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**Domestic Violence and Women's Rights in Roman Egypt:
The Case of P. Oxy. VI.903**

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Modern writers on domestic violence have stressed the need to place its occurrence within its social context.¹ Historically this context has been the patriarchal society where the man's dominion over his wife and household was protected by both law and custom. Many societies have had laws of chastisement that upheld the man's right, even duty, to use physical punishment against his wife.² This study will examine domestic violence in Roman Egypt not from the perspective of the forms the violence took or its prevalence in society, but, rather from the perspective of a woman's protection from physical violence. It will be examining the right of a woman not to be physically abused and what recourse she might have if abuse occurred.³ As will be demonstrated, women in Roman Egypt of the fourth century CE enjoyed some legal protection from domestic violence, but the extent of the protection and right to legal recourse varied greatly according to the woman's social standing.

The focus for this study is a particular papyrus document, P. Oxy. VI.903, which raises the issue of domestic violence against females of three classes: a free woman, her female slave, and her foster-daughters. The papyrus which is written in poor Greek appears to be a Christian woman's legal affidavit against her husband dated sometime in the fourth century CE. The names of neither the woman complainant nor her husband appear in the document and nothing is known of this case outside of what appears in the document itself. The full text of the papyrus reads:⁴

- 1) Concerning all the insults he spoke against me.
- 2) He shut away his own slaves and
- 3) mine together with my foster-daughters and his agent and
- 4) son for seven whole days in his cellars,
- 5) having assaulted his slaves and my slave Zoe
- 6) and half killed them with the beating, and he applied fire to
- 7) my foster-daughters, having stripped them completely naked which is contrary to the laws.
- 8) He also said to the same foster-daughters, "Give up all of her things," and they said,
- 9) "She has nothing with us." To the slaves he was beating he said
- 10) "What did she carry out of my house?" But they said while being tortured "Nothing
- 11) at all was carried out but everything is safe and sound."
- 12) Zoilus went to see him because he had shut away his foster-son,
- 13) and he said to him, "Did you come on account of your foster-son or on account
- 14) of such a woman, to babble about her?"
- 15) He swore in the presence of the bishops and of his brothers,
- 16) "Henceforward I will not hide all my keys from her (Insertion: he trusted his slaves but would not trust me) and I will stop
- 17) and I will not insult her." And so there was a wedding, and after
- 18) the agreement of these things and the oaths, he again hid all the keys
- 19) from me. When I had gone out to the church at Sambatho he
- 20) had the doors shut before me to turn me aside saying "For what reason
- 21) have you come to the church?" Then he said many cruel things to my face
- 22) and through his nose. And concerning 100 artabae of wheat
- 23) due to the State in my name, he paid nothing, not a single artaba. He shut away
- 24) the books having laid hold of them saying, "You pay the price of the hundred artabae."
- 25) He paid nothing which has been said. He said to his slaves, "Provide
- 26) helpers, to shut her away also." His assistant Choous was carried off
- 27) to prison, and Euthalamus provided a surety for him which was insufficient.
- 28) So I took it upon myself to provide a little more for him, namely Choous. Then I encountered
- 29) him at Antinoopolis having my bathing-bag(?) in which I had my ornaments.
- 30) He said to me, "I will take for myself what you have with you on account of what you gave
- 31) for my assistant Choous as surety because of his imprisonment."
- 32) His mother will provide witness concerning all these things. And concerning his slave Anilla,
- 33) he continues to distress my soul, both at Antinoopolis and here,
- 34) saying, "Get rid of this slave because she knows equally well how to get what she wants," probably

- 35) wanting to entangle me, and on this pretext to take away whatever I have myself.
But I
36) refused to get rid of her, and he continued to say, "In the course of a month
37) I will take a mistress for myself." God knows these things.

