



Review

THE ARAMAIC AND EGYPTIAN LEGAL TRADITIONS AT ELEPHANTINE: AN EGYPTOLOGICAL APPROACH

Alejandro F. Botta
Library of Second Temple Studies 64
T&T Clark International (2009)

Reviewed by Nikolaos Lazaridis
California State University Sacramento

ABSTRACT

The following review discusses the Egyptological approach to the Aramaic legal documents from the island of Elephantine adopted in the new book by Alejandro Botta. This work offers a new perspective on the famous corpus of Elephantine papyri—which have been the focus of a long scholarly debate—and thus promotes further the study of interaction between ancient legal codes and their language. It also constitutes an important case study illustrating the manner in which multiethnic settlements in Egypt developed, as one ethnic group assimilated another’s practices and values.

The book *The Aramaic and Egyptian Legal Traditions at Elephantine: An Egyptological Approach* is a revised version of Alejandro Botta’s doctoral dissertation, which was submitted to the Hebrew University of Jerusalem in 2001. This intriguing work follows an innovative Egyptological approach to the much studied corpus of Aramaic legal documents produced and circulating on the island of Elephantine, during the fifth century BCE. It comes as a response to earlier scholarly work that has argued for Mesopotamian origins for the legal formulae employed in the Aramaic documents.

The advantages of this work are (a) its clarity of language and argumentation, (b) its wealth of documentation, (c) its author’s unquestionable mastery of Aramaic/Hebrew, ancient Egyptian (including the hieroglyphic and demotic scripts) and Akkadian, and (d) its thoroughness in the meticulous examination of the primary sources. Its main disadvantage, on the other hand, is the limited audience it addresses, an audience that is presumed not only to be able to handle all the languages involved in this comparative study, but also to be familiar with the Egyptian and Semitic legal systems.¹

The book is divided into eight chapters. Chapters 4, 5, and 6 constitute the heart of Botta’s analysis and they are preceded by three introductory chapters and are followed by two concluding chapters in which the observations made earlier in the course of the analysis are synthesized.

In Chapter 1, the author clearly presents the central aim of his work: “to compensate for the lack of attention to the relation-

ship between Egyptian and Aramaic legal traditions, with the intention of completing the picture that we have of the Elephantine documents and of the legal traditions reflected in them.” His initiative—inspired by earlier studies on the Elephantine documents and their Egyptian parallels by Bezalel Porten (the author’s doctoral advisor), Eugene Cruz-Urbe, and Robert Ritner, among others—responds to the Aramaists’ unwillingness to approach the Elephantine documents from an Egyptological perspective.

In Chapter 2, Botta attempts to contextualize the production and circulation of the Aramaic legal documents under study, but confusingly mixes his discussion of historical and social context with a survey of scholarship (2.1) and a section on the methodology followed in the analysis (2.3). Specifically, in the introductory portion of the chapter, he discusses the historical circumstances of the arrival of a Jewish population at Elephantine and their type and level of interaction with the other people inhabiting the cosmopolitan sphere of Elephantine and Syene (such as Babylonians or Medes). Among other things, the author prefers an early date (735–609 BCE) for the Jewish arrival and, based upon Porten’s observations, supports the assumption that a common business legal system was shared by all the ethnic groups inhabiting the area.² This theory is expanded by an insightful proposition that different types of legal transaction involved different types and degrees of interaction.³

The contextualization of the legal documents under investigation continues in section 2.2, which is, however, preceded by

a misplaced survey of scholarship that interrupts the discussion of the documents' cultural and social context. In section 2.2, the author proceeds in discussing the legal practices and terms at work in Elephantine, comparing them often with the contents of the Aramaic legal documents from Saqqara. One of the many important points made in this section is that different scribal and legal traditions were involved in the production of these documents and possibly influenced the choice and shaping of legal formulae.⁴

Chapter 3 is a brief but well-documented overview of Egyptian law and legal formulary. The short length of this chapter reflects the general lack of direct evidence for legal codification in Egypt (with a few exceptions, such as the late Legal Manual of Hermopolis). This, however, as Botta rightly observes, does not mean that systemized legislation never existed in Egypt. The short length of this chapter may also suggest that the author presumes his audience to be already familiar with the topic of Egyptian law.

