

**PROPERTY LAW IN ROMAN EGYPT IN THE LIGHT OF THE POPYRI:  
SAFEGUARDING WOMEN'S ECONOMIC INTERESTS**

**by**

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## **AUTHOR'S DECLARATION**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

## **ABSTRACT**

This study looks at the role of women in the economic environment of Roman Egypt in the light of the papyri. By examining marriage and inheritance documents from the first three centuries, the study shows that marital and inheritance laws and customs in Roman Egypt were made to protect women's interests when it came to ownership and possession of property, which is one of the main reasons why women played such a prominent role in Egypt's economic environment.

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## INTRODUCTION

From the sixth century BC, Egypt was constantly under the control of foreign powers, a circumstance which created an environment of great cultural diversity.<sup>1</sup> When the Greek writer Herodotus visited Egypt in the mid-fifth century BC, the land was part of the Persian Empire.<sup>2</sup> The native Egyptians were not content to be under Persian rule, so in 332/331 BC, when Alexander the Great defeated the Persians and conquered the country, the Egyptian populace welcomed the Macedonians and, most significantly, received Alexander as a liberator.<sup>3</sup> After the death of Alexander in June of 323 BC, a struggle among his generals to take control of his empire followed; after much contention, Egypt fell under the control of Ptolemy son of Lagos.<sup>4</sup> Power over the country remained with the Ptolemaic dynasty until the first century BC. After Julius Caesar's death in 44 BC, Cleopatra's alliance with and possible marriage<sup>5</sup> to Mark Antony was not well received by Octavian; it was clear that by marrying the Queen of Egypt, Mark Antony had obtained command of a land wealthy both in resources and man-power.<sup>6</sup> A war

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<sup>1</sup> With the exception of periods of time during which the native Egyptians managed to re-establish control of the country – this happened in the following years: 487-485, 450, and from 404 until the late 340s (Rowlandson, 1998, 3; Shipley, 2000, 233). Even before the rule of foreign power, in the seventh century, Egypt was known for its close contact with other civilizations in the Mediterranean, such as Greece. By the mid-sixth century BC, according to Herodotus, the Egyptian Pharaoh Amasis had already given the town of Naukratis to Greeks to live in it (2.178).

<sup>2</sup> Rowlandson, 1998, 3; Shipley, 2000, 233. For a detailed description of Egypt during that time see Hdt., Histories 2.35-50.

<sup>3</sup> D.S. 17.49.2; cf. Bosworth, 1988, 70, 234; Rowlandson, 1998, 4.

<sup>4</sup> Lewis, 1999, 10; Rowlandson, 1998, 5.

<sup>5</sup> Cf. Ager, 2013, 139-153. Despite the *communis opinio* that a wedding took place between Cleopatra and Mark Antony, Sheila Ager puts forth a persuasive argument that they were actually never married, showing that ancient evidence for a marriage is inconsistent and that for a public wedding nonexistent.

<sup>6</sup> Lewis, 1999, 13-14; Rowlandson, 1998, 10; Shipley, 2000, 193-194.

between Octavian and Antony for control of Egypt was, therefore, inevitable, since the land was of special interest to Rome, both commercially and politically.<sup>7</sup> The Roman province of Egypt was finally established years later, after Octavian defeated Mark Antony and Cleopatra's naval forces in the battle of Actium in 31 BC.<sup>8</sup> It was with these simple five words that he described this significant triumph in his political testament *Res Gestae Divi Augusti*: "*Aegyptum imperio populi Romani adieci.*"<sup>9</sup>

By the time Egypt was annexed to the Roman empire, the province was thriving with a variety of peoples and cultures, the most prominent of which were the native Egyptians, the Greeks, and the Romans. This thesis will be dedicated to the topic of women, property-law, and custom in the light of the papyri from Roman Egypt from the first three centuries. Through the study of papyri as my main sources of evidence, I will attempt to demonstrate how marital and inheritance laws and customs, in particular, were made to protect women's interests when it came to possession and ownership of property. I will argue that the mere fact that women in Roman Egypt were allowed to own and manage property in their own right is one of the main reasons why women played such a prominent role in the economic sphere. Greek customs will feature prominently throughout this study, and the interaction and mutual influence of Hellenic law with Egyptian and Roman law and custom will also be observed and remarked upon.

The legal system of Roman Egypt was very complex and it operated under three separate civil courts: Greek, Egyptian, and Roman; the Greek and Egyptian courts were not, however, mutually exclusive, and individuals could choose to act under whichever court they wished,

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<sup>7</sup> Lewis, 1999, 12.

<sup>8</sup> Lewis, 1999, 14; Rowlandson, 1998, p.10; Shipley, 2000, 213.

<sup>9</sup> 27.1.

choosing that which would be most beneficial to them and their case.<sup>10</sup> During the Ptolemaic period, the legal system was divided into two courts of law, the Egyptian and the Greek – those who fell under the status of “Egyptian” operated under the former, and those who were considered “Greek” operated under the latter;<sup>11</sup> these legal systems, however, were not exclusive to one another and existed to meet the needs of both the native Egyptian population (whose legal procedures were still conducted in Demotic) and the Hellenic population.<sup>12</sup> After the Roman conquest, neither the Egyptian nor the Greek laws were suppressed; rather, they were combined into a Graeco-Egyptian law, and although it was used in contracts (especially those concerning marriage, inheritance, and other matters of private law), it had no legal standing in Roman courts.<sup>13</sup> Each of these courts conducted their business according to their native law, but it is important to note that, for example, there was no unified system of Greek law, meaning that laws varied from Greek city to city (such as Alexandria, Ptolemais, Naukratis, and later Antinoopolis); moreover, the Greek law used in the Egyptian *chora* was also different.<sup>14</sup>

In the second century AD, a new code appeared, ὁ τῶν Αἰγυπτίων νόμος, remnants of Ptolemaic and Egyptian law, which applied to the entire population of Egypt with the exception of those living in the self-governing Greek cities, who continued to make use of their own legal systems.<sup>15</sup> Yiftach-Firanko believes that the new code was created in order to make native, provincial practices all the more accessible to Roman judges, since it recorded practices of both

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<sup>10</sup> Jordens, 2012, 61-64; Lewis, 1999, 186-187; Taubenschlag, 1944, 5-6, 8, 27.

<sup>11</sup> Capponi, 2005, 59.

<sup>12</sup> Bowman, 1986, 61.

<sup>13</sup> Capponi, 2005, 55, 57.

<sup>14</sup> Rowlandson, 1998, 11, 155; Tacoma, 2012, 123.

<sup>15</sup> Capponi, 2005, 57; Hobson, 1993, 195; Taubenschlag, 1944, 2, 5-6.

Egyptian and Greek origins.<sup>16</sup> Egyptian and Greek legal practices continued to be used particularly in cases related to private law; in cases related to public laws, Roman legal practices were more predominant.<sup>17</sup> After AD 212, of course, when all inhabitants of the Roman empire were granted citizenship through the *Constitutio Antoniniana*, private Roman law also applied to those of Greek and Egyptian origin. It appears, however, that on the whole Roman law had limited influence in Egypt in the first three centuries; it is only after the reign of Constantine that increased evidence of the influence of Roman law on Egypt's native law can be observed.<sup>18</sup> It is important to note, however, that this work is not intended to be a contribution to the history of law in Roman Egypt, but it is to be seen rather as a piece of social history; certain legal texts, laws, and norms, nevertheless, will be briefly discussed throughout it when relevant.

Regardless of the legal system governing their lives, there were particular expectations for women: marriage and providing the family with heirs. With these, of course, were associated many legalities: marriage contracts and settlements, providing daughters with dowries, the making of wills, and providing children with inheritances, acts which were most often carried out in order to provide descendants with economic security for the future. The first two chapters of this thesis will explore the means by which women in Roman Egypt were able to acquire property, both movable and immovable, and to what extent they were able to claim ownership of it. More specifically, in the first chapter the institution of marriage and the dotal system in Roman Egypt will be examined through the study of marriage contracts, dowry settlements and

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<sup>16</sup> Yiftach-Firanko, 2009, 552.

<sup>17</sup> Capponi, 2005, 55.

<sup>18</sup> Cf. Maehler, 2005, 137; Wolff, 1974, 104 (quoted and translated in Maehler, 2005, 140): “notwithstanding the intrusion of a number of substantive elements of Roman law, the Romanization of the law practiced in Egypt was never more than a superficial varnish, right down to the end of Byzantine rule.”

receipts, as well as the way women's rights to the possessions acquired through their dowry may have been affected by the act of divorce or the death of their spouses. In chapter two, the writing of wills and inheritance will be discussed, focusing on the active role of women in the writing of wills, as well as their noteworthy presence as beneficiaries. The third and final chapter will deal with the results of these property laws and customs: women's prominent roles as owners of agricultural land, real estate, and other assets. Their active participation in the economy, moreover, will be discussed, whether that was through their management of property, or through their active role in private business transactions, such as leases, sales and purchases, and loans.

The role of women in antiquity has long been a popular scholarly subject. Over the years abundant materials have dealt with various aspects of women's lives and roles mainly in Greece and Italy, dealing with topics ranging from their legal status to their roles in the private and public spheres. The subject of women in Roman Egypt, however, has not always been the focus of much thorough study, particularly when dealing specifically with their legal rights and how these allowed them to play a prominent role in the economic sphere. Sourcebooks focusing on the life of women in Roman Egypt have been published, such as Rowlandson's 1998 *Women & Society in Greek and Roman Egypt* and Bagnall and Cribiore's 2006 *Women's Letters from Ancient Egypt*, but these consist of general overviews of their roles in various aspects of life, both private and public, and do not deal in detail with women's legal status and how laws affected their lives and involvement in the economy. As for the topic of law in Roman Egypt, the most in-depth study was done by Taubenschlag, and his research was first published in 1944 in the framework of his *The Law of Graeco-Roman Egypt in the Light of the Papyri*. His research, however, does not focus on women, but on the legal system of Egypt as a whole. Indeed, most of

works that deal specifically with women and the law tend to focus on women in mainland Greece and Rome, and evidence for law in Roman Egypt is often mentioned in passing.<sup>19</sup> Research for women's involvement in the economic sphere as land and property owners is more abundant, such as Hobson's 1983 'Women as property owners in Roman Egypt' and her 1984 article 'The Role of Women in the Economic Life of Roman Egypt: A Case Study from First Century Tebtunis.'<sup>20</sup> Yet, these studies do not tend to go in-depth as to the reasons why women had such a great amount of control over their property and the laws associated with them and why, consequently, they were such active participants in the economic environment of Egypt, particularly regarding their ownership of land and houses. In this thesis, therefore, I wish to provide a more thorough look at why women in Roman Egypt had such great economic power; as mentioned above, this will be done by looking extensively at marriage and inheritance documents and the customs and laws associated with them and how this provided women with extensive freedom to participate in the economy.

### **The Sources**

Documentation of and information on women in the ancient world is not very abundant, mainly due to society's greater interest in the public sphere, which was largely dominated by men. Most of our information about women in Greece and Rome come from literary sources and art, that may or may not be completely accurate because of the fact that, most of the time, these were written and portrayed by men and therefore often provide a biased look at the way women were perceived. For Roman Egypt, however, we are able to get a more personal and in-depth

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<sup>19</sup> Arjava, 1996; Grubbs, 1995; Grubbs, 2002; Levick, 2012.

<sup>20</sup> See also: Pomeroy, 1988; Saavedra, 2002; Sheridan, 1998.

look at society through the examination of the papyrological texts available to us. Many of these texts deal with, or were even written by, women, allowing us to get a first-hand look at their role in society and how they interacted within it. By examining papyrological evidence, alongside literary and historical sources (such as certain law codes and edicts) dealing with women and property law, I hope to prove, as mentioned above, that marital and inheritance laws and customs in Roman Egypt were made to safeguard women's interests when it came to possession of property, something which led to their active participation in the economic sphere.

As previously stated, I will occasionally make use of legal texts when relevant to what I am discussing. The Augustan legislation from the first century will be a significant source; this includes the *lex Julia de maritandis ordinibus* and the *lex Julia de adulteriis*, both from 18 BC, which deal with the regulation of marriages and adultery respectively. The *lex Papia Poppaea*, an additional legislation on marriage modifying the laws from the *lex Julia*, created in AD 9 in response to general discontent from the populace will also be utilized.<sup>21</sup> It is, however, very difficult to distinguish which laws belonged to the original *lex Julia* from 18 BC and which to the later *lex Papia Poppaea*; in marriage contracts from Roman Egypt, for example, the laws are usually referred as the "*lex Julia et Papia Poppaea*."<sup>22</sup> The *Gnomon of the Idios Logos* is another Augustan creation, a collection of *mandata* handed down by Augustus, but revised later to include laws from the early second century.<sup>23</sup> The *Gnomon* contained 115 clauses concerned

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<sup>21</sup> Grubbs, 2002, 84; Mousourakis, 2003, 281. See *D.C Hist. Rom.* 56.1, 10; *Suet. Aug.* 34; *Tac. Ann.* 3.25 for Augustus' response to the complaints concerning his legislations from 18 BC and the consequent creation of the *lex Papia Poppaea*.

<sup>22</sup> Grubbs, 2002, 84.

<sup>23</sup> *Mandata* were a type of imperial constitution addressed to imperial officials in Rome and the provinces, and were the emperor's instructions on certain administrative and judicial issues; these pertained more to public matters, such as court procedures or the administration of justice (Mousourakis, 2003, 286).

with the financial administration of Egypt, and most of them deal with status, marriage, and inheritance.<sup>24</sup> It is important, however, to keep in mind the fact that there is more than one copy of it: the main copy was written after AD 149 and comes from Theadelphia in the Arsinoite nome (*BGU* V 1210),<sup>25</sup> but there is also a copy from the first century (*P.Oxy.* XLII 3014): the latter, however, contains only certain sections of the *Gnomon*, but what it does contain is almost identical in form to the *BGU* 1210 copy. Now, the Oxyrhynchos papyrus appears to have been written in the first century, which could mean that the *Gnomon*, or at least parts of it, already existed in the times of Claudius or Nero.<sup>26</sup> Differences between the copies and later marginal alterations should be noted.<sup>27</sup>

The Emperor Justinian created four major units of Roman law: the *Digest*; the *Code*; the *Institutes*; and the *Novels*, a group known as the *Corpus Iuris Civilis*.<sup>28</sup> In my research, I will make some use of the first three texts, since the *Novels* deal with laws enacted after AD 534, and are therefore not applicable to my thesis.<sup>29</sup> The *Digest* is considered one of the most relevant sources for our knowledge of classical Roman law.<sup>30</sup> It is a compilation of 50 books containing classical legal texts dating to the second and early third centuries. It was put together under the orders of emperor Justinian (reigning from AD 527-565), who bade his legal team read through

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<sup>24</sup> Rowlandson, 1998, 175-176; Mousourakis, 2003, 286.

<sup>25</sup> Rowlandson, 1998, 175.

<sup>26</sup> Maehler, 2005, 135; Rowlandson, 1998, 177.

<sup>27</sup> For example, clause 39, in *P.Oxy.* XLII says: “the children of a Roman man or woman who marries by ignorance an Egyptian follow the lower status.” In the *BGU* copy there is an addition of “or with *astoi* Egyptian.” Rowlandson (1998) believes that this was a later addition, since the writing is “garbled” and does not make much sense (177).

<sup>28</sup> Robinson, 1997, 21, 56; Schiller, 1978, 29 ff.

<sup>29</sup> Schiller, 1978, 29-40.

<sup>30</sup> “Classical” Roman law is defined as running from 31 BC to about AD 235; “late antique” law begins in the 4th century AD. The brief period between AD 235 and 300 is seen as a “liminal area,” since it was a time of much political and social change (Grubbs, 2002, 1).

thousands of legal texts and from them compose a summarized version of the laws that were still valid and useful.<sup>31</sup> This shows us both the continuity of certain laws throughout the centuries (those that were kept for the *Digest*), and the changes which society and the laws underwent, since clearly not all laws remained useful or important enough to be included in the *Digest*. Most importantly, the text is divided into titles for the different topics treated; this is rather helpful since under each title the compilers working for Justinian carefully included the names of the jurists (such as Paul, Ulpian, and Papinian, all living between the first and third centuries) and the works which were being cited, which allows modern scholars to reconstruct juridical works that would have otherwise been completely lost to us.<sup>32</sup>

The final version of the *Justinian Code* was published in AD 529; the texts in the code, however, date back to the second and third centuries.<sup>33</sup> Unlike the *Digest*, the *Code* is a collection of legal enactments by Roman emperors and *subcriptiones*<sup>34</sup> going as far back as Hadrian, who started his rule in AD 117, all the way up to Justinian himself.<sup>35</sup> In terms of challenges associated with this text, the fact that the legal enactments and *subcriptiones* do not explicitly apply to Roman Egypt is relevant, since these texts come from various Roman provinces, including Greece, those in Asia Minor, and the Middle East.<sup>36</sup> Moreover, the actual

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<sup>31</sup> Arjava, 1996, pp.9-10; Grubbs, 2002, 1.

<sup>32</sup> Grubbs, 2002, 2; Robinson, 1997, 21; Schiller, 1978, 35-36.

<sup>33</sup> The first version of the *Code* was published in April 529; this version has not been preserved, but for a list of headings of the closing titles of book one found in *P.Oxy.* XV 1814 (Robinson, 1997, 21; Schiller, 1978, 37). The reasons for the need of a second edition of the *Code* remain uncertain.

<sup>34</sup> The term “*subcriptiones*” refers to answers typically written by emperors on the bottom of petitions; there are in total c.2500 *subcriptiones*, most of which are dated between AD 193 and 305. About a fifth of them are addressed to women (Arjava, 1996, 11; Grubbs, 2002, 3).

<sup>35</sup> Robinson, 1997, 20.

<sup>36</sup> Grubbs, 2002, 3.

petitions to which the *subscriptiones* refer have not been preserved, but their contents can often be discerned through careful reading of the imperial response.<sup>37</sup> Through the study of these *subscriptiones* we are able to learn what issues (private or legal) were particularly concerning to the people of the Empire. The Justinian texts contain relevant information for my thesis, as various books are concerned with topics like the transmission of property, the responsibilities of parents for their heirs, marriage, matters of succession and inheritance, among others.

Another relevant legal source for my research is the *Institutes* of Gaius, which dates back to the second century, and has survived almost in its entirety.<sup>38</sup> This text is extremely relevant, as it supplements our knowledge of the laws that were not included in the *Digest*, as these were no longer valid in Justinian's day. For my research, Gaius' *Institutes* will be of particular importance when dealing with the topic of the guardianship of women (*tutela mulierum*), as this practice seems to have disappeared in the third century and, therefore, there is no mention of it in any of Justinian's legal texts.<sup>39</sup> Moreover, matters of proprietary interest are the focus of two books of the *Institutes*, and these include inheritance of goods, as well as succession both with and without valid wills.<sup>40</sup> However, caution must be exercised in analysing this text, as it is believed that extant manuscripts from the fourth and fifth centuries are full of alterations and supplements added after the time of Gaius.<sup>41</sup>

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<sup>37</sup> Grubbs, 2002, 3.

<sup>38</sup> Only one-tenth of the text remains illegible (Arjava, 1996, 9; Grubbs, 2002, 2; Schiller, 1978, 43-44).

<sup>39</sup> Grubbs, 2002, 24.

<sup>40</sup> Robinson, 1997, 62.

<sup>41</sup> Schiller, 1978, 45; see Schiller's note 20 for list of scholars who have attempted to differentiate the original material from later additions.

Papyrological sources constitute the majority of the evidence used in my research and were compiled by reviewing sourcebooks, handbooks, and, most importantly, electronic archives of papyrology.<sup>42</sup> Papyri can be divided into two different categories: documentary and literary texts.<sup>43</sup> The greater part of the surviving papyri can be classified as documentary, and the majority of these texts are associated with the government and tend to deal mainly with the economic, legislative, and administrative aspects of society.<sup>44</sup> These are the kinds of documents that I have primarily used for my research. There are many legal transactions recorded in papyri, but due to the fickle nature of the material there are relatively few extant papyrological remains recording public law.<sup>45</sup> One of the reasons for this is the fact that not many papyri from Alexandria or the Delta have survived because of the high humidity of the area; this is particularly important, since Alexandria was the center for administrative business, and it is believed that more than two-thirds of the population of Egypt may have lived there during the Roman Period.<sup>46</sup> Fortunately, there is not an absolute lack of documentary evidence from these areas thanks to the travelling of papyri and other means of documentation:<sup>47</sup> *OGIS* 669 is an example of this; the inscription is a copy of an edict from the first century by the prefect Tiberius

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<sup>42</sup> papyri.info is a valuable website and offers links to various papyrological resources; moreover, it has a search engine capable of retrieving information from multiple related collections, such as the Duke Databank of Documentary Papyri (DDbDP), the Heidelberger Gesamtverzeichnis der griechischen Papyrusurkunden Ägyptens (HGV), and Bibliographie Papyrologique (BP). These in turn include papyri from a variety of collections (*P.Duk.inv.*; *P.Oxy.*; *P.Tebt.*; *BGU*; *P.Mich.*; *P.Yale*; etc.). Trismegistos is also an online database containing a vast collection of papyrological texts. Between them, these databases contain nearly 100% of published Greek and Latin documentary papyri in Egypt, and therefore are fairly representative of the papyrological body of texts as a whole.

<sup>43</sup> Gallo, 1986, 46; Schaps, 2011, 238.

<sup>44</sup> Palme, 2009, 361-386.

<sup>45</sup> Robinson, 1997, 70-71. I use the term “public” law to refer to laws dealing mainly with matters of provincial administration as opposed to “private” law, which governed matters such as marriage, inheritance, etc.

<sup>46</sup> Bagnall, 1995, 13; Bagnall and Cribiore, 2006, 22; Turner, 1980, 43.

<sup>47</sup> Turner, 1980, 49.

Julius Alexander, the original text of which, most probably recorded on papyrus, was published in Alexandria. This document contains a regulation concerning marriage, divorce, and dowries, among other things.

Regarding the papyrological evidence I have used in this study, the majority of it consists of texts of a private nature (i.e. not public documents issued by the Roman government), such as marriage and divorce contracts, wills, and sale receipts, from which we can learn not only about the people involved in the transaction and the types of things that people used to buy and sell, but also about customs of inheritance, and the identity of the legal system (Greek, Egyptian, Roman) they were using. I have also made great use of private letters and archives throughout my thesis.<sup>48</sup> These are also classified as documentary texts, and through them we can learn about family life and the daily concerns of a wide variety of people, ranging from slaves and ordinary citizens to high-ranking officials. Letters, moreover, give a direct contact with the thoughts of women, something rarely obtained from other types of evidence.<sup>49</sup> Furthermore, the study of linguistics and paleography in the texts available to us also allows us to date undated papyri, since handwriting styles changed throughout the years and, by following the changing styles, writing patterns, and vocabulary used in texts, an approximate chronology can be established.<sup>50</sup>

While it is very rare to find a large enough body of documents from one single family or environment to grant us a clear sense of who these people were, and what their daily and

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<sup>48</sup> Letters make up 8.8 to 12.8 percent of all documentary papyri; women's letters are 1 percent of the total (Bagnall and Criore, 2006, 19). Archives are defined as collections of papers centered around an individual, a family or an office (Bagnall, 1995, 40; Bagnall and Criore, 2006, 13; Vanderpe, 2009, 217; Verhoogt, 2012, 508).

<sup>49</sup> Bagnall and Criore, 2006, 5. It is important, however, to keep in mind the economic and social standing of the women writing these letters. Most of the letters we have that were written by women were written by those who belonged to elite families (Bagnall and Criore, 2006, 8-9). These women, too, were the ones able to afford the hiring of scribes, so it's important to note that, ironically, those most capable to writing were also the least likely to do so (Bagnall and Criore, 2006, 6).

<sup>50</sup> Lewis, 1999, 7.

professional lives were like, there are a few surviving archives that allow us to get a more in-depth look at what everyday life was like for those discussed in the texts. Such compilations of documents, unlike isolated texts, give us an immediate context, which permits us to familiarize ourselves with the people in these documents, the kind of environment in which they lived, and the people with whom they had different kinds of relationships.

