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‘Brother-Sister’ Marriage in Roman Egypt: a Curiosity of Humankind or a Widespread Family Strategy?*

SABINE R. HUEBNER

I INTRODUCTION

Although the range and definition of relatives who are considered to be ineligible as sex and marriage partners varies from society to society, modern anthropologists, psychologists and sociologists agree on a few cross-cultural characteristics, above all the universality of the prohibition against sexual relations within the nuclear family, that is between parents and children and between full siblings. The avoidance of sexual relationships between full siblings is generally held as a universal social custom, and numerous theories like the so-called ‘indifference theory’ have been proposed to explain this phenomenon.¹ The vaguely prurient pleasure with which ancient historians and papyrologists have presented their evidence of the prevalence of full brother-sister marriage in parts of Roman Egypt to those outside their field is thus understandable.² While we know of several societies in human history in which royal incest among the ruling families was practised, the society of Roman Egypt would have been, after all, the only society in human history in which marriages between brothers and sisters seem to have been celebrated on a regular basis among common people. Here we have an historical curiosity that challenges well-established theories and raises the question whether universal social and moral norms regarding sexual relations within the nuclear family really exist.³

According to official census returns from Roman Egypt dating to the first to third centuries A.D., more than sixteen per cent, or twenty-two of the one hundred and thirty-six documented marriages in which the degree of kinship between spouses is ascertainable, were celebrated between full brothers and sisters and four-fifths of these marriages belonged to the second century alone.⁴ In this century, seventeen out of forty-nine marriages in the metropolis of Arsinoe were between ‘brothers’ and ‘sisters’, a ratio

* This article grew out of a broader study on intergenerational relationships in the ancient Eastern Mediterranean. I am deeply grateful to Roger Bagnall, Walter Ameling, and Walter Scheidel for their comments, criticism and encouragement. I would also like to express my gratitude to Alison Sharrock and the anonymous readers of *JRS* for their thoughtful comments and valuable suggestions. My special thanks go to David Ratzan without whose generous help this article never would have reached its present form. Any remaining errors are of course all mine.

¹ E. Westermarck, *The History of Human Marriage* (1921, 5th edn), 320; W. Scheidel, ‘Ancient Egyptian sibling marriage and the Westermarck effect’, in A. P. Wolf and W. H. Durham (eds), *Inbreeding, Incest, and the Incest Taboo: The State of Knowledge at the Turn of the Century* (2004), 93–108.

² M. Hombert and C. Préaux, *Recherches sur le recensement dans l’Égypte romaine* (1952), 149–53; H. Thierfelder, *Die Geschwisterehe im hellenistisch-römischen Ägypten* (1960); J. Modrzejewski, ‘Die Geschwisterehe in der hellenistischen Praxis und nach römischem Recht’, *Zeitschrift der Savigny Stiftung* 81 (1964) (= J. Modrzejewski (ed.), *Status personell et lieus de famille dans les droits de l’antiquité* (1993), VII), 52–82; K. Hopkins, ‘Brother-sister marriage in Roman Egypt’, *Comparative Studies in Society and History* 22 (1980), 303–54.

³ cf. Hopkins, op. cit. (n. 2), 304–11 for a good summary and W. Scheidel, ‘Brother-sister and parent-child marriage outside royal families in ancient Egypt and Iran: a challenge to the sociobiological view of incest avoidance?’, *Ethology and Sociobiology* 17 (1996), 319–40, at 323.

⁴ Census returns discussed in R. S. Bagnall and B. W. Frier, *The Demography of Roman Egypt* (1994), 127 were supplemented by those published later in the second edition (R. S. Bagnall and B. W. Frier, *The Demography of Roman Egypt* (2006, 2nd edn), 313–23 — all following references refer to this edition), and in *P.Oxy. Census* (R. S. Bagnall, B. W. Frier, and I. C. Rutherford, *The Census Register P. Oxy.* 984 (1997)).

consistent with an actual incidence of between twenty-three and forty-eight per cent.⁵ In the surrounding villages in the Arsinoite nome, six out of thirty-eight marriages, or about sixteen per cent, were between siblings.⁶ It was presumed that these high rates would have been even higher, had not the already high incidence of mortality resulted in many couples not having both a son and a daughter survive to adulthood. In fact, only forty per cent of all families could boast of having a son and a daughter survive to marriageable age. And, since women were ordinarily the junior partner in these marriages, the percentage of families who exhibited this particular pattern, i.e. having an elder son and a younger daughter, was only about twenty per cent.⁷ Therefore, despite the established assumption that no amount of cultural indoctrination could fully offset the innate aversion to mature incestuous relationships, it yet appears that in more than one-third of all families in Roman Egypt men who had a sister married her instead of looking for a bride outside the family.⁸ In fact, this custom seems to have represented something of a 'cultural norm', a norm 'completely unknown in any other time or place'.⁹

The only problem is that no one has ever advanced a convincing explanation for this phenomenon. For half a century distinguished scholars have proposed theories which have attempted to describe the circumstances in which everyday Roman Egyptians would have overridden one of the most fundamental taboos in human behaviour by marrying full siblings to one another, rendering these relationships not only acceptable, but even normal — in fact, no different in legal and social status than exogamous marriages.¹⁰ While several such theories were brought forward in earlier decades, scholars in recent years have ceased to offer new explanations, contenting themselves instead with discounting those previous efforts while openly admitting their own *aporia*. Hopkins confesses: 'I do not know what I am looking for; I do not know what factors should cause this phenomenon. (...) The end of this article is disappointing. I do not have an explanation.'¹¹ Again, Alston likewise acknowledges: 'There has been no satisfactory explanation for the popularity of brother-sister marriage in Roman Egypt and I have no startling solution to the problem to offer here.'¹² Scheidel concedes: 'The underlying rationale for incestuous marriages remains obscure.'¹³ Shaw in the early nineties was the last to offer an explanation, but his theory of racism likewise has not found much approval.¹⁴ Brother-sister marriage and its catalyst is thus one of the most intractable problems in the social history of Graeco-Roman Egypt.

⁵ W. Scheidel, 'Incest revisited: three notes on the demography of sibling marriage in Roman Egypt', *BASP* 32 (1995), 143–55, at 149.

⁶ Bagnall and Frier, op. cit. (n. 4), 127–9.

⁷ Hopkins, op. cit. (n. 2), 304; Bagnall and Frier, op. cit. (n. 4), 128; Scheidel, op. cit. (n. 5), 149; Scheidel, op. cit. (n. 3), 322; W. Scheidel, 'Brother-sister marriage in Roman Egypt', *Journal of Biosocial Science* 29 (1997), 361–76, at 365.

⁸ Hopkins, op. cit. (n. 2), 304; B. D. Shaw, 'Explaining incest: brother-sister marriage in Graeco-Roman Egypt', *Man* 27 (1992), 267–99, at 274–5; Bagnall and Frier, op. cit. (n. 4), 127–8.

⁹ Scheidel, op. cit. (n. 5), 150; cf. Scheidel, op. cit. (n. 3), 323; Scheidel, op. cit. (n. 1), 93.

¹⁰ Thierfelder, op. cit. (n. 2); Modrzejewski, op. cit. (n. 2), 52–82; Hopkins, op. cit. (n. 2); J. Goody, *The Oriental, the Ancient, and the Primitive* (1990), 319–41; Shaw, op. cit. (n. 8), 267–99; W. Scheidel, *Measuring Sex, Age and Death in the Roman Empire: Explorations in Ancient Demography* (1996), 9–52; Scheidel, op. cit. (n. 3), 319–40; Scheidel, op. cit. (n. 7), 361–76; S. Parker, 'Full brother-sister marriage in Roman Egypt: another look', *Cultural Anthropology* 11 (1996), 362–76.

¹¹ Hopkins, op. cit. (n. 2), 327.

¹² R. Alston, *The City in Roman and Byzantine Egypt* (1999), 96.

¹³ Scheidel, op. cit. (n. 7), 363. Most recently there has emerged an interest in 'the biology of brother-sister marriage', that is the biological consequences of endogamy with respect to the genetic fitness of those who practised this form of marriage (Scheidel, op. cit. (n. 5), 143–55 for the spread of brother-sister marriage; idem, op. cit. (n. 10), 9–52 for the demographic consequences; idem, op. cit. (n. 3), 319–40; idem, op. cit. (n. 7), 361–71; idem, op. cit. (n. 1), 93–108). Parker, op. cit. (n. 10), 374, observed, though hardly on the basis of the source material, that marriages between siblings did not lead to 'negative genetic effects' or 'unhappy marriages'.

¹⁴ Shaw, op. cit. (n. 8). Cf. replies and comments by R. Abrahams, 'Explaining incest in Graeco-Roman Egypt', *Man* 28 (1993), 599 and R. Firth, 'Contingency of the incest taboo', *Man* 29 (1994), 712–13; see also Alston, op. cit. (n. 12), 97.

Apart from Roman census lists, brother-sister marriages are recorded in a handful of other documents. Most of our testimonies for brother-sister marriage date from the first and second centuries A.D. Two, however, are dated as far back as the third and second centuries B.C.¹⁵ Taken together, we have one birth certificate,¹⁶ two claims for privileged status,¹⁷ four marriage settlements,¹⁸ one tax payment,¹⁹ two invitations to a wedding,²⁰ one divorce settlement,²¹ one sale of crop,²² one lawsuit,²³ and one petition to an official.²⁴ It is little wonder then that Hopkins suggests that we should potentially understand the address of husbands to their wives as ‘sisters’ in private letters to be literal truth instead of metaphor.²⁵ Dickey, however, has recently shown in a convincing manner that these family terms cannot in general be taken as biological references but as an Egyptian custom of addressing also unrelated persons.²⁶

For the purpose of this article it will suffice to give a short overview of the rejected theories so far offered in explanation of this phenomenon.²⁷ The most popular and earliest theories made recourse to an indigenous Egyptian tradition;²⁸ other theories brought forward were the avoidance of dowry,²⁹ the maintenance of family property,³⁰ or the racism of Greek settlers.³¹

First, no one has been able to marshal any significant historical evidence demonstrating that brother-sister marriage was practised amongst ordinary people in Pharaonic Egypt. The story Philo (20 B.C.–A.D. 50) tells about Moses, that he was purportedly horrified to learn that the law-giver of the Egyptians (i.e., in the New Kingdom period when the Israelite exodus is assumed to have taken place) gave full liberty to marry any sister of either parent or of both, is often cited as evidence that brother-sister marriage was an indigenous, ancestral custom of the Egyptians.³² Diodorus Siculus (90–21 B.C.) likewise reports that according to his sources the ancient Egyptians made a law that permitted marriage to one’s sister, following the example of Isis who married her brother Osiris.³³ However, both stories should indicate to us that it apparently was *not* a custom widely practised among the Egyptian population in the Hellenistic period. In addition, neither Diodorus’ anecdote nor Philo’s may serve as evidence that this form of marriage was a custom ever practised outside the Pharaonic family. In fact, there is no secure evidence for

¹⁵ *SB* 12.11053 (from 267 B.C.): συγγραφή συνοισίας Πραξιδάμα και Σωσιούς. ὁμολογεί Πραξιδάμας ἰδιώτης τῶν Τελέστου τῆι [ἐ]αυτοῦ ἀδελφῆι Σωσιοῖ; *P.Tebt.* 3.1.766 (from 147 or 136 B.C.): ἡζῶισα δὲ διαγράψαι ὑπὲρ Εὐτέρπησ Διονυ(σίου) τῆσ ἀδελφῆσ μου και γυναικὸσ εἰσ τῆν ἀπόμοραν. See J. Modrzejewski, ‘Droit de famille dans les lettres privées grecques d’Égypte’, *JJP* 9–10 (1955/6), 339–63, at 346; Modrzejewski, op. cit. (n. 2), 58.

¹⁶ *P.Oxy.* 38.2858 (from A.D. 171); see Hopkins, op. cit. (n. 2), 321.

¹⁷ *P.Amh.* 75 (from A.D. 161–168); *P.Tebt.* 320 (from A.D. 181); see Hopkins, op. cit. (n. 2), 321–2.

¹⁸ *SB* 12.11053 (from 267 B.C.); *BGU* 1.183 (from A.D. 85); *P.Mil.Vog.* 85 (from A.D. 138); *P.Vindob.Worp.* 5 (from A.D. 168); see Hopkins, op. cit. (n. 2), 322–3.

¹⁹ *P.Tebt.* 3.1.766 (from about 136 B.C.).

²⁰ *P.Oxy.* 3.524 (from the second century A.D.); *P.Oxy.* 1.111 (from the third century A.D.); see Hopkins, op. cit. (n. 2), 324.

²¹ *P.Mil.Vogl.* 85 (from A.D. 138); see Hopkins, op. cit. (n. 2), 323.

²² *P.Tebt.* 2.379 (from A.D. 128).

²³ *P.Tebt.* 2.317 (from A.D. 174/5).

²⁴ *BGU* 3.983 (from A.D. 138–161).

²⁵ Hopkins, op. cit. (n. 2), 324.

²⁶ E. Dickey, ‘Literal and extended use of kinship terms in documentary papyri’, *Mnemosyne* 57 (2004), 131–76.

²⁷ Hopkins, op. cit. (n. 2), 303–54; see also Shaw, op. cit. (n. 8), 274–7; Scheidel, op. cit. (n. 10), 9–52.

²⁸ Thierfelder, op. cit. (n. 2), 7–9; Shaw, op. cit. (n. 8), 274–5; Modrzejewski, op. cit. (n. 2), 54.

²⁹ Rejected by Hopkins, op. cit. (n. 2), 322–4; again revived by Goody, op. cit. (n. 10), 333–4; see also Shaw, op. cit. (n. 8), 276.

³⁰ Hopkins, op. cit. (n. 2), 350–2; Goody, op. cit. (n. 10), 334; Shaw, op. cit. (n. 8), 276–7.

³¹ Shaw, op. cit. (n. 8).

³² Philo, *Spec. leg.* 3.23–4.

³³ *Diod. Sic.* 1.27: Νομοθετῆσαι δὲ φασὶ τοὺσ Αἰγυπτίους παρὰ τὸ κοινὸν ἔθος τῶν ἀνθρώπων γαμεῖν ἀδελφὰσ διὰ τὸ γεγονὸσ ἐν τοῦτοισ τῆσ Ἰσίδοσ ἐπίτευγμα: ταῦτην γὰρ συνοικήσασαν Ὀσίριδι τῷ ἀδελφῷ cf. Modrzejewski, op. cit. (n. 2), 55.

full brother-sister couples in the demotic papyri.³⁴ Moreover, it is widely held that Diodorus in his account of Ancient Egypt borrowed heavily from Hecataeus of Abdera, the early third-century Greek historian from Asia Minor, and presumably also from Manetho, the Egyptian priest and historian from Sebennytos, who lived under Ptolemy I and II,³⁵ Philo also concerned himself with their writings.³⁶ Both Hecataeus and Manetho were the authors of an *Aigyptiaka* in which they tried to legitimize the Ptolemaic claim to Egypt, and did so in part by helping to forge an historical continuity between the Ptolemies and the Pharaohs.³⁷ It is thus not going too far to assume that these court historians sought historical cover for the incestuous dynastic marriage of Ptolemy II and his full sister Arsinoe II, an act known to have scandalized the Greek world, by seeking refuge in an ancient Egyptian 'law' permitting brother-sister marriage.³⁸ In fact, contrary to common assumption, we do not have secure evidence that the Pharaohs themselves ever practised full brother-sister marriage. There are some possible cases in the Eighteenth Dynasty, more than a millennium before Ptolemy II 're-introduced' this custom, but even the full brother-sister status of these Pharaonic couples is uncertain.³⁹

Turning to economic theories, Bowman and Goody have suggested that endogamous marriages would have been effective in reducing the dispersion of land, a phenomenon which appears to have assumed alarming proportions at the beginning of Roman rule.⁴⁰ However, Hopkins — who does not believe in 'materialist explanations' in general — argued convincingly that such considerations of economic advantage would not have been unique to Graeco-Roman Egypt, and it would therefore be surprising if only there did they lead to brother-sister marriage.⁴¹

Finally, with respect to the social explanations, while Patlagean believes that endogamous marriages reflected social insecurities,⁴² Shaw goes so far as to suggest that the Greek settlers were induced to separate themselves from the Egyptian population out of a concern for their racial purity.⁴³ According to this line of thought, a 'Lagermentalität' born of 'near-paranoiac rejection of contacts with immediate neighbours' led the Greek settlers to turn to incestuous relationships, insulating themselves in a 'claustrophobic social world'.⁴⁴ In Roman times, according to Shaw, maintenance of the privileged ethnic-political class of Greeks in Egypt led to an overwhelming concern with blood ancestry in order to meet the requirements of a pure Greek lineage so as to avoid tax disadvantages

³⁴ J. Černý, 'Consanguineous marriages in Pharaonic Egypt', *Journal of Egyptian Archaeology* 40 (1954), 23–9, at 29; Thierfelder, op. cit. (n. 2), 7–9; P. W. Pestman, *Marriage and Matrimonial Property in Ancient Egypt. A Contribution to Establishing the Legal Position of Women* (1961), 2–5; Hopkins, op. cit. (n. 2), 311.

