

LAW IN SOCIAL NETWORKS OF LATE-ANTIQUITY APHRODITO

Can small communities have impact on law? To what extent can actors of a social network influence the general rules set by the state? How do they affect legal practice?

Thinking of law making-mechanisms nowadays, we usually think of an abstract 'law-giver' introducing rules developed as a result of thoughtful calculation of peoples' and states' needs and imposed on them. In this model the role of citizens and institutions is to obey and apply. The institutions are enacted by an authority and implemented in bureaucratic practice and daily life. Yet, it is not the unique possible model of institutionalization. Another model is bottom-up and assumes much more active role of members of societies. These processes begin with a singular occurrence in an existing social structure (e.g. exchange, contract, act of violence or extortion) which can develop into a widespread practice or routinized behaviour between social actors, later transforming into a custom or even customary law. Finally, some customs are codified into statutory law. In this model it is a society who dictates law. Obviously, this model works concurrently to the 'up-bottom' one.

This model is difficult to research beyond limited level in contemporary dynamic societies. Historical epochs which provide the evidence of legal practice, as actual contracts, testaments, court proceedings, decisions of officials, etc., on one hand, and with texts of statutory law, on the other, give scholars an excellent opportunity to understand this model. This is because historical law-making processes are finished which enables us to reconstruct and understand interconnections between legal practice and law. If results are applied together with comparative methods they could contribute to the theory of law.

The project stems from studies on late-antique legal practice which prove the existence of a great legal diversity in this period. Documents containing the same type of a legal deed (e.g. a will) produced at the same time, but in two different places (e.g. Oxyrhynchus and Aphrodito) can be utterly different. This stands in a strong opposition to the legal uniformity of the first three centuries of the Empire. This is certainly connected with a lesser presence of the central authority and the raising significance of local powers, such as lay elites or the Church institutions, who took over the dominant role in local communities. This situation had to increase the independence of local legal practices from Constantinople.

By combining the methodologies of papyrology, legal history and theory, and Social Network Analysis, it will be possible (1) to pinpoint particular types of legal tools in Aphrodito and subsequently connect them with the community's social structure; (2) to determine to which extent such legal devices elaborated locally respected the positive law; and (3) to check whether customary or written law incorporated legal tools developed on the local level.