

Phaëthon in Dioscorus of Aphrodito

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τοῦτο μύθου μὲν σχῆμα ἔχον λέγεται, τὸ δὲ
ἀληθές ἐστι τῶν περὶ γῆν κατ' οὐρανὸν
ιόντων παράλλαξις καὶ διὰ μακρῶν χρόνων
γιγνομένη τῶν ἐπὶ γῆς πυρὶ πολλῷ φθορά.
Plato *Timaeus* 22C

IN A MONOGRAPH published in 1988 we find the statement “Dioscorus is fond of the myth of Phaëthon.”¹ The sixth-century Byzantine Egyptian lawyer-poet several times incorporated references to the ancient son of the Sun and his spectacular fall into works that looked both upward to the heavens and outward to down-to-earth concerns of the poet’s own time. By now it is of interest to revisit this motif and see what its deployment can tell us about the society and the sensibility of Late Antique Egypt in the reigns of Justinian and Justin II.²

Why Phaëthon? What appeal would this particular figure from classical mythology have had for a Byzantine Egyptian man-of-letters/teacher³ who composed for practical ends

¹ L. S. B. MacCoull, *Dioscorus of Aphrodito: His Work and His World* (Berkeley 1988) 83, in discussing the poem then designated “H24.”

² An interest sparked by a forthcoming volume of cultural studies entitled *Phaëthon’s Children: The Este Court and its Culture in Early Modern Ferrara*, edited by D. Looney and D. Shemek. Especially thought-provoking are the Introduction by Looney and the papers by J. F. Bestor, “Marriage and Succession in the House of Este: A Literary Approach”; R. M. Tristano, “The *Istoria Imperiale* of Matteo Maria Boiardo and Fifteenth-Century Ferrarese Courtly Culture”; and A. Colantuono, “Tears of Amber: Titian’s *Andrians*, the River Po and the Iconology of Difference.” Late Antiquity specialists can learn much from Renaissance studies.

³ J.-L. Fournet, “Dans le cabinet d’un homme de lettres: Pratiques lettrées dans l’Égypte byzantine d’après le dossier de Dioscore d’Aphrodité,” in C. Jacob, ed., *Des Alexandries II Les métamorphoses du lecteur* (Paris 2003) 59–

praise poems prompted by crises in his own life,⁴ poems that seem to be transpositions into verse of requests sketched originally in prose?⁵ Dioscorus' choices of classical figures for, as it were, learned decoration include Olympian gods, Homeric heroes, the Muses, Hours, and Graces, and such figures as Adonis, Bellerophon, Daphne, Leda, and Eros (as well as personifications of Thebes and the Nile). What is Phaëthon doing in this repertory company?⁶

The first time Dioscorus referred explicitly to Phaëthon was in connection with his visit to Constantinople in 551, when he composed what is now termed an (acrostic) "encomium of petition" to one Paul son of Domninus, cancellarius on the staff of the praetorian prefect.⁷ In praising this official, whose noble descent and illustrious name also compel admiration, Dioscorus declares, "Your beauty truly has flashed forth like that of Phaëthon" (line 3). Fournet also remarks on the frequency of Phaëthon references in Dioscorus' works, and adduces contemporary poetic parallels such as the sixth-century Anacreontists John of Gaza and George the Grammarian.⁸ He correctly points out that this Byzantine Phaëthon is not the wayward youth of the story whose impetuosity had to be punished, but rather "a completely positive figure" (*Dioscore* II 508). However, he immediately adds that this makes him "a simple equivalent of

85, at 68–71 (I thank Dr Fournet for sending me a copy), and *Hellénisme dans l'Égypte du VI^e siècle: La bibliothèque et l'oeuvre de Dioscore d'Aphrodite* (Cairo 1999) II 688–690 (both cited hereafter by author and title).

⁴ Fournet, "Pratiques lettrées" 61; *Dioscore* I 325.

⁵ Fournet, "Pratiques lettrées" 76–77; *Dioscore* I 312–314.

⁶ In Greek; cf. *P.Lit.Lond.* 51; R. Cribiore, *Gymnastics of the Mind* (Princeton 2001) 240–241. Apparently Coptic-language writers do not allude to Phaëthon (I thank Stephen Emmel for checking this).

