New Light on the katagraphé and its Pharaonic Background*

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A Greek papyrus – published in 1913 under the title Dikaiomata – contains several extracts from heterogenous administrative instructions, that most probably were valid for the community of Alexandria during the 3rd century BC.¹ The extract that comes to the fore in my paper deals with a bureaucratic practice otherwise known to us, through a good number of documents, by the technical term katagraphé.² By means of this practice acquisition or sale of immovables (e.g. a plot of land or a house) entailed the payment of a certain tax due to the State treasury from the buyer/seller. When paying the tax the treasury officials have to register the transaction concluded between the seller and buyer. The officials have consequently to put on record the names and addresses of both parties; in addition they have to write down a description of the property agreed upon, and so forth. The text goes on to stress that the buyer's rights cannot henceforth be contested at law, after his partner, the seller, has satisfied the neighbors of the said property as well. Despite some lacunae at the end of the text, the purport of the whole section appears beyond any doubt: it cannot be other than the procedure of the katagraphé, as revealed by numerous documents that come down to us from different parts of the country.

Apart from the text relative to the katagraphé, the papyrus contains further sections bearing, for example, on certain rules to be followed by the law courts; there are also sections concerning accusations put forward by someone because of injuries and calumnies caused to him by another, likewise there is a section dealing with accusations because of false testimony; and so on.³ Since the publication of the Dikaiomata scholars have been studying the immensely rich information that has come to light. Among other conclusions, scholars came to the assessment that the law underlying the instructions of the Dikaiomata is not entirely that of Athens, as far as we know the law of this city through the present documentation. Thus it cannot be precluded that there might be some influences of laws pertaining to a city in Asia Minor or to a Greek island that are still unknown to us. In so doing, scholars were apparently leaving aside any impact whatsoever of the autochthonous institutions that latently descended from the Pharaonic civilisation.

¹ Graeca Halensis (ed.), Dikaiomata – Auszüge aus alexandrinischen Gesetzen und Verordnungen in einem Papyrus des Philologischen Seminars der Universität Halle (Pap. Hal. 1) mit einem Anhang weiterer Papyri derselben Sammlung (Berlin 1913) = P.Hal. The title Dikaiomata has been deliberately given by the editors for the papyrus in question.

² The term does not occur in our text; all that appears is καταγράφηται: P.Hal., p. 146.

³ In the literature some of these sections came to be widely appreciated as the Laws of the City of Alexandria, though the text affords no hint to a legislative authority. J. Velissaropoulos, Les Lois Alexandrines. Mémoire pour le Diplôme d'Études Supérieures d'Histoire des Institutions – Université de Droit, d'Economie et de Sciences Sociales de Paris (Paris 1972); I. Belissaropoulou, Alexandrinoi Nomoi – Politikē autonomia kai nomikē autoteleia tēs ptōlemaikēs Alexandreias (Athens-Komotini 1981).
It was only Joseph Partsch who, in order to find out a remedy, made use of the documents drawn up in Demotic. He undertook a comparative study with the conclusion that the demotic documents show a certain aspect of publicity, insofar they bear subscriptions by State officials added to the main text. This implies that the officials examined the contents of the documents submitted to them. Hence, the basic concept, inherent likewise in the Hellenistic *katagraphē* and attested for Alexandria, came somehow to apply also in the chora, at many places far away from Alexandria. It is likely then that the basic concept was not limited to Alexandria with its population. Dealing anew with the same topic H.J. Wolff was inclined to assume two different "laws" underlying the land-registration practice: one for Alexandria and the other for the land, the one like the other emanating from the legislative authority of the Greek monarch. By the way, Partsch noticed too that the demotic documents reveal a constant diplomacy that is much older than the Ptolemaic era. Yet, he was not in position to expand his investigations into pre-Ptolemaic times. The case in my paper is, therefore, to go deeper into earlier periods of Egyptian history in search of a procedure like the *katagraphē* – a task which naturally falls to the lot of Egyptologists.

