

THE WOMAN IN THE ROMAN SOCIETY

Ideals – Law – Practice

Jakub Urbanik

Meeting 7a Divorce Practice – Abandoned Wives – Deserted Husbands
– What next?

POxy. VI 903A wife's complaint against an abusive husband. Oxyrhynchus, Egypt, 4th cent. A.D.

Although the names of the addressee and parties involved are missing, this sensational account appears to be taken from a petition to a court complaining of the misconduct of a husband in his role as *kyrios* (cf. no. 82).

Now concerning the insulting allegations he made about me: he shut up his own daughters and mine, along with my foster daughters and his agent and his son for seven whole days in his cellars, and treated his slaves and my slave Zoe violently, [virtually] killing them with blows. He stripped my foster-daughters naked and set fire to them, in complete violation of the law. And he said to the foster-daughters, 'Give me everything that belongs to her', and they said that they had nothing that belonged to me. To the slaves as they were being beaten he said, 'What did she take from my house?' Under torture they said, 'She has taken nothing that belongs to you; all your property is safe'. Zoilus accused him because he had locked up his foster-son. He said to Zoilus: 'Have you come on account of your foster-son or to speak on behalf of a certain woman?' [47]

He swore in the presence of the bishops and his own brothers, 'from now on I shall not hide all my keys from her and I shall not attack her and insult her from now on. (*Added above the line*) He trusted his slaves but not me. He made a marriage agreement, and after his contract and his oaths he hid the keys from me again. When I went to the church in Sambatho, he also shut the outside doors and said about me 'Why did you go to church?' He made many abusive comments to my face, and further insulted me by speaking through his nose.

Of the public grain in my name valued at 100 drachmas he did not pay one artaba. He locked up the accounts after he got hold of them and said, 'Put down the price of the grain as 100 artabas', but he paid nothing, as I said. He told his slaves, 'Bring reinforcements so they can lock her up'.

Choos his assistant was sent to prison and Euthalmus posted bail for him, but ran short of money. I took a little extra and gave it to Choos. When he met me in Antinoöpolis when I had my bathing bag containing my ornaments, he also said to me, 'If you have some money with you, I shall take it because of what you gave to Choos as bail for his imprisonment'. All this is verified by his mother's testimony.

Also he kept on tormenting my soul about his slave girl Anilla, both in Antinoöpolis and here. He said: 'Throw out this slave since she knows what she has taken', perhaps because he wished to implicate me and use it as an excuse to take all my possessions. I did not put up with her being sent away. And he kept on saying that

'a month from now I'm going to take a mistress [48] for myself'. God knows that this is true.

P. Heid. III 237 (3rd or 4th century?)

To Claudios Alexandros (?) centurion from N.N son Panetbeous, public farmer, from the village Theadelphia. The wife with whom I was living [N.N, from whom] I have begotten a child becoming dissatisfied about her marriage with me, [seized] an opportune absence of mine, and left my house... months ago, without so-called [divorce?], taking away her own goods and many of mine, among which were a large white unfulled cloak and oxyrhynchite pillow, and a striped *dilassion* (a garment), materials for two chitons, and farmer's working implements. And although i have many times sent to her seeking to recover my things, she has not responded or returned them. And I am supplying to her the cost of support of our child. Besides, having now learnt that one Nilos son of Syros from the same village lawlessly taken her and married her, I submit (this petition) and request that she and Nilos may be summoned before you in order for me to be able to obtain legal redress and get back my things and be helped. Farewell.