In Chapter 4, Botta discusses the legal uses of the טיליש (*shallit* = "have/exercise control over") clause and suggests that it came from the Egyptian verb *shj* (thus criticizing previous scholarly attempts that argued for Akkadian or Babylonian origins instead). In order to support his claim, he brings in sufficient evidence for multiple uses of *shj* in earlier Egyptian texts, indicating that the verb had been used with the same meaning in Egypt for a much longer period than was the case with the Mesopotamian candidate. Cultural influence, however, moves in mysterious ways; given that similar words were, in fact, used during the fifth century BCE in Akkadian, Babylonian, and Aramaic, one cannot trace with certainty the route the traveling loanword followed. Egypt was surely the place of origin, but it is not certain who was the first to borrow it from the Egyptians and to lend it to the others.

Chapter 5 is a detailed presentation of the uses of the withdrawal clause in various types of Aramaic legal text from Elephantine and some Near Eastern locations. The presentation includes a number of tables listing and categorizing the occurrences of the withdrawal clause, as well as detailed illustrations of the uses of the clause within different types of legal text.

Next, in Chapter 6, the uses of the legal metaphor "to be far from" (Egyptian *w3y/wy/h3'*), which stands at the heart of the withdrawal clause, are meticulously traced in Egyptian documents. The studied Egyptian material is divided chronologically before and after the Assyrian conquest of the seventh century BCE, as well as according to the type of written context in which the withdrawal clause is employed. The fact that the same clause can be identified in different types of Egyptian text (literary, documentary, or religio-mythological) is an interesting conclusion that points toward a generally active inter-influence between different genres of Egyptian writing, as well as a conscious, dynamic interplay of different styles—mixing, for instance, judicial connotations with mythological references, as was the case with the use of the withdrawal clause in a spell

from the Coffin Texts. On the basis of the rich Egyptian evidence for the use of the withdrawal clause, Botta concludes at the end of this chapter that the Aramaic withdrawal clause definitely originated in Egypt, reversing in this way older scholarly assumptions that the Egyptian demotic withdrawal expression had Semitic origins.

In Chapter 7, Botta brings together and compares the points he made earlier about the Aramaic and Egyptian uses of the withdrawal clause. He presents the different types of Aramaic and Egyptian withdrawal clause and concludes that most of the Aramaic types had an Egyptian precedent (with some noted exceptions) and that no use of the Aramaic withdrawal clause has so far been identified in Aramaic texts outside of Egypt. On the basis of these two conclusions, he further argues with confidence that the Aramaic withdrawal clause was certainly dependent on an Egyptian model, but that this dependence probably did not entail a sudden direct borrowing of this model by the Jewish scribes, but rather a slow process of assimilation and adaptation.

This tone of confidence, present in the conclusions of Chapter 7, is dropped in the final chapter, where Botta expresses reasonable hesitancy regarding his conclusions about an Egyptian lender and an Aramaic borrower, given that (a) new discoveries may challenge these conclusions, since the studied corpus of legal documents is limited, (b) Aramaic would probably not be the only possible carrier of Egyptian formulae in Mesopotamia, and (c) the degrees of interaction between the Aramaic and Egyptian scribal traditions vary, ranging from a low concentration of parallels (in the case of the use of legal terms) to a high concentration of parallels (in the case of legal clauses).⁵ Finally, the author explains the adaptation of Egyptian formulae by Jewish scribes as an attempt to make the Aramaic legal documents valid within the Egyptian context of Elephantine. Here one could also add that another possible explanation could be the oral or written translation/interpretation from Egyptian to Aramaic (or vice versa) of legal text by bilinguals who could have been facilitating the communication between the members of the ethnically diverse, interacting community of Elephantine.