³⁵ For Diodorus depending on Hecataeus see: E. Schwartz, s.v. 'Diodoros (38)', *RE* 5.1 (1903), 663–704, at 669–70; A. Burton, *Diodorus Siculus: A Commentary* (1972), 1–3; K. S. Sacks, *Diodorus and the First Century* (1990), 70–1; J. Marincola, *Authority and Tradition in Ancient Historiography* (1997), 108–9; J. Warren, *Epicurus and Democritean Ethics: An Archaeology of Ataraxia* (2002), 152–4. For Manetho and his later reception see: R. Laqueur, 'Manethon', *RE* 14 (1928), 1060–106; H.-J. Thissen, 'Manetho', in H. W. Helck and W. Westendorf (eds), *Lexikon der Ägyptologie* 3 (1980), 1180–1.

³⁶ P. Borgen, *Philo of Alexandria: An Exegete for his Time* (1997), 38–40; 44–5; 250–1.

³⁷ cf. Burton, op. cit. (n. 35), 88. See also Warren, op. cit. (n. 35), 154: 'The presentation of Egyptian monarchy might have offered to Hecataeus an indirect means of commenting on the new monarchy of Ptolemy, perhaps even offering a positive model for him to emulate. (...) It is tempting, therefore, also to see Hecataeus' work of ethnography functioning within this negotiation of a new order in Egypt.'

³⁸ On Greek reaction to this marriage see Paus. 1.7; Memnon, *FrGH* 3 B 434.8.7; cf. D. Ogden, *Polygamy, Prostitutes and Death. The Hellenistic Dynasties* (1999), 73–80.

³⁹ G. Robins, 'The relationships specified by Egyptian kinship terms of the Middle and New Kingdoms', *Chronique d'Égypte* 54 (1979), 197–217; S. Whale, *The Family in the Eighteenth Dynasty of Egypt: A Study of the Representation of the Family in the Private Tombs* (1989), 251–2; I. Shaw, *The Oxford History of Ancient Egypt* (2000), 408.

⁴⁰ A. K. Bowman, *Egypt After the Pharaohs* (1990), 136; Goody, op. cit. (n. 10), 338.

⁴¹ Hopkins, op. cit. (n. 2), 351; cf. also Shaw, op. cit. (n. 8), 276; Scheidel, op. cit. (n. 10), 49.

⁴² E. Patlagean, *Pauvreté économique et pauvreté sociale, 4e–7e siècle* (1977), 118–28.

⁴³ Shaw, op. cit. (n. 8), 277–93.

⁴⁴ Shaw, op. cit. (n. 8), 290–1. See for a more balanced view D. J. Thompson, 'The Hellenistic family', in G. R. Bugh (ed.), *The Cambridge Companion to the Hellenistic World* (2006), 93–112, at 108.

and impediments to upward mobility. Accordingly, full brother-sister marriage was the institution devised to maintain these critical ethnic-political distinctions.⁴⁵ However, this theory holds only if brother-sister marriage was a purely Greek cultural practice in Graeco-Roman Egypt. This does not appear to have been the case: Bagnall and Frier conclude from the Roman census returns that 'there is a fair admixture of Egyptian names, and brother-sister marriages occur in small villages with, as it appears, a predominantly Egyptian population'.⁴⁶

In all these theories scholars have sought to uncover the unique material and social conditions that they could point to as the one 'true cause or decisive catalyst'⁴⁷ leading to widespread brother-sister marriage in Egypt as nowhere else in the ancient Mediterranean. The fact that these theories have all failed to convince raises the question whether this marriage form can really be traced back to some unique social and cultural pattern prevalent in Egypt. In fact, I wish to argue that if we had the same form of documentation for other regions of the eastern Mediterranean as we have for Egypt, we would most probably find the same kind of 'incestuous' marriage pattern throughout.

As indicated at the beginning of this article, our most important direct testimony for brother-sister marriages are the census returns from Roman Egypt, which date to the first to third centuries A.D., most of them originating from the second-century Arsinoite nome. Again, it is on the basis of this material that Bagnall and Frier take the view that sibling marriage was more characteristic of Lower and Middle Egypt than of Upper Egypt, and perhaps also that the phenomenon was less common in the first century than the second, finally coming to an end in the early third century.⁴⁸ The real problem is — and this has never been fully acknowledged by the scholars who have dealt with this question — that we simply do not know whether this phenomenon was limited to this period, this region, or even Egypt as a whole.⁴⁹ The geographical and chronological distribution of brother-sister marriages in our census returns coincides with the distribution of census returns in general. In other words, seventeen of the twenty-two census returns that document brother-sister marriages come from the Arsinoite nome,⁵⁰ from where sixty per cent of all census returns originate.⁵¹ The problem behind the seeming uniqueness of Egyptian brother-sister marriage is that no one has ever connected this phenomenon with the distribution of the sources in all its consequences.⁵² Once one realizes that we are dealing here with a phenomenon whose entire shape coincides perfectly with the contours of the evidence — namely that it is documented mainly by a source type employed primarily in the first three centuries A.D. and which survives where it does purely because of specific climatic conditions — other solutions become possible, and it turns out that this may not be the odd, isolated phenomenon we take it to be at first glance. We just do not know how our data would look if we had the same kind of evidence for Hellenistic Egypt, or the rest of the Greek East from Hellenistic to Roman times.

⁴⁵ Shaw, *op. cit.* (n. 8), 292.

⁴⁶ Bagnall and Frier, *op. cit.* (n. 4), 129. Cf. also Scheidel, *op. cit.* (n. 10), 49.

⁴⁷ Shaw, *op. cit.* (n. 8), 277.

⁴⁸ Bagnall and Frier, *op. cit.* (n. 4), 129–30.

⁴⁹ Scheidel stresses that this conclusion is not tenable on statistical grounds since the sample is not big enough and provenance across different nomes varies considerably (Scheidel, *op. cit.* (n. 5), 153–4).

⁵⁰ We have to add to the twenty cases discussed in 1994 in Bagnall and Frier, *op. cit.* (n. 4), 129–30, two more cases published in the second edition in 2006: 117-Ar-13 (full or half-sibling marriage) and 173-Ar-21.

⁵¹ See the table of distribution in Shaw, *op. cit.* (n. 8), 278.

⁵² cf. however already Scheidel, *op. cit.* (n. 5), 145, who acknowledges that the proportion of sibling marriages in the Arsinoite nome 'rises and falls with the overall amount of documentation of married couples'. He further states (p. 147) that 'the apparent increase of sibling couples in the late second century (...) can easily be explained with the small number of cases' and that 'nothing in the census returns suggests a significant increase or decrease of the practice over time'. Similarly Bagnall and Frier, *op. cit.* (n. 4), 129.

All scholars engaged with the problem of brother-sister marriages agree on certain basic points:

1. The practice started sometime after the advent of Graeco-Roman rule.⁵³
2. Marriage between biological full siblings was not imported to Egypt by the Greeks, Macedonians, or Romans and was not practised by indigenous Egyptian society on a regular and common basis.⁵⁴ It has often been noted that societies in the Eastern Mediterranean and Near East were more inclined towards close-kin marriage, such as cousin or uncle-niece marriages, while the Western Mediterranean was rather hostile to it.⁵⁵ But both Greeks⁵⁶ and Romans⁵⁷ clearly prohibited sexual relationships, and above all marriages, between full siblings, regarding them ‘against the general custom of mankind’.⁵⁸ Consequently, Modrzejewski has drawn the inevitable conclusion that in Roman Egypt ‘a tendency conveyed by the Greek traditions favourable to endogamy (was) pushed to its extreme limit’.⁵⁹
3. Brother-sister marriages were much more common in the metropoleis than in the villages, where the population was predominantly Egyptian.⁶⁰ Brother-sister marriages therefore seem to have been more common among those of Greek than those of Egyptian ancestry, though it was apparently practised by both ethnicities.
4. There were no specific and compelling economic circumstances in Roman Egypt that could have induced wide swaths of the population to consider marrying their children to one another, against Greek, Roman, and Egyptian cultural prohibitions. Roman Egypt differs substantively from the other contemporary provinces only in the peculiar juridical regimen which the Romans adopted. But despite all efforts no convincing explanation has been offered that links this individuality with the phenomenon of brother-sister marriage. In other words, everyone agrees that is difficult to explain brother-sister marriage as a peculiar local tradition.

Where Roman Egypt distinctively differed from earlier periods and other regions of the Roman Empire is in the kind and degree of documentation:

- I. Papyri did not survive elsewhere, with few exceptions.

⁵³ Thierfelder, *op. cit.* (n. 2), 7–9; Shaw, *op. cit.* (n. 8), 274–5.

⁵⁴ Černý, *op. cit.* (n. 34), 29; Thierfelder, *op. cit.* (n. 2), 7–9; Pestman, *op. cit.* (n. 34), 2–5; Shaw, *op. cit.* (n. 8), 274–5.

⁵⁵ J. Goody, *The Development of the Family and Marriage in Europe* (1983); L. Holy, *Kinship, Honour, and Solidarity: Cousin Marriages in the Middle East* (1989); Goody, *op. cit.* (n. 10), 342–96, 429–64; S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (1991), 105–18; Shaw, *op. cit.* (n. 8), 270.

⁵⁶ cf. Aristoph., *Ranae* 1079; Eurip., *Androm.* 173–5; Xen., *Mem.* 4.4.20–2; Plat., *leg.* 8.6.838b. Unions of this kind were only allowed for their gods; cf. J. Rudhardt, ‘De l’inceste dans la mythologie grecque’, *Rev. Franç. Psychoanalyse* 46 (1982), 731–63, at 733–9 and 760–1; Shaw, *op. cit.* (n. 8), 271.

⁵⁷ Roman law forbade marriage between full siblings, half-siblings, and adopted siblings (Gaius, *Inst.* 1.61; *Dig.* 23.2.8; 23.2.39.1; 23.2.54; 23.2.68). The *Gnomon of the Idios Logos* informs us that Iulius Pardalās (head of the office in A.D. 123/4) confiscated the property of a Roman couple who had married despite being siblings (*Gnom. Id.* 23 (BGU 5.1210)). The term employed in this case (ἀδελφῶν) designates in Greek any sort of ‘sibling’: full siblings, half-siblings, and siblings by adoption (SB 5.7871; cf. M. Kurylowicz, ‘Adoption on the evidence of the papyri’, *JJP* 19 (1983), 61–75, at 63; E. Dickey, *Greek Forms of Address: From Herodotus to Lucian* (1996), 88; and see above in this section). It is thus unclear how we should interpret this passage: (1) as evidence of Romans attempting to avail themselves of a local succession strategy (as I shall argue below); or (2) as evidence of a half-sibling marriage; or even (3) as a real (and uniquely documented) case of full brother-sister incest in the Roman population. Also, one must bear in mind that the *Gnomon* was not a published protocol so much as an internal handbook for office functionaries when confronted with difficult or unusual cases (see P. R. Swarney, *The Ptolemaic and Roman Idios Logos* (1970), 120).

⁵⁸ Diod. Sic. 1.27.1: παρὰ τὸ κοινὸν ἔθος τῶν ἀνθρώπων γαμεῖν ἀδελφῶς.

⁵⁹ J. Modrzejewski, ‘Greek law in the Hellenistic period: family and marriage’, in M. Gagarin and D. Cohen (eds), *The Cambridge Companion to Ancient Greek Law* (2005), 343–56, at 351.

⁶⁰ Bagnall and Frier, *op. cit.* (n. 4), 129.

2. The Roman census records required details (e.g. regarding parentage of women) not found in census documents of the Ptolemaic period.
3. The indication of the identity of the mother in Greek papyrus documents did not come into use until the first century A.D.⁶¹

These facts, however, ought to lead us to look for an explanation that sees Roman Egypt as distinctive in its documentation rather than in its social practice.

Since Hopkins' famous statement that 'the formula *γυνή και ἀδελφή ὁμοπάτριος και ὁμομήτριος* leaves little room for ambiguity',⁶² no one has questioned that the spouses in these brother-sister marriages were natural full siblings. Shaw is adamant in supporting Hopkins' position: 'There is no reasonable doubt that the persons involved in the sibling marriages recorded on these census reports were genuine sisters and brothers.'⁶³ To be sure, I do not want to revive the discussion of whether or not we are dealing here with a purely metaphorical denomination of one's spouse as 'brother' or 'sister'.⁶⁴ The Roman census returns were official documents, and they definitely left no room for this kind of sentiment. Furthermore, I do not wish to deny that these married couples were siblings in a legal sense. I suspect, however, that they were not so biologically. In short, I will argue that we are most probably not dealing with 'real' brother-sister marriages, but that these 'incestuous' marriages were in fact marriages between a biological child and an adopted one, a practice attested for Classical and Hellenistic Greece, as well as for Roman Asia Minor, Syria, and Macedonia, and discussed in Roman, Byzantine, and Western Mediaeval law.⁶⁵

II ADOPTION IN FOURTH-CENTURY ATHENS

Adoption practice in the ancient Eastern Mediterranean has not yet attracted much interest in historical scholarship.⁶⁶ However, adoption in fourth-century Athens has recently been studied in detail by Rubinstein⁶⁷ and Lindsay.⁶⁸ The practice of adoption was widely used in fourth-century Athens as a strategy to shape the family and succession. The most important sources for adoption in this period are the law-court speeches by Isaios⁶⁹ and Pseudo-Demosthenes.⁷⁰ Adoption of an heir took place when the adopter had abandoned hope that he would produce natural offspring, 'in despair of his present

⁶¹ cf. M. Depauw, 'Do mothers matter? The emergence of metonymics in early Roman Egypt', in T. Evans and D. Obbink (eds), *Buried Linguistic Treasure* (forthcoming); see also Thierfelder, op. cit. (n. 2), 90–6; Modrzejewski, op. cit. (n. 2), 57–9. See also below, Section v.

⁶² Hopkins, op. cit. (n. 2), 321.

⁶³ Shaw, op. cit. (n. 8), 274.

⁶⁴ Shaw, op. cit. (n. 8), 275; Dickey, op. cit. (n. 26).

⁶⁵ See below, Section III.

⁶⁶ R. Taubenschlag, *Opera Minora II* (1959), 261–321; Kurylowicz, op. cit. (n. 57), 61–75; J. Beaucamp, *Le statut de la femme à Byzance (4e–7e siècle). I: Les pratiques sociales. Travaux et mémoires du Centre du recherche l'histoire et civilisation de Byzance* (1992), 48–52; J.-U. Krause, *Witwen und Waisen im römischen Reich* (1994/5), III, 80–1; B. Legras, 'L'adoption en droit hellénistique, d'après les papyrus grecs d'Égypte', in A. Bresson and M.-P. Masson et al. (eds), *Actes du colloque international 'Parenté, sexe et genre dans le monde grec, de l'antiquité à l'âge moderne' (Volos, 18–21 juin 2003)* (2006), 175–88.

⁶⁷ L. Rubinstein, *Adoption in IV. Century Athens* (1993); idem, 'Adoption in Classical Athens', in M. Corbier (ed.), *Adoption et fosterage* (1999), 45–62.

⁶⁸ H. Lindsay, 'Adoption in Greek law: some comparisons with the Roman world', *Newcastle Law Review* 91 (1998/9), 91–110. Cf. now also E. M. Harris, *Democracy and the Rule of Law in Classical Athens: Essays on Law, Society and Politics* (2006), 365–70.

⁶⁹ Is. 1–7; 9–10.

⁷⁰ Dem., *or.* 41, 43 and 44. The evidence found in the Athenian forensic corpus of the fourth century is supplemented by several of Menander's comedies (*Dyskolos*, *Samia* and *Adelphoi*); cf. Rubinstein, op. cit. (n. 67), 93; see also L. Rubinstein and L. Bjerttrup, 'Adoption in Hellenistic and Roman Athens', *C&M* 42 (1991), 139–51, at 141.

circumstances, cussing his old age', as Isaios said of the old Athenian Apollodoros.⁷¹ The Athenian Menekles contemplated adopting an heir when he had not had a natural son and was already approaching old age: 'Menekles began to consider how to avoid being childless, and how to have someone who would look after him in his old age while he was alive, and when he was dead, would bury him and, in the future, perform the rites for him.'⁷² The institution of adoption thus provided an individual or a couple with a son who could care for them in their old age; who continued his father's business; who perpetuated the family cults; and who maintained the agnatic lineage, and so the continuation of the *oikos*.

