

# **New Beliefs, New Lives?**

## **The Roles, Rights, and Responsibilities of Early Christian Women in Late Antique Egypt**

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## **Abstract**

Late Antiquity and the associated rise of Christianity in the Roman Empire are often thought to be fraught with violence and radical change. This understanding has recently become more nuanced, and we now understand that the period was a dynamic one, involving both continuity and change. Similarly, with respect to women, it is now thought that the rise of Christianity brought with it sweeping changes, for example, in standards of morality and sexuality, but also firm continuity, for example, in law. Throughout previous centuries, the experiences of these women have been seen primarily through the lens of Christian literature, such as homilies, Church histories, and saints' lives. As a result, the picture of an early Christian woman was a highly idealized one, of a submissive and subservient wife whose place was in the home and who was considered an image of retained guilt and an object of sexual temptation to the men around her. Since these sources are highly ideological, such a representation is less than reliable.

Using legal and documentary sources, therefore, which are inherently less ideological than literary sources, this thesis analyzes the areas of continuity and change in the lives of early Christian Egyptian women in order to assess the evolution of their roles, rights, and responsibilities to understand what effect the rise of Christianity had on their day-to-day lives. That is to say, this thesis aims to answer the question: Did the rise of Christianity actually affect or change the rights or status of women in Late Antique Egypt? The thesis concludes, on the basis of the mentioned sources that early Christianity affected little meaningful change on the rights and status of women in Late Antique Egypt, but that the situation is far more complex than the normative literature suggests. Some change can be seen in understandings of sexuality, particularly in the Christian emphasis on virginity, but this change is not inherently gendered. Beyond this, there is overwhelming evidence for continuity.

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## Abbreviations and Translation Notes

Throughout this thesis, ancient sources are abbreviated according to H.G. Liddell, R. Scott, and H.S. Jones, *A Greek-English Lexicon* (Oxford, 1996<sup>9</sup>), P.G.W. Glare, *Oxford Latin Dictionary* (Oxford, 1982), A. Blaise, *Dictionnaire latin-français des auteurs chrétiens* (Paris, 1954), and G.W.H. Lampe, *A Patristic Greek Lexicon* (Oxford, 1968). Papyrological abbreviations can be found in J.F. Oates et al. (eds), *A Checklist of Editions of Greek and Latin Papyri, Ostraca and Tablets* (Atlanta, 2001<sup>5</sup>), available online at [papyri.info/docs/checklist](http://papyri.info/docs/checklist). Journals are abbreviated according to J. Marouzeau (ed.), *L'année philologique: Bibliographie critique et analytique de l'antiquité gréco-latine* (Paris, 1924-), available online at [http://www.annee-philologique.com/files/sigles\\_fr.pdf](http://www.annee-philologique.com/files/sigles_fr.pdf) and reference works according to S. Hornblower and A. Spawforth (eds), *The Oxford Classical Dictionary* (Oxford, 1996<sup>3</sup>), available online at <http://classics.oxfordre.com/fileasset/images/ORECLA/OCD.ABBREVIATIONS.pdf>

Except where otherwise noted, translations are my own. Substantial translations, such as some relevant laws for which no good English translation exists, and the letters discussed in the final chapter can be found with the original text and a translation in Appendices 1 and 2 respectively. Consonantal and vocalic ‘i’ and ‘u’, respectively, are distinguished in Latin transcriptions following modern North American conventions.

## General Introduction

And do you not know that you are each an Eve?

The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too.

*You* are the devil's gateway: *you* are the unsealer of that forbidden tree: *you* are the first deserter of the divine law: *you* are she who persuaded him whom the devil was not valiant enough to attack.

*You* destroyed so easily God's image, man.

Tertulian, *On the Apparel of Women* 1.1<sup>1</sup>

### *Posing the Problem*

Late Antiquity (fourth to seventh centuries CE), which saw the definitive emergence of Christianity in the Roman Empire, is often thought to be a period fraught with violence, turbulence, and drastic change. This picture became more nuanced because of ground-breaking work by Peter Brown which demonstrated that the period was a dynamic one, involving both continuity and change. Similarly, with respect to women, it is now thought that the rise of Christianity brought with it drastic change, for example, in standards of morality and sexuality, but also continuity with previous periods, for example, in law.<sup>2</sup>

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<sup>1</sup> Trans. P. Schaff, *Fathers of the Third Century: Tertullian, Part Fourth; Minucius Felix; Commodian; Origen, Parts First and Second* (Buffalo, 1887) 14.

<sup>2</sup> See e.g. P. Brown, *The World of Late Antiquity* (New York, 1971); P. Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York, 1988); G. Clark, *Women in Late Antiquity* (Oxford, 1993); A. Arjava, *Women and Law in Late Antiquity* (Oxford, 1996); G. Clark, *Christianity and Roman Society* (Cambridge, 2004); Av. Cameron, *The Mediterranean World in Late Antiquity, AD 395-700* (London, 2012<sup>2</sup>).

If taken at face value, passages such as the one above support the idea that at least concepts of morality, especially in reference to women, underwent a significant change with the rise of Christianity. Throughout previous centuries, the status, rights, and experiences of these women have been primarily seen through the lens of similar Christian literature, namely homilies, saints' lives, and the like.<sup>3</sup> As a result, the picture of an early Christian woman was a highly idealized one, of a submissive and subservient wife whose place was in the home and who was considered an image of retained guilt and an object of sexual temptation to all the men around her.<sup>4</sup>

Like R.S. Bagnall, however, I am hesitant to rely solely on Christian literary sources as accurate representations of reality.<sup>5</sup> While he turns to archaeological sources, material culture and inscriptions to nuance his understanding of religious transformation in Late Antique Egypt, I shall turn to legal and documentary sources to understand how this religious transformation of the fourth to seventh centuries affected the women of that period. Using these other sources, therefore, specifically legal, contractual, and epistolary texts, together with gender studies models, I aim to

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<sup>3</sup> Since I deliberately want to avoid beginning this thesis with the evidence from the literary sources, I have only briefly summarized their conclusions here. A myriad of studies on Early Christian women have been done on the basis of these literary sources, however; see, for instance, J. LaPorte, *The Role of Women in Early Christianity* (New York, 1982); A.D. DeConick, *Holy Misogyny: Why the Sex and Gender Conflicts of the Early Church Still Matter* (New York, 2011); L.H. Cohick and A.B. Hughes, *Christian Women in the Patristic World: Their Influence, Authority, and Legacy in the Second through Fifth Centuries* (Grand Rapids, 2017).

<sup>4</sup> For instance, "But by no manner of means are women to be allotted to uncover and exhibit any part of their person, lest both fall — the men by being excited to look, they by drawing on themselves the eyes of the men." Clem. Al. *Paed.* 2.2, trans. P. Schaff, *Fathers of the Second Century: Hermas, Tatian, Athenagoras, Theophilus, and Clement of Alexandria* (Buffalo, 1887) 246. Discussions on women in the writings of the Church fathers appear widely and are thus far too numerous to list comprehensively here.

<sup>5</sup> R.S. Bagnall, *Egypt in Late Antiquity* (Princeton, 1993) 7-8, 280; R.S. Bagnall, *Later Roman Egypt: Society, Religion, Economy, and Administration* (Aldershot, 2003) 285-96 at 292-3 ("Combat ou vide: Christianisme et paganisme dans l'Égypte romaine tardive," 1988<sup>1</sup>); R.S. Bagnall, "Models and Evidence in the Study of Religion in Late Roman Egypt," in J. Hahn, S. Emmel, and U. Gotter (eds), *From Temple to Church: Destruction and Renewal of Local Cultic Topography in Late Antiquity* (Leiden, 2008) 23-41 at 25-32; J.H.F. Dijkstra, *Philae and the End of Ancient Religions* (Leuven, 2008) 21; T.M. Hickey, "Writing Histories from the Papyri," in R.S. Bagnall, *The Oxford Handbook of Papyrology* (Oxford, 2009) 495-520. Cf. D. Frankfurter, *Religion in Roman Egypt: Assimilation and Resistance* (Princeton, 1998) 20-2, for arguments for the appropriateness of their use as historical sources, despite their ideological motivation and literary style.

analyze and synthesize the areas of continuity and change in the lives of early Christian Egyptian women in order to assess the evolution of their roles, rights, and responsibilities throughout Late Antiquity to understand what effect Christianity had on their day-to-day lives. Thus, this thesis aims to answer the question: Did the rise of Christianity actually affect or change the rights or status of women in Egypt in Late Antiquity?

Rather than seeking to understand the religious lives of women who seem to be involved in the Christian world, I shall attempt to uncover how the new religious order affected the non-religious aspects of the lives of women. At the basis of this, certainly, the rise of Christianity and the increasing dominance of the Christian Church as a social and political institution affected many changes in the fabric of everyday life. These changes manifested themselves in many ways. Forms of worship and expressions of personal faith evolved, clergy were inserted into the social structure, churches and monasteries inserted themselves into local economies, and rhetoric changed. But for all this change and evolution on the macro level, what was the effect at the micro level, on the daily lives of ordinary women?

At the same time, it is important to note instances which masquerade as change but actually only represent an evolution in form rather than in basic function. While it is certainly impossible to attempt to claim that the Church did not effect some change on the lives of women, it is necessary to nuance the precise extent of this influence or effect. Naturally, as an extremely widespread social, and even quasi-political, institution, the Church would have had an effect on everyone's life, through chance contact with a holy man, the use of the Coptic language, or the construction of a physical church building nearby. It would be hard indeed to argue that the Church did not affect even non-Christians in this way, simply by their inclusion in Christian society as a whole. The change I am concerned with runs deeper than this, however. At the heart of my question

is whether the Church came in and adapted itself to fit previously existing social forms, in which case there was little fundamental change, or whether Christianity overturned old social forms and replaced them with something new and distinctly “Christian.” If that was the case, it would be possible to say that, in that precise area, the rise of Christianity brought about a fundamental change.

### *Defining the topic*

Egypt, with its wealth of diverse sources, provides a singular opportunity for a multidisciplinary, comparative approach to the study of the complex status of women in Late Antiquity after the rise of Christianity. Its copious number of written sources and, like much of the ancient world, the firm gender divisions of its society render it a prime candidate for an examination based in gender studies. Although, in the words of J. Scott, gender has for some time now been accepted as “a useful category of historical analysis,” nevertheless, the precise definition of gender and indeed of ‘women’ bears elucidation. While not referring precisely to biological sex, gender can be seen as a set of social constructs which are more or less superimposed on biological sex and are seen as being inherently interrelated. T.G. Wilfong cogently summarizes that, because of this, “the basic category of ‘women’ could be simplistic and reductive, as its meaning constantly shifted and adapted in response to social, cultural, and even biological factors.” Thus, for our purposes it is vital to acknowledge that no homogeneous “female experience” can be correctly established because of differentiators such as status, age, class, ethnicity, and so on.<sup>6</sup>

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<sup>6</sup> J. Scott, “Gender: A Useful Category of Historical Analysis,” *American Historical Review* 91 (1986) 1052-75 and “Women’s History,” in P. Burke (ed), *New Perspectives on Historical Writing* (University Park, PA, 1992) 42-66; J. Butler, *Gender Trouble: Feminism and the Subversion of Identity* (London, 1999<sup>2</sup>); T.G. Wilfong, *Women of Jeme: Lives in a Coptic Town in Late Antiquity* (Ann Arbor, 2002) *passim* and “Gender and Society in Byzantine Egypt,” in

Although these terms or concepts may seem somewhat anachronistic, it is important to recognize that the majority of the evidence we have is biased towards women from the upper- or at least middle-classes. Although the law would have theoretically applied to all citizens equally, contracts would likely only have been written in situations in which the finances involved justified the effort and expense of writing up a contract. Similarly, the majority of the letters show evidence of being written or dictated by upper-class, fairly wealthy women. Ethnicity also bears comment here. While in the Hellenistic period, being Greek commonly paralleled being of elite status, this generalization cannot be assumed for the period at hand. Ethnic distinctions became blurred by the Roman period, initially by intermarriage and then by the broadly multicultural ambiance of the empire.

Furthermore, this thesis deals with the period in which the Roman empire gradually converted from ‘paganism’ to Christianity, a process which is commonly referred to as ‘Christianization.’ I have chosen to avoid using the term ‘Christianization’ because it has been problematized by recent scholarship. It is argued that the term implies a static, one-way superimposition of Christianity on the traditional religions of the empire when instead the period was one of religious transformation in which different religions were in dialogue with each other. Furthermore, the term is ambiguous in that it may refer to the growth of the institution of the Church across the empire, or the growing acceptance of Christian beliefs. Instead, I have chosen

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R.S. Bagnall (ed), *Egypt in the Byzantine World, 300-700* (Cambridge, 2007) 309-27 and “Gender and Sexuality,” in T. Wilkinson (ed), *The Egyptian World* (London, 2007) 205-17 (quote at 205). See also D. Montserrat, *Sex and Society in Greco-Roman Egypt* (New York, 1996) and L. James, *Women, Men, and Eunuchs: Gender in Byzantium* (New York, 1997); M. Schentuleit, “Gender Issues: Women to the Fore,” in K. Vandorpe (ed), *A Companion to Greco-Roman and Late Antique Egypt* (Hoboken, NJ, 2019) 347-360.

to talk about the rise of Christianity (as a general, institutional growth), or becoming Christian (as a personal faith).<sup>7</sup>

Similarly, the word ‘pagan’ is a problematic term. Coined from the Latin *paganus* meaning a rural person, it was originally a derogatory term used by Christians to refer to all non-Christians (except the Jews). Thus, it lumps together in an artificial way a wide variety of traditional, mostly polytheistic, religions which were otherwise completely unrelated. As such, it is entirely un-descriptive, and means only ‘non-Christian.’ Furthermore, the dichotomy created by the pagan versus Christian rhetoric ignores the dynamic nature of the religious transformation which occurred throughout Late Antiquity in which religions evolved through dialogue with each other. I, therefore, choose to refer to non-Christian religion as simply that, ‘non-Christian’ or otherwise as ‘traditional religion.’<sup>8</sup> These definitions and caveats are important to bear in mind as we proceed to an examination of both previous scholarship and primary source material.

### *Previous Scholarship*

Since Late Antiquity itself has only come to be accepted as a legitimate field of study fairly recently and because a feminist stream of scholarship has only recently emerged, women in Late

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<sup>7</sup> Av. Cameron, *Christianity and the Rhetoric of Empire* (Berkeley, 1991) 24-9; P. Brown, “Christianization and Religious Conflict,” in *CAH<sup>2</sup>* 13 (1998) 632-64; P. Garnsey and C. Humfress, *The Evolution of the Late Antique World* (Cambridge, 2001) 132-69; Dijkstra, *Philae*, 15-23.

<sup>8</sup> R. Lane Fox, *Pagans and Christians* (London, 1986) 30-1; Frankfurter, *Religion*, 30-5; Dijkstra, *Philae*, 16-7; I have chosen not to refer to these non-Christian religions as simply polytheistic religions either as G. Fowden suggests in “Polytheist Religion and Philosophy,” in *CAH<sup>2</sup>* 13 (1998) 538-60 because there was an increasing move towards monotheism in this period and the term is thus anachronistic and incorrect. See also Al. Cameron, *The Last Pagans of Rome* (Oxford, 2010) for a detailed discussion and defence of the use of ‘pagan’ in current scholarship. He opposes Fowden’s suggestion of polytheist on the basis that the objections to the use of ‘paganism’ are misplaced political correctness and based on an inaccurate understanding of the term’s origin. I maintain, however, that the term ‘pagan’ is best avoided precisely because of the surrounding controversy.

Antiquity have been vastly understudied.<sup>9</sup> Rooted in classical scholarship, which now also seeks to return women to their rightful place in history, considerable progress has been made in the last two decades. Ahead of her time, S. Pomeroy pioneered work in this sphere with her 1975 *Goddesses, Whores, Wives, and Slaves*. Subsequent work on Late Antique women focused particularly on their status in law and role in society.<sup>10</sup>

To date the most comprehensive of these is a monumental, two-volume study by J. Beaucamp, *Le statut de la femme à Byzance*, published in 1990-1992. The first of these volumes focuses on women's legal status and roles while the second examines more broadly their social roles. She begins, in the general introduction, with a series of various opinions about the effects of Christianity on the position of women in Late Antiquity. Her general criticism is that all these opinions of previous scholarship were based far too heavily on literary sources and argues that the picture ought to be nuanced by the inclusion of documentary sources. In doing so, Beaucamp masterfully brings together a vast variety of legal and papyrological source material to nuance and portray the image of Late Antique women. Regrettably, however, she does not make reference to either art or archaeological material in her study and she is noticeably dated in her treatment of women as a homogeneous category.<sup>11</sup>

A. Arjava, in turn, wrote in English a wide-ranging exploration of the position of women in Late Antique law. His primary goal is to understand the effect that both Christianity and the end of the Western Empire had on the legal status of women. He disagrees with the traditional view that there was drastic Christian influence on law, at least pertaining to women, and instead takes a

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<sup>9</sup> This thesis is not a study on gender in antiquity, so a comprehensive list of works on that topic are not discussed here; however, a detailed bibliography can be found in James, *Women, Men, and Eunuchs*.

<sup>10</sup> S. Pomeroy, *Goddesses, Whores, Wives, and Slaves* (London, 1994<sup>2</sup>).

<sup>11</sup> J. Beaucamp, *Le statut de la femme à Byzance*, 2 vols (Paris 1990-2). For more detailed comments see R.S. Bagnall, "Women, Law and Social Realities in Late Antiquity: A Review Article," *BASP* 32 (1995) 65-86.

more cautious approach, arguing that the influence was superficial. Although otherwise a comprehensive and concise piece of scholarship, Arjava focuses much more heavily on the west than on the East and fails to comment extensively on regional variation in the East.<sup>12</sup>

J. Evans Grubbs in her 1999 *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation* narrows her scope to answer the question whether Christianity affected Constantine's legislation, particularly that on marriage and divorce. While not focused specifically on women, this study grapples with the question of Christian influence in aspects of law that necessarily involve women and concludes that little, if any, evidence of Christian influence can be found in Constantine's legislation. This contribution is important because it discredits the commonly held belief that Christianity had affected a great deal of change from as early as the reign of Constantine.<sup>13</sup>

As an indication of the current interest in women in Egypt, it is worth mentioning the edited volume by H. Melaerts and L. Mooren, *Le rôle et le statut de la femme en Égypte hellénistique, romaine, et byzantine*, finally published in 2002. The volume is a compilation of papers given at a 1997 conference on the role and status of women in Egypt in 1997, to date, one of the few conferences devoted entirely to women. The breadth and depth of these papers, covering a fascinating variety of topics from women's economic influence to the social relationships of lower-class women is a welcome reminder of the vibrancy and promise of this field.<sup>14</sup>

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<sup>12</sup> A. Arjava, *Women and Law* (Oxford, 1996). For more detailed comments, see B. Salway, review of Arjava, *Women and Law in Late Antiquity*, in *TMR* 98.10.10.

<sup>13</sup> J. Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation* (Oxford, 1999).

<sup>14</sup> H. Melaerts and L. Mooren, *Le rôle et le statut de la femme en Égypte hellénistique, romaine, et byzantine* (Paris, 2002).

Recently, there has also been a move towards compilations and analyses of specifically female-oriented source material. The first and broadest of these, by J. Rowlandson, gathers a variety of types of source material relating to women into one convenient volume. Although certainly not comprehensive, the goal of this volume is to offer a picture of women's lives in Greek and Roman Egypt through a representative sampling of the primary source material. As such, it is a good and useful introduction to the topic.<sup>15</sup>

T. Wilfong's *Women of Jeme*, published in 2002, is a detailed social history of the women of the relatively obscure town of Jeme, which is located in the Medinet Habu complex on the Theban west bank of the Nile. Basing his study on the documentary and archaeological evidence recovered from excavations at Jeme itself, Wilfong also employs literary sources such as homilies and hagiographies to explore the dichotomy between the literary ideal of womanhood and the every-day reality of women's lives. This methodology succeeds in producing a remarkably balanced description of women's lives. Moreover, the micro-historical approach and the frequent use of case studies tempers the all-too-common trend towards generalizing the female experience without saying something of the variety of women who lived in this period.<sup>16</sup>

Continuing in a similar vein, R.S. Bagnall and R. Cribiore focus on one type of source, letters, in their *Women's Letters from Ancient Egypt: 300 BC to AD 800*. They have collected all known letters on either papyrus or ostrakon which can be identified to have been composed by women from the Hellenistic and Roman periods. This volume includes ten descriptive chapters which aim to assist the reader in understanding and interpreting the more than 300 pages of Greek and Coptic letters which follow in translation. The authors' intention is to avoid summarizing the

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<sup>15</sup> J. Rowlandson (ed.), *Women and Society in Greek and Roman Egypt: A Sourcebook* (Cambridge, 1998).

<sup>16</sup> Wilfong, *Women of Jeme*. For detailed comments see R. Krawiec, review of Wilfong, *Women of Jeme*, in *JNES* 66 (2009) 324-6.

lives and experiences of ancient women, but instead to allow the female authors of these letters to “speak to the present without the burden of faulty generalizations.”<sup>17</sup>

More recently, in 2014, E. Mathieson published a study on Christian women in the Greek papyri of Egypt from 100 until 400 CE. In it, she focuses on twenty-six letters composed by Christian women, in an effort to bring to the forefront women’s own voices and thoughts on their religious beliefs and practices.<sup>18</sup> Her use of the category of “Christian” is problematic, however, in that the identifiers she presents for accepting an author as Christian are not completely telling and should have been applied with more caution. Nevertheless, her book is a vivid description of the religious lives of women in Late Antiquity, while also leaving much room to broaden the scope of scholarship based on letters written by women, both temporally and thematically.

It is apparent, then, that no synthesis focused on the broader effects of Christianity on the lives of Late Antique Egyptian women currently exists. This is partially because of centuries of gender-biased focus as well as a result of the relatively recent emergence of Late Antiquity as a legitimate field of study. Nevertheless, as we have just seen, there is an ever-increasing level of interest in the women of Late Antiquity and in papyri generally, and, as such, this study both fills a lacuna in and situates itself among contemporary scholarship.

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<sup>17</sup> R.S. Bagnall and R. Cribiore, *Women’s Letters from Ancient Egypt, 300 BC – AD 800* (Ann Arbor, 2006) 10. The volume is supported by an online version (<https://hdl.handle.net/2027/heb.90014>) which includes photographs of the papyri or ostraca as well as the editions of the texts in their original languages, which thus allows the collection to be updated when new letters are identified.

<sup>18</sup> E. Mathieson, *Christian Women in the Greek Papyri of Egypt to 400 CE* (Turnhout, 2014). For detailed comments see G.S. Paulson, review of Mathieson, *Christian Women*, in *BMCR* 2016.12.28.

## *The Ancient Sources*

Although written evidence from the most famous of early Christian women is challengingly and disappointingly lacking – for instance, Jerome’s letters to the likes of Paula or Marcella are extant, but their letters to him are not – this fact does not itself present an insurmountable challenge to my research, particularly because I have chosen to focus my attention on the everyday experiences of regular women, rather than on writing a bibliography of one or two of the more famous. The desire to approach this question from a grassroots perspective has therefore fundamentally shaped my methodology as well as the sources I use.<sup>19</sup>

Rather than turning to the traditional literary sources, namely homilies, Church histories, hagiographies and the like, which have long been the first stop for any historian studying this period, I shall instead turn to a variety of other sources: laws, contracts, and letters. Latin legal sources, specifically the *Codex Theodosianus* and the *Corpus Iuris Civilis*, will form the basis of this study. Although they are admittedly not an accurate representation of reality and although they can be said to have been idealistic in a similar way as the previously mentioned literary sources, nevertheless their evidence for general trends in law-making and for ideological changes or lack thereof is valuable. These laws also apply to the empire generally, and as such, their relevance to a specifically Egyptian context can be debated. I offset this by situating my examination of Roman law against the backdrop of Greco-Egyptian legal tradition as it existed in Egypt for several centuries previously, and by adopting a regional and, more specifically, a provincial perspective, concentrating on the reception of law and juridical habits in Egypt

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<sup>19</sup> See e.g. F. DuPriez, *La condition de la femme romaine dans le Haut-Empire et l'influence du Christianisme* (Montreal, 1976), a PhD thesis, in which the author spends eleven chapters on the famous women of the empire before turning to the social situation of women (seen solely through the lens of literary sources and a few laws) and the influence of Christianity (through canonical and patristic sources). This type of methodology is exactly what I intend to avoid.

specifically. This first source type will thus serve as the broadest of three ever-narrowing concentric circles of evidence.

The contracts will then narrow the scope of the examination by focusing on the actual juridical habits of women in Egypt in Late Antiquity. The contracts which I shall consult, including marriage documents, divorce settlements, bills of sale, loans, and the like, are solely in Greek, because of the temporal limitation of this study.<sup>20</sup> Unlike the legal sources, the contracts are all from Egyptian contexts and thus represent the specific multicultural and provincial framework in which they were written. These documents also allow a more realistic glimpse into how the law functioned practically, that is, how women interacted with otherwise abstract and more generalized legal concepts in their day-to-day lives. In contrast to the law, contracts allow us to understand whether the rise of Christianity effected any measurable change in the actual habits, roles, or rights of women in some of the most significant moments of their lives.

The final source type, letters, either written or composed by women, further narrows the focus. Since this body of evidence is quite small, I have chosen not to approach this source type quantitatively or comprehensively since any conclusions would be generalizations based on a statistically insignificant amount of evidence. Instead, I have chosen five letters, three in Greek and two in Coptic, to act as case studies against which to compare the conclusions from the previous two chapters. In these case studies, we move away from the theoretical or ideological constructs of the laws and firmly into the reality of everyday life. In them, we shall see women functioning in a variety of different roles, dealing with different issues, and acting in situations which are not addressed by the law or which are not the basis for a contract. Although I cannot

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<sup>20</sup> The increasing popularity of the use of Coptic as a contractual language occurs after the Arab invasion, which marks the endpoint of this study. Thus, all contracts examined here are in Greek or are bilingual (Greek/Latin or Greek/Coptic). Further discussion on the evolution from Greek to Coptic can be found in Chapters 2 and 3.

pretend that these case studies are completely representative, I have made an effort to select letters which are generally typical and which portray accurately the variety and nuance, and indeed the humanity, of the women of Late Antique Egypt.

### *Plan of the Thesis*

In this general introduction, I have presented the problem which led to my central question, namely, whether the rise of Christianity affected the rights or status of women in Late Antique Egypt. I have situated my study in the continuum of previous scholarship and presented the sources I intend to use to answer my question. Finally, I have discussed my methodology and addressed problematic terms and provided a number of definitions. In the following three chapters, therefore, I ask whether this ideal image of a Christian woman which we saw at the beginning of the general introduction actually represented the real lives of everyday women living in Late Antique Egypt. I seek to uncover at a grassroots level whether the roles, rights, and responsibilities of women did indeed evolve and change as a result of the rise of Christianity or whether instead, strong elements of continuity were present.

Chapter 1 discusses the legal evidence. I begin by discussing Ancient Egyptian and Ptolemaic legal practice in order to establish the judicial context into which Roman law was introduced in Egypt. I trace the long-term progression and evolution of law as it relates to women, seeking to establish a particularly Egyptian regional and provincial background. I then turn to a discussion of the *Codex Theodosianus*, particularly the marriage legislation of Constantine which is often said to have been influenced by the rise of Christianity. Finally, I discuss Justinianic legislation which supports the understanding that at least at this late date, Christianity did influence legislation, including that which affects women.

Chapter 2 discusses the contractual evidence. Beginning with Demotic contracts, which are evidenced as late as the second century CE, I establish a baseline against which to compare later Greek contracts. Because of the fluid and intertwined nature of legal and contractual practice in Egypt, the inclusion of this early material is necessary in order to obtain an accurate understanding of the phenomena at work in Late Antique contracts. In this chapter, I include only contracts such as marriage contracts, divorce settlements, bills of sale, loans, and wills, in which women are at least one of the contracting parties. This thus allows me to examine women's roles in contracts, the evolving form of the contracts themselves, and the potential effect Christianity may have had on contractual habits.

Chapter 3 discusses epistolary sources. In this chapter, I chose five letters which were either composed or written by women to act as small case studies against which to compare the conclusions of the previous two chapters. They date to between the fourth and the eighth centuries and are written in Greek (3) and Coptic (2).<sup>21</sup> In these case studies, I use the circumstances and issues raised in the letters to explore more broadly the lives and experiences of Late Antique Egyptian women, while also nuancing the more generalizing conclusions of the previous chapters. Finally, this thesis contains three appendices with translations of select laws, the five letters discussed in Chapter 3, and a piece of modern evidence.

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<sup>21</sup> Although the temporal limits of the thesis generally confine the study to sources from before the Arab conquest (641/2), one letter (*O.Mon.Epiph.* 194) discussed in Chapter 3 has a date range of sixth to eighth centuries, and could thus potentially stretch beyond it

# Chapter 1 – The Legal Sources

## *Introduction*

In order to fully understand the impact of Christianity on the status of women in Late Antique Egypt, it is useful to begin by examining what the legal codes, namely the *Theodosian Code* and the *Corpus Iuris Civilis*, say about their legal roles, rights, and responsibilities.<sup>1</sup> Naturally, the reality of these women's lives would have differed from the idealized picture that the law presents. As a result, the following two chapters focus primarily on documentary sources in order to establish a more realistic picture of women's lives. Nevertheless, establishing a legal framework at the outset is important because it will create a firm foundation against which to compare further evidence. Since the law is also a finite corpus of evidence which emanated from the center, it is a manageable set of data which will serve to establish the imperial reaction, or lack thereof, to the increasing popularity of Christianity. Furthermore, although often idealistic and therefore unrealistic, the evidence provided by the law codes enables a glimpse into both imperial values and the concerns of those whose appeals prompted imperial edicts. Finally, there is an ongoing debate regarding the effects of Christianity on the law, particularly on Constantine's marriage

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<sup>1</sup> On the evolution of law generally in the empire see J. Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999); J. Harries and I. Wood (eds), *The Theodosian Code: Studies in the Imperial Law of Late Antiquity* (London, 2010<sup>2</sup>), or specifically in Egypt R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri: 332BC-640 AD* (New York, 1944-1948); J.G. Keenan et al.(eds), *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). These titles are useful and heavily utilized in this chapter, but since they do not focus specifically on women in law, they were not mentioned in the literature review in the General Introduction.

legislation,<sup>2</sup> and thus for the sake of completeness, this aspect cannot be left out of a study on the effect of Christianity on the daily lives of women.

