

Marriage Contract Regulations and Documentary Practice in the Greek Papyri*

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A.

In the years 110-112 Heraklas, son of Pausirion, of Oxyrhynchus, applied to the strategos because of the humiliation to which Apollon, son of Heraclides, had subjected his wife Taamoutis. This Apollon had walked drunk past the plaintiff's house in the evening and abused his wife, who was standing in front of the door — presumably to breathe some fresh air — and raised her garment. The petition was probably aimed at legal action — perhaps of a criminal nature — to obtain protection for the plaintiff and his family in the future.¹ Considering the usual picture which emerges from both ancient and modern literature, according to which the Athenian woman, at least, was expected to stay indoors and to hide from the eyes of strange men, this incident seems realistic but at the same time also strange. What were conditions really like? How did women live in Egypt, at least so far as we can tell from the Greek texts? Do we have information about their conduct or the demands made on them?

Among the particular and far-reaching advantages of papyrology and its source material, compared to other sources, is the fact that, on the one hand, the canon of sources is not definitive and new texts keep emerging, and on the other hand to some extent the *realia* can be gleaned from the documents. Private agreements, administrative measures and petitions filed with the authorities, as well as letters, afford an unfiltered view of actual circumstances, of the difficulties of daily life and of its joys. It must of course be kept in mind that the texts as a rule do not constitute coherent archives, that the finds are accidental in terms of distribution in both space and time, as well as in terms of the discovery and preservation of documents which belong to a particular individual. As result our picture is pointilliste, with all the advantages and disadvantages of that technique.

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¹ P.Oxy. XXXVI 2758.

In Egypt we are confronted with the fact that immigrants from various parts of Greece, Magna Graecia, and beyond, came into the country bringing with them their laws and their juridical and social concepts. How did coexistence develop among them, internally and vis-à-vis the native Egyptian population? What solutions emerged and where can we identify the differences from practices at home? This is a wide field. I wish to deal here with a single theme not predominantly of a juridical-technical character like, say, real security, mortgage or ὀνὴ ἐν πίστει.

The case presented at the beginning of this paper ushers in my theme in a somewhat roundabout way: I should like to attempt a sketch of family law governing personal relations and personal duties. Along the way I shall refer also to cases from real life.

B.

I. Marriage

Marriage contracts — to begin with legal practice and the picture that emerges from it — contain, as is well known, in addition to clauses concerning the entry into marriage, that is the ἔκδοσις (handing over) of the woman, also further regulations regarding personal obligations, i.e. clauses about proper conduct on the one hand, and clauses referring to support and property rights on the other hand. Thus in Greek contracts of Ptolemaic and Roman times, clauses which stipulate that the man must pay for the woman's support in accordance with their social standing, as far as his means permit, are quite common.² In Egyptian, that is demotic, contracts there are clauses restricting the husband's right to dispose of property, or regulations concerning inheritance by the children of the marriage.³ The personal clauses with which I intend to deal are found only in Greek contracts.⁴ However, it would be hasty and oversimplified to conclude that such clauses existed only among the Greeks and that they invariably appear in Greek documents. In this connection a brief look at the still disputed complex of mixed marriages is necessary.

In general Greeks, and those of Greek status, married among themselves, and so did Egyptians. In certain regions, to varying degrees, Greeks and Egyptians

² BGU IV 1050 = MChr 286 (I BCE/I CE) ll. 12f.: τρέφειν καὶ ἱματίζειν τὴν Ἰσιδώραν ὡς γυναῖκα γαμετὴν κατὰ δύναμιν κτλ.

³ S.E. Lüddeckens, *Ägyptische Eheverträge*, 1960, 276ff., 321ff.; see also H.S. Smith, 'Marriage and the family in ancient Egypt', *Legal documents of the Hellenistic world*, 1995, 46ff.

⁴ Cf. P.W. Pestman, *Marriage and Matrimonial Property in ancient Egypt*, 1961, 55.

did intermarry. However, the extent and the details of this practice are moot.⁵ Furthermore the identification of individuals as Greeks or Egyptians is made difficult by the fact that names, at least after the end of the third century BCE, do not constitute a safe criterion for determining their nationality. Recent studies, especially by Clarysse,⁶ have demonstrated that individuals used Greek or Egyptian names, according to circumstances: e.g. a person might use a Greek name privately and an Egyptian name at the office of the *κομογραμματοεὺς*.

In Greek marriage contracts, at least in Ptolemaic times, there appear no persons who can be identified as Egyptians,⁷ but we do have several instances of marriage contracts made by persons designated as Greeks which are nonetheless drawn up in demotic language, and consequently follow Egyptian law.⁸

In addition there are instances in which there exist both a Greek and an Egyptian contract for the same marriage. Admittedly, the Greek texts do not relate to newly constituted marriages, but merely record additional contributions vis-à-vis husband or wife undertaken by one of them or by the parents. In these the parties freely alternate Greek and Egyptian forms.⁹

⁵ J. Modrzejewski, 'Les mariages mixtes de l'Égypte hellénistique. Le couple interdit', *Entretiens sur le racisme*, 1980, 53ff.; and: 'Dryton le Crétois et sa famille ou Les mariages mixtes dans l'Égypte hellénistique', *Hommage à H. van Effenterre*, 1984, 356ff. = *Statut personnel et liens de famille dans les droits de l'antiquité*, 1993, VIII; W. Peremans, *Les mariages mixtes dans l'Égypte des Lagides*, *Scritti Montevocchi*, 1981, 273ff.

⁶ W. Clarysse, 'Greeks and Egyptians in the ptolemaic army and administration', *Aeg.* 65, 1985, 57ff.; id., *Greeks in Ptolemaic Thebes, Hundred-gated Thebes* (Pap.Lugd.Bat. XXVII), 1995, 1ff.; id., 'Some Greeks in Egypt, Life in a multicultural society', *Egypt from Cambyses to Constantine and beyond*, ed. J.H. Johnson, 1992, 51ff. See also R.S. Bagnall, 'Griechen und Ägypter: Rechtsstellung, ethnische und kulturelle Identität zweier Volksgruppen', *Kleopatra — Ägypten um die Zeitenwende*, 1989, 27ff.

⁷ Cf. Modrzejewski 1980 (n. 5), 58.