In reflecting upon any similar practice in the Pharaonic period we might begin with the institutions attested by the texts as far back as the 3rd millennium. Though the evidence is thin and mainly restricted to some titles of officials dealing with the administration of arable land, it allows us nonetheless to draw a general picture of State control regarding arable land throughout the country. With centuries passing, however, we come across more and more indications in the documents. It would suffice here to mention a most informative inscription termed in Egyptology as the *Duties of the Vizier*, the vizier being the head of the central administration. The inscription provides us with a valuable insight into the central administration in general and in particular into some responsibilities of that official (during a long period roughly from the 18th century till the 14th). The inscription makes clear that the State, represented by its vizier, kept a tight rein on private arable land. There were namely in the central administration, and under the direct control of the vizier, various institutions equipped with archives relating, among other things, to private field-holdings. Such archives and institutions were apparently not confined to the central government in the capital; most likely there were others all over the country.

Leaving aside such general information, we have now to center our observation on some documents unfolding how the law was really practiced and applied in daily life. We may begin with a business letter dated roughly in the 11th century BC. A field-owner, perhaps an administrator, resident at Thebes, sent this letter to a farming tenant who was exploiting a plot of land located far away from Thebes. In his

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8 S. Allam, "Implications in the Hieratic P. Berlin 8523 (Registration of Land-holdings)," in B. Bryan and D. Lorton (eds.), Essays in Egyptology in Honor of H. Goedicke (San Antonio 1994) 1–7 (with previous literature).
letter this man gives his tenant, among other instructions, the following: "As to whoever might dispute with you about the field, you have to go to the grain-accountant of Osiris-temple, while you have this letter in your hand." This instruction does not mean, in my opinion, that the grain-accountant should arbitrate in case a controversy flares up with a third party about the field. Other documents disclose that grain-accountants usually keep land-registers in their archives. Hence the official referred to in our letter turns out to be the one who can provide the decisive evidence, if a third party contests the right of farming the plot in question. Our administrator, perhaps the real field-owner, seems thus to have an obligation to protect his tenant’s interests, should any disturbance by a third person arise. And he assures his tenant in two directions: by issuing a letter which is in itself the evidence for letting the field, and by revealing the official who is in charge of the land-registers should these be consulted.

Indeed, several documents provide us with a fairly good picture of official land-registers as early as the Ramesside period (13th–11th centuries). For the convenience of the reader a few specimens will suffice. In one administrative letter we encounter the chief keeper of the archives attached to the Royal Treasury. This man instructs one of his subordinates to release speedily out of the royal domain 30 arouras (in size) of fields for one stable-master. In his letter our protagonist enjoins that all dealings regarding the fields be put on record at the Royal Granary Administration as well. Moreover, he orders his subordinate to send him a written copy thereof. From these instructions we safely deduce that the fields to be allotted to the stable-master should be registered not only with the Royal Granary Administration, but also with the Royal Treasury, where our protagonist has his office. This means that the field registration was to be carried out in two different administrative units.

This double registration of arable land is again attested by one long inscription carved in a tomb built in Saqqarah by a scribe of God Ptah's Treasury, called Mose, a contemporary of King Ramesses II (1290–1224 BC). In his inscription Mose recounts the history of a lawsuit about the ownership of some fields (13 arouras) inherited by various members of his family. In the course of years, persistent quarrels arose among the heirs and, in order to settle them, successive appeals to law had to be launched. At the final stage, litigation was conducted before the vizier as the presiding member of the highest law court in the country.

We are fortunate to have a vivid account thereof from the lips of the two disputing parties: Mose’s mother and an adverse party. Her adversary is affirming that he has acquired the rights to the estate; in fact he is vindicating his claim by a title-deed that can be testified to by witnesses. Both parties appeared at court for pleading with each other, both armed with their title-deeds in their hands. The writings were then unrolled before the vizier. Thereupon the vizier made the observation that these writings came from the private archives of the parties; consequently they cannot reflect the state of affairs to date.

This provoked an immediate reaction on the part of Mose's mother, who promptly retorted to the vizier, saying:

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9 See below, text at n. 21 (so-called Apanage Stela).
"Let (then) be brought to me the register\textsuperscript{12} (\textit{day}) from the Royal Treasury (and) likewise (from) the Royal Granary Administration";\textsuperscript{13} and the vizier answered, saying "Very good is what you have said."

Hereafter we hear (ll. N 14–15) that

(the people) were taken downstream to (the capital) Piramesses. And one entered the Royal Treasury (and) likewise the Royal Granary Administration. One brought the two registers\textsuperscript{14} before the vizier in the Highest Court. The vizier asked (then) Mose's mother, saying, "Who is your heir [among] the heirs\textsuperscript{15} who are upon the two registers that are in [our] hand?" (Then she) replied, saying, "There is no heir (of mine) among them." (Thereupon) said the vizier to her, "You are (then) in the wrong."