Census or property declarations or returns are also documentary texts I have utilized, particularly in the chapters concerning marriage and women's ownership of property. From these kinds of documents we are able to gain much knowledge concerning society in general, such as the distribution of land and wealth amongst it. Through their analysis, moreover, we can learn much information about households and the individuals therein – their names, sex, relationships, and sometimes even professions, among other things.<sup>51</sup> There are around 300 surviving census returns from Roman Egypt, and although they provide us with some knowledge about some of the population, they constitute only .0016 percent of the original body of material, making it impossible for scholars to carry out a completely accurate and thorough analysis of the Egyptian population.<sup>52</sup>

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<sup>51</sup> Those registered in the census were not always required to provide their occupations, but some did regardless. The occupations we do have, however, are only for adult males, and that is only between 15 and 24 percent of all the adult males in the returns (Bagnall and Frier, 1994, 48; Hopkins, 1980, 316).

<sup>52</sup> Bagnall and Frier, 1994, 40-41; Bagnall, 1995, 82; Hopkins, 1980, 315. It is also important to keep in mind that the data we do have may not be entirely accurate: many of the documents are incomplete due to severe damage; not all of the population was registered, especially those of lower status; the majority of the surviving returns are from the second century, and about three-quarters of them come from the Arsinoite and Oxyrhynchite nomes; moreover, 50.2 percent of the returns containing useable information on household residents are from the *metropoleis* of nomes, while 49.5 percent of the personal entries are metropolitan, meaning that villages are underrepresented, particularly since they might have had a total population at least twice as large as that of the *metropoleis* (Bagnall and Frier, 1994, 49; Shaw, 1992, 277-279). Although these are important issues of which we need to be aware, it does not mean that the returns are completely unreliable: Bagnall argues that these documents are still largely usable since they include enough people from the lower levels of society, meaning that the social bias is not extreme; he also notes that there is no reason to assume that the population from the second century differed much from those of other centuries; and, finally, that there is no reason to believe that the people from the Arsinoite or Oxyrhynchite nomes were much different from those belonging to other nomes (Bagnall, 1995, 82-83).

Because of the multi-cultural environment of Egypt, it is also important to take into account the different languages used in the papyrological texts, and the biases associated with them. In Egypt, language had achieved written form long before Greek, in the form of hieroglyphics;<sup>53</sup> this script was still somewhat used in the Ptolemaic and Roman periods, although mainly for temple inscriptions and the graves of relevant people, since those trained to write and understand it were but a few and, consequently, the script became quite obscure.<sup>54</sup> From hieroglyphics, a cursive script known as demotic developed, which was mainly used by professional scribes and high-ranking officials for legal transactions and administrative purposes; by the early Roman period, however, there was a great decline in its use, both in the public and private spheres of society.<sup>55</sup> In the late Roman period, after years without a written version of the Egyptian language, a new script was developed by the name of Coptic; this writing system used both the Greek alphabet with added signs from demotic script in order to better represent the sound of Egyptian letters, as well as a large number of Greek words to supplement the Egyptian vocabulary.<sup>56</sup> Coptic papyrology, however, has advanced at a much slower pace than Greek, meaning that fewer Coptic texts have been translated and analysed.<sup>57</sup>

Most surviving documents available to us from Roman Egypt, however, are written in Greek. The Greek sources, therefore, can often mislead readers by giving an entirely Hellenistic appearance, since the authors of these texts often appear to maintain an unchanged, typical

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<sup>53</sup> Gallo, 1986, 3.

<sup>54</sup> Depauw, 2012, 493; Fournet, 2009, 430; Hoffmann, 2012, 545.

<sup>55</sup> Bagnall, 1995, 18-19; Depauw, 2012, 493-494; Rowlandson, 1998, 13.

<sup>56</sup> Bagnall, 1995, 19; Depauw, 2012, 498; Fournet, 2009, 431; Rowlandson, 1998, 14.

<sup>57</sup> Bagnall and Criboire, 2006, 23; Fournet, 2009, 430; Schaps, 2011, 237.

Greek life and tradition.<sup>58</sup> Furthermore, Greek was the official language used in administrative documents, as well as by the elite culture in Egypt, meaning that we also need to be aware of a social bias when reading certain documents.<sup>59</sup> Conversely, Coptic documents tend to portray a society where Greeks are almost totally assimilated within the Egyptian society.<sup>60</sup> It is only in the rare occasions when both languages are combined that we are able to gain a greater understanding of the way that Greeks were integrated into the Egyptian society, and the ways they interacted with each other. Of course, Latin is also present in our papyrological record, even though its use was scarce;<sup>61</sup> in Egypt Latin was the language of the central administration when dealing with Roman citizens and we mainly see it being used in verdicts of judicial hearings and documents concerning Roman military matters and Roman citizenship.<sup>62</sup> Of course, documents dealing with more private matters, such as marriage, dowries, and birth certificates are also found among the Latin texts.<sup>63</sup> For my research, I will be looking mainly at Greek and Latin

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<sup>58</sup> Bagnall, 1995, 50.

<sup>59</sup> Benaissa, 2012, 527; Lewis, 1999, 16; Renner, 2009, 282; Rowlandson, 1998, 13.

<sup>60</sup> Bagnall, 1995, 50.

<sup>61</sup> There are only 794 surviving papyri written in Latin for the years 30 BC to AD 300 as compared to 36,221 Greek texts for the same time period (Evans, 2012, 516).

<sup>62</sup> Evans, 2012, 517; Rowlandson, 1998, 13. Documents concerning Roman citizenship, such as birth certificates or wills, are often accompanied by Greek translations (Depauw, 2012, 501).

<sup>63</sup> *P.Mich.* VII 434 is an example of a marriage contract from the second century; in it we see a non-Roman woman (by the name of Zenarion) marrying a Roman man. We learn about her vast dowry, the contents of which she seems to have inherited from her father. This document is particularly significant as it alludes to the *Lex Julia de maritandis ordinibus* of 18 BC. *P.Mich.* VII 444 is another example of a marriage contract; it is important to note that this particular document contains a Greek translation. *P.Mich.* VII 442 is an example of a contract dealing with the dowry and children of a certain Demetria after her marriage with a Roman man was made invalid because of his enlistment in the army. *C.Pap.Lat.* 156 is an example of a registration of the birth of a girl to Roman parents in Alexandria in the year AD 148. The registration of the birth of infants was required of all Roman citizens (Rowlandson, 1998, 90). *P.Mich.* III 169 is another registration from the mid-second century, but this particular one comes from Karanis and is written by a Roman woman acting with a guardian on her behalf; the identity of the father of her infant twin is declared as “uncertain.” Some of these documents will be further discussed in the following chapters.

papyri, but I will also look at Demotic and Coptic texts in translation, as only by including all of the different languages can I hope to reflect the complexity of the cultural interaction of Egypt.

Indeed, there are many limitations with which one must deal when using literary and papyrological evidence: issues of internal consistency, geographical, chronological, and linguistic inconsistencies and problems are only a few difficulties which scholars ought to keep in mind when examining these documents. Nonetheless, these limitations do not diminish the usefulness of papyri as evidence. Through the study of different kinds of papyrological evidence, such as texts dealing with public, governmental issues, and documents of a private nature, we can obtain, to a moderate extent, a precise and accurate reconstruction of both the public and private spheres of Roman Egypt, which can then be combined with the knowledge obtained from the legal texts themselves. To gain knowledge about other parts of the empire, we are mostly forced to rely on literary texts, epigraphical, and archaeological materials in order to try to reconstruct the way in which people in those provinces lived; for Roman Egypt, however, papyri provide for us a unique, first-hand look at their society as a whole, something which is very rare.

**CHAPTER 1:**  
**MARRIAGE AND THE DOWRY**

Soon after puberty, girls entered into a new phase in life: marriage. Similarly to ancient Greece and Rome, women in Egypt tended to marry at a fairly young age. Marriage was a central event in girls' lives, an event for which they had been prepared for much of their early lives: girls lived at home and were usually trained by their mothers in various activities such as spinning, weaving, preparing food, and managing the household, in preparation for their lives as future wives.<sup>64</sup> This chapter will examine the institution of marriage and the roles of women within, and will be divided into two sections. The first will be a general overview of marriage, dealing with the age and ways in which women could enter marriage and, most significantly, the different kinds of unions found in the society of Roman Egypt: exogamous and endogamous marriages in the light of the documentary papyri. The advantages and disadvantages such unions brought about for those involved will be briefly discussed. The second section of this chapter will center around the dotal system of Roman Egypt and its three components: the *phernê*, the *parapherna*, and the *prosphora*, through which women were able to acquire all kinds of property. The regulations concerning each category will be examined in detail. The consequences brought about by divorce or the death of a spouse will also be studied closely.

The topic of marriage in Roman Egypt has attracted much scholarly attention, specially when it comes to the wide-spread cultural phenomenon of sibling marriage.<sup>65</sup> The marriage

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<sup>64</sup> Huebner, 2009, 151.

<sup>65</sup> Gonis, 2001; Hopkins, 1980; Huebner, 2007; Remijsen and Clarysse, 2008; Rowlandson and Takahashi, 2009; Shaw, 1992; Scheidel, 1997.

document in itself has not, however, attracted as much attention amongst modern scholars, and most of those who deal in detail with these documents, tend to concern themselves with a range of issues associated with the institution of marriage and the family, rather than with the legal specifics of the documents and how those involved were affected by such legalities.<sup>66</sup> In 2003 Yiftach-Firanko published his dissertation that focused on the Greek marriage document as the main source of evidence for the legal nature of matrimony. In this study, he analyses the wording, as well as the application of the different provisions in these documents. My research for this chapter heavily relies on Yiftach-Firanko's study, particularly when dealing with Greek marriage customs; from the wealth of material he provides, I was able to derive from it the ways in which property could be transferred into the hands of women and how certain provisions were applied in order to safeguard women's economic interests.

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<sup>66</sup> Meleze-Modrzejewski, 1983; Montevecchi, 1936; Wolff, 1939.

## **i. Marriage**

Once women entered into a union, they were expected to display certain behaviours and possess certain virtues. There are, in fact, a series of letters written by women, to other women, which describe the behaviour that was expected from a respectable woman. In one of the letters a certain Melissa writes to another woman to give her advice on the “virtuous accomplishments” of women:

The prudent and free woman should dwell with her lawful husband, embellished by her quietness, pure white and clean with her clothing, simple but not expensive... The free and prudent woman should look shapely to her own husband, but not to her neighbour... For the prudent woman ought not to direct her love of beauty toward lavish expenditure on her dress or her body, but on good management of her household and preservation of her family... She should please her own husband... by carrying out his wishes...<sup>67</sup>

Such behaviours and virtues were extremely significant, since a woman’s behaviour was thought to affect the honour of the men connected to her, such as her father, her husband(s), and her brother(s).<sup>68</sup>

Demographic data suggests that the majority of women living in villages tended to get married when they were in their mid- to late teens, while metropolite women often waited until their late teens; indeed, by the age of twenty, about 60 per cent of women were already married, and by their late twenties, almost all free women had been married at least once in their life.<sup>69</sup> An

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<sup>67</sup> *P.Haun*. II 13 (third century AD).

<sup>68</sup> Bagnall, 1993, 188.

<sup>69</sup> Bagnall & Frier, 1994, 111-117; Grubbs, 1995, 144; Malouta, 2012, 291. Very young brides of twelve and thirteen years of age are known to scholars; however, such cases seem to have been rare (Bagnall & Frier, 1994, 112; Rowlandson, 1998, 84).

age gap of three to thirteen years between husband and wife was very common.<sup>70</sup> As in other societies at that time, early marriage was considered to be extremely important. Not only was early marriage a means of optimising women's fertility in a society with a high mortality rate, but it was also a way to ensure that the young bride would still be a virgin, something of extreme importance in ancient societies, where the paternity of children was important in regard to laws of inheritance and status.<sup>71</sup> Society in Roman Egypt, unlike other Graeco-Roman societies at that time, had very different moral and legal traditions regarding marriage; indeed, both the creation of a marriage and its end, if the couple decided to divorce, occurred with little involvement from the government, a tradition that was Egyptian in origin.<sup>72</sup>

When the Greeks took control of Egypt in 332/331 BC under the leadership of Alexander the Great, they encountered a people with long-established customs; the Greeks who settled there kept their own culture and customs, but there was an unavoidable mutual influence between both cultures in regards to certain customs, such as marriage and the dotal system. This intermixing of customs continued in Roman Egypt, where cohabitation was the normal sign of marriage;<sup>73</sup> in fact no ceremony, legal documents, or consummation were necessary to make a union legal – such marriages were called ἄγραφοι γάμοι.<sup>74</sup> This does not mean, however, that we have no documentary evidence of such things. Various invitations for the celebration of marriages have survived, most of which come from *metropoleis*; this could mean that wedding

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<sup>70</sup> Bagnall, 1993, 189; Bagnall, 2007, 189; Montserrat, 1996, 81-82; Rowlandson, 1998, 84.

<sup>71</sup> Montserrat, 1996, 81.

<sup>72</sup> Bagnall & Frier, 1994, 111.

<sup>73</sup> This was a Roman custom too, but can also be traced back to Ancient Egypt; cf. Pestman, 1961, 50-51.

<sup>74</sup> Bagnall, 1993, 188; Malouta, 2012, 289; Montserrat, 1996a, 92; Taubenschlag, 1955, 87; Yiftach-Firanko, 2003, 81. Cf. *Digest* 23.2.24: "Cohabitation with a free woman is to be considered marriage not concubinage, unless she is a prostitute."

celebrations either were mainly a Greek or Roman custom, or that they were rather expensive, and only those who could afford it, usually elite Greeks and Romans, were able to celebrate marriages with elaborate events.<sup>75</sup>

Moreover, even though official documents were not at all required to legalize a union, marriage agreements have been found, as most *ἄγραφοι γάμοι* of the Roman period were usually supplemented by financial deeds or agreements.<sup>76</sup> Indeed, there are over 175 published marriage documents. Of these 141 are Greek, 30 contain demotic elements, and the remaining are Latin; 75% of them date from the first to fourth centuries AD, of which 49% belong to the second century alone.<sup>77</sup> Up to the fourth century, two main acts marked the formation of a formal Greek marriage, as represented by documentary papyri: the *ekdosis*, the handing over of the bride to her groom, and the provision of the dowry.<sup>78</sup> Accordingly, the marriage agreements involved either one or both of these acts and were, therefore, used for security, so as to avoid any legal or financial trouble in case of disputes or divorce. Contracts dealing solely with the bride's dowry are not at all uncommon, since agreements of such a nature not only gave the husband a kind of working capital for the household, but also provided the bride with some sort of control over the husband, which might have encouraged him not to divorce her if he wanted to keep the

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<sup>75</sup> See *P.Fuad I Univ.* 7 (second century AD), *P.Oxy.* III 524 (second century AD), *P.Fay.* 132 (third century AD), *P.Oxy.* XII 1579 (third century AD), and *P.Oxy.* XII 1487 (fourth century AD) for wedding invitations, all of which come from the *metropolis* Oxyrhynchos. See *P.Oxy.* XLVI 3313 (second century AD) = Rowlandson, 1998, no.251 for a letter concerning wedding preparations: from this letter one can see how lavish some of these events could be, suggesting that those in charge of the celebrations were people of wealth and status (Rowlandson, 1998, 320).

<sup>76</sup> Taubenschlag, 1944, 117. See *P.Oxy.* II 267 (AD 37) for a financial agreement for an *ἄγραφος γάμος*. In older Greek contracts from the Roman period, such as this one, the husband not only had to refund the dowry, but also pay an additional amount of fifty percent, *ἡμιολία* (this will be briefly discussed below).

<sup>77</sup> Cf. Yiftach-Firanko, 2003, 9-39.

<sup>78</sup> Yiftach-Firanko, 2003, 3. Dowries will be discussed in more detail below.

contributions she had made to the household.<sup>79</sup> In fact, the writing down of detailed lists of the items belonging to the dowry is believed to have been a custom Greek in origin, one that seems to have been also taken up by Egyptian and Roman inhabitants, as can be seen from various contracts. Indeed, in Roman practice, a mere oral promise of a dowry made by the bride's father would have been legally binding; this promise was called *dotis dictio*.<sup>80</sup>

As will be discussed below, the consent of all parties involved was an essential component for legal Roman and Egyptian marriages; in Greek marriages, however, it was the act of *ekdosis*, the “giving away” of the bride that characterized a Greek marriage as legal. In Classical Greece *ekdosis* typically took place between two men, with the father of the bride or her *kyrios* handing her over to her future husband. The documentary evidence from Egypt, however, does not reflect this tradition as women are also recorded as participants in this act.<sup>81</sup> We can see this tradition starting early in the Ptolemaic period, with the mother of the bride participating alongside her husband in her daughter's *ekdosis*.<sup>82</sup> By the Roman period this act

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<sup>79</sup> See *P.Oxy.* II 267 (AD 37), a financial formalization of an unwritten marriage; see *BGU* 1052 = *Select Papyri* 3 (in Lewis, 1999, 55) for an agreement detailing the reciprocal duties of spouses and the penalties for breach of contract of either party. For examples of different kinds of dowries see *P.Mich.* VII 434 (second century AD) for a Roman bride bringing in a big dowry, consisting of land, jewellery, garments, slaves, and furniture, among other things, and *P.Mich.* II 121 recto IV i (AD 42) for a village girl providing a more moderate dowry consisting of some money, jewellery, clothing, and utensils.

<sup>80</sup> Rowlandson, 1998, 182. *P.Mich.* VII 434 (early second century) is a Latin marriage contract, combining the Greek tradition of detailing the items belonging to the bride's dowry and the Roman tradition of man contributing property to the marriage as a sort of *donatio*, something that becomes standard in late Roman law. It is significant, however, that explicit mention is made of the Roman *dotis dictio* at the beginning of the papyrus: “Gaius Antistius Nomissianus has given in marriage his virgin daughter...and he has made a verbal promise of a dowry to [the groom] (*eique dotis dixit*) and he has given all these things which are written below...”

<sup>81</sup> Malouta, 2012, 289; Yiftach-Firanko, 2003, 43.

<sup>82</sup> *P.Eleph.* 1 (310 BC); *UPZ* I 2 (163 BC). Cf. Parca, 2012, 322-325 for a discussion of *ekdosis* in the Ptolemaic Period and Thompson, 2006, 93ff. for a discussion of *P.Eleph.* 1.

could be seen to be performed by either parent or both, and in rare occasions the bride herself would sometimes be in charge of her own *ekdosis*.<sup>83</sup>

Even though by AD 212 the *Constitutio Antoniniana* had bestowed Roman citizenship on all the inhabitants of the Empire, meaning that marriages would have to follow Roman law, the papyri show that people in the provinces would still perform marriages according to their own tradition.<sup>84</sup> *P.Oxy.* X 1273 (AD 260) is an excellent example of this: a typical Greek marriage contract composed after the edict. In this document the bride, Aurelia Tauseiris, is given away by her mother Aurelia Thaesis; her *phernê* is described as being composed of jewellery and clothing, to which monetary value is ascribed as a way to secure it in the case of divorce. More importantly, the contract notes that the groom, should they divorce in the future, should return to the bride the full value of her *phernê*; this moreover, did not conform to the Roman law in the *Digest* proclaiming that it was not advisable to give monetary value to non-monetary items in the dowry, since such items, like clothing and jewellery, through wear would eventually lose value:

It is generally to the interest of the husband that the property which he receives as dowry should not be appraised, in order that he may not be compelled to be responsible for the same; and especially if he receives animals, or woman's garments by way of dowry. For if the latter are appraised, and the wife wears them out, the husband will, nevertheless, be liable for the amount at which they were estimated. Therefore, whenever property is

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<sup>83</sup> For mothers giving away the bride see: *P.Oxy.* II 372 (AD 74/75); *P.Oxy.* X 1273 (AD 260), *P.Vind.Bosw.* 5 (AD 305), *P.Oxy.* LIV 3370 (AD 334); for both parents see: *BGU* IV 1100 (30 BC-AD 14, also a receipt for a dowry), *P.Oxy.* XLIX 3491 (AD 157-158), *BGU* V 1105 (30 BC-AD 14); for auto-*ekdosis* see *P.Dura* 30 (AD 232, a Roman couple), *P.Oxy.* XLIX 3500 (third century AD).

<sup>84</sup> See *P.Giss.* 40 (AD 215) for a copy of the edict of Caracalla. The reasons for this edict are not certain. Cassius Dio, for instance, believes that it was a ploy for the emperor to collect more revenue from the inheritance tax imposed on all Roman citizens (78.9.1-7 = Levick, 2000, 78); however, Johnson et al. point out that this would not compensate for the loss of revenue from the poll tax or *laographia*, which was imposed on those living in the provinces (1961, p.226). There are, however, three receipts for the poll-tax dated after the *Constitutio* had been implemented: *O.Theb.* 86 (AD 213); *SB* 5677 (AD 222); *P.Ross.-Georg.* IV 20 (AD 247). It is possible that the edict was an attempt to unify all peoples under the Roman empire, by granting everyone citizenship; the change, however, does not seem to have affected Egypt's social structures, as the class relationships and the restrictions show no major modifications (Lewis, 1999, 34-35; Wallace, 1969, 133).

given as dowry, without having been appraised, if it is increased in value she will profit by it, but if it is depreciated she must bear the loss.<sup>85</sup>

It is also important to note that while *ekdosis* was originally a Greek tradition, there is papyrological evidence that Romans and Egyptians would also sometimes take part in it: in *P.Oxy.* X 1273 (AD 260), we can see that the participants, though now technically Roman citizens due to the edict of Caracalla, bear Egyptian names as their respective *cognomina*. Indeed, it seems that by the Roman period *ekdosis* was merely a formality, a continuation of an old custom, rather than a binding legality.<sup>86</sup> In *P.Dura* 30 (AD 232), too, we can see that while the groom bears the Greek *cognomen* of Alexander, the bride, by name Aurelia Marcellina, seems to have been Roman by birth.<sup>87</sup> There seem to have been other marriage traditions apart from the act of *ekdosis* as well, however, amongst the Greeks: in *BGU* IV 1050.5-6 (12-11 BC), for example, we see that the bride, a certain Isidora, rather than being given away in marriage by her parents (*ekdosis*), she actually “comes together” with her groom, Dionysios: “συγχωροῦσιν Ἰσιδώρα καὶ Διονύσιος συνεληλυθέναι ἀλλήλοις πρὸς γάμο(v).” This may reflect the Egyptian tradition of mere cohabitation as a sign of marriage, as mentioned above.

What is rather remarkable, however, is that from a very early period, the consent of the woman was necessary for marriage,<sup>88</sup> a custom which continued on into the Roman period, as

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<sup>85</sup> *Dig.* 23.3.10.

<sup>86</sup> Cf. Grubbs, 2002, 122; Modrzejewski, 1993, 57-60; Wolf, 1939, 7-34.

<sup>87</sup> After the *Constitutio Antoniniana*, more Roman names start appearing in the record, so it is harder to distinguish ethnicity purely based on names after this date. All Roman citizens tended to have at least three names (the *praenomen*, *nomen*, and *cognomen*), but new Roman citizens would often adopt only the *nomen* of the person who had given them the grant of citizenship and keep their own name as their *cognomen*. This custom made all provincials who had acquired citizen from Caracalla adopt the *nomen* Aurelius/a as their official name preceding their *cognomen*, by which they were typically known (Rowlandson, 1998, 174-175; Vanderpe, 2012, 262). This, therefore, makes their ethnicity easier to recognize by the examination of their *cognomen*.

<sup>88</sup> Bagnall, 1993, 188. Cf. Pestman, 1961, 11-12 for consensus in Ancient Egypt.

can be seen from sections 23.1.11 and 23.2.2 of the *Digest*: “Engagement like marriage comes about by consent of the parties, and so a daughter-in-power’s consent is needed for an engagement as it is for a marriage” and “a marriage can only exist if all agree, that is the parties and those in whose power they are.”<sup>89</sup> That is not to say that arranged marriages were non-existent in Roman Egypt; in fact, they were more frequent among wealthy, metropolite families – where family connections involved the future transmission of property – and among those who married extremely young.<sup>90</sup> Among the most common arranged marriages were those between brothers and sisters, a practice that was much more common in the *metropoleis* than in Egyptian villages,<sup>91</sup> but expressly forbidden to Romans, as seen in rule 23 of the *Gnomon of the Idios Logos*: “It is not legal for Romans to marry their sisters or aunts, but it is allowed for them to marry the daughters of their brothers. Pardalas<sup>92</sup> confiscated the property of siblings who married.”<sup>93</sup> The fact that this regulation had to be included at all, and a specific case is mentioned, may mean that sibling marriage was practised not just by the Egyptians and the Greeks, but also by some Roman citizens. Even after Roman citizenship had been granted to the inhabitants of the provinces in AD 212, which consequently made brother-sister marriage illegal to everyone under Roman law, it seems that imperial amnesty was given for those already in

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<sup>89</sup> Cf. *Just. Cod.* 5.4.14: “No one can be compelled to marry in the first place or to be reconciled after parting... Freedom to contract and dissolve marriage should not be converted into compulsion.”

