

GUIDO PFEIFER  
NADINE GROTKAMP (EDS.)

# Außergerichtliche Konfliktlösung in der Antike

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Mark Depauw

Conflict Solving Strategies in Late Pharaonic and Ptolemaic  
Egypt: the Demotic Evidence | 93–104



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## Conflict Solving Strategies in Late Pharaonic and Ptolemaic Egypt: the Demotic Evidence

### Demotic documents: preliminaries

The original title of my contribution was ›Conflict Solving Strategies in Graeco-Roman Egypt‹. I have changed the chronological limitations slightly because my starting point is the Demotic evidence that is preserved from late period Egypt. Demotic is a stage of the ancient Egyptian script and the ancient Egyptian language. The script is attested between the 7th century BC and the 5th century AD. The range for the language stage is roughly the same. The script developed when the Lower-Egyptian (Delta) variants of hieratic, another cursive script, became more and more cursive, so much that they started to form a separate script. Initially in Upper Egypt (the South) another cursive variant was used, somewhat unhappily called abnormal hieratic. This gradually disappeared in favour of the Northern variant when the 26th Dynasty from Sais (in the Delta) consolidated its power in the entire Nile Valley. Abnormal hieratic died out around the middle of the 6th century BC.

There are currently over 15,000 Demotic texts in the metadata database Demotic and Abnormal Hieratic Texts [DAHT], which is part of the Trismegistos project.<sup>1</sup> Of course, only a limited number of these is relevant to today's subject, that of extra-judicial conflict solving strategies. And it should be taken into account that the legal relevance of Demotic varied substantially over time. As long as Egypt was ruled by indigenous pharaohs, it was the standard vehicle of justice. We thus find contracts, letters and other relevant documents from the mid seventh century, when Demotic developed, to the

1 See [www.trismegistos.org/daht](http://www.trismegistos.org/daht): 15,465 records (20 November 2013). The abbreviation TM followed by a number refers to the id's in this database, leading to more information e.g. [www.trismegistos.org/text/47179](http://www.trismegistos.org/text/47179).

end of the 30th dynasty in 343 BC.<sup>2</sup> This period does include the 27th Dynasty, when Egypt was ruled by the Persian Achaemenid dynasty, between 525 and about 404 BC. Although the foreign rulers brought their *lingua franca* Aramaic with them, the rather scarce extant sources do not provide much information about the position of this language in everyday legal practice. It seems that Demotic continued to be used for many purposes, and that the impact of Aramaic was limited, at least in number of documents. The linguistic situation would change quite dramatically, however, with the arrival of the Greeks in the wake of the conquest by Alexander the Great in 332 BC. After a period of relative silence of about 50 years, Greek sources start to flow and soon outnumber the local Demotic documents. Nevertheless Demotic persists in the third and second centuries BC, to record all kinds of dealings, including legal transactions. Even in the first century BC its position seems relatively untouched, although this must remain inconclusive because of the limited evidence from this period. After 30 BC, however, things change quickly with the arrival of the Romans.<sup>3</sup> It seems that already under Augustus the Romans took measures that made Demotic legally almost worthless, and the results of this policy are immediate. Within less than a century, Demotic practically disappears from public life, and its use for contracts, receipts, or even letters is limited to a few conservative and far-away sacerdotal bulwarks. Demotic no longer plays any role of significance in public life – nor in conflict solving. This is nicely illustrated by a second century AD translation into Greek (= P. Oxy. 46 3285 Vo = TM 63672) of a passage from the so-called Demotic Legal Code, a collection of much older Egyptian laws (P. Cairo JdE 89127–89130 & 89137–89143 = TM 48855). While Egyptian law was still relevant, its linguistic vehicle had now become Greek.