⁸ See Lüdeckens (n. 3), 18 (BM 10394 with Pestman [n. 4], Anh. A 19) 226 BCE, Gebelen; id., 42 (P.Ryl. XXVII, cf. Pestman, Anh. A 44) 108-101 BCE. Gebelen; id., 45 (Strasb.dem. 43, Pestman, Anh. A 45) 99 BCE Gebelen; Cairo, Inv. No. 30688 (Pestman, Anh. A 36) 147 BCE, Gebelen. P.Troph. 2B, 3, 8A, 8B, 12D, 13A (160-158 BCE), Fayum; these are the Greek notes about Egyptian *συγγραφή τροφίτης* in a register. It remains uncertain whether men designated *Wjnn (ms n Kmj)* in the demotic texts, i.e. 'Greeks (born in Egypt)' are Greeks or Hellenised Egyptians; cf. Modrzejewski 1984 (n. 5), 363 n. 53. Note the identification with the Πέρσαι τῆς ἐπιγονῆς not in an ethnic sense; see E. Bresciani, 'Annotazioni demotiche ai Persai tes epigones', *La Parola del passato* 27, 1972, 123ff.

⁹ See n. 33.

II. Contracts — Obligations — Sanctions

I turn now to the so-called ‘good conduct clauses’ in the Greek contracts.¹⁰ These appear in both Ptolemaic and Roman marriage contracts. In the Roman period we find them also in contracts recording the transformation of a γάμος ἄγραφος into a γάμος ἔγγραφος.¹¹

1. In the Ptolemaic period such clauses appear in all our fully preserved documents; however, they do not appear in the registry extracts of CPR XVIII which are limited to bare essentials. These clauses vary in formulation, but are quite detailed. The formulation of the conduct clauses varies according to whether the subject is the husband or the wife. It is customary to find the following rules in the case of a man:

καὶ μὴ ἐξέστω Φιλίσκωι ἢ γυναιῖκα ἄλλην ἐπ[ε]ισ[ά]γεσθαι ἐπ[ὶ] τὴν Ἀπολλωνίαν μηδὲ παλλακὴν μηδὲ ἢ π[αιδ]ικὸν ἔχειν μηδ[ὲ] τεκνο]ποιεῖσθαι ἐξ ἄλλης γυναικὸς ζώσ[η]ς ἢ Ἀπ[ο]λλωνίας μηδ' ἄλλην [οἰκία]ν οἰκεῖν ἢ οὐ κυριεύσει Ἀπολλωνία ἢ μηδ' ἐγβάλλειν μηδὲ ὑβ[ρί]ζε[ῖ]ν μηδὲ κακουχεῖν αὐτὴν μηδὲ τῶν ὑπαρ[χ]όντων μηθὲν ἐξαλλοτ[ρ]ισοῦν ἐπ' ἀδικίαι τῆι Ἀπολλωνίαι. (P.Tebt. I 104 = MChr 285 l. 18-23, 92 BCE, Tebt).¹²

¹⁰ So far they have hardly been discussed. Cf. C. Vatin, *Recherches sur le mariage et la condition de la femme mariée à l'époque hellénistique*, 1970, 200ff.; G. Häge, *Ehegüterrechtliche Verhältnisse in den griechischen Papyri Ägyptens bis Diokletian*, 1968, 63ff., 160ff.; J. Modrzejewski, 'La structure juridique du mariage grec', *Scritti Montevicchi*, 1981, 262f. = Modrzejewski 1993 (n. 5), V; S.B. Pomeroy, *Women in Hellenistic Egypt from Alexander to Cleopatra*, 1984, 95ff., and 'Greek marriage', *Civilisation of the Ancient Mediterranean III*, 1988, 1341f.; E. Kutzner, *Untersuchungen zur Stellung der Frau im römischen Oxyrhynchos*, 1989, 42; R. Katzoff, 'Hellenistic Marriage Contracts', *Legal Documents of the Hellenistic world*, ed. H.S. Smith, 1995, 37ff.; S.C. Humphreys, *The Family, Women and Death — Comparative studies*, 1993², 46f. See in general Cl. Préaux, 'Le statut de la femme à l'époque hellénistique, principalement en Egypte', *Rec. Soc. Jean Bodin XI* 1959, 147ff.

¹¹ For an example of a marriage contract with an *ekdosis* of the bride see P.Oxy. III 496 = MChr 287 (127 CE Oxy.). The first evidence of a transformation of γάμος ἄγραφος into a γάμος ἔγγραφος is in P.Ryl. II 154 (66 CE Fayum); see also n. 24 and 36.

¹² See also SB XII 11053 (267 BCE, Oxy.), P.Freib. III 30 (179 BCE, Fayum), P.Giss. I 2 (173 BCE, Fayum), P.Monac. III 62 (II BCE?), P.Tebt. III 2, 974 (II BCE, Tebt.).

The husband may not take another woman into the house of the married couple, nor may he keep a concubine¹³ or a boy; he may not sire children by any other woman during his wife's lifetime, nor may he live in another house where she is not the lady of the house. Furthermore he may not expel her from the house, treat her with contempt or maltreat her, or dispose of property to her disadvantage. Extramarital relations are thus not excluded, unless they assume a permanent character or result in the birth of children.

For the woman we find the following rules:

[Ἔ]στω δὲ ἰ Ἀπολλωνία π[α]ρὰ Φιλίσκωι πειθαρχοῦσα ἀ[ὐ]τοῦ ὡς προσῆ[κό]ν ἐστιν ἰ γυναικᾶ ἀνδρός, κυρ(ι)εύουσα [ἄ]ν μετ' αὐτοῦ κοινῆ τῶν ὑπαρχόντων αὐτοῖς. (P.Tebt. I l. 104 = MChr 285 ll.13-15).¹⁴

And:

Κατὰ τὰ αὐτὰ δὲ μηδὲ Ἀπολλωνία ἐξέστω ἀπόκοιτον μη[δὲ] ἰ ἀήμερον γίνεσθαι ἀπὸ τῆς Φιλίσκου οἰκίας ἄνευ τῆς Φιλίσκου γγῶ[μ]ης μηδ' ἄλλω[ι] ἰ ἀνδρ[ι] συνεῖναι μηδὲ φθε[ί]ρειν τὸν κοινὸν οἶκον μηδὲ αἰσχύνεσθ[αι] ἰ Φιλίσκον ὅσα φέρει ἀνδρὶ αἰσχύνειν. (P.Tebt. I l. 104 = MChr 285 ll. 27-30).¹⁵

The wife must obey the husband as behoves a married woman; furthermore she may leave the house neither by day nor by night without the husband's permission; she may not have sexual relations with another man; she may not defile the common house, nor do anything that may bring shame upon the husband. The wife does not enjoy the same freedom as the husband. As for οἰκοφθερεῖν, 'corrupting the house', it is not clear whether economic or personal corruption is meant, probably the latter.¹⁶

Something special is revealed in PSI 64 (I BCE, rather than I CE, Oxy.): this is a sworn statement of a woman¹⁷ by Osiris, Isis, Horus, Zeus and the other gods:

¹³ For Athens see Cl. Mossé, 'La place de la *pallakê* dans la famille athénienne', *Symposion* 1990, 1991, 273ff.