<sup>90</sup> Bagnall, 1993, 190.

<sup>91</sup> Bagnall and Frier, 1994, 129 ; Huebner, 2007, 26.

<sup>92</sup> Pardalas was probably an *Idios Logos*, chief finance minister for the province of Egypt, but his date is unknown (Johnson et al., 1961, 212, footnote no.7).

<sup>93</sup> BGU V 1210 (second century AD), no. 23: οὐκ ἐξὸν Ῥωμαίοις ἀδελφὰς γῆμαι οὐδὲ τηθίδας, ἀδελφῶν θυγατέρας συνκεχώρηται. Παρδαλαῖς μέντοι ἀδελφῶν συνελθόντων τὰ ὑπάρχοντα ἀνέλαβεν. However, in *Just. Inst.* 1.10.3: “A man may not marry the daughter of a brother, or a sister, nor the granddaughter, although she is in the fourth degree. For when we may not marry the daughter of any person, neither may we marry the granddaughter. But there does not appear to be any impediment to marrying the daughter of a woman whom your father has adopted; for she is no relation to you, either by natural or civil law.” See also *Just. Inst.* 1.10.2; *Gaius Inst.* 2.61 and 62.

such marriages at the time of Caracalla's edict;<sup>94</sup> brother-sister marriage was finally forbidden to everyone in the Roman Empire in AD 295 and after the third century all traces of sibling marriage seem to disappear from the papyrological record.<sup>95</sup>

Although, as described above, all parties needed to consent to a marriage, there were loopholes pertaining to these; these are demonstrated in two particular items from the *Digest*, 23.2.22 and 23.1.12: "If under pressure from his father a man takes a wife, whom he would not have married if he had followed his own inclination, still, though there is no marriage without consent, he contracted a marriage; he is regarded as having preferred to do so" and "a daughter who does not oppose her father's will [as regards her engagement] is taken to agree. She is free to disagree only if her father chooses her a fiancé who is unworthy or of bad character." These arranged marriages, therefore, were still viewed as valid.

Although metropolite families tended to practice brother-sister marriage more than families from villages, an excellent source of evidence, not only for brother-sister marriage, but also for the institution of marriage and the treatment of women within it, is the archive of Kronion, which comes from Tebtunis, a southern village of the Arsinoite nome. This particular archive includes a group of 69 documents relating to an Egyptian man, Kronion, and his family in the years AD 107-153.<sup>96</sup> Naphtali Lewis refers to the family in this archive as one of moderate means; through studying it we are able to acquire knowledge about the structure and

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<sup>94</sup> Malouta, 2012, 293. See, however, *P.Lond.* III 936 (AD 217) for a marriage contract between two siblings, after the *Constitutio*.

<sup>95</sup> *Just. Cod.* 5.4.17: "No one shall be permitted to contract marriage with his daughter, his granddaughter, or his great-granddaughter, his mother, his grandmother, or his great-grandmother; and, in the collateral line, with his paternal or maternal aunt, his sister, the daughter of his sister, or her granddaughter; nor with the daughter of his brother, or his granddaughter; and among connections by marriage, with his stepdaughter, his stepmother, his daughter-in-law, his mother-in-law, or any other persons prohibited by ancient law, with whom We desire that all persons shall abstain from contracting marriage." Cf. Grubbs, 1995, 99-100; 2002, 123; Taubenschlag, 1944, 84.

<sup>96</sup> Lewis, 1999, 69; Rowlandson, 1998, 125.

relationships, and, generally, what life was like for those less privileged inhabitants of Roman Egypt.

Kronion and his wife had five children, four of whom entered into incestuous marriages, one of which (that of Kronion's youngest children, Taorsenouphis and Kronion the younger) ended in divorce.<sup>97</sup> *P.Kron.* 17 explicitly refers to one of the sibling marriages, while at the same time mentioning the guardianship of Kronion's daughters: the guardian for Tephorsais "[is] her husband, who is also her brother,"<sup>98</sup> while Kronion himself had to act as guardian to his other daughter because, although not mentioned in the text, she had recently divorced her brother, Kronion the younger.<sup>99</sup> The simple fact that they are using guardians gives us even more information about this family that is not apparent from the content of the document. That is, we are able to conclude that Kronion's daughters were actually acting under Greek law, since it probably was more beneficial to their cause.

Our most important direct evidence for brother-sister marriages, however, comes from census data. Most of these documents date from the first to third centuries AD,<sup>100</sup> and indicate that between one-sixth and one-fifth of all marriages were incestuous,<sup>101</sup> with most brother-sister marriages being heavily concentrated in the Arsinoite nome, where 21 to 26 percent of marriages

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<sup>97</sup> For the divorce agreement, see *P.Kron.* 52 (AD 138). From this document we learn about Taorsenouphis' dowry (mainly jewellery) and the fact that Kronion has to repay it within sixty days from the day of divorce.

<sup>98</sup> *P.Kron.* 17.8-9 (AD 140): ἡ δὲ Τεφορσα[ις], [το]ῦ ἀνδρὸς, ὄντος τοῦ καὶ ἀδελφοῦ.

<sup>99</sup> *P.Kron.* 17.6-7 (AD 140): ἡ μὲν Ταορσενούφης τοῦ πατ[ρ]ῶς Κρονίου[νο]ς τοῦ Χεῶτος.

<sup>100</sup> Huebner, 2007, p.25. For some examples on brother-sister marriages see: *P.Fuad I Univ.* 6 (second century AD); *P.Oxy.* XLII 3059 (second century AD); *P.Oxy.* I 111 (third century AD); *P.Kron.* 17 (AD 140); *P.Duk.inv.* 491 (second century AD); *P.Oxy* IV 744 (1 BC).

<sup>101</sup> Bagnall & Frier, 1994, 127-128; Hopkins, 1980, 304; Shaw, 1992, 274. Census returns, however, might not be representative of the whole population of Roman Egypt, since "a mere two or three nomes (out of some thirty-five to forty) account for almost all the currently known census returns" (Shaw, 1992, 277-279).

were incestuous, in comparison to 12 percent in other nomes.<sup>102</sup> There are various theories and arguments among scholars concerning the reasons behind such unions. In fact, one scholar in particular even argues that such marriages did not take place between full siblings: Huebner, for instance, believes that such unions were not between biological siblings but were instead between a biological child and an adopted one.<sup>103</sup> Lewis, however, dismisses such arguments since we have a great number of papyri in which the wife is clearly identified as the husband's "sister born of the same father and the same mother."<sup>104</sup> Moreover, while Huebner does provide some evidence that may support her argument,<sup>105</sup> it is simply not enough in the face of a vast amount of texts, such as *epikrisis* declarations, where the blood-relationship of spouses is made perfectly clear.<sup>106</sup>

The most convincing argument is that brother-sister marriages mainly took place for economic reasons: either a desire of the parents not to spend money on their daughter's dowry (the dowry would remain within their family);<sup>107</sup> or a desire to keep their two shares of their inheritance together. This would be a way to save an estate from excessive fragmentation and, in

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<sup>102</sup> Bagnall & Frier, 1994, 129.

<sup>103</sup> Huebner, 2007, 27.

<sup>104</sup> The formula most often observed is: γύνη καὶ ἀδέλγη ὁμοπατρίος καὶ ὁμομητρίας. Lewis, 1999, 44. Cf. Hopkins, 1980, 320-321; Gonis, 2000, for a discussion of *P.Duk.inv.* 491 (second century AD), the *epikrisis* of a child whose parents were twins. See also Remijsen and Clarysse, 2008; Rowlandson and Takahashi, 2009 for their response to Huebner's adoption theory.

<sup>105</sup> She claims that people sometimes used to omit or change information in census declarations (Huebner, 2007, 38). *P.Lond.* II 324 (second century AD), while it does not involve brother-sister marriage, is an excellent example of this: it refers to two consecutive census returns, in which siblings, Anikos and Thamistis, are recorded as sharing both parents; this is then followed by a statement by Anikos saying that she is his sister only on the maternal side, her father being unknown. Huebner claims, therefore, that it is possible that many other census documents, in which supposed full siblings were married, may have been altered. I do not believe that this supports Huebner's thesis, since Anikos and Thamistis, although not full siblings, would still be related by blood.

<sup>106</sup> See *P.Duk.inv.* 491 (second century AD), *P.Ryl.* II 103 (AD 134), *P.Tebt.* II 320 (AD 181), and *SB XII* 10890 (AD 156) for *epikrisis* returns that include brother-sister marriages.

<sup>107</sup> Bagnall & Frier, 1994, 131; Montserrat, 1996, 89; Rowlandson, 1998, 85; Shaw, 1992, 276. See *P.Mich.* V 262 (AD 35/36).

fact, most economic explanations focus on the dispersion of goods and land.<sup>108</sup> Indeed, Egyptian inheritance customs, discussed below in more detail, usually divided property relatively equally among all of the children in a household, both male and female. A wife's personal property, as opposed to her dowry, remained separate from her husband's property throughout the whole marriage and, moreover, it was passed separately to their offspring.<sup>109</sup> Therefore, the high degree of transference of property to daughters, as well as sons, needed greater division of the parental property than was normal in other parts of the empire. A daughter's marriage was also often a situation in which property, in addition to her dowry, was transferred to her, which meant that the continuous distribution of land over generations resulted in much property fragmentation.<sup>110</sup> An excellent example of this can be observed in *P.Oxy. IV 713 (AD 97)*, a claim of ownership, which documents that three siblings have inherited their mother's land in a plot of 9 1/2 arouras. Two of the children, who are married to one another, receive four arouras each, while their sibling is left with the remaining 1 1/2, plus 2 1/2 arouras from another plot of land; the joint 8 arouras, therefore, could be treated as a whole unit, if required. The inheritance is equal between the siblings, but we see that by having two of her children marry one another, further fragmentation of the estate was avoided.<sup>111</sup>

On the social front, some scholars believe that these marriages were a way for people to define themselves ethnically and socially, something of extreme importance in places such as

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<sup>108</sup> Bowman, 1986, 136; Goody, 1990, 338; Huebner, 2007, 24; Lewis, 1999, 44; Montserrat, 1196, 89-90; Pomeroy, 1988, 722; Rowlandson, 1998, 85.

<sup>109</sup> Rowlandson & Takahashi, 2009, p.120.

<sup>110</sup> Golden, 2012, 185; Rowlandson & Takahashi, 2009, 120-121.

<sup>111</sup> Cf. Rowlandson, 1996, 172.

Roman Egypt, where ancestry was a major source of identity.<sup>112</sup> Mark Golden explains this practice by putting it in the context of the Greek colonization of Egypt, during which it might have been difficult for Greeks to find suitable partners in the small and isolated centres in which the majority of them lived.<sup>113</sup> Moreover, Sarah Pomeroy notes that since metropolitan ancestry had to be confirmed through both the maternal and paternal lines, siblings married to guarantee the status of their children.<sup>114</sup> The practice, then, would preserve their bloodline unmixed, and with a pure Greek lineage they would be able to avoid tax disadvantages, as well as impediments to upward mobility.<sup>115</sup> An excellent example for this is a text concerned with the registration, or *epikrisis*, of a child in the status group of his parents; what is most relevant is that the parents were, in fact, twins: “from Sabinos...and my wife Thermion, being my twin sister by the same father and mother...both of those from the *metropolis*...”<sup>116</sup>

As for the native Egyptian population, social and ethnic identity may have also played a major part behind the reasons for the practice of such marriages: Sheila Ager explains the custom as a means for the Ptolemaic monarchs both to display their magnificence and elevate themselves to the level of gods, such as the Egyptian Isis and Osiris and the Greek Zeus and

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<sup>112</sup> Montserrat, 1996, 90; Shaw, 1992, 292.

<sup>113</sup> Golden, 2012, 185. Cf. Hopkins, 1980, 311, who notes that some Greek communities, such as Athens and Sparta, allowed marriage between half-siblings; the jump from marrying half-siblings to marrying full-siblings, therefore, was probably not perceived as being completely strange; Shaw, 1992, who also states that Greeks, as opposed to Romans, were much more inclined to contracting close-kin marriages, such as cousin-marriage and enforced marriage of a widow to her late husband’s brother (270).

<sup>114</sup> Pomeroy, 1988, 722.

<sup>115</sup> Huebner, 2007, 24-25; Shaw, 1992, 291-292.

<sup>116</sup> *P.Duk.inv.* 491.3-11 (second century AD): *παρὰ Σαβίνου τοῦ Πτολεμαίου... καὶ τῆς γυναικὸς Θερμίου οὔσης μου καὶ ὀμοπ(ατρίου) καὶ ὀμομητρίου ἀδελφῆς...ἀπὸ τῆς μητροπ(όλεως)*. This case also seems to support Lewis’ argument, which was mentioned above. Cf. Gonis, 2000, for his detailed discussion of this particular document.

Hera.<sup>117</sup> It is possible, therefore, that the Egyptian populace initially took up this practice in order to establish a connection to their rulers.<sup>118</sup> Another explanation for such a practice is mere convenience: by engaging in this kind of relationship, early marriage would be facilitated for both sexes, and it would be relatively easier to find a bride for a young son in a competitive society, which favoured older and financially secure grooms.<sup>119</sup> A combination of all these different theories would also be plausible.

## **ii. The Dowry**

As in Roman and Greek societies, the dowry was an important component of marriage in Egyptian society. Dowries in Classical Athens were primarily used for the transfer of property from the wife's paternal home to that of her future sons in order to ensure their economic security;<sup>120</sup> in Egypt, however, the dowry played a much larger and more significant role for the women involved in marital unions. Dowries were given in order to support the wife both during her marriage and afterwards, in case the marriage was dissolved.

In the Ptolemaic Period, there was one type of dowry referred to as the *phernê* or *proix*, as it was known in Classical Athens;<sup>121</sup> by the Roman Period, however, dowries often had three different components: the dowry proper referred to as the *phernê*, and its supplements, the

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<sup>117</sup> Ager, 2005, 17. Cf. Hopkins, 1980, 311, 344. See also D.S. 1.27.1-2: "They say that the Egyptians made a law contrary to the general practice of mankind that man may marry their sisters, because of the success of Isis in this respect..." and Ph. *Sp. Leg.* 3.23-24: "The law-giver of the Egyptians...gave full liberty to marry any sister of either parent or of both, not only younger but also older and of the same age..."

<sup>118</sup> Shaw, 1992, 274.

<sup>119</sup> Bagnall & Frier, 1994, 133; Rowlandson, 1998, 85.

<sup>120</sup> In Greece, the dowry was the husband to do as he wished - use it, loan it, dispose of it - as long as the marriage was in existence. Cf. Schaps, 1981, 57; Wolff, 1957.

<sup>121</sup> Grubbs, 2002, 122; Rowlandson, 1996, 153; Yiftach-Firanko, 2003, 129. Cf. Wolff, 1957.

*parapherna* and the *prosphora*, which seem to have started to appear in contracts in the early mid-first century AD and were still popular in the early third.<sup>122</sup> The *phernê* usually referred to property that was meant to be used by the wife and served the wife's needs during her marriage, things such as cash, jewellery, and clothing.<sup>123</sup> The husband was allowed to make use of items from his wife's *phernê*, yet it was his responsibility to return to his wife the original value of the dowry if the marriage was ever dissolved.<sup>124</sup> It is for this reason that many contracts detailing the brides' dowries include their total values as well as that of their components.<sup>125</sup> The *parapherna* consisted of similar items as the *phernê* proper (jewellery, clothing, and utensils among other things), the only difference being that these items were not usually given a monetary value. This can be seen in *P.Mich.* II 121 (AD 42), a marriage contract that apart from providing the total value of the *phernê*, also declares the items belonging to the *parapherna*, which is "without valuation."<sup>126</sup> Indeed, there are various divorce agreements containing a clause

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<sup>122</sup> See *PSI* I 36a.9 (AD 11-13) for a rare early mention of the *parapherna*, and *P.Mich.* II 121(r).4.7 (AD 42), which declares that a *prosphora* was recorded in a marriage agreement in AD 22 (the *parapherna* is also mentioned here). Cf. Grubbs, 2002, 122; Rowlandson, 1998, 313; Yiftach-Firanko, 2003, 106, 129, 145.

<sup>123</sup> The typical formula used to denote these items of personal use was ἱμάτια (or ἱματίδια or ἱμάτια γυναικεία) καὶ χρυσώτια καὶ ἐπίσημον or a variation of it. For examples see: *BGU* IV 1050.8 (12-11 BC); 1099.8-9 (30-14 BC); 1100.12-13 (30-14 BC); 1103.12 (13 BC); 1104.12 (8 BC); 1105.12 (11/10 BC).

<sup>124</sup> Rowlandson, 2001, 152; Yiftach-Firanko, 2003, 106. See *P.Tebt.* II 386 (12 BC), an interesting Demotic document in which the husband, Pakemis, acknowledges that he has received from his wife, Tameischis, "the loan of her dowry...worth 20 drachmae of silver" which he will repay in the future.

<sup>125</sup> For examples of dowries containing the values of different items and/or total value, see: *BGU* III 717 (AD 149); *P.Mich.* V 339 (AD 46), a bride gives her groom an additional dowry of 100 drachmae on her own behalf in addition to "her other dowry and the *paraphernon*"; *P.Mich.* VII 434 (early second century), a Latin document; *P.Coll.Youtie* II 67 (AD 260/261), repayment of a widow's dowry back to her parents until remarriage; *P.Mich.* II 121 (AD 42), an abstract of a marriage contract describing the total value of the *phernê* (200 silver drachmae); *P.Mich.* V 262 (AD 35/36), contract by which a certain Didymos acknowledges the cession of 10 arourai of land to his wife, who is also his sister (her dowry is mentioned); *P.Mich.* XV 700 (AD 143), marriage contract acknowledging receipt and value of the dowry and its components. See also *P.Mich.* VII 442 (second century), a Latin receipt of a dowry, claiming that the bride has given the groom as her dowry "clothing by valuation and cash in counted coin (in aestimio vestis et in numerato praesens)."

<sup>126</sup> recto iv i, l.13: "ἐν παρα(φέρνοις) ἄνευ δι(ατιμήσεως)..." This phrasing can also be found in *BGU* III 717 (AD 149). Cf. Rowlandson, 1998, 313; 2001, 152; Yiftach-Firanko, 2003, 106.

claiming that the *parapherna* is to be returned in whatever state they may be (ὅποῖα/οἷα ἐὰν ἐγβῆ ἐκ τῆς τρίψεως), unlike the *phernê*, which was to be returned to the full extent of its monetary value.<sup>127</sup> It is because of this lack of valuation of the items that it can be assumed that the items in the *parapherna* remained with the wife throughout the course of her marriage.

Although agricultural land, houses, and certain movable property (slaves, animals) were not included in the dowry proper, in the Roman period these assets could be conferred on the wife usually as supplementary elements as part of what was called the *prosphora*.<sup>128</sup> Just as was the case with the *parapherna*, these items were not usually appraised, as the husband could not claim ownership of the property and was “not accountable for their depreciation [in value],” unless stated in the contract.<sup>129</sup> Despite this, many contracts make it clear that the husband still had the right to cultivate it, as the land was meant to be used for the benefit of the whole family.<sup>130</sup> In *P.Oxy.* XLIX 3491 (AD 157/158), for instance, we see that the bride’s parents have left her two pieces of land, which the husband was allowed to use; he, moreover, was allowed to dispose of a house, courtyard, and some furnishings, but could not do it unless he had the full

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<sup>127</sup> For divorce contracts containing this clause, see: *BGU* III 717.22 (AD 149); *CPR* I 27.20 (AD 190); *CPR* I 28.7 (AD 110); *CPR* I 235.4 (second century AD); *P.Oxy.* XLIX 3491.18-19 (AD 157/158); *P.Ryl.* II 154.28-29; *P.Stras.* VI 533.13 (second century AD); *PSI* X 1117.42 (second century AD).

<sup>128</sup> For examples of land given in the *prosphora* see: *CPR* I 22 (AD 158); *P.Mich.* V 340(r) (AD 45/46); *P.Mich.* V 322a (AD 46); and *P.Ryl.* II 154 (AD 66); *P.Tebt.* II 335 (AD 165); *P.Oxy.* II 265 (AD 81-96); *P.Oxy.* XLIX 3491 (AD 157/158); *SB* XVIII 13176 (AD 168) documents money given specifically for the purchase of land as part of the *prosphora*. For examples of slaves see: *P.Mich.* II 121(r).2.2 (AD 42); *P.Mich.* V 341 (AD 47); *P.Mich.* V 343 (AD 54); *P.Oxy.* III 496 (AD 127); *PSI* V 450(r col I) (second-third century); *PSI* X 1115 (AD 153); *SB* XXIV 16256 (AD 109); *P.Coll.Youtie* II 67 (AD 260/261), money given in the *parapherna* in this document is assigned specifically for the buying of slaves as well. For examples of houses or shares of them see: *P.Oxy.* II 265 (AD 81-96); *Stud.Pal.* IV p.115 (AD 169-176). It is noteworthy to mention that the term *prosphora* in the Byzantine period referred to a *donatio* given from one person to another; these *donationes* tended to be immovable assets (Taubenschlag, 1944, 301-302).

<sup>129</sup> Yiftach-Firanko, 2003, 107, 115, 130-132.

<sup>130</sup> *CPR* I 24 (AD 136); *CPR* I 27 (AD 189); *P.Oxy.* II 265 (AD 81-96); *P.Ryl.* II 154 (AD 66) all contain clauses regarding the cultivation of the land. All use a variation of the verb *καρπιζέσθαι*. Cf. Yiftach-Firanko, 2003, 180.

approval of his wife: χωρὶς εὐδοκί(σεως) τῆς γαμο(υμένης).<sup>131</sup> This implies that the wife retained the full title to whatever land was transferred to her through her dowry. The wife's right to the property as detailed in this papyrus conformed to one of Augustus' laws, as recorded by Gaius in his *Institutes*: "For a husband is prohibited by the *Lex Iulia* from alienating dotal property if his wife is unwilling."<sup>132</sup>

The conveying of such property via the *prosphora*, however, was not all that usual, as these kinds of assets were usually transferred through inheritance, whether that be through intestacy, through wills or as provisions *meta tēn teleutēn* in *donationes mortis causa*, as will be discussed in the next chapter. In fact, both the *parapherna* and *prosphora* categories seem to have been an emulation or adoption of an early Egyptian type of dowry called the *syngraphē trophitis* or "alimentary contract," which could include anything from money and clothing to immovable and movable property. In return for this, the groom was supposed to provide the bride with an annual allowance of food and clothing, and, furthermore, if the dowry brought by the wife was substantial, he often acknowledged the wife's claim to his own property, as a way to safeguard her economic position in case of divorce.<sup>133</sup> These types of contracts were still being drawn up in the Roman Period, although mostly by Egyptians; there are examples,

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<sup>131</sup> *P.Oxy.* XLIX 3491.16.

<sup>132</sup> Gaius, *Inst.* II.63: Nam dotale praedium maritus inuita muliere per legem Iuliam prohibetur alienare.

