

# Kunderewicz, Cezary

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## "Marriage and Matrimonial Property in Ancient Egypt. A Contribution to Establishing the Legal Position of the Woman", Pieter Willem Pestman, Leiden 1961 : [recenzja]

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account of payments made (a wage list) and together with the attendance list and the bunch of dockets sent it to his superior for the ultimate control. Consequently all these documents were placed in a bag, basket or vessel, sealed and deposited in an archive.

In the chapter devoted to the seal impressions, after an introduction by Edith Porada, who discusses the question of the seal owners, the date of the impressions as well as the style and iconography of the impressions, follows a descriptive catalogue of the seal impressions (by Edith Porada and Paul Lampl) and many photographs of the seal impressions on the dockets (pp. 137-145).

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Pieter Willem Pestman. *Marriage and Matrimonial Property in Ancient Egypt. A Contribution to Establishing the Legal Position of the Woman. (Papyrologica Lugduno-Batava. Edidit Institutum Papyrologicum Universitatis Lugduno-Batavae. Vol. IX).* E. J. Brill, Leiden 1961, XII+238 pp., 4 diagrams. Price f. 40.

This dissertation, very interesting for the historians of the law as well as for the Romanists and papyrologists, rightly deserves to be reckoned among the most important works concerning the law of Ancient Egypt. The author tries „to examine matrimonial law and the law regarding matrimonial property, as it was valid in Egypt with regard to the Egyptians themselves up to the Roman period” and gives us a brilliant and exhaustive study of the matrimony, divorce and matrimonial property in Ancient Egypt.

In the preface we find a short survey concerning: 1) the sources from which one can get to know the law of Ancient Egypt and 2) a review of previous investigations in the field of this law. The author points out that his work differs essentially from the *Ägyptische Eheverträge* of Lüdden (Wiesbaden, 1960) and that the two works supplement each other, the second being of purely philological and sociological character and the first a juridical commentary. The preface ends with some remarks of practical nature which concern the diagrams contained in the book, the rendering of proper names into English, the deeds and texts used in the book and the chronology.

The first part of the work is devoted to the problems of celebration and dissolution of marriage. This part begins with a concise introduction in which the author makes some general remarks about marriage in Ancient Egypt. He calls attention to the fact that according to the statement of Diodoros the Egyptian marriage is polygamous while according to Herodotos it is monogamous and expresses opinion that „it is most likely that Herodotos is right”. The author considers also the statement of Diodoros concerning the admissi-

bility of the brother-sister marriage in Egypt as not reliable (the case of the royal family excepted). Nevertheless the genealogical trees prove that often the partner in marriage was chosen from the same family circle (e.g. uncle and niece, cousins). The choice of this partner is often made also within the same social circle. The age at which it is customary to marry is 20 years for man and 14 years for woman.

In Chapter One the author deals with the celebration of marriage. A scrupulous analysis of the documents leads him to the assumption that in Ancient Egypt existed two different types of marriage. The elements of the first type are: 1) the *consensus*, originally between the father of the bride and the future husband, later (since the times of 26th dynasty) between the bride and the bridegroom; 2) the handing over of a gift by the husband to his wife (presumably originally to his father-in-law). From the year 517 B.C. appears also the second type of marriage in which the central moment is handing over of a gift by the wife. The marriage comes into existence only by the *consensus* of the future husband and the father of the bride or of the bride and the bridegroom without any requisite in form. Basing on the data available at the moment the author expresses opinion that with the ancient Egyptians a marriage „is nothing more than a common intention of making life together” and that „during the marriage the wife’s place is in the same house as that of her husband”.

Chapter Two concerns the legal consequences of marriage as regards family law. Here is found a very important assertion that the Egyptian husband has not marital power over his wife and that she may perform legal acts quite independently. Both spouses are bound not to commit adultery and are free to divorce.

The question of the dissolution of the marriage is discussed in the next chapter. Marriage is dissolved by the decease of one of the spouses or, certainly from the times of the Middle Kingdom, by divorce proposed by the husband as well as by the wife whenever they want and without any requisite in form. After the divorce the wife leaves as a rule the house of her former husband, and he in some cases draws up for his former wife a deed confirming that he has repudiated her and that she is free to marry again.

The second part of Mr Pestman’s book concerns the problems of the matrimonial property. Having presented in an introduction the methods he will apply, the author (in Chapter Four) considers the position of the man and the woman as regards the law of property before marriage and comes to the conclusion that before the marriage both man and woman may have a property of their own and freely dispose of it. In Chapter Five the author deals with various parts of matrimonial goods and then with settlement by the husband as regards his property as a whole in view of marriage (Chapter Six), the position of the husband and wife as regards the law of property during marriage (Chapter

Seven) and the law of property as following the dissolution of marriage by divorce (Chapter Eight). Chapter Nine contains several conclusions concerning the law of matrimonial property and a scrupulous analysis of some clauses of the „will” of Naunakhte dating from the 20th dynasty.

The author proves that during the marriage the married woman can own a property and appears to be entitled to one third in the property of her husband or in that part which he has acquired during marriage. She has the right to dispose of her private property at her will and freely. Some matrimonial goods which belong to the wife are put in the hands of the husband who is free to administer and dispose of them. After the dissolution of marriage the ex-husband is obliged to give back these goods (or the value of them in money). If the marriage is dissolved a division of property takes place and each of the former spouses takes the things to which he is entitled. The repudiated wife receives moreover from her former husband a fine remuneration.

The third part of the work (Conclusion) embraces Chapter Ten in which is a discussion of the deeds which may be drawn up in view of marriage and divorce as well as the question of the legal status of the woman (Chapter Eleven). As to the legal position of the woman the author proves that in Ancient Egypt she has not only *de iure* but also *de facto* a completely equal position to that of the man. After the conquest of Egypt by Alexander the Great the legal position of the Egyptian woman becomes weaker and gradually equalizes with that of the Greek woman in Egypt. In this part of the book we find further the genealogical trees, a commentary to the diagrams placed at the end of the work, a copious bibliography, a Dutch summary of the book and very good indexes of subjects and sources.

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C. K u n d e r e w i c z

Burkhart K i e n a s t, *Die altassyrischen Texte des Orientalischen Seminars der Universität Heidelberg und der Sammlung Erlenmeyer-Basel. Untersuchungen zur Assyriologie und Vorderasiatischen Archäologie* (Ergänzungs-bände zur Zeitschrift für Assyriologie und vorderasiatischen Archäologie, Neue Folge) Band 1. Mit 32 Tafeln Keilschriftautographien und 8 Tafeln Photos von Siegelabrollungen. W. de Gruyter et Co. Berlin 1960. Pp. XII+125. Price DM 42.

The collection of the Old Assyrian tablets edited by B. K i e n a s t consists of three parts. The first contains 53 tablets from the Orientalisches Seminar of Heidelberg University (nos 1-53), the second — 22 tablets owned by Frau Prof. M. L. Erlenmeyer (nos 54 — 75), the third — the descriptions of the seal impressions on the edited texts. In an appendix to the second part there is published a tablet owned by Mr E. Matthiensen from Frankfurt a. Main.