Die Liturgie [Leipzig, 1917]) by showing that four dekaprotoi served linked pairs of Arsinoite toparchies; but (against Oertel and others) B. inclines toward five-year terms consonant with the five-year tax cycle known as the *epigraphê*.

The collection's interests and concerns should be clear from the foregoing summary. Most of the volume's pieces are problem-solvers; many directly challenge and subvert comfortably-held scholarly opinions, sometimes through revised or newly-generated quantifications. The pieces are often of interest for their methods as much as for their conclusions.

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Hans Julius Wolff, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats, Erster Band, Bedingungen und Triebkräfte der Rechtsentwicklung*, Published by H.-A. Rupprecht. (Handbuch der Altertumswissenschaft. 10. Abteilung, 5. Teil, 1. Band.) Munich: C.H. Beck, 2002, 8°, xix + 276 pp. ISBN 3-406-48164-7.

H.J. Wolff was one of the most prolific and important scholars of Greek law. Among other fields, Wolff's studies on law in the Greek papyri, mostly from Egypt, have freed the field from anachronistic dogmas. Not only do these studies shed light on particular legal institutions, but they are also full of insights on the evolution of law in Egypt from social and cultural perspectives. Before his death Wolff managed to publish the second volume of the monograph under review here, a book that became a basic text for anyone studying document formulae of contracts, notaries, and archives, or the law of property in Ptolemaic and Roman Egypt.[1] We now have the first volume as well, whose manuscript Wolff left near completion at the time of his death in 1983.

Ptolemaic and Roman Egypt had no civil code that covered every aspect of private law and was binding on all its inhabitants. The law derived from a variety of legal traditions — Egyptian, Greek and Roman in particular — and was created by different means: royal, imperial and prefectural decrees, city legislation, different manuals of legal contents, etc. Throughout most of the period no effective system of regulations directed judges to the precise legal source that should be employed in a given case. Still, in general the system worked. Wolff shows us how.

The book consists of two sections, the first on the Ptolemaic period (23-98) and the second on the Roman (99-200). The Ptolemaic state consisted of different social groups whose members were loosely connected to the state through their loyalty to the king. The Ptolemies did not aspire to merge these groups into one nation or to impose a unified legal system. They recognized the land's multi-ethnicity, a recognition manifested in a *diagramma* promulgated by Ptolemy II Philadelphos sometime before 270 BCE. This created a court system in which the two main ethnic groups, Greeks and Egyptians, could be judged in accordance with their ancestral legal practices.

The Greeks of the *poleis* lived by their codes, some of which — as in the case of Alexandria — were granted them by the kings themselves (43ff.). Outside the *poleis*, the king was the only person who promulgated laws. In Wolff's view, the most significant product of this legislation was the aforementioned '*Justizdiagramma*' of Ptolemy Philadelphos, which regulated not only the court system, the judicial procedure, and the forms of execution, but also treated important aspects of the material law itself. In Wolff's view later laws, especially from the second century, do not match Philadelphos' accomplishment (49-54).

Royal legislation did not treat most areas of private law. Where it did not, judges in the Greek *dikastêria* were to resort to the *politikoi nomoi*, according to Wolff, the law codes by which the litigants had lived in their place of origin, if they happened to share one (57). Otherwise, basic legal notions common to all Greeks were deployed and served as the foundation for a customary

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1 H.J. Wolff, *Das Recht der griechischen Papyri II — Organisation und Kontrolle des Privaten Rechtsverkehrs* (Munich, 1978).

law evolving in the new land, the so-called 'legal *koinê*' (35ff.). The legal *koinê* was not created through selective and conscious adoption of concrete legal institutions operating in the *poleis* of the motherland, as Taubenschlag maintained, nor was it formally introduced by the state. It was the sum of common general notions imported by the Greeks to Egypt, by means of which they handled *ad hoc* legal situations they faced in the new land. Its continued existence there was also due to the adherence of Greek notaries in Egypt to ancestral schemes of legal documents (59-63).

Conscious adoption of concrete institutions is more likely in the case of royal and city bodies of legislation, whose authors were certainly familiar with the comparative legal surveys of the time (e.g., Theophrastus). One papyrus may even trace the law of Alexandria back to Athens. Yet *en bloc* acceptance or even prominence of Athenian law in Alexandria is unlikely. Classical Greek influence is evident in royal acts, for example, in the field of court procedure. Here too we do not find simple adoption, but adaptation of older mechanisms to the needs of the new state (63-70).

In Egypt there were also native Egyptians, who lived by their ancestral legal practices, an adherence that was supported by the Ptolemaic state. This does not mean that Egyptians were restricted to using their own legal institutions — nor, for that matter, were Greeks. Anyone was free to use either system, primarily by choosing the language of the legal document (79). This, however, does not mean that the two traditions ever fused into one, as Seidl held (80), in a theory that Wolff vehemently rejects. Wolff does, however, observe infiltration of Egyptian institutions into Greek law. An example is the *nkt.w n sḫm.t*, an Egyptian dowry category that was absorbed in the first century CE into the Greek dotal system under the title *parapherna* (88-91).