<sup>133</sup> Hopkins, 1980, 336-337; Maehler, 2005, 129-130; Rowlandson, 1998, 157; 2001, 151; Taubenschlag, 1944, 94; Yiftach-Firanko, 2003, 133ff.

however, of some of these contracts combined with the *phernê* and *parapherna*, though this custom appears to date mostly to the first century and seems to have faded out after that.<sup>134</sup>

It is rare to find papyri explicitly referring to the actual legal status of the property from the three different dowry categories in regards to the husband's legal rights to the contents,<sup>135</sup> according to the law, however, it seems that it was the wife who held absolute ownership of the dowry. This is illustrated in the edict of Tiberius Julius Alexander, from AD 68-69, made specifically for Egypt, which states that dowries were not the property of husbands.<sup>136</sup> This did not mean, however, that the husband was not allowed to make use of it, as long as it was done in the interests of both the wife and the entire household,<sup>137</sup> if the husband misused the dowry, the aforementioned edict also stated that the wife was entitled to receive back the first payment before other creditors, even if that creditor was the state.<sup>138</sup>

It is also important to note that both the mother and father of the bride could each independently contribute to her dowry, and different rules could be applied to each of their contributions.<sup>139</sup> This is the case with *CPR* I 24 = *M. Chr.* 288 (AD 136), where the groom was

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<sup>134</sup> For some examples of alimentary contracts see: *P.Mich.* V 347 (AD 21), a Demotic contract which specifically refers to the *syngraphê trophitis* as Egyptian in its Greek summary ([κα]τ[ὸ] *Αἰγυπτίαν* συνγραφήν τροφίτην); various alimentary contracts mentioned in a *grapheion* register from AD 46 in *P.Mich.* V 238(r); for those combined with *phernai* and *parapherna*: *P.Mich.* II 121.3 (AD 42); *P.Mich.* V 339 (AD 46); *P.Mich.* V 340 (AD 45/46); *P.Mich.* V 341 (AD 47).

<sup>135</sup> *P.Ryl.* II 154.10 (AD 66) seems to be the only document in which a specific clause briefly mentioning the differences between the *parapherna* and the *prosphora* can be found; cf. Yiftach-Firanko, 2003, 131.

<sup>136</sup> *OGIS* 669 (AD 68-69) = Levick, 2000, 172; Smallwood 391

<sup>137</sup> See *CPR* I 22.20 (AD 158), *P.Ryl.* II 154.22-23 (AD 66), and *P.Oxy.* XLIX 3491.11 (AD 157/158), which state that the *prosphora* land is to be used for the support of the “common/joint” household: “εἰς τὸν κοινὸν τῶν γαμοῦντων οἶκον,” “[εἰς] τὸν κοινὸν τῆς [σ]υμβιώσεως οἴκον,” and “εἰς τὴν κοινὴν βιοτείαν” respectively.

<sup>138</sup> Rowlandson, 1996, p.156; for the edict see *OGIS* 669 (AD 68-69), ll.25-26: “As to dowries, which are the property of others and not that of the men who have received them, both the deified Augustus and the Prefects have ordered that they should be returned from the *fiscus* to the women involved, whose prior claim ought to be kept secure.” See also *P.Oxy.* VIII 1102 (AD 146), a document in which a man is ordered to hand over one quarter of his property to the city, with the exception of his daughter's dowry.

<sup>139</sup> Yiftach-Firanko, 2003, 166. Cf. *P.Oxy.* XLIX 3491 (AD 157/158).

only expected to perform agricultural work and pay taxes on only half of the three arouras of land bestowed by the bride's mother; on the other hand, he was required to perform agricultural work and pay taxes on all the property the bride had inherited from her father.<sup>140</sup> Moreover, in this document, we are also able to see that the mother was still allowed to inhabit the property, as well as use and derive profit from half the arouras of land as long as she was alive.<sup>141</sup>

There were a variety of problems that could arise at the time when a dowry needed to be retrieved, either because of divorce or death of the spouse.<sup>142</sup> Regardless of the kind of union – exogamous or endogamous – if either party was unhappy in the matrimony, marriages were able to be ended as easily and as informally as they had begun, that is, without any formal documentation, simply by the partners ceasing to live together.<sup>143</sup> Egyptian law, much like Greek and Roman law, allowed divorce by mutual consent, with no penalties for either party unless some had been previously established in a contract.<sup>144</sup> If the husband had initiated the separation, however, he was always obligated to give back to the wife her dowry and accompanying

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<sup>140</sup> Rowlandson, 1996, 161.

<sup>141</sup> Rowlandson, 1996, 161. *P.Oxy.* II 265(AD 81-95/96) is another instance of the mother enjoying usufruct of land and property during her lifetime (Rowlandson, 1996, 164).

<sup>142</sup> There are also examples of husbands stealing their wives' property, even if they have not divorced. See *P.Tebt.* II 334 (AD 200/201), a petition to a centurion by a woman complaining that after her parents' death, her husband "carried off all that was left me by them [including her dowry worth 5000 drachmae], and took it to his house at Theogonis and is using it up" (ll.10-14).

<sup>143</sup> Malouta, 2012, 291; Montserrat, 1996, 97. A marriage could also be legally terminated by her father, whether the bride was willing or not, a custom that could be traced back to Classical Athens (Lewis, 1999, 56). Under Roman rule, however, this custom seems not to have been well received: a case from AD 186 from Oxyrhynchus in *P.Oxy.* II 237 demonstrates how, by then, a woman's feelings and opinions were taken into consideration. This document is a petition to the prefect of Egypt, sent by a woman, Dionysia, against her father, Chairemon, who had attempted to end his daughter's marriage and take her dowry against her will due to a financial dispute. In order to persuade the prefect, she cited four previous cases, in which the authorities in charge of those cases ruled in favour of the women, since it mattered "with whom the married woman wishes to live" (*P.Oxy.* II 237.7.29). Cf. Maehler, 2005, 136-137 for a detailed discussion of this document.

<sup>144</sup> Bagnall, 1993, 193; Rowlandson, 1998, 156; Taubenschlag, 1944, 91.

property immediately, and if he was unable to do so, he was required to pay back their value in cash or in “equal property.”<sup>145</sup>

If, on the other hand, it was the wife who had initiated the separation, different rules seem to have applied to different dowry categories: the *phernê* was to be returned within thirty to sixty days of the separation, a decision that appears to have been left to the discretion of the couples involved; this custom appears to have been in use mainly by the Graeco-Egyptian populace of the province.<sup>146</sup> At the beginning of the second century, moreover, a new common formula was introduced in divorce agreements concerning the return of valuable items, such as gold jewellery given to the groom under the *phernê*: ἐν τοῖς αὐτοῖς κοσμηρίοις, that is “in that same manner or condition” it was first received.<sup>147</sup> This was, indeed, beneficial to the wife, since when jewellery was included in the *parapherna*, the husband was not liable for its depreciation in value if damaged, as seen above, and the wife could, therefore, suffer financially if the objects were returned damaged; however, if placed under the *phernê*, the husband was liable for any damage the property might have incurred during the marriage.<sup>148</sup>

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<sup>145</sup> Lewis, 1999, 56; Taubenschlag, 1944, 120-121. See *BGU* 1103 (13 BC); *P.Princ.* II 31 (AD 79/80), documents that show the return of dowries back to the women after divorce.

<sup>146</sup> For examples of sixty days intervals see: *P.Kron.* 52 (AD 138); *BGU* I 251 (AD 81); *P.Mich.* V 340r (AD 45/46); *P.Mil.Vogl.* II 71 (AD 172-175); *PSI* X 1115 (AD 152). For thirty days intervals see: *BGU* I 183 (AD 85); *BGU* I 252 (AD 98); *CPR* I 24 (AD 136); *P.Ryl.* II 154 (AD 66); *Pap.Choix* 10 (AD 162).

<sup>147</sup> Indeed, a significant change can be observed regarding gold jewellery as part of the *phernê* rather than the *parapherna*: in the first century, only one marriage contract records gold jewellery as part of the *phernê*, while in the first half of the second century nine or ten cases are observed (cf. Yiftach-Firanko, 2003, 155ff). It is important to keep in mind that the majority of our marriage documents come from the second century. For some examples of the use of this formula (or variation of it) see: *CPR* I 24 (AD 136); *P.Kron.* 52 (AD 138); *CPR* I 235 (second century); *BGU* III 717 (AD 149); *BGU* IV 1045 (AD 154); *Mil.Vogl.* II 71 (AD 172-175); *CPR* I 27 (ca. AD 189); *SB* XVI 12334 (late second century); *P.Oxy.* X 1273 (AD 260).

<sup>148</sup> Cf. Reekmans, 1975, 752-755 for a discussions on jewels as part of the *pherne* and *parapherna*.

In *P.Kron.* 52 (AD 138)<sup>149</sup>, for instance, we encounter a case regarding this newly developed clause, as well as a reference to the return custom mentioned above. The document, a divorce contract between Kronion the younger and his sister-wife Taosenouphis, reports that Kronion converted into cash the jewellery he received from his sister as dowry (probably as part of the *phernê*<sup>150</sup>); he is to repay his sister, within sixty days, ἐν τοῖς ἴσ[ο]ις κοσμηρίοις, which here we can assume that it would mean jewellery equivalent in weight, since the original items would no longer have been available for him to return. As Yiftach-Firanko notes, although this seems to go against the rule that the husband was not allowed to take complete ownership of the *phernê* and its items, “the fact that Kronion did...does not necessarily mean that he was entitled to do so.”<sup>151</sup> The document declares that he cashed in the jewellery for his own purposes, εἰς τὸ ἴδιον, rather than for the common interest of the household, εἰς τὸν κοινὸν οἶκον, as was expected.<sup>152</sup> It is probable that husbands occasionally disregarded regulations in contracts and, therefore, new arrangements had to be made between the parties involved.<sup>153</sup>

Regarding the return of the *parapherna* and the *prosphora* in case of divorce, we observe different rules in different papyri. According to an analysis of papyri by Yiftach-Firanko, it seems that in Oxyrhynchos the *parapherna* was to be returned to the wife immediately, whether the divorce had been initiated by the wife or the husband; in the Arsinoite nome, however, the

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<sup>149</sup> Although an Egyptian family, they are clearly operating under Greek customs, as we see in the document that Taosenouphis is using a guardian. Cf. Chapter 3, part i for a discussion of guardianship.

<sup>150</sup> Yiftach-Firanko, 2003, 158.

<sup>151</sup> Yiftach-Firanko, 2003, 158.

<sup>152</sup> For documents expressing this provision cf. above n.137 and Yiftach-Firanko, 2003, 158-159, n.234.

<sup>153</sup> Cf. *P.Oxy.* II 281 (AD 20-50), an official complaint filed by the wife regarding her ex-husband’s misuse of her dowry “for whatever purpose he wished.” She proceeds to ask the official to order him to pay back her dowry “plus fifty percent (ἡμισολία).”

*parapherna* seems to have been returned alongside the *phernê*, within thirty or sixty days from the separation.<sup>154</sup> As for the *prosphora*, different provisions were often made as to its status after the marriage had ended. For instance, *P.Mich.* V 340r (AD 45/46), recording the intended transfer of land by a father to his daughter as part of the *prosphora*, states that if the marriage should end in divorce, the land should go back to the bride's father, and then back to her only after his death.<sup>155</sup> The document also mentions that both the *phernê* and *parapherna*, in case of divorce, are supposed to be returned to the father immediately, or after sixty days in case of voluntary separation; if the father is not alive at the time, just like the land, these are to go back to the bride.<sup>156</sup> The document goes on to say that if the groom fails to do so "he shall repay them immediately and half as much again (μεθ' ἡμιολίας); the right of execution resting with Didymos [the father] or, if he should not survive, with his daughter Herakleia."<sup>157</sup>

By way of contrast, we have *P.Mich.* V 341(AD 47), another text by the same family as *P.Mich.* V 340r, in which we see that the wife is to receive back land from her dowry, even if her father is still alive at the time of her divorce. There does not appear to have been a clear rule concerning the return of land, yet in either case we can see that the land would eventually return

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<sup>154</sup> Yiftach-Firanko, 2003, p.209. Cf. *BGU* IV 1045 (AD 154); *CPR* I 28 (AD 110); *CPR* II 22 (ca. AD 158); *P.Ryl.* II 154 (AD 66); *PSI* X 1115 (AD 152). There are only two documents from the Arsinoite nome in which that record the immediate return of the *parapherna*: *CPR* I 27 (ca. AD 189) and *P.IFAO* I 30 (AD 138-160).

<sup>155</sup> II.41-49: "but if trouble should develop between them and they should separate from one another, either Haryotes divorcing Herakleia or Herakleia leaving of her own accord, let the allotment of five arourai given as aforesaid become at once the property of Didymos, but if he should not survive, of his daughter Herakleia."

<sup>156</sup> II.50-55.

<sup>157</sup> II.55-59. The payment of the extra fifty percent (ἡμιολία) seems to have been the norm as a fine paid by husbands who showed abusive behaviour or who delayed the return of the dowry (Grubbs, 2002, 123; Modrzejewski, 1993, 65-67; Rowlandson, 1996, 152-171; Yiftach-Firanko, 2003, 205). The fine seems to have fallen out of use after the first century in the Arsinoite nome, and half a century later in the Oxyrhynchite nome (Yiftach-Firanko, 2003, 208, 211). Cf. *P.Oxy.* II 281.23-28 (AD 20-50); *P.Mich.* V 340r.57 (AD 45/46); *BGU* I 251.7 (AD 81); *CPR* I 2369 (AD 81-96); *P.Lund.* VI 3.27-28 (ca. AD 140); *P.Oxy.* III 497.11 (second century). This fine appears mostly in documents from the first century, and gradually disappears thereafter (Yiftach-Firanko, 2003, 208).

to the bride. This vagueness regarding the involvement of the father is also reflected in Roman law: this can be seen in one of Ulpian's laws, as recorded in the Digest, claiming that "when the marriage has been dissolved, the dowry [*dos*] is paid to the woman...if the woman is legally independent. But if she is under *patria potestas* and the dowry came from him, the dowry is his and his daughter's" and he is not able to take the dowry back "except at his daughter's wish."<sup>158</sup> This is also confirmed in an entry from AD 295, in the Justinian *Codex*, which declares that a father is "not able to get [the dowry] back if she [his daughter] is unwilling" in case of divorce.<sup>159</sup>

Despite the fact that no documents were formally required to acquire divorce, documents are commonly found recording divorce processes and agreements, as seen above, particularly if the parties involved had children, as divorce often affected distribution of property, as well as inheritance procedures. Divorce meant that one of the partners would sometimes be required to leave some of their property with the spouse left in charge of the children.<sup>160</sup> Indeed, during the Roman period a new clause seems to have been introduced in divorce documents regarding the welfare of any children from the union. The provision was a type of pension or alimony that the husband was obliged to give to his wife if she happened to be pregnant during the divorce: this was usually shown by the expression εἰς λόγον λοχείας ("on account of childbirth") or a

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<sup>158</sup> *Just. Dig.* 24.3.2. This law was probably written between AD 211 and 217. Ulpian's period of literary activity was between AD 211 and 222, but this particular passage in the *Digest* also mentions a rescript from the Emperor Caracalla, who ruled from AD 198 to 217.

<sup>159</sup> *Just. Cod.* 5.18.7.

<sup>160</sup> See *P.Bon.* 21 (1st century AD); *SB* I 4426 (274 AD); *SB* XII 11221 (AD 329); *P.Mich.* V 347 (AD 21, demotic contract).

variation of it. Evidence for this is found in documents mainly from Oxyrhynchos, Alexandria, and Ptolemais; in the latter two the provision seems to have been mandatory.<sup>161</sup>

Divorce documents, therefore, usually focused on the return of the dowry, either to the wife or her family, sometimes giving detailed descriptions of the components of the dowry, as well as property settlements and other important matters.<sup>162</sup> The death of a partner would also affect the way in which the dowry was handled and complications could arise. In order to avoid such problems, provisions were often recorded in marriage contracts.<sup>163</sup> These provisions mostly dealt with one or more of the following matters: the redistribution of the deceased's property to their surviving spouse and (future) children,<sup>164</sup> the guardianship of the children if they were minors at the time of their father's death,<sup>165</sup> and arrangements for the return of the dowry to the wife or her parents if the couple did not have any common children. According to the edict of Marcus Mettius Rufus from AD 89, found in a petition from AD 186 (*P.Oxy.* II 237.8), there was

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<sup>161</sup> See *P.Oxy.* II 267.20 (AD 36, ), *P.Oxy.* III 496.10 (AD 127), and *P.Oxy.* X 1273.34 (AD 270) from Oxyrhynchos; *BGU* IV 1104.22 (8 BC) from Alexandria; *P.Fay.* 22.19-21 (first century BC or AD) from Ptolemais. Cf. Yiftach-Firanko, 2003, 211.

<sup>162</sup> For more divorce documents see: *BGU* III 975 (AD 44); *BGU* IV 1102 (13 BC); *P.Fam. Tebt.* 13 (AD 113/114); *P.Oxy.* II 266 (AD 96); *P.Oxy.* VII 906 (second to early third century AD); *SB* XIV 11891 (AD 161/2); *P.Fouad* 34 (AD 70-79); *P.Grenf.* II 76 (AD 305/306).

<sup>163</sup> The formula most often used to begin this provision was ἐὰν δὲ τινα αὐτῶν συμβῆ τελευτῆσαι (cf. *P.Oxy.* III 496.10 [AD 127] and *P.Oxy.* III 497.11-12 [second century]). The formula commonly found in Ptolemaic documents was ἐὰν δὲ τις αὐτῶν ἀνθρώπινόν τι πάθῃ καὶ τελευτήσῃ (cf. *P.Freib.* III 29 [178 BC], *P.Freib.* III 30 [178/179 BC], *P.Gen.* I 21 [second century BC]). There is debate as to the origin of this provision: Taubenschlag, 1944, argues that the provision is Egyptian in origin, while Yiftach-Firanko, 2003, believes the provision is purely Greek. In my opinion, it is possible for its origin to have been mixed: the wording is similar in both the Greek documents from the Roman period and those from the Ptolemaic period, yet only those from the Roman era contain clauses dealing with the guardianship of children, a custom that was Greek and Roman. If the documents from the Ptolemaic period had been following Greek law, the provision for the appointment of a guardian would have been necessary.

<sup>164</sup> The formula commonly used is as follows (or a slight variation of it): καὶ τῶν τέκνων τῶν ἐξ ἀλλήλων αὐτοῖς ἐσομένων. Cf. *P.IFAO* III 5 (second century), *P.Oxy.* II 265 (AD 81-96), *P.Oxy.* III 496 (AD 127); *P.Oxy.* III 604 (second century AD). The same wording can be found in papyri from the Ptolemaic period: *P.Freib.* III 29 (178 BC), *P.Freib.* III 30 (178/179 BC), *P.Gen.* I 21 (second century BC). It appears that the surviving spouse would only be allowed to keep the deceased's assets if common children existed.

<sup>165</sup> *P.IFAO* III 5 (second century), *P.Oxy.* II 265 (AD 81-96), *P.Oxy.* III 496 (AD 127); *P.Oxy.* III 497 (second century). In these documents the mother is always appointed as guardian, either by herself or with an ἐπίτροπος, a guardian selected by the husband before his death.

a certain law from the country (τινα ἐπιχώριον νόμον) that said that while the surviving spouse still retained the right to use the property, the title of it would pass to any common children upon both parents' death.<sup>166</sup>

If the marriage had not produced any children, women sometimes could face difficulties retrieving their dowries from the heirs of their deceased husband.<sup>167</sup> In order to avoid such complications, the woman was then given the right, referred to as κυριεία, to keep and even dispose of her late husband's property until her dowry was returned; this would, therefore, pressure the heirs of the deceased into returning her dowry as soon as possible.<sup>168</sup> An example of this can be observed in *P.Oxy.* III 496, a marriage contract which clearly states that, should the husband die while they are childless, the bride should take possession of their female slave and the children born to her and, furthermore, take control over the whole estate (κυριέτω πάντων) until she has recovered her dowry.<sup>169</sup> It is important to note that all the marriage documents that have survived from the Roman period containing these “death clauses” and right of κυριεία come from the Oxyrhynchite nome. In other places, although documents do not contain specific provisions relating to the death of a spouse, we see that the wife is allowed to seize whatever assets have been placed as security by her late spouse (l.16, λαβεῖν τὸ ὑπάρχον αὐτῷ), and is,

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<sup>166</sup> *P.Oxy.* II 237.8.35-36: ἡ δὲ κτῆσις (the title) μετὰ θάνατον τοῖς τέκνοις κεκράτηται.

<sup>167</sup> See *BGU* III 970 (AD 177); *BGU* IV 1036 (AD 107); *SB* XIV 12201 (second century AD); *SB* VI 9167 (AD 297).

<sup>168</sup> Yiftach-Firanko, 2003, 229, 241ff.

<sup>169</sup> *P.Oxy.* III 496.14-15 (AD 127). Cf. *P.Oxy.* III 497 and *PSI* 450 (both from the second century).

moreover, said to have the right of *πρωτοπραξία*, that is she is entitled to the first payment, even over other creditors including the *fiscus*.<sup>170</sup>

## **Conclusion**

For both men and women marriage was a major and natural step in life. Marriage in Roman Egypt was atypical in the sense that most marriages were not arranged, and the woman's consent was necessary. Arranged marriages, nonetheless, existed, and these were usually between brothers and sisters, a practice which occurred more often in the *metropoleis* rather than Egyptian villages. As discussed, most theories for such marriages centre on economic reasons, focusing on the distribution of land and property. The province, moreover, did not require any official registration of the marriage (lending it the name *ἄγραφος γάμος*), yet plenty of documents have been found relating to different aspects of married life, such as the bride's *ekdosis* and various receipts relating to the conveyance and safeguarding of marital property. Indeed, marriage was an occasion in which the transfer of wealth to the newly-married couple was typical in the Egyptian, Greek, and Roman societies living in the province; this was done in the form of the bride's dowry, or *phernê* as it was called.

The Roman period, as has been remarked, brought about many changes concerning the dotal system, the purpose of which was to assure women's present and future economic security. The husband, for instance, was allowed to make use of items in the *phernê* and dispose of them, yet it was his responsibility to return to his wife the original value of the dowry if the marriage ever ended. It is because of this that many dotal documents tended to include the dowries' total

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<sup>170</sup> See *BGU* III 970 (AD 177), from Tebtunis. This is in accordance with the edict of Tiberius Julius Alexander, mentioned above, which declares that the dowries "should be returned from the *fiscus* to the women involved, whose prior claim ought to be kept secure" (*OGIS* 669 [AD 68/69]).

values as well as the worth of their individual components. Furthermore, two new supplementary categories of the dowry were created, the *parapherna* and the *prosphora*, which allowed brides to receive greater assets, such as slaves, buildings, and land as well as the usual movables, like clothing, jewellery, and cash. Whatever was delivered as part of the *parapherna* remained within the wife's control throughout the marriage and was for her personal use; the agricultural land and buildings delivered under the *prosphora* were able to be utilised by the husband for the common good of the household, yet the title of ownership was not his but his wife's, and he was not allowed to alienate such property, as he was able to do with the items belonging to the *pherné*. Many clauses and provisions in case of divorce or death, moreover, are observed as being part of the dotal and marriage documents, all of which seem to have benefited the women involved: these often dealt with the return of the dowry and the condition in which items ought to be returned, which tended to make the husband liable for the depreciation of the items he used throughout the marriage and, consequently, greatly benefited the women. The death of a spouse also affected the way in which the dowry and its return was handled; in order to avoid such problems, therefore, provisions were often recorded in marriage contracts. These dealt with a variety of matters such as the redistribution of the deceased's property to their surviving spouse and (future) children; the guardianship of the children if they were minors at the time of their father's death; and arrangements for the return of the dowry to the wife or her parents if the couple happened not to have any common children at the time of death. All of these appear to have been made to protect women's interests and those of their children.

## CHAPTER 2:

### INHERITANCE

Modern scholarship on the subject of inheritance customs in Roman Egypt is by no means scarce, with studies such as Yiftach's 'Deeds of Last Will in Graeco-Roman Egypt: A Case Study in Regionalism' (2002) and Champlin's *Final Judgments: Duty and Emotion in Roman Wills* (1991) allowing in-depth look at important role these documents played in society.<sup>171</sup> Yet no study has been dedicated solely to the role of women in the inheritance document, but rather they are often mentioned in passing, as part of the overall discussion. The purpose of this chapter, therefore, is to examine closely women's roles in the inheritance document and to argue that the provisions found in them were often there to protect women's interests and those of their children.

The multicultural environment of Egypt was clearly reflected in the laws of succession, which by the second century had become a mixture of Greek, Roman, and Egyptian customs: as discussed in the previous chapter, women were entitled to a dowry, a Greek and Roman practice, by which property could be transferred. They were also, furthermore, entitled to part of their parents' assets by way of inheritance, and since women could own property in their own right, it was not unusual for children to inherit from both parents separately.<sup>172</sup> In fact, one of the possible reasons why there was such an extensive ownership of land by women, as will be seen in the next chapter, was because women in Roman Egypt were able to inherit private land on the

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<sup>171</sup> See also: Dropsie, 1892; Husselman, 1957; Rood, 1926; Rowlandson and Takahashi, 2009; Taubenschlag, 1944.