¹⁴ Also in P.Freib. III l. 30, P.Giss. I l. 2.

¹⁵ Also in SB XII 11053, P.Freib. III l. 30, P.Giss. I 2, P.Monac. III 62, P.Tebt. III 2, 974.

¹⁶ See the statutes of a club in P.Mich. V 243 l. 8 (I, Tebt.): ἐάν τις τὸν ἕτερον ὑπονομεύσῃ ἢ οἰκοφθορήσῃ, ζημιούσθω δραχμὰς ξ. See n. 66 below.

¹⁷ The nature of the relationship is moot; cf. ll. 3-4 [... συναραμενεῖν σὺν σοι] ἰ συνοικ[ή]σουσα σου ὡς γνησ[ία] γαμετή: marriage, concubinage, relationship with a hetaira, *gamos agraphos*; cf. U. Wilcken, *Arch.* 6, 1920, 280; W. Erdmann, 'Die Eheschließung im Rechte der graeco-ägyptischen Papyri von der Besetzung bis in die Kaiserzeit', *SZ* 60, 1940, 159 n. 3, and 'Die Ehescheidung im Rechte der graeco-Ägypt. Papyri', *SZ* 61, 1941, 47 n. 7.

II. 3ff.: ἐφ' ὃν ἐὰν ζῆς χρόνον συναπαρμενεῖν σὺν σοι συνοικίησούσα σοι ὡς γνησίᾳ] γαμετή, οὔτε ἀπόκοιτος οὔσα οὔτε ἀφήμερος ἀπὸ τῆς οἰκίας σου, καὶ εὐνοεῖν σοι καὶ [φιλεῖν?]; II. 18ff: καὶ οὐθὲν ἄλλωι ἀνθρώπων συνέσεσθαι κατὰ γυναικέων τρόπον πλὴν σοῦ, μηδὲ ποιήσῃς εἰς σε φάρμακα φίλτρα μηδὲ κακοποιὰ μήτε ἐν ποτοῖς μητὲ ἐν βρωτοῖς, μηδὲ συνιστορήσῃς μηδὲν ποιήσονται παρευρέσει ἡτινιοῦν.

Among other things the woman is not to mix in his food or drink any love potions or poison, nor be an accessory to such an action.

The following sanctions are generally stipulated: for the wife the loss of the dowry;¹⁸ and for the husband the return of one and a half times the dowry.¹⁹

Our oldest document P.Eleph. 1 = MChr 283 = SPI 1 (311 BCE) uses terser formulation, but the sanction is nonetheless stated:

Εἰάν δέ τι κακοτεχνούσα ἀλίσκεται ἐπὶ αἰσχύνῃ τοῦ ἀνδρός Ἑρακλείδου Δημητρία, ἢ στερέσθω ὧμ προσηνέγκατο πάντων, ἐπιδειξάτω δὲ Ἑρακλείδης ὅτι ἂν ἐγκαλῆ Δημητρία ἐναντίον ἀνδρῶν τριῶν, ἢ οὓς ἂν δοκιμάζωσιν ἀμφοτέροι. Μὴ ἐξέστω δὲ Ἑρακλείδῃ γυναῖκα ἄλλην ἐπεισάγεσθαι ἐφ' ὕβρει Δημητρίας μηδὲ ἢ τεκνοποιεῖσθαι ἐξ ἄλλης γυναικὸς μηδὲ κακοτεχνεῖν μηδὲν παρευρέσει μηδεμίᾳ Ἑρακλείδῃ ἐἰς Δημητρίαν· εἰάν δέ τι ποῶν τούτων ἀλίσκεται Ἑρακλείδης καὶ ἐπιδειξῆι Δημητρία ἐναντίον ἀνδρῶν τριῶν, οὓς ἂν δοκιμάζωσιν ἢ ἀμφοτέροι, ἀποδότω Ἑρακλείδης Δημητρία τὴν φερνὴν ἣν προσηνέγκατο δραχμὰς χιλίας καὶ προσάποτεισάτω ἀργυρὶ ἢ οὐ Ἀλεξανδρείου δραχμὰς χιλίας. (II. 6-12).

It would have been instructive to learn to what extent such practices were carried over from the motherland. Unfortunately the comparative material for this is lacking.

2. In the Roman period the formulation becomes more general; though the Alexandrian *synchoreseis* are kept in the old style: BGU IV 1050 — MChr 286 (August.). For the man we find: καὶ μὴ κακουχεῖν αὐτὴν μὴδ' ὕβριζειν μὴδ' ἐγβάλλειν μὴδ' ἄλλην γυναῖκα ἢ ἐπεισάγειν ἢ ἐκτίνειν τὴν φερνὴν σὺν ἡμιο-λίᾳ (II. 14ff.); and for the woman (I. 19 ff.): καὶ τὴν δὲ Ἰσιδώραν μήτε ἀπό-κοιτον μήτε ἀφήμερον γείνεσθαι ἀπὸ τῆς ἢ Διονυσίου οἰκίας ἄνευ τῆς

¹⁸ P.Eleph. 1 (311 BCE); P.Freib. III 30 (179 BCE), with no sanctions on the wife in case of breach of contract: in P.Tebt. I 104 = MChr 285, P.Monac. III 62, P.Tebt. III 2, 974. In P.Giss. I 2 (173 BCE) it is not preserved. The other documents are too fragmentary; however, by analogy to the practice in the Alexandrian *synchoreseis*, one may suppose a simple loss of the dowry by the wife.

¹⁹ P.Eleph. 1, P.Freib. III 30, P.Giss. I 2, P.Monac. III 62, P.Tebt. III 2, 974. In P.Tebt. I 104 = MChr 285 simple return of dowry with no additional sum.

