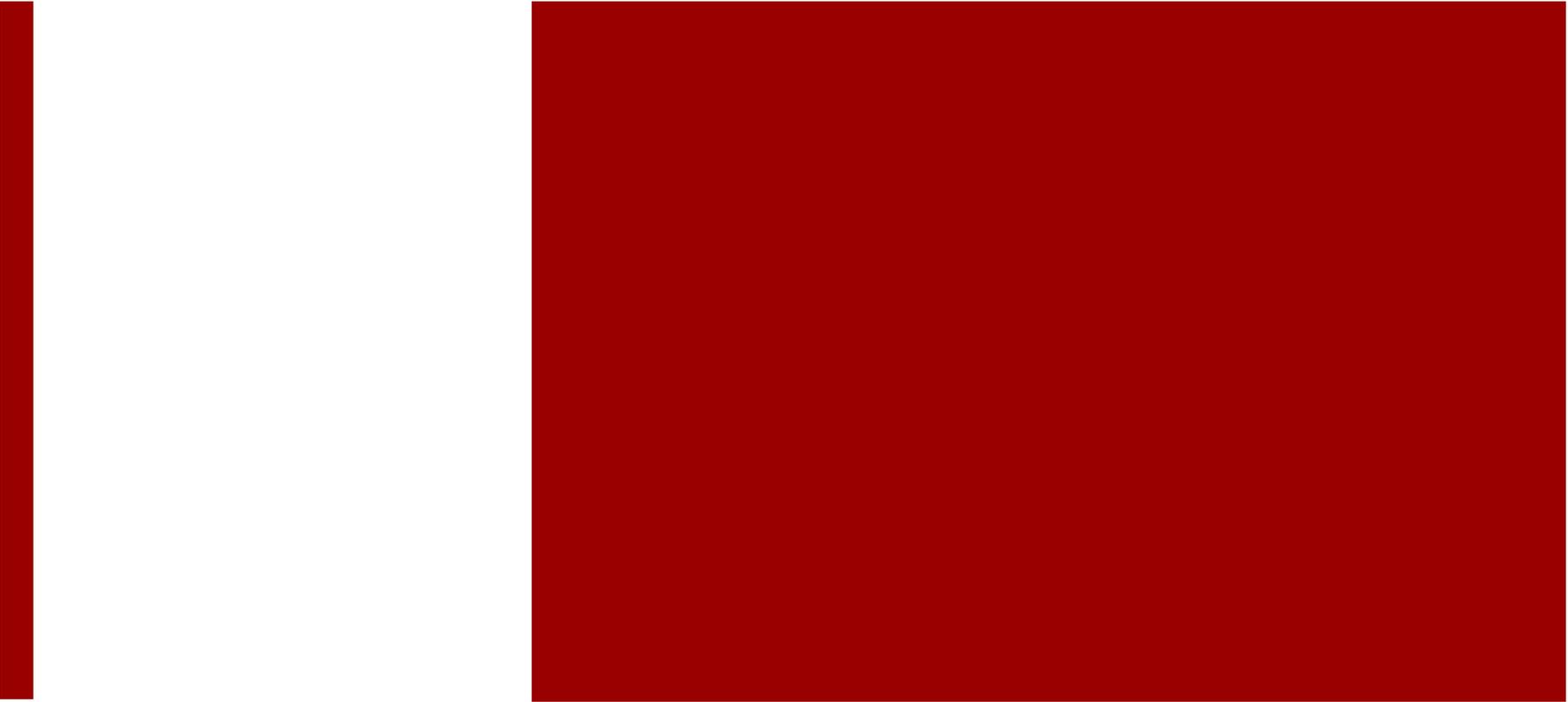


TÁMOP-4.2.2/B-10/1-2010-0012 projekt

Katelijn Vandorpe
Sale and Community in Hellenistic Egypt



SZÉCHENYI TERV



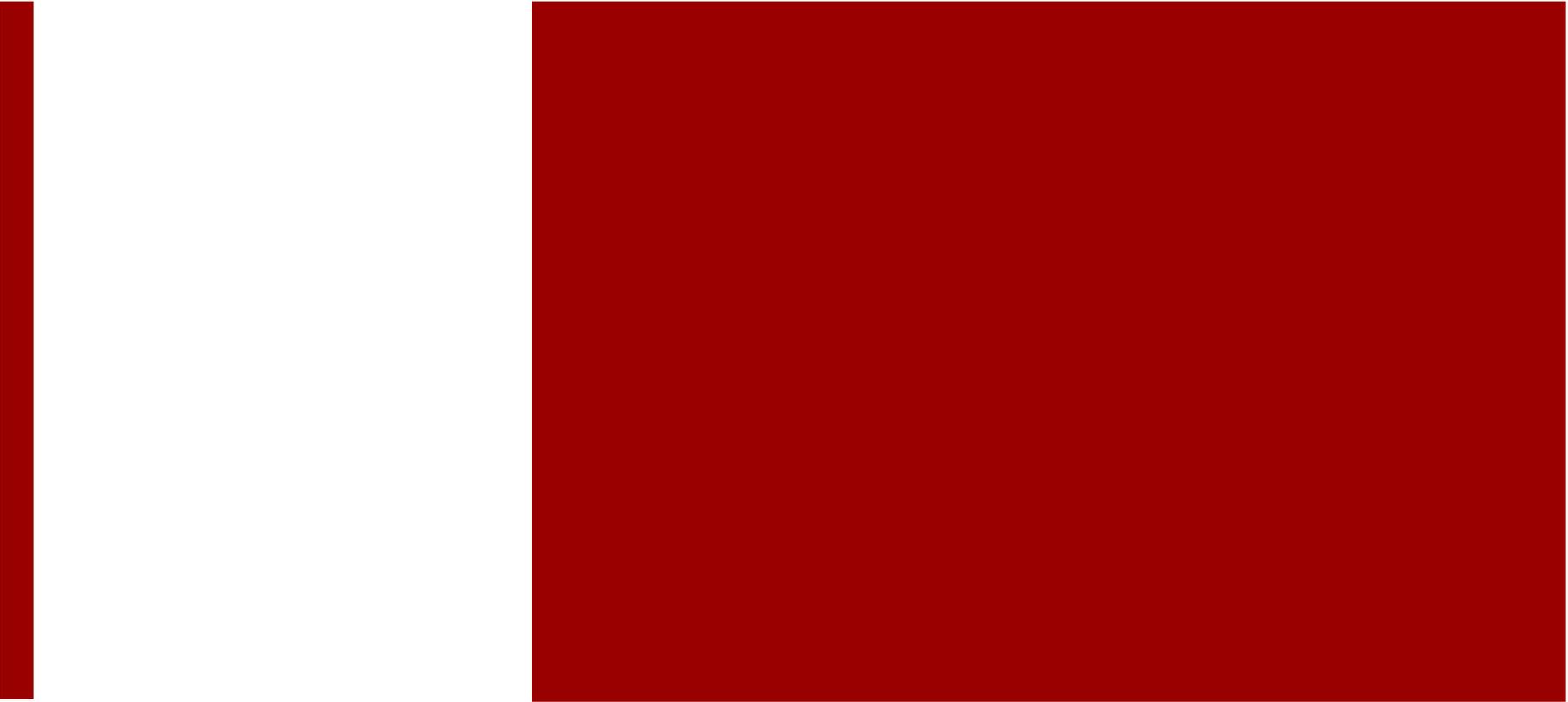
Sale of immovables

Land, houses,
building-sites (*oikopeda*) ~ empty plots (*psiloi topoi/ wrh*)
(= majority of sales)

Cf. Mark Depauw: Demotic contracts

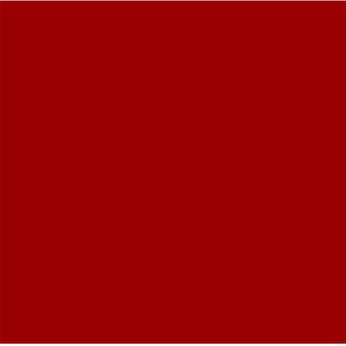


house (including parts and building plots)	135
land (agricultural)	56
professional income (including tombs)	52
cattle	24
all possessions (often related to marriage settlements, see below)	15
slave	10
wheat	6
tools & objects (loom, winery, set of ushabtis, thread/yarn, resin)	5
land (garden)	2
water rights	2



Evidence

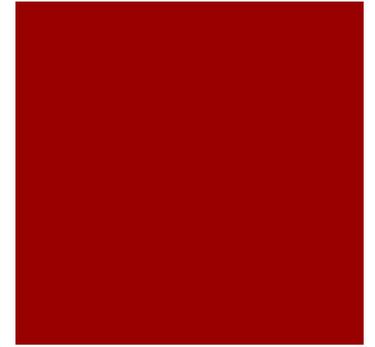
- Sale contracts, Greek and Demotic
- Law texts concerning sale of land or houses from Alexandria (P. Hal. I)