There was a strong preference for adopting an heir from one's own agnatic lineage,⁷³ even though there was no legal bar that hindered the adopter from adopting a complete stranger.⁷⁴ In Athens, a son of one's sister was generally the preferred candidate for adoption.⁷⁵ Families with more than one child would not have resisted when an heirless relative requested one of their sons. Apparently, it was not considered dishonourable to give one's child away in adoption, especially as it was a 'win-win' situation for both sides; the adopter would gain a legitimate child and heir, and the adopted son would become the sole heir to his adoptive father and therefore no longer need to share the estate of his biological father with his biological siblings. In Isaios 11, an Athenian mother persuades her husband, with whom she had several sons, to have one of their sons adopted into the estate of her childless brother for this very reason.⁷⁶

If this option, i.e., the adoption of a nephew, was unavailable, then Athenians usually reached out to more distant relations in order to perpetuate their lines. Girls were also adopted, even if less frequently than boys.⁷⁷ As a daughter's son was considered the rightful heir to his maternal grandfather's property,⁷⁸ so adopting a female relative as an *epikleros* could also secure the continuation of the *oikos* even though this would mean an intermission of one generation.

Sometimes it happened, however, that the adopter was forced to look beyond blood kin if close relatives were lacking. For instance, the old and childless Menekles had been married twice but both marriages had failed to produce offspring due to his sterility, and so he first considered adopting a relative.⁷⁹ Since his only brother had only one son, and Menekles did not want to deprive him of his heir,⁸⁰ he decided to ask the two brothers of his ex-wife, with whom he had parted on friendly terms, if one of them would consent to his being adopted. One of these brothers agreed, and Menekles adopted the young man and introduced him into his phratry and deme.⁸¹ This father-son relationship lasted happily for twenty-three years after the adoption until Menekles' death.⁸² As indicated in this case, the adopted son was introduced to the family, phratry, and deme of his adoptive father and inscribed in the public register, in the manner of a natural son.

⁷¹ Is. 7.14 (trans. Rubinstein, op. cit. (n. 67), 21).

⁷² Is. 2.10 (trans. Rubinstein, op. cit. (n. 67), 63).

⁷³ cf. D. M. MacDowell, *The Law in Classical Athens* (1978), 100. The preference of close-kin adoption was apparently a cross-cultural phenomenon, from which only our modern Western society seems to differ.

⁷⁴ A. R. W. Harrison, *The Law of Athens I: The Family and Property* (1968), 88; Lindsay, op. cit. (n. 68), 94. However, since Athenian citizens were only allowed to adopt another free citizen, adopting a foundling caused many problems because his status was unknown (Lindsay, op. cit. (n. 68), 92).

⁷⁵ L. Gernet, *Droit et société dans la Grèce ancienne* (1955), 121–49, esp. 129–31; Rubinstein, op. cit. (n. 67), 117–25; V. Hunter, 'Agnatic kinship in Athenian law and Athenian family practice. Its implications for women', in B. Halpern and D. Hobson (eds), *Law, Politics, and Society in the Ancient Mediterranean World* (1993), 100–21, at 103–8 and 117–19; C. A. Cox, *Household Interests. Property, Marriage Strategies, and Family Dynamics in Ancient Athens* (1998), 126.

⁷⁶ Is. 11.49.

⁷⁷ Is. 2.10; 11.41; 12.8; Rubinstein, op. cit. (n. 67), 48; 89–90.

⁷⁸ [Dem.], or. 46.20; Rubinstein, op. cit. (n. 67), 89–90.

⁷⁹ Is. 2.10.

⁸⁰ Is. 2.10 and 2.21.

⁸¹ Is. 2.12; Rubinstein, op. cit. (n. 67), 33; Lindsay, op. cit. (n. 68), 95.

⁸² Is. 2.15; 2.45.

Adoption severed all legal ties to the biological father and his *oikos*, and thus annulled all original rights of succession.⁸³ And official registers in Athens apparently did not differentiate between natural and adopted children.⁸⁴ When the Athenian Thrasyllus was adopted by Apollodoros, he was inscribed in the public register of his deme as Θράσυλλος Ἀπολλοδώρου, 'Thrasyllus, son of Apollodoros', and nothing more.⁸⁵ The form of registration gave no hint that Thrasyllus had been adopted by, rather than born to, Apollodoros. The name of his natural father, Hippolochides,⁸⁶ was neither registered nor mentioned.⁸⁷ Everything was done in such a way as to secure for the adoptee a status that replicated that of a natural son. The adopted son of the Athenian Menekles later claimed in court: οὐκ ἔστιν ἐπίδικος ὁ κλῆρος ὁ Μενεκλέους, ὄντος ἐμοῦ υἱοῦ ἐκείνου.⁸⁸

Along with the legal relationship came the expectation of normal filial and familial relations. According to the court speeches given by Isaios and Pseudo-Demosthenes, it was expected that the adopter would treat the adopted son just as he would a natural son. In return, the adopted son was obliged to act like a real son, e.g., show filial love and affection; care for his adoptive father in his old age; provide him with a proper burial; and perform the accustomed rites at his grave.⁸⁹ On the father's death, a son adopted during his adoptive father's lifetime had the same right as a natural son to enter into his estate and was, in fact, on a par with a natural son.⁹⁰ If a man had living sons, adoption was only allowed by will and would only have been effective when the biological sons died before coming of age.⁹¹ However, if a man had adopted a son and later had biological sons born to him, the adoption could not be revoked, nor was the adoptee deprived of the rights that the adoption had conferred on him. In other words, he was still entitled to inherit an equal share of his adoptive father's property.⁹²

It was not only childless Athenians, however, who commonly practised adoption but also those Athenian fathers who had only a daughter.⁹³ Adoption in Athens was no bar to marriage, as it was in Roman law and law in modern Western societies. In fact, according to Isaios, the adopted son was not merely allowed to marry his adoptive sister, but was rather obliged to do so.⁹⁴ If an only daughter was still too young to marry, her father could adopt a prospective husband for her who was bound to marry her when she came of age.

⁸³ Only if the adopted son had produced a son in his adoptive *oikos*, was he permitted to return to his own family (Is. 6.44; 9.33; 10.11; [Dem.], *or.* 44.64; 44.68; Rubinstein, *op. cit.* (n. 67), 57–8). The same practice holds in modern India: the adopted child is excluded from succession to his biological father's name and inheritance (J. Goody and J. A. Tambiah, *Bridewealth and Dowry* (1974), 81; H. Lindsay, 'Adoption and its function in cross-cultural contexts', in S. Dixon (ed.), *Childhood, Class and Kin in the Roman World* (2001), 190–204, at 194).

⁸⁴ For Roman adoptive nomenclature and the retention of original filiation and tribe, see O. Salomies, *Adoptive and Polyonymous Nomenclature in the Roman Empire* (1992).

⁸⁵ Καὶ οὕτω μὲν ὑπὸ ζῶντος ἐποιήθη καὶ εἰς τὸ κοινὸν γραμματεῖον ἐνεγράφη Θράσυλλος Ἀπολλοδώρου (Is. 7.17 (ed. P. Roussel, 1960); Lindsay, *op. cit.* (n. 68), 93. Cf. Harris, *op. cit.* (n. 68), 365–70).

⁸⁶ Is. 7.23.

⁸⁷ Is. 7.17.

⁸⁸ Is. 2.2.

⁸⁹ Rubinstein, *op. cit.* (n. 67), 64–76. Again, this expectation has parallels: if an adopted child in ancient Mesopotamia said to a chamberlain or *epicene* who was his adoptive father and had brought him up: 'You are not my father', his tongue was cut out (M. David, *Die Adoption im altbabylonischen Recht* (1927); G. R. Driver and J. C. Miles, *The Babylonian Laws II: Laws of Hammu-Rabi* (1955), 75–7; Lindsay, *op. cit.* (n. 83), 192).

⁹⁰ [Dem.], *or.* 44.29; 44.42–3; 44.53–5; Is. 2.2; 2.17; 5.16; Rubinstein, *op. cit.* (n. 67), 40–1, 45. An heir designated by will could not enter directly into an estate but first had to state his claim before the archon (Harrison, *op. cit.* (n. 74), 95).

⁹¹ Rubinstein, *op. cit.* (n. 67), 57.

⁹² Rubinstein, *op. cit.* (n. 67), 56.

⁹³ Is. 3.68; MacDowell, *op. cit.* (n. 73), 100; Lindsay, *op. cit.* (n. 68), 91–2.

⁹⁴ Is. 3.50; 3.69; 10.13. Harrison suggested that a man in Athens who had one or more daughters probably could not adopt a son without marrying him to one of them (Harrison, *op. cit.* (n. 74), 23; cf. 85. Similarly, W. Erdmann, *Die Ehe im alten Griechenland* (1934), 188). Potentially, another possibility was to adopt — either *inter vivos* or by will — one's daughter's husband if she was already married when her father came to draw up his will.

If the adoptee failed to do so, the adoption was, according to Isaios, declared invalid.⁹⁵ This strategy served several aims: first, adopting a son in the absence of a male heir provided labour and support in old age; second, marrying the adopted son to the natural daughter meant that the daughter could stay in her parents' home, a situation more comfortable for her and her parents, who would otherwise have two unrelated caregivers in their home (i.e., the adopted son and his exogenous wife), neither of whom was bound by blood or reciprocal feelings; third, the daughter's dowry, which otherwise would have been lost to another *oikos*, remained in the family; and finally, and perhaps most importantly, the daughter's children continued the agnatic line.⁹⁶ An illustration of the custom outlined above is found in the personal history of the Athenian Polyeuktos, mentioned in Demosthenes' speech *Against Spoudias*. Polyeuktos had only two daughters with his wife. Therefore, he adopted his wife's brother, Leokrates, and married him to one of his daughters.⁹⁷ Leokrates thus became the adoptive son and son-in-law of his brother-in-law Polyeuktos, and the husband of his niece. After adoption and marriage, Leokrates moved into the household of his wife and her parents.⁹⁸ In this way, although it might take a generation, the family could survive the misfortune of having no male heir.

III ADOPTION PRAXIS IN THE GRAECO-ROMAN EAST IN LATER PERIODS

As regards the period after the fourth century B.C., Rubinstein and Bjertrup, using the epigraphic evidence for adoption from Hellenistic and Roman Athens, showed that even though it is impossible to estimate the frequency of adoption, the institution of adoption did not decline in Hellenistic times, but was practised well into the Roman period.⁹⁹ As far as we know, the concept of the *oikos* and the institution of the *epikleros* lost their importance in the course of the fourth century B.C., but the wish to ensure support in one's old age still prompted childless individuals and couples to adopt.¹⁰⁰ In fact, adoption is widely attested for the Hellenistic and Roman Eastern Mediterranean.¹⁰¹ The epigraphic evidence for adoption of both males and females seems to be concentrated in Hellenistic and early Roman Rhodes and Roman Caria. For Rhodes alone we have about 550 instances of adoption recorded in inscriptions dating from between the third century B.C. and the first century A.D.¹⁰² We should wonder whether we are really dealing here with an unusually high incidence of adoption on Rhodes, or simply a Rhodian tendency to record and advertise adoptions on stone — a local epigraphic habit¹⁰³ — which would mean that adoptions were probably as common in other regions.¹⁰⁴

⁹⁵ Is. 3.50; 3.69; see also Dem., *or.* 41. Cf. Gernet, *op. cit.* (n. 75), 136; Harrison, *op. cit.* (n. 74), 85, 151; D. Schaps, *Economic Rights of Women in Ancient Greece* (1979), 32; R. Just, *Women in Athenian Law and Life* (1989), 95; Rubinstein, *op. cit.* (n. 67), 95–6.

⁹⁶ Thus the daughter did not become an *epikleros* after her father's death, since she was already married to the legal heir (Is. 3.64). See Harrison, *op. cit.* (n. 74), 82–5; S. Isager, 'The marriage pattern in Classical Athens: men and women in Isaeus', *C&M* 33 (1982), 81–96; Lindsay, *op. cit.* (n. 68), 92. The custom of the *epikleros* is found only in Classical Athens and has no relevance for later periods.

⁹⁷ It is nowhere explicitly stated that a man was allowed to adopt only one son: if he had two daughters who were not yet married and for whom he wanted to provide, he could probably adopt two future sons-in-law (Harrison, *op. cit.* (n. 74), 23).

⁹⁸ Dem., *or.* 41. See Cox, *op. cit.* (n. 75), 35.

⁹⁹ Rubinstein and Bjertrup, *op. cit.* (n. 70), 139–51.

¹⁰⁰ Rubinstein and Bjertrup, *op. cit.* (n. 70), 140.

¹⁰¹ cf. the statement of Isaios (2.24) that not only Athenians, but also all other Greeks and some barbarians practised adoption in the absence of a natural son.

¹⁰² G. Poma, 'L'adozione a Rodi', *Epigraphica* 34 (1972), 169–305; E. Stavrianopoulou, 'Die Frauenadoption auf Rhodos', *Tyche* 8 (1993), 177–88.

¹⁰³ cf. R. MacMullen, 'The epigraphic habit in the Roman Empire', *AJPh* 103 (1982), 233–46; E. A. Meyer, 'Explaining the epigraphic habit in the Roman Empire: the evidence of epitaphs', *JRS* 80 (1990), 74–96.

¹⁰⁴ cf. however Poma, *op. cit.* (n. 102), 185–91.

In any event, it is clear that the strategy of adoption with a view to marriage was not confined to fourth-century Athens, but was in fact practised widely across the Mediterranean world. This practice of calling in the son-in-law in the absence of a natural son (with or without formally adopting him) can already be traced in our ancient Near Eastern sources from Nuzi and Ugarit.¹⁰⁵ Furthermore, a hieratic papyrus from the reign of Ramesses XI (early eleventh century B.C.) tells us that the childless widow Rennufer married her younger brother Padiu and the daughter of her housemaid to one another and afterwards adopted the couple as her children and rightful heirs. Padiu thus was not only Rennufer’s brother, but also her son and son-in-law, and husband and brother to Rennufer’s daughter.¹⁰⁶ And we find the same custom recorded in our epigraphic sources from Roman Macedonia and Asia Minor, the Syrian *Didascalía*, and Roman law codes. Let me present the known cases: in a grave inscription from Metella in Macedonia dated to A.D. 106, Dioskourides, the adoptive son of Moukasos, and natural son of Paibos, erected a grave monument for himself, his wife, Soura, daughter of Moukasos, their son, and their grandson.¹⁰⁷ His wife was apparently the natural daughter of his adoptive father. Turning to Asia Minor, Menodora, daughter of Apollonides, from imperial Lydai in Lycia, erected an honorific monument for her deceased husband Theougenes, son of Theramenos and the adoptive son of Apollonides. It seems that her father had adopted her husband.¹⁰⁸ We have another tomb inscription, a Christian epitaph from early fourth-century Phrygia, for a certain Aurelios Trophimos.¹⁰⁹ Trophimos had only two daughters and thus had apparently adopted a son. Ammia and his adopted son-in-law Telesphoros erected a monument for him. The late father Trophimos confirms his wish of succession at the end of the memorial inscription, a wish that was firmly embedded in the Classical Greek tradition of inheritance strategy: ‘My monument was erected by my daughter Ammia, and my adopted son Telesphoros to whom I left my daughter Ammia for lawful wife.’¹¹⁰ Even though ἄλοχον in this inscription is restored, the restoration is secured by a subsequent epitaph inscribed on the same stone, in which Telesphoros and his wife Ammia mourn their little daughter.¹¹¹ In addition, in a metrical inscription from fourth-century Lycaonia, a son-in-law, one Aphthonios, describes his father-in-law Valerianos, for whom he dedicated the grave monument, as τοκέυς.¹¹² His father-in-law was therefore probably also his adoptive father.¹¹³

Let us look more closely at one example which has generated some discussion: Attalos from Galatia erected a tomb for his adoptive father, Demetrios, in the third century A.D. together with his adoptive mother.¹¹⁴ On it he provided an inscription for Demetrios which

¹⁰⁵ Y. Ben-Barak, ‘Inheritance by daughters in the ancient Near East’, *Journal of Semitic Studies* 25 (1980), 22–33, at 24–5; J. Paradise, ‘A daughter and her father’s property at Nuzi’, *Journal of Cuneiform Studies* 32 (1980), 189–207; cf. Goody, op. cit. (n. 10), 351.

¹⁰⁶ A. H. Gardiner, ‘Adoption extraordinary’, *JEA* 26 (1940), 23–9; S. Allam, ‘De l’adoption en Egypte pharaonique’, *Oriens Antiquus* 11 (1974), 277–95; C. J. Eyre, ‘The adoption papyrus in social context’, *JEA* 78 (1992), 207–21.

¹⁰⁷ SEG 30 (1980), 596: Διοσκουρίδης Μουκάσου, φύσει δὲ Παίβου, ζῶς ἐαυτῷ καὶ Σουρα Μουκάσου συνβίῳ τελευτήσαντος δὲ Διονυσίου υἱοῦ ἐτῶν κβ’ καὶ Διοσκουρίδου Τόρκου υἱοῦ ἐτῶν ε’, ἀνέθηκεν.

¹⁰⁸ TAM 2.1.148: Μηνοδόρα Ἀπολλωνίδου Κρηνεῖτις Θευγένῃ Θηραμένου καθ’ ὑ(ιοθεσίαν) δὲ Ἀπολλωνίδου Κρηνεά τὸν ἐαυτῆς ἄνδρα ἱερατεύσαντα Ἀπόλλωνος καὶ Διὸς καὶ θεῶν ἀγρέων φιλοσοργίας ἔνεκεν τῆς εἰς ἐαυτ[ή]ν.

