

Cambridge University Press

978-1-107-03713-7 - Law and Enforcement in Ptolemaic Egypt

John Bauschatz

Excerpt

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I Introduction: The Place of Police

Today we take for granted the existence of a police force to provide protection and assistance. The reporting of crimes, accidents, and suspicious individuals is a phone call away. Uniformed police officers patrol the streets of our towns and cities on foot, horseback, bicycle, and four wheels, watching for speeders, muggers, and other lawbreakers. Specialized law enforcement squads perform various police operations, from drug busts to undercover surveillance, from crime scene investigations to autopsies. Most towns have a police station and a sheriff. Some have jails. Communication between police is immediate, and operations are coordinated swiftly and effectively. Identification of suspects is aided by computerized records that provide users with physical and personal data on millions of criminals. Corruption sometimes rears its ugly head, but when it does, public outcry is usually loud and punishment swift.

As far as we can tell from the evidence available, it was quite a different story in the ancient world. Satisfaction at law in antiquity required a much higher degree of personal initiative.¹ Ancient cities and villages do not appear to have had standing police forces to patrol city streets and prevent or stop wrongdoing. Few seem to have had professional watches or guards to respond to cries for help. Certain criminal offenses, from assault to property damage, from theft to murder, were punishable by the state.² But it was generally not the state's responsibility to round

¹ On the predominance of "self-help" in ancient law enforcement, see Chapter 4.

² For the most part, in antiquity the (modern) distinction between crimes (offenses against the state) and delicts (offenses against individuals) was

up suspects, assemble evidence and witnesses, and see to it that justice was done. These tasks were entrusted to the party with the vested interest in procuring justice: the victim. Self-help was the rule in the ancient world. Organized police forces simply did not exist.

For the most part, that is. The following account, a second-century B.C. petition to a Ptolemaic police official from a man who had been robbed of some donkeys in the Egyptian desert and sought assistance from local law enforcement, suggests otherwise:

Μνασέαι τῶν διαδόχων καὶ ἐπι-
 στάτηι φυλακιτῶν παρὰ
 Σεῶτος τοῦ Ὠρου τῶν ἀπὸ τοῦ
 4 καθ' Ἑρμούπολιν ἐπὶ τῆς ἄμμου
 Σαραπείου τῇ κδ τοῦ Χοιάχ
 τοῦ ς (ἔτους). παραγινομένου μου
 ἐξ Ὀάσεως μετ' ἄλλων καὶ ληστη-
 8 ρίου ἡμῖν ἐπιθεμένου κάθοδον
 ὠῆσθαι ἔχοντάς μου ὄνον
 ἄρσενά καὶ ὄνον θήλειαν
 σὺν οἷς ἔφερόν μου φορτίοις
 12 ἐμπορικοῖς προσεγδύσαντές με.
 ὑπὲρ ὧν ὑπ' αὐτὸν τὸν καιρὸν
 ἐπιδούς προσαγγελίαν Δάννῳ
 καὶ τοῖς κωμοφυλακίταις, ἐπο(ι)ησά-
 16 μην ἐπὶ σοῦ καὶ Εὐμήλου καὶ
 Πτολεμαίου τῶν τότε στρατηγῶν
 τὸν προσήκοντα λόγον ἅμα τοῖς
 ἄλλοις· καθότι καὶ ἐπεστάλῃ Θορταίῳ
 20 ἀναζητῆσαι τοὺς ἀνθρώπους κατὰ
 κράτος· νυνὶ δὲ ἐπεγνώκότης μου
 τὸν ἄρσενά ὄνον ὄντα παρὰ Ἀσῶτι
 τοῦ Σεοῦτος ἐν τῷ προειρημένῳ

nonexistent. In general, ancient states were interested in taking action against offenders only when state interests (and especially financial interests) were directly threatened. Most offenses were left to the victim to pursue at law.

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- 24 Σαραπιείωι, προσαγγέλλω σοι,
 ὅπως ἀσφαλισθέντος τοῦ τε Ἀσώτος
 καὶ τοῦ ὄνου ἡ ἐνδεχομένη ἐπί-
 σκεψις γένηται καὶ γὰρ μὲν τὸν ὄνον
 28 κομίσωμαι καὶ ἐάν τι ἄλλο εὕρισκῃ-
 ται τῶν ἀπολωλότων, οἱ δ' αἴτιοι
 τύχῳσι τῶν προσηκόντων.
 εὐτύχει.
 32 ἔτους ιθ' Ἐπεὶ φ 5.