It is also particularly important to establish a regional and provincial, perspective on the law because, in the Roman period there were several moments at which local law was uniquely affected. Key to this is the fact that, even after the Roman empire began to expand, the peoples who were amalgamated into the empire were not afforded all the rights and privileges of Roman law. Instead they continued to function under their own traditional law, albeit under the oversight of Roman governors.<sup>3</sup> One key moment at which regional law was affected is the issuing of the *Constitutio Antoniniana* in 212 which gave citizenship to all free men in the empire.<sup>4</sup> This was a major turning point for the application of Roman law in the provinces, including Egypt, because all these new citizens now, in theory, fell under the jurisdiction of Roman law. Since the transition to Roman law in Egypt was a long one, and happened relatively late, both pharaonic and especially Ptolemaic law are also of interest to this examination, all the more so since Egypt has a rich legal history stretching back three millennia before the common era.

Therefore, Chapter 1 will briefly summarize the status of women in pharaonic law, flesh out how Hellenistic Egyptian law dealt with women, establish the role of Roman law in Egypt from 30 BCE to 212, discuss the changes in the law after 212, and then compare all this with legal pronouncements following the widespread acceptance of Christianity in the empire. Particular emphasis will be given to Constantine's legislation and the debate surrounding the purported

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<sup>2</sup> H.J. Wolff, *Roman Law: A Historical Introduction* (Norman, 1951); Evans Grubbs, *Law and Family*, 2. See also the variety of work done by Jean Gaudemet in the 1980s particularly on the effect of Christianity on marriage legislation e.g. *Sociétés et mariage* (Strasbourg, 1980).

<sup>3</sup> The most famous example of this legal dichotomy is likely Paul who was about to be whipped and then revealed that he was a Roman citizen and thus protected against such indignities by Roman law; Acts 22:25.

<sup>4</sup> See A. Imrie, *The Antonine Constitution: An Edict for the Caracallan Empire* (Leiden, 2018) with L. Schriemer, review of Imrie, *The Antonine Constitution*, in *BMCR* 2019.03.28.

effects of the rise of Christianity on his legal pronouncements. Furthermore, this chapter will examine the increasing legislation on Christian issues and institutions and discuss when Christian morals did come to affect lawmaking. Finally, we shall turn to Justinian's legislation to identify whether a Christian moralizing influence is present and will explain how this affected women's legal status.<sup>5</sup> Thus, this temporally broad study will allow changes in women's legal status to be identified in a regionally appropriate manner. Therefore, by examining pharaonic, Ptolemaic, Roman, and Late Antique law as it relates to marriage, dowries, divorce, and female guardianship, I shall establish whether the influence of Christianity on law, if any did indeed exist, resulted in a change in the legal position of women in Late Antique Egypt by the time of Constantine or whether any visible changes can be explained by other socio-political changes.

*Pre-Roman Law – Pharaonic (pre-332 BCE) and Ptolemaic (332-30 BCE)*

Although the legal status of women throughout Ancient Egypt was anything but monolithic, Egyptian women at the end of this period had a great deal of relative independence and autonomy. Since the Egyptians did not preserve their laws in formal law codes as the Romans did, we are extremely fortunate that some evidence of their laws has been preserved, however faint. While their legal system may not have been present in the organized form which we now identify with the Roman legal system, nevertheless, in spite of this lack of preservation, it “may certainly be called a well-developed law providing all legal subjects with an equal legal protection, be he free

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<sup>5</sup> By Christian morals I mean such a type of behaviour which was either promoted by the Church fathers as being ideal for a good Christian to follow or acts (or laws) which self-identify as attempting to please God. I do not mean a set, proscribed, or coherent moral program as such a thing would be impossible to identify in this period given the variety of schisms, differing rhetoric, and conflicting theology. A Christian moralizing influence would thus be one which supports a particular act by claiming that God would be pleased by it or which follows broadly the rhetoric of the Church.

or slave, man or woman.”<sup>6</sup> Moreover, although this sophisticated legal system developed over two thousand years before Rome’s foundation,<sup>7</sup> the nearest approximation to a coherent system of Egyptian laws which we possess today is the suggestion that some portions of *The Demotic Legal Code of Hermopolis West*, may date to this time period.<sup>8</sup> Thus, the majority of the following conclusions in this section are based on evidence found in documentary texts, rather than in a legal code, since we are not so fortunate as to have anything similar to the Roman legal codices from this period.

With regard to the rights or status of women in this period, a general summary will have to suffice. Although Herodotus suggests that the majority of Egyptians practiced polygamous marriage, it seems likely that this was not the case; rather serial monogamy with frequent divorce and remarriage is evidenced.<sup>9</sup> Indeed, it appears that the role and status of women varied throughout Egyptian history, where evidence permits such a conclusion. Marriage contracts can be traced back as far as the Third Intermediate period.<sup>10</sup> Up until the twenty-sixth dynasty, a marriage was an agreement between the father of the bride and the husband; after that point, the man and woman themselves become the contracting parties.<sup>11</sup> This is indicative of the increasing legal autonomy of Ancient Egyptian women. A similar evolution can be seen in funerary evidence, which shows that women had a great deal more freedom as well as financial independence than

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<sup>6</sup> P.W. Pestman, *Marriage and Matrimonial Property in Ancient Egypt: A Contribution to Establishing the Legal Position of the Woman* (Leiden, 1961) x.

<sup>7</sup> N. Lewis, *Life in Egypt under Roman Rule* (Oakville, 1999) 185.

<sup>8</sup> P. Mattha; R. Jasnow, “Third Intermediate Period,” in R. Westbrook (ed), “*A History of Ancient Near Eastern Law*, 2 vols (Leiden, 2003) 2.777-818 at 778.

<sup>9</sup> Hdt. *Hist.*, 2.92; Pestman, *Marriage and Matrimonial Property*, 3-4; J. Manning, “Demotic Law,” in Westbrook, “*A History*,” 2:819-62 at 835. This based on a more nuanced reading of the papyri and contrary to the perceptions of R. Taubenschlag, *Law of Greco-Roman Egypt*, 77-8.

<sup>10</sup> Keenan, *Law and Legal Practice*, 150.

<sup>11</sup> Pestman, *Marriage and Matrimonial Property*, 12-3.

was previously the case, as is demonstrated by their ability to create lavish tombs.<sup>12</sup> Furthermore, it seems that, rather than a dowry, a dotal gift was common,<sup>13</sup> although it should not exactly be seen as a bride price, but as a gift given to the wife in exchange for her forming a legal bond with her husband; this gift remained with the wife in the case of divorce. There is also no evidence of a Roman-style *patria potestas* at this time in Egypt.<sup>14</sup> Thus it seems that “women had a full capacity of rights, but that in daily life they often left their husband the exercise of those rights.”<sup>15</sup> The picture did not change drastically with the arrival of the Greeks.

Once Egypt was conquered by Alexander the Great, and subsequently taken over by Ptolemy I, who claimed the kingship in 304 BCE, Greek economic and legal systems were introduced into Egypt, mostly as part of Ptolemy II’s legitimizing reforms. Nevertheless, a particularly “Greek” style of law was not imposed across the country, rather Greek oversight worked alongside the traditional Egyptian laws and customs, the use of which continued well into the Roman period.<sup>16</sup> Hellenistic Egypt did not produce any formal law codes either, and what written evidence remains is of royal decrees or re-stated Egyptian law.<sup>17</sup> The third-century BCE papyri published by Mattha in his 1961 *The Demotic Legal Code of Hermopolis West* are, to date, the only surviving evidence of what may have been Graeco-Egyptian legal acts.<sup>18</sup> In general, legal

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<sup>12</sup> C. Graves-Brown, *Dancing for Hathor: Women in Ancient Egypt* (London, 2010) 31-2.

<sup>13</sup> The term “dowry” throughout this study relates to property and possessions brought into the marriage by the wife. This could take the form of property which remained under her or her father’s control or the form of a gift to her new husband. A dotal gift refers to a gift given by a husband to his new wife on the occasion of their marriage. There is no separate term for a husband’s property which he brings into a marriage. As in n. 44, when discussing Roman evidence, I shall use the Latin term *donatio* to refer to the dotal gift. Since it is the technical legal term, this will remove ambiguity. To use it here would be anachronistic.

<sup>14</sup> Pestman, *Marriage and Matrimonial Property*, 6-52; Jasnow, “Third Intermediate Period,” 800.

<sup>15</sup> Jasnow, “Third Intermediate Period,” 797.

<sup>16</sup> Taubenschlag, *Law of Greco-Roman Egypt*, 84-6; Keenan, *Law and Legal Practice*, 5.

<sup>17</sup> Keenan, *Law and Legal Practice*, 19.

<sup>18</sup> P. Mattha; Pestman, *Marriage and Matrimonial Property*, ix.

writings appear to be primarily concerned with dispute resolution and the management of property via the formation of contracts. Conveniently for the purpose of this study, marriage is a scenario which falls into both of these categories because of the potential for divorce and the resulting challenge of separating the couple's assets.

As a result of this, the custom of written marriage contracts, in either Demotic or Greek, continued into the Ptolemaic period.<sup>19</sup> Regardless of their popularity, a marriage contract was not required for a marriage to be legally binding; in fact, Smith suggests that in the case of 16% of Demotic marriage contracts, children had already been born to the couple when the contract was signed.<sup>20</sup> These contracts, then, were instead concerned primarily with the property rights of the wife, namely her dowry, her maintenance during marriage, the dotal gift, and her financial support following a divorce. Pestman, a leading authority on Demotic marriage contracts, recognizes several types of contracts based on regional variation and the means by which a wife is said to be maintained throughout and after the marriage.<sup>21</sup> An interesting distinction can be made here. As established earlier, in the 26th dynasty marriage became a bilateral agreement between a man and a woman, but the marriage contract was a unilateral statement made by the husband alone. Although the document is witnessed by others, the wife herself has no role in its creation, but the contract only becomes legally operative when she accepts it and its factuality.<sup>22</sup> This suggests an increasing level of agency on the part of the women, which, as we shall see, is not the case in later periods.

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<sup>19</sup> Keenan, *Law and Legal Practice*, 150-2.

<sup>20</sup> Pestman, *Marriage and Matrimonial Property*, 24-30 at 29; H.S. Smith, "Marriage and the Family in Ancient Egypt: I. Marriage and Family Law," in M.J. Geller and H. Maehler (eds), *Legal Documents of the Hellenistic World* (London, 1995) 49.

<sup>21</sup> Pestman, *Marriage and Matrimonial Property*, 13; Manning, "Demotic Law," 836; Keenan, *Law and Legal Practice*, 150, only mentions Types A and B.

<sup>22</sup> Pestman, *Marriage and Matrimonial Property*, 32.

Pestman divides Ptolemaic marriage contracts on the basis of whether they describe dowries or dotal gifts. In the first category, as in the pharaonic period, the man gives his bride a dotal gift; in the second, the man confirms the receipt of a dowry from his wife or her family.<sup>23</sup> Regardless of the form of the contract, the purpose of these documents was the same. As mentioned above, children were a real presence in these contracts, and, alongside the discussion of the wife's finances, her children's inheritance rights are established, and provisions are made for the event that the marriage ends in divorce.<sup>24</sup>

That divorce was a common and regular facet of Egyptian life can be seen by the preponderance of marriage contracts which plan for the marriage's end. One marriage document from 219 BCE spends significant time establishing what support the husband would give his wife if he should choose to divorce her.<sup>25</sup> It is interesting to note the wording of the contract: "If I repudiate you as a wife, be it that I hate you, be it that I want another woman as a wife, instead of you, I will give you... ." This wording seems to imply that only the husband could initiate a divorce and suggests that no other grounds were necessary than his desire to dissolve the union. Further on in the contract, however, we read "on the day I shall repudiate you or that you want to go yourself..." This clearly indicates that unilateral divorce was permitted to both the wife and the husband simply on the basis of individual desire.<sup>26</sup> Furthermore, in the case of divorce, the husband continued to support his former wife or paid her a set sum, or he returned her dowry to her within a predetermined period of time so that she could continue to support herself.<sup>27</sup>

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<sup>23</sup> Pestman, *Marriage and Matrimonial Property*, 21.

<sup>24</sup> Manning, "Demotic Law," 836.

<sup>25</sup> *P.Hausw.* 6; trans. Pestman, *Marriage and Matrimonial Property*, 21-3.

<sup>26</sup> Taubenschlag, *Law of Greco-Roman Egypt*, 91.

<sup>27</sup> Pestman, *Marriage and Matrimonial Property*, 21-35.

Thus, it seems that there was a great deal of continuity in the role of women between the pharaonic and the Hellenistic period. In the pharaonic period, women enjoyed a relatively substantial level of personal autonomy.<sup>28</sup> While it may seem reasonable to think that this freedom would be curtailed by the influx of Greek culture, in this period Greek and Egyptian customs blended and meshed to the point that Keenan has suggested instead that a “relative emancipation of Greek women in the Hellenistic period” occurred in Egypt because of this influence.<sup>29</sup> Graeco-Egyptian law and custom did not come to an end with the arrival of the Romans, however.

#### *Roman Law – 30 BCE-212 CE and post-212 CE*

In 30 BCE, Octavian triumphed over his rival, Mark Anthony; the famous last Ptolemaic pharaoh, Cleopatra VII, killed herself; and Egypt was annexed as a Roman province. Although this might seem to have been a significant moment for Egypt, nevertheless, from a legal perspective, few changes would have been seen on the ground until 212 when the emperor Caracalla issued the *Constitutio Antoniniana*. This edict granted citizenship to all free males within the empire and gave women the same rights as Roman women (since they could not technically function as full citizens on account of their gender). This is significant for our purpose because Roman law only applied to Roman citizens; since at this point everyone became citizens, everyone also became, in theory, subject to the jurisdiction of Roman law. “Citizenship was and never ceased to be a juridical status, giving access to Roman private law [...] Any evaluation of the role of Roman citizenship in the late Roman empire has to take cognisance of this fact.” Nevertheless, in the period between 30 BCE and 212, non-citizens in Egypt were subject to a rather confusing mix of their own traditional

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<sup>28</sup> Manning, “Demotic Law,” 833.

<sup>29</sup> Taubenschlag, *Law of Greco-Roman Egypt*, 85-86; Keenan, *Law and Legal Practice*, 146.

Graeco-Egyptian laws and customs as well as Roman judicial oversight which naturally functioned according to Roman laws.<sup>30</sup>

One example of this would be the continuity of sibling marriage among the Greek and Egyptian inhabitants of Egypt despite these types of incestuous marriages being forbidden by Roman law.<sup>31</sup> In fact, Lewis notes that there is substantial papyrological evidence for the continuation of this practice well after the Roman conquest.<sup>32</sup> Roman law applied, and thus also Roman interference occurred, but only when Roman citizens attempted to adopt such non-Roman, provincial marriage customs themselves.<sup>33</sup> Thus, a law of 295 expressly forbidding Egyptian-type sibling marriage may have been composed in response to Roman assimilation of this Egyptian practice, especially since its author, Diocletian, one of the emperors of the first tetrarchy, found it necessary to reiterate that what this particular edict was forbidding were those practices which were already which *iure antique prohibentur*.<sup>34</sup> Furthermore, it appears that for Roman citizens, marriage laws were enforced, even in the provinces, and in the event that these laws were disregarded, officials could confiscate the offender's property, including dowries and inheritances.<sup>35</sup>

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<sup>30</sup> P. Garnsey, "Roman Citizenship and Roman Law in the Late Empire," in S. Swain and M. Edwards (eds), *Approaching Late Antiquity: The Transformation from Early to Late Empire* (Oxford, 2004) 133-55 at 138.

<sup>31</sup> *D* 23.2.52,53,54,56,68; on which see Taubenschlag, *Law of Greco-Roman Egypt*, 83.

<sup>32</sup> Lewis, *Life*, 43-44; Evans Grubbs, *Law and Family*, 97. On sibling marriage in Egypt in the Roman period, see S. Hübner, "'Brother-Sister' Marriage in Roman Egypt: A Curiosity of Humankind or a Widespread Family Strategy?" *JRS* 97 (2007) 21-49. In this paper, she notes the lackadaisical provincial adherence to Roman law and suggests that in the area of sibling and close-kin marriage the impact of Christian ideology seems to have been less than previously argued. See further M.K. Hopkins, "Brother/Sister Marriage in Roman Egypt," *Comparative Studies in Society and History* 22 (1980) 303-54; S. Remijsen and W. Claysse, "Incest or Adoption: Brother-Sister Marriage in Roman Egypt Revisited," *JRS* 98 (2008) 53-61; J. Rowlandson and R. Takahashi, "Brother-Sister Marriage and Inheritance strategies in Greco-Roman Egypt," *JRS* 99 (2009) 104-39.

<sup>33</sup> Evans Grubbs, *Law and Family*, 97.

<sup>34</sup> *CJ* 5.4.17.

<sup>35</sup> Lewis, *Life*, 32-3.

The legal complexity of the period can further be illustrated by the famous case of Dionysia, who was engaged in a number of lawsuits against her father in 186.<sup>36</sup> Initially the father attempted to recover some property from Dionysia which he had promised her in association with her marriage. Failing that, he attempted to force her to divorce her husband. He cited a law which permitted him to do so, likely a Greek law, since a similar one is attested in Athens. In her defence, Dionysia did admit that there was a local custom which would have allowed her father to do this, but she also presented several precedents in which Roman prefects had refused to break up marriages against the wishes of the spouses. Since no one involved was a Roman citizen, Roman law did not directly apply, but clearly Roman officials could overrule local custom when they viewed it as unjust.<sup>37</sup>

This system of coexisting legal traditions became significantly more streamlined in 212, when all the inhabitants of the empire became citizens and thus were, in theory, subject to Roman law. Naturally, this change could not have happened instantaneously, and, building on this, Garnsey notes that local laws and customs would have continued to function in some areas well beyond 212. Furthermore, it was customary for the Romans to allow local traditions to continue unhindered provided that they did not clash with Roman ideals. Thus, a “radical, imposed transformation of legal rules and practices throughout the empire” did not take place. Rather, because there was more demand for Roman law, the appropriate legal infrastructure was gradually built up.<sup>38</sup>

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<sup>36</sup> *P.Oxy.* II 237; Arjava, *Women and Law*, 44-5 contains a detailed discussion of the legal context of this document.

<sup>37</sup> Arjava, *Women and Law*, 44-5.

<sup>38</sup> Garnsey, “Roman Citizenship,” 140-9.; also J. Harries, *Law and Empire*, 32, who cautions that citizenship did not result in an immediate abandonment of customary behavior.

One particular feature of Roman law, which was not present in either the Egyptian or the Greek world, was the almost absolute authority of a father over his descendants, known as *patria potestas*.<sup>39</sup> That this feature of law was not common or accepted in Egypt before 212 can be seen in the earlier mention from the lawsuits of Dionysia who could not have brought such cases to court if had she been *in patria poteste*. It seems that the new provincial citizens did adopt the Roman concepts of *patria potestas* and guardianship, albeit in a modified state. In fact, there is papyrological evidence for Egyptian women requesting a *tutor*, or guardian, as late as the third century.<sup>40</sup> The women making this request carry the name Aurelia; they are women who were affected by Caracalla's edict and who would previously not have had a legal basis upon which to make this request.<sup>41</sup> The guardianship of women, or *tutela mulierum*, although not tied directly to the act of marriage, did play a role alongside marriage in establishing the economic position of women in this period, and changes to guardianship laws would have affected every aspect of a woman's life. The changes in this period were not only unilateral, however; provincial custom also affected imperial law.

In Egypt, for example, the *tutela mulierum* and the associated *ius trium liberorum*, the emancipation of a woman from the *tutela* after three live births, seems to have begun to fall out of use by the middle of the third century.<sup>42</sup> Instead women remained under the power of a *curator*

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<sup>39</sup> R.P. Saller, "Patria potestas and the Stereotype of the Roman Family," *Continuity and Change I* (1986) 7-22, 48-9; Taubenschlag, *Law of Greco-Roman Egypt*, 98 and 106; Arjava, *Women and Law*, for a father's ability to compel children *in poteste* to divorce.

<sup>40</sup> Harries, *Law and Empire*, 32; Garnsey, "Roman Citizenship," 147.

<sup>41</sup> J. Beaucamp, *Statut*, 2:197-212; Arjava, *Women and Law*, 119; Garnsey, "Roman Citizenship," 147. Those who were made citizens by Caracalla's edict took the *nomen* Aurelius or Aurelia from the emperor in conformity with Roman custom.

<sup>42</sup> Arjava, *Women and Law*, 115; G. Clark, *Women in Late Antiquity*, 15, The *tutela* was essentially obsolete by the fourth century. See the *Lex Julia* and the *Lex Papia Poppaea* for the initial Augustan laws. For a discussion of the guardianship system, see H.-A. Rupprecht, "Zur Frage der Frauentutel in römischen Ägypten," *Festschrift für Arnold*

*minoris* until their twenty-fifth birthday, which was seen as the age of majority; after this point, they were free to make their own decisions, although many seem to have relied on the advice of male advisors whose “presence was common but unofficial, at least in the eyes of Roman law.”<sup>43</sup> Other more blatantly non-Roman traditions also become integrated into law. For example, after 212, the *donatio*, a nuptial gift from the bridegroom to the bride, became recognized in law. It is likely that this custom loomed large in the earlier practices of many provinces and that existing local traditions would have affected Roman law as its scope rapidly expanded including into Egypt.<sup>44</sup> It is apparent, then, that the period from 212 to the early fourth century was a period of transition during which the provinces gradually began to adopt aspects of Roman law. Simultaneously, some provincial customs were codified into law.<sup>45</sup> A variety of legal changes occurred, such as the gradual disappearance of *patria potestas* and the abolition of a *tutor* for women over the age of twenty-five. Many of these changes would have affected women, and possibly even given them a greater level of personal freedom. This growing freedom, however, was curtailed in Late Antiquity.

### *Late Antique Law*

Once we come to Late Antiquity, the period of focus for the rest of the thesis, there are two excellent book length studies of women in Roman law, written by A. Arjava and J. Beaucamp. Both studies focus broadly on Late Antique law, with some minimal mention of earlier transitional

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Kränzlein (Graz, 1986) 95-102; Arjava, *Women and Law*, 148 and, most comprehensively to date, Beaucamp, *Statut*, 2:193-267.

<sup>43</sup> Arjava, *Women and Law*, 147.

<sup>44</sup> There is no commonly agreed upon name for this marriage gift, but I have chosen to follow Arjava’s example and use the Latin *donatio*. Clark, *Women in Late Antiquity*, 6, 17; Arjava, *Women and Law*, 52, 57; Lewis, *Life*, 196.

<sup>45</sup> Harries, *Law and Empire*, 29 – 35. See p. 31 below for a discussion of custom, or *consuetude*, as it pertains to law.

periods and only little regional focus. As we saw in the General Introduction, both studies discuss the legal changes, of which there were many, and comment on the role of Christianity in these changes. A third, J. Evans Grubbs's seminal book on Constantine and his role in what is often understood as the initial influence of Christianity on Roman law, is also a valuable study, since it closely examines early legislation which is commonly said to have its roots in Christian ideology. Beaucamp begins her survey in the fourth century and thus bypasses the question of provincial variation; Arjava neglects it almost entirely by taking a broad, empire-wide view of legislation, following the example of Jill Harries.<sup>46</sup>

## Constantine

Beyond a doubt, Constantine was a reforming emperor, following in the footsteps of his predecessor, Diocletian.<sup>47</sup> Throughout his reign he issued a number of laws on guardianship, marriage, divorce, and dowries. These included a law against abduction marriage,<sup>48</sup> one against divorce,<sup>49</sup> several against breaking off engagements,<sup>50</sup> several on adultery and chastity,<sup>51</sup> as well as a few revocations of earlier imperial laws unrelated to women.<sup>52</sup> These laws and revocations,

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<sup>46</sup> Well researched and informed studies of provincial law from a regional manner are lacking. For instance, J. Richardson, "Roman Law in the Provinces," in D. Johnston (ed), *The Cambridge Companion to Roman Law* (Cambridge, 2015) 45-58 focuses primarily on the earlier period of conquest of a province, and his arguments lack support. There is ample evidence, and thus also a marked need, for a regional study of provincial/hybrid law in Egypt between 30 and 212.

<sup>47</sup> J. Evans Grubbs, "Constantine and Imperial Legislation on the Family," in J. Harries and I. Wood, *The Theodosian Code*, 120-42 at 121. Beyond his administrative reforms, Diocletian also legislated on marriage as in the 295 law regarding close kin marriage which was mentioned above. Thus, in legislating marriage reforms, Constantine was not innovative.

<sup>48</sup> *CTh* 9.24.1; Arjava, *Women and Law*, 38.

<sup>49</sup> *CTh* 3.16.1.

<sup>50</sup> *CTh* 3.5.4, 3.5.5; *CJ* 5.1.2.

<sup>51</sup> On *tutores* and pupils, *CTh* 9.8.1; *CJ* 9.10.1; on adultery, *CTh* 9.7.1, 9.7.2; *CJ* 9.9.28, 9.9.29.

<sup>52</sup> *CTh* 8.16.1.

some of which substantially revised previous legal practice, have previously been understood be a result of Constantine's interest in and even conversion to Christianity. Scholarship in recent years, however, has shown first, that it is unlikely that Constantine's legislation was prompted by a Christian influence despite his personal beliefs, whatever they may have been at any point in his reign and second, that it is symptomatic of a general trend to conservatism among the elite, whether Christian or not.<sup>53</sup>

One such law, a law against abduction marriage, is often incorrectly known as the rape law.<sup>54</sup> This is because the law discusses the *raptus* or abduction of a virgin or widow. The exact word used is *rapuerit*, from the verb *rapere*, meaning 'to seize' or 'to take by force.' This is followed by the word *abduxerit*, from *abducere*, meaning 'to lead away'.<sup>55</sup> Together these words portray bride theft, not rape. Furthermore, regardless of whether the girl consented to being abducted, if she was successfully carried off, Constantine declared that she was also to be penalized.<sup>56</sup> Prior to this law, although frowned upon, the *raptus* of a young woman was often akin to a marriage, since a girl's marriage prospects would have been slim after such an event.<sup>57</sup> Thus,

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<sup>53</sup> P. Garnsey and C. Humfress, *The Evolution of the Late Antique World*, 133, notes the importance of treading cautiously when assessing the impact of Constantine's religious conversion. More recently, the scholarly consensus is also to be skeptical of an enthusiastic acceptance of the traditional story and timeline of Constantine's conversion. The situation is a complex one, involving debate about his understanding of Christianity, the purpose for converting, the reliability of the sources, and the meaning of baptism. On this, see the numerous works on Constantine among which T. Barnes, *Constantine and Eusebius* (Cambridge, MA, 1981) and "The Conversion of Constantine," *Echos du monde classique/ Classical views* (Toronto, 1985) 371-91; R. van Dam, *The Roman Revolution of Constantine* (Cambridge, 2007); H.A. Drake, "The Impact of Constantine on Christianity," in N. Lenski (ed), *The Cambridge Companion to Constantine* (Cambridge, 2007) 111-23; and M. Edwards, "The Beginnings of Christianization," in Lenski, *Constantine*, 137-158.

<sup>54</sup> Evans Grubbs, *Law and Family*, 185; For example, in Pharr's edition of the *Theodosian Code*, this section is titled "The Rape of Virgins and Widows" in English, but "*De raptu virginum vel viduarum*" in Latin.

<sup>55</sup> *OLD* s.v. *rapio*, *abduco*.

<sup>56</sup> *CTh* 9.24.1.

<sup>57</sup> J. Evans Grubbs, "Abduction marriage in Antiquity: A law of Constantine and its Social Context," *JRS* 79 (1989) 59-83 at 63; Beaucamp, *Statut*, 2:341-42. The Church initially accepted these *de facto* marriages if the parents of the girl were agreeable but the Church rhetoric against this type of violence was disapproving and as time progressed both

this law does not attempt to provide women a measure of sexual agency by addressing rape, instead the law further curtails one of the only ways in which a woman could make a marriage in defiance of her parents.

Constantine's laws on chastity and adultery are not altogether favourable for women either.<sup>58</sup> Since Augustus's laws cover a broad variety of situations and do so in quite a conservative manner, Constantine did not revoke them, but simply made several addenda, which state that women of low status, namely those who were the "mistress of a tavern or a servant girl" could not be party to adultery.<sup>59</sup> The law says that, "in consideration of the mean status of the woman who is brought to trial, the accusation shall be excluded and the men who are accused shall go free, since chastity is required only of those women who are held by the bonds of law."<sup>60</sup> Thus, women of low status were not held to the same moral code as the rest of society, and prostitution was accepted as an integral part of society in law. In addition, these lower status women were not afforded the same protection under law as their upper-class countrywomen, and, finally, women were still expected to be chaste and faithful to their husbands, who were themselves, in theory, permitted considerably more sexual freedom.<sup>61</sup>

Therefore, there clearly were legislative changes at this point in Late Antiquity which did affect women's lives. The real question is, however, to what extent were these changes prompted

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the state and the church drew a very hard line when it came to abduction marriage. On this see Beaucamp, *Statut*, 2:355-57.

