

Selling Private Real Estate in a New Monarchical Setting. Sale and Community in Hellenistic Egypt*

KATELIJN VANDORPE

The Ptolemies, the last Pharaohs, took over a country with a high standing civilization and a mighty clergy, receiving at the same time numerous Greek immigrants. They were able to maintain the control over Greeks and Egyptians by balancing between innovation and tradition and by bargaining with the elite groups (Greek and priestly elite).¹ This paper on selling procedures is a test case for this general statement. Evidence of the Egyptian *chora* will be discussed, constituting mainly of Greek and Demotic sale contracts and of sales tax receipts; official correspondence and lawsuit records add crucial additional information.²

* I should like to thank U. Yiftach and S. Waebens for their helpful comments.

¹ MANNING 2010.

² Law texts have not been preserved for the *chora*; we do have law texts concerning “sale of land and house and building-sites” (γῆς καὶ οἰκίας καὶ οἰκοπέδων ὥνῃ) of the Greek polis of Alexandria (P.Hal. I, ll. 242-259, after 259 BC), but the procedures are clearly different from those of the countryside. P. Hal. I mentions a sale tax of 5%, except for sales below 50 drachmas; the treasurers (*tamiai*) have to register the sales according to demes; once the seller has paid a kind of boundary money (*amphourion*) to the neighbours of the real estate, he is no longer able to institute legal proceedings against the buyer.

1. LAND TENURE IN A MONARCHICAL SETTING

What kind of property could be sold in a country where a king was the ultimate owner of the land? There is a longstanding scholarly discussion whether the Pharaohs or the Ptolemies claimed all land in Egypt by royal rights. We share the view of J. Manning that the Ptolemies “never claimed absolute control over all the land, but merely asserted the right to assign abandoned or unproductive land and the right to tax [all the land]. Underneath this royal assertion lay a variety of land tenure conditions”,³ strongly influenced by Pharaonic traditions.⁴

Houses, waste land or building-sites, located in the residential areas, were privately held and could be sold.⁵ For landed property in the agricultural area, the following categories may be distinguished.

a) Crown land (*Basilike ge*), which was farmed out to royal tenants, could not be sold.⁶ A long-term general lease, destined for the whole village, formed the basis for the individual contracts. This category should be distinguished from *Basilike idioktetos ge* or “royal privately owned land” attested mainly in Upper Egypt and discussed below.⁷

b) Cleruchic land (*Clerouchike ge*) was granted by the king to soldiers or cleruchs. The *kleroi* remained at all times the king’s property. But while at first these plots were intended for the cleruchs during their lifetime, a limited set of alienable rights was gradually obtained. Such a plot could only be passed on among members of the cleruchic group, usually from father to son and even women could administer the *kleros* if they connected two generations of cleruchs.⁸

c) Sacred land (*Hiera ge*) or temple land *stricto sensu*, held by the temples for the maintenance of the cults and with royal permission, could not be

³ MANNING 2003, 157-178, esp. 177. For Ptolemaic land categories, see also HUSS 2011, 262-286; MONSON 2012, 75-86.

⁴ CRISCUOLO 2013.

⁵ E.g. BGU XIV 2398 = BGU X 1974 (*psilos topos* or waste land, 213–212 BC, Oxyrhynchite nome); BGU XIV 2399 (courtyard in the village, 212-211 BC, Oxyrhynchite nome); P.Adler Gr. 9 (house, 104 BC, Pathyris); P.Köln I 51 (house and garden, 99 BC, Pathyris).

⁶ PRÉAUX 1939, 491-514; CRAWFORD 1971 = 2007, 103-105.

⁷ Compare MONSON 2012, 76-77.

⁸ On the legal status of the *kleros*, see most recently SCHEUBLE 2012, 142-194; see also CRAWFORD 1971 = 2007, 53-58; MANNING 2003, 178-181; MONSON 2012, 78-79; FISCHER – BOVET forthcoming.

sold, but the temple often leased it out to private people.⁹ Such temple land *stricto sensu* should be distinguished from privately owned land which was part of the divine endowment and thus of the revenues of the local temple,¹⁰ discussed in the next section.

d) Private or privately owned land (*Idioktetos ge*) is a category which has been ignored for a long time. In Upper Egypt, the Ptolemies took over the ancient property regime which allowed the private transfer of property rights by inheritance, lease and sale,¹¹ and the use of such real estate as mortgage.¹² Contrary to cleruchic land, the alienation rights were not limited. When people bought such land, they would own it (κυριεύσει) “just as the original owners possessed it” (καθὰ καὶ οἱ ἀρχαῖοι κύριοι ἐκέκτηντο).¹³ The new interpretation of Demotic receipts¹⁴ and recently discovered land surveys¹⁵ revealed that the major part of the agricultural area in Upper Egypt was in private hands.¹⁶

