

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.

JAMES G. KEENAN is Professor of Classical Studies at Loyola University Chicago.

J. G. MANNING is The Simpson Professor of Classics and History at Yale University.

URI YIFTACH-FIRANKO is Senior Lecturer in the Department of Classics in the Hebrew University of Jerusalem.

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

URI YIFTACH-FIRANKO



CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE
 UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
 One Liberty Plaza, 20th Floor, New York, NY 10006, USA
 477 Williamstown Road, Port Melbourne, VIC 3207, Australia
 314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India
 103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9780521874526

© Cambridge University Press 2014

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2014

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging in Publication data

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, Uri Yiftach-Firanko.

pages cm

ISBN 978-0-521-87452-6 (Hardback)

- I. Egyptian law—Sources. 2. Law, Greek—Sources. 3. Roman law—Sources.
 4. Egypt—History—Greco-Roman period, 332 B.C.–640 A.D.—Sources. I. Keenan, James G., editor. II. Manning, Joseph Gilbert, editor. III. Yiftach-Firanko, Uri, editor.

KL2814.5.L39 2014

340.5'32—dc23

2013045001

ISBN 978-0-521-87452-6 Hardback

ISBN 978-1-108-46431-4 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Cambridge University Press

978-0-521-87452-6 — Law and Legal Practice in Egypt from Alexander to the Arab Conquest

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

Frontmatter

[More Information](#)

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

Contents

<i>List of figures</i>	page xvi
<i>List of contributors</i>	xvii
<i>Preface</i>	xxi
<i>Calendars</i>	xxv
<i>List of abbreviations</i>	xxvi
<i>Map 1 Egypt, showing key sites of papyrus finds</i>	xxviii
<i>Map 2 The Fayyum (Arsinoite nome)</i>	xxix
1 Introduction and historical framework	1
Introduction (Manning)	1
1.1 The Ptolemaic period (332–30 BC) (Manning)	5
1.2 The Roman period (30 BC–AD 284) (Yiftach-Firanko)	6
1.3 The Byzantine period (AD 284–640) (Keenan)	9
1.4 Monuments in juristic papyrology (Keenan, Manning, and Yiftach-Firanko)	12
1.5 Law under the Ptolemies (Manning)	17
1.6 Law in the Roman period (Yiftach-Firanko)	20
1.7 Law in the Byzantine period (Keenan)	23
1.8 The law of Coptic legal documents (Richter)	28
2 The historical development of the form, content, and administration of legal documents	31
Introduction	31
2.1 Evolution of forms of Greek documents of the Ptolemaic, Roman, and Byzantine periods (Yiftach-Firanko)	35
2.1.1 Early Ptolemaic double document (loan of money) <i>P. Cair. Zen.</i> 1 59001	35
2.1.2 Later Ptolemaic double document (loan of wheat) <i>P. Dion.</i> 14	39
2.1.3 Records office document (loan of money) <i>P. Tebt.</i> 11 312	41
2.1.4 Third-century BC <i>cheirographon</i> (payment for reed propping) <i>P. Col.</i> 1v 76	43
2.1.5 Second-century BC <i>cheirographon</i> (settlement of a debt) <i>P. Adl.</i> 4	43

2.1.6	Oxyrhynchos <i>cheirographon</i> (repayment of money loan) <i>P.Oxy.</i> XLIX 3487	44
2.1.7	The “new <i>cheirographon</i> ”: earlier format (money loan) <i>P.Sakaon</i> 64	46
2.1.8	The “new <i>cheirographon</i> ”: later format (sale in advance of delivery) <i>P.Ant.</i> I 42	47
2.1.9.	“Private protocol” (land lease) <i>P.Oxy.</i> II 277	50
2.1.10	<i>Hypomnêma</i> (vineyard lease) <i>P.Ryl.</i> IV 600	51
2.1.11	<i>Hypomnêma</i> (lease of land with date palms) <i>P.Corn.</i> 10	52
2.2	Demotic sales (Manning)	53
2.3	Demotic cessions (Depauw)	56
2.4	Demotic loans (†Markiewicz)	58
2.5	Greek loans (Vandorpe)	61
2.6	Archives and registration in Roman Egypt (Kruse)	62
2.6.1	Two edicts of the prefect T. Flavius Titianus <i>P.Oxy.</i> I 34 verso	66
2.6.2	Edict of the prefect M. Mettius Rufus <i>P.Oxy.</i> II 237 Col. VIII, lines 27–43	69
2.6.3	Abstract sheet of the property records office <i>BGU</i> III 959	71
2.6.4	Extract from the Gnomon of the <i>Idios Logos BGU</i> V 1210 §100	72
2.6.5	Application for registration of a deed <i>P.Oxy.</i> XII 1475	73
2.6.6	Petition to the prefect M. Iunius Rufus <i>P.Fam. Tebt.</i> 15, lines 75–98	76
2.6.7	Deposition of documents <i>P.Flor.</i> III 357	79
2.6.8	Deposition of the records of administrative officials	81
2.6.8a	Beginning of a labor contract <i>BGU</i> III 981 Col. 1, lines 1–11	82
2.6.8b	List of journals followed by endorsements <i>P.Lips.</i> I 123	82
2.7	Byzantine sales: some aspects of the development of legal instruments in the later Roman and Byzantine period (Richter)	83
2.7.1	Greek–Coptic specimen forms of sales on delivery <i>CPR</i> IV 34, lines 1–41	92
2.7.1a	Sale on delivery of reeds <i>CPR</i> IV 34, lines 1–14	93
2.7.1b	Sale on delivery of <i>kouphon</i> -vessels <i>CPR</i> IV 34, lines 15–41	94
3	The languages of law	96
	Introduction	96
3.1	Ethnic diversity in a wealthy household (Vandorpe)	101
3.1.1	Greek loan by Apollonia <i>P.Dryton</i> 19	103
3.1.2	Greek will by Dryton <i>P.Dryton</i> 3	105
3.1.3	Greek petition from Dryton’s daughters <i>P.Dryton</i> 34	107
3.1.4	Demotic divorce agreement for Dryton’s granddaughter <i>P.Dryton</i> 8	109
3.2	Greek and Demotic in the Roman Fayyum (Muhs)	110
3.2.1	Demotic house sale and cession with Greek registration <i>P.Brit.Mus.</i> 262 + <i>M.Chr.</i> 181	111
3.2.2	Greek sale of a priest’s dwelling with Demotic subscription <i>P.Ryl.</i> II 161	115
3.2.3	Greek subscription to a Demotic contract of sale <i>P.Mich.</i> v 301	117

