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beziehen. Der Text erfordert sicherlich weitere Studien, aber schon jetzt bietet er neue Daten zur bestehenden Dokumentation.

Im zweiten Teil versucht die Verfasserin den Charakter und die Gründe für die Revolten zu bestimmen, sowie die Grundfrage zu beantworten, wer meuterte, gegen wen und warum. Zum ersten Plan kommen hier die Anführer der Revolten. Die Autorin versucht die Identität und Ambitionen dieser Anführer zu bestimmen, um nachher die anonyme Masse der Revoltierten zu bestimmen. Wie wurden sie bezeichnet, welche Ziele beabsichtigten sie zu erreichen, und (aus Mangel an entsprechende Quellen), welche Handlungen führten sie während des Auftritts durch. Es wird klar, dass darin verschiedene Ziele der Revolten zu entdecken sind. Die Autorin hebt die Richtigkeit der sozio-ökonomischen Quellendeutung, die vor Jahren Cl. Préaux vorgeschlagen hat, hervor.

Im dritten Teil werden Reaktionen auf die Revolten zusammengestellt. Im Vordergrund steht hier der König, der sich bemühte, die organisierten Revolten zu unterdrücken und Repressionen durchsetzte. Es ist klar, dass die Revolten der Ptolemäerherrschaft starke Schläge versetzten. Eine spezielle Rolle fiel den ägyptischen Priestern zu, welche zur Elite der ägyptischen Gesellschaft zählten. Es stellt sich die Frage, welche Stellung die Priester einnahmen und ob für Theben eine Spezifik bestand.

[Jan Krzysztof Winnicki]

Uri YIFTACH-FIRANKO, *Marriage and Marital Arrangements. A history of the Greek Marriage Document in Egypt. 4th century BCE – 4th century CE* (Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte 93), München: Verlag C. H. Beck 2003, ISBN 3-406-51167-8, XIII + 381 pp. + 4 plates

The following review concentrates on the three chapters of Uri Yiftach-Firanko's work which cover the formation of marriage among Greeks in Ptolemaic and Roman Egypt (chapters 3, 4, 5). The problems discussed therein are the subject of heated debates in the doctrine and thus contain a considerable number of polemical issues. The chapters picture the legal practice of marriage-formation among Greeks in Ptolemaic and Roman Egypt and make up a separate unit of scholarship. The argument thus defines the main merits of the work under review.

The Author's argument is structured along the lines of the theory of Hans Julius Wolf that has been dominant in the contemporary doctrine.¹ The Author

¹ Cf. H. J. WOLFF, *Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law*, Haverford 1939.

shares the theses of the German scholar that the written documentation of marriage had a purely evidential character (chapter 3). That in the Egyptian practice there was no trace of the so-called 'loose marriage' (i.e. the inferior type of marital union) is also not contested (chapter 5). The Author seeks to question Wolff's views on the exact meaning of the deed of 'handing over the wife to the husband' (*ekdosis*) within the institution of a lawful marriage (chapter 3), on the way the practice of double documentation of marriages developed, as well as on the function of particular types of documents within this practice (chapter 4). Following this study, the Author discusses the meaning of the notion of a 'written marriage' (*engraphôs gamos*) in some of the documents as well as the legal consequences thereof (chapter 5).

The Author focuses on the problems concerning the various ways of contracting into marriage (chapter 3), the dual documentation (chapter 4) as well as the hypothesis that there were in fact two distinct types of marriage (chapter 5). He is reluctant to accept the hypotheses that seek to explain the problems by assuming that the practice stemmed from the possible influence of the Egyptian tradition or permeation by Roman legal order. The Author's strategy is rather to seek explanation by confronting the documents with the Greek legal tradition. This methodological intuition and starting point, in the work under review, goes together with a highly nuanced and evenhanded analysis to produce a highly convincing argument.

