

The Administration of Law in Fourth Century A.D. Egypt

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Abstract

This thesis extends the scope of our understanding of the Roman Egyptian petitioning and judicial system into the fourth century A.D. This study provides a holistic approach to the stages of the petitioner's journey, demonstrating how a petitioner would engage with the legal administrative framework to achieve the best outcome for their dispute.

This thesis considers how the law was shaped by both the imperial and prefectural administrations, presenting how feedback was channelled to the imperial administration that enabled the creation of new regulations. Furthermore, the communication of new and reissued regulations is outlined to demonstrate the challenges faced by the administration to embed laws across the province and obtain effective, long-term compliance from the populace.

A core consideration throughout this thesis is whether the fourth century papyrological evidence demonstrates that the law and individual judicial rulings were effective. Case studies are utilised to discuss if compliance was generally achieved and whether the remit of municipal officials was sufficient to enforce rulings on the ground.

Archival evidence provides key insights into the outcomes of petitioners when they engaged with the formal judicial system and processes. These valuable papyri show how the administration handled disputes, including the key delegation of tasks by various lower-level officials. The continued decentralisation of judicial remit is presented throughout this thesis, and the impact on the outcomes of petitioners is explored.

Fourth century papyri also provide core evidence of how citizens engaged with extra-legal mechanisms for resolving their disputes. These documents present how citizens used these methods to encourage their adversaries to reach settlements. This thesis also presents cases where the construction of particular laws encouraged citizens to favour informal methods of dispute resolution as a method for protecting their own interests.

This investigation provides insight into how local elites (external to the formal administration) became embroiled in disputes, helping to negotiate between warring parties and fostering reconciliations. Such examples provide a glimpse into the interwoven social networks of fourth century communities and how particular municipal functions, such as the *boulé*, became a conduit between citizens and formal administrative functions, particularly in cases which involved local corruption or maladministration.

This thesis provides an overarching view of the legal administrative process from the perspective of the petitioner and the administrators who managed it. The investigation demonstrates that, in many cases, petitioners utilised various methods for resolving disputes, and often, formal petitions were not a last resort. The evidence presents petitioners adopting a pragmatic approach based on the type of dispute and the social persona of their adversaries. This thesis concludes that the papyrological evidence demonstrates that in many cases, the administration failed to obtain compliance, with many judicial rulings ignored by defendants. Therefore, engagement with alternative dispute resolution methods by petitioners reflects the broader failures of the formal legal system.

Glossary of Legal Administrators

Archephodos: Chief of police in village sites.

Boulé: City council

Bouléutes: A member of a city council

Catholicus: Imperial financial official with a remit for all of Egypt.

Dux Aegypti (Duke): Military commander responsible for the province.

Kephalaoites: Village officials responsible for tax collection and transportation of goods.

Komogrammateus: Village secretary

Logistes: An Imperial official who held remit for metropolitan sites.

Exactor: An official responsible for tax collection and for a period in the fourth century replaced the role of the *strategos*.

Strategos: Official responsible for the management of the *nome* since the Ptolemaic era.

Syndikos: Municipal official who held remit to handle minor complaints (an earlier version of the *defensor*).

Ekdikos: Municipal official who held remit to handle minor complaints (an earlier version of the *defensor*).

Defensor: Municipal official introduced in the 320's A.D. with a judicial remit and a direct link to the highest levels of the administration.

Praepositus Pagi: Official with remit over the *pagus* unit.

Irenarch: Official with a remit for policing in the *nome* (replaced in the early fourth century by the Supervisor/Guardian of the peace (*ἐπὶ τῆς εἰρήνης*)).

Supervisor/Guardian of the peace (*ἐπὶ τῆς εἰρήνης*): Official with a remit for policing in the *nome*.

Riparius: Officials introduced in the 340's A.D. with a remit for the *nome* (in the fifth century the role was also extended to city sites).

Nyktostrategoī: Provided policing services within urban sites and were not limited to policing at night (as the name may suggest).

