

# Juristic Papyrology: A draft syllabus

## [16 meetings, 3 lective hours each)

### **Course objectives:**

The course aims at introduction of a student to juristic papyrology, i.e. the study of legal practice in the Greek and Roman World. It touches upon history of mentality, understood as a reconstruction of legal awareness of ordinary people of Antiquity. It provides a student with an array of sources, usually not studied at the Law Faculties: the documents of actually concluded legal acts and invites him/her to their interpretation. In doing so the course should make students aware of the discrepancies between the 'official' law and its application, channels of the legal education, and finally, the role law plays in the lives of ordinary people.

The chronological outline of the course covers the time-span from the earliest Greek document in Egypt, a marriage contract *P. Eleph. 1* to the demise of Greek documentary language of the Arab era. Thus Ptolemaic, Roman and Byzantine documents will be treated, with focus to the Roman (Augustus – Diocletatian), and Byzantine (the 4th century and the justinianic period). The sources provenance is mostly Greek-writing Egypt, but when necessary texts from other regions of the Mediterranean and Roman Empire will be used (the Archive of Babatha, Campanian and Dacian wax tablets, texts from Dura, Nessana and Petra).

### **Method:**

Lectures with active students' participation. The theoretical part shall be taught (especially in the introductory module); the main part of the course shall consist in reading and interpretation of the preselected texts in English translation, which shall be introduced and put in context by the teacher.

### **Learning outcomes:**

Upon completion of the course the student will

- demonstrate basic knowledge on the legal environment in Antiquity, in particular of Greek and Roman Egypt
- appreciate the tension between system of statutory norms and their practical application
- understand the concept of legal awareness and demonstrate with examples
- understand the advantages offered by the papyrological material and the limitations thereof.
- Offer sound legal interpretation to less complex practical cases.
- Comprehend the notion of legal pluralism and illustrate by examples.

### **Syllabus:**

Module I: Introduction

1. The world of the papyri. Papyrology among sciences on Antiquity. The Sources. Literary / Subliterary / Documentary papyri. Egypt and the Ancient Mediterranean. Non-Egyptian papyrology. When the Egyptian Sands spoke Greek or Greek and Roman Egypt: continuities and innovations. Chronology.

- Living in Greek and Roman Egypt: the habitat, state administration, calendar, languages, people. The study of the documents –Archives/Dossiers. (3h)
2. The Law of Greek and Roman Egypt – Prolegomena. The ‘big’ and the ‘small’ history of law. On law functioning in Ancient Societies. Multi-ethnic Egypt under the Ptolemies. Competent Law: some Examples (*P. Tebt.* I 5) and the Ptolemaic system of courts. Legal personality? The Romans and the Roman law. *Reichsrecht* and *Volksrecht*. State norms and legal practice. Roman state law in Egypt: Examples (*P. Col.* 123 *Apokrimata*, *BGU V* 1210 – Gnomon of the Idioslogos). Legal pluralism: when, how, to what extent? Personal status – citizens – non citizens. *Constitutio Antoniniana* and its effects (6h).
  3. Administration of Justice in Greek and Roman Egypt. Courts, Judges (Prefect – Epistrategos, others). Registers. Execution. The system of petitions. *Nomikoi* – legal experts. Legal rules in courts – examples (*SB XIV* 12139). Late Antique arbitration (3h).

#### Module II: The law of the papyri

4. Marriage and family – personality of law applied? Ptolemaic marriages. The role of *ekdosis* in marriage formation. Endogamic marriage. Written and unwritten marriages. Marital Property. *Katoche*. Marriage in Palestine. Marrying ‘the Roman way’. Divorce: deserted husbands and abandoned wives. The marriage of Dionysia (*P. Oxy.* II 237). Marriage and its dissolution in legal practice vs. the Roman model. The imperial limitations of divorce and their practical impact. (12h)
5. Successions. Legal norms applicable. Gnomon. The ‘Egyptian’ system of testamentary succession – testamentary freedom? Limitations: unwritten marriage. Roman wills from Egypt. Byzantine wills: testation between strict formality and the popular idea. Exheredation (9h).
6. Contracts. Typicity and a-typicity of contract in Ancient laws. The function of the stipulatory clause. Loans and their purposes. Sale. Warranty for defects. The ‘Roman’ and the ‘Greek’ model. Labour contracts. Wet-nurses. Land-Lease and emphyteutic contracts. Securities: the evolution (9h).
7. Guardianship. The concept of *exousia* vs. the Roman *potestas*. Women in commerce. Mothers as guardians of their children: Babatha and others. (6h).

#### Module III: Ancient Legal Pluralism

8. A sum-up. (1h)

#### Texts:

- R. Bagnall, *Reading Papyri, Writing Ancient History*, London / New York 1995
- N. Lewis, *Life in Egypt under the Roman Law*, Oxford 1983, chapters 1, 2, 3, 8 and 9.
- R. Bagnall, *Practical Help: Chronology, Geography, Measures, Currency, Names, Prosopography, and Technical Vocabulary*, in: R. Bagnall (ed.), *Oxford Handbook of Papyrology*, Oxford 2011
- U. Yiftach-Firanko, ‘Law in Graeco-Roman Egypt: Hellenization, Fusion, Romanization’, in: R. Bagnall (ed.), *Oxford Handbook of Papyrology*, Oxford 2011
- J. L. Alonso, ‘Juristic papyrology and Roman law’, in: P. J. Du Plessis, C. Ando & K. Tuori (eds), *The Oxford Handbook of Roman law and Society*, Oxford 2016

**Auxiliary:**

- J. Keenan, J. Manning & U. Yiftach-Firanko, *Law and Legal Practice in Egypt from Alexander to the Arab Conquest. A Selection of Papyrological Sources in Translation, with Introductions and Commentary*, Cambridge 2014 – for some additional commentaries/information
- R. Bagnall (ed.), *Oxford Handbook of Papyrology*, Oxford 2016.

**Evaluation:**

The mark shall be assigned on the scale 0–30 upon the following conditions:

40% of the final mark: active class participation (continuous evaluation): class preparation (sending in commented texts), discussion of the texts, raising questions will be assessed during the course. At each particular instance a student shall be informed about his/her performance.

60%: the final exam mark: The exam shall consist of a theoretical question and a in-depth discussion of one of the texts studied in the class (assigned randomly).