⁷ Fournet, *Dioscore* I 389–390 (text and French translation), II 507–508 (commentary): poem no. 9. Dioscorus' poems are cited according to Fournet's numbering.

⁸ One could add Paul the Silentiary and Macedonius the Consul, as well as Leontius the Scholasticus (see below).

Helios.”⁹ Perhaps not so simple here. In hope of a positive fiscal outcome for his home town, Dioscorus praises this bureaucrat of Justinian’s capital for his good looks, his noble and high-achieving family,¹⁰ and his virtue (ἀρετή, line 7) that makes both God and men love him. (The poet had also praised another official for this same ἀρετή, having used the line already in poem 6 line 8, dated to the same year: see below on poem 6.) This complex of qualities will prove important in the functioning of Byzantine society.¹¹

About seventeen years later, in 568 under the new emperor Justin II, in another encomium of petition Dioscorus called the dux of the Thebaid, John, “new Phaëthon of Egypt,” saying that he has come with a leap into another country (*i.e.* his provincial posting) to save the cities.¹² In the whole length of the poem (91 lines), this apostrophe comes between praise of the dux’s imperial connections (“your name shone out near to the imperial Olympus,” 36—appropriately classical) and mention of his high birth and strongly orthodox faith (39–41): “No one, no, no one is your equal in lineage;¹³ in the land of the King of All you have

⁹ As indeed he is in *Anth.Pal.* 5.223 (Macedonius) and 274 (Paul), as well as in the ekphrasis of the Church of St Polyeuktos (*Anth.Pal.* 1.10.54).

¹⁰ Fournet identifies Paul’s father Domninus as possibly the laudandus of poem 7 (*Dioscore* II 500–501), where he introduces the subject of family succession in the imperial bureaucracy: *cf. PLRE* IIIA “Domninus 1.” See below on the dynastic culture of Byzantine Egypt.

¹¹ MacCoull (*supra* n.1) 105 on this poem adduces the association of Phaëthon with the zodiac: a point which will receive further treatment below.

¹² Poem 11.37–38: Fournet, *Dioscore* I 394–399, II 524–549, esp. 533. MacCoull (*supra* n.1) 140, 142 (*cf.* 135) interpreted line 38 as having to do with “saving (κουρίζων) the cities,” *i.e.* acting as their *curator*; Fournet’s new rereading stresses John’s having held other posts in his young days (as a *kouros*), which he probably did. For the *curator civitatis* see R. Alston, *The City in Roman and Byzantine Egypt* (London/New York 2002) 278–281, 309–312, *cf.* 316; and K. A. Worp, “*Bouleutai* and *Politeuomenoi* in Later Byzantine Egypt Again,” *ChrEg* 74 (1999) 124–132, at 132 no. 2.2 in the list; also J. H. W. G. Liebeschuetz, *Decline and Fall of the Roman City* (Oxford 2001) 192–195, 199.

¹³ A line, mostly borrowed from Nonnus’ *Paraphrasis of the Gospel of John* (9.52), that Dioscorus often recycles: *cf.* poems 5.9, 13.2, 18.30, 20.3, 32B4, 50B5.

ever received the helping gift of the single-essenced Trinity.”¹⁴ Why was the province’s new leader hailed as the “new Phaëthon of Egypt”?

Just a little later another official is called “new Phaëthon” by our poet, and with the same verb:¹⁵ “Just now, new Phaëthon, you have come with a leap to save us” (poem 15.1).¹⁶ Here the addressee is the *comes* Dorotheos, punningly praised as a real and much-needed “gift of God” (4). Fournet has reconstructed this man’s career as that of a “member of a great family of Antinoite landowners” (*Dioscore* II 546), whose two brothers were a dux and a pagarch.¹⁷ It is to the scion of such a family that the people of Aphrodito are to look to “save” them. And finally, in a (slightly earlier) epithalamium¹⁸ for the wedding of two children of local leading families (poem 35.4–5),¹⁹ Dioscorus (speaking through the figure of eloquent Hermes as his mouth-piece) praises the bride Patricia as being as virtuous as if it had been Phaëthon, of immeasurable virtues, whom her mother had loved. This bride is an Athena born in the land of Aphrodite, and well-born of course (her real father being one Callinus, a nobleman [Fournet, *Dioscore* II 635]). In conventional fashion the poet wishes descendants and a “shining, renowned life” for the couple. Again Phaëthon figures in the praise of lineage at what

