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978-0-521-87452-6 - Law And Legal Practice in Egypt from Alexander to the Arab Conquest:  
A Selection of Papyrological Sources in Translation, with Introductions and Commentary

Edited by James G. Keenan, J. G. Manning and Uri Yiftach-Firanko

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## LAW AND LEGAL PRACTICE IN EGYPT FROM ALEXANDER TO THE ARAB CONQUEST

The study of ancient law has blossomed in recent years. In English alone there have been dozens of studies devoted to classical Greek and Roman law, to the Roman legal codes, and to the legal traditions of the ancient Near East among many other topics. Legal documents written on papyrus began to be published in some abundance by the end of the nineteenth century; but even after a substantial publication history down to the present time, legal papyri have not received due attention from legal historians. This book blends the two usually distinct juristic scholarly traditions, classical and Egyptological, into a coherent presentation of the legal documents from Egypt from the Ptolemaic to the late Byzantine periods, all translated and accompanied by expert commentary. The volume will serve as an introduction to the rich legal sources from Egypt in the later phases of its ancient history as well as a tool to compare legal documents from other cultures.

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*Dedicated to the memory of*  
*Traianos Gagos*  
*(1960–2010)*  
*and*  
*Tomasz Markiewicz*  
*(1974–2009)*

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## *Preface*

The idea for this book dates back a decade or so as one of the editors (JGM) came to believe that legal papyrology was being relegated to an ever-diminishing corner of ancient history. Papyrology itself, the decipherment and interpretation of documents written (mostly) on the ancient paper called papyrus, recovered (predominantly) from Egypt, is a highly technical, and therefore somewhat naturally isolated, discipline. The use, or neglect, of papyrological publications by ancient historians not trained as papyrologists remains a matter of constant concern. In addition, even if (from our perspective) the lesser languages of the wider discipline (e.g., Aramaic, Pahlevi) and the earlier forms of Egyptian are set aside, the field has traditionally suffered a linguistic split between Greek (and Latin) documents on the one side, and Egyptian documents (Demotic, Coptic) on the other. The former tend to be the concern of those classicists who have chosen to “major” in papyrology, the latter the concern of Egyptologists. Still more, the legal scholarship on the corpora of published documents in both language sets is predominately written in German. The present volume, accordingly, aims to introduce readers to this major source of ancient legal documents, to heal the linguistic divide by including documents in both major language traditions, and to distill the literature of juristic scholarship based on these texts for the benefit of the reader in English. We present in this volume some texts that are well known to papyrologists, others that have hardly been studied. The selection is limited to documents from Egypt.

The editors first met during the 24th International Congress of Papyrology in the Summer of 2004 in Helsinki to discuss the outline of the book with many of the present contributors. We had hoped to finish sooner, but the usual delays in projects with more than thirty contributors came in the way. Accidentally therefore, if not providentially, the present volume reached its final form a little over a century after Mitteis and Wilcken’s four-volume *Grundzüge und Chrestomathie der Papyruskunde*

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was published in 1912. The present volume is in no way intended as a challenge or replacement to Mitteis' half of that endeavor (perish the thought!), but as an updated supplement. We nonetheless hope that this book will find a wider audience for its subject. It presupposes that there are legal historians of other times and places and students of ancient history who would wish to have an introduction to legal papyrology and access to samples of its rich variety of texts. We intend this volume to serve just such an audience. We present it as a work that provides an entrée into the field of legal papyrology, one that will give the reader a sense of the debates in the field along with an orientation to the types of texts preserved and to the subject's large bibliography. It is not a comprehensive guide nor is it a formal analysis of the system of law in any of the periods covered. That would demand a different and even larger volume. Rather we present here texts that reflect "law in action," evidence for how people used legal texts in "negotiating daily life," to borrow from the book title of our Yale colleague Valerie Hansen (*Negotiating Daily Life in Traditional China: How Ordinary People Used Contracts 600–1400*, Yale University Press, 1995).