<i>Contents</i>	ix
3.3 Roman law in Egyptian documents (Keenan)	118
3.3.1 Roman will (<i>testamentum per aes et libram</i>) <i>BGU</i> I 326	121
3.3.2 Military diploma <i>CIL</i> xvi 122	126
3.3.3 Formal opening of Roman wills	128
3.3.3a Request to open a will <i>M.Chr.</i> 309	129
3.3.3b Report of proceedings <i>P. Oxy.</i> LIV 3758, lines 134–55	129
3.3.3c Opening of a will <i>P.Coll.Youtie</i> I 64, lines 18–20	130
3.3.3d Opening of a will <i>P.Oxy.</i> xxii 2348, lines 50–56	130
3.3.4 <i>Cretiones</i> (formal acceptances of inheritances)	130
3.3.4a <i>Cretio FIRA</i> III 59	131
3.3.4b <i>Cretio FIRA</i> III 60	132
3.3.5 Bilingual request for a guardian <i>P.Oxy.</i> xii 1466	133
3.4 Greek and Coptic in the Byzantine era (Richter)	134
3.4.1 The sociolinguistics of Greek and Coptic in Byzantine Egypt	134
3.4.2 Greek–Coptic interferences from a linguistic point of view	136
3.4.3 Greek–Coptic interferences in Byzantine and early Islamic documentary evidence	138
3.4.4 Greek–Coptic interferences in the legal documents	140
4 The family	145
Introduction	145
4.1 Marriage (Manning)	149
4.1.1 Ptolemaic Demotic marriage contract <i>P.Louvre</i> 2433	150
4.1.2 Greek marriage contract <i>BGU</i> IV 1052	151
4.1.3 Byzantine marriage contract <i>P.Cair.Masp.</i> III 67310 + <i>P.Lond.</i> v 1711	152
4.2 Divorce (Urbanik)	154
4.2.1 Repayment of part of a dowry <i>P.Lond.</i> II 178	163
4.2.2 Divorce settlement <i>P.Stras.</i> III 142	165
4.2.3 Divorce settlement <i>P.Cair.Masp.</i> II 67153	166
4.2.4 Petition for unilateral divorce <i>P.Cair.Preis.</i> 2–3	171
4.2.5 Petition to the <i>stratēgos</i> <i>P.Lond.</i> v 1651	172
4.2.6 Courtroom speech on behalf of an abandoned orphan <i>P.Lips.</i> I 41	173
4.3 The Romanization of family law (Arjava)	175
4.3.1 Sale of land by siblings <i>P.Vind.Bosw.</i> 6	182
4.3.2 Request for a guardian <i>P.Oxy.</i> xxxiv 2710	185
4.3.3 Request for the <i>ius trium liberorum</i> <i>P.Oxy.</i> xii 1467	186
4.3.4 Inheritance on condition of emancipation from paternal power <i>CPR</i> vi 78	187
4.3.5 Joint sale of land by father and son <i>P.Oxy.</i> ix 1208	188
4.4 Fatherless persons (Malouta)	191
4.4.1 Request for a guardian <i>P.Diog.</i> 18	193
4.4.2 Census return with property of a fatherless woman <i>BGU</i> I 90 <i>et al.</i>	194
4.4.3 Registration of a child with fatherless parents <i>P.Petaus</i> 2	196