Διονυσί[ου] γνώμης | μηδὲ φθείρειν τὸν οἶκον μήδ' ἄλλω ἀνδρὶ | συνεῖναι ἢ καὶ αὐτὴν τούτων τι διαπραξαμέ-λνην κριθεῖσαν στέρεσθαι τῆς φερνῆς.²⁰ Later on the differentiation between husband and wife is played down in favour of a more general statement:²¹ συμβιούτωσαν οὖν ἀλλήλοις οἱ γαμοῦντες ἀμέμπτως καθὰ καὶ πρότερον συνεβίουσαν φυλάσσοντες τὰ τοῦ γάμου δίκαια (P.Oxy. XII 1473, ll. 12f., 201, Oxy.).²² However, even when a more specific formulation of the respective duties is absent, nonetheless this seems to be a continuation of the Ptolemaic practice;²³ it virtually never fails to appear.

The expression 'as they have lived together so far' is intelligible in the case of the transformation of the γάμος ἄγραφος into a γάμος ἔγγραφος.²⁴ It is more surprising to find it in the case of remarriage after a divorce²⁵ (with the exception of a case where the first marriage must have lasted several years since it had given issue to four children).²⁶ We still find an additional special clause for the wife:²⁷ ... τῆς Τεφορσάιτος τῆς καὶ Ε[ὺ]δαμονίδος ἄμεμπ]τον ἰκαὶ ἀκατηγόρητον ἑαυτὴν παρεχομένης ἐν τῇ συμβίωσει. (P.Mil.Vogl. II 71 ll. 9f, II, P.Tebt.), that is the wife's conduct in conjugal life must not give offense and must be without blemish.²⁸

²⁰ BGU IV 1052, 1098, 1050 (= MChr 286), 1051, 1099, 1100, 1101 (remarriage after divorce). The phrase μηδὲ δεῖσθαι τοῦ ἀπηγορευ[μένου] ... in BGU IV 1100 23 is obscure; Vatin (n. 10), 206 suggests a sexual connection. The sanctions too correspond to Ptolemaic practice: for a woman, a simple loss; for a man, one and a half. See also P.Oxy. III 497 (Oxy., early II CE).

²¹ P.Ryl. II 154 (66, Fayum), BGU I 251 = III 719 (81, Fayum), BGU I 183 = MChr 313 (84, Fayum), BGU I 252 (98, Fayum), SB XII 10924 (114, Fayum), P.Oxy. III 496 = MChr 287 (127, Oxy.), IFAO I 30 (138, Fayum), P.Stras. IV 237 (142, Fayum), PSI X 1115 (153, Tebt.), BGU IV 1045 = MChr 282 (154, Fayum), P.Oxy. XLIX 3491 (157, Oxy.), P.Mert. II 72 + PSI X 1116 (162, Tebt.), P.Mil.Vogl. II 71 = SB VI 9264 (170, Tebt.), P.Oxy. VI 905 (170, Oxy.), CPR I 27 = Stud. Pal. XX 15 (190, Fayum), P.Oxy. XII 1473 (201, Oxy.), P.Hamb. III 220 (223, Fayum), P.Oxy. X 1273 = SP I 5 (260, Oxy.).

²² The reference to τὰ τοῦ γάμου δίκαια is found only in documents from Oxyrhynchus.

²³ For a different opinion, see Katzoff (n. 10), 40.

²⁴ BGU I 183 = MChr 313, 251 = III 719, 252, IV 1045 = MChr 282; CPR I 27 = Stud. Pal. XX 15; P.Hamb. III 220; P.Mil.Vogl. II 71 = SB VI 9264; P.Ryl. II 154; SB XII 10924; P.Stras. IV 237.

²⁵ P.Oxy. XII 1473 (201, Oxy.).

²⁶ CPR I 28 = MChr 312 (110, Fayum).

²⁷ CPR I 28 = MChr 312 (110, Fayum); CPR I 24 = SPP XX 5 = MChr 288 (136, Fayum); BGU IV 1045 = MChr 282 (154, Fayum); P.Mil.Vogl. II 71 = SB VI 9264 (170, Fayum), etc.

²⁸ For the obedience proper for a wife see P.Oxy. II 265 (81, Oxy.): ὅσα δεῖ πειθαρχεῖν γαμετῆν γυναῖκα ἀνδρὸς (l. 13); cf. Ptolemaic texts: P.Giss. I 2, P.Tebt. I 104.

With the exception of Alexandrian documents of the Augustan period, which follow Ptolemaic practice, no other documents in Roman times contain sanctions.²⁹ *En passant* it should be observed that in Byzantine times, from the sixth century onward, expressions which remind one of Ptolemaic practice become current again.³⁰

Special emphasis on the virginity of the bride is rather sporadic.³¹ This may be due to frequent divorces and remarriages, and the transformation of unwritten into written marriage. Particular moral notions or expectations are not on display.

3. That different demands are made on the two sexes is to be taken for granted in antiquity, as is the fact that stricter rules were made for the wife. It would be more interesting to find out whether behind the imposition of strict rules of conduct on the husband there lurks a new trend reacting to what was acceptable in Athens, such as we see for example in Demosthenes 59, 122 (c. *Neairam*).³²

No more can be said about the social setting reflected in these detailed formulations of the mutual duties of husband and wife beyond the fact that they were current in the Greek environment of the Fayum, Oxyrhynchos and Alexandria. The brevity of the formulation in the Roman period makes it difficult even to restrict it to the Greek milieu. Unfortunately, in those cases where documentation is in both Greek and Demotic only supplementary payments made by parents to married children and rights of succession are documented, but no matrimonial obligations are set forth.³³

²⁹ The exception is P.Col. VIII 227 (II/III) with a fine for the man; the passage concerning the wife has not been preserved.

³⁰ Cf. J. Beaucamp, *Le statut de la femme à Byzance (4–7 siècle)*, II. *Les pratiques sociales*, 1992, 84ff., 88f. P.Lond. V 1711 (566-573) ll. 29ff.: a man cannot divorce his wife unless he gives a specified cause for wanting a divorce before at least three honorable men; the parallel to P.Eleph. I is obvious; see J. Modrzejewski, 'Private Arbitration in the Law of Roman Egypt', *JJP* 6, 1952, 243.

³¹ P.Amst. I 40 (I), CPR I 24 = MChr 288 = Stud.Pal. XX 5 (136), CPR I 27 = MChr 289 = Stud.Pal. XX 15 (190), IFAO I 30 (138-160), P.Stras. VIII 764 (109) (?). See also P.Yadin 18 (128).

³² Τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἔνεκ' ἔχομεν, τὰς δὲ παλλακὰς τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος, τὰς δὲ γυναῖκας τοῦ παιδοποιῆσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν.

³³ P.Mich. II 121 Ro III 7 (42, Tebt.), P.Ups.Frid. 2 (59, Tebt.). P.Mich. V 339 (46, Tebt.): the marriage exists already according to an Egyptian *syngraphe trophitis*, here an additional dowry is brought in by the wife. P.Mich. V 340 (45, Tebt.): marriage according to an Egyptian *syngraphe trophitis* as well as by a Greek contract (ll. 22ff.: καθ' ἑτέρας συνγραφὰς δύο ... ἐν αἷς ἔστιν μία Αἰγυπτία τροφίτις ἢ δὲ ἑτέρα Ἑλληνικὴ ...), and here an additional contribu-

The question why the detailed clauses disappear in Roman times must remain open. The sanctions did not violate the principle of *'libera matrimonia esse antiquitus placuit'*.³⁴ This is evident from the relevant Roman provisions in marriage contracts of the classical period, as was shown by Söllner.³⁵ The frequent occurrence in Roman times of the transformation of a γάμος ἄγραφος into a γάμος ἔγγραφος³⁶ played no role in this development since the abbreviated 'good conduct' clause is common to them³⁷ as well as to contracts establishing a new marriage.

4. Similar clauses are found outside Egypt. A marriage contract from Dura Europos, P.Dura 30 (232 CE) contains the formula about living together in a very rudimentary form: καὶ συναπαρμένειν ἀλλήλοις ἐπὶ τὸν ἅπαντα [χρόνον] (ll. 11f.); no other clauses are preserved. In a divorce document, P.Dura 31 (204), the freedom of each party to enter a new engagement is mentioned. In P.Dura 32 (205) this clause is preserved only for the wife. P.Mur. 115 = SB X 10305 (124) and 116 = SB X 10306 (II century), contains in the parts which are preserved only provisions concerning succession. The Ketubba document of 417 CE from Antinoopolis³⁸ contains a maintenance clause and possibly good conduct clauses for the husband and the wife, though this is uncertain, since the text is too fragmentary.³⁹ The Nessana texts from the sixth century, in very fragmentary state of preservation, contain none of these clauses. The same is true of the Yadin papyri: No. 18 of the year 128, and No. 37 of the year 131. In No. 37 it is said that the couple had been living together previously (ll. 5f.: ὥστε αὐτοὺς ... συμβιώσαι ... ὡς καὶ πρὸ τούτου τοῦ χρόνου. According to the first editor this

tion by the father of the wife is recorded. P.Mich. V 341 = PSI VIII 904 (47, Tebt.): an additional gift (l. 1: ἐν προσδώσει) of a piece of land by the father of the wife; marriage exists according a Greek syngraphe (l. 4: συγγραφὴ Ἑλληνικὴ) and ἡ δὲ ἑτέρα Αἰγυπτία τροφεῖταις, both from the same date.

³⁴ So Erdmann 1940 (n. 17), 182, followed by Häge (n. 10), 164.

³⁵ A. Söllner, *Zur Vorgeschichte und Funktion der actio rei uxoriae*, 1969, 72ff., 114ff., 124ff.

³⁶ See H.J. Wolff, *Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law*, 1939, 58f.; J. Modrzejewski, 'Note sur P. Strasb. 237 (Une contribution au problème de l'*agraphos* et *engraphos gamos*)', *Eos* 48, 3 = *Symbolae Taubenschlag* 3, 139ff.

³⁷ The occasion seems often to have been contribution to the marriage, connected occasionally with testamentary dispositions, see Wolff (n. 36), 59.

³⁸ C. Sirat et alii, *La Ketouba de Cologne — Un contrat de mariage juif à Antinoopolis*, 1986.

³⁹ See commentary on p. 38ff.

is to be explained as a Jewish practice.⁴⁰ In her re-edition of the text, H.M. Cotton, on the basis of new data on the person of the bride, makes a convincing case for regarding the document as a transformation of an unwritten marriage into a written one.⁴¹

III. Divorce

When we compare the marriage contracts, and their demands on personal life, with the divorce documents, we are surprised by the business-like description of divorce. The document serves as a receipt for the return of the dowry and any subsequent marriage endowments and at the same time it constitutes proof that the marriage has ended. That the divorce document does not in itself establish the dissolution of the marriage is well known: the divorce is presented in the documents as having already taken place.⁴² Examination of divorce documents shows that it is never stated there that the woman has lost her dowry or that the man has paid back an increased amount.⁴³ Consequently they do not allow us in concrete cases to see whether the divorce took place on account of violations for which sanctions have been provided in the marriage contract. Moreover, the documents contain neither the reason for the divorce, nor information as to who initiated the proceedings, nor do they cite personal reproaches.⁴⁴

The transition to the Byzantine era is marked by P.Grenf. II 76 (305/6), where a *πονηρὸς δαίμων* is said to have led the marriage partners to divorce.⁴⁵ Only on two occasions does the wife declare that she desires the divorce, but these documents concern the appointment of a guardian for the present transaction, where as a matter of course the husband cannot represent the wife.⁴⁶

⁴⁰ N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters: Greek Papyri; Aramaic and Nabatean Signatures and Subscriptions* edited by Y. Yadin and J.C. Greenfield, Jerusalem, 1989, 130.

⁴¹ H.M. Cotton and A. Yardeni, *Hebrew and Greek Texts from Naḥal Hever and Other Sites with an Appendix Containing Alleged Qumran Texts (The Seiyâl Collection II)*. Discoveries in the Judaean Desert, XXVII, Oxford 1997, 227ff. For similar clauses in Jewish marriage contracts concerning the duty of obedience for the wife cf. M.A. Friedman, *Jewish marriage in Palestine — A Cairo Geniza study I*, 1980, 181ff.

⁴² Pointed out already by E. Levy, *Der Hergang der römischen Ehescheidung*, 1925, 106ff.

⁴³ This is applicable *mutatis mutandis* to claims for the restitution of dowry; see BGU VIII 1825, 1826 (52 BCE, Herakleopolis); cf. also Häge (n. 10), 75ff.