Maps

Map 1. Map of Egypt (From Hope. C., and Bowen. G. (eds.) *Kellis: A Roman-Period Village in Egypt's Dakhleh Oasis*. Cambridge: Cambridge University Press)

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Introduction

“Laws do not matter until they have been tested by the courts.”¹

Rigsby’s statement reflects the perennial challenge faced by those seeking dispute resolution within Roman Egypt. Laws and regulations were created by the imperial administration, and for most citizens of the province, this had very little impact on their daily existence. That is, until the citizen encountered a dispute or became the victim of a crime; at this point, the engagement with the legal framework began, and the laws created to protect the individual's rights would be put to the test.

Of course, to reach his day in court, the petitioner would need to engage with the bureaucratic processes demanded by the administration. This involved the creation of a conventional petition, the collation of evidence, and, if required, travel to a municipal centre to present their case. Judgements were passed, decisions circulated and recorded for the benefit of the petitioner. If the law is successfully applied and enforced, that should be the end of the matter; the petitioner leaves a satisfied customer with their faith and trust in the administrative system maintained.

However, the papyri reveal an alternative outcome for many petitioners. Inefficiencies, delegation, maladministration, unenforced judicial decisions, and violence are common features within the evidence from the Roman era. In some instances, these poor outcomes led petitioners to seek alternative resolution methods, appealing for intervention from influential elites.

The journey from submitting a petition to a judgement touched upon various parts of the administration. Papyri provide us with a unique insight into how petitioners accessed the legal framework, the administrators responsible for managing the processes and how law became shaped or amended in reaction to the changing social landscape. These papyri also present conflicts within communities, providing valuable insight into the impact of crime on social networks.

Kelly’s 2011 work on petitions and litigation within earlier Roman Egypt (30 B.C- A.D. 284) concluded that the administrative system set up to handle cases was inefficient, with frequent delegation and the ill-defined competence of officials undermining the success of cases. Furthermore, he demonstrated that the reach of social control via the legal system was limited; merely the legal framework was a method for underpinning informal control methods. Whilst Kelly’s work provides an integral and wide-ranging view of the legal system, its administrators, and the social aspects of litigation, its scope, ending upon the advent of the Emperor Diocletian, leaves a large portion of documentation unstudied for the fourth century. Current scholarship relating to law and order within fourth century Egypt has focused on individual cases, administrators, and specific processes rather than a holistic view of the process.

The fourth century provides an interesting period for the study of dispute resolution. With widescale administrative reforms and the challenges faced by rural village settings, it is an interesting test case for assessing if petitioners fared better under the new administrative structures and in response to these changes. Jones states that the continued excessive taxation, exploitation of resources and corruption led to further social tensions and decline within the province, noting “too few producers supported too many

¹ Rigsby, 1996: 24.

idle mouths.”² This decline within village sites and the subsequent desertion of villagers led to further pressure on those remaining in these communities, spreading workloads further. This challenging environment and fight for resources predictably led to disputes between villages and cases of this nature provide an interesting insight into how the central administration attempted to manage these inter-village disputes.³ Chapter one maps the changes to the administrative regions during the fourth century at both the regional and localised level. Concurrent reforms to the roles and remits of administrators are explored, notably the replacement of the *epistrategoi* and *strategoi*, who had held central roles in the pre fourth century administration. The discussion will demonstrate how the Roman administration introduced a range of metropolitan officials, seemingly aiming to centralise the administration further and in theory undermine corrupt practices in the province, via the introduction of the *defensor*.

Raising a complaint and accessing justice

The initial step in obtaining any form of official intervention or assistance for victims seeking justice was to set down the details of the crime or offence in writing. Citizens were required to utilise a conventional and largely standardised petition document to present this information to the appropriate official for further investigation.

To create their petition, petitioners could approach a professional scribe who would draft and form the final petition before submission. The petitioner would have relayed the case details to the scribe while providing documentary evidence to be appended to the complaint if required. An example of the drafting process is evident in *P.Cair.Isid.71, 72 and 73* (A.D. 314). Papyri 71 and 72 from the archive are both memoranda containing notations and details concerning goods that the petitioner, Isidorus, proceeds to claim had been appropriated by a group of village officials. The final petition in *P.Cair.Isid.73* weaves the notation into the case narrative,

“But there is more: as the price of hides and the price of a camel six talents in silver, and the price of a horse fifty talents, so that there are also from these sources altogether fifty-six talents in silver; and for surplus land under production collections of ten artabas; and these they have carried off for their private use.”