¹⁰⁹ SEG 6 (1932), 137. For a discussion of Roman law and practice in the provinces see below, Section VII.

¹¹⁰ SEG 6 (1932), 137: Σῆμα δὲ μοι τεύξαν Ἀμμία θυγάτηρ, θρεπτὸς δὲ Τελεσφόρος, ᾧ λυπόμην κουριδίην [ἄλοχον] Ἀμμίαν ἐμῖο θυγάτρα.

¹¹¹ SEG 6 (1932), 139: Αὐρ. Τελεσφόρος κὲ Αὐρ. Ἀμμία τῆ ἐα[υτῶν] θυγατρὶ Ἀμμία. Cf. J. Fraser, ‘Inheritance by adoption and marriage in Phrygia, as shown in the epitaphs of Trophimos and his relatives’, in W. M. Ramsay (ed.), *Studies in the History and Art of the Eastern Provinces of the Roman Empire* (1906), 137–53, at 142.

¹¹² MAMA 1.232: γαμβρὸς δ’ ἦτοι πάντα τελέσσατο ἢ τάχ’ ἅπαντες | Ἀφθόνιος ᾧ τοκέει γλυκερῷ ἀμοιβῆς τελέσσας.

¹¹³ ‘Τοκέει probably means that Aphthonios was υἱὸς θετός as well as γαμβρὸς.’ (MAMA 1.232).

¹¹⁴ RECAM 2.303: Ἀτταλος Δημη[τρί]ου υἱὸς θετός γ[α]μβρὸς ἀνεστήσαμεν; see W. M. Calder, ‘Adoption and inheritance in Galatia’, *JThS* 31 (1930), 372–4, at 373.

stated among other things that he, Attalos, was both Demetrios' adopted son and his son-in-law (υἱὸς θετοῦ καὶ γαμβρός). Attalos moreover bore the patronymic of his adoptive father: Ἀττάλος Δημητρίου. Calder believes that the adoption of a son-in-law documented in this inscription is revealing an 'old Anatolian custom',¹¹⁵ but when seen in the light of the context of Athenian marriage patterns and adoption law as discussed above, it seems more likely that we are dealing with a marriage and inheritance pattern that was widely practised throughout the Greek East. Fraser, in fact, argues that 'no trace of any non-Hellenic system of inheritance for sons is known in the wide range of Phrygian epigraphy' and that this custom 'was necessarily non-Phrygian, and was certainly adopted under Greek influence and of the Greek legal type'.¹¹⁶

The information about adoption praxis that we can gain from the Syrian *Didascalia* (dated to the first half of the third century A.D.) suggests that this custom of marrying an adoptive child to a natural one was also known in Roman Syria. The *Didascalia* advised: 'When any Christian becomes an orphan, whether it be a boy or girl, it is good that someone of the brethren who is without a child should take the boy, and esteem him in the place of a son; and he who has a son about the same age who has reached the age of marriage, should marry the girl to him. For they which do so perform a great work, and become fathers to the orphans, and shall receive the reward of this charity from the Lord God.'¹¹⁷ Orphaned boys should be adopted by families that had no male offspring; orphaned girls, however, were to be adopted by families who had a son near in age. The natural son should later marry the adoptive daughter, who as an *indotata* would have had difficulties in finding a husband. Unlike our cases from fourth-century Athens, the *Didascalia* had the orphan's welfare in mind, rather than the interests of the adoptive parents. Here it was especially the adoptive daughter who was destined to marry a natural son.¹¹⁸ The evidence discussed above indicates that we are not dealing here with a specific Christian innovation, but with a centuries-old tradition in the Eastern Mediterranean, re-invented in a Christian setting.

Finally, turning to Roman law, marriage of an adopted daughter to a natural son and marriage of an adopted son to a natural daughter are both discussed by Gaius in his commentary on the Provincial Edict. Since Roman law considered adoptive relationships — as long as they endured — as equivalent to blood relationships, intermarriage between an adopted child and a natural one was only possible if the natural child was emancipated.¹¹⁹ The same procedure for adoption *cum* marriage was later obligatory in Byzantium and the mediaeval West.¹²⁰

¹¹⁵ Calder, *op. cit.* (n. 114), 372–4.

¹¹⁶ Fraser, *op. cit.* (n. 111), 149.

¹¹⁷ *Apost. Const.* 4.1 (= *Syr. Didasc.* 17) (ed. B. M. Metzger, 1985–7): Ὁρφανοῦ δέ τις γενομένου χριστιανοῦ ἦτοι παιδὸς ἢ παρθένου, καλὸν μὲν, ἵνα τις τῶν ἀδελφῶν οὐκ ἔχων τέκνον προσλαβόμενος τοῦτο ἔχη εἰς παιδὸς τόπον, τὴν δὲ παρθένον ὃ ἔχων υἱὸν δυνάμενον αὐτῇ ταῖς τοῦ γάμου ἡραῖς συγχρονίσει συζεύξῃ· τοῦτο γὰρ οἱ ποιοῦντες ἔργον μέγα ἐπιτελοῦσιν, ὄρφανῶν πατέρες ὑπάρξαντες, καὶ παρὰ Κυρίου τοῦ Θεοῦ λήψονται τὸν μισθὸν τῆς διακονίας ταύτης.

¹¹⁸ cf. Krause, *op. cit.* (n. 66), III, 82–3.

¹¹⁹ *Dig.* 23.2.17 (Gaius 11 *ad ed. provinc.*): 'Per adoptionem quaesita fraternitas eousque impedit nuptias, donec manet adoptio: ideoque eam, quam pater meus adoptavit et emancipavit, potero uxorem ducere. aequae et si me emancipato illam in potestate retinuerit, poterimus iungi matrimonio. 1. Itaque volenti generum adoptare suadetur, ut filiam emanciparet: similiter suadetur ei, qui nurum velit adoptare, ut emancipet filium.' Cf. *Dig.* 23.2.55 (Gaius 11 *ad ed. provinc.*); *Inst.* 1.10.2: 'Sed si qua per adoptionem soror tibi esse coeperit, quamdiu quidem constat adoptio sane inter te et eam nuptiae consistere non possunt: cum vero per emancipationem adoptio dissoluta sit, poteris eam uxorem ducere: sed et si tu emancipatus fueris, nihil est impedimento nuptiis. et ideo constat, si quis generum adoptare velit, debere eum ante filiam suam emancipare: et si quis velit nurum adoptare, debere eum ante filium emancipare'; *Inst.* 1.19.2; cf. Lindsay, *op. cit.* (n. 68), 91. See also below, Section VII.

¹²⁰ For Byzantium see O. Montevecchi, 'Ricerche di sociologia nei documenti dell'Egitto greco-romano. Il contratto di matrimonio e gli atti di divorzio', *Aegyptus* 16 (1936), 3–83, at 18; R. Macrides, 'Kinship by arrangement: the case of adoption', *DOP* 44 (1990), 109–18; Beaucamp, *op. cit.* (n. 66), 108; R. Macrides, 'Substitute parents and their children in Byzantium', in M. Corbier (ed.), *Adoption et fosterage* (1999), 307–19, at 309. For the mediaeval West: M. C. Cohn, *Breviarium Alaricianum: Römisches Recht im fränkischen Reich in systematischer Darstellung* (1908), 102; G. Vismara, 'Adozione (diritto intermedio)', *Enciclopedia del Diritto* I (1958), 582–3; B. Jussen, *Spiritual Kinship as Social Practice: Godparenthood and Adoption in the Early Middle Ages* (2000), 61.

The devolution of property to a daughter posed problems and concerns for a father in any society in which virilocality was the ideal.¹²¹ Up to one third of all men in Roman society did not have a male heir upon their death.¹²² Since women regularly married out and took their money with them, any inheritance would be lost to her father's family and would go instead to her husband's. Adoption of the son-in-law was an effective strategy in order to maintain the ancestral property and continue the family lineage. And indeed, we find many other societies employing this strategy in order to solve the same problem. For instance, adoption *cum* marriage was practised in China, Japan, India, and Russia until far into the twentieth century. These were all societies exhibiting virilocal marriage patterns like that of the ancient Eastern Mediterranean, and, as in Classical Athens, families without male heirs imported sons-in-law in order to ensure that a young couple was available to support the older generation and continue the family name and lineage.¹²³ The proportion of adopted son-in-law marriages in these societies, which in some regions and times was nearly thirty per cent, declined only over the first half of the twentieth century as the number of peasant families who worked their ancestral land declined in tandem with the rise of wage employment, the introduction of social security programmes and a decreasing emphasis on the duty to perpetuate the family and the ancestral home.¹²⁴ Finally, uxori-local marriage in the absence of a son is a common feature of many other pre-modern and modern societies that are otherwise dominated by virilocal marriage patterns. The in-marriage son-in-law is not explicitly adopted here by his parents-in-law but sometimes takes over his wife's family name.¹²⁵ Adoption of a future daughter-in-law, the so-called *sim-pua*, was practised in China, Taiwan, and Japan until the middle of the twentieth century.¹²⁶ Here, an unwanted or orphaned girl was adopted into another family where she would be raised to become the eventual wife of a son, thus avoiding the cost of engagement and wedding presents, obviously above all interesting for rather poor families.

Given the prevalence of this strategy under similar family systems and demographic conditions, would it not be more economical to read our Egyptian evidence in the light of this custom of adoption *cum* marriage rather than to see Roman Egypt as the only instance in human history of widespread institutionalized incest?

IV ADOPTION IN GRAECO-ROMAN EGYPT

Due to lack of evidence adoption is usually not regarded as a widespread custom in Graeco-Roman Egypt,¹²⁷ even though the institution of adoption was already well developed in Pharaonic Egypt as a strategy for overcoming childlessness.¹²⁸ Our earliest

¹²¹ cf. e.g. M. L. Satlow, 'Marriage payments and succession strategies', in R. Katzoff and D. Schaps (eds), *Law in the Documents of the Judaean Desert* (2005), 51–65.

¹²² R. P. Saller, *Patriarchy, Property and Death in the Roman Family* (1994), 52: 'Male, "ordinary", Level 3 West'; and 58: 'Male, "senatorial", Level 3 West'.

¹²³ For China see: J. Goody, *Production and Reproduction: A Comparative Study of the Domestic Domain* (1976), 76; Goody, op. cit. (n. 10), 45f.; A. P. Wolf and C.-S. Huang, *Marriage and Adoption in China 1854–1945* (1980). For Japan see: R. P. Dore, *City Life in Japan. A Study of a Tokyo Ward* (1999, 2nd edn), 147; C. J. Dunn, *Everyday Life in Traditional Japan* (1969), 71. For India see: P. Diwan, *Law of Adoption, Minority, Guardianship and Custody* (2000, 3rd edn), 38–40. For Russia see: D. I. Kertzer and M. Barbargli, *Family Life in Early Modern Times 1500–1789* (2001), 52. See also below, Section VII.

¹²⁴ cf. Dore, op. cit. (n. 123), 147; Goody, op. cit. (n. 10), 46, 106–7.

¹²⁵ See e.g. A. Shimizu, 'On the notion of kinship', *Man* 26 (1991), 377–403; J. R. Bowen, 'Equality, difference, and law in Indonesian inheritance practices: a Sumatran case study', *PoLAR* 19.1 (1996), 83–90; E. A. Hammel and A. Gullickson, 'Kinship structures and survival: maternal mortality on the Croatian-Bosnian border 1750–1898', *Population Studies* 58 (2004), 145–59, at 151.

¹²⁶ See A. P. Wolf, 'Adopt a daughter-in-law, marry a sister: a Chinese solution to the problem of the incest taboo', *Am. Anthropol.* 70 (1968), 864–74; Goody, op. cit. (n. 10), 107.

¹²⁷ cf. e.g. Scheidel, op. cit. (n. 10), 48.

¹²⁸ Gardiner, op. cit. (n. 106), 23–9; Pestman, op. cit. (n. 34), 4; Allam, op. cit. (n. 106), 277–95; A. McDowell, 'Legal aspects of care of the elderly in Egypt to the end of the New Kingdom', in M. Stol and S. P. Vleeming (eds), *The Care of the Elderly in the Ancient Near East* (1998), 199–222, at 219.

testimony from the Ptolemaic period dates to 248 B.C.¹²⁹ In this document, the so-called ‘agenda list of Zenon’, the author was interested in determining the identity and whereabouts of a particular person and so he planned to inspect the contracts of marriage and adoption: ‘[See] the contracts of marriage and adoption. Who is the man and where is he?’¹³⁰ It is indeed remarkable that this earliest evidence for adoption in Ptolemaic Egypt mentioned the ‘contracts of marriage and adoption’ as somehow standing in close connection to one another. Papyrus sources on adoption for the following centuries are scarce and for the most part contain little information.¹³¹ We find several remarks about persons, men and women, who were adopted in diverse documents, but the adoptive status is only mentioned here as part of the adoptee’s name.¹³² Our earliest surviving contract of adoption comes from the fourth century A.D.,¹³³ and it is only from this and later evidence that we are able to gain more information on the procedure of adoption in Egypt. Yet, this does not mean that adoptions necessarily occurred less frequently before this point. A *συγγραφή* was merely a document of proof without any constitutive or dispositive power, as oral contracts were generally sufficient.¹³⁴ From the fourth century on written contracts, however, seem to have become more important.

In reviewing all the evidence, Taubenschlag,¹³⁵ Mitteis,¹³⁶ and Kurylowicz¹³⁷ have demonstrated that the practice of adoption in Roman Egypt, both in its conception and in its consequences, rested upon Hellenistic legal principles.¹³⁸ The terminology for adopting and adoptee, as well as the legal thinking undergirding adoption in Roman Egypt, were derived from Attic law.¹³⁹ The contracts of adoption provide us with the most information in this respect. From these documents, we learn that adoption was, as in Athens, considered binding and permanent. The biological parents lost all rights regarding their child. Their son or daughter became the legal child of the adopting parents, who were responsible from then on for supplying all of his or her needs.¹⁴⁰ The adoptee forewent all kinship with his biological father.¹⁴¹ An adoption contract from early fourth-century Oxyrhynchus states: ‘We agree, Heracles and his wife Isarion, on our side, that we have surrendered to you, Horion, for adoption our son Patermouthis, about two-years-old, and I, Horion, on my side, that I hold him as my genuine son (γνήσιον υἱόν) as regards the maintenance of

¹²⁹ *P.Col.Zen.* 3.58; cf. now Legras, op. cit. (n. 66), 175–7. For adoption in Pharaonic times see C. Seidl, *Ägyptische Rechtsgeschichte der Saiten- und Perserzeit* (1968), 54, 80; Allam, op. cit. (n. 106), 277–95.

¹³⁰ *P.Col.Zen.* 3.58: Ἰδεῖν (...) τὰς συγγραφὰς τῶν γαμοῦντων καὶ τεκνοθεσιῶν. τίς ὁ ἄνθρωπος καὶ ποῦ ἔστιν; For the *συγγραφή*, the written contract that was taken over from Greek notary practice, cf. H.-A. Rupprecht, ‘Greek law in foreign surroundings: continuity and development’, in M. Gagarin and D. Cohen (eds), *The Cambridge Companion to Ancient Greek Law* (2005), 328–42, at 330.

¹³¹ e.g. *P.Heid.* 4.329 from A.D. 105/6 (male); *P.Mert.* 1.18 from A.D. 161 (male); *P.Oxy.* 3.504 from the second century A.D. (female); *P.Stras.* 1.4 from A.D. 551 (two sisters adopted by the same man); cf. Kurylowicz, op. cit. (n. 57), 61; Ch. Kunst, *Römische Adoption. Zur Strategie einer Familienorganisation* (2005), 233.

¹³² Kurylowicz, op. cit. (n. 57), 62.

¹³³ *P.Oxy.* 9.1206 (from A.D. 335); *P.Lips.* 1.28 (from A.D. 381); *P.Oxy.* 16.1895 (from A.D. 554). However, *P.Cair.Masp.* 3.67305 (from A.D. 568) cannot be regarded as an adoption contract.

¹³⁴ Rupprecht, op. cit. (n. 130), 331; 335–6.

¹³⁵ R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri* (332 B.C.–640 A.D.) (1955, 2nd edn), 261–321.

¹³⁶ L. Mitteis, ‘Adoptionsurkunde vom Jahre 381 n.Chr.’, *Archiv für Papyrusforschung und verwandte Gebiete* 3 (1906), 173–84, at 179.

¹³⁷ Kurylowicz, op. cit. (n. 57), 61, 72–5.

¹³⁸ For an overview see Taubenschlag, op. cit. (n. 135), 261–321; Kurylowicz, op. cit. (n. 57), 61–75; Beaucamp, op. cit. (n. 66), 48–52; Krause, op. cit. (n. 66), III, 80–1. For the terminology used see Taubenschlag, op. cit. (n. 135), 263; Kurylowicz, op. cit. (n. 57), 61.