The book ends with a long list of cited works and a short index of references to biblical works, Aramaic legal documents, and Egyptian legal documents. One may notice here the absence of a word or subject index, which could have been useful for an audience looking for a discussion of a specific aspect of the subject matter.

Finally, it must be noted that the text is generally free of typos and factual or language mistakes.⁶ However, the author chose not to include any illustrations, which could have facilitated his discussion of the social and cultural context of the legal documents (e.g., with a picture of the excavated sites on Elephantine or of local artifacts illustrating the ethnically diversity of the island's population).

Overall, this is an important work that greatly contributes to the ongoing discussion of the relationship between the Aramaic

legal documents of Elephantine and their Egyptian context. The results presented are the culmination of a meticulous study that was based upon the excellent handling of several languages and their scripts—a vital prerequisite for any successful comparative study of ancient written cultures. Given the multilingual and interdisciplinary material of this work, it comes as no surprise that the author did not choose to reach out for a wider audience, a task that would probably have required the insertion of longer introductory chapters as well as the arduous translation, transliteration, and explanation of every ancient passage quoted.

NOTES

1. This reviewer cannot claim to belong to the small audience that may meet the expectations of the author. Hence, the reader must be forewarned that the reviewed work is approached here from a limited perspective that combines experience in Egyptology with comparative work between Oriental and classical cultures.
2. In the course of the discussion on the interaction between different groups living in Elephantine, Botta uses personal names as evidence for the diverse ethnic backgrounds of the inhabitants mentioned in the documents. The experience scholars gain by examining later documents from Greco-Roman Egypt, however, dictates that the adoption of names within an ancient multicultural context sometimes did not correlate with ethnic characterization (Botta alludes to this in n. 59 of p. 18); see, e.g., Brian Muhs, “Language Contact and Personal Names in Early Ptolemaic Egypt,” in Trevor V. Evans and Dirk D. Obbink (eds.), *The Language of the Papyri* (Oxford: Oxford University Press, 2010), 187–197.
3. It must be noted here that differences in the nature and degree of interaction were linked to the diversity of social norms and practices reflected in the themes and functions of the legal documents; compare similar observations concerning interaction between ancient works of literature in Nikolaos Lazaridis, “Different Parallels, Different Interpretations: Reading Parallels Between Ancient Egyptian and Greek Works of Literature,” in Ian Rutherford (ed.), *Proceedings of the Conference “Graeco-Aegyptiaca/Aegypto-Graeca. Interactions Between Greece and Egypt 700 BCE–300 BCE”* (Oxford: Oxford University Press, forthcoming).
4. This is related to a chain of further challenging questions: Who was responsible for differences and deviations from the norm observed in the production of ancient literature? Were variations the result of different workshop mentalities or of different traditions followed?
5. Compare this smooth interaction and inter-influence between legal formulae with a similar case of borrowed formulae in Egyptian epistolography (cf. Mark Depauw, *The Demotic Letter: A Study of the Epistolographic Scribal Traditions Against Their Intra- and Intercultural Background*. Demotische Studien 14 [Sommerhausen: Gisela Zauzich, 2006]). In general, formulaic language seems to have been one of the swiftest travelers between interacting ancient cultures, as was the case with Greek and Near Eastern epic poems and their formulae (cf. Part 3 in Billie Jean Collins, Mary R. Bachvarova, and Ian Rutherford [eds.], *Anatolian Interfaces: Hittites, Greeks and Their Neighbours: Proceedings of an International Conference on Cross-Cultural Interaction, September 17–19, 2004* [Oxford: Oxbow Books, 2008]).
6. It should be mentioned that apart from some exceptional minor typos, Botta wrongly refers on p. 44 to Chapter 3 as the chapter in which the operative section of documents is discussed; Chapter 3 includes only an introductory presentation of Egyptian legal formulae.