Chapter 3: "The Act of Marriage". The body of the chapter consists in a discussion of H. J. Wolff's theory concerning the role of the *ekdosis* in the formation of marriage among Greeks in Ptolemaic and Roman Egypt. Assuming an analogy between practices in continental Greece and Greek communities in Egypt, Wolff recognizes the existence of two possible ways to make a marriage between Greeks in Ptolemaic Egypt. In his view these two ways of making marriage existed already in Archaic and Classical Greece. One focused on the formal act of handing-over the bride to her future husband (*ekdosis*). The other consisted solely on the marital consent of the spouses. The latter was rarely practiced in continental Greece because it would not have the effect of bestowing upon the children the citizenship of a *polis*. In Ptolemaic Egypt, on the contrary, it would gradually supplant the *ekdosis* which lost its importance as the connection between the Greek communities in Egypt and their *poleis* of origin gradually declined. That would explain the omission of the *ekdosis* clause in the marriage documents in the later Ptolemaic and Roman periods; the only exception was Oxyrhynchos where the *ekdosis* was to be practiced well into the third century CE.²

Yiftach-Firanko challenges Wolff's assumption that the omission of the *ekdosis* clause in the marriage document implies that the marriage itself was con-

² Cf. WOLFF, *Marriages* (cit. n. 1), p. 17

cluded without the deed in question. As Wolff himself admitted, the validity of the marriage did not depend on any written documentation; the purpose of written documentation was rather to record its financial and personal consequences. Accordingly, the deed of *ekdosis* was not a mandatory clause of the marital document. The statement that the *ekdosis* could be performed and valid regardless of it being mentioned in the marital document can be inferred from the case of Antonius, reported in the petition of Dionysia (*P. Oxy.* II 237, 186 CE Oxyrhynchos). Antonius contested the right of his father-in-law, Sempronius, to dissolve his (i.e. Antonius') marriage with Sempronius' daughter against the will of the latter, by the virtue of the argument that she had been 'handed over' to her husband. The proceedings took place before Bassus, epistrategos of either Pelusium or Thebaïs in 128 CE, which proves that the spouses' place of origin was not the Oxyrhynchitês nome – the only place where the marriage documents still contained the *ekdosis* clause in that period.

The aforementioned document warrants yet another interesting observation. It seems that the father's right to dissolve his daughter's marriage was restrained to the marriages made without the deed of *ekdosis*. This seems to imply that, in the Greek-Egyptian practice, there existed a possibility to contract the marriage by the mere consent of the spouses. The Author of the monograph under review seeks to challenge this thesis proposed by Wolff. His main argument draws on the documents that record the acts of *ekdosis* performed by women themselves. Had the conclusion of a marriage without such an act been possible, women should rather have chosen this latter solution as simpler than the somewhat artificial auto-*ekdosis*. Such a reasoning could be objected to if the act of *ekdosis* excluded the father's right to dissolve the marriage of his daughter in any case, regardless of who performed it. With the latter hypothesis, it would be comprehensible why women should choose the auto-*ekdosis* rather than informal way of concluding marriage, even if the latter possibility did exist.

The Author's explanation, however, goes in the opposite direction. The right of the father to dissolve the marriage of his daughter would be compromised only if the father had performed the *ekdosis* himself. Thus the marriages which could have been dissolved by the wife's father against her will (the existence of which is implied in the Antonius' case), were the marriages where the *ekdosis* had been performed by a person other than the father, and not marriages where the act in question had not been performed at all. This view correlates with the response of Ulpios Dionysodóros, reported in the petition of Dionysia along with Antonius' case. Unlike the description of the latter, the response specifies that the *ekdosis* was performed by the father of the bride. As the Author himself admits, the wording of the response warrants two interpretations: the decision might have depended on the person who performed the *ekdosis* as well as on its being performed at all. In my opinion, however, the strongest support for the first interpretation comes from the clause mentioning that the wife

ceased to be under her father's authority (*exousia*) as a consequence of the *ekdosis* which seems to be the very reason why the father should lose the right to dissolve his daughter's marriage. It would be difficult to understand why the father should lose his authority over a daughter if he was not involved in the act of *ekdosis*.

The existence of the auto-*ekdosis* practice, however, does not necessarily imply that the *ekdosis* was the only possible way of contracting marriage. It is important to consider another possible explanation of the phenomenon. Suppose, for the sake of an argument, that the regular consequence of *ekdosis* was the extinction of the father's authority over the bride and thus originally it could be performed only by the father himself (at least as long as he was alive). If the marriage was informally concluded, on the contrary, such an effect would not happen and thus the father would maintain (at least formally) his authority over his daughter which included his right to dissolve his daughter's marriage. auto-*ekdosis* could thus be seen as an alternative to the informal way of concluding marriage. Under such an interpretation, the practice of auto-*ekdosis* was practised by women of such age, social and financial status that rendered them independent. Women might have perceived the deed of auto-*ekdosis* as a means to confirm their autonomous position and thus to preempt potential attempts on the part of their fathers to abuse their formal rights and dissolve their marriages.