¹³⁹ Kurylowicz, op. cit. (n. 57), 61. See also Mitteis, op. cit. (n. 136), 179; U. Wilcken, *Urkunden aus der Ptolemäerzeit I* (1927), 124; Taubenschlag, op. cit. (n. 135), 263, no. 10; Harrison, op. cit. (n. 74), 84.

¹⁴⁰ *P.Oslo* 3.114 (from the first to second century A.D.); *P.Oxy.* 9.1206 (from A.D. 335); *P.Köln* 7.321 (from A.D. 335); *P.Lips.* 1.28 (from A.D. 381); *P.Oxy.* 16.1895 (from A.D. 554). For adoption in the papyri see Taubenschlag, op. cit. (n. 135), 327; Kurylowicz, op. cit. (n. 57), 61–75; Beaucamp, op. cit. (n. 66), 48–52; Krause, op. cit. (n. 66), III, 80–1.

¹⁴¹ [Dem.], or. 44.21–2; cf. Rubinstein, op. cit. (n. 67), 22.

the rights appertaining to him from the succession to my inheritance.'¹⁴² Further down in this document the adopting father confirms that he is going to register the adoptee in the official records as his lawful, legitimate son: ἀπογράψομαι αὐτὸν εἰς ἑμαυτοῦ γνήσιο[ν υἱόν]. Thus, by adoption the adoptee became the legitimate son and heir of the adopter, 'as if he were engendered by you from your own blood', as another adoption contract dating to A.D. 381 from Areos Kome in the Hermopolite nome confirms.¹⁴³ The adoptee even assumed the right of the first-born son, as πρωτότοκος.¹⁴⁴ The adopting father declared his responsibility for 'feeding and clothing the child in decent and appropriate fashion as my own legitimate and physical son'.¹⁴⁵ A girl adopted in Oxyrhynchus in A.D. 554 likewise became the legitimate daughter (θυγατέρα νομίμη) of her adoptive parents. The biological mother, who gave her up, assured the adopting couple that she handed her over from then on forever as the couple's legal daughter and that she had no right to take her away again: ὁμολογῶ παρα[δεδωκέναι αὐτὴν ὑμῖν ἀπὸ τοῦ νῦν εἰς τὸν ἐξ]ῆς ἅπαντα χρόνον εἰς θυγατέρα νομίμη (..) [καὶ ἐντεῦθεν μὴ δύνασθαι με ταύτην ἀ]ποσπάσαι ἀφ' ὑμῶν.¹⁴⁶ The adopting couple took over the role and duties of genuine parents and agreed to care for her needs, fulfilling the position of parents: [ὥστε ὑμᾶς χορηγούντας τὰ δέοντα χώραν γον]έων εἰς θυγατέρα ἀποπληρῶσαι εἰς α[ὐτήν]. By υἰοθεσία the adopted child was granted the same status as a natural child, which included also the right to inherit.¹⁴⁷

Still, it is not completely certain whether a couple in Roman Egypt who had a daughter but no son would so readily resort to adoption as a similar couple in Classical Athens. Despite the fact that in Hellenistic and Roman Egypt a daughter could inherit and did not become an *epikleros* as in Classical Athens,¹⁴⁸ for a couple who had only daughters but no son the prospects for the future were nonetheless dreary. A son was always better able to sustain and protect his aging parents than a daughter. Since daughters routinely left their parents' house upon marriage, and virtually every woman in Roman Egypt married,¹⁴⁹ an elderly couple without a son were left to their old age with no one to support them financially or provide them with practical care. Furthermore, the virilocal marriage pattern was obviously dominant: we have no evidence in our census returns from Roman Egypt that husbands moved into their wives' paternal homes.¹⁵⁰ In other words, cohabitation between married daughters and elderly parents is documented only for those daughters who had married a 'brother'. For a couple with only daughters in Roman Egypt the adoption of a son would thus have conferred many of the advantages that it did in Classical Athens as discussed above. By adopting, an elderly couple ensured that they would not be alone in their old age and they gained a male heir who would provide labour and support, continue his adoptive father's business, provide his adoptive parents with a proper burial and perform the customary rites at their grave. If this adoptive son, in addition, married the natural daughter, not only did her dowry remain in the family, also the agnatic line would be continued and the threat of family extinction would recede, whereas marrying one's

¹⁴² *P.Oxy.* 9.1206 (from A.D. 335), trans. J. G. Winter, *Life and Letters in the Papyri* (1933), 58.

¹⁴³ *P.Lips.* 1.28 (from A.D. 381); J. Rowlandson, *Women and Society in Greek and Roman Egypt: A Sourcebook* (1998), 297–8. A Syrian papyrus from Dura Europos from the second quarter of the second century A.D. states that adopted children were equally entitled to inherit as natural children, and before parents, siblings, and grandparents of the deceased (*P.Dura Europos* 12).

¹⁴⁴ *P.Lips.* 1.28.

¹⁴⁵ *P.Lips.* 1.28.

¹⁴⁶ *P.Oxy.* 16.1895.

¹⁴⁷ Kurylowicz, *op. cit.* (n. 57), 72.

¹⁴⁸ Rupprecht, *op. cit.* (n. 130), 330.

¹⁴⁹ Bagnall and Frier, *op. cit.* (n. 4), 113.

¹⁵⁰ Bagnall and Frier, *op. cit.* (n. 4), 122. A petition filed by an estranged wife against her husband from first-century Oxyrhynchus (*P.Oxy.* 2.281) provides us with the only example of an apparent uxorilocal marriage before the fourth century; we do not know, however, if her parents were still alive when the couple got married (cf. J. Evans Grubbs, *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce, and Widowhood* (2002), 212).

natural daughter outside the home meant that her children would belong to her husband's family, not to her father's.¹⁵¹

It must be stressed that it does not seem to have been that uncommon in antiquity for a father to approach old age and fear dying without a male heir. The probability of a man over the age of fifty having a living son never exceeded, according to Saller's tables of proportion of living kin, sixty-nine per cent in the ordinary group,¹⁵² and in the senatorial group not even fifty-six per cent.¹⁵³ One-third to nearly one-half of all men above the age of fifty accordingly did not possess a male heir, and, abandoning hope that they would ever beget a natural son, they therefore would have been likely to consider adoption.¹⁵⁴ These calculations of living kin probability are not based upon the empirical evidence from the Roman census returns, but have been calculated on the basis of model life tables.¹⁵⁵ Saller shows at the same time in a convincing manner that his computer simulations constitute 'a realistic representation of the ancient Mediterranean experience' and by comparison with the data from the Roman census returns that the latter are 'coherent and demographically plausible'.¹⁵⁶ While the model life tables consider all living sons regardless of where they lived, the Roman census returns document only those sons who lived in the same household as their fathers. A considerable percentage of young men did not, however, live at home due to work migration, as Bagnall and Frier have shown.¹⁵⁷ For the census returns from Roman Egypt we must therefore assume that the proportion of men over the age of fifty who did not register a son in their household should have been correspondingly even higher than the figures calculated by Saller on the basis of model life tables.

Fifty-six men over the age of fifty are documented in the Roman census returns published in *The Demography of Roman Egypt* including supplemental census declarations in the second edition and further material from an Upper Egyptian city published in *P.Oxy.Census*.¹⁵⁸ But only seven of these fifty-six men did not register a son!¹⁵⁹ That means

¹⁵¹ For the same sentiments at Rome, see Krause, op. cit. (n. 66), I, 150. For China see Goody, op. cit. (n. 10), 45–7.

¹⁵² Saller, op. cit. (n. 122), 52: 'Male, "ordinary", Level 3 West'.

¹⁵³ Saller, op. cit. (n. 122), 58: 'Male, "senatorial", Level 3 West'.

¹⁵⁴ cf. M. Corbier, 'Divorce and adoption as familial strategies', in B. Rawson (ed.), *Marriage, Divorce, and Children in Ancient Rome* (1991), 47–78, at 67: 'This [a high proportion of the male population without descendants] can probably be attributed to numerous factors: men's late marriages, their prolonged absences, long periods of voluntary celibacy after widowhood or divorce (...), the practice of taking a concubine, the high degree of sterility in couples of the past, the mortality of young children, many of whom died before their parents. Adoption could also be preferred to remarriage.'

¹⁵⁵ cf. A. J. Coale and P. Demeny, *Regional Model Life Tables and Stable Populations* (1983, 2nd edn); Saller, op. cit. (n. 122), 44–69.

¹⁵⁶ Saller, op. cit. (n. 122), 66.

¹⁵⁷ Bagnall and Frier, op. cit. (n. 4), 160–9; R. S. Bagnall, review of W. Scheidel, *Measuring Sex, Age and Death in the Roman Empire: Explorations in Ancient Demography* (1996) in *BMCRA* 97.8.17 (1997): 'It should be borne in mind (...) that the census declarations list (...) only those surviving children who still lived in the parental household. Those who had married out are not included in their parents' declaration.'

¹⁵⁸ Cited after Bagnall and Frier, op. cit. (n. 4): 11-Ar-1; 61-Ar-1; 103-Ar-7; 117-Ap-5; 117-Ap-6; 117-Ap-7; 117-Ar-6; 117-Ar-11; 117-Ox-1; 131-Ar-8; 131-Ar-14; 117-Ar-13 (2 men); 131-Be-1; 131-He-3; 131-He-4; 131-Ox-1; 145-Ar-9; 145-Ar-12; 145-He-2; 145-Oa-1; 145-Oa-2; 145-Ox-2; 145-Pr-1; 159-Ar-1; 159-Ar-11; 159-Hm-3; 173-Me-1; 173-M3-3; 173-Pr-5; 173-Pr-7; 187-Ar-4; 187-Ar-8; 187-Ar-18; 187-Ar-22; 187-Ar-26; 117-Ox-1; 201-Ar-6; 201-Ar-9; 201-Ar-14; 215-Ar-4; 215-Ar-6; 215-Ar-11; 215-He-3; 229-Hm-1; 229-Hm-2; ???-Ar-3; 131-Ar-12. Bagnall, Frier and Rutherford, op. cit. (n. 4): 89-Pt-19; 89-Pt-23; 89-Pt-26; 89-Pt-46.

¹⁵⁹ Bagnall and Frier, op. cit. (n. 4): 145-Oa-2 (the fifty-three-year-old Tithoes lived with his fifty-year-old wife and their two seventeen-year-old and sixteen-year-old daughters); 145-Ar-12 (the seventy-six-year-old Petheus lived together with his seventy-year-old wife and his thirty-three-year-old divorced daughter); 173-Pr-3 (the fifty-six-year-old unmarried and childless Athas lived together with his two, also unmarried and childless, sisters); 187-Ar-26 (the fifty-seven-year-old Petsoraipis lived alone with his thirteen-year-old daughter and three female relatives); 201-Ar-6 (the fifty-year-old Neilos and his wife had only a daughter who had married away); 201-Ar-14 (the fifty-year-old Alba lived alone with his twenty-seven-year-old daughter Teieus); ???-Ar-3 (the fifty-seven-year-old NN and his thirty-eight-year-old wife Thaeis had only three daughters).

that only a rate of around ten per cent of men above the age of fifty had no living son.¹⁶⁰ And given the other evidence, perhaps this number was even lower, as many young men, as mentioned above, had to migrate from their hometown due to work commitments. Bagnall and Frier propose that approximately nine per cent of all fifteen-year-old village males migrated to metropoleis between the ages of fifteen and twenty-four.¹⁶¹ Scheidel argues for even higher numbers due to the chronic under-reporting of juveniles in the villages.¹⁶² Five of our seven cases of elderly men without sons indeed originate from villages.¹⁶³ The sixth case, which comes from the metropolis of Arsinoe, records a fifty-year-old man and his forty-four-year-old wife, humble people who were only renting the place they were living in. They had an adult daughter who had married the owner of the house. Due to their poverty and inability to provide a legacy, the couple would have had difficulty finding a young man willing to be adopted.¹⁶⁴ In the seventh case, the ex-son-in-law of the seventy-six-year-old Petheus, who lived together with his seventy-year-old wife and his thirty-three-year-old divorced daughter, is called NN, son of Petheus. He could have been Petheus' biological, or rather, as I argue above, his adopted son who married his adoptive sister and later divorced her.¹⁶⁵ Petheus thus can either be not counted among these elderly fathers without a son, or if we believe in the adoption theory outlined above, had not accepted his fate but adopted a son and married him to his daughter. In the light of this evidence, it seems that only a very small percentage of men, in fact less than ten per cent, over the age of fifty recorded in the Roman census returns did not possess a living male heir. According to Saller's tables we should expect a rate of around thirty to forty-five per cent of men who did not have a living son, and if occupational migration is taken into account, an even higher rate. Given the high mortality rates these numbers from the census returns seem rather impossible.

The most obvious explanation would be that elderly fathers without sons in Roman Egypt had taken recourse to adoption. Adoption in the absence of a natural son would not have distorted the overall fertility rates in the census returns (which have been proven to be in line with most populations before the modern fertility transition¹⁶⁶) but would have resulted in a more even allocation of male offspring over all households. However, among the almost 1,500 persons recorded in the Roman census lists, not even one declared that he had adopted a child or that he had himself been adopted.¹⁶⁷ Yet, no scholar engaged in the study of the Roman census returns has ever noted that adoptive status is never expressed in these documents. Given the high percentage of elderly men with a living male heir, this should give us pause for thought.

Our theory of adoption, moreover, finds further support in the observation that coeval siblings are far over-represented in the census returns.¹⁶⁸ Only four of these coeval siblings

¹⁶⁰ The fifty-seven-year-old Papontas (117-Ox-1) is registered without wife and children in the household of his elder brother but lived somewhere else. It is possible that he lived with his wife and children. The list of names that followed the elderly couple of 131-Ar-8 is lost; they could have had several sons. The census list in which only the fifty-year-old Aurelius Theognostos and his wife are registered (229-Hm-1) is heavily mutilated and could have comprised further names.

¹⁶¹ Bagnall and Frier, *op. cit.* (n. 4), 165.

¹⁶² W. Scheidel, *Death on the Nile: Disease and the Demography of Roman Egypt* (2001), 156, 172.

¹⁶³ Bagnall and Frier, *op. cit.* (n. 4): 145-Oa-2 from Mesobe (Great Oasis); 173-Pr-3 from Theibonton Siphtha; 187-Ar-26 from Karanis; 201-Ar-14 from Narmouthis; ???-Ar-12 from Soknopaiou Nesos.

¹⁶⁴ Bagnall and Frier, *op. cit.* (n. 4): 201-Ar-6.

¹⁶⁵ Bagnall and Frier, *op. cit.* (n. 4): 145-Ar-12.

¹⁶⁶ Bagnall and Frier, *op. cit.* (n. 4), 138.

¹⁶⁷ 1,100 persons in Bagnall and Frier (*op. cit.* (n. 4, 1994), p. xv) plus about 100 persons in the supplement (Bagnall and Frier, *op. cit.* (n. 4, 2006)), plus about another 250 persons documented in *P.Oxy.Census* (Bagnall, Frier and Rutherford, *op. cit.* (n. 4)).

¹⁶⁸ Bagnall and Frier, *op. cit.* (n. 4), 43; W. Scheidel, 'What's in an age? A comparative view of bias in the census returns of Roman Egypt', *BASP* 33 (1995), 25-59; W. Scheidel, 'Twins in Roman Egypt: postscript to *BASP* 33 (1995)', *BASP* 34 (1996), 35-7. I am grateful to Walter Scheidel for calling my attention to this point.

were, however, explicitly referred to as ‘twins’;¹⁶⁹ in the other instances, the siblings were simply recorded as being of identical age.¹⁷⁰ Bagnall and Frier concede that these siblings could be the same age without being twins, but adduce studies that show that such close spacing is in general very rare in human populations.¹⁷¹ Also, the chances of twins surviving together to a certain age is smaller than the chance of either of them; moreover, infant mortality rates are higher for twins than for singletons. So the fact that we have even two twins in their mid-fifties¹⁷² is highly suspicious. For this reason, Scheidel suggests that ‘the attestation of twins (in the census returns) cannot reflect reality’.¹⁷³ An explanation for the unexpectedly high number of coeval siblings, more economical than age exaggeration or age-rounding which are usually considered negligible in the returns,¹⁷⁴ would again be adoption. That the coeval siblings recorded in the census returns are on average much older than those coeval siblings explicitly called twins meshes with the suggestion of Scheidel that natural twins have a much lower life expectancy than singletons,¹⁷⁵ and likewise points in the direction that these coeval ‘siblings’ were neither twins nor even biological siblings.

We may even have one direct hint in the census records that adoptions occurred. We have two consecutive census returns from A.D. 131 and 145 for a family consisting of the father Chentmouphis, his wife Demetrous, their son Anikos, and his sister Thamistis, who was four years older than Anikos.¹⁷⁶ In both returns Thamistis is declared as the child of Chentmouphis and his wife Demetrous and also as the full sister of Anikos. In a later chirograph of Anikos, however, written below the returns and dated to A.D. 161, at a time when both parents were apparently already dead, Thamistis is said to be only the half-sister of Anikos on the mother’s side with her father unknown. It is therefore not going too far to assume that Chentmouphis, perhaps upon marriage, had adopted the daughter that his wife had from an earlier relationship, a fact which Anikos as his father’s natural child later apparently contested because it would have diminished his inheritance expectations.¹⁷⁷ We might therefore assume that while adoption was not recorded in the census returns, it was nonetheless regularly practised in Roman Egypt. And adoption apparently occurred not only with a view to old age support and continuation of the family lineage, but also in order to provide male and female stepchildren and related and unrelated destitute children with parents and a home.