So let me return to conflict solving in late pharaonic and Ptolemaic Egypt, and more specifically the role played by Demotic, the local language. What kind of evidence do we have for judicial or extrajudicial conflict solving? Most of the legal documents are not immediately connected to conflicts, or at least not on the surface. This is the case for accounts and lists, or for (tax) receipts and orders for payment. A substantial group of Demotic docu-

2 For a recent survey of the use of written documents in this and earlier periods, see EYRE (2013).

3 For more details, see DEPAUW (2012).

ments are contracts, mainly on sheets of papyrus but also on potsherds (the so-called ostraca). Although most of these do not in themselves illustrate conflicts, some, such as divorce contracts, do. Others contain provisions to deal with disputes, such as e. g. the oath clause in sale contracts.<sup>4</sup> This is a statement from the vendor in which he promises to assist the buyer when the latter's ownership is challenged in some way by third parties. Some types of document are, however, more directly relevant to conflict management. I will look at four groups in more detail: cessions, temple oaths, letters to gods and oracle questions, and finally letters or petitions. This does not imply, of course, that other sources are irrelevant. This is particularly true for the few preserved legal manuals, such as the one I have already mentioned above, and the few reports of legal proceedings, which describe the various stages of a trial. But these illustrate what could be called the most official face of speaking justice and are thus just slightly more marginal to this book's focus on extrajudicial conflict management.

### Cessions or quitclaims

The documents that are commonly called ›contracts‹ in Demotic are in fact one-sided statements by one party in the transaction. A sale is thus a statement by the vendor that he or she is pleased with the money paid by the buyer and therefore no longer is owner of the property sold. For important sales (in fact almost all, since property matters!), the document that recorded the transaction was written by an official temple scribe or notary, and witnessed by (often) sixteen men who sign in their own hand, normally on the back of the papyrus. This apparently offered enough security for the buyer, so that a signature of the vendor, or some other indexical sign of his agreement such as a seal, was considered superfluous. Only in some exceptional cases did the first party of the sale (or some other directly interested third party such as a relative) give autograph confirmation to the transaction.<sup>5</sup>

Nevertheless in some cases conflicts did arise about property, with judicial proceedings and a verdict as a result. It is in this context that we have to situate the so-called ›withdrawal after judgement‹ (*Streitverzichterklärung*).<sup>6</sup>

4 ZAUZICH (1968) 129–149 nos. 110–125.

5 See LIPPERT (2008) 136–147 or DEPAUW (1997) 123–125 for surveys.

6 ALLAM (1994) 19–28.

This is a document in which the losing party of a conflict is compelled to state that he has undertaken legal action against the other party, and that he refrains from further actions on the object of litigation. As such it would hardly be revealing for extrajudicial conflict management, were it not that the ›cession‹ or ›quitclaim‹ or ›document-of-no-rights‹ is also used in other contexts. It was e. g. drawn up to confirm that an obligation had been fulfilled, for example when the document stipulating the obligation could not be given back for some reason (e. g. P. Tsenhor 15 = TM 47179). Another typical use is when ownership changed at the occasion of an inheritance and the heirs and new owners wrote cessions to confirm that they had no claims on the portions of other parties (e. g. P. Louvre N 2430 = TM 46113). But most commonly it is found in combination with the sale documents mentioned above, often even on the same, often very large papyrus sheet and written on the same day. In contrast to what was long thought, these documents do not ›cede‹ anything (hence their oldest name ›cession‹): party A merely acknowledges an existing, albeit often recently changed situation, to remove all doubts concerning the validity of party B's claims. In this way the documents as it were anticipate on a hypothetical lost trial.<sup>7</sup>

### Temple oaths

A very different type of document illustrating conflict management strategies is the so-called temple oath. There are over 700 examples, unlike the often formally impressive quitclaims almost always written on ostraca and generally much shorter.<sup>8</sup> Like quitclaims, the documents are the result of a conflict of some kind, although it must remain uncertain whether they always come forth from formal proceedings. The text on the ostraca is that of an oath, meant to be taken at a specific place at the temple wall. A person is supposed to swear by the local god that he or she is innocent of a specified accusation. The alleged crime can be very diverse: from embezzlement to theft or adultery. The *communis opinio* is that these oaths did not replace legal action or an actual trial, but that the plaintiff, perhaps through the intermediary of an authority, could always force the defendant to take such an oath.

7 See DEPAUW (2015).

8 A search in [www.trismegistos.org/daht](http://www.trismegistos.org/daht) resulted in 713 examples (25 April 2014). An important corpus is KAPLONY-HECKEL(1963). See also DEPAUW (1997) 138–139.

