The Neighbourhood Law in the Light of Papyri from Greco-Roman Egypt
Aneta Skalec
Summary

The aim of the present thesis is the analysis and reconstruction of the neighbourhood law in the Ptolemaic and Roman Egypt, in the period from the conquest of the Alexander the Great till the Arabic conquest, on the basis of papyri written in several languages: Greek, Demotic, Coptic and Arabic. Among them we can distinguish petitions, juridical acts, instructions or reports prepared by officials, a number of collections of laws and edicts issued by prefects, as well as different kinds of contracts – sales, leases or divisions of property, in which we usually find only fragments or singular clauses related to the neighbourhood relationships.

This thesis is the first complex and comprehensive elaboration of rich, but at the same time scattered and very diversified papyrological material, related to the neighbourhood law in the Ptolemaic and Roman Egypt. The broad chronological as well as linguistic range of the analysed material has the aim of pointing out the origins of particular law institutions, their formation and changes. On the basis of the conducted analysis, it was possible to state that there is a clear continuity between the Greek and the Roman period as far as the legal character of institutions is concerned, which indicates that their provenance was earlier than Roman. Therefore, they were derived from laws which had already been present on the Egyptian soil – Greek and Egyptian ones, which remain without a visible change also after the Roman conquest, even if the Roman law was characterised by a very well developed system of neighbourhood institutions. However, those previously developed institutions were not changed by the new conqueror as they performed their functions correctly, in a manner corresponding to the local conditions.

A precise and reliable classification of particular issues in the field of the neighbourhood law to the Greek or Egyptian law is neither easy nor always possible because of the lack of sufficient comparative material. It seems that at least in a few cases legal solutions applied during the Pharaonic times in Egypt and in Classical Greece were analogous or varied only slightly, which gave the possibility for a nearly seamless co-existence of those legal solutions in Egypt. However, some of them seem to have a more Egyptian character, but, at the same time, it cannot be excluded that we face problems governed also by Greek laws, which were modified under the influence of local Egyptian conditions in which they had to function. This would be the case especially in questions related to the irrigation system.

It should be underlined that many solutions related to the neighbourhood law found in the papyri were not specific only for this country, but also for other ancient laws: the Near Eastern law and the Roman law. This suggests the universal nature of a large part of the solutions used in Egypt,
which is the result of general type of problems and needs which ancient populations had to face to guarantee peaceful co-existence and prompt solution of problems between neighbours.

The thesis is divided into the following parts: the introduction, eleven chapters, conclusions, and four appendices; it is enriched with a bibliography, a list of illustrations and an index of sources. Particular problems and neighbourhood institutions are analysed in the individual sections. Chapters are arranged according to the subject criterion, based on the linking of their subject matter to the proximity of land or buildings.

Chapter one is an introduction to the character of the available papyrological sources and the question of legal pluralism in the Ptolemaic and Roman Egypt. The second chapter contains an analysis of boundary dispute, which was one of the fundamental conflicts between neighbours. The third chapter is dedicated to the damage caused by animals in the fields. Chapter four and five refer to questions related to the water, which played a vital role in Egypt, entirely depending on the floods of the Nile. Chapter four focuses on the disputes related to the negative impact of neighbours on the irrigation system and chapter four addresses the issue of water leading through neighbouring ground as well as cooperation between neighbours in the maintenance of the irrigation system. Chapter six refers to question of access to the property, not only to the grounds but also to the buildings.

The next four chapters are dedicated to the issues related to the proximity of buildings. Chapter seven addresses the prevention of works carried out on the neighbouring ground, while chapter eight focuses on the problem of protection from damage threatening from neighbouring buildings. Chapter nine refers to dividing walls – their property, costs of maintenance and resolution of disputes; in chapter ten, the access of light to the buildings is analysed. The last chapter is dedicated to the right of pre-emption vested in the neighbours in the case of sale of the real estate.

Every chapter begins with a short introduction of the studied issue and the character of sources. The main part, which contains an analysis of papyrological material, is richly illustrated with papyrological texts with their translation. In the case of questions expressed primarily in the petitions, the procedure is reconstructed – the involved officials, measures applied by them, requests and expectations of neighbours and means of their satisfaction. In the case of questions that are expressed primarily in contracts – the juridical character of institutions and circumstances which led to the conclusion of those contracts or cooperation between neighbours are reconstructed. Then, the image resulting from the analysis of the papyri is juxtaposed with regulations of the discussed question in other ancient laws – Egyptian, Greek, Near Eastern and Roman. Results of the legal analysis are additionally confronted with archaeological remains and our knowledge about natural conditions in Egypt, which places legal institutions in a wider cultural and ecologic context and shows their material implications.

The thesis is enriched with four appendices, which include a list of papyrological sources in
chronological order, related to the boundary dispute, damage caused by animals and to the irrigation system as well as fall of buildings. Furthermore, it contains rich illustrative material, which includes plans of archaeological sites and buildings found during excavations, schematic representations of immovables created on the basis of papyri etc., which allow a better explanation of the studied problems.