<sup>58</sup> In the Roman legal definition, adultery was an extra-marital affair by or with a married woman. The term *stuprum* refers to other illicit sexual activity with a person of status. See Evans-Grubbss, *Law and Family*, 94-5, for a detailed definition and explanation.

<sup>59</sup> *CTh* 9.7.1, 9.7.2.

<sup>60</sup> *CTh* 9.7.1.

<sup>61</sup> *CTh* 9.7.2. Although this theoretical freedom was not always acted upon, it is important to note the difference in male and female sexual norms in Roman society. The initial reasoning behind this was practical, not moralistic: women had to remain faithful to their husbands to ensure the purity of his bloodline and a smooth system of inheritances.

by Christianity, Christian morals, or the Church? In the two situations explored above, the *raptus* marriage and prostitution, two things become apparent. First, that sexual agency on the part of women was not supported by Constantinian law, and second, that these laws did not improve or even change at all the quality of life for Roman women. Thus, it seems that the effects that the spread of Christianity is said to have had on women's lives at this time has no foundation in law. Nevertheless, Constantine's laws on marriage are often held up as the quintessential example of a positive legal change prompted by Christianity.<sup>62</sup> The two laws for which a case could and has been made for the influence of Christianity are a 331 law penalizing unilateral divorce and a 320 law which, among other things, repealed the Augustan penalties on unmarried and childless people.<sup>63</sup> When the divorce law was written, Constantine would have at least been familiar with Christian concerns, and the marriage law may be taking the Christian interest in celibacy into account.

Judith Evans Grubbs rightly argues the contrary, observing that "the abrogation of the penalties for celibacy seems to be a response to the concerns of the largely pagan Roman senatorial aristocracy as much as to Christian celibates and can be fitted into a context of legislation in inheritance and transmission of property enacted in the first ten years of Constantine's reign and directed toward the wealthier classes in Rome and the West."<sup>64</sup> Thus, since this act was originally part of a larger law on economic matters and especially inheritance, it may have been an attempt on Constantine's part to improve his relationship with the aristocracy. Naturally, if Christians saw

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<sup>62</sup> A.H.M. Jones, *Constantine and the Conversion of Europe* (London 1948) 99-100, 231; see also Wolff, *Roman Law* and "Doctrinal Trends in Post-Classical Roman Marriage Law," *ZSSRRA* 67 (1950) 261-319; J. Gaudemet, *La Formation du droit séculier et du droit de l'Église aux 4<sup>e</sup> et 5<sup>e</sup> siècles* (Paris, 1979<sup>2</sup>) and *Sociétés et mariage* (Strasbourg, 1980); H.F. Jolowicz and B. Nicholas, *Historical Introduction to the Study of Roman Law* (Cambridge, 1972<sup>3</sup>); Evans Grubbs, *Law and Family*, 1-2.

<sup>63</sup> *CTh* 3.16.1, *CTh* 8.16.1.

<sup>64</sup> Evans Grubbs, *Law and Family*, 317-342 at 318. The fragments which can be connected to recreate this edict are *CTh* 3.2.1, 11.7.3, *CJ* 6.9.9, 6.23.15, and 6.37.21. See also Arjava, *Women and Law*, 79.

it as a gesture of support, that can only have been an advantage for Constantine. Furthermore, the rewards for fertility were preserved in this law: a certain number of children could exempt a man from various civic duties, and a couple needed several children in order to be able to inherit from one another.<sup>65</sup> Thus, while Constantine did abrogate the penalties on childless people, he preserved the legal and financial incentives for a couple to have multiple children which suggests that this law was not a gesture of support to celibate people. Rather, this fact supports the theory that this law was intended to appease the aristocratic classes while still encouraging childbearing. This conclusion also makes sense in the context of the larger economy-focused edict.

With regard to the divorce law, Evans Grubbs suggests that it is indicative of a re-emergence of old values and that it harks back to the earliest period of Roman law. Furthermore, Roman law had always had a moral dimension and legislation often reflected the “social *mores*” of the period. As a result, Arjava suggests that this new law would not have seemed shocking to the empire’s inhabitants, whether Christian or non-Christian.<sup>66</sup> Until Constantine, either partner could terminate a marriage with only minimal financial consequences.<sup>67</sup> Under Constantine’s new law, unilateral divorce was drastically curtailed to a limited number of situations. It was essentially only permitted if the other partner had committed a serious crime. While this may certainly look like an attempt to preserve the sanctity of marriage, either for traditional or religious reasons, it is noteworthy that Constantine did recognize the validity of an illegal divorce, and, unlike the Christians, did not penalize mutual divorce.<sup>68</sup> It thus seems that, whatever his motivations actually

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<sup>65</sup> Arjava, *Women and Law*, 79.

<sup>66</sup> A. Arjava, “Divorce in Later Roman Law,” *Acta Philologica Fennica* 22 (1988) 7-21 at 15; Evans Grubbs, *Law and Family*, 330-8; Harries, *Law and Empire*, 3.

<sup>67</sup> Arjava, *Women and Law*, 177; Evans Grubbs, *Law and Family*, 228.

<sup>68</sup> Mutual divorce is a divorce which is mutually agreed upon, in which both spouses agree to the split. This is the opposite of unilateral divorce in which the decision to divorce is made by only one spouse and enforced on the other.

were, Constantine was not attempting to champion the concept of a Christian indissoluble marriage in this law.

## **Justinian**

Having established that Constantine's legislation, and especially his marriage legislation, does not seem to have arisen from a Christian moralizing spirit, we must now turn to the remainder of Late Antique legislation. The case for increasing Christian influence on law and on imperial ideals and priorities becomes stronger as time progresses. Christian institutions were brought under the umbrella of the law because they were a formidable power in the empire and because the Christians were a group like any other which could be courted by imperial favours and needed to be brought under imperial control by pertinent legislation. As a group, however, the Christians were far from homogeneous and this fact contributed to a variety of tensions among various factions. Significant amounts of this kind of unrest among a large proportion of the empire would have attracted imperial attention even for purely pragmatic reasons. Because of this, it becomes a challenge to identify when or if the Christian morality of an emperor affected his legislation or whether his legislation was instead prompted by more practical concerns.

Following Constantine, emperors issued legislation which discriminated against traditional religions and favoured Christianity.<sup>69</sup> An example of these legal pronouncements against the temples can be found discussed in Libanius' *Pro Templis*.<sup>70</sup> One of these edicts states that, "the

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Evans Grubbs, *Law and Family*, 254 and Clark, *Women in Late Antiquity*, 26, both emphasize that divorce laws always failed to match the strictness of Christian teaching.

<sup>69</sup> D. Hunt, "Christianizing the Roman Empire: The Evidence of the Code," in Harries and Wood, *The Theodosian Code*, 143-58 at 143.

<sup>70</sup> Lib. *Pro Temp.* 7.

madness of sacrifice shall be abolished,”<sup>71</sup> another that, “the temples shall be immediately closed,”<sup>72</sup> another that those who worship images “shall be subject to capital punishment,”<sup>73</sup> and still another that “images [...] must be measured by the value of their art rather than by their divinity.”<sup>74</sup> Conversely, a law of 407 states that “the privileges which have been decreed by the authority of the laws in favour of churches and clerics remain sacred and inviolate.”<sup>75</sup> Here the elevation and support of the new state sanctioned religion can be seen.<sup>76</sup>

The institutions of the Church would also have affected legislation, as we shall see, since the Church had become a large facet of public life for many of the empire’s inhabitants. Lawmaking broadly reflected changes to public life, and in this regard, the influence of Christianity was no exception.<sup>77</sup> For example, a law of 389 was issued marking the observance of Sundays and Easter as public holidays,<sup>78</sup> and a law of 369 granted clemency to lesser offenders at Easter.<sup>79</sup> Furthermore, emperors did legislate on the *vera religio*, as in the case of two laws by Honorius and Arcadius in 405 and 410 respectively. The earlier law expresses the imperial desire for unity in the Church, “in order that all men may know [...] the one true Catholic faith.”<sup>80</sup> The

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<sup>71</sup> *CTh* 16.10.2.

<sup>72</sup> *CTh* 16.10.4.

<sup>73</sup> *CTh* 16.10.6.

<sup>74</sup> *CTh* 16.10.8.

<sup>75</sup> *CTh* 16.2.38.

<sup>76</sup> It is important to note that the legislation on and the state support of this new religion did not necessarily translate to violence or persecution of traditional religions either. Instead the change was a gradual one which, at least from a legal perspective, focused for quite some time on preserving the temples rather than their violent destruction. See J. Hahn, *Gewalt und religiöser Konflikt: Studien zu den Auseinandersetzungen zwischen Christen, Heiden und Juden im Osten des Römischen Reiches* (Berlin, 2004); J. Hahn, S. Emmel, and U. Gotter (eds), *From Temple to Church*; J.H.F. Dijkstra, “The Fate of the Temples in Late Antique Egypt,” in L. Lavan and M. Mulryan (eds), *The Archaeology of Late Antique ‘Paganism’* (Leiden, 2011) 389-436 as well as the forthcoming volume edited by J.H.F. Dijkstra and C. Raschle resulting from the conference on religious violence held in Ottawa and Montreal in the fall of 2017.

<sup>77</sup> Hunt, “Christianizing the Roman Empire,” 144.

<sup>78</sup> *CTh* 2.8.19.

<sup>79</sup> *CTh* 9.38.3.

<sup>80</sup> *CTh* 16.11.2.

later condemns the Donatist heresy saying, “we abolish the new superstition and we command that those regulations in regard to the Catholic law shall be preserved unimpaired and inviolate.”<sup>81</sup> These laws can be explained by practical concerns for harmony, unity, and a diminution of violence as well.

Justinian also issued *Novels* regarding the day to day management of the Church. *Novel 3*, for instance, legislates on the number of clergymen who were to serve at the Hagia Sophia.<sup>82</sup> *Novels 5* and *6* deal with the foundation of monasteries and the appointment of clergy respectively. *Novel 11* orders the bishop of Justiniana Prima to be elevated to the position of archbishop and be given jurisdiction over certain provinces “in order to increase the honour of our native country.” Here Justinian is legislating on Church matters in order to increase the status of his birthplace. Furthermore, *Novel 16* concerns Church appointments in order to curtail imperial expense. *Novel 37*, issued after the reconquest of North Africa, warned the Carthaginian Church about pagans, Jews, Arians, Donatists, and “any other heretics,” saying that these men should not “occupy any public office,” nor “perform [their own] sacred rites.”<sup>83</sup> Issues such as these were prompted not by morality but by pure practicality. Naturally an emperor would have preferred that his realm ran smoothly and was not fragmented or divided over matters of doctrine or organization. Indeed, the Church could also be used to enhance the prestige of an area, as in the case of Justiniana Prima. It is, therefore, questionable to assume that solely concerns of morality prompted any of these types of laws, given their political contexts.

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<sup>81</sup> *CTh* 16.11.3.

<sup>82</sup> *N 13*, trans. F. Blume, in F. Blume and T. Keerley, *Annotated Justinian Code*, available online at [www.uwyo.edu/lawlib/blume-justinian](http://www.uwyo.edu/lawlib/blume-justinian).

<sup>83</sup> *N 37*, trans. Blume.

While there is no evidence in the laws for increased moralizing legislation prior to Justinian, this may have been caused by one of two factors. Either the emperors were simply not interested in moralizing and did not consider Christian morals as an appropriate basis for imperial law or the evidence of this has disappeared. While there seems to be no evidence of a Christian moralizing tone in laws issued prior to the reign of Justinian,<sup>84</sup> it would be irresponsible to rule out the possibility that the codification of these laws has removed any non-practical aspects of previous emperors' legislation. Certainly, the headings and subscriptions have been "treated with some indifference," and it may be that this hinders our understanding of the constitutions themselves.<sup>85</sup> Beyond this, the "scissors-and paste" method of breaking up the individual laws, as well as the process of selection and emendation for conformity, will have coloured our perception of the legal habits of the pre-Justinianic emperors.<sup>86</sup>

It can be said with certainty, however, that the reign of Justinian marks a watershed in the enmeshment of Christianity and law.<sup>87</sup> In his *Novels*, he constantly references God and discusses the morals and actions which would be pleasing to him. For example, in *Novel* 14 of 535, which discusses pandering and prostitution, he states, "We accordingly ordain that everyone must, as near as possible, live virtuously, which alone can, with confidence, commend the souls of men to God but since humanity is weak, we at least forbid any women to be led into unchastity."<sup>88</sup> Or again in *Novel* 8, where he says, "We spend our days and nights in frequent vigils and cares,

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<sup>84</sup> Clark, *Women in Late Antiquity*, 26.

<sup>85</sup> B.W. Frier, *The Codex of Justinian*, 3 vols (Cambridge, 2016) 1.1xxxvii.

<sup>86</sup> Frier, *Codex* 1, xxxvii, xc.

<sup>87</sup> See J. Beaucamp, "Byzantine Egypt and imperial law," in Bagnall, *Egypt in the Byzantine World, 271-87* on the complexity of provincial law under Justinian. There is ongoing debate on the extent to which imperial law was enforced in Egypt in this period which is well summarized in A.A. Schiller, "The Fate of Imperial Legislation in Late Byzantine Egypt," in J.N. Hazard and W.J. Wagner (eds), *Legal Thought in the United States of America under Contemporary Pressures* (Brussels, 1970) 41-60.

<sup>88</sup> *N* 14, trans. Blume.

deliberating what may be done by us that is useful to our subjects and pleasing to God.”<sup>89</sup> This enmeshment of Christianity and law is perfectly summed up in the opening line of *Novel* 168: “There is nothing greater than God and Justice.”<sup>90</sup> These quotations are only a sample of the numerous references to God and correct Christian behavior present in the *Novels*, but they demonstrate that Justinian has tied God and morality to lawmaking in a manner that was previously unseen.

To balance the impression given by these examples, namely that Justinian’s legislation dealing with women was also prompted entirely by a Christian worldview, *Novel* 2 of 535 deals with a complex inheritance situation involving a mother, her daughter, and the mother’s remarriage. In this *Novel*, God is not referenced even once, and the entirety of the legislation is based upon previous jurisprudence.<sup>91</sup> This situation, however, is one which is based on a long legal tradition and simply required a clarification based on the emperor’s interpretation of existing laws. Thus, a reference to God in order to provide weight to the edict was unnecessary. In the *Novel* 14, on prostitution and pandering, which was just mentioned, Justinian was moving far outside of the legal tradition on these topics. As we saw above, Constantine’s legislation on adultery made no provisions for such women, saying “those who because of their mean status in life are not deemed worthy of the consideration of the laws shall be immune from judicial severity.”<sup>92</sup> In attempting to legislate on prostitution where other emperors had tolerated, legalized, and even taxed it, Justinian’s appeal to God and to Christian morality would have legitimized his ruling on the subject.

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<sup>89</sup> *N* 8, trans. Blume.

<sup>90</sup> *N* 168, preface, trans. Blume.

<sup>91</sup> *N* 2, trans. Blume.

<sup>92</sup> *CTh* 9.7.1.

One particularly fascinating situation is presented in *Novel 22*. In this *Novel*, which is about marriage, divorce, and remarriage, Justinian declares, “For if marriage is a condition so holy as to bring immortality to the human race, perpetually renewing it through the birth of children, God, through his clemency, as far as possible thus granting immortality to our nature, it is proper that we should give much attention to the subject.” Although the *Novel* begins in this way, appealing to a Christian view of marriage, it continues in a trajectory which is in line with the Late Antique legal tradition on marriage. Justinian permits mutual divorce and allows unilateral divorce in only a number of circumstances.<sup>93</sup> Legitimate reasons for unilateral divorce now include one spouse wishing to lead a celibate life, male impotency, captivity, enslavement, and the other spouse having committed a serious crime.<sup>94</sup> Women were now also permitted to divorce an unfaithful husband, because, Justinian says, “it exasperates wives, especially those that are modest, to have their marriage-bed violated.”<sup>95</sup> Not only this, the guidelines on divorce in this *Novel* are considerably more free than those imposed by Constantine who stated that unilateral divorce was only permitted when the other spouse had committed, and was being prosecuted for, a serious crime.<sup>96</sup> Significantly, the fact that a desire to lead a celibate life was now cause for divorce does point to Justinian’s support of monasticism and ascetic lifestyles. Furthermore, the ability of a wife to divorce an unfaithful husband, except under extenuating circumstances, is without precedent in Roman law.<sup>97</sup> This change can be attributed to the increased interest in sexual morality which we have seen is present in Justinian’s laws. Despite condemnation from the Church Fathers, however, divorce continued to be permitted under law but with some Christian-influenced modifications.

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<sup>93</sup> *N 22.3*, trans. Blume.

<sup>94</sup> *N 22.4-14*, trans. Blume.

<sup>95</sup> *N 22.15(1)*, trans. Blume.

<sup>96</sup> *CTh 3.16.1*.

<sup>97</sup> *CJ 5.17.8*.

Thus, there is no direct evidence for a Christian moralizing influence on Late Antique law until Justinian, and any legal changes occurring between Constantine and Justinian which may have affected women's lives cannot be concretely attributed to a Christian moralizing influence. Christian institutions or practices became involved in law because of their largescale presence in the empire, and legislation on either the practical aspects of religion or doctrinal issues was pragmatically focused on preserving the unity of the Church and thus also of the empire. Beyond a doubt, however, Christianity and Christian morals played a role in Justinian's legislation, including his legislation on matters that would have affected women, albeit in a nuanced way. From solely the examples above, it has become apparent that sexual freedom did become curtailed in Justinianic legislation under the guise of morality, but this is balanced by looser laws governing wife-initiated divorce, which seem to stand in contrast to the views of the Church Fathers.<sup>98</sup> To what extent Justinian's legislative reforms can be attributed to his own adherence to or belief in Christianity will never be known. It is sufficient to say that he claimed they were, and even appealed to God for his legal authority.

### *Conclusion*

Thus, my conclusion on the legal status of women in Late Antique Egypt following the rise of Christianity in the Roman Empire is a nuanced one. Since as far back as documentation on women exists in Egypt, their status has been changing and evolving. The Ancient Egyptians gave their women a relatively great deal of independence and autonomy which was only mildly affected by the Greek take-over. Initially, following the Roman conquest of the area, little changed. Traditional

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<sup>98</sup> R.S. Bagnall, *Later Roman Egypt: Society, Religion, Economy, and Administration* (Aldershot, 2003) 41-61 at 46-7 ("Church, State, and Divorce in Late Roman Egypt," 1987<sup>1</sup>); Beaucamp, *Statut*, 1:174-7; 2:139-57.

Graeco-Egyptian laws and customs continued to function under the oversight of a Roman governor until 212. Although Julian referred to his uncle, the first nominally Christian emperor, Constantine, as “an innovator and disturber of ancient laws and of custom received long ago,”<sup>99</sup> legal change had occurred in the provinces long before him, most noticeably following the promulgation of the *Constitutio Antoniniana*. At that point, women became subject to the Roman style of guardianship, but equally so, provincial ideas of marriage and dowries entered Roman law. Adherence to the old Roman concepts of *patria potestas* gradually dwindled away, and marriage arrangements took on new forms before the acceptance of Christianity and before Constantine. Moreover, Constantine’s legislation seems to have expressed a revival of traditional Roman morals which were reflected among even the non-Christian elite of the empire. The use of Christianity as a catalyst for what is seen as moralistic change is a result of enlightenment and post-enlightenment historiography building on Julian’s invective against Constantine. Following Evans Grubbs’s argument, I would suggest that Constantine’s edicts and abrogations were not the result of a Christian moralizing spirit but rather of one that emerged earlier in the third century, which grew alongside Christianity and may even have contributed to Christianity’s general moral programme.

Following Constantine, there is also no clear evidence for a Christian moralizing spirit in the laws of any successive emperor until Justinian. Whether this is because it simply did not exist or because the evidence for its existence was lost in Justinian’s codification process (or even earlier) is unclear. Suffice it to say that with Justinian, the first extant, concrete evidence of Christian morals affecting law emerges. Despite this fact, the legal status of women was not drastically curtailed. To be sure, female sexual agency was virtually unknown, unless the choice

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<sup>99</sup> Amm.Marc. *Res Gest.* 21.10.8. (W. Seyfarth (ed), *Ammianus Marcellinus: Rerum gestarum libri qui supersunt*, Teubner (Leipzig, 1978)).

was to be celibate, but women were permitted to initiate unilateral divorce in more circumstances than previously. Despite his apparent Christian morals, Justinian did not legislate solely according to the teachings of the Church, and thus the resulting laws seem to follow quite naturally in the legal tradition. Therefore, as I have shown, the influence of Christianity on law did not result in a change in the legal position of women at the beginning of Late Antiquity, rather the most marked change in the status of women in Egypt occurred as a result of earlier conquest, enfranchisement, and a third-century spirit of reform which itself furthered the spread of Christianity. Towards the end of Late Antiquity, however, Justinian's moralizing reforms were prompted by Christianity and did have some effect on women's lives. Thus, the influence of Christianity on women's lives through the law was neither as early nor as momentous as some scholars have previously argued. However, since changes to the law do not always accurately reflect reality, it is necessary to now proceed to an examination of documentary evidence in order to balance this idealistic picture with a more realistic account of what was actually happening in legal situations.

## Chapter 2 – The Contractual Evidence

### *Introduction*

While in the previous chapter we discussed the theoretical legal standard, the primary concern of this chapter is the actual functioning of the law at a grassroots level, that is, how women operated in the day-to-day application of the law. In order to see exactly how the law functioned, therefore, we shall look at a variety of legal documents through which we can expect to see how women went about their lives, carrying out transactions, getting married and divorced, having children, running a business, and writing a will. As mentioned in the previous chapter, the reality of legal practice seldom followed the normative prescriptions of the law codes, so this sort of an examination will allow us to see whether or not there was an actual change in women's roles, rights, and responsibilities during and after the rise of Christianity in Egypt.

As a source type, legal documents, most of which are some type of contract, are extremely versatile. They preserve for us an actual interaction between two or more people which is usually spelled out in great detail following an established formula. Many of these contracts are either signed by witnesses or authorized by a notary and deposited in archives, which shows that, even at the time, there was a vested interest in ensuring the veracity of what was contained in these documents. As useful as these documents are, we ought to keep in mind that they only tell us about those individuals who chose to record their transactions. It is worth noting, therefore, that the majority of loans, leases, and sales and indeed also imperial rescripts were concerned with those transactions which involved a considerable sum of money. Small loans or sales may not have been worth the effort or expense of drawing up a contract. Similarly, a marriage certificate may not have

been created if there was no property to which rights needed to be established. The average working woman, therefore, seldom appears in juristic writing since their business was far too insignificant. As mentioned in the General Introduction, it is important to note that the conclusions being drawn on the basis of this documentation can only reflect the reality of those who wrote them and thus, the economic image here is biased towards a wealthier stratum of society.

Nevertheless, since these types of contracts have a long and rich history in Egypt, with evidence reaching as far back as approximately 3100 BCE, it is possible to observe changes across the *longue durée*, despite these limitations. When Egypt was conquered by the Romans, there were three legally recognized population groups in Egypt: Roman citizens, citizens of the autonomous Greek *poleis* (Naukratis, Alexandria, Ptolemais, and Antinoopolis), and Egyptians. Initially, this distinction can be seen in the legal documentation, because only Roman citizens were required to follow Roman legal forms, but, following the edict of Caracalla, there was a gradual blurring of these distinctions, although they are still noticeable in the names of those signing the documents.

Following the Roman take over, an archive system was established in order to streamline taxation. This system and the accompanying bureaucracy influenced changes in the types of contracts being produced, as well as the steps that needed to be taken for a contract to be valid and legally binding. Greek remained the dominant legal language in Egypt during the Late Antique period, with Coptic only emerging as a significant legal language as late as the seventh century and becoming prevalent only in the eighth century.<sup>1</sup> Although Coptic began to be written around 300 CE, the first Coptic contracts only date to around 600, and Coptic did not become a dominant contractual language until after the Arab conquest.<sup>2</sup> Since this study comes to an end with the

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<sup>1</sup> Keenan, *Law and Legal Practice*, 9-12; 27-8.

<sup>2</sup> R.S. Bagnall and K.A. Worp, "Dating the Coptic Legal Documents from Aphrodite," *ZPE 148* (2004) 247-2; T.S. Richter, "Greek, Coptic and the 'Language of the Hijra:' The Rise and Decline of the Coptic language in Late Antique

Arab conquest, Coptic sources appear only infrequently in this chapter, and will be returned to in the following chapter.<sup>3</sup> For the time being then, we shall primarily focus on Demotic and Greek documents.<sup>4</sup>

This chapter will be divided into two sections, one on Demotic contracts and one on Greek contracts. Beginning with the Demotic contracts, I shall discuss marriage and divorce, and then turn to contracts which deal solely with the transfer of property, namely, bills of sale, leases, and wills. Although the use of Demotic contracts is temporally quite far removed from the period in

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and Medieval Egypt,” in H. Cotton et al. (eds), *From Hellenism to Islam: Cultural and Linguistic Change in the Roman Near East* (Cambridge, 2009) 403-14; J.-L. Fournet, “The Multilingual environment of Late Antique Egypt: Latin, Greek, Coptic, and Persian Documentation,” in R.S. Bagnall (ed), *Oxford Handbook of Papyrology*, 418-51; “Sur les premiers documents juridiques coptes,” in A. Boud’hors and C. Louis (eds), *Actes des 13<sup>e</sup> Journées coptes de Marseille* (Paris, 2010) 125-37; R.S. Bagnall, *Everyday Writing* (Berkeley, 2011) 75-94; H. Förster, J-L Fournet, T.S. Richter “Une misthosis copte d’Aphrodite (*P.Lond. inv.* 2849): le plus ancien acte notarié en copte?” *APF* 58.2 (2012), 344-59; Keenan, *Law and Legal Practice*, 96; J.-L. Fournet, “Sur les premiers documents juridiques coptes (2) : Les archives de Phoibammon et de Kollouthos,” in A. Boud’hors and C. Louis (eds), *Actes des 16<sup>e</sup> Journées coptes de Genève* (Geneva, 2013) 115-41; J.-L. Fournet, “Sur les premiers documents juridiques coptes (3) : Les « archives » d’Apa Abraham,” in A. Boud’hors and C. Louis (eds), *Actes des 17<sup>e</sup> Journées coptes de Lisbonne* (Lisbon, 2015) 199-226. There is some debate about the precise date of the first extant Coptic contract. Fournet proposes that *P.Lond. inv.* 2849 dates to 580-590 and is therefore the earliest “semi-judicial” Coptic document; this date will likely continue to be revised as our dating abilities become more precise and as more papyri are discovered. Even this document, however, is bilingual (Greek/Coptic), as is the earliest known Coptic contract, *CPR IV 90* (Hermopolite, 596), a bill of sale. It is thus possible to see a neat transition from a period in which the contractual language was Greek, to a transitional bilingual period, and then to a period in which Coptic was used on its own.

<sup>3</sup> For general orientation on Coptic women’s lives in documentary sources see Wilfong, *Women of Jeme*. See Keenan, *Law and Legal Practice* for discussions on the continuity between Greek and Coptic documents and on Arab influence in Coptic documents and J. Urbanik, “A Priestly Divorce in the Seventh Century Palestine: Various Legal Orders at Work (The Case of *P.Ness. III 57, A689*) in Z. Sluzewska and J. Urbanik (eds), *Marriage: Ideal, Law, Practice: Proceedings of a Conference Held in Memory of Henryk Kupiszewski* (Warsaw, 2005) 199-218 for the continuity of divorce in Christian communities after the Arab conquest. A. Papaconstantinou (ed), *The Multilingual Experience in Egypt, from the Ptolemies to the Abbasids* (Surrey, 2010) contains a variety of studies on Greek-Coptic bilingualism in documentary papyri. Furthermore, after the Arab conquest, a new political entity exercised influence over the area and, as a result, Coptic gradually fell out of use. Even before that, however, Arabic-style legal documents were being drawn up in Coptic. This can be seen in two very late Coptic marriage agreements which were written by a fiancée to her prospective father-in-law in the Arabic style. These marriage agreements emphasize that the legal norms of the dominant political entity would still have had far more to do with the legal structure of marriage contracts and other legal documents than the influence of the Church, however great it may have been. See Keenan, *Law and Legal Practice*, 91 for discussion on these marriage contracts.

<sup>4</sup> The timing of this shift in dominant legal and contractual language compared to literary or epistolary language seems significant and will be discussed in Chapter Three.

which early Christianity flourished, their inclusion is nonetheless important because they illustrate the underlying Egyptian culture and social understanding of contracts. This means, however, that greater space will be devoted to the Greek contracts than to the Demotic, since they span the majority of our period of interest. Moving on to the Greek sources, I shall again begin by discussing marriage and divorce, and then turn to sales, leases, and wills. In conclusion, I shall highlight some of the differences which emerge in the course of these discussions, focusing particularly on the issue of guardianship. Thus, through an examination of marriage contracts, divorce documents, wills, loans, and bills of sale, I shall investigate the part played by women in legal documentation in order to determine whether the expansion of Christianity in the Roman empire significantly affected or altered the status or role of women in the public sphere.