Taxes had to be paid on this private land and these revenues were destined either for the Crown or for the temples. Therefore, private land of which the revenues were to be allocated to the Crown, could be called *Basilike idioktetos ge*, “royal privately-owned land”,¹⁷ whereas private land of which the revenues were destined for the temples, is said to be part of the *hṭp-ntr* (divine endowment) of a deity. Nice examples are provided by a third-century BC archive from Edfu, where the protagonist owns private low (or island) land located within the divine endowment of Horus, as well as private high land “in the fields of Pharaoh”.¹⁸

⁹ E.g., P.Dem. Ackerpachtverträge 34; P. Gebelen Heid. 12 (these examples come from Pathyris in Upper Egypt; for low land owned by the temple of Hathor in Pathyris, see VANDORPE – WAEBENS 2010, 28).

¹⁰ Compare MONSON 2012, 77.

¹¹ As convincingly shown by MANNING 2003, chapter 6, on the private transmission of land; see also MONSON 2012, 78-79.

¹² Private land could be sold temporarily as mortgage for a loan; for Greek contracts testifying to such temporary sales, see PESTMAN 1985b; for procedures to mortgage land through Demotic documents, see the contribution by M. DEPAUW.

¹³ BGU III 992, col. 2, ll. 5-6.

¹⁴ VANDORPE 2000.

¹⁵ CHRISTENSEN 2002; MONSON 2012, 79-86.

¹⁶ Private land in the Edfu nome may amount to 72% of the agricultural area, as shown by MONSON 2012, 82.

¹⁷ MONSON 2012, 77, referring to P. Lond. VII 2188 (Hermonthis, 148 BC); further examples of “royal private land” may be found in third-century BC Edfu, see following note.

¹⁸ E.g. P.Hauswaldt 1 (265 BC). For the archive of Pabachtis, son of Paleuis, see MANNING 2003,

The evidence suggests that most private land in Upper Egypt was part of the divine endowment of a deity,¹⁹ a tradition that goes back to the pre-Ptolemaic period.²⁰ Taxes levied on private land were paid directly to the temple and part of them were destined for the cults or the priestly organisation. In Ptolemaic times, this private land was according to Demotic evidence still part of the temple's *ḥtp-ntr*, but the Ptolemaic kings managed to get hold of the private plots and its taxes at different stages. The king compensated for the probably enormous losses of the temple revenues: a system of subvention (*syntaxis*) was introduced.²¹ Thus, the state now cashed the taxes, but returned part of it to the temples through this subvention system. Parallel with the control of the taxes, the state also intervened more and more in the process of purchasing private land, as shown in the following section.

2. PRIVATE SALES: FROM TEMPLE TO STATE INTERVENTION²²

The distinction between temple and state (king) is mainly applicable to the post-Pharaonic period. Current studies suggest that state and temple in Pharaonic times (e.g., in the Ramesside period) functioned as one and not as two separate institutions: the temple was primarily a branch of the governmental administration.²³

Early-Hellenistic period (until ca. 200 BC)

Houses and waste land in towns or cities, and private land in the agricultural area, were sold through a system of contracts established independently from the state. But these contracts were, at least from Ptolemy II onwards, supervised by the state.

79-83, and <<http://www.trismegistos.org/arch/detail.php?tm=162&i=3>>.

¹⁹ In the town of Pathyris, for instance, all private land is, according to the Demotic contracts, still part of the divine endowment of Hathor in the second-early first century BC, see VANDORPE – WAEBENS 2010, 35.

²⁰ See e.g., S.P. VLEEMING in P.Hou, 21, n. cc, and 25, n. ii.

²¹ VANDORPE 2007; VANDORPE – WAEBENS d2010, 35.

²² For an overview of the Greek sale contracts, see the database *Synallagma: Greek Contracts in Context* (dir. U. Yiftach-Firanko), <<http://hudd.huji.ac.il/ArtlidHomepage.aspx>>, also accessible via Pap.info; for the Demotic contracts, see the Trismegistos website <<http://www.trismegistos.org/>>.

²³ HARING 1997, 17-20.