- 
- **Part 1. Sale of property in a monarchical setting**
 - Part 2. Private sales: from temple to state intervention
 - Part 3. Confiscation of private land and public auction
 - Part 4. Sale contracts and legal protection

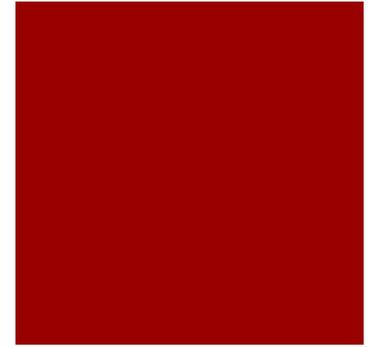
- Houses

- Agricultural land: categories

- **royal land** (*Basilike ge*): could not be sold.
- **cleruchic land** (*Clerouchike ge*): gradually a limited set of alienable rights emerged: it could only be conveyed among members of the cleruchic group.
- **temple land** (*Hiera ge*) *stricto sensu*: could not be sold.



Agricultural land: categories



- **private or privately owned land** (*Idioktetos ge*, also called 'royal privately held land' or *Basilike idioktetos ge*)
- ignored for a long time, because substantial Demotic evidence from Upper Egypt was misinterpreted
- Major part: grainbearing land

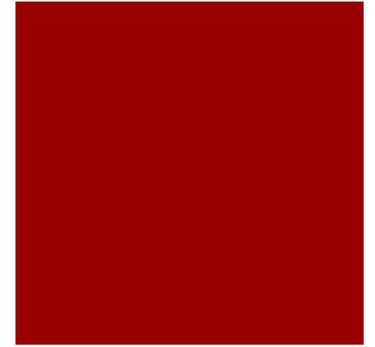
Agricultural land: categories

- **private or privately owned land**
- the owner can lease or sell the plot or pass it on to his children, as if he were the real owner.
- E.g. *“he shall own (κυριεύσει) the above-mentioned land just as the original owners (κύριοι) possessed it, while he regularly pays to the royal treasury the imposed levy assessed on produce”*