⁴⁴ See CPR I 22 = Stud.Pal. XX 7 and CPR I 23 = MChr 294: marriage contract and divorce contract of the same marriage; see Häge (n. 10), 55ff.

⁴⁵ Beaucamp (n. 30), 89ff.; C. Castello, 'La novella 140 di Giustino II e il malvagio demone divorzista', *Mneme Petropoulos I*, 1984, 293ff.

⁴⁶ PSI X 1104 (175, Fayum), SB V 8010 (I, Alex.).

In the Roman period a clause which permits one or both of the former spouses to enter into new relationships with other people was introduced.⁴⁷ No conclusions can be drawn from its absence in Ptolemaic times, since only four divorce documents have survived from this period, and of these two are badly preserved. P.Oxy. VI 906 ll. 7ff. (II/III) is one example: ἀπὸ τοῦ νῦν ἐξεῖναι ἑκατέρῳ αὐτῶν ἀρμόζεσθαι ὡς ἐὰν αἰρήται γάμῳ ἀνευθύνῳ ὄντι κτλ., and BGU IV 1102 ll. 31ff. (13 BCE, Alex.): ἐξεῖναι ἄλλῳ ἀνδρὶ καὶ ἐτέρῳ γυναικὶ ἀμφοτέροις ἀνευθύνοις οὖσιν (συνεῖναι) κτλ.

Nevertheless, it would be no less naive to conclude from these finds that all divorces proceeded in complete harmony than to reach similar conclusions from today's consensual divorce. It can however be said with confidence that violations of personal obligations undertaken in the marriage contracts do not play an explicit role — at any rate such violations are not cited as reasons for a divorce nor do the sanctions which these entail ever occur, i.e. payment of 150% or loss of the dowry.

IV. Complaints against marriage partners

Complaints against spouses appear often in petitions to authorities. For the most part these are complaints of wives against husbands — less frequently of husbands against wives.⁴⁸ When directed against the wife the demand is for the restitution of the husband's property. Infidelity is mentioned in this connection, but it has no practical consequences.⁴⁹

Complaints of the wife against the husband refer to such actions as the squandering of property,⁵⁰ or inadequate support,⁵¹ but also to infidelity,⁵² ill treatment⁵³ and often beatings.⁵⁴ The restitution of the dowry⁵⁵ or

⁴⁷ The reason is probably the wish to avoid suspicion of adultery, see Wolff (n. 36), 68. A similar clause is found in the Aramaic P.Mur. 19 ll. 6f. (111).

⁴⁸ See now from an anthropological point of view, I. Arnaoutoglou, 'Marital disputes in greco-roman Egypt', *JJP* 25, 1995, 11ff.

⁴⁹ BGU VIII 1845 (I BCE), P.Oxy. II 282 = MChr 117 (30–35), P.Heid. III 237 (II), SB XVI 12505 (221), P.Tebt. I 51 (113 BCE), P.Oxy. LIX 3994 (III).

⁵⁰ BGU IV 1105 (10 BCE), BGU VII 1820 (56 BCE), PSI V 463 (157/160), P.Tebt. III 334 (200), P.Tebt. III 1, 776 (II BCE).

⁵¹ BGU VIII 1820 (56 BCE); P.Bon. I 21 (I); P.Oxy. LIV 3770 (334); SB XVI 12687 (III BCE); P.Tebt. III 1, 783 (II BCE).

⁵² BGU VIII 1848 (48/6 BCE), P.Oxy. LIV 3770 (334). A late, but interesting case is P.Oxy. L 3581 (IV or V).

⁵³ BGU IV 1105 (10 BCE), BGU VII 1820 (56 BCE), SB XIV 11392 (I/II).

⁵⁴ P.Enteux. 23 (219 BCE), P.Oxy. II 281 = MChr 66 (20-50). BGU IV 1105 (10 BCE).

maintenance⁵⁶ is demanded. The divorce is assumed to have already taken place. Punitive sanctions appear perhaps in one case from the second quarter of the first century (P.Oxy. II 281 = MChr 66): the husband squandered the wife's dowry, treated her badly, beat her, humiliated her, denied her support and finally abandoned her. The woman claims restitution of the dowry with a 50% increment, and reserves the right to make future claims.

The expression ἀλλοτρία φρονήσας appears in several documents. Its meaning is well illustrated in P.Heid.III 237 (II, Fayum), a petition of a husband against his wife who, he claims, was unfaithful to him, abandoned him, took with her a good deal of his property, and is now married to another man: ἀλλοτρία φρ[ονήσασα τῆ]ς πρὸς μὲ συνβιώσεως εὐκαιρία [...] ... μου ἐξῆλθε μου τῆς οἰκίας ... (II. 4ff). The expression, encountered elsewhere,⁵⁷ seems to describe desertion and, eventually, infidelity.

It should be noted that the abandoned spouse does not make this specific complaint. Rather typically, we find in the documents a demand for the return of objects and for maintenance. Significantly, references to a concubine, παλλακή, occur only in the clauses of Ptolemaic marriage contracts mentioned above.⁵⁸

The documents evoke an immediate and vivid picture of charges and complaints brought forward by wives; all considered, these are not much more than general arguments alongside demands for material support. Nothing like the declaration by a modern German police official (if indeed the report about her in the press is to be trusted) that it is a thousand times more dangerous for a married woman to live in a family than to walk alone through a forest at night.

V. Other Evidence

Having looked at the specific contractual obligations in individual cases, it is now time to explore the possible consequences of violation of marital obligations. The conclusions — as I have already pointed out — are surprising.

1. There is no evidence for a case of adultery. The term μοιχεῖα appears for the first time in the fourth century. The warning not to commit adultery, μὴ μοιχοῖσῃς, is found on an iron spoon of the fourth century — the spoon being,

⁵⁵ SB XVIII 13275 (II/I BCE). SB XVIII 13838 (224 BCE). SB XX 14592 (76 BCE). BGU VIII 1820 (56 BCE). BGU VIII 1848 (48 BCE). P.Mert. II 130 = SB XII 10887 (119-138). P.Mert. II 59 (154-143 BCE).

⁵⁶ P.Bon. I 21 (I), the marriage is assumed to be in existence; PSI V 463 (157).

⁵⁷ P.Oxy. II 282 = MChr 117, P.Bon. I 21.