<sup>172</sup> Rowlandson, 1996, 141; Vandorpe, 2012, 267. It is important to be aware about the matters concerning the status of children from mixed marriages, and the legal relations between parents and their children were of extreme importance, since it tended to affect the way in which they would receive their inheritance. Indeed, the *Gnomon of the Idios Logos* alone contains nine clauses relating to this matter (cf. Jordens, 2012, 251-252).

same terms as other kinds of property,<sup>173</sup> since women were provided with considerable rights concerning the inheritance, ownership, and management of property. It is important to note that the rights of inheritance of women in Roman Egypt, if the parent died without having written a will beforehand, varied according to the jurisdiction under which they were acting: under Egyptian law, the eldest son was entitled to a double portion of the inheritance, while the daughter received the same share as that of the younger sons; under Greek law, daughters were to receive the same share as sons did, provided that their dowry had not been previously paid out; and, finally, under Roman law, sons and daughters received equal shares.<sup>174</sup>

Most of our evidence for inheritance comes from census or property declarations, from which we are able to see what kinds of assets people owned. Land and buildings in these kinds of texts are usually prefaced by the terms μητρικόν or πατρικόν, which were used in order to denote whether the assets being described had been inherited from the mother or the father respectively. There is no way, however, to know whether the property had been inherited through wills or through intestacy. The amount of testamentary documents that have survived is not large, yet women played a significant part in them, both as authors and beneficiaries, which is why these documents will be the main subject of this chapter.<sup>175</sup>

If the father or mother did leave a will behind, it appears that they were allowed much flexibility when dividing their estates.<sup>176</sup> This is particularly conspicuous in papyri in which Egyptians are the chief agents, as a characteristic Egyptian custom was that of dividing property

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<sup>173</sup> Bagnall, 1993, 130.

<sup>174</sup> Arjava, 1996, 63; Taubenschlag, 1944, 139-143.

<sup>175</sup> See Chapter 3, “Economic Activities” for documents such as census and property declarations containing μητρικόν or πατρικόν property.

<sup>176</sup> Rowlandson, 1996, 139, 142.

between all children, regardless of their sex or age.<sup>177</sup> It was common, moreover, for people other than the children to receive inheritances: we observe in various papyri parents, spouses, and grandchildren named as heirs. Indeed, any individual who wished to make arrangements to bequeath their property after their death could find different ways of doing so: either through the writing of official wills or through “gifts” effective upon death called *donationes mortis causa*. This chapter, therefore, will examine the different ways in which women could obtain property through inheritance, as well as the role women themselves played in the practice of bequeathing property to their own daughters or other women in their lives.

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<sup>177</sup> Bowman, 1989, 131.

## i. Wills

Greeks, Romans, and Egyptians all had the rights to make wills, and most women in the province of Egypt held this right as well, with some exceptions.<sup>178</sup> Of course, they were also able to inherit under the law, yet there were restrictions of which people needed to be aware, especially when dealing with status and intermarriage. Most of these restrictions can be found in the *Gnomon* of the *Idios Logos*: for instance, rule 6 provided conditions regarding *astai* and their inheritance, according to whether the marriage had yielded children or not;<sup>179</sup> and rule 11 dealt with restrictions applied to women from the city of Krene, stating that “a woman from Krene does not inherit from her son.”<sup>180</sup> Yet the sole fact that most women had the right to compose testaments meant that children could inherit from both parents separately.

Commonly found wills in the papyrological record are known as διαθήκαι, and these were usually drawn up by those who were not Roman citizens.<sup>181</sup> For them to be valid in Roman Egypt, there were two main rules that had to be followed: first, it had to be drawn up before a public notary or handed over to him,<sup>182</sup> and second, the presence of witnesses was always

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<sup>178</sup> Female citizens of Alexandria, known as *astai*, however, were not allowed to bequeath any property, and neither were their freedwomen. Rule 15 of the *Gnomon* of the *Idios logos*: It is not legal for freedwomen of *astoi* to bequeath [property] as is not [legal] for *astai* [to bequeath property].

<sup>179</sup> It is not legal for an Alexandrian to bequeath his wife more than a fourth of his property, in case he has not had offspring by her; but if he has had children by her, it is not legal for him to bequeath to his wife a greater amount than what he has bequeathed to her children.

<sup>180</sup> In Roman law a woman did not succeed to the estate of her children by intestate succession, i.e. without having made a will; however, as it appears to have been the case of women from Krene, they were not allowed to succeed in any case, whether with a will or without it (Johnson et al., 1961, 212, footnote no. 5).

<sup>181</sup> Taubenschlag, 1944, 143; Yiftach, 2002, 149.

<sup>182</sup> A common phrase was usually used to denote this, typically found in within the first five lines of the document: τὰδε διετίθετο νοῶν καὶ φρονῶν or a variation of it. See: *BGU* VII 1654.4-5 (after AD 133); *CPR* VI 1.2-3 (AD 125); *P.Col.* X 267.2-3 (AD 180-192); *P.Flor.* III 341.2 (second century); *P.Hamb.* IV 278.3 (AD 190); *P.Koln.* II.3 100 (AD 133); *P.Lund.* VI 6.2 (AD 190-191); *P.Mich.* IX 549.2 (AD 117/118); *P.Oxy.* I 104.4 (AD 96); 105.2 (AD 118-138); *P.Oxy.* III 489.5 (AD 117); 490.2 (AD 124); 491.2 (AD 126); 492.2 (AD 130); 494.2 (AD 56); 495.2 (AD 182-189); *P.Oxy.* LXVI 4533.2 (first-second century); *P.Wisc.* I 13.1 (early first century); *P.Sijp.* 43.2 (AD 119/120); *SB* XIV 11642.5-6 (AD 178/179); XVIII 13308.3-4 (AD 81-96). Cf. Taubenschlag, 1944, 143.

required, therefore signatures of the witnesses were always attached at the end.<sup>183</sup> A phrase wishing for the good health of the testator so that he or she may benefit from his or her property was also frequently used in these Greek testaments: εἴη μὲν μοι ὑγιαίνειν καὶ τῶν ἡμετέρων.<sup>184</sup> In the papyrological record, we find 42 surviving wills from the first century AD to AD 212 that can be classified as διαθήκαι.<sup>185</sup> of these at least 16 involve women for certain, either as the authors of the testaments<sup>186</sup> or as recipients of property. The property found in these wills varied from text to text, but land, houses and courtyards or shares of them,<sup>187</sup> slaves, animals, chattels, and cash were the things typically bequeathed.

For instance, in *BGU VII 1654* (after AD 133), we see that the testator's future children are to receive all his possessions, allotment of lands, and slaves in equal share (ll.9-10), while his wife is to receive clothing and whatever things he acquires in the future (ll.10-12). In *P.Stras. IV 284* (AD 176-180), an unknown testator leaves his or her daughter half a share of a house and a courtyard, which the testator had inherited from his or her father (l.6). In *P.Koln. II 100* (AD

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<sup>183</sup> Taubenschlag, 1944, 143.

<sup>184</sup> Taubenschlag, 1944, p.144. See: *BGU VII 1654.5-6* (after AD 133); *CPR VI 1.4* (AD 125); *CPR VI 72.4* (first century); *P.Lips. I 29.3-4* (AD 295); *P.Mich. IX 549.6* (AD 117/118); *P.Oxy. I 104.8* (AD 96); *SB XIV 11642.8* (AD 178/179); *XVIII 13308.6* (AD 81-96) .

<sup>185</sup> Yiftach, 2002, 149.

<sup>186</sup> See: *P.Koln. II 100* (AD 133); *P.Hamb. IV 278* (AD 190); *P.Lund. VI 6* (AD 190-191); *P.Mich. IX 549* (AD 117/118); *P.Oxy. I 104* (AD 96); *P.Oxy. III 492* (AD 130); *P.Oxy. III 493* (before AD 99; joint will between wife and husband); *P.Wisc. I 13* (early second century); *P.Sijp. 43* (AD 119/120); *P.Oxy. III 490* (AD 124); *P.Oxy. VI 968* (AD 98-138); *Stud.Pal. IV p.116* (second century).

<sup>187</sup> Both Egyptian and Greek law allowed several individuals to separate parts of a building or land - a law known by scholars as *communio pro diviso*. The division of the building could be made either horizontally (division by stories) or vertically (division by adjoining premises), and the individual parts could be owned separately. A good example of this can be found in *P.Petaus. 11* (AD 184), a property declaration by one man who owned from his paternal inheritance 1/12 of an empty lot, 1/12 of another, 1/6 of a house and courtyard, 43/240 of another house and courtyard, 5/12 of an aroura of land, another 1/4 of an aroura, and from his maternal inheritance yet another 1 3/8 arouras of land and another 1/6 of a house and courtyard. Roman law, however, did not consider single localities (such as a story or a room) of a building as independent units, but saw them as essential parts of the whole property. Nevertheless, as observed in the papyrological record, provincials seem to have disregarded this, as we often find Romans in Egypt owning shares of buildings, well into the Byzantine period (Taubenschlag, 1944, 181).

133), Taarpaesis bequeaths to her son, Ptolemaios, property consisting of several arouras of arable land, houses, vacant lots and an orchard (ll.6-11), while she leaves her daughters, Isidora and Berenike, a joint equal half share of a house in the city of Oxyrhynchos, as well as a half share of a house with its courtyard, furnishings, and entrances and exits in the village of Phoboou, which she had previously inherited from her father (ll.11-13). Moreover, if Ptolemaios were to die childless, all the property left to him is to be shared jointly and equally between Isidora and Berenike (l.16). *P.Oxy.* VII 1034r (second century), documents a father bequeathing her daughter and her σύντροφον (defined as either “foster-brother” or “companion”) joint equal shares of property which he possesses (ll.6-9). In *SB XIV 11642* (AD 178/179), a father declares his two sons and one daughter as his heirs (ll.10-11), though the bequests have not been preserved. In *SB XVI 12331* (second-third century), the unknown testator bequeaths all his possessions in two equal shares to his daughter, Tsensarapion, and “those around Hermias” (ll. 5-8). As observed, it was typical for the assets transferred through the wills to remain within the family: sons and daughters were the most common beneficiaries,<sup>188</sup> but we also often see grandchildren, spouses, and siblings in the record. Very rarely do we see people outside the family receiving assets.<sup>189</sup>

As for the private wills of Roman citizens, referred to as *testamenta*, before the edict of Caracalla in AD 212, it was a requirement for them to be written in Latin, for seven voluntary

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<sup>188</sup> For daughters as beneficiaries, see: *CPR VI 1* (AD 125); *P.Koln.* II 100 (AD 133); *P.Lund.* VI 6 (AD 190-191); *P.Oxy.* I 105 (AD 118-138); VII 1034r (second century); *P.Stras.* IV 284 (AD 176-180); *SB XIV 11642* (AD 178/179); *SB XVI 12331* (second-third century).

<sup>189</sup> Cf. Yiftach, 2002, 154.

male witnesses to be present, and to follow strict guidelines.<sup>190</sup> After their publication, they would often be translated into Greek.<sup>191</sup> However, the writing of wills in Latin was such a great problem for new Roman citizens after the *Constitutio Antoniniana*, that in AD 235 Severus Alexander relaxed the regulations and allowed wills to be written in Greek; after his regulation, a reversal to the use of customary Greek formulae and content in the wills can be observed.<sup>192</sup> Indeed, many wills are found mixing Greek and Roman customs. *P.Lips.* I 29 (AD 295), a will from Hermopolis, for instance, illustrates the continuance of Greek practices: this document records the will of Aurelia Eustorgis, who leaves her estate to her daughter, Aurelia Hyperechion, her sole heir. In this will, she is very persistent in pointing out that the widow of her recently deceased son has no claim to any of her property, allowing us to deduce that naming children-in-law as heirs might not have been all that uncommon. It is also interesting that in this document we see Aurelia Eustorgis acting without a guardian, but with the assistance of a man (μετὰ συνεστῶτος<sup>193</sup>), which could mean that at one point she had applied for and obtained the *ius trium liberorum*.<sup>194</sup>

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<sup>190</sup> Yiftach, 2002, 149; for an extensive discussion of the regulations concerning the characteristics required of the witnesses see Dropsie, 1892, 77-81. Cf. rule 8 from the *Gnomon* of the *Idios logos*: If to a Roman will it is added that “however much I should declare in the Greek codicils, let it be [valid],” it is not to be taken into consideration, for it is not allowed for a Roman to write a Greek will.

<sup>191</sup> For Greek translations of wills see: *P.Hamb.* I 73 (second century); *BGU VII* 1655 (AD 169); *BGU VII* 1662 (AD 182; 1.7, ἔ[θετο] Ρωμ[α]ι[κῆ] διαθήκη); *PSI XIII* 1325 (AD 176-180).

<sup>192</sup> Grubbs, 2002, 322; Maehler, 2005, 135; Rowlandson, 1996, 140; 1998, 197. See *P.Oxy.* XXII 2348 (AD 224) for an example of the Greek version of a Roman will.

<sup>193</sup> 1.2. See also: *P.Oxy.Hels.* 26 (AD 296) for woman acting without a guardian, but using the assistance of a man to file her complaint.

<sup>194</sup> It is also important to note that this document and *P.Oxy.Hels.* 26 (AD 296), mentioned in the previous footnote, are both dated rather late, and by this time the custom of *tutela* had already started to disappear. Indeed, in the late second second, Gaius considered the idea of *tutela* outdated: “There seems...to have been no very worthwhile reason why women who have reached the age of maturity should be in guardianship...” (Gaius *Inst.* 1.190; cf. Arjava, 1996, 113-116).

*P.Oxy.* VI (276 AD), on the other hand, is a will written in Greek, yet following a Roman legal format.<sup>195</sup> In it we observe a father dividing his property among his five children: the three sons jointly receive a vineyard with all its furnishings, the two daughters jointly receive another vineyard. Moreover, to his married daughter, he bequeaths her already-received dowry and a slave, while he bequeaths his unmarried daughter some property, as well as a slave; the three brothers and the unmarried daughter also receive four slaves amongst them.<sup>196</sup> The division of property between the children appears to have been equal, although without knowing the value of the different assets left to them, we are not able to know for certain. To his wife he leaves the “full property rights” (κυριευτικῶς) of land he owns, meaning that she would be able to manage the land as she pleased.<sup>197</sup>

*P.Princ.* II 38 (ca. AD 264) is a will containing several elements of a standard Roman will, though it is written in Greek. This document is particularly interesting as in it we see that the author of the will, Aurelia Serenilla, names her mother as her heir, and disinherits her own sons, though the reason for this is not given.<sup>198</sup> Serenilla also grants her mother the usual hundred day period to formally acknowledge the inheritance, a custom that was Roman in origin, as observed in Gaius’ *Institutions* 2.170: “Every period granted for deliberation has a prescribed limit, and in such cases [acceptance of inheritance] a reasonable time is considered to be a

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<sup>195</sup> II.1-2: Aurelius Hermogenes...[dictated this will] in Greek letters according to the concession of (Roman law). The concession of Roman law refers to Severus’ regulations regarding the writing of official wills in Greek mentioned above.

<sup>196</sup> II.8-16.

<sup>197</sup> II.16-18.

<sup>198</sup> II.3-4: Αὐ(ρηλία) Ασκατάριον ἢ κα[ι] Κόπριλλα μήτηρ μου [κλη]ρονόμος μοι ἔστω. οἱ δὲ υἱοὶ <οἱ> ἐμοὶ ἀποκληρόνομοι ἔστωσαν. Cf. Champlin, 1991, 110-111, where he states that the disinheritance did not usually take place because of hostility, and that disinherited children were usually given “legacies of lands, goods, money, or maintenance.” He implies that this may be the case with this particular document.

hundred days.”<sup>199</sup> The mixing of Greek and Roman customs in this will, however, is most conspicuous in the fact that the testator has two guardians with her: her *kyrios*, her husband Aurelius Herminos as was typical in Greek tradition,<sup>200</sup> as well as a *curator*,<sup>201</sup> which from the third century on was required by Roman law for females aged 12 to 25.<sup>202</sup> It is not stated in the surviving fragments of the document what exactly it was that Serenilla bequeathed her mother, but from what is left we know that she also left her husband several arouras of land, which indicates that she was probably a wealthy land-owner.<sup>203</sup>

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<sup>199</sup> In the papyrus, II.4-5: προσερχέσθω δὲ τῇ κληρονομία μου ἐν ἡμέραις ρ ταῖς ἐπι[σήμοις] μου ὅταν γνῶ και δύνηται μαρτύρασθαι ἐαυτὴν εἶναί μοι κληρον[ό]μον. Cf. Taubenschlag, 1944, 160-161.

<sup>200</sup> I.2: μετὰ κυρίου Αὐ(ρηλίου) Ἑρμ[ίν]ου τοῦ κ[α]τὰ Ἀχιλλέως Εὐδαίμονος. It is important to note that this may suggest that her husband was OK with her disinheriting her sons. It is not possible to tell from the text whether they his children or not, but regardless of their paternity, the situation is quite striking and leads us to wonder about the circumstances that led to this action. In Rome, husband-wife guardianship was often frowned upon, since it was believed that it created a conflict of interest and could, therefore affect marital affection; husband-wife guardianships, however, were a common occurrence in the eastern provinces, where Greek customs were predominant (Grubbs, 2002, 24).

<sup>201</sup> II.2-3: καὶ κουράτορος Αὐ(ρηλίου) Οὐαλερίου Λόγ'γου [οὐετρ]ανοῦ ἀπὸ τῆς αὐτῆς [Ἑρμ]ιοῦ πόλ(εως).

<sup>202</sup> A *curator (minoris)*, assumed the same role as a *tutor impuberis*. The *curator*, if one had not been appointed, would typically be the nearest male relative on the father's side, and his main duty, like that of a *kyrios*, was to assist his ward with legal transactions and safeguard his ward's property until she was mature enough to manage it. The main difference between a *kyrios* and a *curator* or *tutor* was that their role of *kyrios* was usually taken by the woman's husband, while under Roman custom, husband-wife guardianship was frowned upon and, therefore, not typical. Cf. Arjava, 1996, 114-115; Grubbs, 2002, 23, 35.

<sup>203</sup> II.5ff.

**ii. Alternative to Wills:**  
**Donationes mortis causa**

An alternative to the making of formal wills was to make a *donatio mortis causa*,<sup>204</sup> which was a “gift” made effective upon the death of the person making it. The custom of drafting *donationes mortis causa* seems to have been Egyptian in origin, although during the Roman period it appears that these documents were more frequent among the Greeks.<sup>205</sup> It is not clear how a non-Roman citizen, before the *constitutio Antoniniana*, would choose between writing a *donatio* and a διαθήκη. Both types of documents were in use before AD 212, in both *metropoleis* and villages, written by men and women, and by people of different ages; indeed, there’s no clear pattern regarding preference of one document over the other.<sup>206</sup> Nevertheless, according to Ulpian, as recorded in the *Digest* 39.6.2, there were three possible reasons for the making of a *donatio*: first, when someone “without the fear of present danger, but simply in contemplation of his mortality,” gives a *donatio*; second, they are given when one “is moved by an impending danger...in such a manner that the beneficiary immediately becomes the owner”; and third, when “one is induced by danger...in such a manner that [the beneficiary] becomes [the owner] after death has occurred.”<sup>207</sup> There seem to be about 44 of these documents, of which 34 were composed between 30 BC and AD 212, and eight are dated after AD 212. Of these, 11 were

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<sup>204</sup> This is a modern term coined by scholars; the words used by the inhabitants of Roman Egypt to refer to these documents were μεριτεία in the first century and συγχώρημα in the second. Cf. Yiftach, 2002, 152, nos. 10 and 11.

<sup>205</sup> See *BGU* III 993, from 127 BC, is a Greek translation of an Egyptian *donatio*. Cf. Taubenschlag, 1944, 153-154.

<sup>206</sup> Yiftach, 2002, 153.

<sup>207</sup> Cf. Dropsie, 1892, 177-178; Rood, 1926, 9-10.

written by women on their own, while in four cases they do so jointly with their husbands;<sup>208</sup> this means that women were the authors of about 40 percent of these documents, a higher number than that of formal wills.<sup>209</sup> Moreover, there are in total 18 cases in which daughters were beneficiaries,<sup>210</sup> and at least four in which the wives were also bequeathed property.<sup>211</sup> These documents did not follow the exact structure of the διαθήκαι or the Roman testaments, but according to Yiftach (2002) they all appear to have followed a common structure containing a variety of clauses and provisions: near the beginning of the document, the date and place of the composition of the *donatio* was indicated, which was followed by the author acknowledging his bequest of property effective after his death (*meta tēn teleutēn*<sup>212</sup>), details of which usually followed. Some *donationes*, if required, also contained provisions dealing with appointment of guardianship for underage children, and often, too, concerning the burial of the testator.<sup>213</sup> Like the διαθήκαι, these *donationes* also had to be registered at the public office and usually contained the names of six witnesses, although their presence was not always recorded.<sup>214</sup> It appears that these types of documents were most commonly drawn up by inhabitants of villages,

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<sup>208</sup> For women as sole authors see: *BGU* I 183 (AD 85); 251 (AD 81); 252 (AD 98); *P.Col.Inv.* 518 (AD 116); *P.Haun.Inv.* 28; *P.Mert.* III 105 (AD 164); *P.Stras.* II 122 (AD 161-169); *P.Tebt.* II 381 (AD 123); *SB* V 7559 (AD 118); VIII 9642 1 (ca. AD 112) and 3 (AD 125). For women being testators alongside their husbands see: *CPR* I 28 (AD 110); *P.Munch.* III 80 (AD 103-114); *P.Stras.* VII 603 (AD 102-117); *SB* XVI 12334 (second century).

<sup>209</sup> Rowlandson, 1998, 199; Yiftach, 2002, 151-153.

<sup>210</sup> For some examples see: *BGU* I 183 (AD 85); 251 (AD 81); *P.Haun.Inv.* 28; *P.Kron.* 50 (AD 138); *P.Lond.* II 288 (AD 90); *P.Mich.* V 321; XVIII 785a (AD 47-61); *P.Stras.* II 122 (AD 161-169); VII 603 (AD 102-117); *P.Tebt.* II 381 (AD 123); *P.Ups.Frid.* 1 (AD 48); *SB* I 4322 (AD 84-96); VIII 9642 5 (AD 139-161).

<sup>211</sup> See: *SB* I 4322 (AD 84-96); *P.Munch.* III 80 (AD 102-117); *P.Mich.* XVIII 785a (AD 47-61); *P.Ups.Frid.* 1 (AD 48).

<sup>212</sup> The phrase μετὰ τὴν τελευτήν, commonly preceded by ὁμολογῶ (ἀπο)μεμερικέναι, appear in all of the *donationes* mentioned in this chapter. Cf. Taubenschlag, 1944, 153.

<sup>213</sup> Yiftach, 2002, 151. For burial provisions see for example: *P.Diog.* 11-12 (AD 213); *SB* VIII 9642 1 (AD 112); 9642 3 (AD 125); 9642 4 (AD 117-137); 9642 5 (AD 138-161).

<sup>214</sup> *Donationes* without the recording of witnesses: *BGU* I 251 (AD 81); *P.Mich.* V 321 (AD 42); *P.Munch.* III 80 (AD 102-117); *P.Stras.* VII 603 (AD 102-117), among others. Cf. Yiftach, 2002, 163.

particularly from the Arsinoite nome, unlike the διαθήκαι, which appear to have been composed mostly in the *metropoleis*.<sup>215</sup>

Regardless of the provenance of these documents, in both the διαθήκαι and the *donationes* we find the same kinds of assets being transferred, both to sons and daughters alike: pieces of land, houses or shares of houses with their furnishings and courtyards, movable goods such as clothing and jewellery, money, and sometimes slaves. Although these things were frequently recorded also as being part of the *parapherna* and *prosphora*, the main difference was that the goods recorded in a *donatio* could be at any point revised or even withdrawn while the testator was still alive, unlike the items delivered under the *prosphora*, for instance, which were permanent.<sup>216</sup> As mentioned above, this document was often concerned with the redistribution of the deceased's property to their surviving spouse and (future and/or present) joint children, but most importantly, these documents often indicate that the title (ἡ κτῆσις) of the property of the deceased parents would pass to the children, yet the parent retained the right to use and manage the estate until the children came of age. It appears that this hereditary right took place whether or not it had been formally incorporated into a contract.<sup>217</sup>

Many of the typical elements found in *donationes* can be seen in one relevant document, *P.Kron. 50* (AD 138), from the archive of Kronion mentioned above. This text is the *donatio* of Kronion, from which we learn that he left the majority of his estate to his two younger sons, Harmius and Harphaes, and his underage granddaughter, Tephorsais, to be divided into three

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<sup>215</sup> Cf. Yiftach, 2002, 155-158, 164.