Taking a false oath would probably put the perjurer under the spell of the god in question, and this was probably not something to be taken lightly. The temple oaths may thus have been an effective tool whenever there was no proof for allegations but the allegedly wronged party stood by his or her charges.

### Letters to gods and oracle questions

Although related, letters to gods are probably fundamentally different. For unlike the previous two categories, they do not seem to be part of a legal procedure. Rather than as elements in some kind of ›divine trial‹, forcing the accused to defend himself before a sacerdotal court, the letters must in all likelihood be seen as ›cries of the heart‹, a last resource for the hopeless and the destitute. In earlier periods, people wrote letters to the deceased asking them to intervene on their behalf, but in Demotic invariably the gods are addressed. There are about forty examples, complaining about theft, unjust accusations, or physical maltreatment.<sup>9</sup> A very moving example is P. BM 10845, from two children who describe the harsh treatment they suffer at the hand of their father and their stepmother.<sup>10</sup>

In a similar way oracle questions, which in earlier periods probably did have legal significance, rather had an almost psychological advisory function. If they did concern a conflict, the answer of the oracular divinity could reveal the divine truth, which may well have been informative or comforting to the consulters, but legally without consequence.<sup>11</sup>

### Letters and petitions

Finally there are the letters and petitions. These documents immediately spring to mind when dealing with extrajudicial conflict management. When a problem could not be solved through negotiations with the opposing party, the most logical thing to do was to involve a third party. In many cases that person was no doubt addressed orally, but this does not leave any written traces and we thus remain uninformed of it. But often this third

9 See DEPAUW (2006) 307–313.

10 HUGHES (1969).

11 ANAGNOSTOU-CANAS (1998). See also NAETHER (2010) 359–410, esp. 393–394.

party presumed to solve the conflict resided elsewhere, or perhaps there were other reasons to opt for a letter. This is illustrated by the many Demotic letters in which conflicts and problems are addressed.

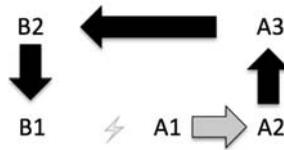
Many of these are clearly between peers, often priests who were also closely involved in land and tax administration. The letters are a mix of private and business, providing news, requesting information, asking for personal favours, and giving orders.<sup>12</sup> A typical example is P. Berlin P. 13549 (TM 46444), a reply to two letters in which the sender agrees with the plans of the addressee concerning the appointment of two priests; recommends someone for a temple inspection; provides advice in a dispute with a third party; points out that some people are saying bad things about him; and requests for a favour, probably in the form of firing a specific scribe.

Some letters, however, focus on a single main topic and deal specifically with the resolution of a single conflict. An illustrative example is P. Berlin P. 13587 (TM 46489), in which the sender writes to the first prophet and states that he (identified as C by the editor) has not received any money from a third party (B) in the name of someone else (A), despite claims from B to A that he did transfer the money. This is the single topic touched upon in the letter, which thus almost takes the form of a declaration of innocence to an authority.

A similar case is recorded in P. Berlin P. 13619 (TM 46391). This letter without any introductory formulae mentions how someone has come with news about the addressee and about events related to the servants of Khnum. The sender then states that he has written about these events to the prophet of Khnum, who in turn has written to a prophet of Min to make sure that the land of the temple of Khnum remains untouched. The latter has then written to a Psentaes with the message not to touch the temple land of Khnum. The sender goes on to state that he has addressed this Psentaes in person and his answer can probably be interpreted as giving in to the pressure. The sender adds that the addressee should not worry about his problems, and that the prophet of Min will not be able to spoil things for him. The letter concludes with an announcement that the prophet of Khnum will soon travel north and that the sender will write the addressee with orders what should happen when he departs.

12 For a short survey of the contents of letters and the problems in distinguishing private from official and business letters, see DEPAUW (2006) 106–109.

It is clear that this letter records a conflict between two parties: A1, a servant of Khnum, and B1, probably Psentaes, probably a servant of Min. A1 (the addressee) has invoked the help of A2 (the sender), who in turn has spoken to A3. A3 then has written to B2, who in turn has written to B1. The result of the chain of letters and interventions is that B1 has to crawl back and A1 (and A2) get what they want. There are no indications, however, that there have been formal proceedings. The conflict has been entirely solved through what could perhaps be called a power game, on a higher level than that of the quarrelers. Knowing the right people and attracting their attention by personal message or letter sufficed to clear the matter.