Chapter 4: "Double Documentation of Marital Arrangements". The fourth chapter deals with the problem of the double documentation of marriages in Ptolemaic and Roman Egypt. Such a double documentation is attested in *P. Par.* 13 (157/6 BCE Memphis) and in the series of papyri from the second century BCE Philadelphia (*P. Freib.* III). From the above documentation it can be inferred that the document called *syngraphê homologias* would be drawn first—whereas the second, *syngraphê synoikesiou*, was supposed to be prepared within a certain period of time (usually within one year). Many hypotheses have been proposed as to the functions of each of the documents. The hypotheses can be divided into two main groups. The first class comprises views of scholars who presuppose the existence of two types of marital union (L. Mitteis, W. Spiegelberg, U. Wilcken, S. Huwardas).³ The 'perfect marriage' would have been attested in *syngraphê synoikesiou*, whereas the marriage attested in a *syngraphê homologias* would have been a kind of an inferior marital union, be it 'unwritten marriage', 'loose marriage', 'premarital cohabitation' or even ordinary cohabitation (fr. concubinage).

³ Cf. L. MITTEIS, "Neue Rechtsurkunden aus Oxyrhynchus", *APF* 1 (1901), pp. 343–354; W. SPIEGELBERG, "Demotische Miscellen", *Recueil de travaux relatif à la philologie et archéologie égyptienne et assyrienne* 28 (1906), pp. 187–204; U. WILCKEN, "Aus der Strassburger Sammlung", *APF* 4 (1908), pp. 115–147; S. HUWARDAS, *Beiträge zum griechischen und gräkoägyptischen Eherecht der Ptolemäer- und frühen Kaiserzeit*, Leipzig 1931.

The hypothesis that posits two types of marital union in Ptolemaic Egypt was first challenged by J. Partsch. Partsch maintained that both *syngraphê homologias* and *syngraphê synoikesiou* referred to the same and unique type of marriage; the documents differed only in purpose and function.⁴ This view is now prevalent in the doctrine (F. Bozza, W. Kunkel, V. Arrangio-Ruiz, E. Schönbauer, and H. J. Wolff).⁵ There remained, however, differences as to the explanation of the function of each type of documentation. Arrangio-Ruiz, Kunkel and Schönbauer view the *syngraphê synoikesiou* as a warrant of the most crucial marital arrangements, particularly ones that concerned the family property. Those authors rely on the advantages of public status of *syngraphê synoikesiou*. It was Wolff's theory, however, that received the widest acclaim. At the beginning of the Ptolemaic period, in Wolff's analysis, *syngraphê homologias* used to evidence the prenuptial delivery of the dowry whereas *syngraphê synoikesiou* recorded the *ekdosis* and the actual formation of marriage. Accordingly, it was the second document that contained the clauses that regulated the terms of joined life. Over the time it became commonplace for people to begin life together before the *ekdosis* was performed. The clauses hitherto reserved for *syngraphê synoikesiou* thus began to be incorporated into the first document in order to facilitate the arrangement of life together. By the beginning of the first century BCE, the *ekdosis* ceased to be practiced so that *syngraphê homologias* remained the only type of marital document. Due to its dynamic and evolutionary character, Wolff's theory explains the existence of the documents named *syngraphê homologias* with the structure typical for *syngraphê synoikesiou*, as *P. Tebt.* I 104 from 92 BCE.

Having rejected Wolff's assumption as to the gradual decline of *ekdosis* practice (cf. Chapter 3), the Author of the monograph under review was bound to reject also the scheme of evolution as proposed by Wolff. It merits special mention that the Author shows good grounds for that: the connection between the *ekdosis* and *syngraphê synoikesiou* is at least problematic, given the fact that only one document of that kind (*P. Eleph.* 1) mentions the act in question; moreover the reference to *syngraphê synoikesiou* appears only twice in the documentary papyri from Roman Oxyrhynchus, although in those times the *ekdosis* was most frequently documented precisely in this nome. Equally questionable is the interpretation of *syngraphê homologias* as a pure dowry receipt; there is no evidence that in Ptolemaic Egypt 'pure dowry receipts' used to be drawn up, all of them

⁴ Cf. J. Partsch, *P. Freib.* III, p. 20.