4.4.4	Application for the corn dole in Oxyrhynchos <i>P.Oxy.</i> XL 2913 Col. II	197
4.4.5	A case of concealed fatherlessness <i>P.Lond.</i> II 324	198
4.4.6	Census return of the ex-husband of a fatherless woman <i>SB</i> XXIV 15987	200
4.5	Deeds of last will: Demotic, Greek, and Latin (Clarysse)	202
4.5.1	Donation of the woman Neskhonsu to her son <i>P.Brit.Mus.</i> <i>Andrews</i> I	203
4.5.2	Will of the officer Dion, including manumission of slaves <i>P.Petrie</i> I ² 3, lines 9–38	205
4.5.3	Will of the cavalry officer Dryton on the occasion of his marriage <i>P.Dryton</i> 2	207
4.5.4	Division of property among the children (<i>donatio mortis causa</i>) <i>P.Mil.Vogl.</i> II 84	210
4.5.5	Draft of a Roman will (<i>testamentum per aes et libram</i>) <i>P.Oxy.</i> XXXVIII 2857	212
4.6	Intestate succession (Anagnostou-Canas)	214
4.6.1	Inheritance of soldiers' land allotments	214
4.6.1a	Rules of an ordinance (<i>prostagma</i>) <i>BGU</i> IV 1185	214
4.6.1b	Petition regarding succession <i>SB</i> VIII 9790	215
4.6.2	Legitimacy and inheritance	216
4.6.2a	A prefect's decision about soldiers' marriages <i>P.Catt.</i> recto Col. IV, lines 1–15	216
4.6.2b	Imperial constitution about rights of soldiers' children <i>BGU</i> I 140	217
4.6.3	Minutes of court trial: representation in succession <i>BGU</i> I 19, lines 1–19	218
4.6.4	Minutes of court trial: limits to freedom of testation <i>CPR</i> I 18	220
4.6.5	Application for succession to an inheritance	222
4.6.5a	Bilingual request for <i>bonorum possessio</i> <i>SB</i> I 1010	223
4.6.5b	Request in Greek for <i>bonorum possessio</i> <i>SB</i> VI 9298a+b	224
4.6.6	Devolution of inheritances without heirs <i>BGU</i> V 1210 §4	224
5	Capital	226
	Introduction	226
5.1	Ptolemaic Demotic loans (†Markiewicz)	228
5.1.1	Loan with conditional sale <i>P.Schreibertrad.</i> 14	229
5.1.2	Loan of wheat <i>P.Dryton</i> 27	231
5.1.3	Partial repayment of a money loan <i>P.Chic.Haw.</i> 10	233
5.1.4	Litigation over a loan <i>O.Tempeleide</i> 150	234
5.2	Ptolemaic Greek loans (Vandorpe)	234
5.2.1	Loan secured against mortgage (<i>hypothékê</i>) of a house <i>P.Tebt.</i> III.1 817	236
5.2.2	Six-witness loan contract of wheat <i>P.Dion.</i> 16	238
5.2.3	Notarial loan contract of wine <i>P.Amb.</i> II 48	240

<i>Contents</i>	xi
5.2.4 Repayment of a loan of money <i>P.Dryton</i> 21	242
5.3 Greek loans in the Roman period (Lerouxel)	242
5.3.1 Loan of wheat and barley <i>P.Kron.</i> 9	244
5.3.2 Loan of money <i>SB</i> XII 10786	245
5.3.3 Cancellation of a loan contract (<i>synchôrêsis</i>) <i>P.Oxy.</i> XXVII 2471	247
5.3.4 Private letter about redemption of pawned clothing <i>P.Oxy.</i> III 530, lines 1, 10–32	248
5.4 Real security (Rupprecht)	249
5.4.1 Personal pledge of jewelry as security for a loan <i>Stud.Pal.</i> XX 2	252
5.4.2 Loan secured against mortgage (<i>hypothêkê</i>) of a house <i>P.Tebr.</i> III.1 817	253
5.4.3 Loan against mortgage (<i>hypallagma</i>) <i>P.Ryl.</i> II 177	254
5.4.4 Mortgage in the form of a <i>menein</i> -contract <i>P.Oslo</i> II 40a	256
5.4.5 Greek loan with a Demotic sale of property	258
5.4.5a Greek loan contract <i>SB</i> XII 10804	258
5.4.5b Demotic sale and cession <i>DDD</i> III 23	259
5.4.6 Procedure for execution against a debtor's property <i>BGU</i> XIV 2376	259
5.5 Loan contracts serving other purposes (Kreuzsaler)	265
5.5.1 Loan with antichretic lease <i>P.Mich.</i> III 188	267
5.5.2 Loan with <i>paramonê</i> <i>P.Mich.</i> X 587	269
5.5.3 Loan with <i>paramonê</i> <i>P.Coll.Youtie</i> II 92	271
5.5.4 Deposit concealing a dowry <i>BGU</i> III 729	274
6 Sale	276
Introduction	276
6.1 Demotic sales and cessions (Depauw and Manning)	279
6.1.1 Demotic sale and cession of a house <i>P.Fam.Theb.</i> 3 + 4	280
6.1.2 Demotic sale of land <i>P.Brit.Mus. Andrews</i> 28	282
6.2 The different applications of the Demotic sale and cession contract (Depauw and Manning)	285
6.2.1 Demotic mortgage in the form of a sale <i>P.Brit.Mus. Glanville</i> 10525	287
6.2.2 Demotic sale with deferred delivery <i>P.Recueil</i> 4	289
6.2.3 An early Demotic quitclaim <i>P.Tsenhor</i> 15	291
6.2.4 A Demotic quitclaim after judgment <i>P.Teos and Thabis</i> 12	292
6.2.5 An unregistered Demotic quitclaim <i>P.Brit.Mus.</i> 262	293
6.3 The Greek sale of real property (Jakab)	294
6.3.1 Sale of shares of a house <i>P.Oxy.</i> I 99	294
6.3.2 Sale of a house <i>P.Oxy.</i> IV 719, lines 13–29	296
6.3.3 Sale of shares of a house <i>P.Mich.</i> X 583	298
6.3.4 Sale of a house at auction <i>SB</i> V 7638	300
6.3.5 Sale of agricultural land <i>P.Ryl.</i> II 164, lines 1–15	302
6.3.6 Sale of a vineyard <i>P.Mich.</i> V 274	303
6.4 Sales of movables (Bagnall)	304
6.4.1 Sale of cows <i>P.Sarap.</i> 10	307
6.4.2 Sale of a cow <i>P.Sarap.</i> II	307