Greek and Demotic contracts testify to the sale of *houses and building lots*. The Greek contracts²⁴ came about in the private sphere and were double documents for which the contracting parties had to find six witnesses (whose names were recorded and whose seals closed part of the document) and a ‘keeper of the contract’ (*sungraphophulax*),²⁵ while the Demotic contracts²⁶ were redacted by temple notaries or by official notaries who are to be associated with temples as well rather than with the state administration.²⁷ Both Greek and Demotic contracts were established in the presence of witnesses.

Mainly Demotic temple contracts²⁸ bear witness to the sale of *private land in the agricultural area*, partly because this type of land was principally found in Upper Egypt, where the Hellenization process had not yet penetrated into the countryside, and partly because private land was usually part of the divine endowment (*htp-ntr*) of the local temples (see above 1.d.).

These transactions were supervised by the state, probably for tax purposes (see below): from the reign of Ptolemy II onwards, private Greek six-witnesses contracts and Demotic contracts could be/or should be registered in a *grapheion* of the state, also called *agoranomeion*. Some Greek double documents contain an explicit clause according to which the contract should be registered in the *agoranomeion* and the transfer taxes should be paid.²⁹ A few fragmentary Greek³⁰

²⁴ For Greek double documents testifying to the sale of houses, courtyards or waste land in the village, see note 6.

²⁵ BURKHALTER 1996, 294-295.

²⁶ Demotic sale contracts of houses: e.g., P.Brux. Dem. II 1, 2 and 3 (Thebes West, 327, 313 and 311 BC, respectively); P.Schreib. 1, 2, 4 (Thebes, 330, 314 and 304 BC, respectively).

²⁷ MUHS 2005b, 93-94.

²⁸ For a list of early Demotic sales concerning landed property, going back to the seventh century BC, see e.g., VLEEMING 1991, 346; for further Demotic sales of land, see, e.g., P.Schreib. 24 (Thebes, 210 BC); P.Schreib. 80, 81, 82, 84 and 86 (Edfu, period 265-240 BC). For Demotic sale contracts, which usually consist of two documents, a sale and a cession, see DEPAUW 1997, 140-142, and the contribution by M. DEPAUW in this volume.

²⁹ BGU X 1973 (Oxyrhynchite nome, 221-205 BC, sale of real estate: double document with witnesses, registration in the *agoranomeion* required); BGU XIV 2398 = BGU X 1974 (Tholthis, Oxyrhynchite nome, 213-212 BC, sale of waste land in village: double document and witnesses, registration in the *agoranomeion* required); BGU XIV 2399 (Tholthis, Oxyrhynchite nome, 212-211 BC, sale of a courtyard and an unknown object in the village: double document and witnesses, registration in the *agoranomeion* required); SB XIV 11376 = P.Hib. I 89 (Ankyron, Herakleopolite nome, 239 BC: credit arrangement in view of a sale, which should be registered in the *agoranomeion* of Herakleopolis or Oxyrhynchus); SB XIV 11375 (Oxyrhynchus, 211-210 BC: double document mentioning a sale which has to be handed over in the *agoranomeion* of Oxyrhynchus, where the sale tax has to be paid). See also WOLFF 1978, 195.

³⁰ Registers of Greek private documents made by Greek officials are known since the third century BC. CPR XVIII (231/206 BC), for instance, is a monthly register of private documents (including double documents) that were probably registered in Theogenis. The editor discusses other Ptolemaic registers containing copies or abstracts of especially private documents. A special case is P.Freib.

and Demotic³¹ registers are preserved, registering private Greek or Demotic contracts, among others, in a daybook format or as monthly registers geographically ordered.

Middle and Late Hellenistic period

(from ca. 200 BC onwards, including major changes around 145-140 BC)

Alongside the Greek six-witnesses contracts and Demotic contracts, the government introduced a new type of sale contracts redacted by Greek notaries or *agoranomoi*, employed by the state.³² The function of *agoranomoi* as notaries in the second and first centuries BC was probably an extension from their task as registering official in the third century BC.³³ In Lower Egypt, which was Hellenized in an early stage, these *agoranomoi* may already have been active as Greek notaries in the third century BC for loans etc., but up to now, no certain examples of third-century BC agoranomic sale contracts are extant.³⁴ In Upper Egypt, Greek notarial offices were only introduced in the second century BC, after the suppression of a huge revolt.³⁵ Surely, agoranomic Greek contracts, including sales, became popular everywhere in the country from about the mid second century onwards even in regions where the major part of the inhabitants practiced Egyptian habits.³⁶ The local availability of the notarial offices and the familiarity with the Greek officials (who were often

III 12-33, where the original contracts (*sungraphophulax*-contracts rather than notarial deeds) are bundled in a *tomos sunkollesimos*, see B. KRAMER, in CPR XVIII, p. 16-34; MUHS 2005a, 21; YIFTACH-FIRANKO forthcoming.