P. Oxy. VI.903 contains much of interest for ancient historians so it will be useful here to summarize the points relevant for the immediate discussion. In line 1, the woman complains of all the acts of *húbris* her husband spoke against her. *Húbris* is an outrage which can range from insult to assault. In lines 2-4 she said that her husband shut away her slaves and foster-daughters with other people in the cellar for seven days where in lines 5-6 he assaulted and severely beat her woman slave Zoe. He then questioned her foster-daughters under torture in lines 7-9. The specific nature of the torture was stripping them naked and applying fire to their skin. In lines 19-20 he physically prevented the woman from entering a church and then said cruel things to her face and through his nose in lines 21-22. Speaking nasally, or through one's nose, was a known way for compounding an insult. In lines 25-26, her husband threatened to have his slaves shut her away. Finally, in lines 28-31 he accosted her in another village and took away all of the personal property she had with her.

As noted, P. Oxy. VI.903 is a full document and these are only those of her charges which involved violent or insulting behavior on the part of her husband. It is interesting to note, however, that she calls as her witnesses to these charges both God (line 37) and her husband's own mother (line 32).

The legal basis for these charges will now be examined. In 212 CE the Emperor Caracalla, passed the edict of the *Constitutio Antoniniana* making almost everyone in the Empire a Roman citizen. It is probably safe to assume then that the woman petitioner was a Roman citizen. This does not mean, however, that her case can be settled by examining the Roman jurists since Romans in Egypt had never been subject to exactly the same laws as Romans living in Rome. Roman citizens in Egypt were regulated by a combination of imperial constitutions,

the *senatusconsults*, provincial edicts of the Emperors, and local edicts of the prefects.⁵

Prefectual edicts were particularly prevalent in the area of penal law which applies here.⁶

Roman law in Egypt was clearly influenced both in theory and in practice by the local law known as "the law of the Egyptians." This local law was codified by the Romans in the second century CE and applied to everyone in Egypt who was not a Roman citizen, with a few exceptions.⁷ The evidence of the extant papyri leaves no question that this native law continued to be applied after the *Constitutio Antoniniana* was enacted.⁸ In order to determine the laws being applied in fourth century Egypt, we must look to the evidence of the papyri. When direct evidence is not available one can look toward Roman legal practice in Rome and to native Egyptian practice but can only surmise how the two may have been melded on any particular point.

Penal law in Egypt was often quite specific in regard to delicts against the individual. Delicts, or offenses, could range from physical assault and murder to verbal insults and willful destruction of another's property.⁹ The delict of violence in Roman Egypt was called *bía* in Greek and was violence by which one person forced another to suffer some outrage.¹⁰ In the Roman period, *bía* included among other things violence directed against immovables (house, land, slaves), unlawful seizure of slaves, and probably the loss of personal liberty.¹¹ When the woman petitioner's husband blocked her entrance into the church (lines 19-20) he was committing *bía* or a violent act against her by limiting her personal liberty. He was threatening *bía* when he said he was going to have his slaves lock her away (lines 25-26).

Besides actual acts of violence, law in Greco-Roman antiquity had a broad understanding of the hurtfulness of non-physical attacks. The Roman juristic view was that insult to a person was an attack on their dignity and personal well-being against which the individual should be protected.¹² The act of insulting someone was known in Greek as *húbris* in the local law and closely corresponded to *iniuria* in Roman law. It included not only verbal offenses but any act

which showed personal contempt for another person. Virtually all of the personal attacks the woman petitioner suffered from her husband that have not already been defined as *bía* would have legally fallen into the category of *húbris*.

The acts of *bía* and *húbris/iniuria* could generally be perpetrated against any free man or woman. Could they, however, specifically be perpetrated by a husband against his wife? Was a wife protected by these laws and did she have recourse if her husband violated them? These are important questions to clarify since we know that in many societies a wife was considered her husband's property and she had no recourse if he was cruel towards her. It is disappointing, if not surprising, that both primary and secondary sources have been mostly silent on this point. The papyri provide scanty evidence.¹³ Only one related papyrus has been found for this study which addresses the legality of domestic violence. In one fragmented petition from the first or second century CE a woman claimed that her husband had cast her out of their home and beaten her unlawfully. It reads:¹⁴

My husband Julius, son of Diogenes, together with a girl with two children by him, having unlawfully cast me out of the house with my children and carried off everything in the house, not only ... but beating me unlawfully ...