6.4.3	Sale of a horse <i>P.Sakaon</i> 62	308
6.4.4.	Sale of a donkey <i>O.Ber.</i> II 125	309
6.4.5	Sale of a camel <i>P.Oxy.</i> LVIII 3915	310
6.4.6	Sale of a loom <i>P.Oxy.</i> XIV 1705	311
6.4.7	Sale of a dining couch <i>P.Oxy.</i> X 1277	313
6.4.8	Sale of wood <i>P.Stras.</i> III 184	314
6.5	State registration of sales: the <i>katagraphê</i> (Yiftach-Firanko)	314
6.5.1	Sale of land <i>BGU</i> XIV 2398	315
6.5.2	Sale of land <i>P.AdL.</i> 13	316
6.5.3	A law of the autonomous city of Alexandria <i>P.Hal.</i> I Col. XI	318
6.5.4	Sale of house and land <i>P.Vind.Sal.</i> 4 recto	321
6.5.5	Gift of a vineyard <i>P.Mich.</i> v 266	323
6.6	The Byzantine era: Greek, Coptic, and Arabic sales (Richter)	325
6.6.1	Greek sale of parts of a house <i>P.Münch.</i> I II	326
6.6.2	Coptic sale of a courtyard <i>P.KRU</i> 6	330
6.6.3	Coptic sale of an estate <i>P.Mon.Apollo</i> 24	332
6.6.4	Late Coptic sale of two rooms <i>P.Lond.Copt.</i> I 673	333
6.6.5	Late Coptic sale of a house <i>P.Teshlôt</i> 2	334
6.6.6	Arabic sale of parts of a house <i>P.Cair.Arab.</i> I 57	336
7	Leases	339
	Introduction	339
7.1	Ptolemaic Demotic land leases (Martin)	345
7.1.1	Demotic lease of temple land <i>P.Brit.Mus. EA</i> 10560	352
7.1.2	Demotic lease of temple land <i>P.Brit.Mus. EA</i> 10230	355
7.1.3	Demotic lease of temple land to a Greek cavalry officer <i>P.Brit.Mus. EA</i> 10597	358
7.1.4	Demotic lease of land from the Roman period <i>P.Tebt.Botti</i> I	361
7.2	Kleruchic land in the Ptolemaic period (Thompson)	363
7.2.1	Extract from the “Revenue Laws” of Ptolemy Philadelphos <i>P.Rev.</i> 36, lines 3–19	364
7.2.2	Extract from official correspondence on deceased cavalrymen <i>P.Hib.</i> I 81, lines 12–18	365
7.2.3	Official correspondence about a military reassignment <i>P.Tebt.</i> I 32	366
7.2.4	A series of royal rulings <i>P.Tebt.</i> I 124, lines 23–45	368
7.2.5	Extract from a Greek land survey <i>P.Haun. inv.</i> 407, lines 33–62	370
7.2.6	Demotic division of family property (docket in Greek) <i>P.Moscow</i> 123, lines 1–2	371
7.3	Greek leases in the Ptolemaic and Roman periods (Rowlandson and Takahashi)	373
7.3.1	Lease of land of the Apollonios estate <i>P.Col.</i> III 54	373
7.3.2	Lease of half a <i>klêros</i> <i>P.Frankf.</i> 2	375
7.3.3	Lease of a house in Alexandria <i>BGU</i> IV III6	377
7.3.4	Sharecropping lease of a vineyard <i>P.Soter</i> 2	379
7.3.5	Application to lease the property of orphans <i>P.Amb.</i> II 85	381