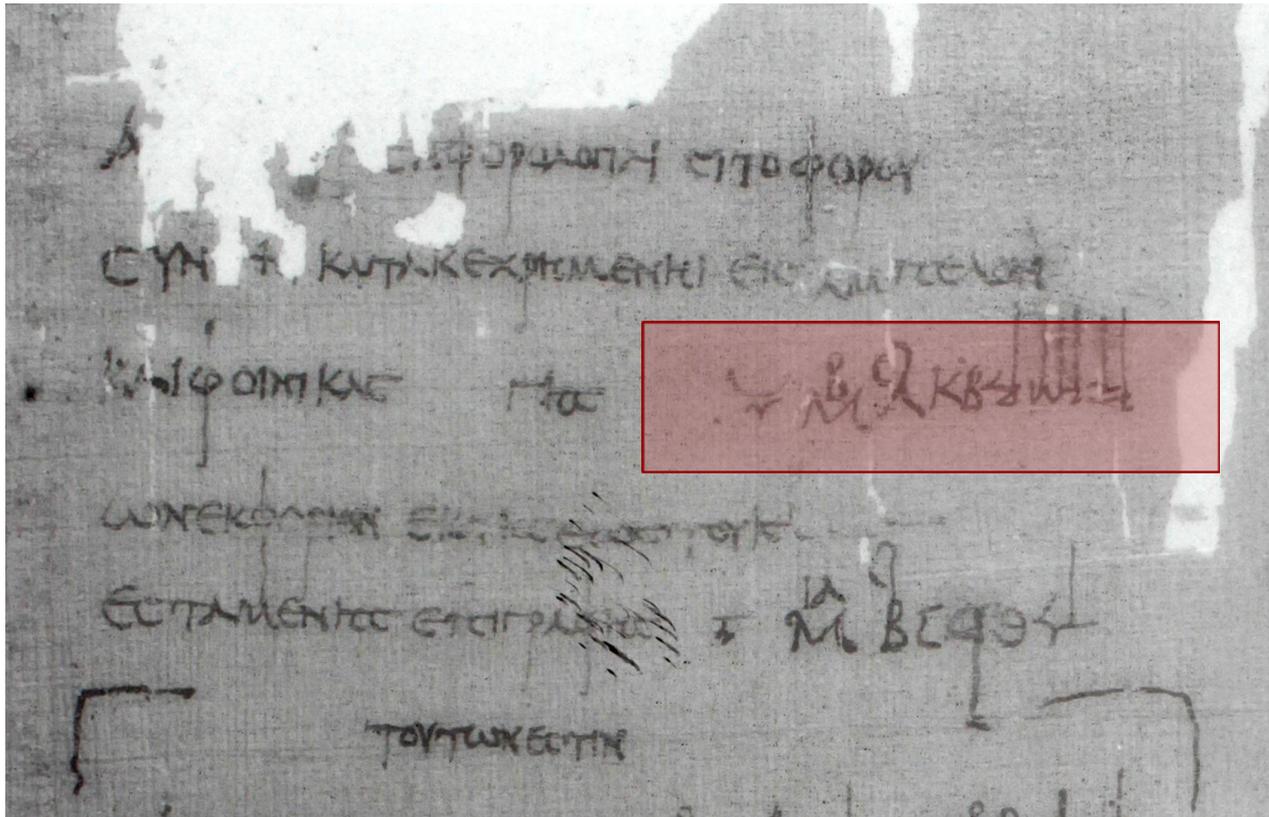


Agricultural land: categories

- **private or privately owned land**
- In Upper Egypt the major part of the agricultural area may have been in private hands.



E.g.: Edfu land register

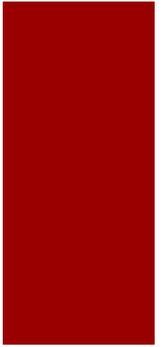


21,022 1/2 1/4 1/8 1/32 1/64 arouras of grainbearing land (ca. 58 km²)
= ca. 1/3 of Edfu nome

E.g. Pathyris' northern plain



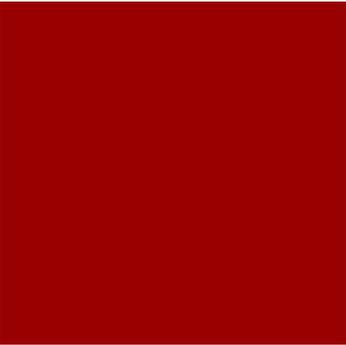
Control: from temple to state intervention



Taxes paid to?

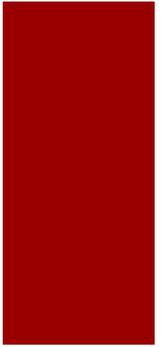
- **Temples** until ca. 200 BC < land is part of its *htp-ntr* (divine endowment)
- **State** from ca. 200 BC:
 - takes over control of taxes & confiscates this type of land when necessary (f.i. when ownerless or *hypologos*)

- **Phase 1**
- **Phase 2**

- 
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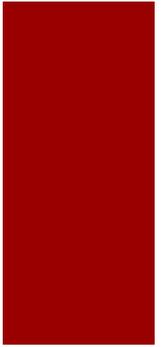
Again: two phases

- Immovables: sold through a system of contracts established **independently from the state**
 - **Growing** state intervention in the control of sale contracts
- **Phase 1**
 - **Phase 2**



- Immovables: sold through a system of contracts established **independently from the state**

- **Phase 1**



PHASE 1.

sale of houses and empty plots

- Greek contracts < in the **private sphere**, through Greek six-witness contracts
- six witnesses & seals
- *syngraphophylax*
- Demotic contracts < within the **context of the temple**
- in the presence of 12 or 16 witnesses
- temple notary

PHASE 1.

private agricultural land

- Demotic contracts < within the **context of the temple**
- in the presence of 12 or 16 witnesses
- temple notary

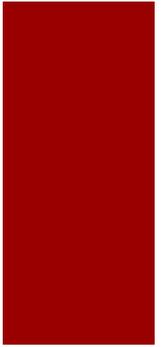
PHASE 1.

sales

- Greek contracts < in the **private sphere**, through Greek six-witness contracts
- six witnesses & seals
- *syngraphophylax*
- Demotic contracts < within the **context of the temple**
- in the presence of 12 or 16 witnesses
- temple notary

Entered in the register of a *grapheion*, in daybook format:
? optional

Private sales: from temple to state intervention



- **Growing** state intervention in the control of sale contracts

- **Phase 2**

PHASE 2.