The text still provides further information about that conclusive evidence. We hear namely of a royal scribe who was assisting at the court session; the vizier commissioned him, saying (l. N 16) "May you go to the (Royal) Treasury in order to look into her concerns." And this official went out for the sake of a direct and fresh inspection of the registers. Some time later "he said to her "I have examined the writings; you are not inscribed therein."\textsuperscript{16}

This straightforward dialogue is self-explanatory. In accordance with the official registers, the branch of Mose's mother family had ceased to have any title. Her adversary has already acquired the said title and has become the sole legitimate owner. This change having been entered into the official registers, the archives are forthwith absolutely correct up to the date, and as source of evidence they cannot fail. Correspondingly, Mose's mother can but unsuccessfully claim the land for her son. No doubt she is aware of this bitter fact; before the vizier she has consequently to acknowledge purely and simply that her son has no longer any rights in the disputed estate. The judgement of the vizier, properly founded, had then to go against her as a matter of course. Later on, his verdict was to be put into execution, the text clearly informs us about this.

The conclusive inference to draw finally from the lawsuit as reported by Mose is that in Pharaonic Egypt there existed official land-registers; eventually they were accommodated in two different departments (the Royal Treasury and the Royal Granary Administration) belonging to the central administration which happened to be during the Ramesside Period in the capital Piramesses. Moreover, the text proves beyond doubt that the archives relative to private field-holdings were usually kept up-to-date; whenever plots of land changed hands of their holders, the entitled persons had equally to be entered

\textsuperscript{12} This wording is certainly clumsy. One cannot bring before the court the whole register, but only some extracts or pages thereof.

\textsuperscript{13} This passage is given in our inscription through two versions, only one (l. N 7) being well preserved.

\textsuperscript{14} See above, n. 12.

\textsuperscript{15} The term \textit{isw} is conventionally rendered by "heir." But the precise meaning of the phrase should be something like "Who is your favored person among the favored persons who …"

\textsuperscript{16} Here is again a clumsy utterance. It should mean something like "there is none (of) your (family) inscribed therein."
into the archives. Accordingly, these archives represented a reliable source of information about private landholdings. And any information drawn from them was regarded as absolutely correct, to the effect that law courts were bound by it. Consequently law courts had to decide any litigation among citizens in accordance with the entries of the archives.

We are firmly confident that such land-registers existed not only in the capital, but, if not all over the country, at least in the metropoleis. On this point an inscription from the 10th century sheds conclusive light. It is engraved on a limestone stela with an unusual provenance, as it comes from the remote Dakhleh oasis, which gives the stela a unique place among historical records. Its subject matter is again a lawsuit, the bone of contention being an irrigation well in the oasis. One priest, who was alleging that the well had belonged to his mother, petitioned the governor of the oasis to look into the ownership of the land adjacent to the flowing well; it seems that at this period the possessor of a well was deemed to have good title to the land flooded by it. Accordingly, the priest’s claim was based upon the fact that a new sheet of inundation water has appeared in the neighborhood and that the area in question was fed by his well and by no other. The governor had then to hold a court session and the verdict was put in the mouth of the local god; at this period court judgements could be delivered otherwise in the form of divine will. Needless to say, it was the governor, eventually with local dignitaries, who really determined the issue after some examination of documents, as we shall see. At all events, the verdict as coming from the god must have been devoutly accepted by all the people.

The utterance reflecting the court judgement and pronounced by the god reads:

The great god Soutekh announced (ll. 9–11) "The priest (name given) is in the right. This inundation-water (i.e. well) (locality given) belonged to his mother (name given). … There are not two flowing wells … but only one well was found on the register (dny) of the wells and the gardens … which the administrator (name given) issued as a copy of the register (dny) of Pharaoh Psousennes I, the great god, (in) year 19."