A major difference between this volume and Mitteis' volumes is its range. The latter work concerned itself only with Greek and Latin texts. Its *Chrestomathie* presented the Greek and Latin originals without translations. The current one attempts to integrate Egyptian documents (Demotic, Coptic) and to blend the two usually distinct juristic scholarly traditions, classical and Egyptological. We also include more late material – though the Byzantine period is still not as well represented as it might have been. The fault may lie in the lesser attention devoted to the Byzantine period over the years (until lately), the original schema of topics set for consideration back in 2004 (as concretized in the present Table of Contents), or the special interests of scholars who were invited to contribute – or a combination of the above. While recognizing the problems of periodization, we have included under "Byzantine" several non-Greek documents that postdate the period and are not properly Byzantine. Whatever the reasons, the law of the Byzantine Egyptian papyri remains a field that begs special attention.

The reader will notice that a diversity of contributors results in a variety of forms, interests, and approaches. We have tried, as far as possible, to standardize citations, formatting, and translations of technical vocabulary while leaving personal freedoms intact. The reader may find a particular interest in distinguishing the (perhaps) more formal approach to the documents as evidenced in continental scholarship from the (perhaps)

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more sociological approach in Anglo-American scholarship. Some contributors give more material and textual information about their documents than do others. We were unable to supply parallel information for the rest, but simultaneously reluctant, just for uniformity's sake, to strip valuable information out when it was already present. The introduction to each chapter was mainly written by the editors, often with material supplied by the individual contributors.

A number of special problems need mention. We use the word Demotic to signify that particular stage of the ancient Egyptian language, and implicitly the script in which it was written. When information from the alternate side of a document is provided in translation we accept the contributor's identification of that side as a verso or a back, or reverse, side; this is a technical detail that need not concern our readers and something that can only be verified by inspection of each individual papyrus, impossible under the circumstances. In Ptolemaic dates, we have preferred keeping the three traditional Egyptian seasons based on the Nile's flood and ebb. In Roman dating formulas, we have a preference for "Emperor" (with capital E), representing the Greek *autokratôr*, but the reader will still find from time to time *autokrator's* Latin equivalent *Imperator* in places where that seemed more elegant or appropriate. In translation from the Greek, we prefer writing out numbers when they are written out in the original (e.g., seven or seventh), using ciphers in English when there are ciphers in Greek (e.g., 7 or 7th). A Greek phrase found in clauses at the ends of many documents, *kathaper ek dikês* ("as if from a legal decision"), is variously rendered by contributors, but should be recognizable even in such variety. No doubt other inconsistencies remain; we can only hope that they do not detract from the readers' understanding when similar or the same meanings and the same linguistic phrases in the original are at issue.

Beyond the illustrations in the present volume, readers interested in considering in further detail the physical papyri upon which these and the volume's other legal texts have been written can find images of many of the Greek papyri by consulting [www.papyri.info](http://www.papyri.info) and using the codes for volume abbreviations to track individual papyri. We mark in their headings each text for which we have found this is possible. The same source will direct the reader to relevant printed plates. Online resources for Demotic and Coptic documents do not yet equal those for the Greek, but we try to indicate where photographic plates are conveniently available.

The editors wish to express a number of debts. Manning and Keenan met in Ann Arbor in June 2011 to do some final vetting of the manuscript.

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One can find no better place than the University of Michigan and its famed Hatcher Library Room 807 in which to work. We are grateful to Arthur Verhoogt, Terry Wilfong, and Adam Hyatt for providing ideal surroundings in which to do this work, and for great company at day's end. We thank Jane Rowlandson for assistance with the editing of Chapter 9. We are grateful to the two anonymous Press readers who went through an early draft of the manuscript and produced numerous helpful ideas and criticisms. We thank all the contributors for their patience in sticking with the project through thick and thin. Additionally JGM would like to thank Peter Raulwing and Nicholas Venable of Yale College for their editorial assistance in the final editing of the volume, and to acknowledge the Earhart Foundation (Ann Arbor, Michigan) for a generous grant used in the initial phases of research. We are very grateful for the fine editorial skills of Malcolm Todd, copy-editor. Finally, but hardly least, we acknowledge Michael Sharp of Cambridge University Press, whose patience and encouragement over the years were essential both for the project's continuation and its completion.