<i>Contents</i>	xiii
7.3.6 Prolonged leasehold of the Kronion family	382
7.3.6a Receipt for rent <i>P.Kron.</i> 27	383
7.3.6b Application to withdraw from lease <i>P.Kron.</i> 29	383
7.3.7 Prodomatic sub-lease of public land <i>W.Chr.</i> 359	384
7.3.8 Lease of fishing rights with receipt <i>P.Turner</i> 25	385
7.3.9 Lease of land <i>P.Fouad</i> 43	386
7.3.10 Lease of a pottery <i>P.Oxy.</i> L 3597	387
7.3.11 Lease of “immortal” goats <i>P.Stras.</i> I 30	388
7.3.12 Lease of land <i>SB</i> XI 10982	389
7.4 The Byzantine era: Greek, Coptic, and Arabic leases (Richter)	390
7.4.1 Coptic <i>misthōsis</i> -lease of a part of a house <i>CPR</i> IV 114	391
7.4.2 Coptic lease of a house, written on an ostrakon <i>O.Crum Ad.</i> 15	392
7.4.3 Greek <i>misthōsis</i> -lease of arable land <i>P.Lond.</i> III 1012	393
7.4.4 Coptic <i>misthōsis</i> -lease of a “waterless aoura” of land <i>CPR</i> IV 117	395
7.4.5 Coptic <i>misthōsis</i> -lease with waterless clause <i>O.Crum VC</i> 33	396
7.4.6 Coptic <i>epitropê</i> -lease with sharecropping agreement <i>BKU</i> I 48	397
7.4.7 Late Coptic lease of a tenancy “without survey” <i>P.Lond. Copt.</i> I 487	398
7.4.8 Arabic lease of a tenancy “without survey” <i>Chrest. Khoury</i> II 29	399
8 Labor	401
Introduction	401
8.1 Ptolemaic (Greek) labor contracts (von Reden)	402
8.1.1 Contract for land clearance <i>P. Cair. Zen.</i> II 59182	405
8.1.2 Labor contract <i>P.Corn.</i> 4	407
8.1.3 Contract for maintenance of irrigation canals <i>P.Petrie</i> III 43 (2) recto Cols. II–III, line 7	408
8.2 Roman and Byzantine labor contracts (Jördens)	410
8.2.1 Contract for labor in an olive mill <i>P.Fay.</i> 91	412
8.2.2 Service contract for a swineherd <i>P.Oxf.</i> 10	414
8.2.3 Work in a tapestry-making workshop secured by an interest-free loan <i>P.Oxy.</i> LXIII 4353	416
8.2.4 Redemption of a sister bound by a service contract <i>P.Coll. Youtie</i> II 92	417
8.2.5 Weaver’s apprenticeship contract <i>P.Oxy.Hels.</i> 29	419
8.2.6 Wet-nursing contract <i>BGU</i> IV 1106	420
8.2.7 Contract for substitution in a liturgy <i>P.Oxy.</i> XXXVIII 2859	422
8.2.8 Contract for services of a flutist at vintage time <i>CPR</i> XVII A 19	424
8.2.9 Contract for transportation of manure <i>P.Col.</i> X 255	425
8.2.10 Lease of labor in a vineyard <i>P.Oxy.</i> XLVII 3354	425
8.2.11 Contract for irrigation of a vineyard <i>P.Grenf.</i> I 58	428
8.2.12 Sharecropping lease <i>P.Lond.</i> V 1694	429
8.3 Dependent labor: the case of the <i>enapographoi geōrgoi</i> (Haug)	430
8.3.1 Contract for vineyard labor <i>P.Oxy.</i> XIV 1692	432
8.3.2 Receipt for a waterwheel <i>SB</i> VI 9503	433

8.3.3	Advance on wages <i>P.Oxy.</i> I 194	435
8.3.4	Deed of surety <i>P.Oxy.</i> XXVII 2478	438
9	Slavery in Greco-Roman Egypt	442
	Introduction	442
9.1	Slaves and slavery in the Ptolemaic period (Scholl)	446
9.1.1	Rules on slaves in lawsuits <i>P.Lille</i> I 29	447
9.1.2	More rules on slaves in a lawsuit <i>P.Hal.</i> I Cols. VIII–IX	449
9.1.3	Registration of households, including houseborn slaves <i>P.Harr.</i> I 61, lines 1–15	450
9.1.4	Extract from a royal ordinance on taxes and fees on slave sales <i>P.Col.</i> I 480, lines 1–22	451
9.2	Slaves and slavery in the Roman period (Straus)	452
9.2.1	Investigation into the death of a slave <i>P.Oxy.</i> III 475	455
9.2.2	Request for the interrogation of a slave (<i>anakrasis</i>) <i>PSI</i> XII 1254	456
9.2.3	Selection of a slave boy (<i>epikrasis</i>) <i>P.Oxy.</i> IV 714	457
9.2.4	House-to-house return with “married” free woman and slave man <i>P.Bru.</i> I 19	459
9.2.5	One-third of a slave is manumitted, two-thirds to be sold <i>P.Oxy.</i> IV 716	460
9.3	Slaves and slavery in the Byzantine period (Rotman)	461
9.3.1	Letter concerning the enslavement of a debtor’s children <i>P.Lond.</i> VI 1915	464
9.3.2	Husband’s letter about his wife, a free person now enslaved <i>SB</i> III 6097	466
9.3.3	Affidavit concerning a woman’s free status <i>SB</i> XVIII 13274	467
10	The judicial system in theory and practice	470
	Introduction	470
10.1	Ptolemaic justice (Mélèze Modrzejewski)	471
10.1.1	A sentence of the <i>chrématistai</i> <i>P.Eleph. Wagner</i> I	473
10.1.2	Petition concerning usury and illegal detention <i>P.Col.</i> IV 83	473
10.1.3	Trial in Krokodilopolis <i>P.Petrie</i> III 21g + <i>P.Gur.</i> 2	475
10.1.4	<i>Chrématistai</i> and <i>laokritai</i> <i>P.Tebt.</i> I 5, lines 207–20	476
10.2	The <i>Politeuma</i> (Mélèze Modrzejewski)	477
10.2.1	“Citizens” and “strangers” <i>P.Polit.Jud.</i> 1	478
10.2.2	Juridical function of the oath <i>P.Polit.Jud.</i> 3	479
10.2.3	Unhappy bridal arrangement <i>P.Polit.Jud.</i> 4	480
10.2.4	A <i>politeuma</i> of the Idumaeans at Memphis <i>OGIS</i> 737	481
10.3	Roman litigation: reports of court proceedings (Palme)	482
10.3.1	Court proceedings: trial before a <i>stratêgos</i> about baby-snatching <i>P.Oxy.</i> I 37	487
10.3.2	Court proceedings: trial before a <i>stratêgos</i> about a loan and mortgage <i>P.Fam.Tebt.</i> 19	489