³¹ MUHS 2005a, 19-20; MUHS 2005b, 95-96.

³² SEIDL 1962, 62-63; MESSERI 1980; PESTMAN 1978b and 1985a; HUSS 2011, 85-88.

³³ Compare HUSS 2011, 86: “Der *agoranómos* der zweiten Hälfte des 2. Jh. war kaum der *agoranómos* der ersten Hälfte des 3. Jh.”.

³⁴ P.Teb. III 814 (Krokodilopolis, Fayum, 240 BC) includes copies of parts of the sale of real estate (including a vineyard) redacted by an *agoranomos*, but the so-called sales deal with forfeited property: a woman had, by judgement of the court of the chrematists-judges, been given the right of execution against the defaulter; thus the procedure in which the *agoranomos* is involved, is not an ordinary sale, but the execution of a judgment after a debt had not been paid off; compare the case found in P.Enteux. 15 (‘renouvellement d’une hypothèque sur le bien d’un mineur’). SB XXVI 16799 (?Philadelpheia, 210-109 BC), and P.Strasb. Gr. VI 641 (Phebichis, Herakleopolite nome, 265 BC) may be agoranomic sale contracts, but these are too fragmentary to draw any conclusion from. There are, on the other hand, for the third century BC clear examples of Greek non-agoranomic sale contracts which had to be registered in an *agoranameion*, see note 30.

³⁵ The earliest certain example of an agoranomic contract in Upper Egypt, is a loan dating to 174 BC: P.Dryton 11 (P. Dryton 1 dates to 164 BC rather than to 176/175 BC, see P.Dryton, 28). The loan BGU X 1968 of 184 BC may be an earlier example, but it probably originates from a Greek polis (Ptolemais?), not from the *chora* proper.

³⁶ VANDORPE 2011.

members of a local Egyptian family, trained as Greek scribe) were undoubtedly crucial factors to persuade the locals to make use of this new institution. But people had a choice: they could continue the use of Demotic contracts and in times when government control was weaker, people turned again to the temple notaries.

Greek agoranomic contracts no longer needed witnesses as they were automatically recorded in the notary's register, of which few examples have been preserved.³⁷ The following extract³⁸ is part of such a register listing contracts in a chronological order (111-110 BC). Before each contract the day was mentioned; the protocol of the original contract (containing the dating formula, place of redaction and name of the *agoranomos*) was not taken over, but the contract proper was copied entirely.

Day 29. Has sold Harsiesis son of Hermon, Persian of the epigone, aged about 40 years, tall, of honey-coloured complexion, with straight hair, a long face, a straight nose, a scar on his left - - -,

the fourth part belonging to him of grain land and of the vineyard in it which is abandoned, (located) in the kato-toparchia of the Latopolite nome. The boundaries of the entire land are, South: land of Taapis, North: land of Harpaesis son of Portis, East: land of Chnum, West: land of - - -, or whatsoever the boundaries are on all sides.

Has bought A---s son of Orses, Persian of the epigone, aged about 40 years, tall, of honey-coloured complexion, with slightly curly hair, a long face, a straight nose, (for) - - -.

The warrantor is the vendor Harsiesis.

(...)

Day 3. Has sold Horos son of Thotortaios, Persian of the epigone, aged about 40 years, of medium stature, with honey-coloured complexion, straight hair, with a bald forehead, flat-faced, a straight nose,

the part belonging to him of standard grain land, in the plain surrounding Pathyris, consisting of 4 lots; the first lot called 'of Pebos', of which the boundaries are, South: land of Psennesis, North: of the keepers of the sacred ibises, East: enclosing dyke, West: land of Horos son of Harsiesis; another plot called 'of Senamounis and Zminis', of which the boundaries are, South: dry land of Patous son of Phibis, North: land of Nechoutes, East: enclosing dyke, West: desert, or whatsoever the boundaries are on all sides.

Have bought Nechoutes and Peteharsemtheus sons of Pelaias, Persians of the infantry, for 1 talent 2000 drachmas.

The previous buyer and warrantor is the vendor Horos, whom Nechouthes and Peteharsemtheus the purchasers accepted.

Agoranomic sale contracts have some characteristics in common with the older types of contracts.

³⁷ A clear example is VANDORPE 2004; other examples are uncertain, see *ibidem*, 166-167.

³⁸ VANDORPE 2004, doc. 2 and doc. 7.