The fact that adoptions were not indicated in the returns is not particularly surprising when we recall that unlike the Roman practice, Greek onomastic convention did not generally record adoptive status.¹⁷⁸ ‘Il est à remarquer que le droit de décider néglige les prescriptions strictes du droit romain, l’adopté ne gardant pas le nomen de son père naturel comme cognomen.’¹⁷⁹ As attested for Classical Athens, so also in Asia Minor

¹⁶⁹ Bagnall and Frier, op. cit. (n. 4): 145-Ar-17 (fourteen years old); 145-Ox-1 (three years old); 173-Ar-9 (thirty-eight years old); 187-Ar-4 (one year old); cf. Bagnall and Frier, op. cit. (n. 4), 43.

¹⁷⁰ Bagnall and Frier, op. cit. (n. 4): 33-Ar-1 (eighteen years old); 117-Ar-2 (thirteen years old); 131-Ox-1 (half-siblings of identical age; twenty years old); 159-Ar-5 (four years old); 173-Ar-16 (twenty-four years old); 201-Ar-9 (fifty-six years old); 201-Ar-10 (fifty-four years old); 215-Ar-4 (half-siblings of identical age; three years old).

¹⁷¹ Bagnall and Frier, op. cit. (n. 4), 43, n. 41.

¹⁷² Bagnall and Frier, op. cit. (n. 4): 201-Ar-9; 201-Ar-10; Scheidel, op. cit. (n. 168), 53–4. Co-resident twins in their mid-fifties are overrepresented in the Roman census returns up to 700- to 800-fold.

¹⁷³ Scheidel, op. cit. (n. 168), 56.

¹⁷⁴ See Bagnall and Frier, op. cit. (n. 4): 44–7 who conclude that age exaggeration and age rounding in the Egyptian census are rather low compared with modern less developed countries’ census data, and ‘some trust’ (p. 45) should be placed in reported ages.

¹⁷⁵ Bagnall and Frier, op. cit. (n. 4): 201-Ar-9; 201-Ar-10; cf. Scheidel, op. cit. (n. 168), 53–4.

¹⁷⁶ Bagnall and Frier, op. cit. (n. 4): 131-Pr-1; 145-Pr-1.

¹⁷⁷ cf. H.C. Youtie, ‘APATORES: law vs. custom in Roman Egypt’, in J. Bingen, G. Cambier and G. Nachtergaele (eds), *Le monde grec. Hommages à Claire Préaux* (1975) (= H. C. Youtie, *Scriptuinculae Posteriores I* (1981), 17–34), 723–40, at 723–5.

¹⁷⁸ Salomies, op. cit. (n. 84).

¹⁷⁹ Modrzejewski, op. cit. (n. 15), 349.

adoption had the consequence that the adoptee took over his adoptive father's patronymic.¹⁸⁰ Hermakotas, for instance, adoptive son of Aischylos from Arneai in Lycia, was called Ἑρμακότας Αἰσχύλου.¹⁸¹ The same practice seems to have prevailed in Roman Egypt: adoptive status was not declared in the official registers. So, Aurelius Horion confirmed in the adoption contract cited above from early fourth-century Oxyrhynchus: 'I, Aurelius Horion, have adopted the boy and will register him (in the official records) as my genuine son' ([Ἀδρ]ήλιος Ὁρίων παρείληφα τὸν παῖδα εἰς υἱοθεσίαν καὶ ἀπογράφομαι αὐτὸν εἰς ἔμαντοῦ γνήσιο[ν υἱόν]).¹⁸² The same seems to have applied for the Roman census returns: adopting parents apparently declared their adopted child like a natural one, with the child taking on both his or her new father's and mother's name.

This brings us to the question of whether women in Roman Egypt were able to adopt, a precondition to explain the phrase γυνὴ καὶ ἀδελφὴ ὁμοπάτριος καὶ ὁμομήτριος satisfactorily. In Classical Greece women probably could not adopt¹⁸³ and Roman law also ruled it out.¹⁸⁴ In Graeco-Roman Egypt, however, social custom accorded women a significantly higher status than Roman law: a woman was allowed to give her daughter in marriage jointly with her husband or was even free to do so herself if she was widowed or divorced. In addition, we see many women serving as guardians of their minor children, a practice condoned neither by Attic nor Roman law.¹⁸⁵ And our evidence points also in the direction that a woman was in a position to join her husband in the adoption of a child or adopt one on her own when she was without a husband.¹⁸⁶ A papyrus from second-century Oxyrhynchus records that a widow had adopted the two natural sons of her late husband.¹⁸⁷ In another case from second-century Oxyrhynchus, an adopted woman calls the wife of her adoptive father θεσεί μῆτηρ.¹⁸⁸ From the late third century A.D. we can finally observe a recognition by Roman law of the prevailing social practice, by giving women the official right to adopt: women did not obtain *potestas* over their adoptive children as they did not have their natural children *in potestate*, but by adoption the adoptive child acquired the same rights to inherit from his adoptive mother as natural

¹⁸⁰ Καὶ οὕτω μὲν ὑπὸ ζῶντος ἐποιήθη καὶ εἰς τὸ κοινὸν γραμματεῖον ἐνεγράφη Θράσυλλος Ἀπολλοδώρου (Is. 7.17 (ed. P. Rousset, 1960)); Lindsay, *op. cit.* (n. 68), 93. Cf. Harris, *op. cit.* (n. 68), 365–70 and see above, Section III.

¹⁸¹ TAM 2.776.

¹⁸² P.Oxy. 9.1206 (from A.D. 335).

¹⁸³ Harrison concluded from one passage in Isaios (7.25) that in Classical Athens adoption did not sever the legal ties between the mother and her biological child nor was any relationship established between the child and the adopter's wife (Harrison, *op. cit.* (n. 74), 94). Thrasyllus was adopted by his childless unmarried uncle Apollodoros who was the brother of his mother. He stated: Μητρός δ' οὐδεὶς ἔστιν ἐκποίητος, ἀλλ' ὁμοίως ὑπάρχει τὴν αὐτὴν εἶναι μητέρα, κἂν ἐν τῷ πατρῷ μὲν τις οἶκος κἂν ἐκποιηθῆ. (Is. 7.25 (ed. P. Rousset, 1960)). But we do not know how the situation would have been described if the adopting uncle had been married.

¹⁸⁴ Inst. 1.97 und 104 (Gaius); Clust 7.33.8 (from A.D. 294); Krause, *op. cit.* (n. 66), III, 83.

¹⁸⁵ cf. O. Montevecchi, 'Una donna "prostatis" del figlio minore in un papiro del Iia', *Aegyptus* 61 (1981) (= O. Montevecchi, *Scripta Selecta* (ed. S. Daris) (1998), 273–85), 103–115, at 113–15; T. J. Chuisi, 'Zur Vormundschaft der Mutter', *ZSSR.RA* III (1994), 155–96, at 175–91; R. van Bremen, *The Limits of Participation: Women and Civic Life in the Greek East in the Hellenistic and Roman Periods* (1996), 228–30; Evans Grubbs, *op. cit.* (n. 150), 254–7; H. J. Wolff, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats. Vol. I: Bedingungen und Triebkräfte der Rechtsentwicklung* (ed. H.-A. Rupprecht) (2002), 78, n. 31; S. R. Huebner, 'Callirhoe's dilemma: remarriage and stepfathers in the Graeco-Roman East', in S. R. Huebner and D. M. Ratzan (eds), *Growing up Fatherless in Antiquity* (2008), forthcoming. Roman law at the end of the fourth century officially granted mothers the right to administer their children's patrimony, but on the precondition that they promised not to enter a new marriage (CTh 3.17.4 from A.D. 390 (=Clust 5.35.2)).

¹⁸⁶ Kurylowicz, *op. cit.* (n. 57), 62–3.

¹⁸⁷ P.Oxy. 3.583 (from A.D. 119/20). See Taubenschlag, *op. cit.* (n. 66), 264. Cf. the adoption by Arsinoe II of her husband's children in Theoc., *Id.* 17.128; and the adoption of Herakles by Hera in Diod. Sic. 4.39.2; cf. Legras, *op. cit.* (n. 66), 183–5.

¹⁸⁸ P.Oxy. 2.504 (from the early second century A.D.).

children would have had.¹⁸⁹ The normalization of adopted children regarding nomenclature within the family extended not only to father and mother; adoptive children even referred to the natural children of their new parents as ‘brothers’ and ‘sisters’.¹⁹⁰

To sum up our conclusions from the foregoing discussion: first, we have seen that outside Egypt adoption (of males as well as females) was a widespread phenomenon in the ancient Eastern Mediterranean. Second, the earliest evidence for adoptions among Greek settlers in Egypt dates to the early Ptolemaic period.¹⁹¹ Third, the percentage of elderly men in the Roman census returns who had a living male heir was unrealistically high. Fourth, coeval siblings also appear far too frequently in the census returns given the demographic probability. And finally, an adopted son was registered as a γνήσιος υἱός (natural son) in the public registers and we thus would not be able to distinguish him from a biological child. All these strands of this argument, the direct evidence of the sources, the logical conclusions based on demographic modelling, and the comparative evidence from other parts of the Hellenistic world, together suggest that adoption in Graeco-Roman Egypt was much more common than is documented in our sources.¹⁹²

V BROTHER-SISTER MARRIAGE

We have seen thus far that there are many indirect signs which point to routine adoption in Roman Egypt. We have also seen that in Classical Athens, Roman Macedonia, Asia Minor and Syria adoptions were often, if possible, combined with marriage within the family, and that in the absence of a natural male heir adoption represented a traditional strategy to ensure labour, continuity, and succession in several pre-industrial societies, particularly those which exhibit virilocal marriage patterns comparable to those observed for the ancient Eastern Mediterranean.¹⁹³ All this should lead us to question the alleged uniqueness of the Egyptian situation with respect to brother-sister marriage and, moreover, the search for unique social and cultural conditions that could have produced this phenomenon. Therefore, when we look at the practice of ‘brother-sister marriages’ in Graeco-Roman Egypt, is it not likely that we are dealing with the same phenomenon as we have found in Classical Athens, Asia Minor, Syria, and Macedonia, namely that whenever we find a brother married to his sister we should understand that one of the spouses is an adoptive child marrying the natural child of his/her adoptive family?

We shall now take a closer look at our evidence for apparent brother-sister marriage in Egypt. Our first testimony for this marriage form is a heavily mutilated marriage contract

¹⁸⁹ Diocletian assured a certain Syra, who wanted to adopt her stepson, that the adoptive child gained the same rights ‘as if he was born from you’ (*Clust* 8.47(48).5 from A.D. 291). Cf. *Inst.* 1.11.10: ‘Feminae quoque adoptare non possunt, quia nec naturales liberos in potestate sua habent: sed ex indulgentia principis ad solatium liberorum amissorum adoptare possunt.’ See also Krause, op. cit. (n. 66), III, 83. In an adoption contract from early sixth-century Oxyrhynchus, a married couple jointly adopted a nine-year old girl surrendered by her widowed mother (*P.Oxy.* 16.1895 from A.D. 554, l. 8–12: ἡξίωσα ὑ[μᾶς ταύτην παραλαβεῖν παρ’ ἐμοῦ εἰς θυγατέρα, καὶ ὁμολογῶ παραδεδωκέναι αὐτὴν ὑμῖν ἀπὸ τοῦ] 10[νῦν εἰς τὸν ἐξ]ῆς ἅπαντα χρόνον εἰς θυγατέρα νομίμην, [ὥστε ὑμᾶς χορηγούντας τὰ δεόντα χώραν γον]έων εἰς θυγατέρα ἀποπληρώσαι εἰς αὐτήν, καὶ ἐντεῦθεν μὴ δύνασθαι με ταύτην ἀ]ποσπάσαι ἀφ’ ὑμῶν). We have, in addition, many testimonies from all over the early Byzantine world for Christian deaconesses and female ascetics adopting a child on their own (*Eus.*, *H.E.* 6.2.12–13; *Pallad.*, *Hist. Laus.* 6.2 (Bartelink 32); *Ennod.*, *v. Epiphani.* 1; 3–4 (*P.G.* 41, pp. 24–5; 28–9); Krause, op. cit. (n. 66), III, 75; *Beaucamp*, op. cit. (n. 66), 48–52; S. R. Huebner, *Der Klerus in der Gesellschaft des spätantiken Kleinasien* (2005), 50).

¹⁹⁰ *SB* 5.7871: ἀδελφὸν οὐ τῆ φύσει. Cf. *Kurylowicz*, op. cit. (n. 57), 63.

¹⁹¹ *P.Col.Zen.* 3.58 (from 248 B.C.). See also above, Section III.

¹⁹² Also Roman legal sources indicate that adoption was practised in the Eastern provinces (*Dig.* 45.1.132; see also *Clust* 8.47.4–6 (from A.D. 290–293); *Clust* 4.19.13 (from A.D. 293)). Cf. *Kurylowicz*, op. cit. (n. 57), 65. Krause concludes: ‘Der Befund der Inschriften und juristischen Quellen (deutet) doch auf eine große Bereitschaft hin, sich fremder Kinder wie der Eigenen anzunehmen (sie etwa auch am Erbe partizipieren zu lassen). In diesem Kontext scheint es durchaus denkbar, daß Waisen in größerer Zahl, als es die juristischen Quellen nahelegen, an Kindes Statt in fremde (bzw. verwandte) Familien aufgenommen wurden.’ (Krause, op. cit. (n. 66), III, 84).

¹⁹³ cf. *Goody*, op. cit. (n. 10), 4.

from third-century B.C. Tholtis in the Oxyrhynchite nome, drawn up by Praxidamas and his sister Sosio: συγγραφή συνοικιάς Πραξιδάμα και Σωσιούδ. ὁμολογεῖ Πραξιδάμας ἰδιώτης τῶν Τελέστου τῆι [ἐ]αυτοῦ ἀδελ[φ]ῆι Σωσιοῦ.¹⁹⁴ Another document from Ptolemaic Egypt (136 B.C.) is a letter from a certain Dionysios to the banker Polemon. Dionysios requests Polemon to pay the tax for his wife and sister Euterpe: ἠξίωσα δὲ διαγράψαι ὑπὲρ Εὐτέρπεης Διονυσίου τῆς ἀδελφῆς μου και γυναικὸς εἰς τὴν ἀπόμο<ι>ραν.¹⁹⁵ In the tax registers of Ptolemaic Egypt we find two further married couples whose fathers could have been identical.¹⁹⁶ That our four couples were full siblings rather than half-siblings on the father's side is not explicitly stated in these documents, but we cannot expect a more detailed statement. Depauw stresses in a forthcoming study that Ptolemaic records do not communicate the same detailed precision as later Roman documents: mothers' names are exceedingly rare in Greek texts of the Ptolemaic period.¹⁹⁷ Later, in the early Roman period, this situation changes; mothers' names start appearing in census declarations and related lists in the first half of the first century A.D. and become even more common in the second half of that century and later.¹⁹⁸ Again, the contours of the phenomenon closely mirror those of the evidence: the pattern of evidence for brother-sister marriage clearly reflects the pattern of the sort of documents in which the relationship of spouses is detailed. Therefore, since silence on the part of our sources should not have the weight of evidence, there is no persuasive reason to dismiss *a priori* the entire Ptolemaic body of potential evidence for brother-sister marriages as merely half-sibling unions.

The fact that, although identification by father and mother was commonly used in Demotic papyri, these documents do not provide us with any evidence for full brother-sister couples does not contradict our theory. Potentially also the indigenous population, confronted with the same abysmal demographic situation, took recourse to uxorilocal marriage patterns in the absence of a male heir. The formal adoption of the in-marrying son-in-law, however, and the assimilation of his legal and social status to that of a natural son seem to have been based on Athenian adoption practice, and we should therefore assume that it was first employed only by the Greek settlers in the Eastern Mediterranean.¹⁹⁹

Let us have a look now at the bulk of the evidence for brother-sister marriage, which comes from the Roman period. Of special interest are ten cases of brother-sister marriage documented in the Roman census returns in which the entire household context survives and the couples' parents were still alive.²⁰⁰ Suggestively, five or six out of these ten couples who had married their children to one another would have had only daughters without the 'son' married to one of their daughters; and we have seen above that having only daughters was a common reason for adopting a son in many pre-industrial societies, including the Graeco-Roman world.²⁰¹ Let me give an example: in a return for a household from A.D.

¹⁹⁴ SB 12.11053.

¹⁹⁵ P. Tebt. 3.766. See Modrzejewski, op. cit. (n. 15), 346; Modrzejewski, op. cit. (n. 2), 58.