In some cases the personal harm done to the sender is described in such detail and at such length that the resulting documents can hardly still be called ›letters‹. A case in point is one of the longest documents preserved in Demotic, the so-called P. Rylands 9 (TM 47388). In this copy of what was probably a draft version, a certain Peteesis describes in 25 columns the history of his family and the injustice inflicted upon them, and implicitly asks for the return of priestly offices and the income resulting from them. The description of events is so vivid and dramatic that only the inclusion of the papyrus in an archive with other documents related to the matter confirms with certainty that this is not just a story made up for entertainment. A similar, but much later (2nd century AD) case may be the Demotic draft for a presumably Greek petition by a certain Phatres (TM 91446–91534, published in Menchetti 2005). This is recorded on at least 154 ostraca in Demotic with Greek insertions, particularly for technical terms, as is common in these late texts from Narmuthis.

In any case there seems to have been a tradition of long complaints in a literary style, as is illustrated by the classical Egyptian narrative of The Eloquent Peasant.<sup>13</sup> In this story, a peasant makes his way to the market with his

13 PARKINSON (2012).

barley ready to sell loaded on his donkey. At a place where the path narrows between a field and a stream, the way through is blocked by a cloth spread out by a malignant man, who also claims to be the overseer of the field and warns him not to touch either cloth or crop. When the desperate peasant finally decides that the lesser offence is to trespass into the field, his donkey unfortunately decides to feed on the grain. This leads to a furious reaction of the claimed owner, who beats the farmer into unconsciousness and steals his donkey and barley. When the peasant awakes, he seeks justice from the owner of the field, but the latter forwards the peasant to the judges. These tell him they can do nothing because there are no witnesses for his claim. They are, however, most impressed with his rhetorical skills and therefore urge the owner of the field to transfer the case to pharaoh, because they presume that he will equally marvel at the peasant's words to claim justice. This is indeed the case, and pharaoh enjoys his words so much that he makes him come back eight times. Only after a ninth and final session is he so moved by the peasant's claims that he grants him his wishes and even decides to fire the malignant overseer and assign his position to the peasant. Although this is clearly just a story, it may not be far-fetched to see a link with the above elaborate petitions prepared by Egyptians.

In practice, however, most petitions will have been shorter and more to the point, succinctly describing the offence and the resulting harm to the petitioner, and with a request to set things straight. For the Ptolemaic period there is even a specific genre of text that does this, the so-called hypnema or memorandum. In Demotic, these texts are also just labeled ›petitions‹,<sup>14</sup> but they are recognizable by the use of the Egyptian word *mqmq* ›thought, consideration‹, which is in all likelihood a translation of the Greek ὑπόμνημα. These texts never contain an exterior address, which probably implies that they were handed over in person rather than sent. They also have almost no courteous formulae, which is somewhat unexpected, but the body of the text almost always seem to follow a pattern with the identification of the opposite party, their mischief, and a final request or *petitum*. The latter is often introduced by ›I beseech you‹, which may be a translation from Greek. At least in several cases there are further arguments for a Greek original, which would not be surprising as many of the officials approached

14 For a survey, see DEPAUW (2006) 323–330.

by these petitions were in all likelihood native Greek speakers. Combined with the observation that there are no pre-Ptolemaic examples of these memoranda, the genre of texts could perhaps be Greek in origin.

### Formal and informal proceedings

The genre of letters and petitions leads to a final and difficult question: to what extent are all the above documents, especially the letters and petitions, still relevant for our subject of extrajudicial conflict solving? This problem cannot be solved in the context of this paper, and judicial procedures need further investigation.<sup>15</sup> It is perhaps even questionable whether there was a strict distinction between formal and informal legal action. Examples from archives show how people who presumed they had been wronged sought justice by means of petitions to officials, but the relation of these petitions to a ›real‹ court case is currently still unclear, in many cases. The survey below of a complicated conflict such as the ›Erbstreit,‹<sup>16</sup> in which several members of a family disputed the ownership of two plots of land of 10 and 35 arourae respectively, shows how litigiously tenacious some people could be, even (or perhaps rather precisely) within a single family.