### *Demotic Contracts*

Demotic was the dominant language in Egypt by the fifth century BCE. Although Greek eventually became the dominant administrative language under the Ptolemies, Demotic remained a popular contractual language, thus beginning the serially bilingual society that would characterize Egypt for centuries to come.<sup>5</sup> For instance, certain contracts from the Ptolemaic period were written in Demotic but registered with the state in Greek. In *P.Brit.Mus.* 262, which dates to 11, the contract is a bill of sale and cession document to which the seller has subscribed in Greek and the buyer in

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<sup>5</sup> Keenan, *Law and Legal Practice*, 96. See P. Fewster, "Bilingualism in Roman Egypt," in J.N. Adams, M. Janse, and S. Swain (eds), *Bilingualism in Ancient Society: Language Contact and the Written Text* (Oxford, 2002) 220-45; S. Torallas Tovar, "Linguistic Identity in Graeco-Roman Egypt," in A. Papaconstaninou, *Multilingual Experience*, 17-43; S. Torallas Tovar and M. Vierros, "Languages, Scripts, Literature, and Bridges Between Cultures," in Vandorpe, *Companion*, 483-99. See also A. Papaconstaninou, "Introduction" in A. Papaconstaninou, *Multilingual Experience* for an overview on serial bilingualism in Egypt. Although much of the discussion in the rest of the volume applies to Greek/Coptic bilingualism, this introduction is useful for understanding the complexities of a bilingual society through the sources.

Demotic. This completely bilingual document was then registered in Greek. Similarly, other contracts which will be discussed below were written in one language and then subscribed in the other. Thus, it becomes apparent that Egypt was functionally bilingual at the level of personal contractual interaction, but that the state preferred to conduct its own administration in Greek.<sup>6</sup>

Although bilingual Demotic-Greek documents continue to be written after the end of purely Demotic ones, these too disappear by about the beginning of the second century. Keenan argues that this gradual disappearance of Demotic is evidence that the Romans did not forbid either Demotic or traditional Egyptian legal forms, rather that they continued to be recognized.<sup>7</sup> Because of this gradual change in attitude toward legal practice in Egypt, it is necessary to also examine contracts written in Demotic in order to understand the ongoing juridical culture during the Roman period.

## **Marriage and Divorce**

We turn first toward a contract type which automatically contained women in some way: marriage contracts. As mentioned in the previous chapter, in neither the Egyptian nor the Greek legal tradition was a contract required for a marriage to be valid, and in many cases Demotic marriage contracts seem to have been written well after the wedding, sometimes even after the birth of children. As a result, two different Demotic marriage contract styles are attested, depending on the timing and the financial exchange which had occurred.<sup>8</sup> Regardless of their form, these contracts

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<sup>6</sup> *P. Brit. Mus.* 262 on which Keenan, *Law and Legal Practice*, 111-15.

<sup>7</sup> Bagnall, *Egypt*, 237; N. Lewis, "The Demise of the Demotic Document: When and Why" *JEA* 79 (1993) 276-81; Keenan, *Law and Legal Practice*, 96-101.

<sup>8</sup> C. Préaux, "Le statut de la femme à l'époque hellénistique, principalement en Égypte," *Recueils de la Société Jean Bodin* XI (1959) 127-75; Pestman, *Marriage and Matrimonial Property*, 13; Manning, "Demotic Law," 836; Yiftach-

were drawn up to ensure that the wife was provided for during and after the marriage, and that children from the union would be provided some share in their father's property. Basically, they protected the wife and children's financial rights both during and after the marriage.

Unlike in later Greek contracts, the Demotic marriage contract do not outline the reciprocal duties of the spouses. Rather, they outline the financial exchanges that have occurred, the ongoing financial responsibilities of the husband, and the rights of the wife and children. In *P.Louvre* 2433, another Demotic contract which was registered in Greek, the husband sets out a yearly allowance for his wife: "...this is the total of your food and clothing and your spending money yearly. You are entitled to the arrears of your food and clothing and your spending money that are my obligation and I will give it to you." He goes on to state: "Your eldest son <who is> my eldest son, is the owner of everything that belongs to me..."<sup>9</sup> Thus, these were practical, financial contracts, which lacked any religious mention or of the behaviour of the couple beyond the financial.<sup>10</sup>

Similarly, these marriage contracts also provide for divorce. Seneca paints a dire picture of Roman marriages in the early empire when he suggests that the women of the period counted their age not by the consuls, but by their husbands.<sup>11</sup> As we saw in the previous chapter, the legal picture was not nearly so dire, and in fact the reality was far less so. Nevertheless, it remains true that divorce was accepted in Egyptian, Greek, and Roman custom. In traditional Roman law, a marriage was created by the simple agreement of two parties and dissolved by the absence of that agreement, and traditional Graeco-Egyptian divorce occurred in much the same way. Keenan

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Firanko, *Marriage*; Keenan, *Law and Legal Practice*, 149-54; Children had already been produced in 16% of cases, Smith, "Marriage and the Family," 49.

<sup>9</sup> *P.Louvre* 2433, trans. Keenan, *Law and Legal Practice*, 150-1.

<sup>10</sup> For a detailed discussion of Demotic marriage contracts see Pestman, *Marriage and Matrimonial Property* and Smith, "Marriage and the Family," as mentioned in the previous chapter.

<sup>11</sup> Sen. *Ben.* 3.16.2

surmises that “in the majority of cases, the ends of marriages, just like their beginnings, were simply not recorded”<sup>12</sup> This idea is supported by the fact that papyri do not make a fuss about divorce; it is simply mentioned in a matter-of-fact manner. Furthermore, that provisions were made for divorce in the marriage contracts, suggests divorce was seen as a normal and acceptable and perhaps even inevitable end to marriage.

Demotic divorce documents are rare, but marriage documents outlined the financial repercussions of divorce either explicitly or implicitly. In the marriage contract seen above, the husband states: “If I divorce you, whether because I hate you or because I want another woman, I will pay you 20 *deben*...”<sup>13</sup> Interestingly, the possibility of the wife divorcing her husband is not acknowledged here, but as we saw in the previous chapter, women were indeed able to initiate unilateral divorce. The contract discussed there states “on the day that I (i.e. the husband) shall repudiate you or that you want to go yourself,” thus indicating that the wife was also able to leave the marriage if she so wished.<sup>14</sup> The wording in these clauses shows that, unlike the situation towards the end of Late Antiquity, divorce was freely available to both men and women who desired it and was not reserved only for special circumstances.

Some Demotic divorce documents do survive, however. Smith recognizes ten extant documents which date to between 542 and 100 BCE. These documents record that the husband has either left his wife or sent her away, but they do not discuss the financial settlements which would have taken place. This is perfectly logical since all the financial details would have been covered in the earlier marriage contract. On the basis of *P.Phil. II* from 281 BCE, Smith argues that divorce documents were legal statements meant to protect the woman from the future

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<sup>12</sup> Keenan, *Law and Legal Practice*, 155.

<sup>13</sup> *P.Louvre* 2433, trans. Keenan, *Law and Legal Practice*, 150-1.

<sup>14</sup> *P.Hausw.* 6.

interference of her former husband, especially if she wanted to re-marry. A similar conclusion can be drawn from a divorce agreement from the Dryton archive. In it, Dryton's granddaughter is divorced from her husband with the words: "I have repudiated you as wife... I am the one who says to you: 'take yourself a husband.' I will not be able to stand in your way in any place to which you wish to go to take yourself a husband. If I find you together with any man in the world I will only be able to say to you: 'you are not my wife' from this day on and afterwards, forever."<sup>15</sup> Smith goes on to suggest that the low number of surviving divorce documents supports the claim that divorce documents were used to establish the status of the wife, but only in the case that the woman had reason to distrust her former husband. Unfortunately, as compelling as the argument is, the scarcity of sources on this topic prevents a firm conclusion.<sup>16</sup>

### **Loans, Sales, Leases, and Wills**

Turning to another category of Demotic contracts, namely loans, leases, and sales, we continue to see female involvement. No guardianship of females existed in Egyptian law, so women were free to enter into contracts as they pleased.<sup>17</sup> Although sales documents signed by women seem to be scarcer, likely as a result of preservation issues, we do see a type of family contract in which a man contracts the sale of a piece of property with his wife and/or mother's agreement. In such contracts, the woman says, "write and do everything that is written above. My heart is satisfied with it." In

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<sup>15</sup> *P. Dryton* 8, trans. Keenan, *Law and Legal Practice*, 109-10.

<sup>16</sup> See also *P.Phil.* II: "Take for yourself a husband; I will not be able to stand before you in any place into which you will go to make for yourself a husband;" Smith, "Marriage and the Family," 54-5; Keenan, *Law and Legal Practice*, 101-10.

<sup>17</sup> P.W. Pestman, "Appearance and Reality in Written Contracts: Evidence from Bilingual Family Archives," in Geller, and Maehler, *Legal Documents*, 79-87 at 83.

these documents, then, the wives have a claim to the property which their husbands are selling or establishing as a guarantee for a loan. How exactly this claim functioned is not clear.<sup>18</sup>

Such quitclaims were not only subscribed by women, however, as can be seen in *P.Dem.Gieben 2*. In it a woman sells a portion of a winery and here the sale is approved by her father, her husband, and another person. It is notable here that there is no mention of either of these men acting as guardian; the woman contracts the sale on her own. Rather the men simply subscribe a quitclaim in which they “set free...a quarter of everything mentioned above from every document, every title deed, everything on earth.”<sup>19</sup> This suggests that this clause was the standard way to ensure that property being sold was free of any other claim, regardless of the gender of the claimant. Women were, therefore, not simply playing a supporting role when they subscribed quitclaims, rather they were following the normal legal custom which applied equally to both genders.

Similarly, some Demotic loans contain quitclaims in which a third person, usually a woman, consented to the contract. It seems likely that the woman needed to assent because she was assuming the role of guarantor or co-debtor or because the transaction involved family property, and because as wife, she had some claim on the property of her husband, if not personally, then through her children as we saw above. One such document, a mortgage from 284 BCE, contains a rather long renunciation of claims by the wife: “Accept (the document) from Pelehu... mentioned above, for the house mentioned above to cause him to do according to everything above. My heart is satisfied with it, (even though) I have a claim on him ... I have

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<sup>18</sup> *P.Brit.Mus.Glanville 10525; P.Tsenhor 15; P.Teos 12; P.Brit.Mus. 262*; on which topic see also Keenan, *Law and Legal Practice*, 276-94.

<sup>19</sup> *P.Dem.Gieben 2*, trans. K. Vandorpe and W. Clarysse, “A Greek Winery for Sale,” in A.M.F.W. Verhoogt and S.P. Vleeming (eds), *The Two Faces of Greco-Roman Egypt: Greek and Demotic and Greek-Demotic Texts and Studies Presented to P.W. Pestman* (Leiden, 1998); see pages 127-39 for a detailed discussion.

renounced in your favour your house mentioned here...”<sup>20</sup> Since, clearly, wives had claim on their husband’s property as we saw in the marriage contracts, their agreement was therefore required to dispose of any significant portion thereof.

When it came to inheritances, daughters in Ancient Egypt also had a strong position. In the case of intestate succession in Egyptian law, the oldest son usually inherited a double portion, with the remaining children inheriting equal portions regardless of their gender. While in theory this custom could be altered by the writing of a will, Egyptian law did not recognize an individual document or contract type expressly for this purpose. A deed of sale which for whatever reason did not come into effect until the seller’s death could instead be used to transfer property. Pestman discusses one such gift, written in a form of a sales document a day before the man’s death, which then functioned as a type of will after the seller’s death. Because of the rarity of these types of documents, little can be said with any certainty about the place of women in either their composition or execution. What can be said is that women commonly inherited property from their parents at the same rate as younger siblings.<sup>21</sup>

In Demotic contracts, therefore, it appears that women did have a great deal of freedom. They brought property to a marriage and could divorce at will. They could own their own property and carry out large transactions independently. If they had a claim to property, either personally or through their children, their approval was necessary for their husbands to dispose of or jeopardize that property. In the Ptolemaic period, women commonly conducted their own affairs through guardians, who could be either a consanguineous relative or their husband, but as we saw

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<sup>20</sup> *P. Brit. Mus. Glanville 10525*, trans. Keenan, *Law and Legal Practice*, 287-9.

<sup>21</sup> Pestman, *Marriage and Matrimonial Property*, 79-80; W. Clarysse, “Ptolemaic Wills,” in Geller and Maehler, *Legal Documents*, 88-105; Keenan, *Law and Legal Practice*, 202-13. For an edited collection of Ptolemaic wills, see *P. Petrie I* which contains more than fifty such wills.

above, they could also function without the support of their guardian according to Egyptian tradition. It seems then, that the Egyptians, including the women, enjoyed a great deal of legal independence, personal responsibility, and agency which functioned primarily within the immediate family unit. This certainly changes with both Greek and Roman influences.

### *Greek Contracts*

The period covered by Greek documents in Egypt is a long and diverse one. Beginning in the Ptolemaic period and continuing until after the Arab conquest, Greek documents reflect a number of geo-political changes. Although some documents from this period can be found in Demotic, Latin, or Coptic, the majority of the private legal documents were written in Greek, especially during the fourth, fifth, and most of the sixth century. After the Greek conquest of Egypt, documents often contained some Greek and gradually became more and more bilingual until, in the Roman period, the Greek eventually edged out the Demotic entirely. Although Latin was introduced into Egypt after the Roman conquest, Greek remained the dominant legal language. The use of Latin would have been necessary in certain military or complex legal situations, but for the most part, the average inhabitant of Roman Egypt could have conducted any and all necessary business in Greek.<sup>22</sup>

Two major changes that occurred during the period of Greek language dominance were the Roman conquest and the subsequent adoption of Roman legal and contractual forms following the

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<sup>22</sup> One example of this is *CIL XVI 122*, a military diploma in Latin from 166 which gave veterans the right to marry their previously common-law wives according to Roman law, provided that the union was monogamous; on which see Keenan, *Law and Legal Practice*, 126-8. See n.120 for studies on bilingualism in Egypt, as well as M. Depauw, "Language Use, Literacy, and Bilingualism," in C. Riggs (ed), *The Oxford Handbook of Roman Egypt* (Oxford, 2012) 493-506. For the evolution of legal documentation by language see U. Yiftach and K. Vandorpe, "Immigration, Globalization, and the Impact on Private Law: The Case of Legal Documents," in Vandorpe, *Companion*, 179-198.

*Constitutio Antoniniana* in 212. Although the Romans allowed non-citizens to follow their own legal customs, they required all Roman citizens to follow Roman law. This fact resulted in an influx of new citizens attempting to follow the Roman system of guardianship or write a will according to the Roman formula. Greek copies of Latin originals also hint at the gradual popularization of Roman legal forms following the *Constitutio Antoniniana*.<sup>23</sup> While these documents changed form or language to conform to preferences of the prevailing political power, in practice the contents remained much the same, harking back to earlier styles or traditions. Even so called “Christian” documents undeniably have their roots in earlier Greek or Roman contracts.

### **Marriage and Divorce**

One of the earliest and most famous Graeco-Egyptian marriage documents is *P.Eleph. 1* which was written around 310 BCE.<sup>24</sup> It is quite different from the earlier Demotic versions of marriage contracts that were discussed above. This document records that the husband had received the bride and her dowry and lays out the reciprocal duties of the spouses, namely for the husband, Herakleides, to supply his wife, Demetria, with “all that is proper for a freeborn wife” and to not take another wife or have children by another woman. In return, Demetria agrees to live with her husband wheresoever he and her father agreed would be best and to be faithful to him, that is, to “not do any evil to the shame of her husband.” The penalty for breaking this agreement was equal to the wife’s dowry, 1,000 drachmas.<sup>25</sup> This style of contract, which continued to be popular in Egypt, is heavily based on Athenian contracts, with one major exception. In Athenian contracts,

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<sup>23</sup> Bagnall, *Egypt in Late Antiquity*, 233-4 on thirteen documents that were or contained Greek translations of legal documents from Latin originals; Keenan, *Law and Legal Practice*, 118-21.

<sup>24</sup> Also, the earliest extant Greek papyrus from Egypt.

<sup>25</sup> *P.Eleph. 1*, trans. Rowlandson, *Women and Society*, 123.

the marriage was contracted by the bride's father and her groom, but in Egypt women could also be the contracting parties.<sup>26</sup> It is different from the earlier Demotic contract in that it does not make any reference to divorce or to the maintenance of the wife and children after a marriage is dissolved.<sup>27</sup>

A later marriage contract from 13 BCE also discusses the reciprocal duties of the husband and wife. The husband, Apollonios, was required to “furnish [his wife with] all necessities and clothing in proportion to his means and not ill-treat her nor cast her out nor insult her nor bring in another wife.” In turn, Thermion, the wife, was obligated to “fulfill her duties toward her husband and their common life, [...to] not absent herself from the house for a day or a night without the consent of Apollonios [...] nor dishonour or injure their common home nor consort with another man.” The contract notes that if the husband did not fulfill his obligations to his wife, he would “straightaway forfeit the dowry, increased by half,” and, in turn, the wife would be “deprived of the dowry” if she did not uphold her portion of the agreement. Unilateral divorce, however, was not provided for in this document.<sup>28</sup>

After 212, the papyrological evidence shows that Roman law came to have a presence in family life in Egypt. Marriage contracts were usually still written in Greek, but now began to follow the Roman style. Interestingly, third-century Roman lawmakers and legal experts were

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<sup>26</sup> Yiftach-Firanko, *Marriage and Marital Arrangements*, 43; Pomeroy, *Women in Hellenistic Egypt* (New York, 1983) 89-91 who disagrees and only speaks of Greek law proper even in an Egyptian context. On marriage generally, see J. Méléze Modrezejewski, “Le Mariage et la condition de la femme mariée dans l'Égypte grecque et romaine,” in *Annuaire de l'École Pratique des Hautes Études* (1981) 299-316; I. Arnaoutoglou, “Marital Disputes in Greco-Roman Egypt,” *JJP* 25 (1995) 11-28; Beaucamp, *Statut*, 1:92-106, 239-5; 2:105-38; Arjava, *Women in Law*, 111-56; Clark, *Women in Late Antiquity*, 6-17; J. Urbanik, “Dissolubility and indissolubility of marriage in the Greek and Roman Tradition,” in Z. Benincasa and J. Urbanik (eds), *Mater Familias: Scritti Romanistici per Maria Zablocka* (Warsaw, 2016) 1039-68.

<sup>27</sup> See Yiftach-Firanko, *Marriage and Marital Arrangements*, for Greek marriage in Egypt from the fourth century BCE to the fourth century CE.

<sup>28</sup> *BGU IV 1052*, trans. Keenan, *Law and Legal Practice*, 151-52.

united in their desire not to give a husband any irreversible legal power over his wife, and as such the wife was expected to have a consanguineous *tutor* to assist her in legal matters. In local tradition, especially in Egypt, husbands were often chosen as *tutores* even after 212, likely since this was common under the Greek system of guardianship. According to the Romans, the practical purpose for keeping a wife from using her husband as a *tutor* was to ensure that the husband was unable to take advantage of his wife's finances, regardless of what other influence he may have had over her. The continuation of this practice can be seen in some of the sources discussed below, where reference is made to both the husband and the wife's individual finances.<sup>29</sup>

Some Late Antique marriage documents continue to follow a similar Greek pattern of outlining reciprocal duties. Arjava notes that this type of document is unattested in the Roman period but seems to return in the Byzantine period.<sup>30</sup> A marriage contract of this type from the archive of Dioscorus which dates to between 566 and 573 sets out the duties and expectations of both the husband and the wife and also includes financial repercussions in the event that the conditions are not adhered to. The wife agrees to be a full-time house-keeper, to love her husband, to be obedient to him, and to not be unfaithful. In return, her husband promises to support his wife, to clothe her according to his means, to not take another wife, and to not divorce his wife or be unfaithful himself unless provoked by her unfaithfulness or shameful behaviour. He also promises to not invite his friends home or have a party if she is opposed to it. Thus, although this contract is more detailed than the one above, there is continuity in content.<sup>31</sup>

However, this contract also demonstrates deviance from the traditional Greek forms. Rather than containing only the pertinent legal and financial information, this document also

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<sup>29</sup> Arjava, *Women and Law*, 143-9. Guardianship will be covered in more detail in a following section.

<sup>30</sup> Arjava, *Women and Law*, 186.

<sup>31</sup> *P. Cair. Masp.* III 67310 + *P. Lond.* V 1711, trans. Rowlandson, *Women and Society*, 155.

includes references to Christian morality, including a mention of God's will and the bride's virginity: "I joined myself to your propriety by a giving in legal marriage, based on sound expectations, if God should think it best, also for the procreation of legitimate children; and, having found your sacred and secure virginity, I have proclaimed it."<sup>32</sup> The resulting contract does appear quite different than the traditional Greek or Roman contracts which do not contain these religious elements. Nevertheless, the marriage agreement which it contains has not fundamentally changed since the first century. The inclusion of Christianity into daily life did not change the nature of the relationship between husband and wife, only the form of the contract which enshrined it.

One point which has been raised as a challenge to this conclusion is the concept of obedience or wifely submission. In sixth-century marriage contracts, it was common for the bride to promise to be submissive to her husband and to love and obey him. Arjava keenly broaches the question whether the emphasis on wifely subordination increased in Late Antiquity, noting that "Greeks and Romans had always accepted wifely subordination as an integral part of a well-ordered family." He concludes that while that ideal may have been expressed with slightly more force in Late Antiquity, it was reminiscent of early Greek writings. While in the Late Antique contract just mentioned, the wife did indeed promise to obey her husband, in comparison to the first-century contract, this is not a significant change. The bride in that contract promised not to leave the house without her husband's consent. Thus, Christianity seems to have made little difference here as well. While male dominance and female subservience were clearly thought to be important by the Church Fathers, they never claimed to be introducing a new concept and there

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<sup>32</sup> *P. Cair. Masp.* III 67310, trans. Rowlandson, *Women and Society*, 155.

is no indication in marriage contracts that Christian women were any more submissive to their husbands than non-Christian women were previously.<sup>33</sup>

Moving on to divorce in Greek documentation, we also find evidence for continuity with pre-Christian Egypt. Although there are only about fifty extant deeds dealing directly with divorce, we can learn about divorce from a variety of sources: the divorce provisions within marriage contracts, census documents, and records of the repayment of the dowry and marital gifts.<sup>34</sup> Scholars agree that in the Ptolemaic period, divorce was an informal act, just as marriage was; nothing more was required for a divorce than “the actual interruption of joint life by one of the spouses.”<sup>35</sup> Yiftach-Firanko notes, however, that the practicalities of divorce were somewhat more nuanced. As we saw above, it was common for marriage contracts of this period to contain some sort of clause in which the wife promised, on pain of losing her dowry, to not stay out of her marital home without her husband’s consent. This created a practical conundrum for a woman who wished to initiate a divorce. If she stayed with her husband while initiating the divorce, she would likely have faced some repercussions, but, if she left her husband to begin divorce proceedings and to attempt to recover her dowry, she could lose her dowry according to the terms of the marriage contract. Thus, in theory, a divorce was extraordinarily easy to come by, but in practical terms, women were at a serious disadvantage if they wanted to maintain any level of financial security whatsoever after the divorce.<sup>36</sup>

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<sup>33</sup> Much as the older Anglican or Roman Catholic vows promised to love, honour, and obey. Beaucamp, *Statut*, 2:321-324; Arjava, *Women and Law*, 129-33.

<sup>34</sup> Keenan, *Law and Legal Practice*, 155-7.

<sup>35</sup> Yiftach-Firanko, *Marriage and Marital Arrangements*, 197.

<sup>36</sup> H.J. Wolff, *Written and Unwritten Marriages in Hellenistic and Post-Classical Roman Law* (Haverford, PA, 1939); Taubenschlag, *Law of Greco-Roman Egypt*, 121-2; R.S. Bagnall, “Church, State, and Divorce; Arjava, “Divorce in Later Roman Law,” 5-21; S. Treggiari, “Divorce Roman Style,” in B. Rawson (ed), *Marriage, Divorce, and Children in Ancient Rome* (Oxford, 1991) 31-46; D.C. Barker, “The Place of Residence of a Divorced Wife in Roman Egypt,” in B. Kramer (ed), *Akten des XXI. Internationalen Papyrologenkongressess 1* (Stuttgart, 1997) 59-66; Yiftach-Firanko,

Under classical Roman law, divorce was theoretically also freely permitted and could be initiated by either spouse.<sup>37</sup> Divorce procedures were laid out in Roman law, so a Demotic style marriage contract which provided for the upkeep of the wife and detailed the financial responsibilities after marriage was no longer necessary.<sup>38</sup> As we saw above, however, marriage contracts often contained a set of obligations for both spouses. In the event that one spouse failed to meet their obligations, financial penalties were set, often relating in some way to the dowry. While this is not explicitly connected to the act of divorce, Yiftach-Firanko argues that “we may, however, well assume that this was meant to be the case, for the dowry, which formed the financial backbone of the union, would cease to exist after such a procedure. It seems equally improbable that spouses would maintain their joint life, if one should unmask the dubious morality of the other.”<sup>39</sup> Therefore, it appears that even in a Late Antique, Christian setting the “dissolution of marriage was always contemplated at its formation.”<sup>40</sup>

Although it seems likely that in the Late Antiquity the majority of divorces, like the majority of marriages, were simply not recorded, the number of extant documents that refer to it suggests that at least in Egypt it remained a common and accepted facet of normal life. Arjava notes that the many marriage contracts, divorce agreements, and other documents “attest a continuing practice of divorce among all classes from Hellenistic to Byzantine times.” Similarly,

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*Marriage and Marital Arrangements*, 197-207; M. Malouta, “Families, Households, and Children,” in Riggs, *Oxford Handbook of Roman Egypt*, 288-304.

<sup>37</sup> Treggiari, “Divorce Roman Style,” 31-46; J. Evans Grubbss, *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce, and Widowhood* (London, 2002)187-218; Beaucamp, *Statut*, 1:256-61.

<sup>38</sup> This illustrates a fundamental difference between the Greek and Roman systems of familial connection, namely their emphasis of blood relationships over marital ones. A Roman woman was expected to be able to look to her dowry or to her consanguineous relatives for support, while a Graeco-Egyptian woman was theoretically dependant on her ex-husband’s financial support. In the same way Roman law required a woman to have, if possible, a consanguineous guardian rather than allowing her husband to be her guardian.

<sup>39</sup> Yiftach-Firanko, *Marriage and Marital Arrangements*, 198.

<sup>40</sup> Keenan, *Law and Legal Practice*, 155.

Keenan states that “on the assumption that separation of the spouses was normal among ordinary people, it may not be so far from the truth that divorce was just the anticipated compliment of marriage.” If this is indeed the case, it is unclear whether Keenan believes that this phenomenon continued into Late Antiquity or whether it was affected in some way by the rising popularity of Christianity, as many believe it to have been.<sup>41</sup>

One quintessential example of a divorce document can be found in *P.Stras.* III 142 from 391. In this document, a woman, assisted by her mother, settles a divorce and renounces any claim against her former husband. In the spirit of mutual divorce, neither party is blamed for the separation, instead an evil demon is deemed culpable. This document also bears a distinct resemblance to the Demotic divorce document mentioned above (*P.Phil.* II). Both were written in order to establish that the other party was free to contract another marriage if he or she so wished. This contract further notes that the woman denies any claim against the finances of her former husband. This is to be expected, since a Greek woman could rely on her returned dowry in the case of mutual divorce, whereas an Egyptian woman could expect to receive financial support from her former husband.<sup>42</sup>

In looking at divorce, we also have an opportunity to touch on one of the persistent questions of juristic papyrology, namely whether or not regional practice actually followed the prescriptions of imperial law. In the previous chapter we discussed the motivation behind the promulgation of edicts regulating divorce, but we reserved judgement on whether these edicts

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<sup>41</sup> Treggiari, “Divorce Roman Style,” 40-1; Arjava, *Women and Law*, 184-85; Keenan, *Law and Legal Practice*, 156-7.

<sup>42</sup> *P.Stras.* III 142, trans. Evans Grubbs, *Women and the Law*, 215; Keenan, *Law and Legal Practice*, 165-6 who notes that while blaming an “evil daemon” for the divorce does indeed seem Christian and does occur repeatedly in later Christian documents, the first extant attestation of a demon as a cause for divorce is in *P.Grenf.* II 76, a divorce settlement dating to 305-6 CE between Soulis and Senpsais, who are apparently “two probably pagan gravediggers.” Thus, this cannot be securely described as a Christian influence.

effected any real change in the behaviour of the Empire's inhabitants. Taubenschlag and scholars before him have argued that Justinian's law was widely and effectively enforced in Late Antique Egypt.<sup>43</sup> This consensus was radically challenged in the 1970s by Schiller who stated that "the contemporaneous legislation emanating from Constantinople had no impact on the current law in Egypt."<sup>44</sup> More recently Beaucamp has clarified the situation somewhat by examining newly discovered documentary evidence. She concludes that contemporary imperial legislation did indeed have some effect on Egypt, just as it did in any other Roman province. She cautions, however, that the effect of imperial legislation was not uniform across all areas of the Egyptian juridical system.<sup>45</sup>

Despite ongoing legislation, which itself indicates the reoccurring relevance of the issue to lawmakers, there is no evidence for the efficacy of imperial legislation in discouraging divorce. Here, in fact, literary writings can effectively shed some light. The Church fathers would not have found it necessary to write *ad nauseum* about the evils of divorce, if it had been rare or exceptional. Instead, one bishop complained that men were "changing wives like clothes," merely on a whim.<sup>46</sup> As we saw above, Constantine made unilateral divorce all but illegal but continued to acknowledge that divorces settled in contravention to the law were still binding. This suggests that while he may have viewed rampant divorce rates as an issue, he also realized that nullifying illegal divorces would have created widespread legal issues such as what to do with a subsequent marriage, children, and so forth. It does not seem that this divorce legislation was accompanied by a loss of female agency, which is oftentimes thought to be characteristic of early Christianity, first because

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<sup>43</sup> R. Taubenschlag, "The Legislation of Justinian in Light of the Papyri," *Byzantion* 15 (1940) 280-95.

<sup>44</sup> Schiller, "Fate of Imperial Legislation," 41-60.