Some contributions were received early in the process of composing this book, others somewhat later on. Editorial work at times proceeded feverishly, but there were intervals, some of them lengthy, of respite. The book received its final pre-press editing in April 2012, but by that time all contributions had been in hand for five years. All contributors provided rich bibliographies for their topics, but it has not been possible to bring these systematically up to date. Contributors should be exonerated for any fault in this regard.



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Egyptian season	Egyptian month name	Macedonian month name
First of <i>Akhet</i>	Thoth	Dios
Second of <i>Akhet</i>	Phaophi	Apellaios
Third of <i>Akhet</i>	Hathyr	Audnaios
Fourth of <i>Akhet</i>	Choiak	Peritios
First of <i>Peret</i>	Tybi	Dystros
Second of <i>Peret</i>	Mecheir	Xandikos
Third of <i>Peret</i>	Phamenoth	Artemesios
Fourth of <i>Peret</i>	Pharmouthi	Daisios
First of <i>Shemu</i>	Pachon	Panemos
Second of <i>Shemu</i>	Payni	Loios
Third of <i>Shemu</i>	Epeiph	Gorpiaios
Fourth of <i>Shemu</i>	Mesore	Hyperberetaios

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## Abbreviations

We follow the standard abbreviations for ancient texts cited in this volume. For papyri, see J. F. Oates *et al.*, *Checklist of Editions of Greek and Latin Papyri, Ostraca and Tablets*, 5th edn., available online at: <http://scriptorium.lib.duke.edu/papyrus/texts/clist.html>.

We follow the Periodical and Instrumenta abbreviations listed in the *Checklist* with the additions listed below.

For the texts of published Greek documents in this volume, see the Papyrological Navigator at: <http://papyri.info/>

The following cited abbreviations are listed for convenience:

<i>CTh</i>	<i>Codex Theodosianus</i> .
DDBDP	Duke Databank of Documentary Papyri. See now: <a href="http://papyri.info/">http://papyri.info/</a>
DDD III	S. Lippert and M. Schentuleit, <i>Demotische Dokumente aus Dime</i> , vol. 3: <i>Urkunden</i> . Wiesbaden, 2010.
FIRA I	<i>Fontes Iuris Romani Antejustiniani, pars prima: Leges</i> , ed. S. Riccobono, 2nd edn. Florence, 1941.
FIRA III	<i>Fontes Iuris Romani Antejustiniani, pars tertia: Negotia</i> , ed. V. Arangio-Ruiz, 2nd edn. Florence, 1943. Reprint Florence, 1969.
<i>JEA</i>	<i>The Journal of Egyptian Archaeology</i> . London.
<i>JEGH</i>	<i>Journal of Egyptian History</i> . Leiden.
<i>JNES</i>	<i>The Journal of Near Eastern Studies</i> . Chicago.
<i>Jur.Pap.</i>	<i>Juristische Papyri</i> , ed. P. M. Meyer. Berlin, 1920. Reprint: Chicago, 1976.
<i>LexÄg</i>	<i>Lexikon der Ägyptologie</i> . Wiesbaden.
<i>LSJ</i>	<i>A Greek-English Lexicon</i> , compiled by Henry George Liddell, Robert Scott, and Henry Stuart Jones. 9th edn. Oxford, 1968.