⁵ Cf. F. BOZZA, "Il matrimonio nel diritto dei papiri dell'epoca tolemaica", *Aegyptus* 14, (1934), pp. 205-244. Cf. W. KUNKEL, *Review of P. Freib.* III, *Gnomon* 4 (1928), pp. 659-669; V. ARRANGIO-RUIZ, *Persone e famiglia nel diritto dei papiri*, Milan 1930, pp. 70-71. Cf. E. SCHÖNBAUER, "Untersuchungen zum Publizitäts-Rechte in ptolemäischen und römischen Ägypten", *APF* 13 (1939), pp. 39-60; Wolff, *Marriages* (cit. n. 1), pp. 16-27.

but one being only the extracts from the marital documents which could have contained the clauses concerning the terms of joined life as well.

As a starting point of his own explanation of the discussed phenomenon, the Author takes the opinion of Arrangio-Ruiz and Kunkel as to the public status of *syngraphê synoikesiou*. Their view seems to be corroborated by the extracts from the syngraphophylax documents originating from Theogenis and dating late third century BCE (*CPR* XVIII 6; 8; 12; 13; 17; 20; 28) as well as by the documents drawn from *tomos synkollesimos* dating 179/178 BCE Philadelphia (*P. Freib.* III 26; 29; 30). The Theogenis series is composed of private marriage documents containing the anticipatory clause whereby the husband is obliged to draw up another document to be deposited in the public archive – *dêmosion*; it was the latter document's mandatory clause to record the conveyance of the dowry arrangements. After the divorce, the wife and her family were entitled to remove the document from *dêmosion* in order to use it as evidence of her husband's obligation to restore the dowry. The anticipatory clauses of the Philadelphian documents show similar features. In Philadelphia, the latter (public) document is named *syngraphê synoikesiou* whereas the private document which contained the anticipatory clause is called *syngraphê homologias*. In Theogenis, both public and private documents are termed *syngraphê synoikesiou*.

The practice of double documentation of marriages in Egypt is evident as early as the first half of the third century BCE (*P. Hib.* II, 208, 265–250 BCE) and declined over the second half of the 2nd century CE (*P. Par.* 13, 157/6 CE). According to the Author, the practice began to develop as soon as the first public archives were created. The practice stemmed from the intention to impart maximum security on the most important marital arrangements. By the beginning of the first century BCE, however, the private documents already obtained semi-public status: they were *Doppelurkunde*, composed by a public authority in the presence of witnesses and deposited with a *syngraphophylax*. Therefore, the *syngraphê synoikesiou* (i.e. the public document to be deposited in *dêmosion*) could be dispensed with and thus in fact disappeared.

The reconstruction of the development and functions of double documentation of marriages in Ptolemaic and Roman Egypt, as proposed by the Author of the monograph, seems entirely convincing. The reconstruction is founded on a detailed and careful analysis of a wide range of documents. Most importantly, however, it allows to reconcile the double documentation of *chôra* with that of the Augustan Alexandria, which was not possible on the grounds of the hitherto theories.

Chapter 5: “*Agraphos Gamos*”. The Author's purpose in this chapter is to clarify the meaning and significance of the expressions *agraphos gamos* and *agraphôs syneimai* that recur in several documents. Before the publication of H. J. Wolff's *Written and Unwritten Marriage in Hellenistic and Postclassical Roman Law* (1939) the prevailing thesis accorded the terms ‘written’ and ‘unwritten’ marriage the mean-

ing of 'proper marriage' and 'loose marriage' (i.e. the lower type of marital union), respectively. Wolff, having rejected the latter distinction as well as the very existence of a 'loose marriage', had to assume that both terms referred to the same type of marital union. The term 'unwritten marriage' would thus only mean that no marital document had been drawn up. Such an omission, however, had no bearing on the validity or the legal consequences of the marriage since, as Wolff assumed, no documents were requisite to contract a marriage.