¹⁴ For this last see L. S. B. MacCoull, “*Uniformis Trinitas*: Once More the Theopaschite Trinitarianism of Dioscorus of Aphrodito,” *GRBS* 42 (2001 [published 2002]) 83–96.

¹⁵ Cf. Fournet, *Dioscore* II 533, on the appropriateness of the verb to the cometlike figure of Phaëthon.

¹⁶ Fournet, *Dioscore* I 407, II 564–566.

¹⁷ See J.-L. Fournet, “Un nouvel épithalame de Dioscore d’Aphrodité adressé à un gouverneur civile de Thébaïde,” *AntTard* 6 (1998) 65–82, for stemma and documentation.

¹⁸ On “identification of Phaëthon with the nuptial star” see J. Diggle, *Euripides: Phaëthon* (Cambridge 1970) 10–15: a different Phaëthon, apparently. This play is known from late antique Egyptian papyrus transmission.

¹⁹ Fournet, *Dioscore* I 438–439, II 634–637. According to Fournet, the bridegroom here, Paul, cannot be the same person as the Paul who is the laudandus of poem 9.

would have been a conspicuous ceremonial occasion,²⁰ when continuity of lineage was in the minds of all who were prayerfully present (*cf.* line 17, a prayer to Christ borrowed from *Anth. Pal.* 1.19.12).

Phaëthon, not the hubristic²¹ but the positive figure, played many cultural roles after antiquity. What role does Dioscorus assign him in these works—works that carried their own expectations of genre—and what associations would have been called up for the audience by his appearance?

About eight years before Dioscorus' visit to the capital in 551, a Constantinopolitan poet, Leontius the *scholastikos*, composed an epigram on the portrait of the eparch Gabriel (city prefect A.D. 543: *PLRE* IIIA 498 "Gabrielius 1"), a poem that operates along much the same lines as and uses similar terms to Dioscorus' praises of powerful officials and their depictions. *Anth. Pal.* 16.32 addresses Gabriel as *πολίταρχε*, the same word Dioscorus uses in poem 1 (dated 551) to address another city prefect, perhaps John Coccorobius or Areobindus.²² Leontius distinguishes between Phaëthon ("Even Phaëthon has his representation [τύπον] in [visual] art"²³ [*γραφίδεσσι*], an expression Dioscorus uses in other encomia to mean either written formulations or visual art))²⁴ and the sun (1–2). Leontius too joins the

²⁰ *Cf.* also poem 4 (*ca.* A.D. 551) lines 22–23: Fournet, *Dioscore* I 378–380 at 379, II 475–486 at 482.

²¹ The sixth-century poem known as the *De Sodoma* presents Phaëthon's fiery fall and the destruction attendant thereon as a pagan mythologization of something that "really" happened in biblical history, namely the fiery destruction of the Cities of the Plain. See R. Hexter, "The Metamorphosis of Sodom," *Traditio* 44 (1988) 1–35 esp. 2, 5, 12, 14–18, and "Ovid in the Middle Ages: Exile, Mythographer, and Lover," in *Brill's Companion to Ovid*, ed. B. W. Boyd (Leiden 2002) 413–442 at 427–428 on *De Sodoma* 107–111 (ed. R. Peiper, CSEL 23 [Vienna 1891] 212–220, here 217–218).

²² Fournet, *Dioscore* I 373, II 459–467, here 460–461.

²³ I thank Kent Rigsby for consulting the Index of Christian Art online and informing me that there do not seem to be surviving depictions of Phaëthon in late antique art from either Egypt or Constantinople. Presumably this poet had his own examples at the time.