- They were often written twice (a full version and a short version), like the Greek double documents (including six-witnesses contracts).³⁹ The part of the papyrus with the short version was closed with the private seal of the Greek notary.⁴⁰
- The sale contracts were written on large pieces of papyrus, containing broad margins, like the Demotic sales contracts redacted by the temple notary. This was in contrast with Greek and Demotic notarial loan contracts, which were written on smaller pieces of papyrus.⁴¹
- The neighbouring plots of the property sold were described in a similar way as in the Demotic contracts.

Agoranomic contracts also differ from the Demotic temple contracts in some aspects. While in the latter contracts witnesses could identify the parties, the identification of the contracting parties in agoranomic contracts was recorded in more detail, in accordance with legal requirements and including a personal description.⁴² In addition, agoranomic contracts mention the sales price,⁴³ contrary to Demotic temple contracts.⁴⁴

The supervision of the older types of contracts (Greek six-witnesses and Demotic contracts) through registration was continued.⁴⁵ An example from a late Ptolemaic, bilingual *grapheion* archive:⁴⁶

P.Tebt. I 227 descr. = REgypt 24 (1972) 129–136, dated to year 18, Phamenoth 18, ll. 1–4: [Demotic] “A document of sale and quitclaim which the farmer and servant of Souchos, Paesis son of Paesis, his mother is Kolluthes, made it, concerning his half share of his house ...” (translation by Muhs 2010, 583)

³⁹ PESTMAN 1985a, 33–34; WOLFF 1978, 80 and 190–194, may be right when he considers the shorter version of the contract as an official declaration by the notary that the transaction had been registered; thus, the so-called *scriptura interior* was an excerpt from his register (that is a *katagraphe*-certificate).

⁴⁰ PESTMAN 1985a, 35–37; VANDORPE 1996, 235–237; <http://www.trismegistos.org/seals/overview_2b.html>.

⁴¹ Compare the contribution by M. DEPAUW.

⁴² YIFTACH-FIRANKO forthcoming.

⁴³ On the sale price in Greek sale contracts, see CADELL 1994.

⁴⁴ Compare the contribution by M. DEPAUW.

⁴⁵ E.g., SB XX 14470–74, 14476–87, 14489–14492a–h (= P.Trophitis 1–20 and fr. a–h), dating to 160–158 BC, constitutes an archive of Greek abstracts of Demotic contracts, containing at least 35 entries concerning an alimentary contract (*sungraphe trophitis*), but also 5 entries concerning a sale (P.Trophitis, 5–6: texts marked by an asterisk). The lists of abstracts of Demotic contracts were either official acts destined for state repositories or the personal records of a notary.

⁴⁶ MUHS 2010.

But around 145-140 BC registration procedures became more elaborate⁴⁷ and probably involved more costs: for instance, alongside the registration, an abstract of the contract had to be provided. As a consequence, Greek six-witnesses and Demotic contracts became less popular, whereas Greek agoronomic contracts, which were automatically registered by the notary without further requirements, became more successful than ever. Around the same time (between 137 and 127 BC), the transfer tax for sales was definitively doubled to 10% (see below).

Costs involved

Several costs were involved when real estate was sold. People had to pay either the temple or Greek notary,⁴⁸ or when they drew up a private double document they probably had to remunerate the *sungraphophulax*, who kept the contract, or the six witnesses.

For the six-witnesses and temple contracts (not for the Greek notarial contracts), an additional registration tax had to be paid at the *grapheion*.⁴⁹

A transfer tax on the sale of real estate was imperative for all types of contracts. The above-mentioned official notarization or registration requirements of sale contracts may even have been imposed in order to control the collection of sales taxes.⁵⁰ The system of transfer taxes on sales underwent several changes.⁵¹

In the pre-Ptolemaic and early Ptolemaic period a first transfer tax of 10%, called “the tenth of the scribes (and) the representatives”, was levied to the benefit of the local temple and is frequently attested until 243 BC.⁵² Only exceptionally this tax resurfaces in the later Ptolemaic period (in 126-125 BC, see note 57) and may have survived into the Roman period.

A second transfer tax was introduced in the early Ptolemaic period (in 311 BC at the latest) by the state called the *enkuklion*-tax, levied through a tax farming system. This state transfer tax may have gradually replaced the temple transfer tax and is well-attested in numerous Demotic and, later on, Greek receipts throughout the Hellenistic period.⁵³ The tax was initially a

⁴⁷ PESTMAN 1985c; MUHS 2005a, 21; YIFTACH-FIRANKO 2008; VANDORPE 2012, 178-179.