There have been several recent secondary works on women and jurisprudence in Roman Egypt but none have addressed the topic of domestic violence.¹⁵ It is unlikely that women would have made official complaints against their husbands often because of the method by which disputes were usually settled. Two recent studies of petitions in Roman Egypt demonstrate that injured parties often attempted to rectify the situation on their own and only appealed to the authorities as a last resort.¹⁶ It is easy to imagine that in cases of domestic violence, the preferred method of handling would be to appeal to family and friends, especially the woman's father. In fact, the woman petitioner says in line 15 that she had previously appealed to the bishops of the Church and her husband's brothers.¹⁷

If the legal codes from Rome are consulted for further evidence regarding domestic violence, it is learned that by the time of the compilation of the Theodosian Code in 438 CE, it was illegal for a man to beat a free-born wife. The relevant text reads:¹⁸

If a woman should ascertain that her husband is an adulterer, a homicide, a poisoner, or one who is plotting anything against Our government; or has been convicted of perjury or forgery ... *or if she should prove that he had beaten her (which is not allowed in the case of freeborn women)*, We then grant her permission to avail herself of the necessary aid of repudiation, and to present legal reasons for divorce.

By the time of Justinian it was possible for the Roman woman to sue her husband for many types of beatings and receive monetary compensation. The relevant portion from Justinian's Novel (534-565 CE) reads:¹⁹

If a man should beat his wife with a whip or a rod, without having been induced to do so for one of the reasons which we have stated to be sufficient [i.e., where the woman is blameworthy enough to justify divorce]. We do not wish [the marriage] to be dissolved on this account; but the husband who has been convicted of having, without such a reason, struck his wife with a whip or a rod shall give her by way of compensation for an injury of this kind a sum equal in value to the amount of the antenuptial donation to be taken out of his other property.

Both of these legal positions may have reflected earlier practices. In addition, it is well established that Roman women had long had the right to sue their husbands for damage to their property and related offenses involving property.²⁰

Roman women living in Egypt would have had at least these rights if not more liberal ones. The Roman practice of *patria potestas*, which gave a husband power to chastise all members of his household, was a custom which never really took root in Egypt.²¹ This was at least partially due to the native influence where historically women had been considered equal partners with their husbands in marriage.²² The traditional equality of the married woman in Egypt combined with the documented rights of the Roman wife suggest that women in fourth

century Egypt could sue their husbands for violent or insulting behavior. The evidence of P. Oxy. VI.903 and the first or second century petition mentioned earlier appear to confirm this.

The petitioner in P. Oxy. VI.903 also complained that her husband had locked away in a cellar for a week, assaulted, and severely beaten her woman slave Zoe (lines 2-6). Ostensibly, the husband did this in the process of questioning the slave to learn if his wife had taken any of his personal property. The legal issues at play here would have been 1) the rights of the master 2) the liabilities of someone who was not the master, and 3) the question of whether a slave was considered communal property in marriage.

In Rome, a slave was considered a *res* or a thing and for the most part was at his or her master's disposal. In 319 CE, the Emperor Constantine reaffirmed a master's right to beat a slave with a rod or whip or put him or her into chains and if the slave died from these punishments the master would not be prosecuted.²³ Constantine did, however, indicate that a master could not intentionally kill a slave or use illegal forms of punishment including applying fire to the limbs among other things.

Someone who was not the master of the slave, however, was prohibited from harming another's slave either through physical assault or insult.²⁴ This was considered *iniuria*. It is of interest that the charge of *iniuria* could be brought on either the master's account or the slave's.²⁵ Apparently the law recognized that a slave could be the injured party even though litigation had to be brought by the master since slaves could not petition.

The documentation for slave law in Egypt is less specific. There can be no doubt that masters possessed the power to punish their slaves by beating, but there is little documentary evidence of it actually being done.²⁶ It has been suggested that the abundance of evidence where slaves were treated like family indicates that in Egypt masters were very tolerant of their slaves.²⁷ There are numerous instances though of masters bringing suit against another person for assaulting their slave. One instance has been found for this study where a man brought a

charge against another man who had attacked the young female slave of his son. The petitioner requested that the girl slave, and not he, receive redress and treatment for her injuries.²⁸

Apparently it was also possible in Egypt for a person to be charged with *húbris* against a slave and on the slave's--not the master's--account.

