuries survive at the site, but these may not have been related to the monastic settlement.

European explorers found considerable remains of the monastery on site in the late eighteenth and early nineteenth century.¹⁰ Old photos show some of the monastic buildings and a thirty-foot tower. The papyrus containing (1) *Apa Abraham* was found at the monastery about 1856 and added to the collection of the British Museum. Towards the end of the nineteenth century, the French archaeologist E. Naville, working for the Egypt Exploration Society, demolished the Coptic buildings in order to uncover the Temple of Hatshepsut. Unfortunately he made no plans of the monastery before undertaking its demolition. Some ostraca found in the course of this excavation were eventually published by W. E. Crum in his *Coptic Ostraca [CO]* in 1902. Meanwhile, a silver treasure of liturgical vessels was found in the course of an excavation in 1893 of a small basilica dating from before 600 and located to the west of the great colonnade of the temple of Luxor, some of which bear the name of our bishop Abraham in Greek. These objects are now divided between the Egyptian Museum and the Coptic Museum in Cairo. Krause (“Disziplin,” p. 12) believes that the aforementioned diptych (purchased in Luxor in 1903) and portrait of Apa Abraham (bought in 1904), may also have come from the site of this church. In 1922, many Coptic ostraca written by the same individuals as those who wrote those published earlier by Crum, including Apa Abraham and his successor Victor, were found at Dêr el Bahri by excavators working for the Metropolitan Museum of New York in rubbish piles left behind by Naville after his excavation of the neighboring temple of Mentuhotep.¹¹ In his doctoral dissertation, Krause (“Apa Abraham,” pt. 1, pp. 132–33) listed 114 published and unpublished ostraca representing the correspondence of Apa Abraham, and more have been discovered since then. Thus there exists a considerable body of written sources as well as material artifacts that someday will make possible a better appreciation of the life of this monastery and its founder.

Analysis

Though there are other examples of the private testamentary transmission of a monastery extant from Egypt in Coptic, this is the only such testament composed in Greek. As such, it is an instructive forerunner (as Steinwenter, “Mönchstestamente,” p. 62, realized) of later Byzantine monastic testaments, particularly those like (5) *Euthymios* and (14) *Ath. Testament* in the tenth century as well as (8) *John Xenos* in the eleventh century, that are essentially transmissory documents rather than formal monastic rules. This type of simple testament would appear even later in Byzantine history, as (41) *Docheiariou*, (44) *Karyes*, (48) *Prodromos*, (49) *Geromeri*, and (50) *Gerasimos* illustrate.

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Like all of these testaments, this document does not establish any regulations for the life of the monastic community for which it was written. There are certain features, such as the author's provisions [7] for his own burial and the performance of commemorative services, that will be developed into detailed regulations in subsequent documents, e.g., (29) *Kosmosoteira* [89] ff. and (27) *Kecharitomene* [71], among others. Although this author professes [9] to have only minimal assets, the disposition of the founder's property will likewise become an important subject of regulation in subsequent documents (see (19) *Attaleiates* [4], [5]). The concern of the author with keeping the monastery out of the hands of his family [5] will also be shared by subsequent founders of private religious foundations and those of some independent and autonomous foundations. Later Byzantine founders would share this author's fear that the resolution of conflicting claims over the rights to ownership would involve the monastery in burdensome and potentially damaging litigation.¹² Yet while our author here, still accustomed to a relatively strong public authority inherited from late antiquity, relies [6] on the threat of fines to deter transgressors of his testament, later authors would have to rely on curses, the hope of divine sanctions, and powerful lay protectors.¹³ Most significant for the future history of religious institutions in the Byzantine Empire is the author's decision, even though he was a bishop, to treat this monastery as his private property rather than as a diocesan foundation, a right that, as we have seen, the neighboring community of Djême explicitly recognized. This is the same attitude that most later episcopal authors of the documents in our collection would take towards their monasteries, to the detriment of their successors in office.¹⁴

Like many of his contemporaries, this monastic leader was literate, in Coptic, though not in Greek. The present Greek text was prepared for him by the notary Joseph, priest of the local public church of Hermonthis. Most of the witnesses to the document merely state that they have heard (i.e., not necessarily read) the Greek text.