To Mnaseas, of the *diadochoi* and *epistatēs phylakitōn*, from Seos, son of Horos, of those from the [4] Sarapieion in the desert opposite Hermoupolis.³ On the 24th of Choiach, year 6, I was away from the Oasis with others. A band of robbers [8] set upon us as we were coming back and took off in possession of a male donkey of mine and a female one.⁴ With both of these they carried off the merchandise [12] of which they stripped me. After submitting a notification to Dannos and the *kōmophylakitai* about these matters at the very time when they occurred, I gave [16] to you and Eumelos and Ptolemaios, who were *stratēgoi* then, the account of what happened, along with the other (officials?).⁵ Accordingly, Thortaios was sent out [20] to seek the men by force. But now I have learned that my male donkey is in the possession of Asos, son of Seous, in the aforementioned [24] Sarapieion, so I make this report to you, so that once Asos and my donkey are placed under guard, the necessary investigation may take place, and I may get back [28] my donkey; and if any other of the things I lost is discovered, those responsible may meet with the fitting consequences. Farewell. [32] Year 19, Epeiph 6.⁶ (SB VIII 9792 [Hermoupolis Magna, 162 B.C.])

³ On the *diadochoi*, the “successors” of Alexander, see Mooren (1975) 1–7, 216–19 and (1977) 9–73; on the *epistatēs phylakitōn* (police commissioner), Chapter 2. A glossary of Ptolemaic police terms can be found at the end of this study.

⁴ On robbers and robbery in the Ptolemaic countryside, see Chapter 5.

⁵ Dannos does not have a title here, but given the fact that he appears to have been in command of a group of village (*kōmo-*) police (*phylakitai*), he was likely an *archiphylakitēs* (police chief). *Kōmophylakitai* are not mentioned in any other text. On the Ptolemaic *phylakitai*, see Chapter 2; on *stratēgoi*, the governors of Ptolemaic provinces, Chapter 3.

⁶ Unless otherwise noted, all translations of Greek are my own.

Papyri like the petition of Seos demonstrate that a sophisticated law enforcement system existed in Ptolemaic Egypt. It processed criminals efficiently and effectively and provided protections and assurances to citizens. Those charged with police tasks apprehended and detained suspects, investigated reported crimes, and even meted out justice. Responses to appeals for government assistance were fast and well organized, took a variety of forms, and regularly involved officials from different spheres of administration at both the local and provincial levels. The Ptolemies entrusted a variety of government men with crime-solving tasks and exercised a very limited degree of control over local policing. One might think that such lax supervision occasionally led to chaos and confusion, but this was rarely the case. The Ptolemaic criminal justice system was a smoothly functioning machine that provided options not only to victims of crime but also to police officers.

WHY THIS BOOK?

In what follows, I draw on a large body of evidence for the cultural, social, and economic interactions between state and citizen to argue not only that Ptolemaic officials enjoyed great autonomy but also that government assistance, via these officials, was readily available to even the lowest levels of society when crimes and other offenses were committed. Throughout the nearly three hundred years of Ptolemaic rule (323–30 B.C.), victims of crime in all areas of the Egyptian countryside (or *chōra* in Greek) called on local officials to investigate crimes, hold trials, and arrest, question, and sometimes even imprison wrongdoers.⁷ The police system in place to tend to their needs was efficient, effective, and largely independent of central government controls.

Before proceeding any further, we should address the definitions of “police” and “policing.” For the purposes of this book, I understand a police force as a government body charged primarily with three main

⁷ This is not to suggest, however, that the law enforcement system of Ptolemaic Egypt remained static throughout these nearly three hundred years: there were changes across the time and space of Ptolemaic rule in response to both administrative needs and popular unrest. See note 146.

Cambridge University Press

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tasks: investigation, apprehension, and prosecution.⁸ Policing, then, I understand as the performance of the tasks of police. By applying these definitions to an ancient Mediterranean civilization, I intend to demonstrate – once the Ptolemaic police and the ins and outs of Ptolemaic policing have been identified and described – the ways in which the law enforcement system in Ptolemaic Egypt was unique in antiquity and, perhaps, uniquely integrated into every sphere of Ptolemaic administration.⁹ I should also offer here a definition of the phrase “law enforcement,” at least as I employ it when discussing the Ptolemaic material. As far as we know, there was no universal code of laws for the inhabitants of Ptolemaic Egypt and therefore no “law enforcement” per se. When I employ it, therefore, the phrase should simply be understood as a synonym for “policing.”