This finally raises the question of whether household slaves were considered communal property in a marriage. In P.Oxy. VI.903 was the husband beating his own slave or another's? Although there are some instances in Egypt of couples electing to treat their property as communal,²⁹ this was not the case in this marriage as is made clear in the document itself.³⁰ In lines 2-3 the woman distinguishes between her slaves and her husband's. In lines 22-24 her husband refused to make a payment to the State owed in her name, implying that she had to pay it herself. In lines 29-30, he took away her personal property and in line 35 she accuses her husband of trying to create a pretext for taking away her property. The property was clearly not communal and the husband could not have been considered the master of his wife's slaves.

Therefore his beating of the woman slave Zoe would have been an act of *húbris* against both the slave Zoe, and his wife as her legal master and possibly also of *bía* against his wife since there was a violent act against another's immovable goods, as slaves were considered, and the unlawful seizure of a slave. The slave woman Zoe, however, had no recourse of her own and only qualified for redress from *húbris* if her master chose to press charges.

The woman petitioner also complained of the unlawfulness of the violence directed against her foster-daughters who were shut away for a week, questioned, and were tortured by being stripped naked and having fire applied to their bodies. The Greek word for a foster-daughter is *trophíma* and generally corresponds to the Latin *alumna*.³¹ These terms do not denote any particular status in themselves, but instead can have a range of meanings.³² For example, a foster-daughter could have been the free-born child of a relative, probably an orphan, or a foundling child who was picked up off the rubbish heap and given to a woman to raise,

probably with payment.³³ In this latter case, the child was normally considered to be a slave.³⁴

There is no way to determine the personal status of the petitioner's foster-daughters. It seems likely that they were slaves since the husband felt no unction over torturing them with fire, something that could legally be done only to slaves during official questioning. The Emperor Constantine had expressly forbidden torture by fire as a means for punishing one's own slaves.³⁵ In fact the woman petitioner noted in line 7 that his actions were "contrary to the laws." Whether the foster-daughters were slave or free, the actions of the petitioner's husband were clearly illegal under the conditions that we have already seen. If they were free, he had committed an act of violence or *bía* and charges could be pressed by their family.³⁶ If they were slaves, they at least were not his slaves and he could be sued for *húbris* and possibly *bía* by their owner.³⁷

The juristic process the woman petitioner would have pursued can be easily established. In the Roman period in Egypt, the charges of *bía* and *húbris* were made by the victim to the police or the *conventus*.³⁸ The case could be heard by the *strategos*, *epistrategos*, or prefect depending on the details of the individual case and the status of the persons involved. The offenses of *bía* and *húbris* both carried a civil pecuniary penalty. There is little information about the exact penalties given for delictal offenses in Egypt.³⁹ The practice in Rome, however, was for the plaintiff to claim a monetary sum that estimated the extent of the "outrage" incurred by the defendant's conduct.⁴⁰ The judge could grant this or a lower figure. An important element in this process was the status of the persons involved. Since *húbris* was considered an attack on another's dignity the extent of the outrage hinged on the dignity, that is, social standing, of the injured party. This meant, for example, that the beating of someone's slave was considered a much smaller offense than the beating of a free person and consequently entailed a much smaller financial penalty.

Domestic violence is, no doubt, most prevalent in a society that condones or tolerates it.

The evidence here suggests that, to some extent, in fourth century Egypt spousal abuse was tolerated by neither the wife nor the social order. While this may have boded well for a free-born, Roman citizen wife, it clearly boded ill for a slave woman whose low status gave her little protection in the eyes of either law or society. Although slave women were theoretically protected from acts of *húbris*, only their masters could initiate litigation if they so chose. In addition, only *húbris* or insult could be perpetrated against a slave and not the greater offense of *bía* or violence. Even if charges of *húbris* were pressed on a slave woman's behalf the resulting penalty would be small since it probably was commensurate to the dignity or social standing of the injured party. Given this reality, it seems likely that an abusive family member would tend to direct his actions at the members of the household who had the weakest legal position. This appears to have been the case in P. Oxy. VI.903 where the husband mainly directed verbal insults at his wife and saved the violent physical abuse for the slaves and foster-daughters.