⁵⁸ Π]αλακίδο[ς] is mentioned in the very fragmented P.Stras. IX 884 l. 8 (I).

according to the editor, a wedding present.⁵⁹ Whether adultery was punishable by Greek law in Alexandria or in the Chora remains so far unknown.⁶⁰ Neither do we find any mention of accusations or discussion of individual cases⁶¹ — a truly remarkable fact in comparison with Athens and the elaborate discussions of adultery there.⁶² The phenomenon surely must have existed.⁶³ Prosecution for adultery is documented among the Egyptian section of the population,⁶⁴ but whether the adulterer and the wife were actually punished remains an open question. In practice the response to adultery seems to have been divorce, possibly with sanctions concerning property rights.⁶⁵

According to four demotic statutes of cult associations,⁶⁶ intercourse, that is adultery, with the wife of a member was punished with a fine and expulsion.⁶⁷

⁵⁹ G. Lefebvre, *Recueil des inscriptions grecques-chrétiennes d'Égypte*, 1907, 773.

⁶⁰ Wolff (n. 36), 80 n. 284. For the liability in classical Greece see K. Latte, *RE* XV 2, 2446ff., s.v. μοιχεία. For Roman law see Beaucamp (n. 30), I. *Le droit impérial*, 1990, 139ff.

⁶¹ For a record of a lawsuit conducted before the ἡγεμόν concerning adultery and killing see BGU IV 1024 (end of the 4th c.) (p. 3 ll. 11ff.); cf. J.G. Keenan, 'Roman criminal law in a Berlin Papyrus Codex (BGU IV 1024 — 1027)', *Arch.* 35, 1989, 15ff.; Beaucamp (n. 30), II, 78ff.; J.E.G. Whitehorne, 'Sex and society in greco-roman Egypt', *Actes du XVe Congrès intern. de Papyrologie* IV, Brussels 1979, 245. P.Mich. III 148 (I), an astrological treatise on the moon, is obscure, see col. I ll. 6ff.: after the divorce from his wife the husband will win the case of adultery.

⁶² See the discussions in Dem. 23 and 59, and the case in Lysias 1. I do not have to mention here the controversy about the possible victims in Athenian law; cf. D. Cohen, *Law, sexuality and society — The enforcement of morals in classical Athens*, 1991, 98ff.; and *contra* E. Cantarella, 'Moicheia. Reconsidering a problem', *Symposion* 1990, 1991, 289ff.; cf. also W. Erdmann, *Die Ehe im alten Griechenland*, 1934, 282ff., 286ff.

⁶³ On sexuality in Roman Egypt in general cf. Whitehorne (n. 61). For Jewish law see R. Katzoff, 'Philo and Hillel on violation of betrothal in Alexandria', *Studies in memory of M. Stern*, 1995, 39ff.

⁶⁴ Cf. C.J. Eyre, 'Crime and Adultery in Ancient Egypt', *JEA* 70, 1984, 92ff.; S. Allam, 'Quelques aspects du mariage dans l'Égypte ancienne', *JEA* 67, 1981, 116ff.; W. Boochs, 'Strafrechtliche Aspekte im altägyptischen Recht', 1993, 122ff. See also Pestman (n. 4), 55ff.; Smith (n. 3), 55f.

⁶⁵ See Allam (n. 64), 121.

⁶⁶ P.dem.Lille 29 (223 BCE, Fayum) = SB III 6319 l. 45, P.dem.Cairo 31179 (147 BCE, Fayum), P.dem.Prag (137 BCE, Fayum), P.dem.Cairo 30619 (137 BCE, Fayum). See also P.Mich. V 243 (I, Fayum), statute of a guild: οἰκοφθορήσηι, the exact meaning of the term is wholly obscure. See also the clauses in the marriage contracts (above section B.II.1).

⁶⁷ Cf. M. San Nicolò, 'Zur Vereinsgerichtsbarkeit im hell. Ägypten', *Epitymbion H. Swoboda*, 1927, 276f. Pestman (n. 4), 57. W.M. Brashear, *Vereine im griech.-*

San Nicolò maintains that in addition to the cultic requirements for purity, 'popular moralising tendencies' also played a part. However, the other evidence he cites does not come from Egypt.⁶⁸ In several demotic temple oaths from the Ptolemaic period both husband and wife swear that they have not had intercourse with others. Whereas the wife swears that she has not slept with any other man, the husband swears he has not slept with a particular woman; furthermore the woman frequently gives an assurance that she has run the household in a proper manner.⁶⁹ This is especially interesting since the demotic marriage contracts do not know of any good-conduct clauses. This presumably reflects a general standard for married life. In these particular oaths — pre-formulated oaths, the taking or refusal of which entailed procedural legal consequences — provisions are set out corresponding to those in Greek texts: the wife will lose the marriage-gift, or the husband will be obliged to restore it. We have no more evidence.

2. Closely connected to the subject of marital obligations, especially marital fidelity of the wife, is the question of illegitimate children. A search in this context for the usual Greek terms, like νόθος,⁷⁰ and its equivalent,⁷¹ yields no results. The term νόθος does appear in connection with the priesthood of the Egyptian temples, with reference to tax exemptions or in proving descent from a marriage between priests and priestesses.⁷² In these cases it reflects no more than that the information was valuable for Roman administration in Egypt.⁷³

The term ἀπάτορες, found only in the Roman period, connotes according to H.C. Youtie⁷⁴ the offspring of Roman soldiers, who were forbidden to marry

römischen Ägypten (Xenia 34), 1992, 28. Briefly on the subject, see F. de Cenival, *Les associations religieuses en Egypte d'après les documents démotiques* (Bibl. d'études 46, Publ. Inst. franç. d'Arch. or. du Caire), 1972, 204.

⁶⁸ Cf. (n. 67), 277 n. 102.

⁶⁹ U. Kaplony-Heckel, *Die demotischen Tempeltexte*, 1963, I Nr. 1, 2, 5–14 by the wife; by the man: Nr. 3 and 4; see also Smith (n. 3), 55.

⁷⁰ Cf. K. Latte, *RE XVII* 1, 1066ff. s.v. νόθοι; cf. E. Weiss, *RE III A* 2, 1889ff. s.v. *spurius*.

⁷¹ S.A. Calderini, 'Ἀπάτορες, *Aeg.* 33, 1953, 358ff.

⁷² Temple: UPZ II 194 = P.Tor.Amen. 6 (119 BCE), P.Petr. III 56 b (259 BCE), P.Tebt. II 302 (71). Other contexts: SB XVI 12334 (Fayum, II): marriage contract with *donatio mortis causa*, the object is a παιδίσκη δούλη νόθος (l. 13); SB XVI 12715 (147): an appointment of a guardian in accordance with Roman practice.