P. Cairo, Masp. 67121

1. During the consulship and reign of our most pious Lord
2. Flavios Iustinos, the eternal Augustus and Emperor, in the year
3. eight, the eighteenth of Thoth, of the present seventh indiction.
4. + Aurélios Isakos son of Iôannes of mother Kora, a doctor from village
5. Aphroditô in the Antinoopolite nome to Aurelia Tetromnia daughter
6. of Ioannês, till now my wife, from the same village a greeting. Inasmuch as
7. (I) Isakos took you for common married life in hope for the best (unter den besten Hoffnungen, *WB sv. xphstÖw*)
8. and for procreation of children wishing to
9. end peacefully my life (in this marriage?), now however, as an evil daemon brought malice
10. to our joint-life, we were separated from each other; and so
11. each of us (will be able to???) be joined in another marriage
12. or with another husband or go to a monastery or choose
13. ascetic life with no resistance (of the other partner). And through/because our divorcing (§jallássv) neither
14. (can we) sue (énāgv, *WB sv* states it is typical for Maspero Papyri) each other nor as to any equipment brought into (sunf rv) the
15. marriage nor as to the dowry or the assigned (épotássv) *donationes antenuptiales*,
16. nor as to expense during the time of marriage, neither
17. in a court nor out of it. Because of this I have been brought to (write)
18. the present deed of divorce, by its means I declare that I have no *actio*
19. against you whatsoever at any time regarding this matter. The deed of divorce shall be
20. lawful and secure. And being formally asked I have declared the deed of divorce. It shall be manifest that this contract
21. that has just come into being and written by me is lawful
22. and secure, ???as so it is the one you have prepared for me and written by [you?]
23. regarding the *donationes antenuptiales* according to its power. And I have declared everything.
24. Aurélios Isakion son of Ioannês prepared

25. this deed of divorce and what has been written before conforms to my intentions.
26. I, Aurélios Komasios son of Phoibammôn bear witness to all this
27. deed of divorce, heard and being executed.

. Census-Declaration SB XXIV 15987, Tebtynis (Arsinoites) + = AfP 44 (1998):

“A copy from the record of census returns from the 28th year, from sheet 165. To Ammonius, str(ategus) in the Arsinoite nome. From Didymos son of Kallinikos, grandson of Didymos and son of Taphorsaeis, metropolitan and registered in the Gymnasium quarter. In the Moëris quarter I own a sixth part of a house in which I declare myself and my family for the census in the 14th year. And I am Didymos, the above-mentioned, recorded my current wife [Sarapias, daughter of S]abeinus, granddaughter of Kronion of mother Eudaimonis, aged 43, without special body marks who in the previous census declared herself in the Syrian quarter and [my son Di]dymos, born by my former wife Hermione, daughter of an unknown father and of Herois, aged 10, recorded on the birth-list and the [seven] slaves that I Didymos own: Euprepos (?) son [of NN, aged ??], Sa[rap]ammon son of the s[ame] aged 29, [NN, son of Tapeis aged ?] and the slave-woman Alexandra aged 49, bought from [NN]. The slave[s owned by my wife, whom I married] in the present 28th year: [Elpis], bought from downstream, [aged 12 with a spot] on the left shin and one-half of the slaves mentioned below: Isis alais Memphis daughter of [NN aged?] and her son Sarapammon aged 6, not re[gistered in the bir]th-lists. The other [half] of these three slaves has been declared in the Syrian [qu]arter by Kronia and [Ta]orsis and my son Xenophon [aged ?] born by my divorced [wife NN] citizen of Antinoopolis [having been declared] with her mother in Antinoopolis. Her children [not mine[but her divorced [husband's, NN, alias -onus], are declared with their father [in ?]. I accordingly hand in this return.

in P. Fam. Teb. 48 Sarapias is declared alone, as a divorcee.

P. Lond. V 1651

During the consulship of our Lord Julian (the Apostate) the Eternal Augustus for the fourth time and Fl. Allousthios, the most illustrious praefect of the holy praetorium. To Aurelios Hermeias son of Heliodôs first councillor and acting strategus of the Hermopolis, the most illustrious city, from Aurelios Dios son of Apollon of the same city. Since the month of Mesore my wife Hermione having waited for my absence to an away village took away all things which were in our house among which were debts records and committed an illegal exit. She sent many times... When it all turned out that???? and above all she did not give back the deeds of sale of my household. Therefore I, not being able to sit in peace, submit to your Sagacity these letters, asking that she be brought from all places and kept in safety until the happy arrival of my lord most eminent praefect Kyrillos Telephios Hierokleus as I am thinking of making a petition about all that. Be well!

During the consulship of Mamertinus and Nevitta, the most illustrious. To Aurélii Nilos son of Gennadios and Theodôros son of Kômasios¹ the *riparii* of the Hermopolitane Nome from Aurélios Serênos son of Pinoutiôn from the village Enseu in the same Hermopolitane nome.

¹ The papyrus actually gives the *patronimika* in dative, but already Wilcken in AfP 3 (1905), p. 115 pointed out it was a mistake.