¹⁹⁶ W. Clarysse and D. J. Thompson, *Counting the People in Hellenistic Egypt, Vol. 2: Historical Studies* (2006), 332 (4.58-9; 4.100-2); cf. P. Grenf. 2.26, l. 13-14.

¹⁹⁷ Depauw, op. cit. (n. 61); see also Thierfelder, op. cit. (n. 2), 90-6; Modrzejewski, op. cit. (n. 2), 57-9. For instance, in the salt tax records from the third century B.C., men were only identified by their father, while women were usually listed only by a proper name or just as γυνή with no further name at all (Clarysse and Thompson, op. cit. (n. 196)).

¹⁹⁸ Depauw, op. cit. (n. 61). Mothers' names appear (with merely a few exceptions) only in texts translated from Egyptian.

¹⁹⁹ Rupprecht, op. cit. (n. 130), 329; Modrzejewski, op. cit. (n. 59), 344.

²⁰⁰ Those returns that record only apparently married full siblings without any family context cannot provide us with any further clues (Bagnall and Frier, op. cit. (n. 4): 103-Ar-1 from Arsinoe; 103-Ar-3 from Arsinoe; 103-Ar-5 from Arsinoe; 159-Ar-26 from Arsinoe; 187-Ar-12 from Arsinoe; 187-Ar-16 from Arsinoe; 187-Ar-23 from the Arsinoite nome).

²⁰¹ In the sixth case, a son was absent on a long-term basis and apparently not expected to return (173-Ar-9 from Karanis); Vettia and her husband had two sons and one daughter, one forty-eight-year-old son, a forty-four-year-old son, and a thirty-eight-year-old daughter who was married to her forty-eight-year-old brother. The forty-four-year-old brother was, however, in tax flight, as stated in the census declaration. Maybe his absence had induced his parents to adopt an heir and marry him to their daughter.

117, Zois and her already-dead husband had three children: one son, Socrates, at this point thirty-two years old, and two daughters, both called Aphrodous, twenty-eight and thirty-three years old.²⁰² Socrates was married to the younger Aphrodous.²⁰³ In other words, one can easily imagine that the original nuclear family consisted only of the parents and two daughters.²⁰⁴

The other four of these ten cases of brother-sister marriage from the Roman census returns for which we know something about the household context cannot be explained so easily, as the elderly parents of the couple in each case had more than one son living in their household.²⁰⁵ I would suggest that here certain circumstances prevailed which cannot be explained by inheritance and succession patterns alone and for which we have seen examples from the papyri above: e.g. the death of a brother, cousin, or friend, and in consequence the adoption of his children; the adoption of a stepchild;²⁰⁶ or the adoption of the future daughter-in-law. Adoption of females was more common than one would assume and is attested for Pharaonic Egypt,²⁰⁷ for fourth-century Athens,²⁰⁸ Hellenistic and Roman Greece,²⁰⁹ Roman Thessaly,²¹⁰ Roman Asia Minor,²¹¹ Syria,²¹² Hellenistic and Roman Rhodes,²¹³ and Egypt.²¹⁴ Stavrianopoulou suggests for Rhodes that the main purpose of adoptions of women was the strengthening of family ties as adoptive father and adoptive daughter were often natural relatives.²¹⁵ A papyrus from Memphis from the

²⁰² cf. Clarysse and Thompson, op. cit. (n. 196), 331 for this practice, which was more common among the Egyptian than the Greek population in Ptolemaic Egypt.

²⁰³ Bagnall and Frier, op. cit. (n. 4): 117-Ar-1 from Arsinoe. In the next census return from the same family fourteen years later, this couple, Socrates and Aphrodous, lived alone and had produced five children, three sons and two daughters. Zois, the old mother, had apparently died in the interim, and the older sister had either also died or married away (131-Ar-3 from Arsinoe). Another couple, Chares and Herois, had a twenty-one-year-old son and three daughters; the eldest was thirteen years old. The son and this eldest daughter were married to each other (145-Ar-9 from Arsinoe).

²⁰⁴ cf. also Bagnall and Frier, op. cit. (n. 4): 117-Ar-1 from Arsinoe; 131-Ar-3 from Arsinoe; 145-Ar-20 from Soknopaïou Nesos (Arsinoite name); 159-Ar-11 from Karanis (Arsinoite name), 173-Ar-9 from Karanis.

²⁰⁵ Bagnall and Frier, op. cit. (n. 4): 173-Pr-5 from Thelbonthon Siphtha (Prosopite name); 173-Pr-10 from Thelbonthon Siphtha (Prosopite name); 187-Ar-4 from Arsinoe; 215-Hm-1 from Hermopolis.

²⁰⁶ cf. Huebner, op. cit. (n. 185), and see above, Section IV. For China it is moreover attested that a family would consider calling in a son-in-law even though it already had a son but one who was too young to do hard labour (B. Pasternak, 'On the causes and demographic consequences of uxori-local marriage in China', in S. B. Hanley and A. P. Wolf (eds), *Family and Population in East Asian History* (1985), 309-34; A. P. Wolf, 'The origins and explanations of variations in the Chinese kinship system', in K.-C. Chang, K.-C. Li, A. P. Wolf and A. Yin (eds), *Anthropological Studies of the Taiwan Area* (1989), 241-60).

²⁰⁷ Allam, op. cit. (n. 106), 277-95; McDowell, op. cit. (n. 128), 219. Whether or not Esth. 2:7 speaks of actual adoption or just fostering alone is a matter of discussion, cf. H. M. Wahl, 'Ester, das adoptierte Waisenkind. Zur Adoption im Alten Testament', *Biblica* 80 (1999), 78-99.

²⁰⁸ Is. 2.10; 11.41; 12.8.

²⁰⁹ Is. 7.9; 11.41; 12.8-9; Rubinstein and Bjertrup, op. cit. (n. 70), 143; Rubinstein, op. cit. (n. 67), 20-1, 57, 87, 89-90, 111; Stavrianopoulou, op. cit. (n. 102), 178, n. 14 for the epigraphic evidence of θυγατροποιία.

²¹⁰ e.g. IG 9.2.415.

²¹¹ See Stavrianopoulou, op. cit. (n. 102), 178-9 with nn. 14 and 15 for an overview of our evidence for adoption of women in Asia Minor.

²¹² *Apost. Const.* 4.1 (= *Syr. Didasc.* 17).

²¹³ Stavrianopoulou, op. cit. (n. 102), 177-88.

²¹⁴ e.g. *P.Mich.inv.* 274 from A.D. 190 ('his mother being Saraeus, by adoption daughter of Diogenes'). A lease contract from sixth-century A.D. Hermoupolis Magna, for instance, mentions a certain Anubius who had adopted two sisters as his daughters (*P.Strasb.* 1.4 from A.D. 551). Cf. also Theoc., *Id.* 17.128; Legras, op. cit. (n. 66), 183-5. That a couple adopted an additional child even though they already had children and even though the parents of the adoptee were still alive is documented for instance for ancient Babylonia, where conditions of adoption were drawn up by a deed that closely resembled those from Roman Egypt as documented in our adoption contracts (C. H. W. Johns, *Babylonian and Assyrian Laws, Contracts and Letters* (2004), 155-6). For adopting a daughter as well as a son and marrying them to one another, recorded in the so called 'Adoption Papyrus' from the second half of the second millennium B.C. (Twentieth dynasty), see above, Section III and cf. Gardiner, op. cit. (n. 106), 23-9; Pestman, op. cit. (n. 34), 4; Allam, op. cit. (n. 106), 277-95.

²¹⁵ Stavrianopoulou, op. cit. (n. 102), 177-88.

Ptolemaic period suggests that the adopter Ptolemaios was interested in adopting the girl Herakleia so that she might serve him and care for him in his old age.²¹⁶ Death of a young girl's parents and in consequence her adoption was also a reason.²¹⁷ In general, we need to bear in mind that high mortality disrupted many families, and adoption was a means to make up for this loss. A rescript of Diocletian and Maximian discusses the marriage of an abandoned girl to the son of her foster family who had rescued and raised her.²¹⁸ The archive of Theognostos dating from A.D. 188/9 up to A.D. 236 provides us with another hint that adopted girls were later married to a natural son.²¹⁹ We have a census return for Theognostos' family from the year A.D. 188/9. At this time, his parents were still alive, and the family consisted of three boys — Herminos, twenty-one years old, Isidoros, thirteen years old, and Theognostos, who was eight years old at this time — and a daughter just born, named Isidora. Almost three decades later, in A.D. 215, we meet this family again, the parents had meanwhile died, so apparently had Isidora, the youngest daughter. All three boys had reached adulthood.²²⁰ Theognostos, the youngest, now thirty-six, was married to a full sister named Dioskuros, six years his younger. She must have been two years old in the earliest census we have from this family but was not recorded. It might not go too far to assume that Theognostos' parents at some time during the past twenty years had adopted a girl, maybe because their natural daughter Isidora died.

We have seen above that adoption in Roman Egypt took place for at least two reasons which were not necessarily mutually exclusive: first, and only indirectly testified, a young man was adopted in order to acquire a male heir in the absence of a natural son, and second, adoption happened in order to give a destitute boy or girl a new home whether or not there were already natural children. If in the first case, marriage to a natural daughter, if possible, was the preferred route; also in the latter case adoption combined with later marriage to a natural child — a son or a daughter, respectively — seems to be a reasonable strategy that would have bound the adoptive child even closer to the family and in addition kept the dowry for the adopted or natural daughter, respectively, in the family.

VI HALF-SIBLING MARRIAGE

One question remains: what about marriages between half-siblings? We have five such cases documented in the census returns from Roman Egypt.²²¹ Sexual relations between half-siblings were likewise considered incestuous by Roman law, but while sexual intercourse and marriage between full siblings were regarded as distinctly anti-social, contravening common law, and evoking feelings of hostility and revulsion,²²² there may have been some legal sanctions in the alleged Solonic law which allowed marriage between half-siblings in Athens. This evidence, however, rests solely on the testimony of Philo from the first half of the first century A.D., who in this particular passage is at pains to contrast biblical exogamy (*Lev.* 18) with the endogamy practised in the Greek world.²²³ Other evidence, however, confirms that marriage of half-siblings on the paternal side was

²¹⁶ *UPZ* 1.3 and 1.4 (= *P.Ptol.Sklav.* 83a and 83b) from 164 B.C. Cf. Taubenschlag, op. cit. (n. 135), 134; Kurylowicz, op. cit. (n. 57), 61–2; see now also R. Scholl, *Corpus der ptolemäischen Sklaventexte* (1990), 293; D. J. Thompson, *Memphis under the Ptolemies* (1988), 224; Legras, op. cit. (n. 66), 177–81, who doubts that Herakleia was legally adopted.

²¹⁷ *Apost. Const.* 4.1 (= *Syr. Didasc.* 17).

²¹⁸ *Clust* 5.4.16.

²¹⁹ Bagnall and Frier, op. cit. (n. 4): 187-Hm-1 (= *P.Lond.* 3.923); *P.Lond.* 3.947.

²²⁰ Bagnall and Frier, op. cit. (n. 4): 215-Hm-1 (= *P.Lond.* 3.935); 215-Hm-2 (= *P.Lond.* 3.936); cf. *P.Lond.* 3.932 from A.D. 211.

²²¹ Bagnall and Frier, op. cit. (n. 4): 131-Hc-4; 145-Ar-9; 173-Ar-2; 187-Ar-8; 187-Ar-22; see Bagnall and Frier, op. cit. (n. 4), 128.

²²² Shaw, op. cit. (n. 8), 271.

²²³ Philo, *Spec. leg.* 3.4; Erdmann, op. cit. (n. 94), 182; Modrzejewski, op. cit. (n. 59), 351.

permitted in Classical Athens. The Roman biographer Cornelius Nepos reports that Cimon, son of Miltiades, was married to his half-sister on his father's side, Elpinice, in the early fifth century B.C.²²⁴ Plutarch gives us two versions of this story.²²⁵ He tells us that some of his sources reported that Cimon was accused of cohabiting in an inappropriate manner with his sister Elpinice, who in general did not enjoy a very good reputation. Others, according to Plutarch, affirmed that Elpinice lived with her brother not secretly, but as his married wife, her poverty excluding her from any suitable match. What is important for our present argument is the fact that both versions indicate that brother-sister marriages, even if the spouses were only half-siblings, were regarded as improper in Athens and certain extenuating circumstances, like poverty or lack of another suitable match, were offered as an excuse.²²⁶ As in Athens, so also in Archaic Sparta marriages between half-siblings seem to have been allowed, but, by contrast to Athens, only between half-siblings on the mother's side. The only evidence for this custom, however, is once again Philo.²²⁷ In general, given all the evidence, marriages between half-siblings in ancient Greece seem to have been very rare.²²⁸

To return to our Roman census returns: four of five married half-siblings had a common father.²²⁹ One couple in the census returns, Mesoeris and his divorced wife Stotoetis, were however, siblings on the mother's side.²³⁰ In light of the evidence cited above for half-sibling marriage, should we assume that these married half-siblings were 'biological' half-siblings or rather half-siblings by adoption? We know that a stepfather sometimes considered adopting the children his wife brought into the marriage from a previous union.²³¹ The adoptees would thus become the legitimate children of him and his present wife, and the half-siblings of his children by his first marriage. Granted, this is hypothetical and proves nothing; yet there is also some indirect evidence in the census returns which commends it: we have two pairs of half-siblings of the same age in our census returns, a fact that suggests that these were not natural half-siblings, but rather half-siblings by adoption.²³² Unfortunately, the census returns do not provide us with much information about the family background of these married half-siblings. The marriage of Psois and his 'half-sister' Thapetemounis from Machor in the Herakleopolite nome, the only couple about whom we know a bit more, could, however, be explained in this way.²³³ Their common father, Piathres, had been married twice. He could have had his daughter Thapetemounis by his first wife, and then later adopted his second wife's son, Psois, whom she brought into the marriage from a previous union, in order to acquire a male heir. Marriage to his only daughter guaranteed the continuation of his lineage.

²²⁴ Nepos, *Cim.* 1.2.

²²⁵ Plut., *Cim.* 4 and 15.

²²⁶ cf. Plut., *Cim.* 4 and 15. Plutarch reports two further cases of half-sibling marriage: Themistocles' daughter Mnesiptolema married her half-brother Archeptolis (Plut., *Them.* 32); and the tyrant of Syracuse, Dion, married his daughter Sophrosyne to a son from another marriage (Plut., *Dion* 6. Cf. Nepos, *Dion* 1). The only contemporaneous testimony for this form of marriage is Demosthenes who speaks about a marriage between half-siblings on the father's side (Dem., *or.* 57.20 (ed. W. Rennie) (1931): ἀδελφὴν γὰρ ὁ πάππος οὐμὸς ἐγημεν οὐχ ὁμομητρίαν).

²²⁷ Philo, *Spec. leg.* 3.4. Cf. Harrison, *op. cit.* (n. 74), 22–2; Modrzejewski, *op. cit.* (n. 59), 351.

²²⁸ cf. C. W. Keyes, 'Half-sister marriage in New Comedy and the Epidicus', *Trans. Proc. Am. Philol. Ass.* 71 (1940), 217–29. For the frequency of cousin-marriages, see Erdmann, *op. cit.* (n. 94), 181–3; Shaw, *op. cit.* (n. 8), 270–1.

²²⁹ Bagnall and Frier, *op. cit.* (n. 4): 131-He-4; 145-Ar-9; 187-Ar-8; 187-Ar-22.

²³⁰ Bagnall and Frier, *op. cit.* (n. 4): 173-Ar-2.

²³¹ cf. for adoption of stepchildren: Is. 9.3–5; 9.27–30; 8.40–2; Corbier, *op. cit.* (n. 154), 72–3; Cox, *op. cit.* (n. 75), 89; C. B. Patterson, *The Family in Greek History* (1998), 199; Huebner, *op. cit.* (n. 185).

²³² Bagnall and Frier, *op. cit.* (n. 4): 131-Ox-1; 215-Ar-4. Cf. above the discussion regarding twins and coeval siblings in the census returns.

²³³ Bagnall and Frier, *op. cit.* (n. 4): 131-He-4.