No monograph on policing in Ptolemaic Egypt (or Roman Egypt, for that matter) has ever been published, though scholars have addressed individual facets of the system in book-length studies. Of these perhaps the most important is Pieter Kool’s 1954 dissertation on the Ptolemaic *phylakitai*, the primary police officers in the Egyptian countryside.¹⁰ Kool traces the history of these officials and their organization and provides a brief introduction to the subject of police in Greece and pharaonic Egypt,¹¹ but his work is narrow in scope, focusing on one branch of the criminal justice system to the exclusion of all other officials with police duties. It is also primarily a descriptive catalog of attested functions, not a history of the role(s) of law enforcement in daily life or social control under the Ptolemies. In addition, the publication of hundreds

⁸ These are the tasks of police as defined by Hay and Snyder ([1989] 18) in their study on law enforcement in England, where, as scholars of law enforcement have long maintained, the world saw its first “real” police force in the course of the nineteenth century, Sir Robert Peel’s London Metropolitan Police (1829); see Terry and Hartigan (1982) 302–10; P. T. Smith (1985); Lock (1990); Emsley (1991); and Mason (2004). A brief assessment of the importance of this force – and a useful corrective to scholarly overestimations of this importance – can be found in Hay and Snyder (1989) 9–16.

⁹ I thus seek to attempt something along the lines of what Virginia Hunter did with her 1994 monograph on policing in classical Athens.

¹⁰ For a summary of the contents of Kool’s work, see the review of Rees (1956).

¹¹ See Kool’s introduction, (1954) 1–4, for the latter.

of new documents in the half century since its appearance renders it out of date.

More recently (1986) Andréas Hélmis has examined the criminal court system of the Ptolemies and investigated topics of interest to the present discussion: among these types of crimes in the *chōra*, crime rates, and the operation of prisons and imprisonment in the Egyptian countryside.¹² Scholarship on the Ptolemaic civil court system is extensive, but little attention has been paid to judicial process for criminal matters.¹³ Hélmis provides the criminal court system with a long-overdue assessment of its jurisdictions, procedures, and officers but does not undertake a thorough examination of how law enforcement officials worked with the criminal courts to bring offenders to justice. The processes by which offenders were apprehended, evidence gathered, and crimes solved take a back seat to the acts that set the criminal justice system in motion and the acts that the system took to reprimand offenders. Hélmis is interested in crime and punishment but not the surrounding institutions. His work is a fitting complement to, but not a substitute for, the present study.

Aside from Kool and Hélmis, scholars have paid only scant attention to the Ptolemaic criminal justice system, though certain topics have received somewhat more consideration. The *phylakes* (guards) and other private security contractors who worked in both public and private capacities in Ptolemaic Egypt have drawn some attention.¹⁴ But a synthesis of the security functions of *phylakitai*, *phylakes*, the Ptolemaic military, and others has yet to appear. Many studies of the forms, language, writers, and addressees of, requests in, and responses

¹² On prisons and imprisonment under the Ptolemies, see Chapter 5.

¹³ The following works are among the most important recent treatments of the Ptolemaic judiciary: Préaux (1954, 1963); Seidl (1962); Méléze-Modrzejewski (1966, 1977–8, 1984); Wolff (1970, 1978, 2002); Peremans (1973, 1982–3); Pestman (1985b); and Allam (1991). We briefly consider the Ptolemaic criminal court system in Chapter 5.

¹⁴ See, e.g., Calderini (1924); Frösén (1978); Cuvigny (1984); Hennig (2003); and now Homoth-Kuhs (2005), the last concerned primarily with the Roman period, but including some discussion of Ptolemaic *phylakes* (7–29). *Phylakes* are discussed in Chapter 3.