⁷³ S.W. Otto, *Priester und Tempel im hellenistischen Ägypten*, 1905, I 220 n. 5, II 327; P.W. Pestman, P.Tor.Amen. 6 = UPZ II 194, n. to l. 14 (p. 59).

⁷⁴ 'Apatores, Law versus Custom in Roman Egypt', *Homm. Préaux*, Brussels 1975, 723ff. = *Script. Post.* I 17ff.

during their service. Nothing new has been discovered in the demographic investigations of Bagnall and Frier.⁷⁵

It seems that on the whole illegitimacy does not play any special role.⁷⁶ The descent of brothers and sisters from the same mother or father (ὁμομήτριος, ὁμοπάτριος) is important in connection with inheritance,⁷⁷ but adultery is of no importance and is not even mentioned. The marriage documents at times contain provisions for the possibility of a pregnancy on the part of the woman at the time of a divorce.⁷⁸ The possibility of an 'adulterous conception' is clearly not raised.⁷⁹ These issues could have been of interest only in the sphere of society and the state, but there is no indication of this. Legitimate descent was essential in the Greek *poleis*⁸⁰ and was important for the recognition of privileges in Roman times.⁸¹

C.

The question remains: what is the precise significance of these good conduct clauses? Are they legally significant, or are they merely expressions of social expectations? There are provisions for legal sanction for violations in marriage contracts of the Ptolemaic and Augustan periods, but so far we have no evidence for their implementation. In Roman times we find merely general formulations — altogether without sanctions.

Loss of dowry for the adulterous wife is mentioned in classical Greece, although there is sharp disagreement about the situation in Athens.⁸² The well-established picture of the Athenian wife locked up in her house in conformity with traditional rules of good conduct has undergone considerable modification in

⁷⁵ R.S. Bagnall and B.W. Frier, *The Demography of Roman Egypt*, 1994.

⁷⁶ Youtie (n. 74), 733f.

⁷⁷ Cf. the brief remarks of H. Kreller, *Erbrechtliche Untersuchungen aufgrund der graeco-ägyptischen Papyrusurkunden*, 1919, 155f.

⁷⁸ P.Oxy. II 267 = MChr 281 (37, Oxy.), P.Oxy. III 603 = Stud.Pal. IV p. 115 (169-176, Oxy.). P.Oxy. X 1273 = SP I 5 (201, Oxy.): costs for delivery.

⁷⁹ See also SB XIV 11415 = P.Oxy. II 321 (36, Oxy.): promise of the weaver Tryphon to pay the wages of a wetnurse after divorce.

⁸⁰ Cf. Modrezejewski 1984 (n. 5), 356ff. for marriage between *Politai* and Egyptians.

⁸¹ C.A. Nelson, 'Status Declarations in Roman Egypt', *Am.Stud.Pap.* 19, 1979, 44ff., 48ff. (Epebes). Cf. the *epikrisis*-declarations of the ἀπὸ γυμνασίου in Oxyrhynchos: only natural, unadopted children (e.g. P.Oxy. II 257, X 1266, XVIII 2186; P.Mich. XIV 676, of the years 94-272 CE).

⁸² See D.M. Schaps, *Economic rights of women in ancient Greece*, 1979, 83. H.J. Wolff, 'Eherecht und Familienverfassung in Athen', *Traditio* 2, 1944, 61 = *Beiträge* 184 n. 95 and *RE* XXIII 1, 152 s.v. προίξ. For the φερνή-system, cf. H.J. Wolff, *RE* I.c. 168 and *SZ* 72, 1955, 343ff.

recent years.⁸³ In the revised view the Athenian woman was free to participate in public life on certain occasions, to trade in the marketplace etc. — all depending on her economic and social standing. No one, however, challenges the view that the old picture constitutes the ideal standard of behaviour expected of the Athenian woman, at least among the affluent classes.

The question remains whether social standards were different in Egypt. An affirmative answer seems obvious in view of its being a country of immigration,⁸⁴ of the existence of very close social contacts with the Egyptians, of different social and economic conditions, of the different origins — even if we have only a partial understanding of the situation in the individual places of origin — and numbers of Greeks settled in the various parts of the Chora.

If this is so, then we can explain the good-conduct clauses in marriage contracts of Ptolemaic and Augustan times by reference to a certain adherence to customs in the places of origin, above all Athens.⁸⁵ This would also account for their weakening in Roman times, when we find merely formal reference to marital rights and obligations. The mere warning, without any realised sanction, reveals a state of transition.

Thus the picture we have drawn fits into the general framework in evidence elsewhere: the *οἶκος* of classical Greece was left behind; the family is restricted to the nuclear bond of parents and children, sometimes including adult children with their spouses and offspring,⁸⁶ inheritance restricted to private property — without the *sacra*; the family is reduced to the private domain, detached from the political structure of *polis* and its components, the *phratries* and *demes*. That violation of marital obligations by either one of the married partners did not make him or her realize their — abstract — pecuniary claims is all too understandable in view of the crowded living conditions, and the social control and consideration for

⁸³ See R. Just, *Women in Athenian law and life*, 1989, 106ff.; D. Cohen (n. 62), 150ff.; J. Gould, 'Law, Custom and Myth: Aspects of the Social Position of Women in Classical Athens', *JHS* 100, 1980, 46ff.; S. Blundell, *Women in Ancient Greece*, 1995, 135ff.

⁸⁴ Similarly already Whitehorne (n. 61), 246. Cf. also F.T. Griffiths, 'Home before Lunch: The Emancipated Women in Theocritus', *Reflections of women in Antiquity*, ed. H.P. Foley, 1981, 247ff.

⁸⁵ This holds true especially for Alexandria whose ties with Athens are well known; cf. P.Hal. 1 (Dikaiomata), see J. Partsch, 'Die alexandrinischen Dikaiomata', *Arch.* 6, 1920, 34ff. and P.M. Fraser, *Ptolemaic Alexandria*, 1972, I 109ff.

⁸⁶ Cf. Bagnall and Frier (n. 75), 57ff.

one's reputation which they entailed. People would choose to divorce without invoking the sanctions mentioned in the marriage contracts. We cannot understand the problem from a purely juristic point of view.

Marburg an der Lahn