⁴⁸ See the detailed discussion on the ‘Schreiberlohn’ by B. KRAMER, in CPR XVIII, 31-34.

⁴⁹ Probably called the *grammatikon*, see MUHS 2010, 584 and 586.

⁵⁰ Thus MUHS 2005a, 19.

⁵¹ For a clear survey, see VLEEMING 1991 and DEPAUW 2000, 56-63.

⁵² VLEEMING 1991.

⁵³ PESTMAN 1978a; PESTMAN 1985a, 37-39.

fixed amount which was, by the middle of the third century BC, replaced by a rate of 5%, sometimes temporarily raised to 10% in difficult circumstances; between 137 and 127 BC,⁵⁴ the rate was definitively raised to 10%.⁵⁵

The current evidence suggests that only in the early Ptolemaic period (between 311 and 243 BC), the two types of transfer tax (temple and state tax) existed alongside each other and that, from the very end of the third century BC, surely the state transfer tax of 5% continued to be levied, being raised to 10% in the later Hellenistic period. If the temple sales tax was also continued for some types of land, then it went unmentioned, except for two cases.⁵⁶

Together with the transfer tax, an additional tax of almost 2% was imposed for the conversion of payments in bronze coins, because prices were still reckoned in silver, although people paid in bronze.⁵⁷ In case of land bought at a public auction, some minor taxes were levied in surplus to the transfer tax, like the *kerukeion*, which covered the costs of the *kerux* or herald who announced the auction.⁵⁸

3. CONFISCATION OF PRIVATE LAND AND PUBLIC AUCTION

The Ptolemies confiscated private land that had become ownerless or derelict.⁵⁹ This was usually the case in the aftermath of a revolt.⁶⁰ Thus, the state gradually gained control over the private land and its taxes to the disadvantage of the temples. In some villages, almost all the land was confiscated at some point.⁶¹ But the state did not turn the confiscated land into Crown land to be leased out to royal tenants, but resold the land to private people at public auctions. The tradition of private land was respected, but “the use of the auction

⁵⁴ For the dates, see PESTMAN 1978a, 215.

⁵⁵ Only when property was sold temporarily (as a mortgage for a loan), the transfer tax was limited to 5%, see PESTMAN 1985b on such “ventes provisoires”.

⁵⁶ Two Greek receipts from the Fayum of 126 and 125 BC mention both the state and temple sale tax, see VLEEMING 1991, 349 and DEPAUW 2000, 63.

⁵⁷ For surcharges to be paid on transfer taxes (*enkuklion*), see PESTMAN 1978a, especially 215, b, and MARESCH 1996, 214-216.

⁵⁸ PRÉAUX 1939, 334; for the extra charges levied on the transfer tax in case of land bought at an auction, see MARESCH 1996, 214, n. 6.

⁵⁹ For reasons why the state confiscated land, see in general SWARNEY 1970, 23-26.

⁶⁰ On the revolts in Ptolemaic Egypt, see VEÏSSE 2004.

⁶¹ E.g., in Pathyris, large parts of the land to the north of the village was confiscated, see VANDORPE – VAEBENS 2010, 31 and 41.

process was an important shift from a temple-based system to a bureaucratic system in control of Ptolemaic officials”.⁶²

The public auction was a well-known procedure in the Greek world, newly introduced in Egypt by the Ptolemies ca. 223 BC at the latest as ‘the auction of Pharaoh’.⁶³ A text from the Erbstreit dossier may illustrate the procedure:⁶⁴ somewhere before 8 November 187 BC, that is in the last phase of the huge revolt in Upper Egypt, a plot of 35 arouras located in Upper-Egyptian Pathyris, was confiscated for the benefit of the royal treasury. The arouras were put up to auction in Thebes (Diospolis Magna) from 8 until 13 November 187 BC and assigned on the 14th day of the month to a soldier, Proitos son of Sosikrates. The state officials present at the auction are listed: the substitute of the governor (*strategos*) of the Thebaid, the governor (*strategos*) of the Perithebas-nome, the commandant of the garrison, the royal scribe of the Thebaid, the head of the public granary (*sitologos*) and banker of the Thebaid, the *oikonomos*, two district clerks (*topogrammateis*), the village clerk (*komo-grammateus*) of Thebes (Diospolis) and several others.

The sales price of 2000 copper drachmas was paid through the bank of Hermonthis into the account of the new state department of the *Idios logos*, which collected irregular revenues.⁶⁵ The payment was done in three installments: the first payment was carried out almost two months after the sale, on 11 January 186 BC, the second and third installment in 186/185 and 185/184 BC, respectively.