Contents

xv

10.3.3	A centurion as <i>iudex datus</i> in an intestate inheritance <i>P.Mich.</i> III 159	492
10.3.4	Petition to a centurion <i>P.Mich.</i> III 175	494
10.3.5	Prefect's edict limiting access to military courts <i>P.Oxy.</i> VIII 1101	498
10.3.6	Bilingual report of proceedings before the military court of a <i>dux P.Oxy.</i> LXIII 4381	499
10.4	Criminal procedure in the Roman period (Keenan)	502
10.4.1	Petition about a violent attack <i>P.Oxy.</i> LI 3620	503
10.4.2	Application for an official medical examination <i>P.Oxy.</i> LXI 4122	504
10.4.3	Doctor's report <i>P.Oslo</i> III 95	505
10.4.4	Warrants	506
10.4.4a	Warrant <i>P.Oxy.</i> I 64	507
10.4.4b	Warrant <i>P.Oxy.</i> I 65	508
10.4.4c	Warrant <i>BGU</i> XVII 2701	508
10.4.5	Bilingual report of judicial proceedings <i>P.Lips.</i> I 40	508
10.4.6	Governor's edict on physical punishment <i>P.Oxy.</i> IX 1186	516
10.5	Clerics as arbiters in Christian Egypt (Schmelz)	517
10.5.1	Bishop's decision about missing Christian books <i>P.Lips.</i> I 43	523
10.5.2	Decision of the priest Sereu <i>P.Münch.</i> I 14, lines 34–41	525
10.5.3	Woman's letter to her spiritual father <i>O.Vind.Copt.</i> 258	526
10.5.4	Conflict about a marriage <i>SB</i> IV 7449	527
10.5.5	Arbitration by a bishop <i>BKU</i> II 318	528
10.6	Monks as mediators in Christian Egypt (Kotsifou)	530
10.6.1	Letter for a prisoner's release <i>O.Crum Ad.</i> 27	535
10.6.2	Request from the villagers of Nesoi <i>P.Neph.</i> 19	535
10.6.3	Widow's petition to Apa John <i>P.Herm.</i> 17	536
10.6.4	Letter from an imprisoned recruit <i>P.Herm.</i> 7	537
10.6.5	Letter concerning a prisoner's release <i>P.Mon.Epiph.</i> 167	538
	<i>Concordance</i>	541
	<i>Suggested reading for introductions to papyrology in English</i>	552
	<i>Glossary of technical terms</i>	553
	<i>Works cited</i>	562
	<i>Index</i>	599

List of figures

1	Loan of money. <i>P.Cair.Zen.</i> 1 59001. © Heidelberger Gesamtverzeichnis der griechischen Papyrusurkunden Ägyptens. Image from www.papyri.info	page 36
2	New <i>cheirographon</i> <i>P.Sakaon</i> 64. © Heidelberger Gesamtverzeichnis der griechischen Papyrusurkunden Ägyptens. Image from www.papyri.info	48
3	Family tree of Apollonia alias Senmonthis, wife of Dryton	102
4	Demotic house sale. <i>P.Brit.Mus.</i> 262 / <i>P.Lond.</i> 262. By permission of the British Library Board	112
5	Military diploma. <i>T.Duk.</i> inv. 2. Duke collection	127
6	<i>Testamenta, mesiteiai</i> and <i>diathékai</i> – distribution over time	148
7	The “multi-nuclear” family tree of Didymos son of Kallinikos and his three former wives (Tebtunis, AD 150–205/6)	156
8	Number of papyri per decade, AD 181–340, in which women appear acting with and without guardians	179
9	Will of cavalry officer. <i>P.Dryton</i> 2	208
10	Demotic land sale. <i>P.Brit.Mus. Andrews</i> 28 / <i>P.Brit.Mus. EA</i> 10392. By permission of the Trustees of the British Museum	283
11	Sale of a loom. <i>P.Oxy.</i> xiv 1705. © Heidelberger Gesamtverzeichnis der griechischen Papyrusurkunden Ägyptens. Image from www.papyri.info	312
12	Martha’s family	468
13	Warrant for arrest. <i>P.Oxy.</i> 1 64. © Heidelberger Gesamtverzeichnis der griechischen Papyrusurkunden Ägyptens. Image from www.papyri.info	508

List of contributors

BARBARA ANAGNOSTOU-CANAS
CNRS, Paris

ANTTI ARJAVA
Secretary General, Finnish Cultural Foundation
Senior Lecturer
Institutum Classicum
University of Helsinki

ROGER S. BAGNALL
Professor of Ancient History and Leon Levy Director
Institute for the Study of the Ancient World
New York University

WILLY CLARYSSE
Emeritus
Department of Ancient History
KU Leuven

MARK DEPAUW
Head of Ancient History
KU Leuven

BRENDAN HAUG
Department of Classical Studies
The University of Michigan

ÉVA JAKAB
Chair, Department of Roman Law
University of Szeged

xviii

List of contributors

ANDREA JÖRDENS

Institut für Papyrologie
Universität Heidelberg

JAMES G. KEENAN

Professor of Classical Studies
Loyola University Chicago

CHRYSI KOTSIFOU

Polonsky Postdoctoral Fellow
Van Leer Jerusalem Institute

CLAUDIA KREUZSALER

Austrian National Library
Department of Papyri

THOMAS KRUSE

Senior Research Scholar
Austrian Academy of Sciences
Institute for the Study of Ancient Culture
Division Documenta Antiqua