²⁴ Fournet, *Dioscore* II 462, 654.

figure of Phaëthon with the virtues (ἀρετῶν, 4) of the laudandus: the point being the well-worn one that a likeness in art cannot depict the interior excellence, the “hidden light.” Both sixth-century poets use the Phaëthon image to tell their poem’s recipient that he outshines all others. In their hands we can see the figure of Phaëthon being changed from the hubristic, negative one to the virtues-oriented, positive one. When the Egyptian poet Claudian had transposed the hubristic Phaëthon myth to the Constantinopolitan court in his panegyric on Honorius’ sixth consulship in 404,²⁵ Phaëthon’s fall served as an example to the defeated Alaric (165–192). And yet line 190 of that poem, *mortalique diem ... diffundere vultu*, contains the seed of what could become an almost Christological reading (as per Matthew 17:2). Phaëthon had wanted to be what Christ was, the manifest son of divinity able to shed light from a human face. By the time of Leontius and Dioscorus, the image has been transvalued.²⁶

Recalling the Platonic dictum that the Phaëthon myth is “really” (τὸ ἀληθές) about the movements of the heavenly bodies and their consequences, we are led to the link between Phaëthon and the zodiac that would have been plain to Byzantine Egyptian readers and hearers.²⁷ Dioscorus, consciously composing hexameters in the tradition of Nonnus and using Nonnian material often throughout his work, both poetry and prose,²⁸ clearly had in mind *Dionysiaca* 38.105–434,²⁹ Hermes’

²⁵ See M. Dewar, *Claudian: Panegyricus de Sexto Consulatu Honorii Augusti* (Oxford 1996) 170–171, 183–185.

²⁶ “The very notion of a historically situated practice implies an evolving tradition”: M. Heath, *Interpreting Classical Texts* (London 2002) 116.

²⁷ While in *Anth.Pal.* 9.822.1 “Phaëthon” does equal the sun, the epigram describes a silver vessel—or possibly a decorated ceiling—from Justinian’s time the decoration of which also includes the signs of the zodiac.

²⁸ Fournet, *Dioscore* II 678–680.

²⁹ Throughout see now the helpful and illuminating comments of B. Simon, *Nonnos de Panopolis: Les Dionysiaques XIV Chants XXXVIII–XL* (Paris 1999) 5–45, 194–223; and cf. R. Shorrock, *The Challenge of Epic: Allusive Engagement in the Dionysiaca of Nonnus* (Leiden 2001) 185–189.

“Phaëthontica” if you will. The Phaëthon figure in Nonnus, who also has the qualities of beauty (153–154) and virtuous helpfulness (172), learns from his father about the course of the heavens with its twelve houses and seven zones.³⁰ The highest point comes, importantly, in Cancer, when both the Nile and the grape are made to swell (284–286): calendrically accurate for Egypt. But this immediately opens the door to the predominantly Neoplatonic interpretation³¹ deriving from Porphyry, *De Antro Nympharum* 28, in which Cancer is the source of the souls³² that descend into matter. The best formulation of the Neoplatonic solar zodiac is in Proclus’ *Hymn to Helios*,³³ which should now be considered as a parallel.

While Proclus’ *Hymn to Helios* is indeed addressed to that divinity and does not mention Phaëthon, it does articulate the solar course that Phaëthon would do his best to traverse in order to prove his true parentage. (And line 34, εἰκὼν παγγενέταου θεοῦ, ψυχῶν ἀναγωγεῦ, openly invites a Christological interpretation by any late antique reader of this pagan text, by way of Colossians 1:15–16.)³⁴ In Proclus the annual cycle of sun and planets also benefits all living things (lines 8–12; van den Berg 159–161). The driver of the solar chariot is the “dispenser of light” (lines 2, 155–156) who is personified as having power

³⁰ Cf. P. E. Knox, “Phaëthon in Ovid and Nonnus,” *CQ* N.S. 38 (1988) 536–551, esp. 546–548.

³¹ Cf. G. Shaw, *Theurgy and the Soul: The Neoplatonism of Iamblichus* (University Park 1995) 176–177.