When real estate was sold by the Crown, the proper official, *in casu* the overseer of the finances of the Thebaid (ὁ ἐπὶ τῶν κατὰ τὴν Θηβαΐδα),⁶⁶ drew up a *diagraphē*,⁶⁷ a document that included the description of the real estate, its value, the bid of the buyer, the allocation, etc. (ll. 5-18). The *diagraphē* was completed with one or more subscriptions (ὑπογραφαί) by officials such as the royal secretary of the Thebaid (ll. 4-5), ordering the bank to receive the money.

⁶² MANNING 2003, 161.

⁶³ MANNING 1999 and 2003, 83-85 and 160-161; VANDORPE 2000, 195; MONSON 2012, 117-119.

⁶⁴ SB I 4512A, a copy of the original receipt BGU III 992; for the Erbstreit dossier, see note 70. Another nice example of the auction of real estate (a house) is P.Haun. I 11 = SB VI 9424 of 182 BC (Thebes).

⁶⁵ On the department of the *Idios Logos*, see Swarney 1970; on the earliest attestation of this department (186 BC), see VANDORPE – WAEBENS 2010, 41, n. 143.

⁶⁶ On this official, see HUSS 2011, 80-81 and note 377.

⁶⁷ For the *diagraphē*, see U. WILCKEN, in UPZ I 114, *scriptura exterior* comm. l. 10 (532-533); SEIDL 1962, 67 and 127.

The new owner of the real estate handed over the *diagraphe* to the banker, paid the amount due and received a bank receipt, in which the text of the *diagraphe* was incorporated. The text below is such a bank receipt, in which the data of the *diagraphe* are introduced by “Harendotes, the royal scribe, reports (διασαφεί) that”. As shown by the Erbstreit lawsuits, the bank receipt with the data of the *diagraphe* was accepted as evidence to prove ownership. Moreover, the bank receipt is in some Erbstreit-documents referred to as a *diagraphe*.⁶⁸

Year 19, Choiak 5.

Has paid into the bank at Hermonthis, of which Teos is in charge, for the King on the private account, in accordance with the *diagraphe* of Protarchos, overseer of the revenues in the Thebaid, written in year 19, Phaophi 29, and subscribed by Harendotes, the royal scribe of the Thebaid: Proitos, son of Sosikrates, (the) sales price of a piece of highland.

Harendotes, the royal scribe, reports that it is (now) confiscated to the benefit of the royal treasury and that it formerly belonged to Myron, son of Moschos. (It involves a piece of highland) in Pathyris, of 35 arouras (charged) at the rate of 4 2/3 artabas, belonging to (the land) that was advertised for sale and put up to auction in Diospolis Magna in year 19, Phaophi, from day 1 to 6. It was knocked down on the 7th.

Were present at the proclamation and ratification: Ptolemaios substitute (of the *strategos* of the Thebaid), *strategos* (of the Perithebas), Megisthenes commandant of the garrison, Harendotes royal scribe of the Thebaid, Lysimachos *sitologos* and banker of the Thebaid, Ptolemaios *oikonomos*, Horos and Psenamunis *topogrammateis*, Imuthes *komogrammateus* of Diospolis and several others.

(The land was knocked down) through the military herald Archelaos to the highest bid of 2000 drachmas of copper for silver, on condition that he shall own the above-mentioned land just as the original owners possessed it, while he regularly pays to the royal treasury the imposed levy assessed on produce and while he pays to the temples what (?)used to be given until year 16.

Of the sales price he shall pay in year 20 and year 21 the remaining 1333 drachmas 1/3 and he has now paid 666 drachmas 2/3 in copper for silver as well as the tax on sales of 5% and the other payments due.

11 Jan. 186 BC

6 Dec. 187

8-13 Nov. 187

14 Nov. 187

207/206

186/185 and

185/184

⁶⁸ E.g. P.Schreib. 30, l. 5.

4. SALE CONTRACTS AND LEGAL PROTECTION

Were all types of sale contracts accepted before Greek or Egyptian judges? The Erbstreit trials will guide us.⁶⁹ The Erbstreit is a dispute between three groups of cousins concerning an inheritance. Several trials are held before Greek officials and judges, although the evidence is for the greater part Egyptian.⁷⁰ All the title deeds, including those of previous owners, and lease contracts (proving ownership) are in the possession of the owner and are taken into account during the trials. This is in line with the following clause found in Demotic sale contracts: “Every writing that has been made concerning it and every writing that has been made for me concerning it, and every writing in the name of which I am justified (in my claim) on it, thine are they with the right conferred by them”.⁷¹ Among the title deeds and lease contracts we find a Greek bank receipt (called *diagraphe*, see above), testifying to the purchase of confiscated land from the state by one of the previous owners,⁷² and Demotic temple contracts⁷³. All the Demotic pieces of evidence are translated into Greek.⁷⁴ The quality of the translations is good.