Further details of appropriated goods are recounted within the text, drawn up by the scribe from the memoranda in *P.Cair.Isid.71 and 72*.⁴

These texts reveal that Isidorus must have previously drafted these details through several scribes before creating the final petition. This is further supported by the indication that the documents are each written in different hands. If we consider that Isidorus was illiterate, one may suggest that he verbally recounted

² Jones, 1964: 1045.

³ Jones, 1964: 1045-1064; Potter, 2015: 39.

⁴ *P.Cair.Isid.71* records a list of items appropriated by the *komarchs* and *praepositus pagi*, following this a remark about the *komarchs* is made regarding the actions of local taxation collectors, “The *komarchs* impose assessments just as they wish. Neither do they make inquiries of the *tesserarii* or the *quadrarii*, because they are acting in collusion with the *praepositus*, nor do they pay any attention to the secretary nor to allotment nor to legal right, but they make exactions as they please...”. This statement is again replicated in *P.Cair.Isid.73*.

these details to a scribe, to be further written in a formal document. Subsequently supporting Kelly's suggestion that petitioners did orally communicate their complaints to scribes and further highlighting that this practice continued into the fourth century A.D.⁵

Most scribes appear to have operated from the *grapheion*, a notarial centre formed during the Ptolemaic era and maintained by the Romans as part of a wider notarial system that included the *agoranomeia* (a notarial office within urban sites)⁶ and central Alexandrian and metropolitan archives.⁷ In addition to the formal *grapheion* many private scribes offered their services within the streets of the towns and villages.⁸ The majority of Roman evidence relating to the *grapheion* derives from the Arsinoite nome and unsurprisingly the Oxyrhynchite. However, there is evidence for the *grapheion* in the Oasis Magna, suggesting that the office was widely adopted across the Roman province.⁹ The scribes were responsible for drafting registered documents, such as accounts, taxation lists and land registers, however non-registered documents such as private contracts, petitions and oaths were also written in the *grapheion*.¹⁰ Types of documentation drawn up in the *grapheion*, such as contracts and land conveyances were forwarded to the central archives in Alexandria.¹¹ The central role of the *grapheion* across the province supported the standardisation of documentation, as evident from the petition document. Petitions from across the Roman period maintain a conventional structure, format, and utilise recurrent terminology relating to case narrative and rhetoric. Such standardisation, whilst a benefit for identifying petitions in the papyrological corpus also provides limitations for a reader who attempts to mine the narrative for 'true' expressions of violence or narrative. These limitations are discussed in further detail below.

Evidence for the village *grapheion* decreased in the Arsinoite nome approximately around A.D. 170 with its final attestation in A.D. 210, whilst the office survived in the Oxyrhynchite until A.D. 229. The office is attested much later in the Thebaid, as late as A.D. 293 in Hermopolis and A.D. 300 at Lycopolis.¹² At this point the *grapheion* appears to have been centralised to the metropolitan centres, with remit for both the urban centres and village sites falling under these singular entities.¹³ These

⁵ Kelly, 2011: 45. Papyri such as *P.Cair.Isid.73* (A.D. 314) reveal that Isidorus was illiterate, at the end of his petition to the prefect it states, "We, Aurelius Isidorus and Aurelius Palemon, have submitted this petition. I, Aurelius Heron, son of Melas, of the quarter Phremi, have written for them since they are illiterate".

⁶ Claytor, 2014: 55.

⁷ The *grapheion* may have been established around 146 B.C. The number of offices is unclear; however, many scholars have suggested that the office increased rapidly in number under the Romans. Cockle, 1984: 111; Wolff, 1978: 18-19; Yiftach-Firanko, 2009: 549. However, Claytor correctly asserts that such sweeping statements may be inaccurate, citing the uneven survival of evidence from the end of the Ptolemaic period, in comparison to the Roman period. Claytor, 2018: 321. The *bibliothèque enkteseon* was created in the mid first century A.D. to collate property/land registers, presumably as a method for the Roman administration to closely monitor land conveyances and apply tax allocations accurately. Yiftach-Firanko, 2008a: 335-337.