<sup>45</sup> Harries, *Law and Empire*, 82-8; Beaucamp "Byzantine Egypt and Imperial Law".

<sup>46</sup> Chrys. *lib. repud.* 1 (PG 51.219)

the legislation itself does not seem to have been widely effective and second because, so far, we have seen no measurable constriction of female freedom in documentary sources.<sup>47</sup>

Census documents can also shed some light on diverse family structures. One such document from c. 208 details a fascinating family consisting of a man, with multiple ex-wives and several children from these different mothers. At least one of the former wives had re-married, had other children with her new spouse, and then divorced yet again.<sup>48</sup> Furthermore, there is evidence for the continuation of complex familial structures as in the archives of Aurelius Isidorus and of Aurelia Tetoueis both from the town of Karanis and dating to the fourth century. From these archives half-aunts and twice married women emerge to demonstrate that the Christian ideal of the sanctity of marriage had clearly not become the reality.<sup>49</sup>

The sixth-century marriage contract examined in the previous section also demonstrates that even at this time, divorce remained an option for Christian couples. In the contract, the husband addressed his wife, saying, “but if it should happen that I at some point in time disdain you in the above-proclaimed manner or cast you out without reasonable cause as above written, I [am ready to furnish you with] 18 *solidi*.”<sup>50</sup> This, therefore, suggests that the husband could cast out his wife without cause, provided that he was willing to pay the specified penalty. If the wife broke the terms of the marriage contract, she was liable for the same penalty of eighteen *solidi*, but there is no mention of her casting her husband out or of her leaving him, perhaps suggesting a

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<sup>47</sup>Arjava, *Women and Law*, 180. Illegal divorces were still valid until Justinian; Keenan, *Law and Legal Practice*, 159-75. On divorce in Late Antique Law, see Treggiari, “Divorce Roman Style,” 31-46; Beaucamp, *Statut* 1:256-60; 2:139-57; Clark, *Women in Late Antiquity*, 17-27; Arjava, *Women and Law*, 177-92, Evans Grubbs, *Law and Family*.

<sup>48</sup> SB XXIV 15987; Keenan, *Law and Legal Practice*, 156-7.

<sup>49</sup> N. Lewis, “A Centurion’s Will Linking Two of the Fourth Century Karanis Archives,” in E. Kießling and H.A. Rupprecht (eds), *Akten des XIII. Internationalen Papyrologenkongressess* (Marburg, 1971) 225-33 seeks to establish connections between the two archives and thus between the family structures apparent in the two. R.S. Bagnall discusses this in greater detail in *P.Col.* VII, 2-9.

<sup>50</sup> *P.Lond.* V 1711, trans. Rowlandson, *Women and Society*, 155.

change in the ability of women to initiate unilateral divorce. Similarly, duplicate divorce documents from 568 begin, “I was earlier joined together with you for marriage and community of life in hopes for the best and for procreation of children, wishing to complete with you a peaceful and holy married life.” This establishes the religion of the two individuals, who go on to blame an evil demon for the mutual hate, which led to their divorce. By their explicit references to Christianity, both this divorce settlement and the earlier marriage contract support the claim that divorce remained a fact of life even among Christians in Late Antique Egypt.<sup>51</sup>

Thus, as Arjava states, “there was little new in the ideal of a virtuous Christian housewife.” Love and mutual respect were important aspects of a Roman marriage from the early days, and male dominance in marriage was far from a new concept, especially in light of the common age differences between spouses.<sup>52</sup> While the rhetoric of female submission may have increased ever so slightly in the Late Antique period, it would not have been dissonant to an earlier Graeco-Roman non-Christian. Nor would the increasing emphasis on marriage as a means for the procreation of children have prompted much confusion among the more conservative citizens of the early Empire. As such, these seeming changes may simply be ascribed to the general return to “old morals” which is also found in the laws and discussed in the previous chapter. The increase in divorce legislation may be credited to this aspiration as well. At any rate, although all the legislation on the matter failed to prevent regular divorce in Egypt at any time, it does seem likely that female initiated unilateral divorce was curtailed in some way in the later period, perhaps as a result of practical considerations.<sup>53</sup> A notable change in these documents is the use of Christian rhetoric in

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<sup>51</sup> *P. Cair. Masp.* II 67153 trans. Keenan, *Law and Legal Practice*, 166-9.

<sup>52</sup> Beaucamp, *Statut*, 2:289-91; Arjava, *Women and Law*, 128-9.

<sup>53</sup> Arjava, *Women and Law*, 185-91. Again, here the issue of how efficiently imperial law was enforced or even circulated in Egypt in Late Antiquity comes into play. See n.103 for scholarship on this topic which is too large to cover in any detail in this thesis.

both marriage contracts and divorce settlements, but there is little to indicate that this is representative of some meaningful change in the function of marriage or divorce in this period. The rights of women in marriage and divorce, therefore, appear to have been essentially unaffected by Christianity.

### **Loans, Leases, Sales, and Wills**

Turning from personal relationships to business relationships, we next seek to understand whether the conclusion, that Christianity effected little, if any, meaningful change in the role of women in marriage and divorce, can also be extended to the economic sphere. In order to do this, we shall look at three types of documents: loans, bills of sale, and leases. As we saw in the above-mentioned Demotic sources, women in Ancient and Hellenistic Egypt had a relatively great deal of economic freedom and considerable rights. Evidence of this naturally carries over into the early Greek contracts.

Loans are among the most common type of Greek contract. Although most loans were between private individuals rather than between an individual and the state or a public institution, private lending was increasingly controlled and systematized by the state beginning in the Ptolemaic period. Women also functioned in this financial world, both as debtor and creditor in the manner which their legal status and citizenship required. An interesting example of this can be found in the Dryton archive. Apollonia was a wealthy Hellenized businesswoman married to a Greek man. Until a Greek notary's office was opened in her city of Pathyris in 136 BCE "she negotiated loans in the presence of an Egyptian notary and conducted business without a guardian in accordance with the Egyptian legal forms. Afterwards she "contracted Greek loans as a

“Cyrenaean” woman, accompanied by a male guardian (or κύριος) as Greek law required.”<sup>54</sup> Her financial dealings were not on a small scale, either. One of her loans was for 10,000 drachmas, which was an immense sum.<sup>55</sup> Another woman contracted a rather large loan of money in 133: “...Tannophris with her son Serapion as guardian and surety for the repayment acknowledge to Herodes [...] that they have received a loan from him [...], 1300 silver drachmas...”<sup>56</sup> Here, as we might expect, the woman operates with the help of her guardian, but again, not on a small scale.

Loans continued to be important into the Late Antique period. A *paramone* agreement of 569 from Antinoopolis records that a certain Martha who was herself a seller of salted fish, contracted a loan of nine carats of gold in order to help out her family who was already in some debt. Instead of paying interest, she gives her sister to the creditor as a pledge. The fifteen-year-old sister was to work at the house of her creditor, essentially as an indentured servant, until Martha paid off the loan in full. Notably for our study, Martha is assuming a role of responsibility in her family and makes this contract independently: “Martha daughter of Menas by my mother Thekla, salt-fish seller, [...] acting without a male guardian but providing a signatory on her own behalf and witnesses...” It seems, thus, that by the sixth century, a guardian was not actually required for a woman to conduct her affairs, but a businesswomen could contract agreements freely in her own name, and even in the name of her family members.<sup>57</sup>

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<sup>54</sup> Keenan, *Law and Legal Practice*, 104.

<sup>55</sup> *P.Dryton* 19; K. Vandorpe, “Apollonia: a businesswomen in a multicultural society,” in Melaerts and Mooren, *Rôle et le statut*, 325-36 on Apollonia’s role as a businesswoman in her cultural and temporal context.

<sup>56</sup> *SB XII* 10786, trans. Keenan, *Law and Legal Practice*; Further Keenan, *Law and Legal Practice*, 242-9 on Greek loans in the Roman period.

<sup>57</sup> *P.Coll.Youtie* II 92, trans. Keenan, *Law and Legal Practice*, 271-3. Keenan’s commentary here also notes that this contract records a practice which was actually illegal according to *N* 134.7. Justinian forbade the giving of children as a debtor’s pledge, but as we have already mentioned a number of times, his legislation does not seem to have been particularly effective.

Women were also actively engaged in the leasing and sale of property. This, unsurprisingly, means that they owned property in their own right and thus also shouldered all the associated financial responsibilities such as taxation. An early lease application from 8 BCE addressed to a property manager suggests that women might not have taken an active role in property management. Instead, much as any wealthy man might have done, they could have hired an agent to take over the day-to-day running of the property.<sup>58</sup> This does not indicate an inability of the women to manage their own property, rather that upper-class women had the wherewithal to hire someone to do the tedious work for them, just as their male counterparts did. In an application for the registration of a deed from 267, we see a woman who has purchased some property and who wishes to register this in the customary way. Notably she operates without a guardian, but this too is within the normal confines of Roman law. In a petition from 263, this same woman had petitioned the prefect to record that she has been “blessed with the grace of many children” and is therefore eligible to conduct her own affairs according to the *ius trium liberorum*. She also notes that she is literate and “able to write with ease”, which, although not a formal requirement, would certainly have been convenient for a businesswoman operating on her own.<sup>59</sup>

Rooted in this concept of feminine economic agency, there seems to be a visible increase in religious patronage by women in the late fourth century. On the basis of inscriptions and coins, Arjava argues that this was not a new phenomenon and that wealthy women had “for a long time acted as financial benefactors of their communities.” Now wealthy women gave money and property for the support of the poor and for the foundation and maintenance of churches and monasteries. “Their piety and wealth earned due respect just as in pagan times.” That this was

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<sup>58</sup> *P.Ryl.* IV 600, trans. Keenan, *Law and Legal Practice*, 51-2.

<sup>59</sup> *P.Oxy.* XII 1475; *P.Oxy.* XII 1467; Keenan, *Law and Legal Practice*, 73-6, 186-7.

allowed to occur speaks volumes about the independence women had in making financial decisions since there are reports that the families of some of these women objected quite strongly to what they saw as the squandering of family money. Nevertheless, they do not seem to have been able to prevent this euergetism.<sup>60</sup>

All this, combined with the fact that women were the frequent addressees of imperial rescripts, suggests that they were indeed active participants in the Egyptian economy, and that they remained so throughout Late Antiquity. While they did not have as wide a range of professions available to them as to their male counterparts, they played active roles in family businesses, ran their own businesses, loaned money, leased land, and sold goods.<sup>61</sup> Women were most commonly involved in property ownership and in textile and garment production, but traditional professions like midwifery or prostitution were also common.<sup>62</sup> Although the documents here present an image of the propertied class, nevertheless, by extension, it seems likely that women from the lower strata of society would also have contributed to the economy according to their means, just like their husbands.<sup>63</sup>

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<sup>60</sup> Arjava, *Women and Law*, 250-2; Clark, *Women in Late Antiquity*, 52-6. There was a brief attempt to prevent women from leaving inheritances to clergy or the church in *CTh* 16.2.27, but it was repealed only a brief time later in *CTh* 16.2.28.

<sup>61</sup> For instance, rescripts addressed to women in the Eastern empire by Diocletian amount to almost one third of issued rescripts. It is therefore apparent that whatever their precise legal standing, they continued to be active in public life, in business, and in the associated legal proceedings. Arjava, *Women and Law*, 246.

<sup>62</sup> Arjava, *Women and Law*, 248-54.

<sup>63</sup> On Late Antique economy see P. Van Minnen, "Berenice, A Businesswoman from Oxyrhynchus: Appearance and Reality," in Verhoogt and Vleeming, *Two Faces*, 59-70; J.A. Sheridan, "Not at a Loss for Words: the Economic Power of Literate Women in Late Antique Egypt," *BASP* 128 (1998) 189-203; J. Banaji, *Agrarian Change in Late Antiquity: Gold, Labour and Aristocratic Dominance* (Oxford, 2007); A.K. Bowman and A.I. Wilson (eds), *Quantifying the Roman Economy: Methods and Problems* (Oxford, 2009); M. Gibbs, "Manufacture, Trade, and the Economy," in Riggs, *Oxford Handbook of Roman Egypt*, 38-55; J. Banaji, *Exploring the Economy of Late Antiquity* (Cambridge, 2015).

Wills also show us that throughout the complex period covered by our Greek sources, women continue to be able to acquire property and to dispose of it after their death. Unlike the above sale and loan contracts, wills are perhaps one of the most frequently contested contracts, likely because of the finances involved and because the individual who wrote the will was not able to speak for him or herself at the important moment. It was, therefore, important for someone drawing up a will to ensure that the document they had composed conformed to the legal requirements so that it could not easily be overturned.

In looking at some of these wills, it quickly becomes apparent that a number of heiresses existed under Greek law. This would have occurred primarily in cases where the deceased had no living descendants or spouses as in a petition regarding succession in which a certain Rhodokleia says she inherited twenty arouras of land from her father because there were no male heirs.<sup>64</sup> The phrasing does certainly raise the question whether Rhodokleia would have inherited anything if she had had a brother. Under Greek law, daughters who had already received a dowry were no longer eligible to inherit anything from their father. However, any will that was drawn up superseded these rules of intestate inheritance. Thus, unless other provisions were made, this practice ensured that, by law, all surviving children shared equally in their father's possessions over the course of their lifetimes.<sup>65</sup> A will from the Dryton archive dating to 126 BCE demonstrates the unique mixture of customs that actually occurred. "As children from a mixed marriage [Dryton's five daughters] gained from both traditions: they inherited real estate in accordance with Egyptian tradition and received dowries in accordance with Greek customs."<sup>66</sup>

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<sup>64</sup> *SB VII 9790*, trans. Rowlandson, *Women and Society*, 167.

<sup>65</sup> Keenan, *Law and Legal Practice*, 202-15.

<sup>66</sup> *P.Dryton 3*; Keenan, *Law and Legal Practice*, 105-9.

Thus, in the early Greek period, inheritance customs were fluid depending on the ethnicity of the testator.

Moreover, marriage contracts often also contained a clause stipulating the support of the widow after her husband's death, a type of internal mini-will. Greek custom allowed for the property of the deceased husband to be left to his widow, although this seems to have been dependant on common children, in which case it essentially only represented a slight delay in the common children ultimately inheriting the entirety of the joint property.<sup>67</sup> There does not seem to be significant evidence for the continuation of this practice much beyond 212, but this is to be expected since Roman inheritance laws initially restricted the practice of giving or bequeathing property to a spouse. The Romans had particular guidelines on inheritance, founded in the belief that property should be handed from parents to children. If a man died intestate, his property would be divided according to the legal guidelines, all his sons and daughters who were *in potestate* would receive an equal share. If there were no surviving children, the property was distributed equally among the deceased's siblings. Throughout Late Antiquity, Roman law maintained this equal treatment of daughters and sisters. In practice, however, wills were often drawn up with more personalized instructions.<sup>68</sup>

Some of the variety of possible arrangements can be seen in Egyptian wills from the Roman period. While Egypt often did not conform to the normative imperial standards, in drawing up a

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<sup>67</sup> H. Kreller, "Erbrechtliche Untersuchungen auf Grund der graeco-aegyptischen Papyruskunden," *ZSSRRA* 41 (1920) 340-54; Taubenschlag, *Law of Greco-Roman Egypt*, 209-210 originally believed that this custom could be traced back to an earlier Egyptian custom, but Yiftach-Firanko, *Marriage and Marital Arrangements*, 221-9 traces it back to a Greek type of will which deals with "the devolution of the estate of the predeceased spouse on the surviving one."

<sup>68</sup> Arjava, *Women and Law*, 62-75 on women as successors in Late Roman Law. For the seminal study on wills and inheritance in the Roman Empire based on documentary sources, see M. Nowak, *Wills in the Roman Empire: A Documentary Approach* (Warsaw, 2015).

will it behoved even the Egyptian testator to make his bequest as watertight as possible, which necessitated following the relevant legal guidelines. The wills of Roman citizens were generally quite uniform and highly formulaic. They had to be written in Latin up until the time of Hadrian, but often, especially in Egypt, the official legally binding Latin will was simply a translation of a Greek version.<sup>69</sup> In a fascinating will, called by Pestman “one of the very few examples of pure Roman law found in Egypt,” we see evidence of this. The will itself, now lost, is preserved in a Greek translation contained in a subsidiary record from the will’s opening. In this will, a Roman citizen, C. Longinus Castor, frees two women, evidently his concubines or common-law wives and makes them joint heirs of his property, with their mutual children as secondary heirs. He also specifically frees his daughter and designates a portion, likely a dowry, for her. Interestingly, this will dates to 189 and the subsidiary record to 194, both some decades before the *Constitutio Antoniniana*.<sup>70</sup>

Caracalla’s edict in 212 made every adult male a Roman citizen who then subsequently had to compose wills in the Roman style. It appears that some non-citizens in Egypt were already doing that, however. Yiftach-Firanko argues that the use of Roman legal forms prior to the *Constitutio Antoniniana* was a measure taken by citizens of the *metropoleis* in Egypt in order to ensure a will’s security.<sup>71</sup> Certainly, a Roman citizen like C. Longinus Castor would have had to write a Roman will before 212 anyways, but following the Roman system was clearly understood to be the most effective, accurate, and secure way of making a bequest. This can also be seen in the timely adoption of Roman inheritance laws in Egypt. In 249, a minor, one Aurelius Didymos,

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<sup>69</sup> *P.Oxy.* XXXVII 2857, trans. Keenan, *Law and Legal Practice*, 212-3, “I have read my will, in consonance with which I wished my Roman will to be written.”

<sup>70</sup> *BGU* I 326; trans. Rowlandson, *Women and Society*, 139. Pestman, “The Will of Gaius Longinus Castor,” *BASP* 31 (1994) 101-107; Keenan, *Law and Legal Practice*, 118-26; Nowak, *Wills in the Roman Empire*, 364-7.

<sup>71</sup> Keenan, *Law and Legal Practice*, 128-133; U. Yiftach-Firanko, “Deeds of Last Will,” *BASP* 39 (2002) 160-4.

with his father as *tutor* petitioned the prefect for his mother's estate in accordance with the *senatus consultum Orfitianum* which was issued under Marcus Aurelius and Commodus in 178. This law revised traditional Roman inheritance law and called for children to succeed their intestate mothers rather than agnates. Especially telling is the Aurelius in the name of the petitioner which reveals that he was indeed one of these new citizens, and, since this petition references the edict, it proves that already by 249 Roman law was being utilized by the new Roman citizens in Egypt.<sup>72</sup>

Women also could write wills, either individually or jointly with their husbands. Around 100, a businesswoman named Berenike wrote a will jointly with her husband, Pasion, which provided that the couple's total assets would be left to the surviving spouse. This will is unique in that it states "but the wife Berenike shall, if she will, have the undisturbed ownership," namely that the husband's property would not pass to his children on his death but rather to his wife who could then pass it on to the children either before or at her own death.<sup>73</sup> That this situation was rather unusual can be seen in another document found with this will, a petition from a business partner and debtor of Pasion which was written after his death.<sup>74</sup> In it, he presents a picture of evil, disinherited sons convincing their weak-minded mother to act in an unsatisfactory manner towards the partner. Van Minnen, comparing these two documents, suggests that this is one example of a woman who found a "loophole" in the normative patriarchal social system of the time. He further cautions that there is no reason to assume that Berenike's situation was at all atypical for a woman

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<sup>72</sup> SB I 1010, trans. Keenan, *Law and Legal Practice*, 222-4. On Aurelius as a status designator, see J.G. Keenan, "The Names of Flavius and Aurelius as Status Designations in Later Roman Egypt," *ZPE* 11 (1973) 33-63; J.G. Keenan, "The Names Flavius and Aurelius as Status Designations in Later Roman Egypt (2)," *ZPE* 13 (1974), 283-304; J.G. Keenan, "An Afterthought on the Names Flavius and Aurelius," *ZPE* 53 (1983) 245-50.

<sup>73</sup> *P.Oxy.* III 493, translated in Van Minnen, "Berenice," 60. A Late Antique parallel can be found in *P.Lond.* V 1727, but in all periods this seems to be an aberration rather than a normal occurrence.

<sup>74</sup> *P.Oxy.* XXII 2342.

of her class, thus reaffirming that there was no typical “female” experience and rather that social status and wealth were major differentiators.<sup>75</sup>

More commonly, women wrote wills on their own account. A certain Aurelia Eutorgis wrote a will in 295 “according to the Roman custom” in which she said she was acting without a guardian according to the *ius liberorum*. She leaves her entire property to her daughter, saying that she felt it necessary to write this will in order that the wife of her late son would not meddle in her affairs after her death. Here it is apparent that all the women mentioned, the testator, her daughter, and her daughter-in-law were all able to conduct financial transactions independently. Women who were in religious life could, therefore, leave property to the Church in their wills.<sup>76</sup> Continued legislation on that matter shows that it was a sensitive topic requiring a great deal of oversight.<sup>77</sup>

Practically speaking, little changed over the course of Late Antiquity. Wills were written and carried out in much the same way as they had always been. Structurally, the format varied slightly depending on the dominant legal power in the area, but women remained active in this area of the economic sphere as well. *P. Lond.* V 1727, whose situation parallels the Berenike and Pasion dossier mentioned above, demonstrates that there continued to be deviation from what was considered to be normative social behaviour. Land lists from Egypt suggest that women continued to own between one sixth and one quarter of all the land in the villages, which implies that they continued to inherit and bequeath land much as they had always done.<sup>78</sup> One new element involved in inheritances and will making, naturally, was the Church. The practice of involving the Church

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<sup>75</sup> Van Minnen, “Berenice,” 59-70.

<sup>76</sup> *M. Chr.* 318, trans. Rowlandson, *Women and Society*, 145. Clark, *Women in Late Antiquity*, 52-6; Nowak, *Wills in the Roman Empire*, 379-81.

<sup>77</sup> *CTh* 16.2.27, 16.2.28, 5.6.3 on situations in which women could bequeath money or property to the Church or to individual clergy members.

<sup>78</sup> Bagnall, *Egypt*, 130-1; Arjava, *Women and Law*, 71.

in a will quickly became highly regulated in an attempt to protect family interests while still allowing the testator to make a personalized and legally valid will. As noted above, however, religiously based euergetism was not unlike the earlier civil euergetism seen in Greek cities. It is well known that the Church quickly took over the charitable and social role which had formerly belonged to the cities themselves; in this way women continued to play their part. Thus, while the form of the Greek will in Egypt had changed with Latin and Roman legal influences, the social constructions evidenced in these documents fail to provide any evidence for social change as a result of the popularization of Christianity.

### **The Problem of Guardianship**

In the case of guardianship, however, such a strong conclusion cannot be maintained. What has emerged from the various Greek documents we just discussed is a complex and evolving view of adult female guardianship in Late Antiquity. All the document types discussed above are ones which, according to classical Roman law, a woman would not have been able to compose without the assent of her guardian. In practice, however, by Late Antiquity many of these documents did not actually require the presence or the approval of the guardian.<sup>79</sup> In the case of Martha, whom we just saw above, for instance, we have a woman functioning without a guardian at all. This prompts the question of what motivated this change, and whether the situation in Egypt is generally representative or whether it was unique and heavily influenced by its Greek culture or whether it was influenced by something entirely different, such as Christianity.

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<sup>79</sup> R. Taubenschlag, "La compétence du kyrios dans le droit Gréco-égyptien," *Archives d'histoire du droit oriental* 2 (1938) 293-314; Rupprecht, "Zur Frage der Frauentutel," 95-102; Beaucamp, *Statut*, 2:193-265; Keenan, *Law and Legal Practice*, 175-82.

As early as the end of the second century, Gaius remarked that the concept that women were “scatterbrained” and “subject to deception” actually “seemed to be specious rather than true.” He goes on to mention that a woman could force her guardian to give his authorization against his will by taking him to court.<sup>80</sup> Furthermore, the Augustan concept of *ius liberorum* further complicates matters by allowing many women to not have a guardian. This can be illustrated by *P.Lips.* 29, in which the woman writes without a guardian and references the *ius liberorum*. Such a trend becomes more popular beginning in the third century. Arjava suggests that is likely because of the “demographic conditions of the ancient world,” which translates into the fact that most women gave birth to about six children and thus would have been free from guardianship by the age of majority.<sup>81</sup>

That this practice was also followed in Egypt can be seen a petition from 263 in which a woman asks the governor to record that she is exempt from guardianship because she has “been honoured with the right of three children.”<sup>82</sup> Her petition appears to have been successful because, three years later, she appears in another document buying land without the help of a guardian.<sup>83</sup> Thus, although the old Roman concepts of guardianship and *patria potestas* were introduced to the wider empire with Caracalla’s edict, they were not ever implemented with the strictness which they had been in Republican Rome, since Roman law had already evolved to allow women and adult children considerably more legal independence.

From an Egyptian perspective, Roman guardianship superseded the Greek style of guardianship. Although the exact responsibilities of a Greek guardian are not clearly understood,

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<sup>80</sup> Gaius *Inst.* 1.190.

<sup>81</sup> Arjava, *Women and Law*, 114-6; Keenan, *Law and Legal Practice*, 180.

<sup>82</sup> *P.Oxy.* XII 1467, trans. Rowlandson, *Women and Society*, 142.

<sup>83</sup> *P.Oxy.* XII 1475; Keenan, *Law and Legal Practice*, 186.

it seems that his approval was required for all major private transactions as well as in certain legal situations. This legal change, perhaps above all others, was adopted into practice with urgency because it had serious implications. If a legal document was drawn up incorrectly, that is, if it did not follow the correct Roman legal procedures, it could be overturned. In reality, the precise nature of the guardianship may have varied, but the correct usage of Roman terminology was seen to be important. For this reason, there are a number of petitions asking the prefect either to appoint a guardian or to recognize a woman's right to function without one according to the *ius trium liberorum*. One example of this can be found in a bilingual document dating to 245, that is, quite soon after the *Constitutio*. In this document, a certain Aurelia Arsinoe asks the prefect to appoint for her a guardian of her choice according to the Julian and Titian Law. The prefect subscribes his answer, that he grants her the guardian she requests, unless she has 'the right to another guardian.'<sup>84</sup>

For many women, it would have been a simple safeguard to appeal to the *ius liberorum* in their documents regardless of whether they needed it for that particular document type.<sup>85</sup> In practice, then, most adult women could have conducted business and written up wills on their own. In reality, however, women often still prepared documents with the help of their male relatives.<sup>86</sup> As time went on, husbands did begin to take on a more prominent role again, as they had in the Ptolemaic period. Rather than referring to the *ius trium liberorum*, or the absence of guardianship, now women who wrote legal documents referred the presence or absence of a husband. Most of those who note that they wrote an agreement without their husband can be shown to be widows,

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<sup>84</sup> *P. Oxy.* XII 1466, trans. Rowlandson 140b; Evans Grubbss, *Women and the Law in the Roman Empire*, 36-7; Keenan, *Law and Legal Practice*, 133-4.

<sup>85</sup> This phenomenon can be seen in myriads of examples; see Beaucamp, *Statut*, 2:193-212; Arjava, *Women and Law*.

<sup>86</sup> Arjava says that the men still "advise and control" their women, albeit unofficially, 114-5; Beaucamp, *Statut*, 2:45-9 supports this conclusion.

while it seems that if the husband was alive his assent was required for all significant documents signed by his wife. By Late Antiquity, then, women were almost universally assisted by their husbands in legal situations, although there is no extant evidence for this being required by law. Unmarried women were free to conduct their own affairs. Since the evidence for this change comes almost solely from the sixth century, it is hard to trace its development.

As was mentioned in the previous chapter, both the legal support for and documentary evidence of the *tutela mulierum* disappeared by the time of Justinian's codification. Arjava suggests that if the guardianship of women had been abolished by a single law, it was likely issued in the late fourth or early fifth century. One interesting piece of later evidence for this is the complete absence of any mention of guardians from the controversies surrounding heiresses' large donations to the Church. In any case, its disappearance did not bring about a radical change. It seems likely that after the Roman *tutela mulierum* took the place of the old Graeco-Egyptian guardianship and after the *tutela* subsequently disappeared around the fourth century, the power vacuum created by the disappearance of the *tutela* was filled with local variations of guardianship.<sup>87</sup> While the disappearance of the *tutela mulierum* does largely coincide with the rise of Christianity, it is difficult to attribute this to Christian influence since it seems to be continuing on a trajectory initiated by Augustus and emphasized, again, by the *Constitutio Antoniniana*. The subsequent increase in husbands as guardian-type figures has been understudied and would benefit from future work. Therefore, no firm conclusions can yet be drawn on the influence of Christianity on guardianship.

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<sup>87</sup> Beaucamp, *Statut*, 2:212-47; Arjava, *Women and Law*, 116-8, 147-54. See Beaucamp, *Statut*, 2:242-7 on guardianship in the sixth century after the *tutela* disappears from documentation in the third and fourth century. Further scholarship on guardianship in this period is lacking.

## *Conclusion*

In sum, then, throughout the variety of Greek documentary papyri which have been examined, it has become apparent that although there were changes to the form or wording of documents, this did not translate into changes in practice. As we saw in the marriage documents, the inclusion of Christian rhetoric in the contracts is a clear indication of the widespread nature of Christianity. What is not indicated in any of these documents, however, is a widespread social change which can be attributed to a Christian influence. Although Roman law began to curtail divorce in a move commonly and incorrectly attributed to Christianity, this does not seem to have been effectively enforced in Egypt, since divorce is still widely attested. Moreover, although the system of guardianship also underwent changes that coincide with the rise of Christianity, the causal link between the two is unclear. Therefore, although work remains to be done on the various facets of this topic, the widespread acceptance of Christianity cannot be shown to have caused any notable change in the role or status of women in Late Antique Egypt.