FRANÇOIS LEROUXEL

Maître de conférences
Université Paris IV
Paris Sorbonne

MYRTO MALOUTA

Lecturer in Greek Papyrology
Ionian University
Corfu, Greece

J. G. MANNING

The William K. and Marilyn M. Simpson Professor
of History and Classics
Yale University

†TOMASZ MARKIEWICZ

Department of Papyrology
Institute of Archaeology
University of Warsaw

CARY J. MARTIN

Honorary Research Associate

List of contributors

xix

Institute of Archaeology
 University College London

JOSEPH MÉLÈZE MODRZEJEWSKI
 Professor Emeritus of Ancient History
 Directeur d'études à l'École pratique des hautes études, Paris

BRIAN P. MUHS
 Associate Professor of Egyptology
 The Oriental Institute
 The Department of Near Eastern Languages and Civilizations,
 and the College at the University of Chicago

BERNHARD PALME
 Professor of Ancient History and Papyrology
 University of Vienna

PROF. DR. T. SEBASTIAN RICHTER
 Fakultät für Geschichte, Kunst- und Orientwissenschaften
 Ägyptologisches Institut
 Universität Leipzig

YOUVAL ROTMAN
 Senior Lecturer
 Department of Jewish History
 Tel Aviv University

JANE ROWLANDSON
 Department of Classics
 King's College London

HANS-ALBERT RUPPRECHT
 Emeritus
 FB Rechtswissenschaften
 Philipps-Universität Marburg

GEORG SCHMELZ
 Institut für Papyrologie
 Universität Heidelberg

REINHOLD SCHOLL
 Professor of Ancient History
 Universität Leipzig

JEAN A. STRAUS

Senior Lecturer
Université de Liège

RYOSUKE TAKAHASHI

Lecturer in History
Kawamura Gakuen Woman's University
Abiko, Japan

DOROTHY J. THOMPSON

Fellow of Girton College
University of Cambridge

JAKUB URBANIK

Chair of Roman and Antique Law
Faculty of Law and Administration
University of Warsaw

KATELIJN VANDORPE

Professor of Papyrology and Ancient History
KU Leuven

SITTA VON REDEN

Professor of Ancient History
University of Freiburg

URI YIFTACH-FIRANKO

Senior Lecturer
Department of Classics
Hebrew University

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*

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)

Preface

xxiii

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 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.

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.

Calendars

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

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:

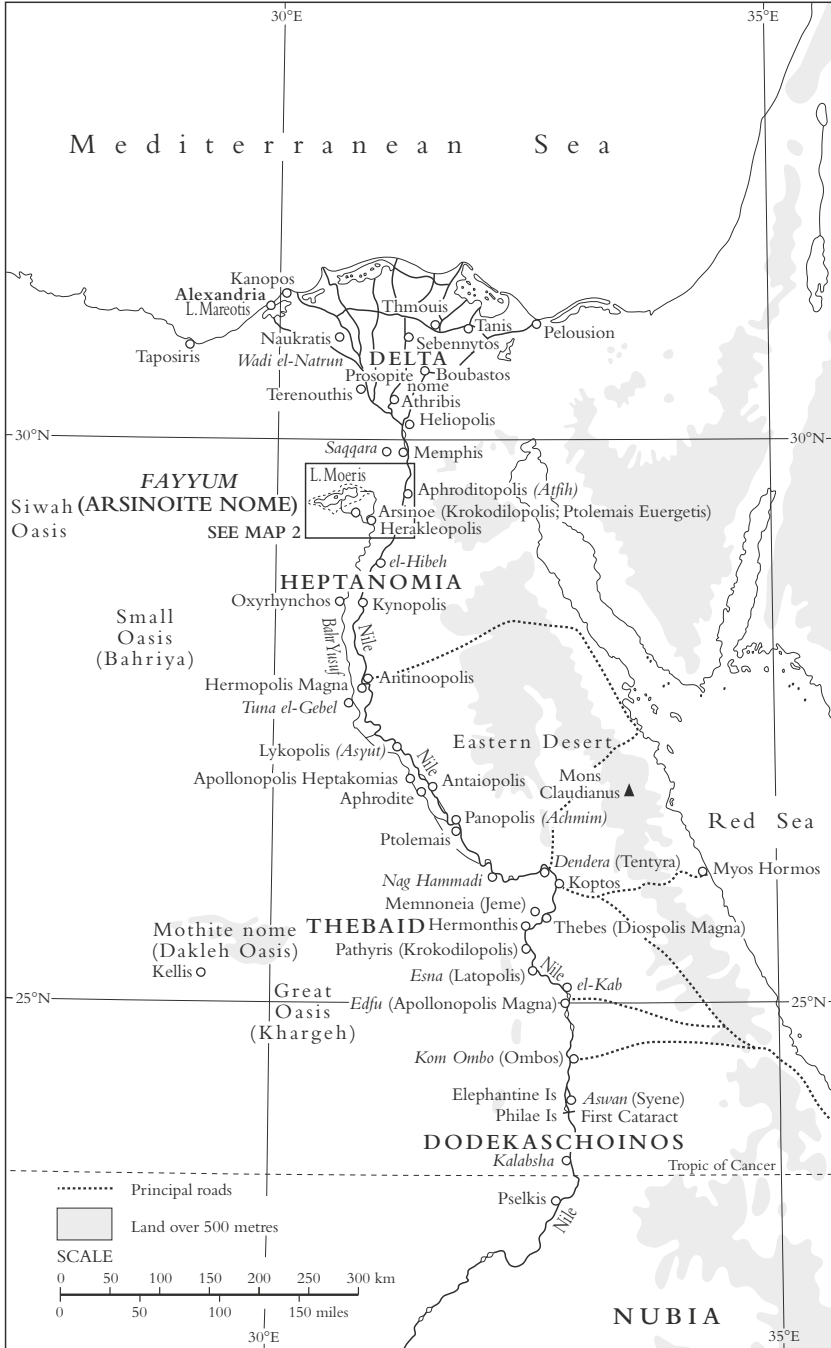
<i>CTh</i>	<i>Codex Theodosianus</i> .
DDBDP	Duke Databank of Documentary Papyri. See now: http://papyri.info/
DDD III	S. Lippert and M. Schentuleit, <i>Demotische Dokumente aus Dime</i> , vol. 3: <i>Urkunden</i> . Wiesbaden, 2010.
FIRA I	<i>Fontes Iuris Romani Antejustiniani, pars prima: Leges</i> , 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.