⁸ Pierce, 1968. Hopkins discussion suggests that the production of documents in Greek to facilitate the administrative and legal systems accelerated the spread of Greek literacy in the province, leading to an increased number of scribes being trained in Greek, rather than the traditional Demotic. Hopkins, 1991: 137.

⁹ *P.Oxy.60.4058* (A.D. 158-159).

¹⁰ The *grapheion* was run as a concession, leased from the Roman state. Notaries were expected to pay a license fee for their geographical area. Documents produced by the *grapheion* or village writing offices were subject to a fee.

¹¹ See *P.Fam.Tebt.29* (A.D. 133) for a document drawn up in the *grapheion* at Tebtunis that was then forwarded to Alexandria. See also *SB.1.5232* (A.D. 14-15) for a petition complaining that two notaries from Soknopaiou Nesos had failed to deposit a demotic land agreement within the Alexandrian archives. Pierce, 1986: 70-78. See *P.Oxy.1.34* (A.D. 127) for a prefectural edict that established the Library of Hadrian as the primary record office, the application fees for depositing documents and that public officials must be notified of the submission.

¹² *P.Oxy.14.1725* (A.D. 229) for the final attestation of the *grapheion* in Oxyrhynchus. See *M.Chr.171* (A.D. 293) for the *grapheion* at Hermopolis. See also *P.Berl.Möller.1.16* (24th-25th June A.D. 300) Ast, 2015: 2-3.

¹³ After A.D. 200 the office is evidenced in 13 papyri. Ast, 2015: 2-3.

offices appear to have been run by city councils, rather than the previous system of individual concessions. The reasons for the disappearance of the village *grapheion* from the papyrological record are unclear. Wolff correctly remarked that the adaptation marked “a departure from the decentralised policies marking the previous century and a half”.¹⁴ It seems probable that the centralisation of the village *grapheion* reflected part of the wider municipalisation of the administrative structures undertaken during the third century.¹⁵ By the fourth century the councillor-run *grapheion* disappears altogether and instead documents seem to have drawn up by private notaries, a process aptly referred to as “the privatization of scribal activity” by Yiftach-Firanko.¹⁶

Scholars such as Bagnall, Yiftach-Firanko, Ast and Claytor have all reasoned that during the fourth century, individual notaries, usually from the metropolis provided scribal services.¹⁷ This is demonstrated in several documents from the archive of Aurelius Isidorus from Karanis. *P.Cair.Isid.97* (14th-30th April A.D. 308) records a loan of beans, It is signed on behalf of Isidorus by one Demetrios, who later appears as a subscriber on behalf of the grain collectors from Philadelphia in the archive of Sakaon.¹⁸ Furthermore, in *P.Cair.Isid.88* (7th May A.D. 308) a *nomikos* (a legal specialist) subscribes the contract on behalf of Isidorus. These specialist or professional notaries were likely to be based in the *nome* capitals, supporting the theory that scribal activity became further centralised during the fourth century. However, evidence does indicate that literate villagers did provide their services within their domicile, as ‘family writers’ to be called upon by villagers when required.¹⁹ Alternatively, evidence from Kellis includes an example of a villager offering his services to subscribe documents whilst describing himself as the son of a “village scribe” in *P.Kell.1.14* (A.D. 356). The reference to a village scribe is particularly surprising as the role of the traditional village scribe, known as the *komogrammateus*, had been replaced by the *komarch* in the mid third century A.D.²⁰ This term may have been utilised to indicate that this individual was providing occasional services to other villagers, albeit without the formalised administrative remit.