What all these documents highlight, therefore, is that fundamental changes in legal documentation occurred for socio-political reasons, not for religious ones. While Egyptian women had a relatively great deal of freedom, Greek and Roman influence brought about an increasing dependence on guardians which appear in marriage contracts, business documents, and wills. Roman influence, and particularly the *Constitutio Antoniniana*, further changed guardianship across Egypt, with many women appealing to the liberties of the *ius trium liberorum*. Interestingly, guardianship styles reverted back to something similar to the older Graeco-Egyptian style during Late Antiquity. Similarly, marriage contracts from this late period also resemble their earlier Greek counterparts but do indicate the spread of Christianity by their inclusion of Christian rhetoric.

Women continue to function in the economic sphere as they had always done and do so on relatively equal footing. As Arjava tidily summarizes, “what seems to have been crucial was not the extent of Christianization but the general cultural and juridical climate of the society.”<sup>88</sup> Thus, we see no significant changes to the rights of women in these types of contracts that correspond in anyway to the increasing integration of Christianity into the fabric of the Roman Empire. As is the case with the law, the observable changes were the result of the changing geo-political situation of Egypt, namely the advent of first Ptolemaic and then Roman rule, the issuing of the *Constitutio Antoniniana*, and the ever-evolving socio-political structure of the empire throughout Late Antiquity.

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<sup>88</sup> Arjava, *Women and Law*, 191.

## Chapter 3 – The Epistolary Evidence

### *Introduction*

As we have concluded in the previous two chapters on legal and documentary sources, the status of women in Late Antique Egypt was a complex one, yet initially, it seems, not terribly different from their earlier status. Changes were gradual, and in the legal sources, at least, it is not until Justinian that we see a stereotypically Christian morality emerge. In the documentary sources too, we fail to see a marked change in the treatment of women which coincides with either the rise or the general widespread acceptance of Christianity. While Roman legal customs can be seen to break down in Egyptian documentation throughout this period, it would be hard to argue that this did indeed have a direct relationship with Christianity, although questions remain especially on the topic of guardianship. Leaving these two source types behind, then, in this chapter we shall turn to women's letters. Although the collection is relatively small, we are extremely fortunate to have a variety of Greek and Coptic letters which have been written or dictated by women. I have chosen a few of these letters to serve as small case studies, a small parcel of an ancient Christian woman's own words against which to evaluate our conclusions of the previous chapters.

### *Context*

Before we turn to the letters themselves, however, it is necessary to say a few words about these letters and about the women who wrote them. Writing and access to literacy was universally

limited in the ancient world, particularly among women and the lower classes.<sup>1</sup> Late Antique Egypt was no exception. Educated women who could write for themselves would have been scarce, and almost certainly would have belonged to the upper echelons of society.<sup>2</sup> In fact, Hübner suggests that probably no more than 5% of women would have been able to read and write. Egypt did, however, have a widely functioning scribal system which allowed illiterate men and women to function in their widely writing-based society. In the same vein, women dictating letters to a literate friend, family member, or professional scribe seems to have been common.<sup>3</sup> This raises the question whether the women's own words can still be heard in dictated letters. Mathieson cautions that it is unwise to assume that these letters grant us a purely unmediated glimpse into the minds of their titular authors. Bagnall and Cribiore maintain, however, that many of the letters in their comprehensive volume show signs of being dictated orally, word-for word, that is, they lack the polish of a formally composed letter in terms of grammar, repetitiveness, construction, and description. Thus, while there certainly may have been some scribal influence, they suggest that the thoughts, opinions, and messages in these letters are the women's own.<sup>4</sup>

As we have discussed both in the previous chapter and in the General Introduction, the use of language evolved throughout Late Antiquity in Egypt. Before the Roman invasion, Greek was

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<sup>1</sup> Bagnall and Cribiore *Women's Letters*; Mathieson, *Christian Women*, 6-8 give the literacy rate as less than 30% for men and far less for women.

<sup>2</sup> That female literacy was so rare and much valued can be seen in *P.Oxy.* XII 1467 which dates to 263 in which a woman named Aurelia Thaisous petitioned the prefect for *ius trium liberorum*. Although never formally a requirement for the *ius*, she provides the argument that she is literate and can write as support for her petition.

<sup>3</sup> S.G. Cole, "Could Greek Women Read and Write?" in H.P. Foley (ed), *Reflections of Women in Antiquity* (Philadelphia, 1981) 219-45; Bagnall and Cribiore, *Women's Letters*, 34; Mathieson, *Christian Women*, 8; A. Kolb, "Introduction," in A. Kolb, *Literacy in Ancient Everyday Life* (Berlin, 2018); S. Hübner, "Frauen und Schriftlichkeit im römischen Ägypten," in A. Kolb, *Literacy*, 163-78.

<sup>4</sup> R. Cribiore, "Windows on a Woman's World: Some Letters from Roman Egypt," in A. Lardinois and L. McClure (eds), *Making Silence Speak: Women's Voices in Greek Literature and Society* (Princeton, 2001) 223-39 at 233; Bagnall and Cribiore, *Women's Letters*, 62ff; Mathieson, *Christian Women*, 1-2.

the language of administration and business. Even after the Roman presence increased, however, Latin never really gained a foothold and was generally only used in military and high-level administrative contexts. Thus, Greek remained the common written language until the advent of Coptic in around the beginning of the fourth century.<sup>5</sup> In the previous chapter, we mentioned that the evolution from the use of Greek to the use of Coptic was a gradual one which occurred at different speeds in different contexts and possibly also in different demographics. Documentary texts, for instance, appear to have shifted to Coptic quite a bit later than letters did. Mathieson, in constructing her study of Greek letters written by women, chose the otherwise arbitrary end date of 400 CE stating that it is at this point that “Greek texts written by women virtually disappear and those in Coptic assume a larger proportion of the total.”<sup>6</sup> This date is early indeed when considered against the fact that we were unable to include any Coptic contracts in the previous chapter because of the temporal limitations of this thesis.

Bagnall and Cribiore note this long timespan and raise the interesting question whether this shift in language may have occurred at a noticeably different time in private documents written by men than in those written by women. They question whether, since women did not regularly take an active part in administration, their need for, and subsequently their fluency in, Greek would have been replaced faster than that of their male counterparts. Since Alexander, Egypt had been a functionally bilingual society, with Greek being the language of administration and business, and thus also of writing, but with Egyptian still being spoken. After a written form of this Egyptian language emerged, namely Coptic, the need for Greek would certainly have diminished among

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<sup>5</sup> For a comprehensive introduction to the evolution of Coptic see S. Richter, “Greek, Coptic, and the Language of the Hijra”; L. Depuydt, “Coptic and Coptic Literature,” in A. Lloyd (ed), *A Companion to Ancient Egypt* (Chichester, 2010) 732-54; M. Choat, “Coptic,” in Riggs, *The Oxford Handbook of Roman Egypt*, 581-93.

<sup>6</sup> Mathieson, *Christian Women*, 3.

those who did not have direct contact with provincial administration. They also provide statistics to support their hypothesis. Beginning in the fifth century and continuing through the sixth and seventh centuries, women's letters in Greek fall to one tenth of their previous level, while personal letters generally only decrease by a much smaller proportion. This drop cannot be adequately explained by any preservation bias, so a social or linguistic cause must be sought. They suggest, therefore, that these letters reflect "not only different social roles, but a real division in patterns of language use, in which women in families in which the men were active in public and were unmistakably Greek in culture were in many instances more comfortable with Egyptian than with Greek."<sup>7</sup> On the basis of these data, therefore, the conclusion that language usage was gendered in this period is convincing.<sup>8</sup>

Moreover, letter-writing generally seems to have been the purview of at least the middle class, which is logical considering that the subject matter of the letters are almost exclusively concerned with practical rather than sentimental matters. The lower classes, who would have been less mobile and have had significantly less economic and official concerns, would only seldom have had occasion to write such a letter. Because of this, it seems necessary to briefly return to the theories of Judith Butler and Joan Scott which we discussed in the General Introduction. While these letters may allow us a glimpse into the lives of individual women, we must remember that these are women from a particular social class and of some means, and thus their experiences cannot be broadly generalized. Nevertheless, in the absence of any broader evidence, these letters

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<sup>7</sup> Bagnall and Cribiore, *Women's Letters*, 18-22.

<sup>8</sup> This data may also be reflective of other patterns which have not yet been fully worked out, and which can, therefore, not yet be ruled out. D. Langslow, "Approaching Bilingualism in Corpus Languages," in Adams, Janse and Swain, *Bilingualism*, 23-51 at 28 and Papaconstantinou, *Multilingual Experience*, 14-5 suggest that younger women may have used fluency, whether written or oral, in the dominant language in order to enhance their social standing through marriage or improved business opportunities. Further on the gendered aspect of language use and bilingualism see J.N. Adams "Female Speech in Latin Comedy," *Antichthon* 18 (1984) 43-77.

are still extremely valuable for their insights into women's lives, as long as we remember that the category "female" is far from a homogeneous one.

It is partially for this reason that I have chosen to approach these letters as case studies since this will ground this examination in the lives and experiences of the individual women writers. Furthermore, since the corpus of women's letters from Egypt which has survived is quite small, a quantitative study of the entire corpus would render conclusions that are statistically insignificant and would result in dubious sweeping generalizations. As a result, these letters are best suited to a micro history or case study approach. This methodology has been adopted with admirable success by Wilfong in his study of Coptic Jeme and by Mathieson in her examination of the Greek letters of Christian women in Egypt.<sup>9</sup> The other major study on women's letters from Egypt, by Bagnall and Cribiore, presents the letters themselves for examination and analysis by the reader but does also include several chapters on how the reader might analyse these letters for themselves in order to learn more about their authors' economic and social situations.<sup>10</sup> In this chapter, then, I shall choose a number of Greek and Coptic letters written by Christian women and discussing them in the context of our conclusions of the previous chapters to see whether these individual instances confirm, refute, or further nuance our general understanding of the role and status of women in early Christianity. Specifically, I am interested here in how living in an increasingly Christian milieu affected women, regardless of the particulars of their own personal faith.<sup>11</sup>

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<sup>9</sup> Wilfong, *Women of Jeme*; Mathieson, *Christian Women*.

<sup>10</sup> Bagnall and Cribiore, *Women's Letters*.

<sup>11</sup> Although some scholars take great pains to establish the religious affiliations of the authors with whom they deal, I take a different approach here. Since I am less concerned with the religious experiences of the women and more so with their daily non-religious experiences, the challenging question of personal belief is not discussed in this thesis.

All that having been said, we can now turn to the case studies based on five letters, three Greek and two Coptic, which cover the relevant period. I chose these specific letters, first, because they were undeniably written in a Christian context; second, because they were composed by women; and third, because each letter allows a closer glimpse into an aspect of women's lives that has not been examined through the legal and documentary sources examined thus far. This will allow me to further nuance our understanding of women's lives and roles while drawing on and verifying the conclusions of the previous two chapters. Since the letters are overwhelmingly short, and to enhance readability and clarity, I have chosen to include the text and translation of each letter in Appendix 2. Each section here will be headed by the siglum, date, and provenance of the letter, followed by a discussion both of the letter itself and of the important points it raises.

*P.Grenf. I 53. (Fourth century, unknown)*<sup>12</sup>

This letter consists of two parts, the first written by Artemis to her husband, Theodoros, and the second addressed to another man called Sarapion who is a soldier with Theodoros. The author is undoubtedly Christian based on two references to God in the first part and on a reference to the “elders of the Church” in the second.<sup>13</sup> In this letter, Artemis first sends a more general note to her

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<sup>12</sup> M. Naldini, *Il cristianesimo in Egitto: Lettere private nei papyri dei secoli II-IV* (Florence, 1998<sup>2</sup>) 56; Bagnall and Cribiore, *Women's Letters*, 397.

<sup>13</sup> As a summary of generally accepted criteria, Mathieson, *Christian Women*, 10-3 outlines six ways in which an author can be identified as a Christian: self-identification as a Christian or acceptance of Christian beliefs, use of the Bible or Christian texts, references to the Christian community or liturgical practices, use of Christian language, and the use of Biblical names. Some nuance ought to be added here, however, since none of these criteria are completely foolproof. The first criterion of self identification may be accepted at face value. Beyond that, however, early Christian symbols, terms, and names initially bore a distinct resemblance both to Jewish tradition and to common secular language. *Nomina sacra*, for instance, seem to have occurred only infrequently in Jewish documents, but are attested in Manichaean documents and even in non-Christian magical papyri. Thus, individually, these criteria are hardly reliable indicators, but, taken together, and considered within the context of a particular document, they can be used with success. See further R.S. Bagnall, “Religious Conversion and Onomastic Change,” *BASP* 19 (1982) 105-24; E. Wipszycka, “La christianisation de l'Égypte aux IV<sup>e</sup>-VI<sup>e</sup> siècles: Aspects sociaux et ethniques,” *Études sur le*

husband, inquiring about his health, mentioning letters and an accompanying cloak, and relaying a message. In the second portion of the letter, however, she discusses a salacious business involving the daughters of the second addressee. Apparently two of them had been involved in some type of licentious behavior, and one had even been caught in the arms of her lover. This seems to have caused a quarrel between the two families, since it appears that Artemis had some role in exposing their actions to the religious authorities.

The letter reveals a number of interesting points. First, the author's attitude toward the licentious behaviour of the girls certainly seems to parallel the constrictive contemporary Christian rhetoric on chastity, purity, and sexuality. Despite the common perception that this rhetoric had its origin in Christian ideals and concepts of morality, it has been argued rather that the practice of policing sexuality and of emphasising marital purity began as early as Augustus. Arjava supports this by saying "there cannot be the slightest doubt that adultery [...] was always considered a grave offence in Roman society. Here Christianity made no difference at all." Cooper and others further have suggested instead that the notable change in Late Antiquity was the emergence of a particularly Christian rhetoric on virginity. Support for this claim can be found in a wide variety of apocryphal and patristic literature in which virginity is highly emphasized.<sup>14</sup> Moreover, this

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*christianisme dans l'Égypte de l'Antiquité tardive* (Rome, 1996) 63-105, (*Aegyptus* 68, 1988<sup>1</sup>); R.S. Bagnall, *Reading Papyri, Writing Ancient History* (London, 1995); M. Choat, *Belief and Cult in Fourth-Century Papyri* (Sydney, 2006); A.M. Luijendijk, *Greetings in the Lord: Early Christians and the Oxyrhynchus Papyri* (Cambridge, MA, 2008); M. Depauw and W. Clarysse, "How Christian was Fourth Century Egypt: Onomastic Perspectives on Conversion," *VC* 67 (2013) 407-35; D. Frankfurter, "Onomastic Statistics and the Christianization of Egypt: A Response to Depauw and Clarysse," *VC* 68 (2014) 284-9; M. Depauw and W. Clarysse, "Christian Onomastics: A Response to Frankfurter," *VC* 69 (2015) 327-9. On isolating Christian names in papyri see n. 240 below.

<sup>14</sup> Arjava, *Women and Law*, 202; K. Cooper, *The Virgin and the Bride: Idealized Womanhood in Late Antiquity* (Cambridge, MA, 1996) 1-3. See for instance *The Acts of Paul and Thecla* (R.A. Lipsius and M. Bonnet (eds), *Acta Apostolorum Apocrypha* (Leipzig, 1981) 1:235-72), *Acts of Thomas* (Lipsius and Bonnet *Acta*, 99-288), Athanasius' *Vita Antonii* (G.J.M. Bartelink (ed) *Vie d'Antonie*, Sources Chrétiennes 400 (Paris, 1994)), the *Canons of Hippolytus* (R.G. Coquin (ed), *Les Canons d'Hippolyte*, *Patrologia Orientalis* 31:2 (Paris 1966) 318-31), the *Pseudo-Basilian Canons* (W. Riedel, *Die Kirchenrechtsquellen des Patriarchats Alexandrien*, (Leipzig, 1900) 213-83). See also the

alternative to marriage for women was unheard of before Christianity. Despite any personal wealth, women, particularly well-to-do ones, always married.<sup>15</sup> It is noteworthy that, rather than a certain physical state, this term ‘virgin’ quickly came to also denote a particular, ascetic way of life in which celibate women would live a life somewhat separate from the world, either in their family homes or in communities.<sup>16</sup>

Second, Artemis refers to the ‘elders of the Church’ as being the ones to question on the particulars of the two girls’ fornication. Clearly therefore, the Church had an active role in policing the morals of its adherents. In early Christian morality, as mentioned above, the concept of virginity began to take on a larger than life role. Women pursued lives of asceticism and chastity in relatively large numbers, and several feminist scholars have sought to explain this phenomenon by “demonstrating that renunciation of the world paradoxically offered women the possibility of moving outside the constraints of socially and sexually conventional roles, of exercising power, and of experiencing a sense of worth which was often unavailable to them within the traditional setting of marriage.”<sup>17</sup> While this may be true, in that women now did have a viable alternative to marriage, the alternative does not seem to have been any less proscriptive or regulated.<sup>18</sup>

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second half of S. Elm, *Virgins of God: The Making of Asceticism in Late Antiquity* (Oxford, 1994) for an in-depth study of asceticism and a discussion on early Christian sexual morality and n. 220.

<sup>15</sup> Arjava, *Women and Law*, 158.

<sup>16</sup> Elm, *Virgins of God*, 228.

<sup>17</sup> J.A. McNamara, “Sexual Equality and the Cult of Virginity in Early Christian Thought,” *Feminist Studies* 3 (1976) 145-58; A.M. Emmett, “Female Ascetics in the Greek Papyri,” *Jahrbuch der osterreichischen Byzantinistik* 32 (1982), 507-15; Al. Cameron, “Virginity as Metaphor: Women and the Rhetoric of Early Christianity,” in Av. Cameron (ed), *History as Text: The Writing of Ancient History* (London, 1989) 184-205; E. Castelli, “Virginity and its Meaning of Women’s Sexuality in Early Christianity,” in A.-J. Levine, *A Feminist Companion to Patristic Literature* (London, 2008) 72-100.

<sup>18</sup> Cameron, *Later Roman Empire*, 127. The collections of *Canons* mentioned above outline varying strict guidelines for the behaviour of virgins. For instance, they could not argue, had to remain veiled, must pray and fast, and were in some way meant to be an aid to the salvation of their families or households. On agency in modesty in dress and attitude, see K. Wilkinson, *Women and Modesty in Late Antiquity* (Cambridge, 2015) which also contains a nuanced discussion of contemporary understandings of free will and agency.

Third, the purported statement of the two girls, “we want men,” raises the question of marriage and its relationship to virginity and asceticism in early Christianity. As Christianity progressed, the popularity of asceticism as a Christian phenomenon also gained traction, both among men and women. The ascetic life included general temperance, freedom from outside influences and mastery over the desires of the flesh, including both physical and sexual appetites.<sup>19</sup> The Church fathers often held up virginity as a preferential option over marriage, citing the challenges faced by married women. Ambrose, for instance, said that “The law compels a wife to bring forth children with toil and sorrow, and conversion is to her husband because he dominates her. This is why a married woman is destined to toil and pain in childbirth, but not a widow; and only a wife is subjected to a man’s domination, not a virgin. But a virgin is free from all of these.”<sup>20</sup> Thus, although the Church clearly attempted to elevate the concept of a celibate life, some young women, like those in this letter, clearly preferred the more traditional route.

Fourth, and finally, the absence of judgement on the male lover mentioned in the letter is indicative of the still present sexual double standard. Although the views of the Church on this matter were far more constrictive than the legal standard which permitted a wide variety of sexual freedoms to men, nevertheless here too Christian rhetoric seems to have failed to gain widespread acceptance on the ground. Even a century after this letter was written, Church fathers such as John Chrysostom and Augustine of Hippo lamented the sexual sins of their male adherents, writing again and again about the persistence of sexual impurity among their congregants. Nevertheless,

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<sup>19</sup> Although sexual asceticism is mentioned specifically in few places, it is covered in the general attempt to turn away from desire and from the physical. The *Book of Thomas* is one of very few to refer to sexual desire explicitly and discusses it as a ‘fire that blazes in the bodies of men.’ On which see, J. Hartenstein, “Asceticism, Gender, and Sexuality in Apocryphal Gospels,” in A. Gregory and C. Tuckett (eds), *The Oxford Handbook of Early Christian Apocrypha* (Oxford, 2015) 391.

<sup>20</sup> Ambr. *Vid.* 13.81 (*PL* 16.273).

the woman was often cast in the role of temptress and all too often bore the weight of the responsibility for ensuring the sexual purity of both genders.<sup>21</sup>

Thus, the persistent presence of this double standard, despite the ecclesiastical condemnation of male sexual freedom, speaks volumes about the persistence of traditional concepts of morality at this point in the fourth century. Although it seems that there emerged from the Church an increasingly vigorous rhetoric on virginity and sexual morality, this rhetoric was certainly not limited to only the female but enthusiastically included the male. This emphasis on male sexual *mores* would not have been completely unheard of in the ancient world, but certainly was a change from the general permissiveness of the earlier periods.<sup>22</sup> We therefore see here far more of a change in the male than in the female. The increasing emphasis on virginity which emerged with the advent of Christianity came to apply to both genders but was a far more radical innovation for males than it was for females, for whom chastity had long been the social convention.

*P.Herm 17* (Ca. 380 CE, Lykopolis)<sup>23</sup>

In this letter, the author, Leuchis, writes to Apa John asking for his help in approaching the tribune to remove some women who are billeted at her house. She justifies her request by stating that she is a widow. Naturally, since she is writing to a holy man for help and since she refers to God twice, we can assume that she too was a Christian. It is interesting, moreover, that she approaches Apa

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<sup>21</sup> Chrys. *Virg.* 52.7 (SC 125.296); Aug. *Serm.* 9.4, 9.12 (CCL 41.115, 131), *Adult.* 2.8.7, 2.20.21 (CSEL 41.389, 408); On which Arjava, 202-205; Cameron, *Later Roman Empire*, 130-131.

<sup>22</sup> E.g. Augustine quotes Caracalla remarking that it was unjust for a man who had been licentious to then accuse his wife of adultery, but such a view was not enforced in law, nor does it seem to have been particularly widespread. *adult.* 2.8.7 (CSEL 41.389); *D.* 48.5.14.5.

<sup>23</sup> Bagnall and Cribiore, *Women's Letters*, 204.

John herself. Clearly, she has agency, runs her own home, and conducts her own affairs. As such widows are a particularly interesting category of women in Late Antiquity. Augustan legislation had advised widows to re-marry, and it seems that, throughout antiquity, most did, if they were of a young enough age to be able to attract a spouse. This trend seems to have remained common well into Late Antiquity, although a growing respect for perpetual widowhood emerged both among Christians and non-Christians alike by the fourth century.<sup>24</sup> Even if Christianity did influence this trend, which is uncertain, given that it extended also to non-Christians, it certainly did not result in a general downturn in the rates of re-marriage. Although, as we saw above, the Church fathers did use strong language to argue that a celibate life, as either a virgin or a widow, was infinitely preferable to the alternative, they did not actually condemn remarriage itself.<sup>25</sup> Moreover, it seems that, in reality, no greater issue was found with remarriage under Christianity than before, since it continued to be a commonly accepted phenomenon.<sup>26</sup>

Curiously, here too we note a gendered difference. Although widows seem to have formed their own distinct category, we scarcely, if at all, hear of widowers. Although the age disparity between husbands and wives could certainly account for a higher level of widows than widowers,

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<sup>24</sup> J. Beaucamp, "Le veuvage dans les papyrus byzantins," *Pallas* 32 (1985) 149-57; Beaucamp, *Statut*, 2:334-350; J. Bremmer, *Maidens, Magic, and Martyrs in Early Christianity. Collected Essays I* (Tübingen, 2017) 43-64 ("Between Poverty and the Pyre: Moments in the History of Widowhood," 1995<sup>1</sup>); Arjava, *Women and Law*, 169; A.E. Hansen, "Widows too Young in Their Widowhood," in D.E.E. Kleiner and S.B. Matheson (eds), *I, Claudia II: Women in Roman Art and Society* (Austen, 2000) 149-65. A comprehensive study on widows in the Roman empire and in early Christianity can be found in J.-U. Krause, *Witwen und Waisen im römischen Reich*, 4 vols (Stuttgart, 1994-1995).

<sup>25</sup> Jer. *Ep.* 49.8 (*CSEL* 54, p. 361-3) attempts to establish his tolerance of remarriage by stating that even an eighth remarriage would be acceptable to him. Many other important Church fathers express a similar acceptance: Ambr. *Vid.* 2.10,11, (*PL* 16.251, 267); Chrys. *Lib. Repud.* 1, *Vid. Elig.* 5, (*PG* 51. 219, 325); Aug. *Vid.* 4.6, 12.15 (*CSEL* 41. 309, 320), although they strongly discourage it by a repeated vocalization of the hardships of marriage, which included childbearing, being submissive to a husband, loss of autonomy and control over personal property.

<sup>26</sup> Although precise statistics are lacking for this, as for many Late Antique issues, there is no evidence for a downturn in remarriage trends whatsoever, rather remarriage continues to be cited as the norm in literary sources. See Arjava, *Women and Law*, 167-72.

the relatively high maternal mortality rate in the ancient world would likely have balanced this number. The discourse on remarriage focused almost entirely on widows, however, so, by its tacit acceptance, remarriage must have been common and unremarkable among widowers. Terms such as *univira* were applied to women who had only been married once, but no equivalent term is evidenced for men. This gendered discussion of remarriage does not seem to change in any meaningful way with the rise of Christianity.<sup>27</sup>

As we can see in this letter, Leuchis is functioning on her own, she is a widow who has clearly not remarried, for whatever reason. By the fact that she is writing herself to address the issue of unnamed women who are overstaying their welcome in her home, we can also understand that she was not assisted by a man in any formal or advisory role. That is, she does not appear to have a guardian. As we saw in the previous chapter, the issue of guardianship in Late Antiquity is a complex one. Widowhood, certainly, seemed to have impacted the need for a guardian historically, but by the point at which this letter was written in the fourth century, legal evidence for the *tutela mulierum* is lacking. There is still ample evidence of the *ius trium liberorum* in the papyri until the 330s, which suggests that the *tutela* survived until at least this time. Beyond that, letters such as this one, in which women functioned essentially unaccompanied and unsupervised, support the idea that Roman-style guardianship had disappeared by the fourth, or, at the latest, the fifth century.<sup>28</sup>

Christian literature seems to have created a special category for widows. Together with orphans, they were considered to be vulnerable and worthy of special care by the Church.

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<sup>27</sup> S. Hübner, "Callirhoe's Dilemma: Remarriage and stepfathers in the Greco-Roman East," in S. Hübner and D.M. Ratzan (eds), *Growing up Fatherless in Antiquity* (Cambridge, 2009) 61-82; M. Malouta, "Fatherlessness and Formal Identification in Roman Egypt," in Hübner and Ratzan, *Growing up Fatherless*, 120-38; O. Lehtipuu, "To Remarry or not to Remarry?" *Studia Theologica-Nordic Journal of Theology* 71 (2017) 29-50.

<sup>28</sup> Beaucamp, *Statut*, 1:193-215; Arjava, *Women and Law*, 111-23.

Alongside virgins, widows also played a key role in the Church, although they were not ordained. The *Canons of Hippolytus*, dating to between 336 and 340, suggested that widows ‘fast frequently and pray for the Church’, and they in turn were commended for their work in caring for the sick.<sup>29</sup> The *Pseudo-Basilian Canons* also emphasize that widows, although not quite as esteemed as virgins, nevertheless had an important role and position within the Church.<sup>30</sup> The wealth of writing on the remarriage of widows is key evidence for the Church fathers’ preoccupation with these women and their (at least spiritual) well-being. Leuchis plays into this rhetoric by emphasizing that she is a widow and is therefore worthy of Apa John’s assistance.

Her decision to ask Apa John for assistance in removing the women in her home speaks to more than simply the willingness of the Church to aid distressed widows. Clearly, he must have had some influence in the legal world as well which led her to approach him for help rather than her family members or neighbours or the civil officials. We can see here, therefore, that the institution of the Church began to take on a role that was far larger than simply the spiritual; as it grew, it became a vast cultural and legal institution as well.<sup>31</sup>

It is beneficial, I think, to highlight a point of methodology here which, although laid out in the General Introduction, would benefit from reiteration in this context. The Church, as an extremely widespread social, and even quasi-political, institution, would have come to have had an effect on everyone’s life, even just by its simple existence. That fact is patently undeniable. This is, however, not the change or effect of Christianity I am exploring here. Rather, I seek to understand if there is a change in the fundamental understanding of what it meant to be a woman

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<sup>29</sup> *Canons of Hippolytus*, 32; Cameron, *Later Roman Empire*, 126-7; Elm, *Virgins of God*, 229-30.

<sup>30</sup> *Pseudo-Basilian Canons*, 36; on which see Elm, *Virgins of God*, 230.

<sup>31</sup> References to the legal role of bishops, for instance, can be found throughout the legal codes. More on this topic in the discussion of Justinian’s legislation in Chapter 1.

in the early Christian milieu compared to the earlier Roman Empire. Thus, although the inclusion of the Church as a facet of the judiciary may have brought pivotal change to the legal system throughout the empire, practically speaking it changed little in terms of the rights or status of women and will therefore not be explored further in this thesis.

*P.Oxy. LXVII 4629* (Sixth to Seventh century, Oxyrhynchus)<sup>32</sup>

This is a letter from an unnamed woman to an unnamed κομητίσση, or countess. Because the date of the letter is relatively late, we can safely assume that these women operated within a Christian context. There are, however, no internal markers in the letter to support this assumption: no references to God, to prayers for the recipient's health, and no obvious use of Christian terminology. In fact, of the nine men's names mentioned in the letter, only two, John and Martyrios, can be argued to have been the result of some sort of Christian influence.<sup>33</sup> Thus this letter seems to be a bit of an anomaly. Compared to the Coptic letters of a similar period, two of which can be seen below, the lack of Christian rhetoric, and indeed of any religious terminology whatsoever here is striking.