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to petitions exist.¹⁵ But scholars have tended to focus on petitions as a genre, not as legal documents that played crucial roles in helping police to solve crimes and victims to obtain justice. Royal decrees (*prostagmata*) and government circulars (*entolai*) were sometimes aimed at police officers and their subordinates as well, and the scholarship on these documents is extensive.¹⁶ Yet no one has collected and evaluated the evidence for royal notifications to law enforcement officials. More surprisingly, an assessment of the truth content of royal decrees – that is, the degrees of reality they reflect – is lacking. Such an evaluation would provide an understanding of how the rulers of the kingdom received, interpreted, and responded to reports of wrongdoing in the countryside, and whether the information presented in the decrees mirrored everyday life in the Egyptian *chōra*. A few scholars have focused on crime and criminals in Greco-Roman Egypt, drawing on the papyri as a sourcebook for crime in everyday life in antiquity.¹⁷ But in most cases, these studies are little more than descriptive catalogs of wrongdoing and wrongdoers, collections of juicy anecdotes with a few words on police procedure thrown in. They provide useful overviews of the perils of life in the Egyptian outback but little else. One final area has received a good deal of attention. The evidence for prisons and imprisonment in Ptolemaic Egypt is bountiful and has generated much discussion.¹⁸ This perhaps reflects a more general trend. In the past few years, the subject of the theory and practice of incarceration in antiquity has sparked great interest: one need only note three recent volumes to highlight this fascination.¹⁹

¹⁵ E.g., Hombert and Préaux (1942); di Bitonto Kasser (1967, 1968, 1976); Parca (1985). Petitions form the subject of Chapter 4.

¹⁶ See, e.g., the comments of Kunderewicz (1965), Lewis (1968), and Bagnall (1969) on *P.Hib.* II 198 (Arsinoite?, after 242 B.C.), a decree outlining guidelines for police searches and investigations. We return to this text in Chapters 5 and 6.

¹⁷ Along with Hélmis (1986), Baldwin (1963) and R. W. Davies (1973) provide good overviews of the material.

¹⁸ E.g., Taubenschlag (1959a [1940]); Ambaglio (1987); Maffi (1999); and Marcone (1999).

¹⁹ Bertrand-Dagenbach et al. (1999); Tovar and Martín (2003); Bertrand-Dagenbach, Salamito, and Vaillancourt (2004).

ANCIENT POLICING: AN INCOMPLETE PICTURE

In addition to the subject of prisons and imprisonment in antiquity, important work on law enforcement in Athens, Rome, and other ancient Mediterranean societies has appeared in the past few decades.²⁰ For the most part, the evidence supports the view that sophisticated law enforcement systems were rare in antiquity and that “self-help” predominated throughout the Mediterranean as a means of securing justice and righting wrongs. The ancient law enforcement systems, however, did not always follow this blueprint, and at least one of these systems – that of Ptolemaic Egypt – was, in many respects, a full-fledged “police” force.

The following survey highlights just how unique the evidence for police work in Ptolemaic Egypt actually is. Nowhere else do we find documents – that is, papyri – the likes of which we find in Egypt. This is an important distinction to make.²¹ The papyri reveal, often in striking detail, the day-to-day business of law enforcement in Hellenistic Egypt. When we turn to other ancient societies, however, we are confronted with a lack of papyri (or of any comparable, common, perishable writing material), and this, in general, means a lack of evidence for law enforcement similar to what we see in Egypt. It does *not* mean that comparable police forces never existed in Athens, Rome, Mesopotamia, or the other Hellenistic kingdoms. In fact, as we will see, the evidence for law enforcement in these other states and civilizations is often of an entirely different sort and, in many respects, is often complementary to what we find in Ptolemaic Egypt. These other sources for law, order, and police activity – among these, law codes, legal speeches, and government inscriptions – reveal at the very least that law enforcement

²⁰ Law enforcement in Greece (primarily at Athens), e.g., Fuks (1984); Hunter (1994) with the comments of Adam (2007) and E. Harris (2007); D. Cohen (1995, 2005); Hunter and Edmondson (2000); and van Wees (2008, archaic Greece); at Rome, e.g., Drapkin (1989) 213–43; Nippel (1995); Bauman (1996); Lintott (1999); Kelly (2003); Krause (2004) 44–201; and now Fuhrmann (2011); in Mesopotamia, e.g., Drapkin (1989) 15–33; Postgate (1992) 275–91; and Greengus (1995) 469–84; in pharaonic Egypt, e.g., Eyre (1984); Tyldesley (2000); and Vernus (2003).

²¹ On papyri as evidence, see the subsequent section in the Introduction.

Cambridge University Press

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machinery of one sort or another existed in all ancient Mediterranean societies and leave quite open the possibility that local policing similar to that observable in Ptolemaic Egypt was not unheard of elsewhere.

