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"Two Coptic Documents relating to Marriage", E. Balogh, P. E. Kahle jr., "Aegyptus", XXXIII, 1953, 2 : [recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

he quotes a precedent: the same Heron had once before annulled the confiscation of Komons boat when it was detained in Heracleopolis.

T. C. Skeat, *Two Byzantine Documents* (repr. from *The British Museum Quarterly* XVIII, No. 3 [September 1953] 71—73).

Constantine the Great after the defeat of his last remaining competitor Licinius, at the battle of Chrysopolis at 18 Sept. 324, issued to his newly acquired subjects in the Eastern provinces a lengthy proclamation, restoring to the Christians the losses of property which they had sustained in the persecutions, and enlarging upon the moral and material bankruptcy of the pagan system. The text of this extraordinary manifesto has long been familiar from its inclusion in Eusebius' *Life of Constantine*. Doubts have indeed repeatedly cast upon its authenticity, but the balance of critical opinion has remained in its favour, and the soundness of this verdict has now been confirmed by the brilliant discovery of Prof. A. H. M. Jones who, at the Patristic Congress at Oxford in Sept. 1951, announced that he had identified a fragment of a contemporary copy of the proclamation in a papyrus of the British Museum. By a remarkable coincidence this fragment (Pap. 878 verso) preserves the very passage in which the Emperor speaks with this characteristic tortuous verbosity, of the British origin of what he regarded as his divine mission. Thus an unprepossessing scrap of pap. which has lain for many years unidentified in the Museum's collections, has suddenly proved to be an historic document marking a decisive stage in the adoption of christianity as the official religion of the Roman Empire and the dawn of the Byzantine state.

The second document, is written in Greek of a very different character over eleven hundred years later and not on papyrus but on its supplanter, paper. This is the original grant of privileges by Mahomet II, the conqueror of Constantinople, to the Genoese inhabitants of its suburb Pera.

E. Balogh — P. E. Kahle jr., *Two Coptic Documents relating to Marriage* (*Aegyptus* XXXIII (2) [1953] 331—340).

It is surprising that in the large number of Coptic legal documents only five contracts relating to marriage have so far become

known. In the British Museum there are two further documents and these are published in this article. Both documents are part of a large collection B.M. Or. 6201 A and B which come from Ashmunein and were probably written in the 7 or 8 cent. A.D. Like the large majority of Coptic documents from this neighbourhood they are very informal and merely state the bare essentials necessary for the contract.

A. The new marriage contract 6201 A. differs from the other three marriage contracts known so far (cf. W. Till, *Die koptischen Eheverträge in Öst. Nationalbibliothek, Festschr. J. Bich* [1948] p. 627—638), there are certain affinities especially with W. E. Crum, *Catalogue of the Coptic Manuscripts in the John Ryland's Library* No. 139. Here as in Crum the father of the husband writes to the mother of the bride (cf. on the mother exercising the right to marry her daughter, the literature in my *Law*² 151), no provision is made in the case of divorce as in Crum and as in No. 2 no date for the marriage is mentioned and we may presume that this took place forthwith. It seems that the newly married couple are to live in the father's house, and the purpose of the document is to deal with the possible event that the two might wish to separate from the father and live elsewhere. In that case the father is to pay them a sum of money and settle one other matter.

B. is of great interest as it is the first deed of divorce which has as so far become known in Coptic (cf. on divorce in the papyri my *Law*² 121 ff.). It contains nearly all essentials found in Greek documents cf. P. Cair. Masp. 67.153 = 67.253 and P. Flor. I 93 (W. Chr. 207) = Lond. V 1713. The cause of the divorce is mentioned as in the Greek documents but the Coptic document merely notes "we decided to part" whereas the Greek documents generally describe this in great detail. The right of remarriage is accorded to the other party; this is also a vital feature of the Greek documents though in these it is generally accorded to both parties. If the wife should prosecute the husband in the possible case of his remarriage, she renders herself liable to a penalty, similarly also in the Byzantine deeds. As usual there follows an oath by God and the health of the rulers that both parties will adhere to the validity of the agreement. In an appendix the authors publish a new document B.M. Or. 6201 B 191. The document is again not a proper marriage contract, but merely settles certain details connected with the marriage. It is remarkable that here we find the mother of the bride-

groom acting on her own behalf (!) and on behalf of her son, writing to the bride. Unfortunately the terms of the agreement are lost. On marriage contracts and divorce in the Coptic papyri cf. Steinwenter, *Das Recht der koptischen Urkunden* 20/1 ff.

J. O. Tjäder, *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 455—700* (Acta Instituti Romani Regni Sueciae XIX, (1) Lund 1955).

This magnificent work contains a reedition of the s.c. Papyri from Ravenna or Papiri Marini No. 1—25 with an excellent commentary and notes. The texts refer to the administration of the domains (P. 1—3), to the last wills and testaments (P. 4—6), to the appointment of guardians (P. 7), to receipts (P. 8), to emancipation (P. 9), to gifts (P. 10—28). As far as the excavations of papyri from Egypt and the provinces from the East are concerned (p. 17 note 1) the author points out that these papyri are not taken in consideration; this does not mean however that there is no connection between these two groups of papyri; on the contrary, the author reminds of the affinity, between the Italian and Egyptian protocols of *gesta*. In addition the author makes use of the Greco-Egyptian parallels and the literature in many places; see e.g. in his presentation of the testaments p. 196; on appointments of guardians p. 224 ff.; on receipts p. 234 ff.; on emancipation p. 216 ff.; on *donationes* p. 250 ff.; on oath p. 264 ff. etc. etc. The edition is therefore very important for the papyrologists.

PAPYRI FROM THE ARAB PERIOD

A. Dietrich, *Arabische Briefe aus der Papyrussammlung der Hamburger Staats- u. Universitäts-Bibliothek* (1955).

This edition comprises papyri from IX—XI cent. A.D. referring to agriculture, taxes, business and other private affairs. We will deal with those of legal interest.

No. 2 (820—822 A.D.) mentions a finance director of a *Kūra* (νομός) who corresponds to the πάγαρχος of the Greek papyri. Whilst the στρατηγός (*wālī*) as a chief official of a νομός with no military competence was invested with the civil administration connected with a restricted jurisdiction and police-power, the πάγαρχος pos-