Wolff also notes penetration of Demotic formulas into Greek legal documents, a development that can be first traced in the late second century BCE. This is also roughly the period in which, according to Pestman, Egyptians are first attested as *agoranomoi*, heads of the public Greek notary office in the *chôra* (95). In the first century CE, I would add, we find the same officials writing both Greek and Egyptian legal documents; such is the case in Tebtynis and Soknopaiou Nêsos.[2] It is very plausible that these officials employed similar formulas in their writing in both languages. The phenomenon is studied by Demotists.

The second part of the book (99-200) is dedicated to the Roman period. After discussing Egypt's special position as a Roman province (99-103), Wolff turns to the *praefectus Aegypti*, and especially to the *ius edicendi*, the prefect's capacity to issue edicts. The prefectural edicts became invalid as soon as their promulgator left office, and references by later judges to their contents do not prove the opposite. Recourse to these edicts was just an option and was due to custom; it does not imply their continued validity (107). Next comes a discussion of the *edictum provinciale*. Did prefects issue an edict upon entering office in which they related the way they would run this office? Contrary to some, Wolff believes that such an edict existed but that it regulated the affairs of *cives Romani* only in matters (such as the law of inheritance) in which they were expected to follow the precepts of Roman law (110).

In 30 BCE Egypt was attached to the *imperium Romanum*. In 212 CE its inhabitants became *cives Romani*. Wolff discusses at length the effect of the two events on private law in the province and concludes that in the short run it was rather modest. After the conquest the Romans did not officially endorse earlier legal institutions; neither did they declare them void. Consequently, a Roman judge *could* revert to these institutions if he saw fit, but was never obliged to do so, so that their deployment was a mere option (116-120). In Roman Egypt the only early laws to be formally endorsed were those of the *poleis*. Nevertheless, the *poleis* did not enjoy autonomous jurisdiction, and their cases came before the regular Roman courts. Here, too, the judge was not obliged to judge according to their laws (121).

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2 B. Muhs, 'The *Grapheion* and the Disappearance of Demotic Contracts in early Roman Tebtynis and Soknopaiou Nesos', in S. Lippert (ed.), *Tebtynis and Soknopaiou Nesos — Leben im römischen Fayum* (Wiesbaden, 2005).

As noted, in 212 CE most free inhabitants of the Empire became *cives Romani*, and were thus subject to the precepts of the *ius civile* (122ff.). Yet the *Constitutio Antoniniana* did not mean the replacement of local legal institutions by Roman ones. It simply made the use of *ius civile* in courts of law optional (125). Even when Roman law was applied, local legal practices were usually not ousted but 'Romanized', that is, reinterpreted in a way that allowed their reconciliation with principles of Roman law (129-130).

There were however, some exceptions. Roman wills had to follow set rules. The new citizens needed to follow these rules as well, at least until they were somewhat relaxed in 235 (133-135). Similarly, some obligations — interest in the case of a *mutuum*, for example — required stipulation in order to take effect. This condition was also enforced in the case of new citizens, in a way that made these incorporate a clause reporting the (real or alleged) performance of the *stipulatio* in legal documents. They went so far as to incorporate it even where it was not required by the type of contract, as well as in other types of documentary papyri (131-133).

Occasionally, the new citizens assumed Roman forms and terminology even when they were under no constraint to do so. They had recourse to the *patria potestas* and the *emancipatio*, to the Roman dotal system, and to the marital legislation of Augustus. Still, invocation of Roman legal terms was irregular and infrequent and was usually restricted to members of the metropolitan elites, who wished to boast of their new status through reference to Roman institutions. This reference does not imply, at any rate, a true Romanization of law and society in third-century CE Egypt (137-148).

Next, Wolff returns to the period before 212 (148ff.). He now focuses on the 'old' Roman citizens, namely those who were, or became, Roman citizens before Caracalla's act. In theory, their position was distinct from that of the rest of the population, for they alone were subject to the precepts of the *ius civile*. Yet the actual implication of the distinctions was in most respects secondary: Romans in Egypt usually drew up the same Greek contracts as their peregrine neighbors, applied the same legal mechanisms and turned to the same officials for justice (162-172).

The case of wills was exceptional. Romans meticulously conformed to strict requirements imposed by Roman law (for example, that the text be in Latin) and they also applied numerous other elements of the Roman hereditary system (157-162). Roman law was also actively applied by citizens in matrimonial issues, with regard to both dowry and the act of marriage itself. Accordingly, Roman marriage documents stress the conformity of the marriage with the marriage laws of Augustus (153-155).