Notes on the Introduction

1. See Krause, "Disziplin," p. 11.
2. See Krause, "Tafelbild," p. 108.
3. Results published in Ch. Bachatly, *Le monastère de Phoibammon dans le Thébaïde*, vol. 1 (Cairo, 1981), vol. 2 (Cairo, 1965), and vol. 3 (Cairo, 1961).
4. *CO* ad 59, as interpreted by Krause, "Beziehungen," pp. 31–34.
5. *KRU* 105, as interpreted by Krause, "Beziehungen," pp. 35–36; German translation by Till, *Rechtsurkunden*, pp. 188–90. In 408, *CTh* 16.10.19 permitted the public use of pagan temples that had been closed in 399 by *CTh* 16.10.16.
6. *KRU* 77, with Krause, "Phoibammon-Klöster," p. 266, and Till, *Untersuchungen*, p. 204. The first seven lines of the document are in Greek; a complete edition is still lacking.
7. *KRU* 65; for dating see Krause, "Beziehungen," p. 32; German translation in Till, *Untersuchungen*, pp. 152–58.
8. Krause, "Phoibammon-Klöster," p. 266; for a list with references to the Coptic documents, see Till, *Datierung*, p. 236.
9. *KRU* 75; German translation by Till, *Untersuchungen*, pp. 198–204. For a discussion of other monastic testaments from Coptic Egypt, see Steinwenter, "Rechtsstellung," pp. 12–16, and "Mönchstestamente," pp. 5–61.
10. For the rediscovery of the monastery and artifacts associated with Apa Abraham, see Kenyon, *Greek Papyri*, p. 231; Krause, "Phoibammon-Klöster," pp. 263–66, and "Disziplin," pp. 11–13.

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11. In 1930, these were divided between the Metropolitan Museum (sold in 1959–60 to Columbia University) and the Egyptian Museum in Cairo (now in the Coptic Museum); additional texts were discovered by a Polish expedition working at Dêr el Bahri in 1961; see Krause, “Disziplin,” pp. 12–13, and “Phoibammon-Klöster,” p. 265; and W. Godlewski, *Le monastère de St. Phoibammon* (Warsaw, 1986).
12. See (23) *Pakourianos* [18] and (60) *Charsianeites* [C7].
13. For curses and heavenly sanctions, see (8) *John Xenos* [2], (9) *Galesios* [246], (10) *Eleousa* [19], (22) *Evergetis* [12], etc.; for lay protectors, see the introductory discussion below in Chapter Three.
14. See (5) *Euthymios* [1], (8) *John Xenos* [1], (10) *Eleousa* [16], [18], (31) *Areia* [M11], [M15], (34) *Machairas* [9], (44) *Karyes* [3], and (58) *Menoikeion* [1]; but cf. (55) *Athanasios I* [9] and (60) *Charsianeites* [C12].

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Translation

[1.] . . . written¹ . . . to . . . who is also my *synkellos*² . . . since indeed there is an end for all, and lest I leave this life suddenly and unexpectedly by the collapse of this suffering body of mine, with the future being unclear. Wherefore I hastened [to set forth] this written and unaltered last testamentary assurance which has validity by force of law wherever it shall be produced in evidence and published. By this I declare that I entrusted [my possessions] to you of my own will and persuasion, subject to no trickery or fear or force or deception or necessity whatsoever, nor any legal dissembling nor swindling nor any kind of manipulation, without any sort of duplicity or malicious intent whatsoever, but rather from my own purpose and authentic intention, and my own free will, with a right understanding and firm faith, in [a position of] full ownership and unencumbered authority, persuaded by every intent, living, understanding and thinking, being of sound mind and with my intellect most sharp, walking upon the earth, going to the marketplace. This last will I have dictated in the Egyptian language, but I enjoined that it be also written in Greek words, as is proclaimed [p. 233] in the well and piously framed laws.

[2.] May it be possible for me to live and be in good health and enjoy all my modest goods! But should I (which I pray may be averted) suffer the common lot of humankind and leave this life, I wish and order that, after my death, you, the aforementioned Victor,³ the most pious priest and my disciple, shall enter upon all of the moderate property bequeathed by me and be my heir, viz. movable, immovable and animate property, of every kind and sort and of whatever type and quantity, in gold and silver and cloth and copper, and clothing and books and building sites and waste lands and buildings. In a word, [you will inherit] everything, from the most costly kind to the least and down to one *jugerum* and the worth of one *assarion*⁴ and one obol, and whatever there happens to be of pottery and wooden and stone household utensils, as regards all of that same moderate property bequeathed by me, including what I inherited from my forebears and what I acquired by my own sweat and by purchase and by charitable gift and by any manner or intent whatsoever, by written or unwritten means.⁵

[3.] Not only that, but also the holy monastery which is under me, that of the holy prize-bearing martyr Abba Phoibammon which lies in the aforementioned holy mountain of Memnonion, I leave to you in unhindered ownership, together with its venerable property, from the cheap kind to the costly, down to a cinder. I direct that you, the aforementioned Victor, the most pious priest and monk, my disciple, after my death immediately and forthwith are to enter upon the moderate property bequeathed by me, to manage it and own it and be master of it, of all the goods bequeathed by me, all of them from the small to least, down to one *jugerum* and one *assarion* and one obol, and whatever there happens to be of pottery and wooden and stone household utensils, even including the pure oratory together with its venerable property, from the cheap kind to the costly.