However, it seems that the existence of the document attesting the contract of marriage had at least one important legal consequence, viz. the paternal power upon their children was substantially diminished in its effect. As the series of documents containing the minutes of trials between adult children and their fathers show, the fathers did not have the right to annul the will of their sons, to dissolve the marriage of their daughters or to seize their assets if the children had been born within 'unwritten marriage'.

It seems also that the type of marriage in which a daughter herself lived could deprive her father of the right to dissolve it, even if his marriage with her mother was a 'written marriage'. It is not clear, however, if such an effect should be ascribed to the 'written' character of the daughter's marriage or rather to its status based on the *ekdosis*. The petition of Dionysia corroborates both arguments. The former is adduced by Dionysia herself, whereas the latter is cited in one of the precedents reported therein (the case of Antonius). Yiftach-Firanko adheres to the latter alternative and claims that Dionysia's argumentation was somewhat abusive and resulted from the lack of a better argument (i.e. her father probably did not perform the *ekdosis*). Accordingly, the Author rejects the position maintained by Grenfell-Hunt, Mitteis and Huwardas,⁶ that the *engraphôs gamos* ('written marriage') was tantamount to the *ekdosis*. He is bound to do so on the grounds of his thesis that the *ekdosis* was the only way to constitute a lawful marriage (cf. Chapter 3). It seems, nonetheless, that Dionysia's petition can equally well be interpreted within the construction whereby the written marriage is identical with a marriage based on the *ekdosis*, though this construction is disapproved of by the Author.

The performance of the *ekdosis* was habitually recorded in the marital documents in Egypt starting at the end of 4th century BCE well into the turn of the Ptolemaic and the Roman era. Accepting the view of the Author that *ekdosis*' function was to extinguish the authority of the father over his daughter and thus extinguish his right to dissolve her marriage against her will, it can be said that this would exhaustively account for the unprecedented proliferation of this clause in the marital documents of the period. The collective consciousness could thus easily identify the documentation of marriage with the due perform-

⁶ Cf. GRENFELL & HUNT, *P. Oxy.* II, p. 172, MITTEIS, "Neue Rechtsurkunden" (cit. n. 3), p. 344; HUWARDAS, *Beiträg* (cit. n. 3), p. 52.

ance of the *ekdosis*. It is not unlikely that in the later period the parties to the contract of marriage could refer to and rely on either of them. To draw the analysis further and accept Wolff's statement that the practice of *ekdosis* disappeared at the turn of the Ptolemaic and the Roman era, one might muse the hypothesis that once the practice of *ekdosis* disappeared the written documentation of marriage could take the *ekdosis*' function as well. Such a hypothesis would facilitate approaching Dionysia's argumentation more favorably. It might well be the case that she relied on the written form of her marriage not because the *ekdosis* had been performed by a person other than her father but rather because the *ekdosis* had not been performed at all which was the common practice of the day. This hypothesis is obviously at odds with the Author's thesis that *ekdosis* was a requisite essential and constitutive element of marriage between Greeks in Egypt well into the Roman times. Nonetheless, one should note that the foregoing position is not unassailable as it relies on the evidence that implies that the *ekdosis* was performed by a woman during the lifetime of her father starting 2nd century BCE. This practice, however, can be accounted for by a more simple and practical argument whereby the practice of auto-*ekdosis* appears as a means that allowed a woman to emphasize her social position and independence from her father (cf. my comments to chapter 3 *supra*).

To come to the point, the work under review offers a novel, coherent and fundamentally convincing account of the institution of marriage in the Greek community of Egypt. The Author's theses are founded on a comprehensive, thorough and – repeatedly – virtuoso analysis of the sources. The source material itself is voluminous. Yet, the excellent tables, charts and indices provided in the Appendix I enable the reader to follow Author's explanations easily. They constitute a very handy compendium of data pertaining to marriage in Graeco-Roman Egypt, and thus make Yiftach's book the standard work of reference of the subject. Appendix II offers edition of six previously unpublished marriage documents from the early Roman period. The images of the papyri are enclosed on the Plates I-IV.

As a final note, I should like to remark respectfully that none of the foregoing comments was meant to be categorical: they are rather questions, intuitions and conjectures that germinated in the course of studying the Author's argument. It should be further noted that they are disposed to a degree of naïveté as the commentator's grasp of the subject matter is in no way comparable to the vast and detailed expertise in the area on the part of the Author. The monograph under review is certainly a commendable exposition of its Author's knowledge and ability.