same

- Greek contracts < in the **private sphere**, through Greek six-witness contracts
- six witnesses & seals
- *syngraphophylax*

same

- Demotic contracts < within the **context of the temple**
- in the presence of 12 or 16 witnesses
- temple notary

NEW

- Greek state contracts = **agoranomic** contracts
- (no witnesses)
- Greek agoranomos

PHASE 2.

same

- Greek contracts < in the **private sphere**, through Greek six-witness contracts
- six witnesses & seals
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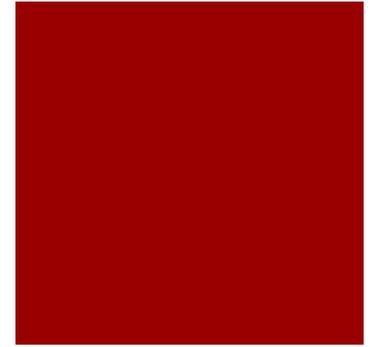


Influences



6 (vue d'ensemble)

New (cf. Demotic contracts)



- the **identification of the contracting parties** in agoranomic contracts was recorded in more detail, in accordance with legal requirements and including a personal description.
- *Has sold Horos son of Thotortaios, Persian of the epigone, aged about 40 years, of medium stature, with honey-coloured complexion, straight hair, with a bald forehead, flat-faced, a straight nose,*
- Agoranomic contracts mention the **sale's price**

PHASE 2. registration

same

- Greek contracts < in the **private sphere**, through Greek six-witness contracts

same

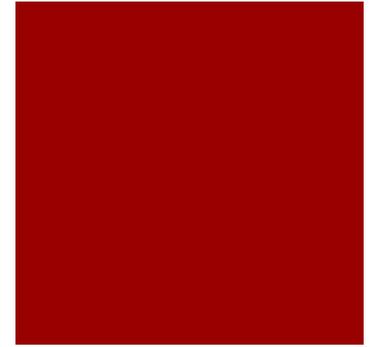
- Demotic contracts < within the **context of the temple**

new

- Greek state contracts = **agoranomic** contracts

Entered in the register of a *grapheion*: ca. 145 BC:
obliged + more elaborate registration procedure

More elaborate registration procedure



Abstract of contracts: P.Tebt. I 227 descr. = REgypt 24 (1972) 129–136, dated to year 18, Phamenoth 18, lines 1–4: [Demotic]

- "A document of sale and cession which the farmer and servant of Souchos, Paesis son of Paesis, his mother is Kolluthes, made it, concerning his half share of his house ..."

Register of contracts: P.Tebt. I 228 descr., dated to a Year 13, Thoth 30, several entries begin: [Demotic]

- "the annuity contract of PN son of PN ..."

PHASE 2. registration

same

- Greek contracts < in the **private sphere**, through Greek six-witness contracts