<sup>216</sup> Cf. Yiftach-Firanko, 2003, 221.

<sup>217</sup> Yiftach-Firanko, 2003, 226-227.

equal shares: property, furniture, implements, household goods, and any debts owed to him.<sup>218</sup>

We also learn that he not only left his daughters gold, silver, clothing, and money, but, in fact, the women received even more than the eldest son, Kronion the younger, to whom Kronion decided to leave very little (only 40 drachmas) because he “[had] been wronged by him in many matters over the course of his lifetime.”<sup>219</sup> It is important to note, moreover, that although Tephorsais is said to be underage, Kronion does not appoint anyone to administer her share of the inheritance; it is likely, therefore, that her share was expected to be managed by her parents.<sup>220</sup> If this is the case, then Kronion Jr., Tephorsais’ father, would have ended up obtaining and managing much of Kronion’s estate, even if not explicitly left for him in the *donatio*. The document ends with the signatures and seals of Kronion and the six witnesses.

*SB VIII 9642 1* (AD 104-112), is also a significant document for our study. In this *donatio* we observe Tamystha, acting with her brother as guardian,<sup>221</sup> bequeathing her assets to her children. Her property is composed mainly of half a share of a house previously

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<sup>218</sup> *P.Kron.* 50.2-6 (AD 138).

<sup>219</sup> *P.Kron.* 50.6-10 (AD 138): To the other three children of Kronion himself, Kronion [the younger] and Taorsenouphis [the younger] and Tephorsais: [he acknowledges] to have left for Kronion [the younger] only forty drachmas of silver because of the fact that he has been wronged by him in many matters over the course of his lifetime...; to the two daughters...apart from the gold and silver jewellery and clothing...he gives as a present to each [...] drachmas of silver.

This is another case of (almost) disinheritance, similar to that of *P.Princ.* II 38 (ca. AD 264), mentioned above in pages 52-53. It is interesting to note that both cases involve sons rather than daughters. I have not come across any examples of women being disinherited; the closest instance is of a woman refusing to leave anything to her daughter-in-law in *P.Lips.* I 29 (AD 295), which is mentioned above in page 51.

<sup>220</sup> See *P.Mich.* XVIII 785a.11-19 (AD 47-61), a copy of *donatio mortis causa*, by which the properties of Tithoues the elder are to be divided, after his death, between his wife Tapetsiris, their son and their two daughters. Here we also find an example of an appointment of managers for the inheritance of a minor; in this case, the managers are given complete control over the property, which is to be handed back after five years, “free from all public charges and every expense...disposing of nothing of the goods divided to the children... and shall, however, alienate simply nothing on the basis of a disposal [of the goods divided to the children without(?)] the consent [of the heirs(?)]...” See also *P.Fam.Tebt.* 20 (AD 120/121).

<sup>221</sup> Cf. chapter 3, 66, n.250 for Egyptian women applying for guardians and acting under the Greek guardianship system.

purchased,<sup>222</sup> as well as her personal effects and household goods. Tamystha leaves all these assets to her daughter, Taorsenouphis. At the end of the text, however, two conditions are added: first, that the daughter should provide her mother with a proper burial after death, and second, that she should give her brother Heron the total sum of twenty drachmas. The reason for the son's small inheritance, or whether this even was his sole legacy, is not stated in the text itself; it is possible, however, that this had been done because either Tamystha had the intention to disinherit her son,<sup>223</sup> or because he had already received his inheritance.<sup>224</sup> The document closes with the customary signatures of six witnesses. This papyrus is quite relevant, as it not only contains many of the common elements found in *donationes*, but also the daughter's inheritance is far greater than that of her brother.

More instances of women receiving significant assets can also be found in the following papyri: in *BGU I 183* (AD 85), a daughter inherits half a share of a house and courtyard, among other things, while in *BGU I 251* (AD 81), two daughters receive money, as well as clothing and shares of houses and courtyards. *P.Mich. V 321* (AD 42), documents the testator's daughter receiving one quarter of the οἰκοπέδων<sup>225</sup> alone, which he owns in the village of Talei. In *P.Stras. II 122* (AD 161-168), the testator bequeaths her daughter some arouras of land with everything that is in them in the village of Dionysias, as well as quarter of a house in the same village and two slaves. *P.Stras. VII 603* (AD 102-117) is rather fragmentary, but the beneficiaries are a son

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<sup>222</sup> The sellers of the house were two women, Ptolemais and Didis, and a third party whose name has been lost from the record.

<sup>223</sup> Cf. Husselman, 1957, 136-137. She compares this situation to that found in *P.Kron. 50* (AD 138), discussed above, in which Kronion the younger is "cut of with a payment of forty drachmas" because he had wronged his father.

<sup>224</sup> Husselman, 1957, 136; Rowlandson, 1998, 199.

<sup>225</sup> This term can be translated either as building sites or the buildings themselves (LSJ, οἰκόπεδον, τό).

and two daughters, the latter of whom appear to receive cash, one aroura of katoicic land,<sup>226</sup> and a house with all its furnishings. *P.Tebt.* II 381 (AD 123), records a daughter, Thenpetesouchos, as the main beneficiary, receiving from her mother, Thaesis, a house and yard (obtained by the mother through purchase), furniture, utensils, household stock and clothing, and whatever debts were owed to the testator at the time of her death. Here also, like in *SB VIII 9642 1* (AD 104-112), a small sum of money is left to someone other than the daughter - in this case, to the son of Thenpetesouchos' deceased sister. *P.Ups.Frid.* 1 (AD 48) documents a father claiming to own building sites (οικόπεδα), in which he has a three-story house, as well as a fifth of other houses with all their furnishings and attachments (courtyard, entrances, and exits); of these, he leaves his son two shares of a fourth of all the property, while his two daughters are to receive the remaining two shares, one each. He also bequeaths to all three of them a λάκκος, which could mean either a pond in the property or pit or reservoir used for the storing of wine, oil, or grain.<sup>227</sup> *SB I 4322* (AD 84-96), though very fragmentary, is significant as in addition to inheriting a room in a house, flocks of sheep are also mentioned in the description of assets; it seems that the wife of the testator would have been the beneficiary.<sup>228</sup>

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<sup>226</sup> Katoicic land was one of the main categories of private land in the province. As opposed to public land, private land could be alienated through sale, gift, dowry, or inheritance (cf. Rowlandson, 1996, 29, 41-48).

<sup>227</sup> LSJ, λάκκος, ὄ.

<sup>228</sup> For more examples of women as beneficiaries see also: *P.Lond.* II 288 (AD 90): a daughter is named a one of the beneficiaries; the recording of her inheritance, however, has not survived, but since her brothers' inheritance consists of land, shares of houses, chattels, and slaves, it would not be implausible to assume that she received a substantial endowment as well. *SB VIII 9642 3* (AD 125): a daughter receives a relatively small inheritance of 60 drachmas of silver. It is possible that this sum was in addition to a dowry already received (cf. Husselman, 1957, 140-141). *SB VIII 9642 5* (AD 139-161): the papyrus is rather fragmentary, but we know that the property of the testator is divided between his son and daughter; his estate seem to have been rather large and consisted of at least three holdings of land, a share of a garden, shares of houses, as well as the typical household goods. All of this is left for the son, while the daughter receives some unspecified property in addition to her dowry and marriage gifts (cf. Husselman, 1957, 146). *SB V 7559* (AD 118): a freedwoman by the name of Thaisas divides her property between her son and daughter, leaving them a fourth of a share of a two-story house in Tebtunis. She stipulates, however, that she retains control of it for as long as she is alive.

Complete ownership of the inherited assets, both through *διαθήκαι* and *donationes*, is further stressed by the fact that the heir could legally transfer his or her inheritance to another person who, upon acceptance, would consequently become a legal heir; this custom, Egyptian in origin, survived under the Greek and Roman jurisdictions.<sup>229</sup> Despite the many provisions and clauses found in testamentary documents dedicated to safeguarding women and children's rights to their property, it was not unusual for difficulties to arise when there were co-heirs alongside the wife involved: some documents, indeed, show co-heirs denying the wife of the deceased her portion of her inheritance on account on her already having a dowry.<sup>230</sup>

Another interesting document regarding the misappropriation of an inheritance within the family can be found in *P.Cair.Isid.* 64, a formal complaint filed to the *strategos* of Karanis in ca. AD 298. In this document, two daughters by the names of Taesis and Kyrillous complain that their uncle has taken away from them, without their consent, significant movable property left to them by their father when he died; the property consisted of 61 sheep, 40 goats, one grinding-mill, three talents of silver, two artabas of wheat, and two slaves. In exchange, they protest, he has given them “arable arouras of public land”, which was subject to high taxation, even though women were exempt from such obligations.<sup>231</sup> Moreover, they mention that their uncle has taken upon himself to sell one of the slaves left to them, something that he would not have had the right to do, as the daughters held full ownership of the assets bequeathed to them, as has been

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<sup>229</sup> Taubenschlag, 1944, 162-163.

<sup>230</sup> This can be seen in the following papyri: *BGU* II 592 (second century AD); *M.Chr.* 57 (ca. AD 40); *P.Munch.* III 77 (third century AD); *P.Oxy.* XLVI 3274 (AD 99-117); *P.Tebt.* II 335 (ca. AD 165).

<sup>231</sup> In order to collect money, the Roman government assigned unwanted private land to wealthy individuals, who were then required to pay taxes on it, whether they were to cultivate the land or not. Women, however, were exempt from the compulsory cultivation of land (Rowlandson, 1996, 88-92; 1998, 201). Cf. *P.Oxy.* VI 899 (AD 200) for a petition of a woman to the *strategos*, requesting that she be relieved of the responsibility over public land that has been forced upon her.

discussed above. It is not known whether the matter was ever resolved, but the mere fact that they were able to voice their complaints and probably be heard was in itself significant.<sup>232</sup> It is probable that the cases of the women mentioned above were also filed with officials.

## **Conclusion**

Regardless of the kind of testamentary document, we are able to observe patterns and likeness in content in all of them. Documents started with the name of the donor, regularly identified by their age, place of residence, and physical features, who would then identify their heirs and make a division of their holdings, which would typically take effect after the testators death. Clauses regarding various circumstances, such as provisions for underage children, or burial practices were also often added, especially to the *donationes*. As we have seen, women appear throughout these documents both as testators and beneficiaries. The fact that they were able to inherit all kinds of property, both movable and immovable, and hold complete ownership of these assets meant that they were free to participate in the economy alongside men and act as their own economic agents, as will be discussed in the next chapter.

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<sup>232</sup> For other examples of misappropriation of property see: *BGU* 198 (AD 211), a woman complaining that her brother-in-law has sold her deceased husband's property which was to be inherited by her three children; *P.Oxy.* VIII 1121 (AD 295), for a woman complaining that when her mother died intestate, she left her property "according to the law," but that two neighbours living in her mother's house, took away all the movable assets left to her. Cf. Hobson, 1993, 208ff, for an overall discussion on petitions arising from property disputes.

### CHAPTER 3:

### ECONOMIC ACTIVITIES

Women in Roman Egypt were, of course, active in the private sphere, but they also played a significant role in the public environment of the province by being deeply involved in the economy. Normally in the Classical Greek world women faced many limitations when it came to the owning and managing of land and property;<sup>233</sup> in Ptolemaic and Roman Egypt, however, women were able to own, control, and manage property in their own right, and use their wealth independently from their fathers or husband or other significant men in their lives.<sup>234</sup> As previously mentioned, marital and divorce documents were usually drawn up not only to record the marriage itself and its provisions, but also to record marital property arrangements, whether the property was obtained through the bride's dowry, inheritance, or otherwise.

This chapter will consider three aspects concerning women's involvement in economic activities: first, the topic of literacy and guardianship will be briefly discussed, as these things tended to have an effect on women's abilities to purchase or alienate property and, therefore, be active participants in the economy; the second section of the chapter will deal with two topics:

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<sup>233</sup> The Greeks considered ownership of property as the right not only to use it, but also alienate it. Although, women could inherit in certain circumstances, they did not become the legal owners of the property, as they did not have the power to alienate it (it was their *kyrioi* who retained the full authority to administer the property). For instance, women left without brothers at her father's death, were known as *epikleroi*, through whom property passed from a man to his heirs; that is, they did not, legally or effectively, own the property. Cf. Levick, 2012; Schaps, 1981; Sealey, 1990, 45; van Bremen, 1996.

<sup>234</sup> It is important to note that changes regarding ownership of property by women also took change in other Hellenistic cities outside of Egypt. There are many inscriptions from different Hellenistic cities in which women can be observed taking place in different transactions of property, from loans of money (*IG VII 3172*, third century BC, Boeotia) to the purchase of land (*IG VII 43*, third century BC, Megara). From these inscriptions we can see that the old restrictions on women concerning property had started breaking down by the third century BC, and women could exercise some authority over their assets. Cf. Sealey, 1990, 89-95 for a discussion of these inscriptions.

ownership and management of agricultural land, as well as with non-agricultural property, such as buildings and movable goods.<sup>235</sup> The economic affairs women conducted and participated in, concerning both agricultural and non-agricultural property will also be discussed; these include selling, purchasing, and leasing of property, as well as the making of loans, for which extensive evidence exists.

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<sup>235</sup> By movables I refer to things such as slaves, cash, jewellery and clothing, and animals.

## **i. Literacy and Guardianship: The Acquisition and Alienation of Property**

In Roman Egypt, schooling seems to have begun between the ages of seven and ten, and there were three known levels of education through which children could pass, each of which was supervised by a different teacher.<sup>236</sup> There is, however, not much evidence with respect to how long the students spent in the each stage of learning, seeing as this would have greatly varied depending on the social class of the students' families and the environment in which they lived.<sup>237</sup> The first stage was for learning basic reading, writing, and numeracy;<sup>238</sup> at the second level, in addition to reinforcing their grammatical knowledge of the language, students were also trained in reading literary works, such as those of Homer;<sup>239</sup> and, finally, those few who decided to advance to the third level of education usually required a period of study in Alexandria,<sup>240</sup> where they continued to study literary texts, learn rhetorical skills, and perfect their oral and written expression of the language.<sup>241</sup> Education in Roman Egypt was primarily private, which

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<sup>236</sup> Benaissa, 2012, 528-529; Capponi, 2011, 47; Cribiore, 1996, p.13; Lewis, 1999, 63. Note that the age at which children started their schooling was not as uniform as it is today; their promotion to the next level of education, moreover, depended on the child's literacy level and ability rather than age. The differences in age at the different levels could also be attributed to the fact that many children were schooled at home by their parents, if they were literate, before being sent out to a "formal" school (cf. Cribiore, 1996, 13, 15; 2001, 42).

<sup>237</sup> Cribiore, 2001, 162.

<sup>238</sup> For basic writing exercises see: *O.Stras.inv.D.Gr.r.* 60 (date unknown, but from the Roman period) = Cribiore, 1996, no.52 for an ostrakon containing letters of the alphabet; *T.Mich.inv.* 763 (fourth century AD) = Cribiore, 1996, no.83 for a syllabary written in a wooden tablet, containing, on the first side, vowels, consonants, and combinations of both, and, on the second side, the Greek alphabet in both regular and reverse orders; *O.London* UC 31896 (fourth century AD) = Cribiore, 1996, no.112 for a list of names written on an ostrakon, and divided into syllables by dashes.

<sup>239</sup> See *P.Lund* VI 12 (third/fourth century AD) = Cribiore, 1996, no.212 for a short passage of the *Iliad* 3.407; *P.Gen.inv.* 249 (first-second century AD) = Cribiore, 1996, no.264 for a long passage of the *Odyssey* 2.127-140 and 152-166. Note that my focus of schooling does not necessarily focus specifically on the Greek community, but on Greek education, which was the dominant mode. Greek education was extremely relevant also to the Romans and Egyptians, especially those of higher status, since most businesses were transacted in Greek, which was the official language of the administration. There is also evidence of the existence of schools associated with priests of Egyptian temples providing both Demotic and Greek education, yet the evidence is unclear and its majority remains unpublished (cf. Cribiore, 2001, 5, 22-23).

<sup>240</sup> Lewis, 1999, 63.

<sup>241</sup> Cribiore, 1996, 13; Cribiore, 2001, 50-56; Cribiore, 2009, 321.

meant that class and status were the main factors that determined who was able to continue on to the higher levels of education.<sup>242</sup>

Girls had access only to the primary and secondary levels of education, and were completely excluded from the study of rhetoric.<sup>243</sup> *P.Giss.* 80 and 85<sup>244</sup> provide us with evidence concerning the primary schooling of a girl, Heraïdous. As the daughter of a local governor, Heraïdous received her education at home via a private tutor, an arrangement that is believed to have been quite popular among people of the elite classes of Roman Egypt. It is also important to note that this was a wealthy and elite family, and that all the women who were part of it (Heraïdous' mother, grandmother, and aunt) seemed to be literate.<sup>245</sup> *P.Corn.* I 18 and *P.Oxy.* XLIII 3136, both from the third century AD, are also relevant, as they concern the registration of two girls in the *gymnasium*, a place where local boys received athletic and military training, as well as a place where members gathered in order to socialize and pursue intellectual activities.<sup>246</sup> It cannot be certain, however, whether the mere act of registration granted the girls with the rights to participate in the activities that the *gymnasium* provided for boys. Even though it was only a minority of women who were able to be educated, as Rowlandson remarks, a Greek education appears to have been the most powerful factor in making women confident enough to

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<sup>242</sup> Cribiore, 2001, 3.

<sup>243</sup> Cribiore, 2001, 53, 56.

<sup>244</sup> The dates for these documents are unknown, but they seem to be from late in the reign of Trajan in the early second century AD (Rowlandson, 1998, 304).

<sup>245</sup> See *C.Pap.Jud.* II 436 (AD 115), *P.Giss.* 20 (AD 117-118), and *P.Giss.* 78 (second century AD) for letters written by Aline, Heraïdous' mother; see *C.Pap.Jud.* II 437 (AD 115), *C.Pap.Jud.* II 442 (AD 116), *P.Flor.* III 332, *P.Giss.* 21, and *P.Giss.* 23 (all from the second century AD) for letters written by Heraïdous' grandmother, Eudaimonis. Cf. Cribiore, 2001, 20, 96-97.

<sup>246</sup> Cribiore, 2001, 35.

act independently in what was largely a patriarchy.<sup>247</sup> Later in life, a woman's ability to know how to read and write gave her significant advantages: it played a major role in whether women chose to act with or without a guardian and was, of course, an useful ability to have when they needed to deal with any contracts related to their land and properties.

The tutelage of women continued to be observed in Hellenistic and Roman Egypt among the Greek and Roman populations; Egyptian women, on the other hand, could act independently and were seen as equal to men concerning their legal capacity.<sup>248</sup> Under Greek and Roman law, the authority of a guardian was needed for the alienation of property; certainly, those who were wealthy would be most affected by the necessity for the authorization of a guardian, particularly in a society where land was the main form of wealth.<sup>249</sup> It is common, therefore, to see in the papyrological record Egyptian women applying for guardianship and acting with guardians.<sup>250</sup> It was through the *lex Iulia et Titia*, instituted during the reign of Augustus, that provincial governors were allowed to appoint guardians for women who did not have one: "If any one had no tutor at all, one was given him...in the provinces, by the *praesides* under the *lex Julia et Titia*."<sup>251</sup> Indeed, several papyri show women petitioning the Prefect of Egypt for the

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<sup>247</sup> Rowlandson, 2004, 164.

<sup>248</sup> Parca, 2012, 317.

<sup>249</sup> Saavedra, 2002, 302-303.

<sup>250</sup> An excellent example of a request for guardianship can be found in *P.Oxy.* IV 720 (AD 247), a Latin petition by a certain Egyptian woman by the name of Aurelia Ammonarion to have a guardian appointed for her; attached to the petition is the prefect's response granting her request. For other petitions see *P.Oxy.* XII 1466 (AD 245); *SB* V 8010 (AD 54-68). For Egyptian women acting with guardians see: *P.Oxy.* III 488 (late second - early third century AD); *P.Kron.* 17 (AD 140); *SB* VIII 9642 1 (AD 104-112), cf. page 61.

<sup>251</sup> *Just. Inst.* 1.20. Cf. *P.Oxy.* VI 888 (AD 287) for the edict of Pompeian (a prefect) on guardians: "If guardians have not been appointed for orphans, the officials established...shall appoint guardians in the prime of life..." (Johnson, et al., 1961, no.293).

appointment of a guardian, and explicitly mention this law.<sup>252</sup> There were, however, legal rules that permitted women to operate without a guardian: such a law, the *ius trium liberorum*, was instituted by Augustus in AD 9, and gave all Roman freeborn women who had given birth to three children, and manumitted women who had borne four, the ability to conduct business independently, without the use of a guardian.<sup>253</sup> A woman who qualified would have had to submit an application to the Prefect's office, in which she would explain why she was qualified, and this application would usually be placed on record for future reference.<sup>254</sup>

Although literacy was never a prerequisite to apply for the *ius trium liberorum* or to undertake business autonomously,<sup>255</sup> it still played a significant role as to whether women chose to act with or without a guardian.<sup>256</sup> The ability to know how to read and write was, of course, necessary if they needed to deal with any contracts related to their land and properties. Indeed a vast number of papyri in which women are involved in the sale, purchasing, or leasing of property - whether movable or immovable - show women acting independently, without

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<sup>252</sup> The phrase (or a slight variation of it) “rogo, domine, des mihi auctorem [name of desired guardian] e lege Iulia Titia” is found in: *P.Mich.* III 165.7-8 (AD 236); *P.Oxy.* XII 1466.1 (AD 245); *P.Oxy.* IV 720.1.5 (AD 247); the same phrase, but in Greek (“ἔρωτῶ, κύριε, δοῦναί μοι κύριον...κατὰ νόμον Ἰούλιον Τίτιον”) is found in *P.Oxy.* XXXIV 2710.5-6 (AD 261).

<sup>253</sup> Arjava, 1996, 114-115; Arjava, 1997, 27; Grubbs, 2002, 24; Milnor, 2005, 153; Taubenschlag, 1944, 177; Vandorpe, 2012, 267. See *P.Cair. Isid.* 112 (AD 300), *P.Coll. Youtie* II 67, and *P.Col.* VII 185 (AD 315), *P.Gen.* II 116 (AD 247), *P.Mich.* XV 719 (third century), *P.Oxy.* VI 909 (AD 225), X 1276 (AD 249), X 1277 (257) for women acting without guardians; they all specifically refer the *ius trium liberorum* with the following formula: “...acting without a guardian by right of children [according to Roman Law] (χωρίς κυρίου χρηματίζουσα [κατὰ τὰ Ῥωμαίων ἔθη] τέκνων δικαίω...)” All these papyri concern women leasing or selling property. They will be discussed in detail below.

<sup>254</sup> Taubenschlag, 1944, 133. See *P. Oxy.* XII 1467 (AD 263) for an application of a mother asking to be granted permission to act without a guardian.

<sup>255</sup> Taubenschlag, 1944, 177.