³² Cf. also O. Neugebauer and R. A. Parker, *Egyptian Astronomical Texts* III (London 1969) plate 51, in which Cancer is depicted as a scarab, the symbol of rebirth. (I owe this reference to T. Wilfong.) In the West the locus classicus is Macrobius’ *Commentary on the Dream of Scipio* 1.12.1–2.

³³ R. M. van den Berg, *Proclus’ Hymns* (Leiden 2001) 145–189. Cf. P. Athanassiadi, “The Creation of Orthodoxy in Neoplatonism,” in G. Clark and T. Rajak, edd., *Philosophy and Power in the Graeco-Roman World* (Oxford 2002) 271–291: “Proclus, who seems to have played for Neoplatonism the combined roles of an Athanasius and a Cyril” (281).

³⁴ ὅμμα Δίκης (line 38) is picked up by the Dioscorian ὅμματα Νίκης (24.24; Fournet, *Dioscore* II 608); and 43–44 about scholarly responsibility to forebears anticipate Dioscorus the teacher.

to free souls (15–17, 40, 49–50). Like Nonnus' Johannine Christ, he can reverse fate.³⁵ This point of contact between non-Christian and Christian Neoplatonisms³⁶ is what Dioscorus brings forward in his various poems of praise, an evocative image of the perpetual possibility of restoring order to the world. It was the Byzantine Egyptian world in particular, so dependent on the regular seasons and regularly flooding Nile, in which Dioscorus' audience lived. His repeated allusions to the hidden sources of the Nile³⁷ would have also recalled for his audience the part of the Phaëthon legend according to which the great river fled and hid its head from the hero's fiery fall.³⁸ Dioscorus' Christianized Nile is the same Nile as that of the *Dionysiaca*: in poem 11.42–44 and poem 23.3 it flourishes under the rule of the rightful and just dux together with his aides.

Indeed, astrological beliefs and Christian beliefs could converge. Specifically, for Dioscorus' audience, the solar figure of Phaëthon is a Christianized figure who moves through his zodiacal course in the fashion exemplified by sixth-century Egyptian exegesis of Psalm 18:5b–7 (LXX):

ἐν τῷ ἡλίῳ ἔθετο τὸ σκῆνωμα αὐτοῦ· καὶ αὐτὸς ὡς νυμφίος ἐκπορευόμενος ἐκ παστοῦ αὐτοῦ, ἀγαλλιάζεται ὡς γίγας δραμεῖν ὁδὸν αὐτοῦ. ἀπ' ἄκρου τοῦ οὐρανοῦ ἡ ἔξοδος αὐτοῦ, καὶ τὸ κατάντημα αὐτοῦ ἕως ἄκρου τοῦ οὐρανοῦ, καὶ οὐκ ἔστιν ὃς ἀποκρυβήσεται τὴν θέρμην αὐτοῦ.

He hath set his tabernacle in the sun: which cometh forth as a bridegroom out of his chamber, and rejoiceth as a giant to run his

³⁵ D. Accorinti, *Nonno di Panopoli, Parafrasi del Vangelo di S. Giovanni, Canto XX* (Pisa 1986) 33–37, 119–122, 161–165, 204–206; van den Berg 164–167, 182–183, 188–189; cf. Simon 194.

³⁶ Cf. Simon 41–45. The court of the Sun-Father (cf. Nonnus *Dion.* 11.485–521) in Proclus' line 32 (van den Berg 177) also recalls the heavenly court in the *Vision of Dorotheos* (*ODB* I 653–654).

³⁷ Fournet, *Dioscore* II 592, 697 (index s.v. Νεῖλος); MacCoull (*supra* n.1) 98, 141.