same

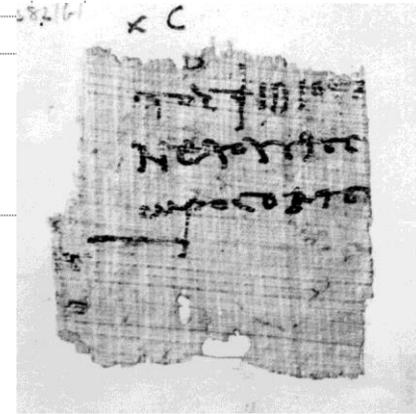
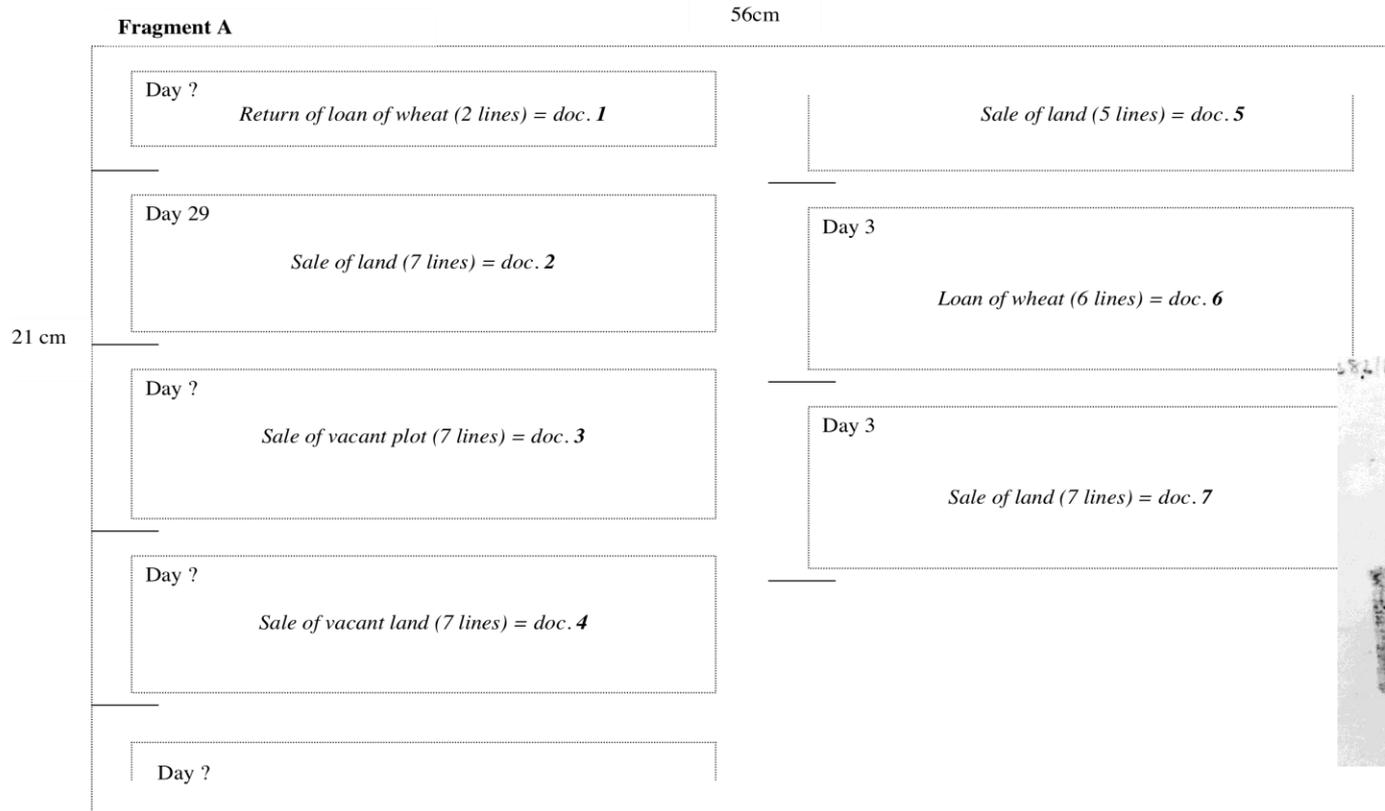
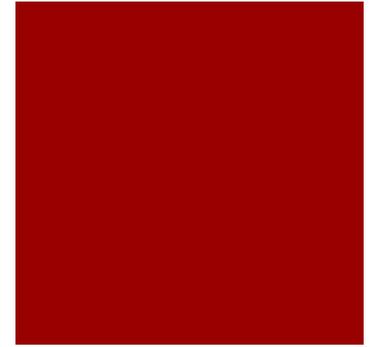
- Demotic contracts < within the **context of the temple**

new

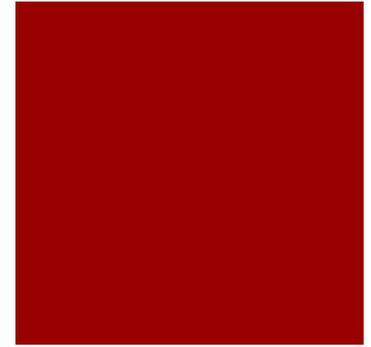
- Greek state contracts = **agoranomic** contracts

Automatically entered
in register

Register of agoranomic contracts



Register of agoranomic contracts



- *Day 3. Has sold Horos son of Thotortaios, Persian of the epigone, aged about 40 years, of medium stature, with honey-coloured complexion, straight hair, with a bald forehead, flat-faced, a straight nose,*
- *the part belonging to him of standard grain land, in the plain surrounding Pathyris, consisting of 4 lots; the first lot called 'of Pebos', of which the boundaries are, South: land of Psennesis, North: of the keepers of the sacred ibises, East: enclosing dyke, West: land of Horos son of Harsiesis; ...*
- *Have bought Nechoutes and Peteharsemtheus sons of Pelaias, Persians of the infantry, for 1 talent 2000 drachmas.*
- *The previous buyer and warrantor is the vendor Horos, whom Nechouthes and Peteharsemtheus the purchasers accepted.*