In the last chapter Wolff assesses the extent to which acts of high-ranking officials contributed to the development of private legal institutions before 212 CE. Like their Ptolemaic predecessors, the Romans were primarily interested in the peaceful management of the province and in the tax income. Private law ranked third at best (176). Accordingly, while some decrees were used for the creation of important mechanisms, in general the scope of this activity was limited: take, for example, the imposition of maximum interest rates by the *idios logos* (189-191), or the right of the wife to retrieve her dowry from the property of her husband, if it happened to be confiscated by the state — a right first conceded by Augustus (189). The same holds true for judgments and imperial responsa: here we find some important, if sporadic, rules regarding inheritance, property and family law (182-185). Through their judgments and decrees, Roman officials sometimes introduced Roman principles. This was not, however, always the case: the most outstanding institutions created by the prefect's edicts, such as the *bibliothêkê enktêseôn*, did not introduce Roman elements, but promoted local institutions instead (177-178).

Romanization is manifested in legal terms used in the papyri. In the early Roman period we find in the Greek papyri the Roman distinction between νομή = possession, and δεσποτεία = ownership; the term προίξ, which Wolff believes to be the Greek rendering of the Roman *dos*; and the Roman *bona fides*. Still, before the third century the terms appear primarily in acts of state

officials, and only in the fourth century do they finally infiltrate into the legal language of the population at large (191-197).

My own views depart from Wolff's in some respects.[3] Most crucial among these is the question of continuity between the Ptolemaic and Roman periods. Wolff rejects a profound change: he holds that in both the Ptolemaic and Roman periods Egypt remained a realm of 'Hellenistic law' (3, 112), a term that signifies the complex of institutions and legal notions of Greek origin shared by different parts of the Greek East in the Hellenistic and Roman periods.[4]

This is an important assertion by Wolff, for it allows him to avoid an independent discussion of the Demotic sources. Still, Wolff's argument is to some extent circular. He bases his study on the Greek and not on the Demotic papyri because he believes that the former better present Egypt's position as a Hellenistic land, but also determines the 'Hellenistic essence' of Egypt from a picture drawn almost exclusively on the basis of Greek papyri. I presume that different results would have been reached had the study focused on the Demotic material as well, as does Seidl's monograph.[5]

The native Egyptian legal tradition existed at least as long as legal documents were written in Demotic. This was the case throughout the Ptolemaic period, but not in most of the Roman: the dissemination of the Greek *grapheia* in the *chôra* and the imposition of an intricate registration procedure on Demotic documents, both phenomena studied by Wolff himself, brought about the demise of the Demotic tradition in the first century CE.[6] In other words, the Roman conquest did set in motion a profound change in the legal history of Egypt: only with the coming of Rome did Egypt become a true realm of Greek law. Drastic changes are evident in the scheme of legal documents, and even, as early as the first century CE, some Roman traits in the form of Greek marriage documents and wills.[7] The issue requires further study.

In general, however, the book is highly important not only for the students of the law of the Greek papyri, but also for every student of law and society in the Hellenistic and Roman periods. The synopsis it provides on the evolution of law in Egypt is matched only by Mélèze's fundamental essays on *Règle de droit* in Ptolemaic and Roman Egypt.[8] Among its other merits, the book demonstrates how free judges were, in both the Ptolemaic and Roman periods, in their use of legal sources. It also shows that in many respects an individual's personal (both legal and social) status — Greek, Egyptian or *civis romanus* — played a secondary role in comparison with other factors, such as ancestral traditions, access to the notary office, etc.

Volume I of *Das Recht der griechischen Papyri* was prepared for publication by H.-A. Rupprecht, who also wrote a very useful section on the history of research and the available resources that are essential for work in the field. Rupprecht also added a bibliographical appendix listing studies published since Wolff's death in 1983. The addition of a short synopsis could be useful for scholars outside the narrow field of legal papyrology. All in all, however, publication of the book was a complicated undertaking and Prof. Rupprecht should be thanked for carrying it through.

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3 Cf., e.g., on the *parapherna* my *Marriage and Marital Arrangements* (Munich, 2003), 129-140, and on the nature of 'the Law of the Egyptians' my forthcoming article in R.S. Bagnall (ed.), *Oxford Handbook of Papyrology* (Oxford University Press).

4 Cf. in particular 5 n. 18. A clearer glimpse of Wolff's view of the term 'Hellenistic law' is given in his 'Hellenistisches Privatrecht', *SavZ* 90 (1973), 63.

5 E. Seidl, *Ptolemäische Rechtsgeschichte* (Glückstadt et al., 1962^2).

6 H.-J. Wolff, *Recht der griechischen Papyri* II (Munich, 1978), 18-19, 51-53.

7 U. Yiftach-Firanko, 'Regionalism and Legal Documents — the Case of Oxyrhynchos', *Symposion 2003* (Graz et al., 2006), 357-374.

8 J. (Mélèze-) Modrzejewski, 'La règle de droit dans l'Égypte ptolémaïque', *Essays in Honor of C. Bradford Welles* (New Haven, 1966), 125-173; id. 'La règle de droit dans l'Égypte romaine', *Proceedings of the Twelfth International Congress of Papyrology* (Toronto, 1970), 317-377.