³⁸ Compare the link with Ethiopia, where the flood-generating rains fall, mentioned in Diggle (*supra* n.18) 45–46.

course. It goeth forth from the uttermost part of the heaven, and runneth about unto the end of it again: and there is nothing hid from the heat thereof.³⁹

This passage is repeatedly brought forward by the sixth-century Alexandrian Miaphysite philosopher and exegete John Philoponus as a proof-text to illustrate his picture of a spherical cosmos, confuting the Antiochene Dyophysite schema of Cosmas Indicopleustes and his predecessors.⁴⁰ Philoponus is commenting on Genesis 1:6–8, the creation of the firmament (στερέωμα), to show his audience that only an account of creation and cosmology that is informed by Miaphysite Christology⁴¹ can be shown adequately to agree with the data of physical science. Not only does the Psalm text reintroduce bridal imagery into the mix, it also further biblicalizes Phaëthon's trajectory as both spanning the sky and bringing universal heat. Dioscorus' Egyptian Christian audience could not have avoided hearing the echo.⁴²

³⁹ The Sahidic text, very close to the Greek (and which we can assume Dioscorus also knew), can be seen in E. A. W. Budge, *The Earliest Known Coptic Psalter* (London 1898) 20. See J. Horn, "Die koptische (sahidische) Überlieferung des alttestamentlichen Psalmenbuches: Versuch einer Gruppierung der Textzeugen für die Herstellung eines Textes," in A. Aejmelaeus and U. Quast, edd., *Der Septuaginta-Psalter und seine Tochterübersetzungen* (Göttingen 2000) 97–106.

⁴⁰ Philoponus *De Opificio Mundi* 3.10–11; C. Scholten, *Johannes Philoponos De Opificio Mundi: Über die Erschaffung der Welt* (Freiburg 1997) II 334–337, and *Antike Naturphilosophie und christliche Kosmologie in der Schrift "De Opificio Mundi" des Johannes Philoponos* (Berlin/New York 1996) 417–418. For helpful comments on Philoponus' treatment of the zodiac see Scholten, *Erschaffung* II 308–311, 328–331, 342–343, and *Naturphilosophie* 306, 322, 385–386, 414–417, based largely on Philoponus' commentary on Aristotle's *Meteorologica* (composed ca 529–547).

⁴¹ Cf. U. M. Lang, *John Philoponus and the Controversies over Chalcedon in the Sixth Century* (Leuven 2001) 43; L. S. B. MacCoull, "The Historical Context of John Philoponus' *De Opificio Mundi* in the Culture of Byzantine-Coptic Egypt," forthcoming in *Zeitschrift für Antikes Christentum*.

⁴² In later Coptic usage this text is used in the pre-Christmas monastic midnight office: e.g. L. Störk, *Koptische Handschriften der Staatsbibliothek I Liturgische Handschriften* (Stuttgart 2002) 168. We still do not have a reconstructed Sahidic lectionary from the classical period: F. Feder, *Biblia Sahidica: Corpus Jeremiae* (TU 147 [Berlin/New York 2002]) 15–18, 40–46.

Above all, Dioscorus was writing in a society which was coming to place increasing emphasis on family, dynasty, inheritance, and legitimacy, especially in the area of office-holding within the imperial system. The legend of Phaëthon really begins with the query “Who is my real father?”⁴³ Such a query was of deep import in the elite families of administrators for whose members Dioscorus composed praise poems and epithalamia.⁴⁴ His poems comment obliquely on current affairs while drawing on the literary traditions of classical antiquity, and they present virtues such as justice as inhering in the blood of noble families (*e.g.* poems 10.8–13, 27–35, 44; 11.1–2, 33, 39; 12.3–7; 13.27–28; 14.3–11; 18.1–7; 24.19–22, etc.).⁴⁵ He is tacitly exploring the relations among proper elite behavior, good government, and the study and use of the past: as it has been put in another context, in effect “re-historicizing” the deeds of earlier generations.⁴⁶ We must thus look at what can be known about the realities of inheritance and legitimacy in Byzantine Egypt⁴⁷ to hear the overtones of the Phaëthon figure’s symbolic resonance.⁴⁸

⁴³ Diggle (*supra* n.18) 35–38, 57, 62.

⁴⁴ “La transmission de père en fils des plus hautes fonctions provinciales”: Fournet (*supra* n.17) 75; “This tendency of sons to follow their fathers into government service is evidenced ... in the papyri; ... following his father in service in the same *officium* thus fits both an expected familial pattern and a pattern sanctioned by late imperial law”: J. G. Keenan, “Egypt,” in *CAH* XIV (2000) 612–637, here 624–625 (with n.48).

⁴⁵ *Cf.* Bestor (*supra* n.2).