Costs

Greek six-witness contracts

- Scribe
- Registration costs

Demotic temple contracts

- Temple notary
- Registration costs

Greek agoranomic contracts

- Agoranomos
- —

Transfer tax for land:

- 5% or 10%, from 137 BC: always 10%
- To be paid to the royal bank
- an additional 2% for the conversion of payments in bronze coin



a

b

c

d

P. 9000A

P. 9000B

Fragment a of papyrus P. 9000A, showing several lines of ancient Greek text in a cursive hand. The fragment is dark and has irregular edges.

Fragment d of papyrus P. 9000B, showing several lines of ancient Greek text in a cursive hand. The fragment is dark and has irregular edges.

6 (vue d'ensemble)

Costs

Greek six-witness contracts

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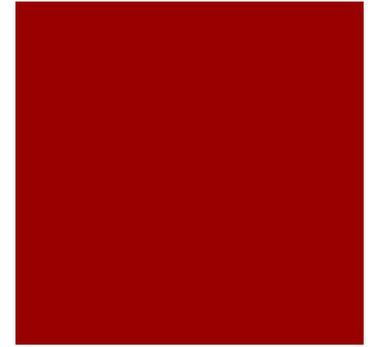
- Agoranomos
- —

Transfer tax for land:

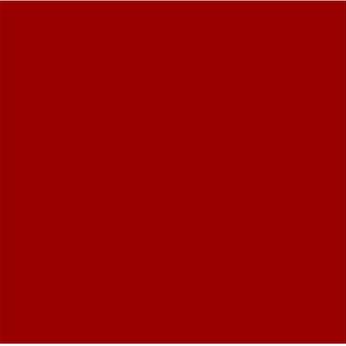
- 5% or 10%, from 137 BC: always 10%
- To be paid to the royal bank
- an additional 2% for the conversion of payments in bronze coin

- In case of land sold at a public auction: additional taxes like *kerukeion*
- in Alexandria: a 5% tax has to be paid to the *tamias* (treasurer) + *amphourion*

Special case. Provisional sale

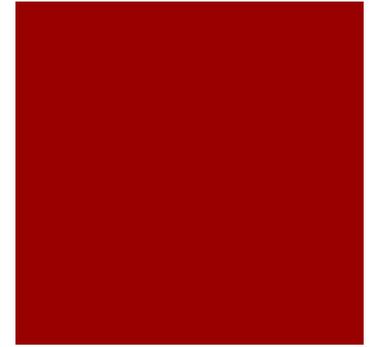


- Real property is sold provisionally, as mortgage for a loan
- How recognize a provisional sale?
 - Only half of the transfer tax is paid (5% instead of 10%)

- 
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Public auction

- well-known procedure in the Greek world,
- newly introduced in Egypt by the Ptolemies in 223 BC at the latest as 'the auction (lit. cry out) of Pharaoh'.



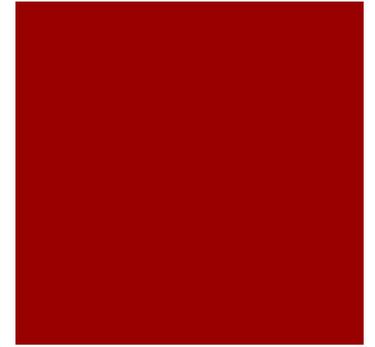
Example

- before 8 November 187 BC, a plot of 35 arouras was confiscated
- The arouras were put up to auction in Thebes (Diospolis Magna) from 8 until 13 November 187 BC and assigned on the 14th day of the month, to Proitos.
- The officials present at the auction are listed.