Furthermore, *P.Kell.1.32* (28th October A.D. 364) provides evidence for a Christian priest subscribing for a citizen in a lease document.²¹ Considering the growth of Christian institutions within the province during this period it is fair to suggest that the church also became a centre for rural notarial activity.²² Overall, the scribal landscape of the fourth century, whilst difficult to reconstruct seems to have consisted of a range of professional writers based within the urban *nome* capitals, whilst literate individuals domiciled in the village sites still contributed to scribal activity in villages, supporting their neighbours. The culmination of the centralisation of scribal activity during the fourth century to the urban centres reflects the wider administrative changes during the century.

¹⁴ Wolff, 1978: 22.

¹⁵ Claytor, 2018: 327-32; Ast, 2015.

¹⁶ Yiftach-Firanko, 2008a: 338; Claytor, 2018: 328-329. This privatisation does present a challenge to the fourth century historian, as these documents are less likely to state where they were written, which undermines the ability to specify between documents drawn up in urban or village sites. However, documents from fourth century Kellis do provide an identification of the writer’s domicile. See *P.Kell.1.14* (A.D. 356) and *P.Kell.1.23* (A.D. 353).

¹⁷ See Bagnall, 1993b; Yiftach-Firanko, 2008b: 203-218; Ast, 2015; Claytor, 2018.

¹⁸ See *P.Mich.Inv.397*, fragments b and c. Claytor, 2018: 328-330.

¹⁹ See *P.Cair.Isid.41.28-41* (15th August A.D. 312); *P.Cair.Isid.45* (24th June- 25th July A.D. 307); *P.Cair.Isid.101* (4th October A.D. 300); *P.Cair.Isid.119* (23rd February A.D. 311) in which Aurelius Kasios, a villager subscribed several receipts for fellow villagers of Karanis. Bagnall, 1993b: 242-243.

²⁰ Thomas, 1975: 113-119; Lewis, 1997b: 345-347.

²¹ See also *P.Kell.1.13* and *P.Kell.1.58* for a church reader and a pagan priest subscribing documents.

²² Claytor, 2018: 331-332; Bagnall, 1993b: 249; Bagnall, 2011: 75-96.

In addition, it is important to recognise that literate petitioners (both male and female) could draft their own petitions.²³ The archive of Ammon, the family and business archive of a *scholasticus* (Ammon) contains a collection of draft petitions written in Ammon's hand. *P.Ammon* 1.7.II.1-7 (A.D.348) is a draft petition from Ammon, written for the attention of the *catholicus*,²⁴

“To Flavius Sisinnius, the most eminent *catholicus*, from Aurelius Ammon son of Petearbeschinis, advocate, from Panopolis of the Thebaid. While I myself, to be sure, know that a quiet life free from business befits those educated in philosophy and rhetoric, I have come, my lord, constrained by those who have caused us to be investigated in this affair, and provoked to this present protestation. For if it were possible for those who have chosen [seclusion] according to the dictates of their nature to enjoy to the end [...]. But envy ever threatens the honorable [...]...”

The archive contains many additional drafts, with each of these drafts developing to incorporate different terminology, for instance if we turn to *P.Ammon* 1.12.II.1-8 (A.D. 348) one of the later stages in Ammon's drafting process, it is clear that his terminology has changed drastically,

“[The Thebaid well remembers your magistracy there], my lord and throughout that time I was filled with true happiness [---] while the goodwill of the gods together with Agathos Daimon was guiding the land of the Upper Egyptians, and among the Lower Egyptians and all the rest of mankind [we] were considered to be blessed and enviable because of such good fortune like unto which [neither] before did that province [have] nor hereafter may it expect to behold another (such) kindly guardian. Now the inhabitants of the most splendid city are successors to that prosperity of ours; but I myself too reckon that at present I have again come into a share of good fortune since it has been allotted to me too that I appear in court pleading my case before so great a magistrate and judge, whose unmatched judgement among diverse peoples both hitherto and now experience has shown.”²⁵

The redrafting of petitions (and their accompanying texts) was common, and we notice in many later drafts language develops to become further standardised, binding to the conventional structures.²⁶ These extracts suggest that petitioners could and did draft their own petitions, if able. Ammon, as a *scholasticus*, understood and recognised the conventional elements needed within these texts, allowing him to draft petitions himself. This knowledge would not have been known by “standard” petitioners, thus the use of scribes with the knowledge of the “conventional” structure of petitions was essential for illiterate petitioners. Therefore, these petitions, written by the actual petitioner, most likely existed in the minority.²⁷

²³ Bagnall, 2004: 55-56.