VII THE PERIOD AFTER A.D. 212

Before A.D. 212 the Romans had accepted discrepancies between their own legal practice and prevailing local customs and traditions in the Eastern provinces.²³⁴ Papyri from Roman Egypt, the Talmud, and the Romano-Syrian law book indeed reveal legal procedures which differed significantly from Roman law in matters such as marriage, guardianship, paternal authority, sales, and debts. The *Constitutio Antoniana*, however, made all free men and women of the Roman Empire into Roman citizens, and so Roman law became applicable to all inhabitants of Egypt. Considering this, it is understandable that scholarship engaged with brother-sister marriage has traditionally drawn a connection between the promulgation of this edict and the decline of documentation for this marriage practice.²³⁵ Brother-sister marriages cease to be documented in our Roman census returns from the early third century on. Our last testimony dates to A.D. 229.²³⁶

Thus, it has been suggested that Hellenistic provincial law ('*Volksrecht*') had tolerated brother-sister marriages during the early centuries A.D. for non-Romans in Egypt,²³⁷ but that after Roman law became universal for all inhabitants, this form of marriage ceased to be employed or, at least, officially registered.²³⁸ A later edict enacted by Diocletian in A.D. 295 forbidding incestuous marriages²³⁹ has often been interpreted as an enforcement of this rule against the recalcitrant in some parts of Egypt.²⁴⁰ This edict, however, neither emphasizes incestuous relationships between brothers and sisters among all other forbidden unions between relatives, nor, in fact, makes any specific allusion at all to a specific Egyptian practice. The edict was issued in Damascus and denounced the practice of marrying one's daughter, granddaughter, great-granddaughter, mother, grandmother, great-grandmother, aunt on the maternal and paternal side, sister, niece and grandniece, stepdaughter, stepmother, daughter-in-law, mother-in-law, or all other persons prohibited by ancestral law.²⁴¹ Some of these possibilities, like marrying one's grandmother or great-granddaughter, seem so absurd that I can hardly believe that all of the details of this edict had any actual grounding in reality; but rather it seems to display a legalistic penchant for completeness by enumerating all possible female members of the family, related by blood or marriage. Therefore, it does not seem credible that this edict was specifically directed against a widespread marriage practice between siblings in Egypt. Later, at the end of the fifth century, marrying one's niece from one's brother's or sister's side was again forbidden to all inhabitants of the Roman Empire,²⁴² but there was no word of sisters here, nor were brother-sister marriages ever mentioned again in the imperial law codes. We therefore have hardly any evidence that the Roman government was in any way concerned with the banning of a tradition of brother-sister marriages in specific parts of its Empire, but rather with uprooting a general tendency towards close-kin marriage in its Eastern provinces.²⁴³

But if this custom of 'brother-sister marriage' can indeed be explained by adoption *cum* marriage, why do we no longer hear in our papyri of 'brother-sister' marriages after the

²³⁴ J.-M. Carrié, 'Developments in provincial and local administration', in A. K. Bowman, P. Garnsey and A. Cameron (eds), *The Cambridge Ancient History XII: The Crisis of Empire A.D. 193–337* (2005), 269–312, at 275.
²³⁵ Scheidel, op. cit. (n. 7), 363; Bagnall and Frier, op. cit. (n. 4), 127. See also M. Mitterauer, 'Christianity and endogamy', *Continuity and Change* 6 (1991), 295–333.

²³⁶ Bagnall and Frier, op. cit. (n. 4): 229-Hm-1.

²³⁷ Modrzejewski, op. cit. (n. 59), 351.

²³⁸ Bagnall and Frier, op. cit. (n. 4), 127.

²³⁹ *Clust* 5.4.17.

²⁴⁰ Hopkins, op. cit. (n. 2), 353.

²⁴¹ *Clust* 5.4.17: 'Nemini liceat contrahere matrimonium cum filia nepte pronepte, itemque matre avia proavia et ex latere amita ac matertera, sorore sororis filia et ex ea nepte, praeterea fratris filia et ex ea nepte, itemque ex adfinibus privigna noverca nuru socru ceterisque, quae iure antiquo prohibentur: a quibus cunctos volumus abstinere.'

²⁴² *Clust* 5.5.9 (from A.D. 476–84).

²⁴³ cf. for close-kin marriages Goody, op. cit. (n. 55); Holy, op. cit. (n. 55); Goody, op. cit. (n. 10), 342–96, 429–64; Treggiari, op. cit. (n. 55), 105–18; Shaw, op. cit. (n. 8), 270.

early third century A.D.? One explanation lies, in my opinion, in the fact that our main source for this kind of union, the Roman census returns, came to an end shortly afterwards in A.D. 257/8. Our last testimony for brother-sister marriage dates from A.D. 229, and after that date we have only eight census documents at all which account for less than five per cent of all known Roman census returns.²⁴⁴

Another explanation can be found in the difference between the Greek and Roman concepts and laws of adoption. Athenian adoption law (as well as ancient Egyptian practice)²⁴⁵ did not prevent a parent from marrying his biological child to an adopted one.²⁴⁶ According to the Roman concept, however, adoption imitated blood relationship, and consequently, restrictions against close-kin marriages also included all those who were related only by adoption, prohibiting therefore marriage of an adopted child with a natural one.²⁴⁷ That said, even Roman law offered a solution to fathers who wanted to adopt a male heir and bind him by marriage to his family. If he emancipated his daughter, marriage between his adoptive son and his biological daughter then became possible: 'Itaque volenti generum adoptare suadetur, ut filiam emancipet.'²⁴⁸ To give an example: before Nero, the adoptive son of the Emperor Claudius, could marry Octavia, the latter's biological daughter by Messalina, Claudius had to emancipate Octavia in order to avoid charges of incest.²⁴⁹ Justinian later took up this law in his *Institutiones*: 'Et ideo constat, si quis generum adoptare velit, debere eum ante filiam suam emancipare.'²⁵⁰ Justinian's *Institutiones*, in fact, devote several passages to the implications and consequence of adoption for marriage choices. For the reverse situation, the marriage of an adopted daughter to a natural son, the *Institutiones* offered the same solution: 'et si quis velit nulum adoptare, debere eum ante filium emancipare.'²⁵¹ Of course, another solution for marrying an adopted child to a biological one was to revoke the adoption, but this would have been counterproductive at least in those cases in which the father had adopted precisely in order to acquire a male heir.

However, we have to consider that practice in the provinces did not always comply with the dictates of Roman law. This is indicated by the inscriptions from Later Roman Asia Minor that attest to the marrying of adoptive sons to natural daughters after A.D. 212.²⁵² We do not know, of course, if the natural daughter had been emancipated in these cases before she was given to her adoptive brother. Yet, the fact that legal bans set by Roman rules were contradicted outright, but the legal acts nevertheless acknowledged as valid, is also confirmed in other matters.²⁵³ And also the impact of Christian ideology condemning close-kin marriages seems not to have been as significant for marriage practice as previously argued.²⁵⁴

However, a marriage contract from A.D. 343 or 358 between a father, Aron, and his son-in-law, Asep,²⁵⁵ can be seen as an indication that people indeed tried to conform with Roman law in regard to forming valid marriages. Aron married his daughter to Asep and

²⁴⁴ cf. Bagnall and Frier, op. cit. (n. 4).

²⁴⁵ cf. the case of Rennufer in Section III above.

²⁴⁶ Harrison, op. cit. (n. 74), 23; 69–71; Lindsay, op. cit. (n. 68), 105; Lindsay, op. cit. (n. 83), 199–201.

²⁴⁷ *Dig.* 23.2.17 (Gaius); *Dig.* 23.2.55 (Gaius); *Inst.* 1.10.2; cf. L. Minieri, 'L'adozione del genero', *Labeo* 28 (1928), 278–84; Lindsay, op. cit. (n. 68), 91.

²⁴⁸ *Dig.* 23.2.17.1 (Gaius). Cf. Minieri, op. cit. (n. 247), 281.

²⁴⁹ Dio 61.33.2. Cf. Tac., *Ann.* 12.58.

²⁵⁰ *Inst.* 1.10.2.

²⁵¹ *Inst.* 1.10.2: 'sed si qua per adoptionem soror tibi esse coeperit, quamdiu quidem constat adoptio sane inter te et eam nuptiae consistere non possunt: cum vero per emancipationem adoptio dissoluta sit, poteris eam uxorem ducere: sed et si tu emancipatus fueris, nihil est impedimento nuptiis.'

²⁵² *RECAM* 2.303; *SEG* 6 (1932), 137; *SEG* 6 (1932), 139; *MAMA* 1.232.

²⁵³ cf. e.g. Kurylowicz, op. cit. (n. 57), 73–5; A. Arjava, 'Paternal power in Late Antiquity', *JRS* 88 (1998), 147–65.

²⁵⁴ cf. J. Evans Grubbs, *Law and Family in Late Antiquity* (1995), 77, 97–101; D. O'Roark, 'Close-kin marriage in Late Antiquity: the evidence of Chrysostom', *GRBS* 37 (1996), 399–411, at 411.

²⁵⁵ *P.Ross.Georg.* 3.28. See R. S. Bagnall, *Egypt in Late Antiquity* (1993), 219; Evans Grubbs, op. cit. (n. 150), 129–30.

accepted the couple into his household, an arrangement of an uxori-local marriage never before attested in our sources for Graeco-Roman Egypt. Furthermore, Aron bound his son-in-law by stringent regulations to his family. For instance, Asep was forbidden ever to leave his daughter and, above all, he was also forbidden to leave his father-in-law! Should Asep transgress this agreement, he had to pay the substantial fine of ten *solidi*.²⁵⁶ According to Montevecchi, we have here 'l'unico esempio di matrimonio stipulato dal padre della sposa e dal marito mediante una specie di *affiliation* di quest'ultimo da parte del primo'.²⁵⁷ However, this living arrangement represents a marriage pattern never before attested for Egypt only if we believe that the 'brother-sister' marriages documented in the early Roman period were celebrated between natural siblings. If we instead suppose that for centuries fathers-in-law had adopted husbands for their daughters and married them in uxori-local marriages, we find in this contract between Aron and Asep merely a continuation of this practice, now retooled to accord with Roman law.

We know for early modern China and Taiwan that such a position as an in-marrying son-in-law was especially attractive for anyone who had poor prospects in his own family, such as a young man with many older brothers who therefore had no chance of becoming head of household in his natal family or a son from a poverty-stricken family without adequate living space for their married sons.²⁵⁸ Asep is similarly said to be destitute and without means (l. 8 γυμνέοντα).²⁵⁹ Men marrying uxori-locally in China and Taiwan were ridiculed and enjoyed a rather low social standing.²⁶⁰ Unfortunately, we have no way to test if these stereotypes and low social status also applied to men living in uxori-local marriages in Roman Egypt.

VIII CONCLUSION

Distinguished scholars over the last few decades have been unable to find the 'one true cause or decisive catalyst'²⁶¹ that had an impact on wide parts of the society in Roman Egypt but not anywhere else in the ancient Mediterranean, an impact that led common people to consider marrying full siblings to each other, seemingly disregarding a universal taboo. Yet no social, economic, or ideological pressure unique to Egypt has been detected that would have resulted in such an outcome; nor can scholars point to any indigenous traditions among the common people that could have induced the society of Roman Egypt to override natural inhibitions against incest. Several recent studies have stressed the conformity of Roman Egypt with other parts of the ancient Mediterranean, and many scholars have begun to dismantle the traditional 'Sonderstellung' problem in earnest. Where Roman Egypt is distinct from other regions of the Empire is in the kind and degree of its documentation, not necessarily in its legal and social practice.²⁶²

²⁵⁶ *P.Ross.Georg.* 3.28: οὐκ οὔσης δὲ ἐξουσίας [τῷ Ἀσῆ]π καταλείπει τὴν Σοφίαν μετὰ ταῦτα, ἐπιδώσει δὲ παραβάς μετὰ ταῦτα τῷ ἐμμένοντι ὑπὲρ ἐπίμου καὶ στροφῆς καὶ ἐπηρείας χρυσίου νομίσματα δέκα, οὐ μὴν οὐ καταλείπει τὸν ταύτης πατέρα Ἄρωνα διὰ τὸ οὕτως συντεθείσθαι καὶ συμπεπείσθαι.

²⁵⁷ Montevecchi, *op. cit.* (n. 120), 18; Bagnall and Frier, *op. cit.* (n. 4), 122; Evans Grubbs, *op. cit.* (n. 150), 130.

²⁵⁸ Pasternak, *op. cit.* (n. 206), 309–34; Wolf, *op. cit.* (n. 206), 241–60; Goody, *op. cit.* (n. 10), 46–7.

²⁵⁹ *P.Oxy.* 2.281 from the first century A.D. records a case in which a woman had received her impoverished husband into her parents' home; we do not know, however, if her father was still alive at this time (cf. Evans Grubbs, *op. cit.* (n. 150), 212; and see above, Section IV).

²⁶⁰ Wolf and Huang, *op. cit.* (n. 123), ch. 16; Pasternak, *op. cit.* (n. 206), 309–34; A. Thornton and H.-S. Lin, *Social Change and the Family in Taiwan* (1994), 39.

²⁶¹ Shaw, *op. cit.* (n. 8), 277.

²⁶² e.g., N. Lewis, 'The Romanity of Roman Egypt: a growing consensus', in *Atti del XVII^o Congresso Internazionale di Papirologia* (1984), 1077–84; R. S. Bagnall, *Reading Papyri, Writing Ancient History* (1995), 11–13; R. Criatore, *Gymnastics of the Mind. Greek Education in Hellenistic and Roman Egypt* (2001), 6; A. K. Bowman, 'Egypt from Septimius Severus to the Death of Constantine', in *CAH XII²: The Crisis of Empire, A.D. 193–337* (2005), 313–26, at 313–14; A. E. Hanson, 'The widow Babatha and the poor orphan boy', in R. Katzoff and D. Schaps (eds), *Law in the Documents of the Judaean Desert* (2005), 85–104, at 85.

I have argued above that the lack of declaration of adoptive status has misled modern scholars. The fact that we do not have a comprehensive study of adoption law and practice for the Hellenistic world has presumably aggravated this situation, and I have not tried to answer these large and complex questions here. What emerges from this study, however, is the fact that adoptions probably occurred much more frequently in the ancient Eastern Mediterranean, including Egypt, than has previously been assumed, especially in the absence of a male heir. We know that if a father in Classical Athens had only female offspring, adopting a son and marrying him to one of his daughters was a strategy for guaranteeing the continuity of the family lineage and ensuring support for old age. In other words, adoption of the son-in-law can be seen as the negotiation of an uxori-local marriage in order to ensure a man in the house so as to pass the inheritance and family lineage through the natural daughter to the next generation. For later times we can observe the same strategy — the formal adoption of the in-marriage son-in-law and the assimilation of his legal and social status to that of a natural son — employed in many other regions of the Hellenistic world. We have evidence for this form of adoption *cum* marriage from fourth-century Athens, Roman Asia Minor, Syria, and Macedonia; and the possibilities of marrying the adopted child to a natural one are discussed in the Roman law codes from imperial and later Roman times and the Syrian *Didascalia*. Moreover, as we have seen above, bringing in a son-in-law in the absence of a natural son (with or without formal adoption) was a family strategy commonly practised in many other pre-modern societies in which the virilocal family system was the dominant cultural ideal of residence.²⁶³ So, even if we were not looking for an explanation of the phenomenon of ‘brother-sister’ marriage, the fact that we virtually lack any evidence for uxori-local marriages for Roman Egypt should give us pause for thought.

In fact, the silence of our sources from Egypt on uxori-local marriages and more precisely on adoptive status should not be taken, explicitly or implicitly, as evidence that this marriage form was not practised and adoptions did not occur, especially as several otherwise inexplicable demographic factors point to these phenomena. The improbably high rate of men over the age of fifty in the Roman census returns who had a son living in their households contradicts all probabilities of living kin under ancient demographic conditions; taken together with the absence of any notation of adoption in these documents, the evidence points in the direction that adoption was common but adoptive status not indicated. However, not only males were adopted in Roman Egypt; we have a variety of sources that point to the practice of adopting girls. Roman legislation and comparative evidence suggest that if a couple had adopted a girl, later marriage to a natural son was a popular strategy to keep her dowry in the family. Therefore, if we agree that adoption in Egypt was more often practised than previously assumed, it might not be going too far to propose, especially with a view to comparative evidence from other societies, that we should read our evidence for ‘brother-sister’ marriages either as the marriage of an adopted son to a natural daughter, or, even if probably less common, as the marriage of an adopted daughter to a natural son.

From the early third century on, evidence for the continuation of ‘brother-sister’ marriages in Egypt comes to an end. I have suggested above that this absence of any later evidence should probably be ascribed, on the one hand, to the simultaneous disappearance of census declarations and, on the other hand, to the different conception of incestuous relationships in Roman law: when in A.D. 212 Roman law became universally applicable to all free inhabitants of the Roman Empire, marriage of an adopted child to a natural one became officially illegal and new arrangements had to be found that were compatible with

²⁶³ The in-marriage son-in-law is a ‘recurrent feature of the major agricultural societies of Europe and Asia where it is usually associated with a daughter acting as heiress in the absence of sons’ (Goody, *op. cit.* (n. 10), 4).

the law. In case of an uxorilocal marriage, this meant that either the in-marrying son-in-law had to be bound to his in-laws by other means, as we have seen in the case of Aron and Asep, or, if adoption of the son-in-law was desired, the natural daughter had to be previously emancipated, as suggested by Roman jurists.

What emerges here is that the social practice of adoption as a strategy to shape the family and succession was far more widely used in the ancient Eastern Mediterranean than is generally recognized. The particular practice of adoption *cum* marriage to a natural child not only takes different legal forms in response to different norms but also is a social custom that appears in different ways in our documents depending on documentary practice. In sum, I suggest that our evidence from Roman Egypt for alleged brother-sister marriage does not provide us with 'a unique case in world ethnography',²⁶⁴ but with a succession and inheritance strategy widespread in the Hellenistic world.

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²⁶⁴ Hopkins, *op. cit.* (n. 2), 304.