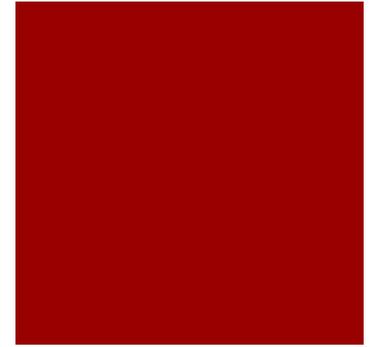


Example

- The sale's price of 2000 copper drachmas had to be paid to the new state department of the *Idios logos*, which collected irregular revenues.
- The payment was done in three installments of one third of the total amount



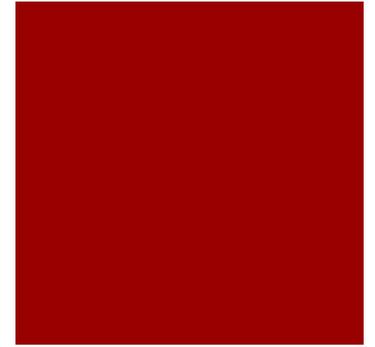
Documents involved



1. *Diagraphé*

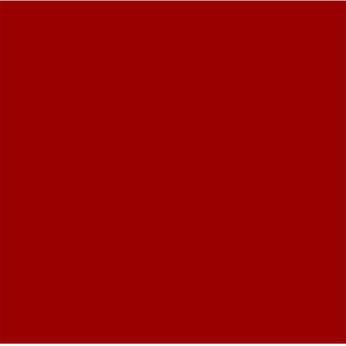
- recorded an accurate state of affairs: description of the real estate, its value, the bid of the buyer, the allocation, etc. (ll. 5-18).
- was completed with one or more subscriptions (ὑπογραφαί) by the writer of the *diagraphé* and by other officials
- The key word of the subscription is δέξαι ('receive'), addressed to the bank

Documents involved



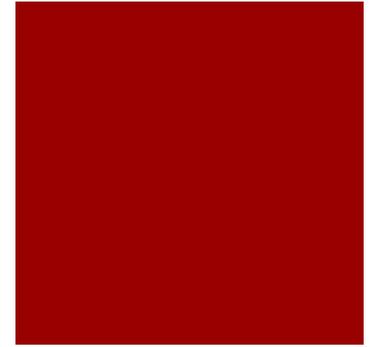
2. *Bank receipt*

- The new owner of the real estate hands over the *diagraphie* to the banker and pays the amount due.
- After payment, the *diagraphie* is not returned to the owner, but the latter receives a bank receipt, in which the text of the *diagraphie* is incorporated.
- the bank receipt is also referred to as being a *diagraphie*.

- 
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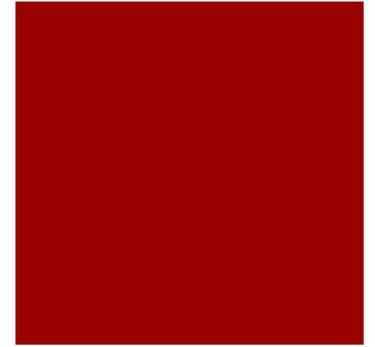
Legal protection

- Important: all the title deeds, also those of previous owners, are in the possession of the owner and are taken into account during the trials.
- *Yours are its writings and its covenants, in every place in which they are. Every writing they have made concerning it, and also every writing they have made for me concerning it, and also each writing by which I am justified in its name, yours they are, and also their right. Yours is that by which I am justified in their name.*

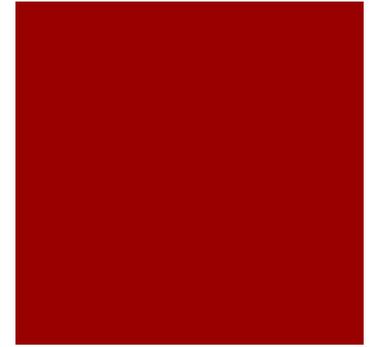


Legal protection

- A Greek bank receipt (called *diagraphe*), testifying to the purchase of confiscated land from the state = legal evidence.
- Demotic temple contracts = legal evidence also for Greek judges – are translated into Greek !



! Importance of statements without written evidence



- A series of 5 trials (!) ended with an Egyptian oath about this statement whether it was true or false.
- *By Suchos, who rests here, with every god who rests with him,*
- *the writing which Proitos, son of Sosikrates, has made for Tamenos, our mother, concerning these 35 (arouras of) land, her moneys complete and without any rest are what she has given for it. There is no false deception in the oath.*



Az előadás a TÁMOP-4.2.2/B-10/1-2010-0012 azonosító számú, „Kutatóegyetemi Kiválósági Központ tudásbázisának kiszélesítése és hosszú távú szakmai fenntarthatóságának megalapozása a kiváló tudományos utánpótlás biztosításával” című projekt az Európai Unió támogatásával, az Európai Szociális Alap társfinanszírozásával valósult meg.



SZÉCHENYI TERV