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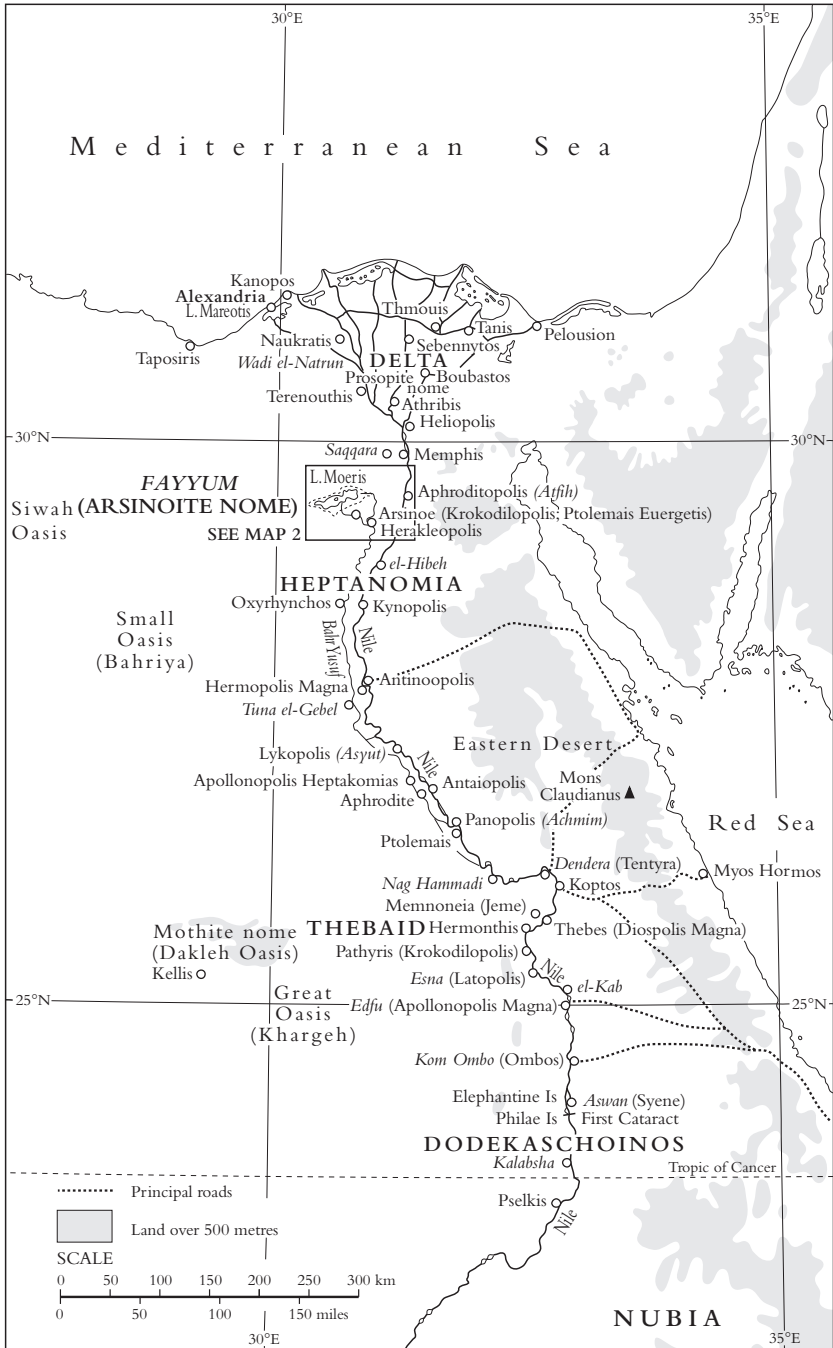
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Mansi	Mansi, J.-D. <i>Sacrorum Conciliorum nova et amplissima collectio</i> . Florence, 1759–1927.
<i>M. Chr.</i>	L. Mitteis and U. Wilcken, <i>Grundzüge und Chrestomathie der Papyruskunde</i> . Vol. 2.2. <i>Juristischer Teil</i> . Leipzig, 1912.
<i>P. Brit. Mus.</i>	Herbert Thompson, <i>A family archive from Siut from papyri in the British Museum</i> . Oxford, 1934.
<i>Thompson</i>	
<i>Sel. Pap.</i>	<i>Select Papyri</i> . The Loeb Classical Library. 3 vols.
<i>TAPA</i>	<i>Transactions of the American Philological Association</i> . Baltimore.
<i>UPZ</i>	Ulrich Wilcken, <i>Urkunden der Ptolemäerzeit (Altere funde)</i> . 2 vols. Berlin, 1927–1937.
<i>ZSS</i>	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung</i> . Weimar.

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Map 1. Egypt, showing key sites of papyrus finds

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Map 2. The Fayyum (Arsinoite nome)