During one of the trials, the winning party (that of Senenupis) “presented as evidence: the above-mentioned *diagraphe* and the (Greek) copies of the (Demotic) conveyances”,⁷⁵ whereas the losing party “could in no wise prove that (the land) truly belonged to him (Panas)”.⁷⁶ As a consequence, the Greek judge, “gave order that the said Senenupis would become master of her mother’s inheritance in accordance with the title(-deeds) she had”.⁷⁷

⁶⁹ For the Erbstreit dossier and the Erbstreit lawsuits, see VANDORPE – WAEBENS 2010, 114-122. The Greek and Demotic texts of the Erbstreit dossier will be republished by S.P. Vleeming and K. Vantorpe.

⁷⁰ This situation changed in 118 BC: according to the *protagmata* of that year, agreements written in Greek had to be judged before the Greek judges-*chrematistai* and agreements written in Egyptian before the native judges or *laokritai*, WOLFF 1960; SEIDL 1962, 74-77; PESTMAN 1985d; RUPPRECHT 2011.

⁷¹ P.Adler Dem. 2, I. 8 (with translation); for this clause, see K.-Th. ZAUZICH, in P.Schreib., 141-146 (Klausel 7: ‘Klausel über die Urkunden’).

⁷² BGU III 992 (original receipt, of which SB I 4512A is a copy), see VANDORPE – WAEBENS 2010, 120-122.

⁷³ P.Schreib. 30 and 115; Fs. Lüddeckens 171-172 & 174; P.Mainz Dem. 4β ined.; P.Wiss. Ges. inv. 5, 6, 8 ined.; see VANDORPE – WAEBENS 2010, 120-122.

⁷⁴ P.Giss. I 37 + 36 + 108; P.Giss. I 39; see VANDORPE – WAEBENS 2010, 120-122.

⁷⁵ SB I 4512 B, ll. 67-69: παρέκειτο τὴν δηλουμένην διαγραφὴν καὶ τῶν καταγραφῶν τάντίγραφα.

⁷⁶ SB I 4512 B, ll. 76-77: ὥς δ’ ἦν τοῦτου ἀληθῶς, οὐδαμῶς συνίστων,

⁷⁷ SB I 4512 B, ll. 83-86: συνέταξεν κρατεῖν τὴν Σενενοῦπιν τῶν μητρικῶν ἀκολούθως αἰς

But in spite of the convincing pieces of evidence, the losing party does not give in, resulting in a series of trials. The losing party, who has not a single piece of written evidence, claims that the mother of the winning party did not buy the land with her own money, but probably with the money of the grandfather. So, the title-deeds as such are not under discussion, but the winning party is accused of having acted in a fraudulent way in one of the contracts. As a result, a Demotic oath to be sworn by the winning party in an Egyptian temple, has to end the final dispute, stating that their mother bought the land with her own money.⁷⁸ Despite the convincing written evidence, a simple, unprovable accusation made it necessary to fall back on the old procedure of a temple oath.⁷⁹

CONCLUSION

“The support of the temples was part of the early political strategy of the Ptolemaic kings, and the bureaucratization process set in motion by the regime eventually displaced them as economic institutions”, thus J. Manning in his book on the Ptolemaic land tenure regime (2003: 239). This paper illustrates the bureaucratization process or the growing governmental involvement in case of sales of private real estate, resulting in a diminishing role of the temples and the clergy. At the same time, the Ptolemies, in their take-over of the control, respected ancient Egyptian traditions of private landownership, taxation and contract habits. In addition, when introducing Greek *agoranomoi* or notaries in regions with a strong tradition of temple scribes, they retrained members of the local priestly elites as Greek notaries, and thus the local elites were involved in the innovation process. When selling real estate, a high percentage (5 to 10%) had to be paid as transfer tax, supervised closely by the government, but people were protected by the government when their ownership was doubted by another party.

ἔχει κτήσει.

⁷⁸ P.Mainz dem. 5γ ined.

⁷⁹ For temple oaths, see U. KAPLONY-HECKEL in O. Tempeleide, esp. 28-29.

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