²⁴ This text seems to be the initial draft created by Ammon.

²⁵ *P.Ammon* 1.12.II.1-8 (A.D. 348).

²⁶ Luiselli, 2009.

²⁷ An issue that arises from petitions, written by scribes, is the absence of the voice of the petitioner. As these petitions were written by scribes, potentially working with a set of conventional structures and stock phrases, we cannot ascertain personal differences in the main parts of the text. In a mainly illiterate society this is not

Following the petition's creation, the petitioner would submit it to an appropriate official. Kelly's analysis of petitions from 30 B.C to A.D. 284, revealed that over half of the surviving petitions from the period were addressed to the office of the prefect or *strategoï*. Often additional administrators would receive petitions if the nature of the case corresponded to their remit.²⁸

Petitioners directed a range of cases to the prefect and *strategoï*, from minor liturgical disputes to violent criminal cases and in some cases the papyri reveal that petitioners would send their cases to more than one official. *P.Harr.2.200* (A.D. 236) records an example of this dual petitioning method, in which a victim of theft appeals to not only a centurion, but also a decurion and the local *strategos*.²⁹ Fuhrmann describes such an action as a "scatter-shot" approach, in which petitioners sought to both inform multiple authorities of the dispute and to potentially elicit a quicker response from the chosen officials.³⁰

Fourth century petitions reveal that the prefect and *praeses* received the majority of petitions during the fourth century. In the lower levels of the administration the *exactor* (*strategos* until A.D. 307) and the *praepositus pagi* represent the most frequent receivers of petitions. This isn't a surprise if we consider that the *praepositus pagi* absorbed much of the judicial role of the previous *strategos* over the fourth century. These findings are in line with previous centuries where the prefect and the *strategos* represented the main addressees.³¹

surprising, however the few examples we have that provide petitioners writing their own petitions reveal that maybe these texts were not expected to follow a rigid set of guidelines concerning structure or format, as they contain more rhetorical flourishes, for instance as seen above in *P.Ammon* 1.12. Kelly, 2011: 38-39.

²⁸ Petitions to additional officials included the *iuridici*, *idios logos*, *epistrategoï*, *archidikastai*, *epistates ton phylakiton* and *basiliko grammateis* are recorded within the papyrological record, albeit the proportion of petitions to each of these individuals varies across the first three centuries of Roman rule. Kelly, 2011: 79-80.

²⁹ Aubert, 1995: 258; Fuhrmann, 2012: 214.

³⁰ See *BGU*.1.321; *P.Louvre* 1.3; *P.Col.7.209*; *P.Mil.1.43*; *P.Mert.1.8*; *P.Gen.1.16*; *SB.1.4284*; *P.Sakaon* 46 (A.D. 342); *P.Sakaon* 47 (A.D. 342). Kelly, 2011: 84.

³¹ Kelly, 2011: 45.

Table 1: Addressees of fourth-century petitions

Petition Addressee	Number of Petitions
Unclear Addressee	39
<i>Prefect</i>	30
<i>Praeses</i>	25
<i>Strategos/Exactor</i>	18
<i>Praepositus Pagi</i>	16
<i>Praepositus Alae</i>	15
<i>Logistes</i>	13
<i>Riparius</i>	11
<i>Defensor</i>	09
<i>Nyktostrategos</i>	05
<i>Irenarch</i>	03
<i>ἐπὶ τῆς εἰρήνης</i> “Supervisors of the Peace”	03
<i>Catholicus</i>	01
<i>Beneficarius</i>	01
Councillor	01

During the earlier Roman period delegation between the prefect and the *strategoi* was a common occurrence in the province. If the prefect felt the case was suitable for judgement at the *nome* level a subscription was affixed to the bottom of the petition for return to the petitioner. The petitioner would then be expected to resubmit their petition to the appropriate official outlined by the prefect.³² During the fourth century the prefect or *praeses* continued to delegate cases to lower-level administrators, either including a brief judgement on the case or alternatively asking the appropriate official to investigate the matter further and levy a decision.