Endnotes

1.R. Emerson Dobash and Russell Dobash, Violence Against Wives: A Case Against the Patriarchy (New York: The Free Press, 1979), esp. p. ix; and Lewis Okun, Woman Abuse: Facts Replacing Myths (New York: State University of New York Press, 1986), esp. chapt. 1.

2.Dobash and Dobash, p. 31-74; Okun, p. 2-12.

3.The social and juristic aspects of violence in Roman Egypt have been the subject of a few studies in the past decade, but, to my knowledge, no one has yet dealt with the special aspect of domestic violence. For violence in general see: Roger S. Bagnall, "Official and Private Violence in Roman Egypt," Bulletin of the American Society of Papyrologists 26 (1989), p. 201-216; Barbara Anagnostou-Canas, Juge et sentence dans l'Egypte romaine, a 1983 dissertation soon to be published in revised form; B. Anagnostou-Canas, "La femme devant la justice provinciale dans l'Egypte romaine," Revue historique de droit francais et etranger LXII (1984), p. 337-360; Bagnall also cites two unpublished studies including an unnamed paper presented by Paul Swarney at the XIX International Congress of Papyrology, Cairo, 1989, and Deborah Hobson "Impact of Law on Village Life in Roman Egypt," forthcoming in a volume on ancient law and society.

4.Based on the translation in The Oxyrhynchus Papyri, vol. 6, edited by B.P. Grenfell and A.S. Hunt (London: Egyptian Exploration Fund, 1908), p. 238-241.

5.Raphael Taubenschlag, The Law of Greco-Roman Egypt in the Light of the Papyri: 332 B.C.-640 A.D. 2nd ed., rev. and enl. (Warszawa: Panstwowe Wydawnictwo Naukowe, 1955) p. 29-40.

6.Taubenschlag, p. 36.

7.Taubenschlag, p. 6-7. Citizens of the three Greek cities, Alexandria, Ptolemais, and Naukratis followed their native Greek laws although these were heavily influenced by both the native and Roman jurisprudence.

8.Taubenschlag, p. 40-55. See also Joseph Mèlèze Modrzejewski, Droit impériale et traditions locales dans l'Egypte romaine, (Aldershot, Hampshire: Variorum, 1990).

9.For delicts against individuals in Ptolemaic through Byzantine Egypt, see Taubenschlag pp. 430-464 and his bibliographical references on these pages.

10.Taubenschlag, p. 442.

11.Taubenschlag, p. 446-447.

12.Bruce W. Frier, A Casebook on the Roman Law of Delict, American Philological Association Classical Resources Series, no. 2 (Atlanta: Scholars Press, 1989), p. 177.

13. There are instances of women bringing charges against the husband they are divorcing for withholding their dowries (P. Oxy. II.281 for instance) but this is a different matter. It is very difficult to be exhaustive when searching papyri, especially in cases where a computer word search is not adequate so there may be examples that neither I nor the other secondary literature have found.

14. Revel Coles, "New Documentary Papyri from the Fayum," Journal of Juristic Papyrology v. 18 (1974), p. 184-185.

15. See D. Hobson and B. Anagnostou-Canas cited above; Edgar Kutzner, Untersuchungen zur Stellung der Frau im römischen Oxyrhynchos, Frankfurt am Main; New York: Peter Lang, 1989, esp. pp. 79-108; also, Sophia Adam, "La Femme Enceinte dans les Papyrus," in Symposium 1982: Vorträge zur griechischen und hellenistischen Rechtsgeschichte, ed. Francisco Javier Fernández Nieto, (Köln: Bohlau Verlag, 1989), p. 195-203.

16. Hobson and Anagnostou-Canas, see n. 3 above. Since these works are currently unavailable, I have relied on the quotations of them provided in Bagnall, p. 209-210.

17. It is possible that when her husband prevented her from entering the church in lines 19-21, he was preventing her from asking the church officials again to intervene in her private life.

18. Justinian Codex 5.17.8.2 (from the Theodosian Code). Translated in R. Emerson Dobash and Russell Dobash, Violence Against Wives, p. 39. Italics mine.