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<sup>32</sup>Beaucamp, *Statut*, 2:311-12; Bagnall and Cribiore, *Women's Letters*, 231.

<sup>33</sup> Although *Trismegistos Names* ([trismegistos.org/nam](http://trismegistos.org/nam); Nam\_ID 10542) shows the relative frequency of Martyrios peaking between the fourth and seventh centuries and although some have argued that it is an inherently Christian name, it is also well attested as early as the third century BCE, which suggests that we ought to be skeptical of a conclusion that associates it with Christianity. It is likely that it was a common enough Greek name, which subsequently found popularity among the early Christians and cannot be taken as an indication of religious affiliation. The use of the name here, therefore, is not particularly helpful for establishing the religious bent of either the author or the recipient of the letter, especially in the absence of other markers. Similarly, although the use of the name John increased with the rise of Christianity and is commonly accepted as a distinctly Christian name, it was also a popular Greek name before the rise of Christianity and therefore cannot necessarily be viewed as being an indicator of Christian adherence. (See [trismegistos.org/ref](http://trismegistos.org/ref) for projects in quantitative and data-oriented onomastics. For more on this see, Depauw and Clarysse, "How Christian was Fourth Century Egypt?")

The subject matter of the text makes it all the more interesting. The two actors of the text are women, indeed, businesswomen or women of considerable means because they are discussing a wide variety of financial matters. The author writes that the recipient should investigate a boat, purchase a *solidus* of honey, collect on a debt of two *solidi*, and send her some wool. Notably, there is no mention of husbands or guardians to complicate the matter. This stands to reason and matches our observations from the previous chapter where the sixth-century seller of salted fish, Martha, was conducting her business and subscribing contracts without male supervision and even on behalf of her family. What is noteworthy here is that unlike the widow mentioned above, these women are presumably not widowed, but married. Thus, at this point too, business and financial matters seem to be able to proceed without the influence of a guardian, regardless of the marital status of the women in question.

From their business dealings, we can at least understand that the two women in this letter are well-to-do. What is also noteworthy, however, is the title used on the address of the letter: κομητίσση, or countess. The reference to a woman by such a title was particularly rare especially in the eastern half of the empire. Beaucamp notes that titles were often attributed to women, not on the basis of their own rank, but as is likely in this case, on the basis of their husband's rank or position. Thus, although the recipient of the letter is referred to as a countess, we would err to think that she herself held such a position. Although the letter does not explicitly mention a husband, it was almost certainly he who held the position of *comes*. Known exceptions to this are extremely rare. In fact, there is only one known instance in which a woman assumed the office of *comes*: in 590, a widow was ordered to assume the role on the death of her husband, albeit only until the end of the taxation period.<sup>34</sup>

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<sup>34</sup> Beaucamp, *Statut 2*, 310-1. Arjava, *Women and Law*, 252.

Interestingly, however, there is some evidence in Late Antiquity for women assuming the responsibilities of certain other civil offices more broadly. Women are mentioned in conjunction with military provisioning and the billeting of soldiers. In the sixth century, it seems that a few women did hold some particular offices (*παγαρχία*, *προεδρία*, *λογιστεία*, and *πατερία*). This was the case because these offices had become *munera patrimonii*, that is, inheritable civil duties which were passed from parent to child along with their property. Since, as we saw in the first chapter, women could inherit their parents' possessions, they then also inherited their offices and civil responsibilities. Thus, it is clear that women became liable to the *munera patrimonii* in exactly the way men were.<sup>35</sup> That this evolution of civil offices can be attributed to Christianity, however, is extremely doubtful. Rather, it is likely indicative of the economic pressures facing cities as taxation legislation changed and as members of the curial class attempted to avoid their (often ruinous) financial obligations to the city.<sup>36</sup>

Thus, despite what may initially be assumed from the title ascribed to the addressee of this letter, women seldom held civic office in Late Antiquity. They did, however, become increasingly liable to the *munera patrimonii* as they inherited property like their male counterparts. Moreover, as we saw in the previous chapter and as supported by this letter, they continued to conduct business, sometimes quite extensively, and came to function entirely without guardians by this point. While the small evolutions to women's civic roles can hardly be ascribed to the influence of Christianity, it is apparent through them that Christianity did not bring about any measurable

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<sup>35</sup> Preaux, "Statut de la femme," 137-9; N. Lewis, *The Compulsory Public Services of Roman Egypt* (Florence, 1982) 80-1; Beaucamp, *Statut*, 1:31-4; 2:5-18, 273-4; Arjava, *Women in Law in Late Antiquity*, 251, Bagnall, *Egypt*, 159-60.

<sup>36</sup> A. Monson, "Taxation and Fiscal Reforms," in Vandorpe, *Companion*, 147-162.

restriction of women's public life, but rather that this too saw significant continuity with previous periods.

*O.Brit.Mus.Copt* add. 23 (Sixth to eighth century, unknown)<sup>37</sup>

This letter is written by Maria, who identifies herself as a nun, to an anchorite, seeking prayers on behalf of an orphan who had been left in her care. Undoubtedly, the author of this letter is a Christian woman since she both identifies herself as a nun and uses a wide variety of Christian vocabulary. Although the letter is written on an ostrakon and is somewhat fragmentary, the basic request of the short letter is not obscured, although it is cloaked behind the extensive humble language which seems to characterize Coptic letters and relies heavily on Christian formulae and blessings.

Underneath all of this, several points in this letter stand out as significant. First, Maria identifies herself as nun. It is important to realise that the early definition of a monastic was far freer than what is generally understood as monasticism today. Monastics as they evolved to be, whether male or female, were rather different from the ascetics previously discussed above. Like ascetics, monastic communities focused on separation from society in order to become closer to God, but unlike asceticism, which in an Egyptian context is fundamentally a literary trope, monasticism also focused on community, work, prayer, and obedience, and not on pursuing physical extremes. Although our understanding of women as ascetics and monastics has fundamentally grown and changed thanks to the relatively recent advent of feminist scholarship

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<sup>37</sup> Bagnall and Cribiore, *Women's Letters*, 200. Maria is also known from *O.Brit.Mus.Copt* 53.6.

on the subject, there remains much work to be done here and scholarship would benefit from a focused study on female monastics in Egypt.<sup>38</sup>

Second, Maria speaks about her own house, which suggests that she was not part of a monastic community but rather remained in her own residence, despite identifying as a nun. Krawiec, in her study of the female monks of Shenoute's so called White Monastery, concludes that Shenoute used traditional gendered and familial rhetoric to attempt to establish and maintain authority over the female monastic community there. In reality, the women, along with their female leaders, seemed hesitant to submissively accept Shenoute's absolute authority; instead, they were "neither passive nor reclusive, they were engaged with their vocation, with their community, and with their male leader."<sup>39</sup> Although there was an ideological hierarchy of power, in reality, these women seem to have retained a great deal of independence and agency within their own community. In this letter, too, a hierarchy emerges, in which Maria clearly places herself below the addressee who is an anchorite, but like the women of the White Monastery, Maria maintained control over her daily life and actions by maintaining her own household and caring for an orphan.

Third, the reference to the orphan under her care is a reminder of the wide variety of forms of early monasticism in this period. There is evidence of virgins or ascetics co-habiting with unrelated males, living in their familial homes or with some other extended family member, in

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<sup>38</sup> Mathieson, *Christian Women*, 232-6; S. Elm, *Virgins of God*. On female monasticism in early Christianity, see: E.A. Clark, "Ascetic Renunciation and Feminine Advancement: A Paradox of Late Ancient Christianity," in *Anglican Theological Review* 63 (1981), 240-57; E.A. Clark, *Ascetic Piety and Women's Faith: Essays on Late Ancient Christianity* (Lewiston, NY, 1986); J.E. Goehring, "The Encroaching Desert: Literary Production and Ascetic Space in Early Christian Egypt," *JECS* 1 (1993) 281-96; R. Krawiec, *Shenoute and the Women of the White Monastery: Egyptian Monasticism in Late Antiquity* (Oxford, 2002); E. Wipszycka, "L'ascétisme féminin dans l'Égypte de l'antiquité tardive: Topoi littéraires de forms d'ascèse," in Melaerts and Mooren, *Rôle et le statut*, 355-96; J.E. Goehring. "Monasticism in Byzantine Egypt: Continuity and Memory," in Bagnall, *Egypt in the Byzantine World*, 390-407; E. Wipszycka, *Moines et communautés monastiques en Égypte (IVe-VIIIe siècles)* (Warsaw, 2009).

<sup>39</sup> R. Krawiec, *Shenoute and the Women*, 8-11; 91.

small groups with one or more other like-minded women, or even on their own property.<sup>40</sup> Since most of the admittedly few sources on female monastics which have survived were written by men and are not at all descriptive in nature, we unfortunately have little idea of how these different forms functioned day to day. Thus, although it is fascinating to learn that Maria had an orphan in her care, we cannot know how the child came to live with her, whether he was a relative or not, or whether this was a common occurrence. Here again, work focusing on material remains and on the archaeological record would provide valuable input to our understanding of female religious life in Late Antiquity.<sup>41</sup>

As we can see then, this new institution of monasticism clearly had an effect on the options that were available to women. In virginity, asceticism, or monasticism, women now had a viable alternative to marriage. Whether these alternatives were any less proscriptive or more freeing than the traditional alternative is unclear. Certainly, the decision to pursue either path was not always left up to the woman or girl in question, and in this regard, at least, the creation of two options does not seem to have brought any measurable increase in personal agency to the early Christian women of Late Antique Egypt. As monastics, however, women, at least those in communities, did seem to retain a great deal of power for themselves. Although nominally, communities such as the one in Shenoute's White Monastery were under the control of a male, the day to day workings of the monastery were very much within the purview of the women themselves. By choosing to

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<sup>40</sup> *P. Lips.* I 43, 60; *SB XVI* 12620; *PSI VI* 698; *P.Oxy.* XL 3202; Mathieson, *Christian Women*, 249-51.

<sup>41</sup> Graffiti attributed to female monastics such as the ones in the temple of Seti I at Abydos would be a promising avenue of study for the expansion of knowledge in this area. Since little is known about their daily lives and since any evidence in their own words is extremely rare, a study of these graffiti would be a valuable contribution. On these graffiti see J. Westerfeld, "Monastic Graffiti in Context: The Temple of Seti I at Abydos," in M. Choat and M.C. Giorda (eds), *Writing and Communication in Early Christian Monasticism* (Leiden, 2017) 187-212.

live on her own, in her own house, Maria also would have retained for herself some of this agency, contrary to the gendered power dynamic which is often emphasized in Christian literature.

*O.Mon.Epiph.* 194 (Sixth to eighth century, Thebes, Monastery of Epiphanius)<sup>42</sup>

In this letter a woman, Esther, writes to a holy man whom she addresses as father but does not mention his name. Although there is some damage to the right of the text, the overall meaning remains abundantly clear. Esther is writing to the holy man because her children have all died young. She questions whether she has done something to incur this misfortune and asks if the holy man has any guidance. It is unclear whether the guidance is intended to solely relieve her “grieving soul” or whether it is also intended to prevent the early death of future children, but in the context of the wide variety of extant Coptic magical papyri, this letter could be understood to be asking the holy man for exactly that, a type of talisman intended to prevent the loss of future children.

This letter clearly demonstrates the broad extent of holy men’s influence. Not only is he a point of contact for religious matters, economic issues, and legal petitions as we have seen above, he is also the point of contact for what we might consider a medical problem. Medicine in Late Antiquity was truly a multidisciplinary undertaking. Although Peter van Minnen has argued that “the progress of medical science came to a halt shortly after the time of Galen,” nevertheless, it has been shown, instead, that the face of medicine changed, absorbing different concepts of the body, healing, and healthcare which were more religious or magical than strictly scientific. In keeping with this conclusion, there is increasing evidence for religious advice being sought for

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<sup>42</sup> Bagnall and Cribiore, *Women’s Letters*, 247.

physical ailments which had come to be understood as judgements from God against the ailing person.<sup>43</sup>

Magical papyri give evidence of exactly this. These spells demonstrate the close links between medicine and magic that would seem foreign to us today. A small book of Coptic healing spells (*P. Mich.* inv. 136), for instance, contains a wealth of traditional remedies and spells to treat a wide variety of diseases ranging from toothaches to headaches, hemorrhoids to mental problems. An example of what the holy man's response to the request of this letter might have looked like, can be found in *P. Berl.* inv. 11347 which contains a Coptic, Christian ritual intended to protect and heal a woman and her children.<sup>44</sup> There is ample evidence for other similar strategies in early Christianity. For instance, among the documents found at Jeme are several donation contracts which record a mother's donation of her young son to a monastery as the fulfillment of vows. These vows to hand over a child to the monastery often seem to have been made in the hope of healing, protecting, and ensuring the survival of the child in precarious situations.<sup>45</sup>

The author of *O. Mon. Epiph.* 199 approaches what seems to be a physical ailment in a similar way, writing and asking Apa Pson to intercede with God on her behalf so that her "many sins" might be forgiven and that a physical ailment might subsequently be cured or that she might be protected from its reappearance. We see here a continued reliance on the supernatural/quasi-magical cures that had permeated Egyptian culture throughout antiquity. Sayings, incantations,

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<sup>43</sup> P. van Minnen, "Medical Care in Late Antiquity," in P. van der Eijk, H. F. J. Horstmanshoff, and P.H. Schrijvers (eds), *Ancient Medicine in its Socio-Cultural Context*, 2 vols (Amsterdam, 1995) 1.153; H. Marx-Wolf and K. Upson-Saia, "The State of the Question: Religion, Medicine, Disability, and Health in Late Antiquity," *JLA* 8 (2015) 257-72.

<sup>44</sup> *P. Berl.* inv. 11347; Walter Belz, "Die Koptischen Zauberpapiere und Zauberostraka," 32-5; A.M. Kropp, *Ausgewählte koptische Zaubertexte* 2 (Brussels, 1931) 113-7; M. Meyer and R. Smith, *Ancient Christian Magic: Coptic Texts of Ritual Power* (New York, 1994), 63.

<sup>45</sup> *P. KRU* 86, 79, 81, on which see Wilfong, *Women of Jeme*, 99-104.

amulets, and magical potions existed as a fundamental facet of Egyptian culture for millennia, and their form does not much change with the adoption of Christian formulae, rituals, or prayers.<sup>46</sup> Although these spells have taken on a new, “Christian” face, we can nevertheless see that the reliance on magic as a healing or protective strategy is nothing new. It continues to exist in Egypt throughout antiquity and into Late Antiquity. While it does evolve to take on Christian symbolism and integrates the structure of this new religion, fundamentally, the way in which magic is used remains unaltered. While this may have varied throughout the empire, in Egypt, at least, religion, healing, and magic continued to function in dialogue with each other as they had always done, and likewise, women continued to take advantage of it to address their issues.

### *Conclusion*

In sum, then, these letters demonstrate that changes did occur in several areas: guardianship, standards of sexual morality, civil or public responsibility, and language use. As we have already seen, the *tutela mulierum* and guardianship of adult women is a complex issue which has been understudied. We established in Chapter 2 that it seems likely that active guardianship fell out of favour earlier by at least the fifth century. The letters here, however, shed little light on the subject, except to tacitly confirm the absence of guardians at this point. It is undeniable that there is considerable evolution in the forms of guardianship throughout Late Antiquity, but more work still needs to be done to understand the impetus for these changes. As for the evidence for women’s

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<sup>46</sup> B. Brier, *Ancient Egyptian Magic* (New York, 1980), Y. Koenig, *Magie et Magiciens dans L’Égypte Ancienne* (Paris, 1994); R.K. Ritner, “The Religious, Social and Legal Parameters on Traditional Egyptian Magic,” in M. Meyer and P. Mirecki, *Ancient Magic and Ritual Power* (Leiden, 2001) 43-62; W. Clarysse, “Egyptian Religion and Magic in the Papyri,” in R.S. Bagnall, *Oxford Handbook of Papyrology*, 561-89; J. Dieleman, “Coping with a Difficult Life: Magic, Healing, and Sacred Knowledge,” in Riggs, *Oxford Companion to Roman Egypt*, 337-61.

involvement in the civic sphere, this can be attributed to changing fiscal pressures throughout the empire as a result of new taxation legislation. There is no evidence whatsoever that this legislation was in any way related to the rise of Christianity. Language use, on the other hand, is a complex issue, influenced by many factors. Certainly, it is undeniable that the adoption of Coptic as a written language owes much to the influence of Christianity. The gendered nature and timeline of the gradual evolution from Greek to Coptic literacy, however, seems to be less the influence of Christianity, and more a phenomenon resulting from a changing socio-political world in which the language of the central administration, namely Greek, became less and less widely necessary.

The new, heightened standards of sexual morality can definitely be attributed to Christian influence, but even this conclusion ought to be nuanced. Preaching the chastity and sexual morality of women was no new invention. As early as Augustus, Roman law had embarked on a trajectory of stressing purity. What was new at this point, however, was the heightened emphasis on virginity, for both genders. Especially for women, this widespread alternative to marriage was virtually unheard of before Christianity, and so this does seem to represent a fundamental change in the fabric of women's lives. Despite that, the positive spin put on this development by early feminist scholars must be treated with some caution. Although women now had two options for their life trajectory, there is no guarantee that the choice was completely their own, and neither option seems to have been substantially less proscriptive or regulated than the other.

We see continuity in several other areas: personal agency, business practices, marriage, and reliance on magic. In general, women had at least as much agency as in previous periods, that is to say, there does not seem to have been a noticeable constriction of female personal agency after the rise of Christianity despite the popular rhetoric of the submissive and subservient wife. As we saw in chapter 2 and is here corroborated by *P.Oxy.* LXVII 4629, women continued to

conduct business, with both men and other women. As we briefly discussed in relation to the letter to the countess (*P.Oxy.LXVII 4629*), women took on the titles and social standing of their husbands. They seldom, if ever, held administrative positions on their own, although we do know of some women who held civic office in their own right. Needless to say, these women were an anomaly and these few exceptions are absolutely not indicative of a widespread change to the general inclusion of women in public life. The final Coptic letter (*O.Mon.Epiph. 194*), in which we see a woman searching for a cure or rule from a holy man to prevent the early and untimely death of her subsequent children, may seem to represent a drastic growth in Christian influence. In reality, however, the practice differs little from the traditional Egyptian custom of searching for a talisman or magical saying by which to cure a physical problem, and thus here too, continuity can be seen.

These few letters, therefore, make it abundantly clear that the reality of life for women in Late Antique Egypt was not nearly as straightforward or as homogeneous as the normative literature portrays and indeed considerably more complex than either the legal or the contractual sources may have suggested. Furthermore, they emphasise that the majority of changes in Late Antiquity cannot be attributed to the influence of Christianity and that in some cases, change and Christian influence may only have been superficial. Moreover, the general trend of continuity and natural progression from previous periods, grounded in the socio-political climate, is evident in the majority of perceived changes. Thus, these five small Greek and Coptic letters generally confirm the conclusions of the previous two chapters. Although some small changes may have occurred as a result of Christian influence, namely the emphasis on virginity, on the whole we see no significant changes to the status or rights of women in these letters that correspond in any way the increasing popularity of Christianity across Egypt and the Roman Empire.

## General Conclusion

In conclusion, then, the situation of women in Late Antique Egypt is a far more complex and nuanced one than it may have seemed from the literary sources and indeed from a variety of previous scholarship. In the first chapter we considered women's legal status and the evolution of the law throughout Late Antiquity. In Ancient Egypt women had a great deal of freedom and agency. This essentially continued and meshed with imported Greek culture and legal practice in the Hellenistic period. The resulting Graeco-Egyptian legal climate also allowed women a considerable level of personal autonomy. With the arrival of the Romans in 30 BCE and the subsequent expansion of the use of Roman law across the empire after 212 CE, women's position and legal autonomy became slightly curtailed. Under Constantine, legislation which affected women, such as marriage or divorce legislation, continued to be issued. While this legislation would have affected men as well, scholars have argued that Constantine's marriage reforms were prompted by his adherence to the new religion, Christianity, and so its inclusion is necessary here.

We established that this line of argumentation is erroneous and that such a conclusion is unlikely. Rather, Constantine's legislation continued and renewed an inclination towards conservative and moralizing legislation that had begun under Augustus. Thus, while there may have been changes to and evolution in the law up until this point, it is unlikely that such changes were in any way prompted by Christianity or Christian influence. Beyond Constantine, however, the laws continued to evolve. Under Justinian we see a marked change in legal rhetoric and in the motivations for law-making which are cited in the laws. Christian rhetoric and motivations are a definite factor in legislation by this point. We then isolated two ways in which Christianity had an affect on laws and lawmaking. In the first place, Justinian issued legislation dealing with the institution of the Church, that is, the practical aspects of organized Christianity, such as in *Novel*

16. In the second place, he issued legislation based on a particularly Christian moralistic motivation, such as in *Novel 8*, where Justinian states that he is enacting laws in accordance with God's wishes and acting in a way that he thought would be pleasing to him. We determined, therefore, that although Christianity does seem to have effected change in Roman law as it related to women, it certainly did not do so as early as Constantine and likely only as late as the reign of Justinian, by which point the Empire was broadly subsumed into the Christian milieu.

In the second chapter, we considered women in documentary papyri, particularly in their roles in a variety of contracts: marriage contracts, divorce settlements, bills of sale, loans, and the like. In contrast to the more idealized and generalized picture of women's roles given by the legal sources in the first chapter, the contracts of this chapter offered the opportunity to explore how women functioned in the practical application of the law, that is, how it affected their day to day lives. The *longue durée* perspective adopted for this source type also allowed broader comparisons between earlier Greek and subsequent Roman and Late Antique contracts. By first examining Demotic contracts, and then turning to Greek contracts in a chronological manner, we were able to trace the evolution of various types of contracts and note similarities in form and composition in temporally disparate sources. This methodology allowed us to consider whether apparent changes in Late Antiquity were actually a result of Christian influence or rather a simple resurgence of a previous status quo.

In one area, that of guardianship, this question was unable to be solved with any certainty because of the dearth of scholarship on the topic and the wide variety of evidence that would need to have been consulted. It seems that, rather than the Roman style of adult female guardianship, the *tutela mulierum*, in which the guardian was preferably consanguineous and certainly not the woman's husband, Late Antiquity saw the (re)rise of a different style of guardianship, for which

there is no extant legal evidence, and in which husbands functioned as guardians for their wives but in which unmarried women, that is widows or virgins, were not subject to guardianship, provided they were of the age of majority. I proposed that the cause of this change could either be Christian influence from the common rhetoric of a submissive and subservient wife, or, more likely, a resurgence of an earlier Greek style of guardianship in the absence of a strong Roman legal presence in Egypt.

The general conclusion of the second chapter, however, is that the form of these contracts and their function for women remained generally the same throughout Late Antiquity and up until the Arab invasion and the rise of Coptic as a documentary language. Nevertheless, as we saw in the example of the two marriage contracts, *P.Eleph.* 1 from the Hellenistic period and *P.Cair.Masp.* III 67310 + *P. Lond.* V 1711 from Late Antiquity, the rhetoric or language used in the contracts does differ as religious transformation occurred, but this seems to have been only superficial and does not seem to have resulted in any fundamental change in the contractual abilities, rights, or habits of women.

Finally, in the third chapter, we discussed five case studies based on five different Greek and Coptic letters which had been either written or composed by women. Through the lens of these letters we noted that the emphasis on chastity and purity which has long been associated with early Christianity may instead be part of a long Roman tradition of policing sexuality and emphasizing marital purity. We acknowledged that the emphasis on virginity, for both men and women, was likely a new phenomenon that arose with Christianity and manifested itself in various forms of ascetic and monastic life. While feminist scholars in the past have attempted to argue that this change, and the pursuit of asceticism generally, offered women power, agency, and a new found sense of worth, we concluded that an ascetic or monastic life did not seem to have been any less

proscriptive or regulated than married domestic life. Thus, while virginity, widowhood, and asceticism certainly presented alternatives to marriage, the value judgement that this change was in some way better or more empowering to women is erroneous. Furthermore, the emphasis on virginity which emerged applied to both genders, but it was a far more radical concept for males than for females, for whom sexual purity had long been the social convention.

We also saw that, despite these changes, women continued to function in the public sphere in a very real way. They continued to conduct (sometimes substantial) business with both men and other women. In this, they seem to have been able to act independently, without the involvement of either husbands or guardians to complicate matters. Furthermore, although women almost never held any high-ranking positions in their own name, there is evidence from the sixth century of women who assumed the responsibilities associated with civil offices. This change, however, cannot not be attributed the rise of Christianity, instead it is likely indicative of the shifting economic pressures which faced the cities as taxation legislation evolved and as the members of the curial classes attempted to flee their civic obligation. It becomes obvious, therefore, that Christianity also did not result in a measurable restriction of women's public lives.

Thus, while these letters demonstrated that some changes to the role or position of women can be noted in the areas of guardianship, sexual morality, civic responsibility, and language use, they also demonstrate considerable continuity in the areas of personal agency, business practices, marriage, and reliance on magic. The relationship between the changes to guardianship and the rise of Christianity is still unclear and will require future work. Changes in civic responsibility and gendered language use were shown to have been more a result of shifting socio-political or socio-economic pressures than of an overwhelming religious influence. Finally, the emphasis on virginity and the resulting ascetic and monastic lifestyles were indeed demonstrated to be an

innovation which can be understood to have had its origins in Christianity, but here too, the innovation was neither as drastic a change for women nor as positive an alternative as has been previously thought.

All these conclusions may be well and good, but how does the verdict that early Christianity affected little change in the roles, rights, status of its female adherents have any relevance today? In some communities, still today, the type of rhetoric that was exemplified at the beginning of this thesis by the excerpt from Tertullian's *On the Apparel of Women* continues to be prevalent. Across the nominally progressive, feminist, egalitarian Western world, Christian communities continue to urge their women to cover up, to refrain from tempting their spiritual brother with their bodies, to remain sexually pure, to value virginity, to remain in the home as wives and mothers, and to be subservient to their husbands.<sup>1</sup> While many denominations or Churches have now rejected this rhetoric in favour of equal rights for women, many others continue to place a high level of emphasis on the morality and sexual purity of their women. Women are still presented as temptresses and as instigators of uncontrollable urges in men. Much like the reaction to the two licentious girls in *P.Grenf.* I 53. in the final chapter, these modern Churches abhor any type of female sexual freedom or agency.

What I hope to have shown in this thesis, however, is that the initial influence of Christianity on women's status or rights was negligible. Therefore, when they claim to follow the examples of these early Christian women, many of the morals which are so highly prized by these modern day fundamentalist Christians are simply those which were emphasized in the Roman empire more broadly, as a result of moralizing reforms which began as early as the reign of Augustus. While the emphasized status of virginity was indeed somewhat of a new development,

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<sup>1</sup> A letter which supports this claim can be found in Appendix 3.

it provided a second option to women which itself fit well within the contemporary Roman moral framework. Beyond that, little seems to have changed in the status or rights of women as a result of the religious transformation of Late Antiquity despite the rhetoric of the Church fathers. Nevertheless, religious leaders today still attempt to use this type of vocabulary and rhetoric to control and suppress their female adherents, despite its initial inefficacy some 2000 years ago.

## Appendix 1 – Select Laws

The laws which are translated here are those from the *Codex Theodosianus* for which only Clyde Pharr's quite old English translation exists.<sup>2</sup> Since there has recently been some criticism of his translations, I thought it best to include a translation. For the *Codex Justinianus*, there exists a good new translation by Bruce W. Frier which corrects the translation of Fred H. Blume where necessary. As a result, I have not included any of those laws here.<sup>3</sup>

I have followed the text of J. Rougé, R. Delmaire, F. Richard, *Code théodosien XVI* (Paris, 2005) and R. Delmaire et al., *Code théodosien I-XV, Code Justinien, Constitutions Sirmondiennes* (Paris, 2009), constituting SC 497 and 531, where possible. Although the French team essentially keeps to the text of Mommsen and Krüger,<sup>4</sup> with only a handful of revisions (none of which affect the passages below), the format is a significant improvement. I have thus maintained the SC format also for 9.7.1, the only law which is not found in the SC.

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<sup>2</sup> C. Pharr, *The Theodosian Code and Novels, and the Sirmondian Constitutions* (New York, 1969).

<sup>3</sup> F. Blume and T. Keerley, *Annotated Justinian Code*, available online at [www.uwyo.edu/lawlib/blume-justinian](http://www.uwyo.edu/lawlib/blume-justinian); Frier, *Codex*.

<sup>4</sup> T. Mommsen, with P. Krüger (eds), *Theodosiani libri XVI cum constitutionibus Sirmondianis* (Berlin, 1905).

### **CTh 9.7.1**

*Imp. Constantinus A. Africano v. c.*

*Quae adulterium commisit, utrum domina cauponae an ministra fuerit, requiri debet, et ita obsequio famulata servili, ut plerumque ipsa intemperantiae vina praebuerit; ut, si domina tabernae fuerit, non sit a vinculis iuris excepta, si vero potantibus ministerium praebuit, pro vilitate eius, quae in reatum deducitur, accusatione exclusa, liberi, qui accusantur, abscedant, quum ab his feminis pudicitiae ratio requiratur, quae iuris nexibus detinentur, hae autem immunes a iudiciaria severitate praestentur, quas vilitas vitae dignas legum observatione non credit.*

*Dat. III non. Febr. Heracleae, Constantino A. VII. et Constantio C. coss.*

The Emperor Constantine to Africanus, *vir clarissimus*.