<sup>256</sup> For a complete list of women acting without guardians see Sheridan, 1996.

guardians.<sup>257</sup> In fact, there are in total 86 surviving papyri dating from the first century to the beginning of the fourth recording women acting without guardians, of which 54 (ca. 62 percent) show them being involved in economic affairs.<sup>258</sup> It could be assumed, therefore, that most of the women who applied for their release from guardianship were somewhat literate, since illiteracy would make such women incapable of using the independence the law provided them. As Rowlandson states, literacy was not a requirement of the law itself, so the cases in which women appeal to their ability to write in connection to their freedom from guardianship are particularly significant.<sup>259</sup> Such a case can be observed in *P. Oxy.* XII 1467 (AD 263), in which a literate woman, known as Lolliane, requests her right to act without a guardian:

[There are laws] which empower women who are adorned with the right of three children to... act without a guardian in whatever business they transact (χωρ[ίς] κυρίου χρηματίζειν ἐν αἷς ποι- οῦν[τ]αι οἰκονομίαις), especially those who know letters (πολλῶ δὲ πλέον ταῖς γράμματα ἐπισταμέναις).<sup>260</sup>

It is clear that this woman was of high standing, not only because she was writing directly to the Prefect of Egypt, but her literacy was also an indication of her social status – “as I

<sup>257</sup> The phrase χωρὶς κυρίου χρηματίζουσα κατὰ τὰ Ῥωμαίων ἔθη τέκνων δικαίῳ denotes this (cf. Sheridan, 1996, 125 for all variations of the formula). For some examples see: *BGU* I 94.23 (AD 289); *BGU* I 96.15 (AD 251-300); *BGU* III 717.2-3 (AD 149); *BGU* III 863.1-3 (AD 201-300); *BGU* III 920 (AD 212); *Chr.mitt.* 172 (AD 256).3, 24-25 (AD 256); *Chr.mitt.* 309.8-9 (AD 201-300); *P.Lips.* I 29.1 (AD 295); *CPR* I 63.7-8 (AD 223-235); *P.Cair. Isid.* 93 (AD 282); *P.Cair. Isid.* 112 (AD 300); *P.Col.* VII 179.4 (AD 300); *P.Col.* VII 185 (AD 315); *P.Coll.Youtie* II 67.3 (AD 260/261); *P.Freib.* II 9.4 (AD 138-161); *P.Gen.* II 116.7 (AD 247); *P.Hamb.* I 100.3-4 (AD 101-200); *P.Jena* II 1.4 (AD 298/299); *P.Mich.* XV 719.5 (third century); *P.Oxy.* VI 909.6-7 (AD 225); *P.Oxy.* X 1276.2-3 (AD 249); *P.Oxy.* X 1277.2-3 (AD 257); *P.Oxy.* XIX 2236.7-8 (AD 201-225); *P.Oxy.* XXXVI 2777.10 (AD 212); *P.Oxy.Hels.* 26.7 (AD 296); *P.Ryl.* II 165.10-11 (AD 266); *P.Stras.* 6 594a.1-2 (AD 293-294); *PSI* III 182.10-11 (AD 234); *P.Stras.* VIII 732.3 (AD 228-229); *SB* VI.5 (AD 175); *SB* XIV 11598.4-5 (third century); *P.Vind.Bosw.* 6 (AD 250); etc. The majority of these papyri concern women selling, leasing, loaning, or purchasing property.

<sup>258</sup> See Sheridan, 1996, 118-124 for a detailed list of all women acting without guardians. The list also contains papyri dating from the fourth century to the beginning of the seventh, which I have not included in this thesis.

<sup>259</sup> Rowlandson, 2004, 158. Cf. Sheridan, 1998, 199: it is believed that at least 25 percent of women who operated with the *ius trium liberorum* were unable to read and write.

<sup>260</sup> Ln. 2-10. The date is after AD 212, when everyone was granted Roman citizenship; therefore, any woman had the right to apply for the *ius trium liberorum*.

am a woman able to write with a high degree of ease.”<sup>261</sup> This same woman, moreover, is recorded in a papyrus of a later date, *P.Oxy.* XII 1475 (AD 267) as selling a plot of land. Only a minority of girls were able to acquire an education, and this typically depended on the wealth and social status of their parents.<sup>262</sup> The acquisition of literacy for men in the ancient world was extremely important since, in addition to helping them deal with their daily lives in the public sphere, it also reinforced their status and, therefore, their standing in society.<sup>263</sup> Most women, as opposed to men, were less involved with the kinds of businesses that would require them to be literate and, therefore, their education was even more symbolic than anything else of their social status.<sup>264</sup>

Of course, literacy was highly advantageous for the women themselves, but men who had educated wives could also benefit, since men had no choice but to rely on their wives to manage their property and land when they were absent.<sup>265</sup> Moreover, women who were literate were much more able to act as their children’s guardians and help manage their property if necessary, especially after the death of their husband and if their children were still minors at the time. According to classical Roman law, mothers could not officially serve as guardians to their children,<sup>266</sup> yet this is not reflected in the papyri from Egypt, where mothers, most often

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<sup>261</sup> Ln. 13-15: ἐγγράμματος δὲ καὶ ἐξ τὰ μάλιστα γράφειν εὐκόπως δυναμένη. For other examples of women who declare in documents to be “knower of letters” see *P.Lips.* I 3 (AD 256); *P.Stras.* IV 280 (AD 272); VI 555 (AD 289) *P.Vind.Bosw.* 6 (AD 250); *Stud.Pap.* XX 71 (AD 268-270). All of these documents are related to finances and property, and in most of them the women act without guardians (cf. Sheridan, 1998, 196-197).

<sup>262</sup> Pomeroy, 1988, 715.

<sup>263</sup> Cribiore, 2001, 75; Morgan, 1997, 738, 742. There are, however, several cases demonstrating the illiteracy of men in public offices. One such case is discussed in Youtie, 1971, 239-261.

<sup>264</sup> Cribiore, 2001, 75.

<sup>265</sup> Bagnall, 2007, 190; Bagnall and Cribiore, 2006, 81.

<sup>266</sup> Just. *Cod.* 5.31.1 (AD 224): “Administering a guardianship is a man’s burden, and such a duty is beyond the sex of feminine weakness.” Cf. Just. *Cod.* 2.12.18, 21 (AD 294); Just. *Dig.* 26.1.16-18.

widowed, were able to take on the role of guardian.<sup>267</sup> Such power could be given to them by different means, such as a provision in a marriage contract in case of death of the husband,<sup>268</sup> wills,<sup>269</sup> or appointment as legal guardian by officials.<sup>270</sup> For women, various terms were used when referring to their role as guardians or co-guardians: ἐπίτροπος,<sup>271</sup> φροντίστρια,<sup>272</sup> and ἐπακολουθήτρια (used when guardianship is given jointly with someone else)<sup>273</sup> are the most commonly found terms. Once recognized as the guardian, then, the mother could manage her child's property, acting on behalf of the child.

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<sup>267</sup> In all cases, the mothers acting as sole guardians are Greek or Egyptian, not Roman citizens, since the Roman legal restrictions on guardianship did not apply to them yet.

<sup>268</sup> *P.Oxy.* II 265 (AD 81-95); *P.Oxy.* III 496 (AD 127); *P.Oxy.* III 497 (second century).

<sup>269</sup> *P.Oxy.* VI 907 (AD 276).

<sup>270</sup> See *P.Oxy.* VI 888 (AD 287) for the edict of a prefect ordering officials to appoint guardians for minors for whom no guardians have been appointed by the father in his will. Cf. Grubbs, 2002, p.248; Johnson, et al., 1961, no. 293; Taubenschlag, 1944, 116.

<sup>271</sup> See *P.Oxy.* III 496.10-15 (AD 127), in this marriage contract the husband specifies that if he dies and they have children, his wife is to be joint ἐπίτροπος with whomever he appoints (ἀμφότεροι ἐπίτροποι), presumably in his future will. If he does not appoint anyone else, she is to be act as the sole guardian (ἔστω μόνη ἢ γαμουμένη). For similar situations, see: *P.Oxy.* II.26-30 (AD 81-95) and *P.Oxy.* III 497.11-13 (second century).

<sup>272</sup> See *BGU* VII 1662.3-4 (AD 182); *SB* XX 15188.6 (AD 212).

<sup>273</sup> See: *P.Amh.* II 91.1-4 (AD 159), the mother, referred to as ἐπακολουθήτρια (“concurring party”), jointly with her husband, agree to lease a vine-land belonging to their son, who is a minor at the time; *P.Oxy.* VI 907 (AD 276), the will of Aurelius Hermogenes, who divides his property among his five children, of whom three are still underage. He, therefore, appoints an ἐπίτροπος for them, but states that his wife is to be his ἐπακολουθήτρια; *P.Oxy.* VI 909 (AD 225), Aurelia Eudaimonis, as ἐπακολουθήτρια acts jointly with her husband on behalf of their underage children in selling a vineyard. Cf. Taubenschlag, 1944, 116-17.

## **ii. Property-Ownership and Management**

### **a. Agricultural land**

Women in Roman Egypt were allowed to own land and all sorts of property at any stage of life – whether married or unmarried<sup>274</sup> – and it is actually thought that under the Romans approximately one-third of landowners were women, possibly owning between 16 and 25 percent of all the land.<sup>275</sup> Bagnall notes that tax records from fourth century AD Karanis indicate that 17 percent of land owned by villagers, and 18 percent of metropolitan-owned land, was held by women, while records from the second century AD show that women owned about two-fifths of privately-owned land in the same village.<sup>276</sup> It is natural that numbers varied from place to place and time to time.<sup>277</sup> Not only could women generally own land, they were not confined to owning property in one place at a time, and were, indeed, allowed to possess land and properties in different places outside their home communities. *P.Oxy* XLII 3048 (AD 246) is an excellent example. In this text a wealthy woman by the name of Calpurnia Herakleia declares her grain stock, and from this we can see that she owned estates in at least six different places: “in Soyis... in Dositheou... in Ision Tryphonis... in Thmoinepsobthis... in Lile... and in Satyrou.” These, however, were not the only plots of land she owned: we learn from another document of the previous year, *P.Oxy* XLII 3047 (AD 245), that she had also declared five other plots of land in different villages, amounting to a total of over 1700 arouras.<sup>278</sup>

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<sup>274</sup> Rowlandson, 1996, 165.

<sup>275</sup> Rowlandson, 1998, 220.

<sup>276</sup> Hobson, 1983b, 315. Data taken from *P.Mich.* IV.

<sup>277</sup> 33 percent of the land in Soknopaiou Nesos was owned by women, while in Hermopolite, a land list records that 14 percent of the land was held by women (Sheridan, 1998, 192-193).

<sup>278</sup> See also *P.Oxy.* III 488 (AD 212), for a woman living in the Apollonopolite nome, yet owning additional land in the Antaeopolite nome as well.

As discussed in the previous two chapters, one of the reasons why there was such an extensive ownership of land by women was because women inherited private land on the same terms as other kinds of property,<sup>279</sup> since the laws of inheritance in Roman Egypt provided Egyptian, Greek, and Roman women with considerable rights concerning the inheritance and ownership of property: a wife's personal property which had been inherited remained completely separate from the property of her husband throughout the marriage, and was able to be passed separately to her children.<sup>280</sup> In Roman Egypt, moreover, it was not unusual to include land in a bride's dowry, typically under the title of *prosphora*, instead of solely movable goods as was the custom in Ptolemaic Egypt, something which contributed to such widespread land-ownership by women.<sup>281</sup> Other reasons for the extensive ownership of land by women might have had to do with the changes imposed by the Romans regarding the division of land in the province. Land division under the Romans was very simple: they encouraged private ownership<sup>282</sup> – by both women and men – and, furthermore, they also restored the irrigation system, which allowed more land to be cultivated and which, as a result, brought in more income to the Romans through taxation.<sup>283</sup> Of course, women also appear in the record as actively acquiring land through purchase, which also possibly contributed to their rather extensive ownership of land: *P. Turner* 24 (AD 148-54) is an excellent example, as in this document we observe Ptolemais bidding to

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<sup>279</sup> Bagnall, 1993, 130; Hobson, 1984, 379.

<sup>280</sup> Rowlandson, 1996, 150, 284; Rowlandson and Takahashi, 2009, 120. See *P. Oxy.* IV 713 (AD 97), for an instance of a daughter receiving an equal share of inheritance, as that of her brothers.

<sup>281</sup> Pomeroy, 1988, 709-710; Rowlandson, 1996, 154-155. Cf. Chapter 1, part ii for my discussion of dowries, including the *prosphora*.

<sup>282</sup> Under the Ptolemaic dynasty, a significant percentage of the land was held by private owners (Manning, 2003, p. 89), while some belonged to temples and cities. Most remained as crown or royal land, the majority of which was found in the Fayum (Manning, 2003, 123, 177; Pomeroy, 1988, 709). Cf. Lewis, 1970, 8.

<sup>283</sup> Cf. Pomeroy, 1988, 711; Rowlandson, 1998, 220. Men and women paid the same taxes on crops and land.

purchase 16 arouras of confiscated land, valued at 3600 drachmas, on behalf of her daughter, Claudia Areia, so that “ownership (ἡ κυρεία) will remain with [her] and her descendants.”<sup>284</sup> Ptolemais and her daughter Claudia Areia owned all the land adjacent to the property which she wished to purchase;<sup>285</sup> it seems that the right of neighbours to buy adjoining property possibly contributed to the bid, even when the land was in the hands of the *fiscus*.<sup>286</sup>

Being a woman living in Roman Egypt, as opposed to Greece, for instance, had other advantages besides the freedom to buy and own land. Indeed, women were among the group of people who were exempt from liturgies.<sup>287</sup> Women, in particular, were not obliged to perform *σωματικαὶ λειτουργίαι* or *munera corporalia*, which included work on the irrigation system and the cultivation of crown land (*cura praediorum publicorum*<sup>288</sup>), things which all men who owned land were obligated to do.<sup>289</sup> This could, indeed, be a factor contributing to such an extensive ownership of land by women, since it might have been possible that men tended to transfer their holdings to the name of their wives or other female relatives, so as to avoid performing liturgies. I believe that if this was the case we should expect to find a much higher percentage of women

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<sup>284</sup> II.14-16.

<sup>285</sup> II.9-10: “...of which the neighbours on all sides are myself and my daughter Claudia Areia.”

<sup>286</sup> Rowlandson, 1998, 235. See also *P.Tebt.* II 382 (AD 123) and *SB VIII 9642 1* (AD 104-112) for the mention of purchased land in a will and a *donatio mortis causa* respectively; *P.Mich.* V 239 (AD 46) for registration of contracts at the *grapheion* in Tebtunis, for the mention of a woman buying an aroura of vineyard; *CPR I 63* (AD 222-235) and *P.Ryl.* II 165 (AD 266) for women purchasing land.

<sup>287</sup> Groups of people exempt from liturgies included: Roman citizens, and after AD 212, only those of rank and distinction, such as veterans (*Dig.* 50.1.23); Alexandrians (*OGIS 669 = IGRR I 1263 = SB 8444*); learned professionals, such as philosophers, rhetors, γραμματικοί, and doctors – full exemptions were granted to them by emperors in the first and second centuries AD, but their privileges were limited in AD 103-107 through the edict of the Prefect Vibius Maximus, who made various groups liable to the cultivation of state land if they owned private land worth more than a talent (Lewis, 1997, 90, 143). Complete exemption on basis of profession was available only to public doctors (see *P.Oxy.* I 40 = *Sel.Pap.* II 245 [AD 141/142]).

<sup>288</sup> *Cura praediorum publicorum* is included among the *personalia munera* in *Digest* 50.4.1.2.

<sup>289</sup> Pomeroy, 1988, 712; Hobson, 1983b, 316. *Dig.* 50.4.3.3 (Ulpian): *corporalia munera feminis ipse sexus denegat*.

as property owners than we do at present; moreover, Hobson argues, unmarried women seem to have owned the same amount of land as married women.<sup>290</sup>

The papyrological record provides us with plenty of texts concerning how women made use of the land they owned. Ownership of land came with many responsibilities, and the processes involved in the cultivation of land were many and complex, and often required the hiring and participation of other people.<sup>291</sup> Lease contracts provide us with a variety of information concerning such tasks and the involvement of women, particular as the lessors. Indeed, over a thousand private lease contracts survive from the Ptolemaic and Roman periods, and in many of these women appear as the ones leasing their land and managing it.<sup>292</sup> It was believed that due to the rigorous work required to cultivate land, women could not or should not be concerned with agricultural work and, therefore, commonly tended to lease or sell their properties. As mentioned above, women were exempt from performing any physical liturgies involving the irrigation and cultivation of land, yet they were not exempt from liturgies whose principal demand was economic.<sup>293</sup> We have no documents from Oxyrhynchos recording female tenants of private land, but in about a quarter of the leases from the first three centuries they appear as the landlords.<sup>294</sup> Most contracts were normally made for short periods of time, ranging from one to four years, and they all contained different stipulations and provisions, according to

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<sup>290</sup> Hobson, 1983b, 317; Vandorpe, 2012, 267.

<sup>291</sup> It is important to note that we do not have any evidence of women carrying out physical labour on their own land.

<sup>292</sup> Rowlandson, 2001, 148.

<sup>293</sup> By the late third century AD, moreover, women were being assigned to personal liturgies, which consisted mainly of *sollicitudo animi ac vigilantia* rather than physical labour or effort (Lewis, 1997, 152-153).

<sup>294</sup> Rowlandson, 1996, 263-264.

the landlord's necessities or wishes.<sup>295</sup> In all cases, however, the lessee was required to keep the land in good condition and keep it from deterioration by the time the lease ran out.<sup>296</sup>

For instance, *P.Tebt.* II 378 (AD 265) records Aurelius Demetrios' agreement with Aurelia Herakleia and her husband to lease a half share of nine arouras of land at Theognis, which had been formally leased out to someone else for a period of four years (ll.8-9).<sup>297</sup> The text indicates many provisions concerning both the landlords and the tenant: for instance, the tenant is to perform a variety of operations at his own expense, such as irrigating, ploughing, weeding the land, building dykes, among other things; the landlords have also given A. Demetrios 300 drachmas to restore the land, as it had been left in "dry condition" by the previous owner (l.15), which the tenant promises to repay in full if he does not return the land at the end of the lease period (ll.28-29). In the case of this specific lease contract, it is stated that the landlords have no right to work the land or manage it while the tenant is renting it (ll. 29-30).<sup>298</sup> The payment for the lease was 12 artabas of wheat a year (l.11). Indeed, payment in

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<sup>295</sup> For a discussion on the duration of leases see Rowlandson, 1996, 252-259.

<sup>296</sup> Taubenschlag, 1944, 271.

<sup>297</sup> For other lease agreements of land with women acting as lessors see: *BGU* III 920 (AD 180/181), for the lease of grainland; *P.Oxy.* XXXIII 2680 (second-third century), a letter mentioning a woman's rent collection from a farmer; *P.Col.* VII 179 (AD 300), an offer to lease an olive grove of two arouras, in which the lessee is to keep half the produce; *P.Col.* VII 185, acknowledgement by Aurelia Aleka of receipt of two years rent from land belonging to her; *P.Mich.* IX 563 (AD 128/129), contract made between Thermouthis, daughter of Pasoknopaios, and Onnophris son of Pnepheros for the prepaid lease of some land near Ptolemais Nea, for two years; *P.Mich.* XVIII 792 (AD 221), records a woman's lease of land and cattle; *SB* X 10532 (AD 87/88), a woman leasing "all irrigated land to be sown with radish seed" (ll.9-13); *SB* XIV 11718 (AD 141), a proposal for the leasing of land owned by a woman by the name of Kroniaine, in which the tenant agrees to perform "all the yearly agricultural tasks" at his own expense (ll.13-14); *P.Cair.Isid.* 101 (AD 300), a lease of land by a certain Aurelia Serenilla to four residents in Karanis (this particular document is part of a cluster of Karanis texts showing vast ownership of land by one metropolitan family in that village; cf. Bagnall, 1993, 93); *P.Cair.Isid.* 114, 115, 122, for rent receipts paid to the same woman, Ptolema, by Isidoros.

<sup>298</sup> This was not always the case. In *SB* X 10532.17-20 (AD 87/88) we observe a lease of a garden being transacted between Hieraklaina and a man, in which she states that she will be responsible for the payment of all the public taxes on the land, but that the control of the crops shall remain with her until the payment of rent. Cf. *P.Col.* VII 185.11-14, in which the tenant agrees to pay taxes on the landlord's (a woman by the name of Aleka), in wheat, barley, and cash.

kind, wheat in most cases,<sup>299</sup> was very common, because it made the transaction much easier, since the tenants would not have to sell part of their crop to acquire cash for their payment of rent.<sup>300</sup> Women are also recorded as selling their land, rather than just leasing it out;<sup>301</sup> however, when women appear in the texts as sellers of property, the majority of these concern the sale of houses (or part of them), slaves, or animals, which leads to the next section of this chapter.

### **b. Non-Agricultural Property: Houses and Movables**

It is important to note that women who were involved in land-ownership were the wealthy minority, and did not represent the whole population of women in Roman Egypt. Although owning and managing land was, without a doubt, very profitable, women could engage in financial transactions dealing with property other than agricultural land in order to earn money. Just as women bought, sold, and leased land, women also made such transactions with houses or parts of them. Indeed, women appear most frequently in the papyrological record as owners of houses: it is thought that women probably owned about one-third of the houses in

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<sup>299</sup> For other lease payments made in wheat, see: *P.Cair.Isid.* 112.12 (AD 300); *P.Col.* VII (AD 300); *P.Col.* VII 185; *SB XIV* 11718.10-13 (AD 141); *P.Cair.Isid.* 114 (AD 304) and 115 (AD 306). Other payments in kind, such as lease payments in lentils or radish-seed appear in the record, but are rare: *SB X* 10532.9-13 (AD 87/88) for the rent of a garden being set at two artabas of radish seed per aroura; *SB XIV* 11718.10-13 (AD 141) for payment made in [lost amount of] artabas of wheat, as well as lentils, and garlic.

<sup>300</sup> Taxes could also be paid in kind, which means that wheat itself served as a form of currency in certain aspects (Rowlandson, 2001, 147-148). Cf. *P.Col.* VII 185.11-14, for taxes paid partly in wheat and barley.

<sup>301</sup> For women selling land see: *CPR* I 176 (257), a woman, alongside her brother, engages in the sale of a share of a vineyard and at least two arouras of land. *P.Mich.* XV 719 (third century) records a woman, whose name has been lost, as selling five arouras of private, arable land (l.9). *P.Oxy.* VI 909 (AD 225), Aurelia Eudaimonis jointly with her husband sells the newly-planted property of their vineyard. *P.Oxy.* XII 1475 (AD 267), an application concerning the sale of land by Aurelia Thaisoutes alias Lolliane; the property consists of 11 artabas of land, containing within it a lake, and a wall around it (l.16). *PSI* VI 704 (second century), for a woman participating jointly with a man (the relationship is unclear) in the sale of a plot of land.

places such as Tebtunis, Soknopaiou Nesos,<sup>302</sup> and Karanis.<sup>303</sup> There are different kinds of documents that record house ownership, such as those recording sales or leases of houses, property registrations, and census declarations. Women, indeed, appear in each of them and are strongly represented. In Soknopaiou Nesos alone, for instance, there are 32 documents recording the sale of houses, in which 35 women appear as principals; in 12 documents of property registration, eight of the owners are women; and of 12 surviving census declarations, only in *P.Rein.* I 46 (AD 189), does a woman appear as the householder, but many women are mentioned as members of the household in the other returns and many tend to own substantial property.<sup>304</sup> For instance, in *P.Grenf.* II 55, we see a man declaring the property of his 13 year old wife, who alone owned 2 1/4 houses, as well as that of another 12 year old girl living with them, who owned 2 1/2 houses by herself; the declarant himself, a 25 year old male, however, declares that he has inherited from his mother the house in which they live, and declares no other property. Of course, we also see women leasing houses in parts of Egypt other than Soknopaiou Nesos: for instance, from Oxyrhynchos we have *P.Oxy.* III 502 (AD 164), in which we see Dionysia, acting with her son as guardian, leasing her house, with all its furnishings and features (courtyard, portico, exits and entrances), for a period of 18 months at the rent of 200 drachmas per year; the contract states that the tenant is bound to deliver the property in good condition

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<sup>302</sup> Due to its location on the fringes of the desert and at the edge of Lake Moeris, where there was a customs house located, the economy of Soknopaiou Nesos seems to have been based on commerce rather than agriculture (Adams, 2007, 87, 106; Hobson, 1983b, 313-314; Samuel, 1981, 402).

<sup>303</sup> Bagnall, 1993, 130; Rowlandson, 1998, 245-246; Saavedra, 2002, 309. See *P.Mich.* V 253 (AD 30) for a demotic contract for the sale of two rooms by a mother to her son, in Tebtunis.