19. Justinian Novel no. 117, chapt. 14 (dated 534-565 CE). Translated in R.E. Dobash and R. Dobash, p. 40.

20. Susan Treggiari, Roman Marriage: Iusti Coniuges From the Time of Cicero to the Time of Ulpian (Oxford: Clarendon Press, 1991), p. 377-378. Treggiari notes that in legal practice in Rome where property was held separately (not a marriage in manu, or case where a couple chose to make their property communal), the woman could sue her husband for damage to her property, fraudulent spending of her money, etc. Husbands and wives could not sue each other for theft, however, since this was infamia and such a charge was too serious for the honorable nature of marriage (Justinian Digest 25.2.2). Instead a reduced charge would have been used to cover these occurrences.

21. Taubenschlag, p. 131-132. Instead the patria potestas was treated as little more than the guardianship function.

22. Pieter Willem Pestman, Marriage and Matrimonial Property in Ancient Egypt: A Contribution to Establishing the Legal Position of the Woman (Leiden: E.J. Brill, 1961), p. 182-183.

23. Alan Watson, Roman Slave Law (Baltimore: Johns Hopkins University Press, 1987), p. 124-125. Watson here quotes Constantine's decree: "C.Th.9.12.1 (A.D. 319). If a master beat a slave

with a rod or whip or put him in chains to guard him, and the slave dies, the master need have no fear of prosecution. Distinctions of time and questions of interpretation are abolished. He should, of course, not use his right immoderately, but he will be charged with murder only if he killed the slave intentionally, by a blow from the fist or a stone, or, by using a weapon, he inflicted a lethal wound, or ordered him to be hanged by a noose, or by a wicked order instructed that he be thrown from a high place, or administered the virus of a poison, or tore his body by public punishment, that is, by tearing through his sides with the claws of wild beasts, *or by burning him with fire applied to his limbs ...*"

24. Watson, p. 61-62. cf. also W.W. Buckland, The Roman Law of Slavery: the Condition of the Slave in Private Law From Augustus to Justinian (Cambridge: At the University Press, 1908, reprinted 1970), p. 79-82.

25. Watson, p. 62.

26. Jean A. Straus, "L'Esclavage dans l'Egypte Romaine," Aufstieg und Niedergang der römischen Welt Teil 2, Bd. 10 (1988), p. 894.

27. Iza Biezunska-Malowist, L'Esclavage dans l'Egypte greco-romaine, (Wroclaw, 1974-77), v. II, p. 114.

28. P. Oxy. XXXIII.2672 (218 CE)

29. See for example P. Oxy XXXIV.2713 (c. 297 CE).

30. See above note 20 from S. Treggiari on separate ownership of property.

31. For a discussion of alumnæ/alumni in Roman society see Hanne Sigismund Nielsen, "Alumnus: a Term of Relation Denoting Quasi-Adoption," Classica et Mediaevalia 38 (1987), p. 141-188, and E. Rawson, "Children in the Roman Familia," chapt. 7 in The Family in Ancient Rome, ed. Beryl Rawson (London, 1986); for nurselings in Asia Minor see A. Cameron, "Threptos and Related Terms in the Inscriptions of Asia Minor," in Anatolian Studies Presented to William Hepburn Buckler (Manchester, 1939). To my knowledge, nothing has been written on foster-children in Egypt.

32. Nielsen, p. 141-143. The informality of the relationship is indicated by the fact that there is no evidence of contracts for the foster-parent as is the case with adoption.

33. In Roman practice, a married couple could become communal foster-parents, but usually the relationship was with only one of them. cf. Nielsen, p. 150. A woman could not legally adopt a child.

34. Taubenschlag, p. 74 notes the disparity between the practice of treating foundlings as slaves and section 41 of the Gnomon of the Idios Logos (see BGU v. 5 or Select Papyri 206, 2nd c. CE) which

stated that foundling children were not subject to a change in their status/libertatis.

35. See note 22 above.

36. Charges of *bía* were normally brought by the victim, or in the case of a minor, by their guardian or adult family member. There is no evidence that a foster-parent of a free child could bring the charge.

37. Normally only a slave's master or in some cases the master's family could bring a charge of húbris. There is no evidence to indicate whether a foster-parent also had that right.

38. Taubenschlag, p. 449.

39. Bagnall, p. 203.

40. Frier, p. 177.