List of abbreviations

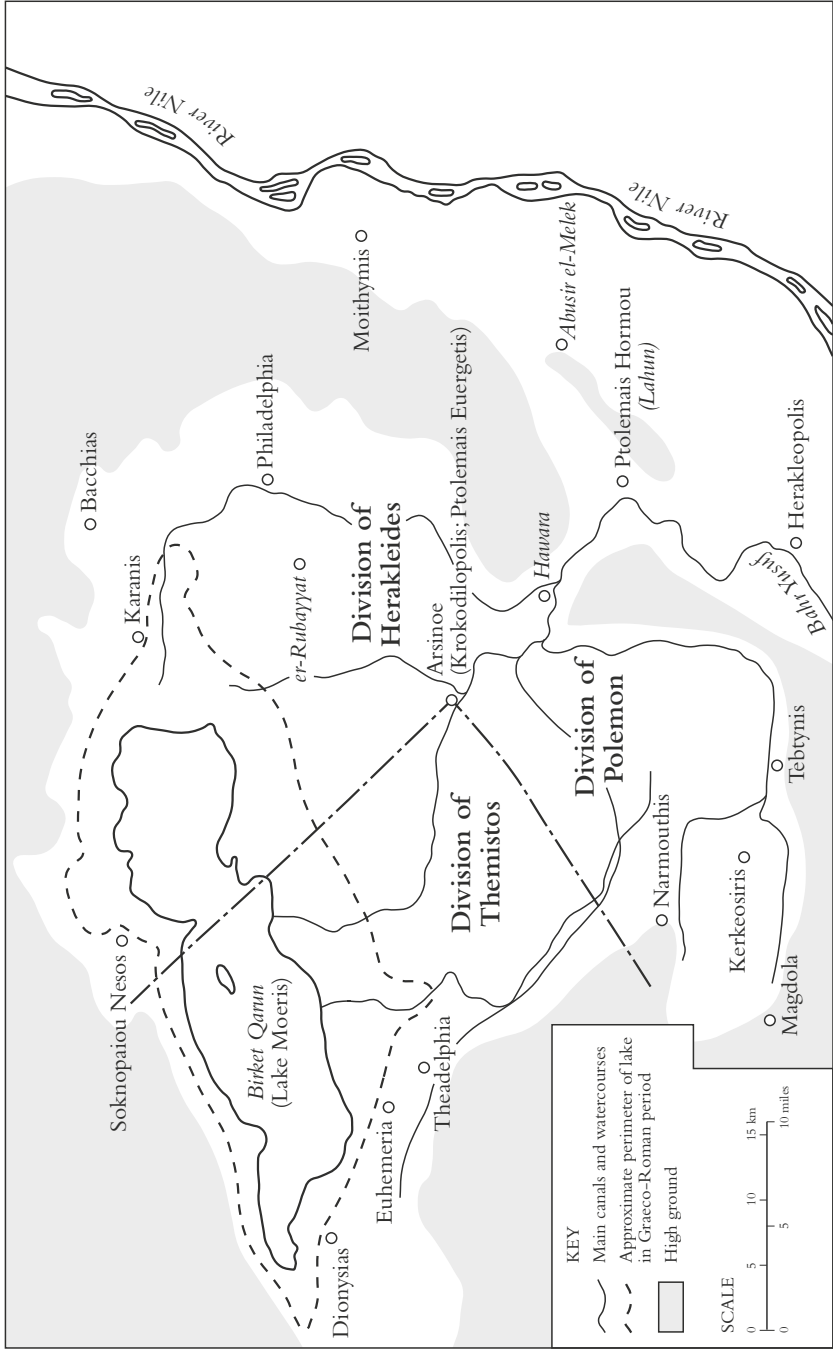
xxvii

- | | |
|----------------------|---|
| 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 Papyrskunde</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. |
| TAPA | <i>Transactions of the American Philological Association</i> . Baltimore. |
| UPZ | Ulrich Wilcken, <i>Urkunden der Ptolemäerzeit (Altere funde)</i> . 2 vols. Berlin, 1927–1937. |
| ZSS | <i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung</i> . Weimar. |

Cambridge University Press
 978-0-521-87452-6 — Law and Legal Practice in Egypt from Alexander to the Arab Conquest
 Edited by James G. Keenan, J. G. Manning, Uri Yiftach-Firanko
 Frontmatter
[More Information](#)



Map 1. Egypt, showing key sites of papyrus finds



Map 2. The Fayyum (Arsinoite nome)