This last date requires special remark. It is more than 80 years earlier than the date of the stela itself (year 5 of Pharaoh Shoshenq). This suggests that the said copy had been kept in the royal archive for some 80 years! Equally significant for our present purpose is the fact that the court had recourse

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18 In our inscription the governor has, among his titles, that of "the prince of the two lands of the Oasis." From the second half of the 18th dynasty onwards it would seem that there was only one governor who ruled over both oasis, Dakhleh and Khargeh, with residence in the Nile Valley (somewhere in the neighbourhood of Abydos, Diospolis Parva, or This). Cf. L. Limme, "Les Oasis de Khargeh et Dakhleh d’après les documents égyptiens de l’époque pharaonique," in Cahier de Recherches de l’Institut de Papyrologie de Lille – Études sur l’Egypte et le Soudan Anciens 1 (Lille 1973) 41–58, esp. 48; M. Valloggia, Les Oasis d’Égypte dans l’Antiquité – des origines au deuxième millénaire av. J.-C. (Ghollion 2004) 147, 169.

ultimately to the royal archive; and its decision was in agreement with the evidence of the archive. Accordingly the god ordered the governor, saying (ll. 14–15) "Confirm them (the wells belonging to the priest) unto him, they being confirmed to son of his son, heir of his heir, (to) his wife (and to) his children …"

We come finally to the procedure to be observed when an acquisition of land had to be recorded in office. This point cannot be better illustrated than by an inscription on a well preserved granite stela that is dated to the late 10th century. It tells in essence that one high priest of Karnak Temple (a relative of the royal family) ceded in favor of one of his sons a large estate comprising 16 holdings (amounting to 556 aoruras = 152 hectares, including irrigation wells, trees and animals). Besides, a fairly exhaustive report is appended, by which the high priest declares, *inter alia*, how he previously obtained the said holdings from thirteen men and three women. We glean from the inscription the crucial following elements:

(l. 4) … He (the high priest) bought against payment (the fields with irrigation wells, trees and animals) from the field-owners, with contented heart and without an instance of unfairness among them. (Thereafter) he let be brought the registers *= (dny)* relative to the fields (l. 5) of Amon-Temple, which are (kept) by the grain-accountants of Amon-Temple for all southern districts. He let them (the grain-accountants) demarcate the fields he bought against the fields of Amon-Temple (l. 6) and the fields of Pharaoh. Moreover they set at his disposal these 556 aouras of private ownership with their irrigation wells and trees. They set in writing (l. 7) – according to the instructions (issued) by Amon-Temple (for) their archives – namely the kind/means of sale which the (field)-owners effected for him, everyone of those who ceded fields to him being (inscribed) by his name. (They set in writing) furthermore the kind/means (l. 8) of payment effected by him to them.

Hereafter follows a detailed list of the 16 land-holdings, each being specified by its owner’s name, its size (eventually along with irrigation wells and trees), its soil quality and its price. The inscription ends with some lengthy formulae said to have been pronounced by the God Amon, thus putting the high priest’s cession under divine protection and cursing whoever endeavors to disrupt it.

This particularly illuminating inscription sheds substantial light not only on the existence of official land-registers in Pharaonic Egypt. It equally reveals a meticulous procedure for the officials to carry out when registration of land was at issue. Our inscription provides thus the unmistakable proof that the officials in charge of land-registration had likewise to examine the legal acts underlying any change of

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21 See the text at n. 9, above. (P. Berlin 8523) where such an official was in charge of land-registers.

hands before putting it on record. In case of acquisition by sale they had likewise to testify the payment of the respective price, as our inscription clearly shows. And in other cases, for example those of inheritance, the procedure would have been naturally somewhat different. Notwithstanding such differences depending on individual circumstances, the legal concept of land-registration remains the same.

Now we must curb this satisfying discussion to a reasonable length. Reviewing the various elements assembled in our analysis, we may conclude with a high degree of confidence that official land-registration was commonplace in Pharaonic Egypt; it occurred even in the most remote parts of the country (e.g. an oasis). Returning back to the section dealing with the *katagraphé* in the *Dikaiomata*, one might notice that the Greek text conveys more explicit details than the indications we gathered from Pharaonic times; by their very nature texts coming from the earliest times cannot be as sophisticated as the Greek. That we have any Pharaonic evidence at all is therefore most significant. All in all, the Hellenistic *katagraphé* can now be traced back to Pharaonic Egypt; there is no need to assume a model imported from abroad. It is a good example for the continuation of administrative devices that had developed in previous centuries and persisted well into Hellenistic times.