[4.] Just as [my] preceding statement made clear [you shall have the right] to possess, take care of, manage and improve the property, to dwell in it, build on it, enjoy [the revenues], rent it out, sell it, cede it, alienate it, give it as donation, grant it as a charitable gift or grant, and do everything

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concerning it as full owner without hindrance, and spend the revenues on the management of the aforementioned holy place and providing for the poor who come over.⁶ For this is what has seemed right and good to me and to this [decision] I have arrived gladly in the present complete testamentary guarantee.

[5.] So let no one of my close family or anyone else representing me, be it on [p. 234] my father's side or my mother's, brothers or sisters, relatives, cousins, or any other human being whosoever, be able at any occasion or time whatsoever to bring suit against you or your heirs or successors or assigns or any of your kinsfolk, neither bringing a charge nor having one brought, in court or out of court, in the local district or beyond the frontier, small or great, nor [shall they be able] to accuse you in the presence of friends nor to bring legal proceedings against you or those who come after you, before any magistrate or judge, neither by proclamation in the holy church nor in the *praetoria*,⁷ to make use of any other device or demand a divine and imperial decree with regard to this testament in whole or in part thereof, nor in any way to transgress it, on account of the fact that in every respect it has been deemed right and been compassed by me at my own good pleasure to receive and give whatever I am found to possess or owe or be owed, and to deal with all of my receipts and expenditures.

[6.] If anyone should try at any time to oppose this uncircumscribed testament, I declare the one doing any such thing at any time whatsoever in the first place to be liable to the divine and terrifying oath and the penalty and reproach that attend upon perjury, and to be subject to the fines appointed for those who dare to transgress divine and imperial oaths, and to pay to account of a fine for transgression six ounces of gold, by deed and power exacted from the property of the interloper and accuser.

[7.] Wherefore, since thus it is necessary to abide by everything written in this invulnerable testament, I wish and order that, after my exit from this life, the wrapping of my body and my holy [eucharistic] offerings⁸ and meals [in my memory]⁹ and the designated days of my death [period] be fulfilled by your care according to the custom of the country,¹⁰ and according to my intention and plan.

[8.] I charge you that, if another document should be brought forth, [p. 235] whether purporting to be earlier or later, to oppose this testament, I declare that that document is null and void and without force everywhere it may be produced as evidence, since this present document is what has the force of law.¹¹

[9.] For the support and guarantee of everything agreed upon by me, I swear by the holy and consubstantial Trinity and by the girdle¹² bound round me¹³ not to transgress or overturn in any way at all the things heretofore written, but direct that they are unshakeable and unbreakable in perpetuity by means of the present testament, from which may trickery and evil envy go away and stay away. So I have made this for you as a guarantee, which is valid and established wherever it shall be produced in evidence, and recognized by every government authority and power having

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the force of law, with its signature signed by me the signer and witnessed by trustworthy witnesses [whose signatures] follow, according to my intention and judgment; and having been asked about everything as interpreted for me in the Egyptian language by the notary [whose signature] follows, I agree and sign a release to the effect that everything is satisfactory as related by my own mouth, thus rightly to possess, to give, act upon, guard, respect, and abide by.

+ Wherefore clearly I have made plain, as far as gold and silver are concerned, that I swear by the faith of the Christians that I do not possess gold or silver, nor have I possessed them from birth. I have none, neither from inside nor from outside, up to one *trimesion*,¹⁴ and I have sworn an oath to that effect. +

Nor have I allowed [such possessions]. Even if I had any, I would have given them to the account of the poor. However, as I mentioned, I do not possess any gold or silver, and I am ready to give an account about this to my Master, God.+

[Subscriptions]¹⁵ + I, Abraham, by the mercy of God bishop and anchorite of the holy mountain of Memnonion, son of Sabinos of blessed memory, whose mother is Rebecca, the aforementioned, have made the present testamentary document in all the chapters and agreements in which it contains, together with the divine oath and the aforementioned stipulation of fine, and I assent to everything written as it stands, and give my release.