#### *Erbstreit A*

= party 3 versus party 2: party 3 petitions to obtain the 35 arouras, but the claim is denied. Party 3 draws up a cession on April 25, 136 B.C.

#### *Erbstreit B*

= party 1 versus party 2: party 1 claims the 35 and 10 arouras. Several trials are held:

1: trial before the epistates of Pathyris. An oath to be sworn on 1 November 135 B.C. has to end the dispute in favour of party 2.

2: trial before the strategos, who rules in favour of party 1.

3: trial before the council of the epistrategos in Thebes. Party 1 renounces its right on the 10 arouras and a temporary decision is taken concerning the 35 arouras: no one may enter the land.

15 Gert Baetens, a PhD student of mine, is currently working on this subject.

16 VANDORPE/WAEBENS (2009) 114–122 §37, esp. 115 with the survey of the stages in the archive reproduced here. Also accessible at [www.trismegistos.org/archive/81](http://www.trismegistos.org/archive/81).

4: trial concerning the 35 arouras before the epistrategos in Thebes, who rules in favour of party 2.

5: trial before the judges-chrematistai. Party 1 loses the final trial, draws up a cession on 30 March 133 B. C. and decides to lease the 35 arouras.

In another case, documented by one of the few Demotic trial reports extant,<sup>17</sup> we see a woman Chrtianch take action against the children from her father-in-law's previous marriage. Although it looks that she initially agreed with a division of the inheritance and even added her signature in consent of it, she at some later stage has second thoughts and took the case to court before the Egyptian *laokritai* in Siut. When the final verdict is against her, she does not seem to give in, however, but takes the case to the Greek city of Ptolemais, probably to be heard before the Greek *chrematistai*.<sup>18</sup> The text that documents this is hard to understand, but we get the impression that she continued to make trouble and that the final decision, if there ever was one, remains unknown.

### A definitive extrajudicial solution?

The preceding examples show that even if a plaintiff had obtained a favourable judgment in court, there was always a chance that the opposite party did not give in and continued to make trouble. Were there then no ways to reach a definitive solution, or, even better, to prevent potential conflicts altogether?

An interesting but drastic option is presented in a famous Demotic literary text, the so-called First Setne story.<sup>19</sup> This relates how the hero Setne, a son of Ramesses II and a ›philologist‹ *avant la lettre*, hears about a book written by the god Thoth himself. Cunningly he manages to steal this from someone's tomb, and afterwards he has nothing to do except leafing through it and walking around the necropolis. Then one afternoon he spots the

17 The trial report is P. BM 10591 Ro = TM 43343. More information about the archive can be found at [www.trismegistos.org/archive/237](http://www.trismegistos.org/archive/237).

18 Gert Baetens and myself were planning to discuss the final stages in the trial on the basis of col. 4 of P. BM 10591 Vo (TM 53823), but now Bahar Landsberger is working on a project ›Der Prozess. Ein ptolemäerzeitliches Archiv aus Assiut in demotischer Schrift‹.

19 TM 55857: GOLDBRUNNER (2006). See also VINSON (2009) 283–303.

beautiful Tabubu, a daughter of the prophet of Bastet, falls head over heels in love with her, and suddenly has very different priorities. She allows him to come to her house and receives him wearing a see-through dress. When he wants to take »appropriate action«, however, she tells him that she is not a woman of the street but wants him to write a marriage settlement which will give her (and her future children with Setne) strong claims to his inheritance. After he agrees and insists on going ahead with things, she then forces him to fetch the children he already has, to make them sign underneath the contract. When he has again agreed, and the children have done what Tabubu wanted, she then decides that she wants the children dead. Blind of love and lust, Setne agrees and has his children slaughtered. With animals that are devouring his offspring howling in the background, he then mounts the stairs with Tabubu and finally get his way with her, only to wake up completely naked in a rather embarrassing position with pharaoh approaching. Almost like Bobby Ewing in the famous shower episode of the »Dallas« soap, he realizes everything has been a bad dream, caused by the theft of the holy book. The story illustrates beautifully that death of possible rivals was the ultimate safety measure, because – like Chrtianch – children and in-laws could continue to dispute settlements.

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