⁴⁶ Tristano (*supra* n.2).

⁴⁷ See A. Arjava, *Women and Law in Late Antiquity* (Oxford 1996) 212–215 with the literature there cited; and J. Beaucamp, “Les filles et la transmission du patrimoine à Byzance: dot et part successorale,” in Arjava and G. Dagron, edd., *La transmission du patrimoine: Byzance et l’aire méditerranéenne* (Paris 1998) 11–34, and “Donne, patrimonio, chiesa (Bisanzio, IV–VII secolo),” in G. Lanata, ed., *Il Tardoantico alle soglie del duemila* (Pisa 2000) 249–266: 254 n. 33 cites her article “La transmission du patrimoine: législation de Justinien et pratiques observables dans les papyrus” as forthcoming in *Subs. Groningana*.

⁴⁸ “Phaëthon’s story is itself directly related to the question of lineage”: A. Ingber, “Multiculturalism Gone Wrong: Spain in the Renaissance,” <<http://www.dean.sbc.edu/ingber2.html>> (paragraphs not numbered). Also, the hubristic Phaëthon, embodying the rashness thought to inhere in the illegitimate

Justinian's Novel 89 *De naturalibus liberis* / *Περὶ τῶν νόθων* dates to A.D. 539 in the consulship of Fl. Apion.⁴⁹ It is a legislative measure designed to strengthen the town councils of the empire⁵⁰ by enabling councillor fathers to enrol their freeborn but illegitimate sons as *bouleutai*,⁵¹ sons who *ipso facto* become legitimate and capable of inheriting from their father (cc. 2–6). Additionally, children who remain unlegitimized can, in the absence of legitimate children of the same father (*i.e.* if they are the only children of his body), receive and inherit paternal property by gift or whatever other means of transfer the father desires (12.3). When legitimate children also exist, the illegitimate ones can receive or inherit not more than 1/12 of the disposable property. We can see the effects of this legislation at work in *P.Cair. Masp* II 67151/67152 of 15 Nov. 570, the famous will of Fl. Phoibammon the Antinoite physician. Phoibammon, himself the son of a physician, entrusts the running of his hospital (*xenon*) to his brother John, and makes bequests both to the Hermopolite monastery of St Jeremias (where he wants to be buried) for the salvation of his soul and commemorative liturgies, and to his legitimate children (line 61). He further stipulates (205ff): “I wish and order that the illegitimates (*nothous*) and freedmen of my inherited portion and holding shall be in all things guaranteed of goods, ... (for) let each enjoy his own.” This corresponds to the way in which Justinian's legislation permitted a father to provide for both legitimate and illegitimate children, with the latter not being left without any means to have property.

condition, became a positive figure in certain dynastic contexts: Bestor (*supra* n.2).

⁴⁹ Cf. Keenan (*supra* n.44) 627.

⁵⁰ See A. Bowman, *Egypt After the Pharaohs* (London 1986) 68–73.

⁵¹ For the latest discussion see Worp (*supra* n.12), replying to A. Laniado, “Βουλευταί et πολιτευόμενοι,” *ChrEg* 72 (1997) 130–144. In Coptic documents *bouleuths* is not attested, but *politeuomenos* appears once, in A.D. 649: R. Förster, *Wörterbuch der griechischen Wörter in den koptischen dokumentarischen Texten* (TU 148 [Berlin/New York 2002]) 661.

For the less deserving *nothoi*, on the other hand, we may contrast Dioscorus' poem 6, an encomium of petition addressed to Dorotheos the Constantinopolitan imperial palace silentiary *ca* 551.⁵² Dioscorus, in poet mode, praises his laudandus for his virtuous and just family and for having suppressed the *nothoi* (line 16).⁵³ The silentiary, a man of both cultural and military attainments, has used his order-keeping function to see to it that only the deserving, not those bearing faked requests, obtained access to the emperor. Another meaning for *nothoi* is "forgeries," specifically forged documents (an extension of the patristic meaning of "non-canonical" or "spurious texts"). In a bureaucratic, paper-generating world in which titles to land, inheritance, and so on were vital matters for which the papyrus proofs had to be registered in a government office and produceable for any case of legal contestation,⁵⁴ forged documents were a very serious matter.⁵⁵ A clause stating that the document being drawn up was to be valid "wherever and whenever it may be produced in evidence" was a standard Byzantine notarial inclusion, one Dioscorus knew (compare Phoibammon's will, lines 222–228 [with divine protection involved as well], 303–304). This kind of "bastardy" would create havoc in the dynastic world Dioscorus was writing in and for; so his praise