Some of the oldest evidence for crime, punishment, and policing comes from Mesopotamia. Here our evidence consists in the main of ancient law codes. The many codes that have survived reveal a great deal about the societal norms, government structures, methods of social control, and religious practices of the civilizations of the ancient Middle East.²² To be fair, these documents were not codes proper but rather collections of legal decisions passed down through time. Though individual rulers made additions and alterations and sometimes stressed the originality and uniqueness of “their” laws, for the most part the codes are characterized by a general sameness and inflexibility. They are virtually silent about the mechanics of law enforcement in their respective societies but offer many details about what sorts of offenses these societies deemed worthy of punishment, what types of penalties were considered appropriate for individual offenses, and what one part of the legal machinery of earliest antiquity looked like.

The code of Hammurabi, compiled somewhere near the end of his forty-three-year reign (ca. 1792–1750 B.C.), is the most complete, the best organized, and consequently the most famous.²³ The corpus contains some 280-odd provisions concerning robbery, property disputes, debts, sexual offenses, assault, contractual disagreements, and other delicts.²⁴

²² On law and order in Mesopotamia, see sources cited earlier in note 20. The standard volume of translations for the Near Eastern legal material is still Pritchard (3rd ed., 1969). Roth's collection (1997) is the most recent.

²³ For discussions of Hammurabi's laws, see especially Gordon (1957), who provides an invaluable guide to the material; also Jackson (1972) and Bottéro (1992) 156–84. A good recent biography can be found in Van de Mieroop (2004). My references to passages in the laws follow Roth's (1997) numeration.

²⁴ The total number of provisions contained in the original code is unknown, owing to lacunae in the source material. On theft in the laws of Hammurabi, see Jackson (1972); on corporal punishment in Hammurabi's laws and the laws of Moses, see Dahlquist (1971). Finkelstein (1966) examines sex offenses in the code and other Mesopotamian texts; S. Lafont (1999) and Tetlow (2004), the place of women in the criminal justice systems of the ancient Near East.

Each of the laws takes the form of a conditional statement and presents a fixed penalty for a specific offense.²⁵ Many of these punishments were harsh and specified physical wounding of the “eye for an eye” variety, though monetary penalties were the rule. For instance, if a free person struck another man of the same rank, he was subject to a fine of sixty shekels of silver (law 203).²⁶ Yet a free person who blinded another was himself subject to blinding (law 196). Capital punishment was sometimes prescribed as well.²⁷ The first law in the corpus provides a good example of this: a man who accused another of murder and was unable to prove the charges was himself put to death.

Justice in Mesopotamia was administered by various local and state courts.²⁸ Councils of elders in the towns and villages of the Mesopotamian countryside represented the first level of appeal. Aside from the disputants, additional parties, including witnesses and friends of the litigants, were sometimes included in the proceedings. Local courts dealt with minor disputes, primarily concerning property and contractual issues. Trials were generally held in temples, where oaths were sworn before the gods to lend a degree of seriousness to the proceedings and to emphasize the consequences for falsehood. More serious matters, including murder, were handled by the royal court. Here the stakes – as well as the penalties – were higher. Indeed, in addition to swearing oaths, defendants might sometimes be required to undergo a physical ordeal in order to prove their innocence.²⁹ The most common

²⁵ On punishment and imprisonment in Mesopotamia and Anatolia, see especially the collection of essays edited by Sasson (1977); more recently, Barmash (2004), on punishments for homicide in Mesopotamia and biblical Israel, and Kleber and Frahm (2006), on theft/sacrilege/homicide and imprisonment. Additional sources on prison and imprisonment can be found in note 33.

²⁶ Three principal classes of person are specified in the laws: free men, commoners (inferior to the free), and slaves; see Roth (1997) 72–3.

²⁷ On the evidence for corporal punishment in the ancient Near Eastern material, see Good (1967) and Dahlquist (1971); on the death penalty, see most recently VerSteeg (2002) 69 and Westbrook (2003) 74–5.

²⁸ On justice in Mesopotamia, see, e.g., Greengus (1995) 473–5; Nardoni (2004) chapter 1; Wells (2005); also Jacobsen (1959) and B. Lafont (2001).

²⁹ See B. Lafont (2001) for a recent and thorough account of the employment of ordeals at Mesopotamian trials.