If any woman commits adultery, it ought to be inquired whether she was a mistress of a tavern or a serving girl and thus performing the duties of a servant, she herself often served the wine of intemperance. If she is a mistress of a tavern, she shall not be except from the fetters of the law, but if she serves those who drink, in consideration of the baseness of she who is brought to trial, the accusation shall be thrown out, and those men who are accused shall go free, because chastity is only required of those women who are constrained by the obligation of the law. However, those women who are not thought worthy of the consideration of the law because of their humble status shall be immune from judicial severity.

Given three days before the Nones of February in Heraclea in the seventh consulship of Constantine, *augustus*, and in the consulship of Constantius, *caesar*. (3 February 326)

**CTh 16.2.38**

*Imppp. Arcadius, Honorius et Theodosius AAA. Porfyrio proconsuli Africae.*

*Post alia: privilegia, quae ecclesiis et clericis legum decrevit auctoritas, hac quoque praeceptione sancta et inviolata permanere decernimus. Adque hoc ipsis praecipuum ac singulare deferimus, ut, quaecumque de nobis ad ecclesiam tantum pertinentia specialiter fuerint impetrata, non per coronatos, sed ab advocatis eorum arbitrato et iudicibus innotescant et sortiantur effectum. Sacerdotes vero provinciae erunt solliciti, ne sub hac scilicet privilegii excusatione etiam contra eorum utilitatem aliquid his inferatur incommodum.*

*Dat. XVII kal. Dec. Romae Honorio VII et Theodosio II AA. cons.*

The Emperors Arcadius, Honorius, and Theodosius, *augusti*, to Porfyrius, *proconsul Africae*.

After other things: We decree that the privileges which have been decreed by the authority of the laws to Churches and clerics also remain sacred and inviolate. Moreover, we confirm on them this special and singular favour, that if any such rights have been received from us by the Church, not through tonsured men, but by the decision of their advocates, they shall be made known to the judges and they shall obtain effect. Priests of the provinces should take care however, that under the excuse of this privilege, as it were, no injury is brought against them contrary to their advantage.

Given seventeen days before the Kalends of December at Romen in the seventh consulship of Honorius and the second consulship of Theodosius, *augusti*. (15 November 407)

**CTh 16.10.2**

*Imp. Constantius A. ad Madalianum agentem vicem praefectorum praetorio.*

*Cesset superstitio, sacrificiorum aboleatur insania. Nam quicumque contra legem divi principis parentis nostri et hanc nostrae mansuetudinis iussionem ausus fuerit sacrificia celebrare, competens in eum vindicta et praesens sententia exeratur.*

*Accepta Marcellino et Probrino cons.*

The Emperor Constantine *augustus* to Madalianus, the *vicarius* of the *praefecti praetorio*.

The *superstitio* shall cease, the madness of sacrifices shall be abolished. For whoever, in contravention of the law of the divine *princeps*, our father, and of this order of our clemency, dares to perform sacrifices, shall incur an appropriate punishment and an immediate conviction.

Accepted in the consulship of Marcellinus and Probinus. (341)

**CTh 16.10.4**

*Idem AA. ad Taurum praefectum praetorio.*

*Placuit omnibus locis adque urbibus universis claudi protinus templa et accessu vetito omnibus licentiam delinquendi perditis abnegari. Volumus etiam cunctos sacrificiis abstinere. Quod si quis aliquid forte huiusmodi perpetraverit, gladio ultore sternatur. Facultates etiam perempti fisco decernimus vindicari et similiter adfligi rectores provinciarum, si facinora vindicare neglexerint. Dat. kal. Dec. Constantio IIII et Constante III AA. cons.*

The same two *augusti* to Taurus, *praefectus praetorio*.

It is our pleasure that the temples in all places and every city be immediately closed and, after access to them has been forbidden, the opportunity to commit sin be denied to all those who are lost. It is also our wish that everyone abstains from sacrifices. But if it happens that anyone commits anything of this sort, he shall be struck down by the avenging sword. We further decree that the possessions of the one who is executed be appropriated by the fisc and the governors of the provinces be similarly ruined if they fail to punish the crimes.

Given on the Kalends of December in the 4th consulship of Constantius and the 3rd consulship of Constans, *augusti* (1 December 346 = 354?)

**CTh 16.10.6**

*Idem A. et Iulianus caes.*

*Poena capitis subiugari praecipimus eos, quos operam sacrificiis dare vel colere simulacra constiterit.*

*Dat. XI kal. Mart. Mediolano Constantio A. VIII et Iuliano Caes. cons.*

The same *augustus* with Julian, *caesar*.

We command that they be subject to capital punishment, of whom it can be established that they attend to sacrifices or worship statues.

Given eleven days before the Kalends of March in Milan in the eighth consulship of Constantius, *augustus*, and the consulship of Julian, *caesar*. (19 February 356)

**CTh 16.10.8**

*Idem AAA. Palladio duci Osdroenae.*

*Aedem olim frequentiae dedicatam coetui et iam populo quoque communem, in qua simulacra feruntur posita artis pretio quam divinitate metienda iugiter patere publici consilii auctoritate decernimus neque huic rei obreptivum officere sinimus oraculum.*

*Ut conventu urbis et frequenti coetu videatur, experientia tua omni votorum celebritate servata auctoritate nostri ita patere templum permittat oraculi, ne illic prohibitorum usus sacrificiorum huius occasione aditus permissus esse credatur.*

*Dat. prid. kal. Dec. Constantinopoli Antonio et Syagrius cons.*

The same three *augusti* to Palladius, *dux* of Osrhoene.

We decree that the temple, which in the past was dedicated to the assembly of crowds and now also is shared by the people, in which statues are reportedly set up, which ought to be esteemed for the value of their art rather than their divinity, remains continually open under the authority of the public council and we do not permit any fraudulent imperial pronouncement to obstruct this matter. In order that it may be seen by the gathering of the city and the assembled crowds, Your Experience shall thus by the authority of our pronouncement allow the temple to be open with all celebration of vows preserved, provided that it shall not be believed that on the occasion of this access the practice of prohibited sacrifices is permitted in there.

Given on the day before the Kalends of December at Constantinople in the consulship of Antonius and Syagrius. (30 November 382)

### **CTh 16.11.2**

*Imppp. Arcadius, Honorius et Theodosius AAA. Diotimo proconsuli Africae.*

*Edictum, quod de unitate per Africanas regiones clementia nostra direxit, per diversa proponi volumus, ut omnibus innotescat dei omnipotentis unam et veram fidem catholicam, quam recta credulitas confitetur, esse retinendam.*

*Dat. III non. Mart. Ravennae Stilichone II et Anthemio cons.*

The Emperors Arcadius, Honorius, and Theodosius, *augusi*, to Diotimus, *proconsul africae*.

We desire that the edict which about unity with our Clemency sent throughout the regions of Africa, be displayed in various places so that all may know that the one, true catholic faith of the omnipotent God, which is professed by correct belief, shall be maintained.

Given three days before the Nones of March in the second consulship of Stilicho and the consulship of Anthemius. (5 March 405)

### **CTh 16.11.3**

*Impp. Honorius et Theodosius AA. Marcellino suo salutem.*

*Ea, quae circa catholicam legem vel olim ordinavit antiquitas vel parentum nostrorum auctoritas religiosa constituit vel nostra serenitas roboravit, novella superstitione submota integra et inviolata custodiri praecipimus.*

*Dat. prid. id. Oct. Ravennae Varane v. c. cons.*

The Emperors Honorius and Theodosius, *augusti*, to their Marcellinus, greetings.

We order that the new *superstitio* be completely abolished and that the regulations about the the Catholic law which were either ordained long ago, or by the religious authority of our fathers or confirmed by our serenity be preserved inviolate.

Given the day before the Ides of October in Ravenna in the consulship of Varanus, *vir clarissimus*. (14 October 410)

## Appendix 2 – Letters

### *P.Grenf. I 53*

First published as *P.Grenf. I 53* (1896), re-edited as *Chrest. Wilck. 131* (1912), and subsequently re-edited in M. Naldini, *Il cristianesimo in Egitto: Lettere private nei papiri dei secoli II-IV* (Florence, 1998<sup>2</sup>) 56.

#### *Recto*

Ἄρτεμεις Θεοδώρῳ τῷ κυρ-  
ίῳ μου συμβίῳ ἐν θεῷ χαίρειν.  
πρὸ μὲν πάντων εὐχομαι  
τῷ κυρίῳ θεῷ, ὅπως ὀλοκληροῦν-  
5 τὰ σε ἀπολάβομεν. ἔπεμψά σοι διὰ  
Ἄπωνος τοῦ συνστρατιώτου σου γράμ-  
ματα καὶ μαφόρτιν. ἐρρώσθηαί  
σε εὐχομαι. ἀσπάζεται σε τὰ παι-  
δία σου καὶ Ἄλλουῶς πολλά σοι ἀπειλῆ, ἐπὶ  
10 γὰρ πολλάκις γράψας καὶ πάντας  
ἀσπασάμενος αὐτὴν μόνην οὐ-  
κ ἠσπάσου. ἀσπάζεται σε Ἄλλουῶς.  
Ἄρτεμεις Σαραπίωνι <τῷ> καὶ Ἰσιδώ-  
ρφ. γράφει·  
15 ἐὰν ἦς στρατιώτης καὶ ἀπόνοι-  
αν φορεῖς. ὁ ἡγεμὼν δὲ τὰς ἀπο-  
νοίας ταχὺ ταπεινοῖ. γράφ[εις] δὲ  
ἡμῖν ὡς ἐχθαμβῶν ἡμᾶς, λέ-  
γων ὅτι ὁ ἡγεμὼν οὐ θέλει οἰκο-  
20 φθόρους. εἰ δὲ θέλεις τὰ πορνεύ-

- ματα τῶν θυγατέρων σου στέρ-  
 γειν, μὴ ἔμεν ἐξέταζε, ἀλλὰ τ[ο]ῦ[ς]  
 πρεσβυτέρους τῆς ἐκκλησίας,  
 πῶς ἐξεπήδησαν αἱ δύο  
 25 λέγουσαι ὅτι ἄνδρες θέλομεν  
 καὶ πῶς εὐρέθη ἡ Λούκρα  
 παρὰ τὸν μοιχὸν αὐτῆς, ποιού-  
 σα ἑαυτὴ<ν> Γαιεῖτᾶναν, ἐξ ᾧν  
 φθονοῦσιν ὅτι Σουχάρῳ αὐ-  
 30 τὰ προστεθείκαμεν. ἐὰν ᾗν  
 δὲ ὀνομάζειν περὶ γενου  
 καὶ ταῦτα πάλιν φθάνομεν  
 ἀποδείξειν, τινος εὐγενόστε-  
 ρός ἐστι. ἡμεῖς γὰρ οὐκ ἐ[γενό-]  
 35 μεθα ἀπὸ δούλης

*Written at right angles along the edge*

γεννηθέντες, ταῦτα δέ σοι γράφω Θεοδώρῳ [ὅτι]  
 πάντα ποίει διὰ τὸ ὑπάρχον, καὶ δεῖ τὰ γράμμα  
 τα αὐτῶι δη(λῶσαι).

6. σοι *ed. princ.* 7. ἐρρῶσθαί *ed. princ.*, read ἐρρῶσθαί 8. σε *om. ed. princ.* 9. ἀπειλ· *ed. princ.*, ἀπειλ(εῖ)  
 Wilken; read ἀπειλεῖ read ἐπεῖ 11. μόνον *ed. princ.* 12. ἄρα *ed. princ.* 15. Ψανῆσ Wilken 17. γράφ[ει] *ed.*  
*princ.* 20. δὲ <μῆ(?)> Wilcken. 22. read ἐμὲ 24. αἶδε *ed. princ.* 28. Γα<δ>ιτᾶναν Naldini 29. σοῦ χάρω *ed.*  
*princ.* 30. read αὐτὰς 31. read γένους 33. ἀποδείξε Naldini read τίς 33-4. read εὐγενέστε|ρός 35-6.  
 ἀπαρνηθέντες *ed. princ.* ᾧ Θεόδωρ' *ed. princ.*

Artemis to Theodoros, my lord husband, greetings in God.

Before everything I pray the Lord God that we find you in good health. I sent you, through Apion, your fellow-soldier, letters and a cloak. I pray for your good health. Your children greet you and Allous sends you many threats because you wrote many times and greeted everyone except for her. Allous greets you.

Artemis writes to Serapion, also known as Isidoros.

If you are a soldier, you are mad! But the general swiftly lessens insanity. You write to us in order to amaze us, saying that the general does not care for those who ruin houses. If you want to be content about the fornication of your daughters, do not ask me, but the elders of the Church, how the two of them leapt up, saying “we want men” and how Loukra was found beside her paramour, making herself a woman of Cadiz (i.e. a prostitute). Thus, they bear a grudge because we handed them over to Soucharus. And if we are to speak about family origins, these things we have also demonstrated beforehand, who is wellborn. For we are not born from a slave.

These things I write to you Theodoros: do everything according to what is going on. It is also necessary to give him the letter.

*P.Herm. 17*

Published as *P.Herm. 17*, with one minor, otherwise unpublished, correction by R.S. Bagnall noted in *Trismegistos* (see [www.trismegistos.org](http://www.trismegistos.org)).

τῷ κυρίῳ μου θεοσεβῆ Ἄπα Ἰωάνην Λεῦχισ Μαλαμος.  
ἡ χρηστωτητα σου κατέλαβεν πάντας τοὺς μὲ δυναμένους·  
καὶ καμὲ φθάσι ἡ ἐλεημοσύνην σου, κύριε. μετὰ των Θεὸν  
τὴν σὴν βοήθειαν προσδοκῶ, ἵνα ἀξιῶσις των τρι-  
5 βούνων τῶν Γούνθων καὶ ἄρη αὐτὰς ἀπὸ τῆς οἰκίας  
μου, ἐπὶ χήρα γυνή εἰμι. κύριέ μου, διὰ των Θεῶν πύει.

1. read θεοσεβεῖ read Ἰωάννη read Μαλάμου 2. read χρηστότης read μὴ 3. read ἐμὲ read φθάση  
read ἐλεημοσύνην read τὸν 4. read βοήθειαν read προσδοκῶ read ἀξιώσης read τὸν 4-5. read  
τριβούνον 5. τῶν Γούνθων Bagnall; τὸν Γούνθον *ed. princ.* 6. read ἐπεὶ read τὸν Θεὸν ποίει

--

To my lord, the God-fearing Apa John, Leuchis, the daughter of Malamos.

Your goodness overcomes everyone who is weak; let your mercy come also to me, lord. After God, I seek your help, that you ask the Tribune, Gountos, to take them from my house, because I am a widowed woman. My lord, do it, with the aid of God.

**P.Oxy. LXVII 4629**

First published as *P.Oxy. LXVII 4629* (2001) and subsequently reedited in H. Harrauer, *Handbuch der griechischen Paläographie* (Stuttgart, 2010) 264.

*Recto*

πρὸ μὲν πάντων πολλὰ προσκυνῶ  
τῇ σῇ γλυκυτάτῃ μου μητρὶ μετὰ παντὸς  
τοῦ οἴκου μου. περὶ δὲ τοῦ πλοίου τοῦ κυρίου  
Ἰωάννου πολλάκις ἔπεμψα πρὸς αὐτὸν  
5 καὶ οὐκ ἔδωκέν μοι ἀπόκρισιν. παρακα-  
λῶ οὖν τῇ σῇ μητριότητι - ἰδοὺ ἀπεστιλα σοι  
τὸν Εὐτύχιον μαῦρον - πάντος, ὡς ποιήσης  
τὸ εσων, καὶ τὸ ἐμὸν ποιήσον· περὶ δὲ  
τοῦ ἐνὸς νομίσματος μέλιτος παρα-  
10 λαβεῖν διὰ Πανηοῦτος Πευαρ· καὶ περὶ  
τῶν δύο νομισμάτων τῶν ὠφιλό-  
ντων, λαβεῖν παρὰ Ἄμμωνος υἱοῦ  
Κάρου· καὶ περὶ τῶν δύο μνας ἐρέας  
παρακαλῶ ζητῆσαι παρὰ Λιμενίου καὶ  
15 αὐτὰ πέμψον μοι. γράψον [[δ]] μοι δὲ τὴν

*Verso*

ὑγίαν ὑμῶν καὶ τοῦ κυρίου Σαραπίωνος  
καὶ τοῦ κυρίου Μαρτυρίου. πολλὰ  
προσκυνῶ †.

(inverse) (hand 2?)

ἐπίδ(ος) τῇ . . . .<sup>τ</sup>(άτη) κυρᾶ κομητίσση π(αρά) κυρᾶς . . . . να . . .

6. read ἀπέστειλα 7. read Πάντως read ποιήσεις *ed. princ.*; ποιήσεις Harrauer 8. εσών read. σόν 11. read  
ὀφειλόντων 13. read μνῶν 15. read αὐτάς 16. read ὑγίειαν

--

First of all, I greet many times Your Suavity, my mother, along with all of my household. About the boat of the lord John, I have sent to him many times, and he has not given me a reply. Therefore, I require your Motherhood – see I sent to you, Eutybios, the black man – at all costs, carry out my affairs as you would carry out your own. As for the one *solidus* of honey, get it through Paneous (of/also) Peuar; about the two *solidi* of debt, get it from Ammon, the son of Karos; and about the two *minas* of wool, seek and send for them from Limenios and send it to me. Write to me about your health and that of the lord Sarapion and the lord Maryrios. I greet you many times.

Deliver to the most ... Lady Countess, from the Lady... .

[ταας  $\bar{m}$ ] πδειωτ  
ετουααβ αγω  $\bar{n}$   
ρεσω $\bar{m}$ ε  $\bar{m}$ ππουτε  
2  $\bar{z}$ νουμε · απα κυριακος  
5 παναχωριτης ζιτ $\bar{n}$  μαρια  
τμοναχη τρεφρнове ζαθη  
μψαχε  $\bar{n}$ ταμ $\bar{n}$ τελαχιςτος †πρoσκ,  
 $\bar{m}$ πζυποποδιον  $\bar{n}$ νουρητε  $\bar{n}$ τκ  
μ $\bar{n}$ τειωτ· ετοψααβ αριταγαπη  $\bar{n}$ γρ  
10 παμ $\bar{e}$ ψε  $\bar{z}$ νπεκωλη ερε ππουτε  
†θε ναϊ  $\bar{n}$ ταμοοψε  $\bar{z}$ μπετρα ναχ  
 $\bar{m}$ πα πεκ [. . . . .] οψοειω  $\bar{m}$ μο[. . .] αχε  
εματε  $\bar{z}$ ννανοβε αγω  $\bar{n}$ γτ $\bar{n}$ νοοψ  
πεκχομου ναϊ  $\bar{n}$ τακααχ  $\bar{z}$ μπα $\bar{n}$ ι  $\bar{n}$ χ  
15 ωωπε ναϊ  $\bar{n}$ χ† νοψχε  $\bar{n}$ ραψγχη αψω  
 $\bar{n}$ παναγ εροχ  $\bar{z}$ μπα $\bar{n}$ ι  $\bar{n}$ χπροτρεπε  $\bar{m}$ μοι  
ε2[ραι] επετ $\bar{n}$ ανοψφ αριταγαπη  $\bar{n}$ γ  
τωβ2 ππουτε εχ $\bar{n}$  πιορφανοχ ωημ  
[χε] πεχειωτ μοψ εχκααχ ναϊ χε εχ  
20 [. . .] δαιμονιον  $\bar{n}$ ππουτε †[. . .]  
[. . .]  $\bar{m}$ μοχ †ζοο[. . . . .]  
[. . . ε]ματε

Give it to my holy father and the true worshiper of God, Apa Kyriakos, the anachorite, from Maria the nun, the sinner. Before the word of my insignificance, I embrace the footstool of the feet of your holy paternity. Be so kind as to remember me in your prayers, that God give me the way to walk on the rock to him...time...very much in my sins, and send your blessing to me that I may place it in my home, and it may be for me a beautiful fragrance of my soul and I may see it in my house and it may urge me toward the good. Be so kind as to pray God for this little orphan, of his father is dead and has left him to me, for her...spirit of God...greatly.<sup>5</sup>

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<sup>5</sup> Translated in R.S. Bagnall and R. Cribiore, *Women's Letters from Ancient Egypt, 300 BC – AD 800* (Ann Arbor, 2006) 200.

*O.Mon.Epiph. 194*

†

ΔΝΟΚ

ΕΣΘΗΡ ΤΕΚ-

ΣΜΣΔΛ ΕΤΣΣΔΙ

5 ΕΤΠΡΟΣΚ(ΥΝΕΙ) ΜΠΑ

ΕΙΩΤ ΔΡΙ ΤΑΓΑΠΗ

ΒΕ ΕΙΑΤ ΕΒΟΛ ΜΜ . . . .

ΕΙΧΠΟ ΝΑΩΗΠΕ ΕΠΕ . .

ΕΨΜΟΨ ΠΑΝΤΩΣ ΕΒΙΡΕ

10 ΝΟΥΣΩΒ ΕΦΜΠΩΔ ΔΠ

ΔΡΙ ΤΑΓΑΠΗ ΝΓΤΝΝΟ-

ΟΨ ΟΨΕΝΤΟΛΗ ΝΑΪ ΝΤΑ-

ΜΟΟΨΕ ΣΙΩΩΣ ΜΜΟΝ

ΕΤΑΨΥΧΗ [Θ]ΛΙΒΕ

15 ]ΜΠΝΔΥ

]?

--

I, Esther your servant, write and bow down to my father. Be charitable enough to teach me ... I give birth to my children ... they die. Maybe (I) do something incorrect. Be charitable enough to send me a rule that I can follow; because my soul is full of grief ... at the time ...

### Appendix 3 – Modern Material

The following is a letter, forwarded to a teenage girl whom I know, by her mother. It eloquently expresses, in modern-day terms, exactly the same guilt and the responsibility the early Church fathers were attempting to impose onto their female adherents. Many other such examples exist, freely available on the internet. I have chosen this particular example because its quasi-nonsensual nature mirrors well the homilies of the Church fathers in which they place the burden of temptation on the women, urging them to cover up, and think of the souls of their ‘brothers’ and thus highlights the relevance of research on gender in religion both in history and the present day.

---

Dear Girls,

Can we have an honest conversation about something that might be a little awkward? It’s not about sex . . . at least directly. But it is about boys and sex and what they think when they see girls, and all the images that swirl around in their brains. It’s an especially important conversation because, as I was scrolling through social media the other day, I couldn’t help but feel a burden for you when I saw picture after picture from a recent school dance—and there was one common factor in all of them.

Girls wearing short, short (*short, short, short!*) skirts and dresses. As in “don’t bother trying to pick up anything on the floor if you drop it” kind of outfits.

Oh, girls, I know you might not want to hear this. And I can understand why your first gut reaction may be to think, “I can wear whatever I want and it’s no one’s business but my own.” I used to think that, too. But I need to let you in on a few discoveries I made when I interviewed thousands of men and teenage boys for my books *For Women Only* and *For Young Women Only*. And I think the results might surprise you a little (or possibly A LOT!)

Ready or not, here they are:

Discovery #1: A Guy Can’t Not Be Tempted By The Sight

Picture the most honorable guy you know; someone who is kind, mature, and really respects girls. Do you have him in your mind?

When he sees you, all done up with great hair and makeup and heels—and THAT dress—he’s going to automatically want to look at you. Nearly all guys admitted that they couldn’t “*not* be attracted” to a girl near them who had a great body (only 4% said they were unaffected).

“*What’s wrong with that? I want to look attractive. Who wouldn’t?*” you might be thinking. I get that. But read on. Because here is what is actually happening in his brain.

When that guy sees you—this attractive girl who is drawing attention to her figure (even though you may not think of it that way)—a part of his brain called the *nucleus accumbens* is automatically stimulated. Instantly, even the most honorable guy is instinctively tempted to want to visually take in, linger on and fantasize about all the details of this great body he’s seeing. That doesn’t mean he *does* that (we’ll get into that in a moment), but he is instantly tempted to.

Even if he doesn’t want to be tempted. Even if he wants to be honorable and not think of you that way.

And he’s not the only guy in the room. So if you dress in a barely-there outfit, not only your date but every other guy in the room (and not to freak you out, but EVEN the dads who are there at the picture party) sees you, notices how little you’re wearing and has the same temptation.

After taking pictures before a dance recently, a friend reached out and said her husband was still reeling from how short the dresses were in the group of about 30 kids heading to their event. As a father, he was horrified that the boys were going to be having to fight that visual temptation all night. And because he’s a man, he understands exactly what that visual temptation is. Let’s tackle that next.

Discovery #2 A Guy is Automatically Tempted to Sexually Fantasize About the Good Body He’s Seen

Take a deep breath, ladies, because this is what we are most clueless about: even the most honorable guy is tempted to imagine what you look like underneath that dress. Or that low-cut top. Or those leggings.

If the dress is a bit longer, the top less revealing, or you’re wearing something that covers more of the leggings, that center in his brain isn’t biologically triggered, and that temptation doesn’t arise in the same way. But if he *is* seeing that super-short dress over your beautiful body, he is tempted

to picture *just* your body, totally unclothed. On our survey, 85% of the anonymous guys surveyed admitted they might be imagining the girl naked. And let's just say it: the guy is tempted to picture you that way, *with him*.

Also, keep in mind that this is not just your date or your boyfriend. This is any guy—all your guy friends from school, your friend's brother, his father, and the total strangers at the restaurant while you're eating dinner before the dance. One told us, "When we see a hot girl, the first 10 seconds of a guy's thoughts are pretty raw. We go straight into fantasy mode. And we have to really work to pull things back."

Now, the fact that this is a temptation is no excuse for a guy giving into it! There is no excuse for a guy's poor behavior. Hear me on this: *I am not blaming you for anything. What you are wearing is not the cause of a guy's poor choices.* Those choices are his alone. But as the mom of a teenage girl, who has interviewed and surveyed thousands of teenage girls and guys, I want you to *be aware of this knowledge that you probably didn't know before.*

### Discovery #3: There IS a Difference Between Temptation and Sin

I know not everyone shares my Christian faith. But let's go to how God describes all this for a minute.

You may be surprised that most guys (including guys you like and trust, who are honorable, kind, and sweet) are tempted in this way. It's important to remember that these involuntary temptations are not sins. It's how their brains are wired. But what is done with these temptations is the issue.

And this is where we go back to thinking about the most honorable guy you know. He probably wants to honor you and respect you—including in his thought life. The problem is, the sensual images and the sensual temptation arrives involuntarily in his mind even though he probably doesn't want it there. And at that moment, he has to make a choice: he can either enjoy and dwell on the feelings associated with these thoughts and images, OR do the necessary work to get rid of them. And many, many guys do.

One guy told us how difficult it is when they have these images popping up in their heads and how much he wanted to respect the girls around them. He said, "Entertaining the naked image of a girl I know would do injustice to her."

One young man from our church seemed to withdraw into himself as he was talking about it. “I hate this temptation,” he said, quietly. “I wish I could turn it off. But it’s on every Netflix show. Every class. And I *like* the girls in my class. I don’t want to be a jerk to them.”

While few guys can stop these involuntary images from popping up in their heads, they can exercise the strength and discipline to stop themselves from continuing to think about them.

So here’s the question for you, ladies: Is it safe to say that with these guys we care about, who are working to respect us, in a culture that is already quite difficult for them, maybe we should consider how we might help them in that process?

#### How You Can Help #1: Put Yourself In His Shoes

So what can you do to help the guys with this issue? Go to Prom in a turtleneck and overalls? Of course not! But there are a few things you can do:

Put yourselves in a guy’s shoes. What must it be like to have to constantly be concerned about dishonoring the girls you know and care about? A teacher once told me that in order to help the girls in her high school class realize how difficult it was for the boys to avoid looking at the girls this way, she placed a bunch of candy in front of the room. She told the girls it was there but they were not allowed to look at it and if they did, they would have to write sentences as a consequence. As a result, many of the girls received the assignment of extra sentences and all the girls eventually put folders in front of their faces to avoid seeing the obvious stack of candy at the front of the room. She asked, “How many of you had a hard time not looking at the candy? How many of you wanted some candy?” And all the girls raised their hands. It gave them a tangible example of what boys go through every day when they saw girls wearing revealing clothing—even the nicest boys have to fight that temptation.

#### How You Can Help #2: As You Choose Clothes, Keep In Mind The Difference Between Beautiful And Sexual

Now that you’re trying to put yourself in a guy’s shoes—especially thinking about that honorable guy who *wants* to respect the girls around him!—just keep that in mind as you are choosing what to wear each day. If you’re not calling overt attention to your body, that center in a guy’s brain isn’t automatically triggered. Instead, you look cute, you look beautiful—not sexual.

For example, it makes a major difference if the skirt isn't quite as short, or if you add a cute cami under that shirt that doesn't quite reach your jeans. There's no need to go into detail: you can figure it out just fine. The key is to simply be aware.

(Also, now that you know this: give your school or your parents a break for their dress codes! Dress codes may be clumsy and annoying, but they usually exist—at least in part—to try to help girls and guys on this issue.)

### How You Can Help #3: Pray For The Guys You Know

Girls, now that you've put yourself in a guy's shoes, how do you feel about it? Some of you may be annoyed, and are determined to misunderstand what I'm saying. (If you think I'm giving guys a pass, saying "boys will be boys, they can't help it", or that I'm shaming you, then go back and read this article again!)

But I believe many more of you are now aware of how hard the honorable guys are working to respect girls and honor God in their thought lives. And you're probably angry on their behalf that they are *having* to work so hard. I'm sure the guys you know would appreciate your prayers.

Thank you for caring. Thank you for treating the guys you know with the same honor that you want from them.

It's so hard to be a teenager these days, isn't it? But you have the ability to make a huge difference. Go and do it. Be brave by being compassionate. Be smart and beautiful and kind. Be yourself. And be the kind of young woman who loves others by respecting how God created them.

Your friend,

Shaunti

---

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