⁵² Fournet, *Dioscore* I 383–385, II 496–500, esp. 499. This official is, according to Fournet, not the same person as the Dorotheos brother of Callinus of poem 15.

⁵³ Fournet points out that *nothoi*, "hommes faux," is a word with heavily Christian (scriptural) connotations; it is also used metaphorically in Nonnus' *Paraphrasis* 2.25, of divine recognition of "illegitimate utterance."

⁵⁴ Cf. Bowman (*supra* n.50) 61–64.

⁵⁵ On the world of Byzantine documentation cf. Simon Franklin, *Writing, Society and Culture in Early Rus* (Cambridge 2002) 162: "Public bodies—the imperial and patriarchal administration—produced and preserved written records as a standard practice, and documentary methods were also routinely available, through notaries, to private individuals and institutions. Documents had a place in judicial processes, with procedures to guard against forgery or to determine the status of claims supported by documents which turned out to have been stolen. Documentation was a habit, a tradition, a normal expectation, a way of thought."

of an official whose policies reduced it makes sense. Thus his introducing the figure of Phaëthon, a “bastard” determined to prove he was not one, into his dynastic praise poems carried a strong message to his Byzantine Egyptian elite audience. Like the European nobility much later, they too were Phaëthon’s mind-children, concerned both with *la bella figura* and with negotiating ways to pass on a splendid patrimony to whoever showed himself energetic enough to undertake the role.

The poems in which Dioscorus used the classical image of Phaëthon came from a rich and highly urbanized province of the empire, one with a vital tradition of legal studies and a visually stimulating surrounding full of ancient and classical monuments. Dioscorus was writing at a point of tension in his society between the hereditary impulse of the dynastic service families and the more meritocratic impulse fostered simultaneously by the classical *paideia* and the dominant Miaphysite Christian faith of his region. Weddings and presentations of petitions were seen as dynastic events at the headquarters of powerful families whose seats were sources of patronage and loci of civilized behavior.⁵⁶ In addition, it was the Miaphysite religious thought of Dioscorus’ time that was trying to make plain the philosophical basis of the Incarnation. Dioscorus’ Christianized Phaëthon image is used in a context of elite education and family continuity, illustrating a new kind of poetics that perhaps will one day be termed “Miaphysite Mannerism” or perhaps the “Coptic Baroque.”⁵⁷ Miaphysitism was the “old religion” of the recusants who refused the innovations of

⁵⁶ Dioscorus’ poems were performances, and, since they accomplished something for their audiences, they were also performative (Fournet, “Pratiques lettrées” 77–78).

⁵⁷ More from the Renaissance: much can be learned from the forthcoming monograph by Roderick J. Lyall, *Alexander Montgomerie: Poetry, Politics and Cultural Change in Jacobean Scotland*. This kind of approach will yield great results when applied to Late Antiquity.

Chalcedon, and it would be constructive for Dioscorus and his works to be viewed in that light.

Fournet has expressed the sanguine opinion that Dioscorian studies are “en plein essor.”⁵⁸ One can only hope so. Viewing the fiery ride of Phaëthon through the eyes of a bilingual Coptic man of letters illustrates the late antique Egyptian audience’s awareness of how many ingredients made up their experience of their world.⁵⁹

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⁵⁸ J.-L. Fournet, “Une lettre copte d’Aphrodité? (Révision de *SB Kopt.* I 290),” in *Études Coptes* VIII (Lille/Paris 2003) 163–175, here 173 (again I thank him for a copy).

⁵⁹ As always, in loving memory of Mirrit Boutros Ghali (“‘Scholar,’ saith Love, ‘bend hitherward your wit’”).