<sup>304</sup> Hobson, 1983b, 314.

after the lease is up, but that Dionysia herself is responsible for the police and brick taxes.<sup>305</sup>

There are many example, too, from Oxyrhynchos of women selling houses, though selling only parts of them seemed to be a more popular trend.<sup>306</sup> The contracts for the leasing of houses were similar in format and contained similar provisions to the land-leases.<sup>307</sup>

Women were also connected with other types of property: in Soknopaiou Nesos, for instance, women were about one-fifth of the total of camel-owners, and constituted almost two-thirds of slave-owners.<sup>308</sup> Indeed, in this particular village it was rather common for people to invest in camel stock rather than land; camels, therefore, were considered common property and

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<sup>305</sup> For more examples of women leasing houses or part of them see: *P.Koln.* III 150 (AD 226 or 242), for a deed of a sale of a whole house; *P.Oxy.* VI 912 (AD 235) for a woman, Aurelia Besous, leasing only part of her house, a cellar and part of a hallway.

<sup>306</sup> For women selling (parts of) houses see: *P.Laur.* III 74 (end of the third century), deed of sale of a half share of a house and its atrium; *P.Oxy.* X 1276 (AD 249), a contract for the sale of half a house to the owner of the other half for 700 drachmas; the woman selling the half share is acting without a guardian. *P.Oxy.* X 1277 (AD 257), a contract for the sale of a triclinium with all its embroidered coverings for 500 drachmas is made by Aurelia Serapias, an *aste*, acting without a guardian; *P.Oxy.* XIX 2236 (AD 201-225), Penierax, acting without a guardian, agrees to sell a half share of a house with all its furnishings and attachments; *SB XVI* 12537 (third century), for a sale of a house with all its features.

Examples of documents from other places recording the sale of houses: *P.Corn.* 12, records a deed of sale from Antinoopolis; *P.Hamb.* I 15 (AD 209), records the sale of a part of a house in the Arsinoite nome. *P.Mich.* V 253 (AD 30), demotic contract from Tebtunis for the sale of a half share of two rooms made by Thermouthis to her eldest son, who is also acting as her guardian. *P.Mich.* V 249 (AD 18), another demotic document from Tebtunis records the sale of a third of a house and courtyard, made by Tasouchos, daughter of Sekonopis, to Patynis, son of Harapis. *P.Mich.* V 257 (AD 30) contains subscriptions to a contract by which Didyme sells to Marres her share of a three-story house in Talei. *P.Mich.* VI 264 (AD 37), a contract for the sale of a slave also from Tebtunis, mentions a previous sake of a half share of a house and courtyard made by Thenpetermouthis to her two children. *P.Mich.* V 296 (first century), records subscriptions to a contract by which Taorseus, daughter of Orsenouphis, sells half of a house in Tebtynis. *SB XVI* 12289 (AD 309), a contract from Ptolemais Euergetis in which Aurelia Ptolemais sells a house and all its adjoining property to Aurelios Philippos; the house is valued at 13 talents of silver.

<sup>307</sup> Cf. Taubenschlag, 1944, 268-276.

<sup>308</sup> Hobson, 1983b, 315; Saavedra, 2002, 310. Cf. Samuel, 1981.

For examples of women selling slaves in Oxyrhynchos and other cities: *CPR* I 140 (second-third century), for the remnants of the end of a contract of the sale of a slave by Aurelia Artemis. *P.Oxy.* XXXVI 2777 (AD 212), declaration of purchase made by Lucius Valerius Severus, who had bought a slave from Statoria Philoxena, acting without a guardian; *PSI* III 182 (AD 234), records Aurelia Herakleia's sale of a female slave to Aurelius Paulinus; in *P.Mich.* V 238 (AD 46), a register of contracts at the *grapheion* in Tebtunis, we also see a woman mortgaging a slave; *P.Mich.* V 264 (AD 37) records the sale of a female slave made by Thenpetermouthis, daughter of Hatres, to her two children Takounais and Tesenouphis the fifth; *P.Stras.* IV 264 (AD 277-281) records a freedwoman by the name of Aurelia Rhodine selling a slave for seven talents.

For examples of women buying slaves: *P.Col.* X 254 (AD 129) for a woman purchasing her half share of a female slave, with her descendants and successors; *P.Mich.* V 264 (AD 37), mentioned above, records a daughter buying a slave from her mother alongside her brother; *P.Mich.* V 281 (first century), also records a woman purchasing a slave from a man who had inherited the slave through inheritance from his mother.

their ownership passed down from generation to generation, much like land did in other parts of Egypt.<sup>309</sup> Camels were very valuable assets: a camel, depending on its general condition, could cost between 200 to more than 800 drachmas – the lowest cost being equivalent to the value of six or seven artabas of wheat, an amount that was sufficient to feed a family of four for approximately two months.<sup>310</sup> Moreover, we have evidence of a woman camel-owner, Taouetis, actually making use of her camels in a trade: *P.Aberd.* 30 (AD 139) is a receipt from Taouetis, daughter of Totes, concerning the late payment owed to her for the transport of grain. Colin Adams believes that, in this particular case, the woman, who was the owner of the camels, did not drive the animals herself, but hired drivers to do the actual work.<sup>311</sup> As any other property, we also have instances of women selling their camels: in *BGU I* 87 (AD 144), a priestess also by the name of Taouetis, daughter of Harpagathos, records her sale of two camels for 500 silver drachmas to Stabous, a priest from the same village. It is important to note that this same woman also appears in *P.Lond.* II 304 (AD 144), making a declaration, shortly after her sale to Stabous, stating that she no longer owned any camels, having sold two to Stabous and three to another man.<sup>312</sup>

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<sup>309</sup> Indeed, from the 42 published declarations concerning camels, 33 come from Soknopaiou Nesos, while the rest come from Arsinoe, Karanis, and unknown locations (Adams, 2007, 107, 125).

<sup>310</sup> Lewis, 1999, 130.

<sup>311</sup> Adams, 2007, 107, 245.

<sup>312</sup> For women owning, selling, or buying camels see also: *BGU I* 88 (AD 147), for an underage girl by the name of Isidora buying a camel for 800 drachmas with the assistance of her father; I 153 (AD 152), for a certain Didyme from Dionysias in the Arsinoite nome selling one black, female camel; III 869 (AD 134/135) for a certain Taouetis, daughter of Harpagathos, declaring her ownership of five camels; *P.Amh.* II 102 (AD 180), for a woman from Soknopaiou Nesos selling a camel to another woman; *P.Grenf.* II 45a (AD 137) for another Touetis, daughter of Stotoetis, also from Soknopaiou Nesos declaring her ownership of six camels. Her use of the animals or her intentions with them is not stated; *P.Lond.* II 333 (AD 166) for a mother and her three daughters selling two camels in Soknopaiou Nesos; *P.Lond.* III 1132b (AD 142) for a woman by the name of Kasis selling a female camel in Terenuthis.

Of course, camels were not the only animals which women owned and with which they could earn an income: *SB VIII* 9912 (AD 270), for instance, records a man leasing 50 sheep and five goats from Flavia Isidora alias Kyrilla; *P.Mich.* XVIII 792 (AD 221) records a certain Aurelia Herais leasing both land and cattle (κτήνη<sup>313</sup>) to a man; the cattle is recorded as being worth 1500 drachmas (ll.11-12); in *P.Oxy.* XXXVIII 2849 (296), Aurelia Apollonia claims to possess one yoke of oxen (l.16); *P.Michael* 22 (AD 291) records a lease agreement between a certain Aurelius Pamunios and Aurelia Teieoutis alias Thermoutharios, who leases him three cows in the village of Tebtunis; and in *P.Mich.* V 238 (AD 46), a register of contracts made at the *grapheion*, we also see women involved in the sale and purchase of donkeys.<sup>314</sup>

Women also extensively appear in the papyrological record as participating in loans of money, both as the lenders and as the borrowers. Both roles as money-lenders and borrowers are exemplified in *P.Kron.* 17 (AD 140). This papyrus comes from the archive of Kronion, and in this particular document we see Kronion's daughters, Taorsenouphis and Tephorsais, borrowing money from Didyme.<sup>315</sup> From her, Kronion's daughters claim to have received a sum of 372 drachmas, which they are to pay back four years later in the month of Thoth (ll.16-17). As security, should they not be able to pay her back, they put up two out of four arouras of katoicic land belonging to Tephorsais (ll.20-24). We learn later from another document from the archive, *P.Kron.* 18, that the sisters failed to repay Didyme, as Tephorsais declares in a property registry,

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<sup>313</sup> The term κτήνη is very vague and generally means "flocks and herds" when used in the plural; in the singular, its meaning ranges from ox or sheep to horses or mules (LSJ, κτήνος, τό).

<sup>314</sup> See also *P.Cair.Isid.* 64 (AD 298) for a (misappropriated) inheritance consisting of 61 sheep and 40 goats among other things.

<sup>315</sup> Didyme seems to have belonged to a prominent family from Tebtunis (Rowlandson, 1998, 131).

in AD 144, that two of her arouras were mortgaged to Didyme as security for the debt they had incurred.

Interestingly, too, some loans seem to have followed a similar format to that of some of the contracts or provisions for the return of dowries, as examined above in the first chapter of this thesis. For instance *P.Yale* I 64 (AD 75/76), a draft of a loan from Oxyrhynchos, documents Thasis giving her husband an open-ended loan of 212 drachmas. The loan, the document states, was to be returned within sixty days after the money was requested back; if the loan was not returned in time, her husband was then liable to pay her ἡμιολία, as well as the normal interest of 12 percent for any time after the sixty days.<sup>316</sup> Interest for a loan was usually set at 12 percent per year, yet in some contracts we are able to observe other things given in lieu of interest (ἀντὶ τῶν τούτων τόκων): for instance, *P.Corn.* 7 (AD 126) records an abstract of a loan contract which has women acting as both the lender and the borrower. The loan amounts to 382 silver drachmas (l.7), and it is agreed between them that in place of interest, the creditor is to receive produce of a quarter aroura of an olive grove belonging to the lessee until the loan has been paid back in full (ll.7-11). In *P.Thomas* 4 (AD 41-54), we observe a loan which stipulates that the lender, a woman by the name of Thases, instead of receiving interest, receives the right to inhabit a house (ἐνοίκησις) which the borrower has in Tebtunis;<sup>317</sup> it is noteworthy, too, that the house in Tebtunis had been also leased by him from another woman by the name of Thaubastis (l.15).

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<sup>316</sup> The payment of the extra fifty percent (ἡμιολία) seems to have been the norm as a fine paid by husbands who showed abusive behaviour or who delayed the return of the dowry as well (Grubbs, 2002, 123; Modrzejewski, 1993, 65-67; Rowlandson, 1996, 152-171; Yiftach-Firanko, 2003, 205). The *phernê* was also to be returned within thirty to sixty days of the separation. Cf. Gagos et al., 1992, 192 for a more detail discussion of *P.Yale* I 64.

<sup>317</sup> ll.11-14: “...instead of the interest on these the declarant has granted Thases and her representatives and whoever she wants the right to inhabit for [lost amount] years from the present time...”

The same situation is observed in *P.Mich.* III 188 (AD 120), a contract by which Hermas, son of Ptolemaios, agrees to provide accommodations to Tapekysis, daughter of Horos, instead of paying interest on a debt of 300 drachmas; Tapekysis, her heirs, and whomever she wishes have the right to reside there for as long as the money is owed to her (ll.6-8). This Tapekysis seems to have been involved in more than this sole transaction, as we see her again three years later in *P.Mich.* III 189 (AD 123), loaning 60 drachmas to Tauris daughter of Ninis (l.9); again, instead of interest, Tauris agrees to furnish lodging to her loaner in the “common and undivided share of roomed dwellings which belongs to her in [Bacchias] by inheritance from her father” (ll. 10-14).<sup>318</sup> As observed, women could sell, lease, or loan their property (whether movable or not), or otherwise use them as means of earning money or even to secure loans if the necessity arose.

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<sup>318</sup> For more loans see: *P.Cair.Isid.* 93 (AD 282), Sarapias lends Kopres 7260 drachmas for a period of three months at the normal rate of interest at 12 percent. *P.Mich.* III 194 (AD 61), acknowledgement of the receipt of 200 drachmas paid to Thermouthion by her ex-husband, in repayment of a loan she had made to him the previous year. It is noteworthy that the document mentions that the 200 drachmas were part of what Thermouthion had earned when she had sold part of a house she owned (ll.12-14). *P.Mich.* IX, recognition of the receipt of 48 drachmas of silver with the interest rate of one drachma per month (ll.11-13), as well as “the value of two artabas of new, clean, unadulterated wheat” (ll.13-14) from a certain Diodora; the borrower stipulates that if he does not repay the loan of money in time, he will pay it back μεθ’ ἡμιολίας (ll.19-20), and “for each artaba of wheat he will pay in addition the market price that will be the highest current at that time.” (ll.21-24). *P.Princ.* III 141 (AD 23), Taseus, with her father as guardian, acknowledges the receipt of 300 drachmas with its interest. *P.Princ.* III 142 (first century), records a loan of 224 drachmas made by Kollauthis to Nilus; the interest is at the rate of one drachma per month (ll. 6-7). *P.Stras.* VIII 732 (AD 228/229), an acknowledgement of receipt of money loaned to a man by Aurelia Arete, who is acting without a guardian. *P.Tebt.* II 390 (AD 167), three brothers, priests from Tebtunis, recognize the receipt of a loan of 124 drachmas from Helena, with the usual interest rate of one drachma per month; as security for Helena, if the brothers fail to repay her, she will be allowed “to sow and gather the crops...upon the 1 1/2 arouras of crown temple land registered in the name of [the three brothers]” (ll.20-25). *P.Tebt.Wall.* 7 (second century), Sarapias acknowledges the repayment of a loan of 4000 drachmas from two people (l.9). *SB* VIII 9923 (AD 175-176), a receipt from Ischyriaina to Hero, also a woman, acknowledging that she has received the repayment of a loan of 1800 drachmas; the original loan was for 1700 drachmas, and she states that “the remaining 100 drachmas are the remaining of the interest” (ll.33-34). *SB* XIV 11488 (AD 146/147), Herakleia recognizes the repayment of a loan of 1300 drachmas plus interest (ll.9-11). *SB* XIV 11598 (third century), acknowledgement of the receipt of a loan of 50 drachmas from Thermoutis; the borrower agrees to pay her interest at the usual rate of one drachma per month. *SB* XIV 12017 (AD 156), a contract between two women, Tabous and Aretiaina, for a loan of 176 drachmas, to be repaid at the interest of one drachma per month on the following year (ll.11-14). *SB* XXII 15384 (AD 154/155), Serapias acknowledges the repayment of 120 drachmas, plus interest, by Herakles.

Those who did not have the means to own properties and land were consequently forced to find an occupation outside their home.<sup>319</sup>

## **Conclusion**

We have seen that women in Roman Egypt were able to own property of significant magnitude, whether that be agricultural land, houses, or simply movables, such as slaves and animals. Whatever the means of acquisition, whether it be through the dotal system, inheritance, or purchase, ownership was absolute and women were able to manage their property and alienate it. In most transactions we see them acting with representatives, their guardians, usually their husbands or sons; the system of guardianship was so widespread that, as it has been observed, even those who were not required to act with guardians, namely Egyptian women, tended to apply to have guardians appointed to them. This is reflected throughout the papyrological records, where plenty of texts are found with Egyptian women acting with their own guardians. Through the Augustan institution of the *ius trium liberorum*, however, women were given the option to become independent agents if they met the required guidelines to be exempt from guardianship. This seems to have been a point of pride to those who applied, as it often meant that they had had an education and were literate and capable of reading and composing the necessary documents on their own. As discussed, however, literacy was not a pre-requisite for

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<sup>319</sup> Other than managing and transacting business with their property, women are found in the record as working many different jobs in order to earn an income: women working as wet-nurses, with most wet-nursing contracts coming from Alexandria and the other *metropoleis* (see *BGU* IV 1058 [13 BC], 1107 [13 BC], *P.Oxy.* 1 91 [AD 187] for wet-nursing contracts. Cf. Montserrat, 1996a, 35; Rowlandson, 1998, 275); women as school teachers also appear in our records (see *BGU* I 332 [second century], *P.Mich.* II 123 [AD 45/46], VIII 464 [AD 99], *P.Mil. Vogl.* II 76 [second century], *SB* XIV 11532 [fourth century]. Cf. Bagnall and Cribiore, 2006, 347; Cribiore, 2001, 47); prostitution, which also included flute-girls and castanet dancers was the vocation particularly of slaves and those freeborn women who were forced into it by necessity (see *P.Lond.* VI 1917 for the hiring of flute-girls, *P.Corn.* 9 [AD 206] for the hiring of castanet-dancers; *O.Cairo* GPW 60 [AD 170] and *O.Wilck.* 1157 [AD 110] for ostraka recording receipts for the taxation of prostitutes. Cf. Flemming, 1999, 48, 54; McGinn, 1998, 251-254; Montserrat, 1996a, 107-117; Rowlandson, 1998, 247).

the application to the *ius trium liberorum*. Regardless of whether they acted with guardians or not, the texts studied reflect women's great independence in the economic sphere, as they were able to be both active participants and derive an income by purchasing and selling, loaning, and leasing their assets.

## CONCLUSION

Women in Roman Egypt were considered to be important members of the community, as seen by the significant roles they played in society and in the economy of the province, regardless of whether they were of Egyptian, Greek, or Roman origins. As in many other ancient societies women seem to have been raised with one objective in mind: to be married and bear offspring. In Roman Egypt, however, when compared to other societies, marriage could be atypical; no legal documents or ceremonies were necessary and the consent of all parties involved was expected, a custom that was most prevalent amongst both the Egyptian and Roman populations of the province. Despite the fact that legal documentation was not necessary, a vast amount of marriage documents have survived, the two most common of which are the *ekdosis* document and the dowry receipt. *Ekdosis*, the act of giving away the bride, though Greek in origin, seems to have been rather wide-spread, as we also see some Egyptians and Romans performing this act. Most importantly, women are observed as having participated in the act of giving away their daughters in marriage, which was not at all common in Greek tradition, where only males are recorded as having participated.

The lack of necessity for documents and the necessity for the consent of all parties involved does not mean, however, that arranged marriages did not exist in Roman Egypt. On the contrary, there is much evidence for one kind of arranged marriage, which was not considered to be typical in other societies: the practice of marriage between siblings. This practice appears to have been more common among metropolitans rather than those living in Egyptian villages. These incestuous marriages are explained with many theories, but the most popular ones, and the

ones I believe to be the most plausible, centre on an economic rationale, mainly focusing in the dispersion of land and property.

Regardless of the kind of marriage one contracted, there was one thing that was constant in all of them: the bride's receipt of her dowry. In the Ptolemaic period, the dowry - or *phernê*, as it was termed - consisted mostly of movable objects and documentation tended to report its total value rather than its individual components, as the wife, in case of divorce, would have been interested in retrieving the total amount of the value rather than its components. Moreover, if the dowry document did not state otherwise, the husband had almost unlimited power of disposal concerning its components as long as it was not to the detriment of the wife and he had her consent, since the wife still held full ownership of the assets. From the papyri that have been examined belonging to the first three centuries, however, we can observe changes concerning the dotal system, the purpose of which seems to have been to safeguard women's present and future economic interests. Regarding the *phernê*, the husband was allowed to make use of items in it and dispose of them, yet it was his responsibility to return to his wife the original value of the dowry if the marriage was ever dissolved. It is for this reason that many contracts detailing the brides' dowries include their total values as well as that of their components.

Most importantly, two new categories of the dowry emerged, the *parapherna* and the *prosphora*, which allowed brides to receive greater assets, such as slaves, buildings, and land as well as the usual movables, like clothing, jewellery, and cash. The things delivered in the *parapherna* remained within the wife's control throughout the marriage and were for her personal use; land and buildings delivered under the *prosphora* could be used by the husband for the good of the household, yet the title of ownership of the assets was not his but his wife's, and

he was not allowed to alienate them, as he could with the *phernê*. Furthermore, many clauses and provisions in case of divorce or death can be observed in dotal and marriage documents, all of which seem to have been for the benefit of the women involved.

At the beginning of the second century, for instance, a new common formula was introduced in divorce agreements concerning the return of valuable items, such as gold jewellery given to the groom under the *phernê*; the husband was to return everything “in that same manner or condition” it was first received, which made the husband liable to the depreciation of the items he used throughout the marriage and greatly benefited the women. The death of a partner would also affect the way in which the dowry was handled, and in order to try to avoid such problems provisions were often recorded in marriage contracts. These dealt with one or more of the following matters: the redistribution of the deceased’s property to their surviving spouse and (future) children; the guardianship of the children if they were minors at the time of their father’s death; and arrangements for the return of the dowry to the wife or her parents if the couple did not have any common children. All of these made sure to protect women’s interests.

Women in Roman Egypt, furthermore, were permitted to obtain part of their parents’ assets by way of inheritance, and since women could own property in their own right, it common for children to inherit from both their father and mother separately; this is seen in variety of documents in which assets are described as being either μητρικόν or πατρικόν. One of the possible reasons why there was such an extensive ownership of land and houses by women was because they were able to inherit private land on the same terms as other kinds of property, as women were provided with considerable rights concerning the inheritance, ownership, and management of property. Although there is no way to know whether most of the property women

are recorded as owning had been purchased, or inherited through wills or through intestacy, it is clear that women played a significant part in the making of wills, both as authors and beneficiaries. Indeed, if the father or mother did leave a will behind, it appears that they were allowed much flexibility when dividing their estates in their wills, as observed both in the *διαθήκαι* and the *donationes mortis causa*. The fact that women were able to inherit all kinds of property, both movable and immovable, and hold full ownership of these assets meant that they were free to participate in the economy alongside men and act as their own economic agents.

Women were actively involved in the economy of Roman Egypt through property-ownership and its management, a sphere which was usually male-dominated. This can be attributed to the conservation and extension of certain Ptolemaic habitudes, as well as changes in some practices and customs established after the Roman conquest: as observed, the most significant changes were the ability to include land, not just movable items, in a bride's dowry; the right of women to inherit land separately from both their father and mother; and the fact that the Romans made most land and property available for purchase by private citizens. Those women who owned land, moreover, were exempt from performing any kind of physical liturgies, such as working on the irrigation system and on the cultivation of crown land, both things that men who owned land were liable to do. Furthermore, the possibility of being able to act autonomously was a significant factor that affected women's capacity to manage their land and property. In order to conduct any kind of business or economic transaction, Greek and Roman law required women to have guardians (who were usually their husband or father); after the *ius trium liberorum* was established by Augustus in AD 9, however, women who were Roman

citizens<sup>320</sup> and who at some point in time had borne three or more children, were entitled to apply for authorization to act independently, that is, without relying on a guardian. This, consequently, made it much easier for women to manage their land and property, especially if their spouses were absent. By the late third century, however, the institution of guardianship and *tutela* had started to fall into disuse, as it was seen as an outdated custom. In many papyri, therefore, we find women acting with male “assistants” rather than guardians.<sup>321</sup> Literacy, as we have seen, although not a prerequisite for the right to claim the *ius trium liberorum*, played a vital role whether women requested it or not, since the ability to write was rather important for undertaking business autonomously. Women who had the means to own land, however, were the minority. Those who did not own land, however, had other ways of participating in the economy and of making a living outside the domestic sphere: selling, purchasing, and leasing buildings, owning and managing movable goods (such as animals or slaves), and loaning money were all ways in which they were able to earn an income and, therefore, contribute to the larger economy through taxation.

Since Roman Egypt was a society that consisted largely of lower-class people (or those of a lower status), much of the evidence left for us records merely the most essential and official aspects of life, and is, of course, not representative of the entire population of women. The evidence that has survived and is available to us, however, demonstrates that women were certainly not isolated from the daily socio-economic life of the province. Even though the society of Roman Egypt was a patriarchal one, women still had rather a large amount of freedoms and rights, and were shown respect and concern for their future and economic interests

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<sup>320</sup> After the Caracalla’s edict in AD 212, of course, all inhabitants of Egypt were considered Roman citizens.

<sup>321</sup> Cf. Gaius *Inst.* 1.190; Arjava, 1996, 113-116.

and that of their children. Indeed, the topic of class (elite vs. non-elite) in Roman Egypt would be a worthy topic to further develop in future research. The idea of how literacy, in particular, affected these different classes in their respective social groups would be especially interesting. The use of sources complementary to the papyri, such as literary and historical texts, as well as art would also lend a more in-depth, overall perception regarding the topic. A comparison with laws and women in other Roman provinces, I believe, would also greatly benefit any future scholarship on the subject regarding the extent of women's economic powers and liberties under the Roman Empire.

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