+ I, Joseph, son of John, most humble priest of the holy church of Hermonthis, having been requested to do so, wrote on his behalf since he does not understand [Greek] letters.¹⁶

+ I, Dioscoros, son of Jakobos, archpriest¹⁷ [p. 236] of the holy church of Hermonthis, am witness to the present testament, having heard it from the most holy Apa Abraham, bishop of Hermonthis, the one who also made it.

+ I, Flavios Pantonymos, son of Apadios, am witness to this present testament [having heard it] from the framer [thereof].

+ I, Flavios Abraham, son of Theodosios, member of the curial class¹⁸ of Hermonthis, am witness to this sale,¹⁹ having been asked to do so by the framer [thereof].

+ I, Paul, son of Abraham, most humble deacon, am witness to the present testament, having heard it from the framer [thereof]. P

+ I, Flavios Theophilos, by the grace of God, public defender²⁰ of Hermonthis, am witness to the testament, having been asked to do so by the framer [thereof]. P P P P

+ By me, Peter, this was written.+

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Notes on the Translation

Editors' note: The assistance of our translator, Leslie S. B. MacCoull [LSBM], is gratefully acknowledged for the notes to this document.

1. Kenyon, *Greek Papyri*, p. 231, notes “The beginning of the document is lost, but it does not appear to have contained anything beyond the date and heading, except some reflections on the uncertainty of human life.”
2. *synkellos*: lit. “one who shares the same cell.” By the late fifth century the title was used especially for the adviser of a bishop or patriarch; see A. Papadakis, *ODB*, p. 1993; Bilabel, “Testament,” col. 702, supposed that this was Victor, Apa Abraham’s chosen successor.
3. For this individual, see also *KRU* 65, 77.
4. *jugerum*: a measure of land, approximately two-thirds of an acre; *assarion*: i.e., worth as little as an *as*, an obsolete Roman coin.
5. This seems to include a reference to the grant of civic property on which the monastery was built, for which see *KRU* 105.
6. Note the congruity with the bishop’s rights as described in *KRU* 105, lines 4–8, trans. Till, *Rechtsurkunden*, p. 188, after Steinwenter: “die nach Gottes und eurem Willen nach euch kommen werden, wie es sich gehört, weil ihr Herr des ganzen *topos* des Apa Phoibammon seid, dass ihr darin wohnt, aufbaut oder niederreisst, Leute zu euch hinein nehmt von allen, die einen gottesfürchtigen Lebenswandel führen, für die ganze Dauer eures Lebens und (des Lebens dessen), den ihr nach euch in den *topos* einsetzt, dass er die Angelegenheit des Almosens (*agape*) der Armen verwalte.”
7. The governor’s residence; see Lampe, *PGL*, pp. 1126–27.
8. *prosporphorai*; for which, see Lampe, *PGL*, p. 1184 and my own *Private Religious Foundations*, pp. 76–80: “*Prosphora* Donations,” with references therein.
9. *agapai*; for which see Eberhard Bruck, *Totenteil und Seelgerät im griechischen Recht* (Munich, 1926).
10. In the Coptic rite, a memorial liturgy is offered on the fortieth day after death. Whether “wrapping the body” means full mummification at this late date in the context of the Christian clergy is controversial. [LSBM]
11. Cf. (27) *Kecharitomene* [3], in which the author reserves the right to change her mind by issuing a supplementary document.
12. *schema* of monastic habit, for which see Lampe, *PGL*, p. 1359, 8C.
13. For oaths on the monastic *schema*, see *P. Cairo Masp.* III.67299.50. [LSBM]
14. *trimesion*, see Lampe, *PGL*, p. 1408: “coin worth one-third of the *aureus*” (standard gold coin, i.e. *solidus*).
15. As Krause, “Beziehungen,” p. 36, notes, there is no overlap between the individuals, including local officials and clergy, who sign here and their counterparts who signed *KRU* 105. This suggests a considerable gap between the composition of the two documents.
16. The author is perfectly literate in Coptic (see Krause, *Apa Abraham*, pt. 1, pp. 132–33, for a partial list of his correspondence), just not in Greek. [LSBM]
17. *archipresbyteros*, see Lampe, *PGL*, p. 240: “the senior priest who took the place of the bishop when absent, and performed administrative functions.”
18. *politeuomenos*.
19. Kenyon, *Greek Papyri*, p. 232: “presumably a business man, [who] by force of habit calls the process he is witnessing a sale instead of a will.” This is common in Coptic documents.
20. *ekdikos* (in Latin, *defensor civitatis*); see Lampe, *PGL*, p. 427.