P.Cair.Isid.74 (A.D. 315) records this delegatory process. The papyrus contains the original petition submitted to the regional *praeses* of Aegyptus Herculia, complaining of destruction to his crops.

³² These subscriptions appear from our evidence to have been sent solely from the prefect or municipal officials. We have no examples of subscriptions issued by *nome strategoi* or police officials. Our evidence of subscriptions is slight in comparison to our evidence of direct petitions, with scholars suggesting that many of our surviving petitions are copies that remained with the petitioner, as the original petitions with affixed subscriptions were held within official archives. These copies would not have contained the issued response. Subsequently, many of our subscriptions are also copies of originals. Thomas, 1982: 370-371. *P.Oxy.3.486*; *P.Oxy.7.1032*; *P.Oxy.10.1307*; *P.Oxy.17.2130*; *P.Oxy.17.2131*; *P.Oxy.43.3093*; *BGU.2.582*; *P.Mich.9.534*; *P.Meyer.8*; *PSI.12.1245* for examples of subscriptions from the earlier period. Burkhalter, 1990; Anagnostou-Canas, 2000: 758-65.

Isidorus outlines that he had already appealed to the *praepositus pagi*, however Isidorus petitions the *praeses* citing a need for immediate action. The subscription at the end of the papyrus records the *praeses* orders,

“The *exactor*, in the presence of your adversary will examine the issue between you in accordance with the laws and cause to be done whatever justice requires, unless of course he finds other impediments.”

This subscription underlines that during the fourth century the office of the *praeses* was actively replying to petitioners through subscriptions. The *praeses* clearly delegates the case back to a local administrative level and Isidorus would be required to submit a new petition to the *exactor* to pass his judgement.³³

Returning to the earlier period of Roman rule, these means of delegation may have undermined the judgements applied by lower-level administrators, such as the *strategoï*. Whilst the judicial remit and influence of the prefect was clear to citizens, the delegated judicial authority granted to the *strategoï* may not have appeared as enforceable. We witness repeatedly in resubmitted complaints from petitioners that defendants had failed to comply with the original judgements of the *strategoï*, leading to further engagements with the legal administration. This failure to achieve a positive outcome from one’s complaint, coupled with the initial process or petitioning a higher-level official, just for the case to be delegated back to the *nome* provided a frustrating and time-consuming process. In many of these cases, petitioners may have sought to locate alternative resolutions to their cases, settling with their adversary outside of the legal framework or even abandoning their case altogether.³⁴

Theories surrounding the petitioning processes of Roman Egypt have generated much debate in the academic community. Two opposing theories have contributed to the core debate and are the focus of the wider discussions of legal papyri within this thesis.

Hobson’s 1993 discussion of the impact of law in Roman village life provides a wide-ranging dissection of how imperial law was implanted into village communities and how petitioners could seek to access dispute resolution mechanisms with local officials. Hobson’s “bottom-up” review of the process, utilizing documentation from Soknopaiou Nesos, Tebtunis and Oxyrhynchus, provides a welcome alternative to the traditional theoretical juristic papyrological scholarship which focuses on the legal administrative framework, which held a tendency to focus on the official legal remit of administrators, legal literary texts, and the attempts of the Roman administration to enforce law within the province. Hobson’s approach, therefore, refocused the perspective to that of the petitioner, seeking to understand how the system was utilised by the typical villager. This approach originally appealed to me during my undergraduate studies, feeding into my undergraduate thesis, which focused on the administration of law in Roman Oxyrhynchus. I wholly concur with Hobson that focusing in and undertaking close readings of papyri relating to the legal process from village sites helps papyrologists obtain a clearer understanding of the administrative structures, how they may have been accessed by

³³ Subsequently, higher-level officials, who decided the most relevant action for his case, dictate his integration into the wider administration. However, this removal of control was not wholly negative, in fact the *praeses* order may have spurred the *exactor* to investigate the case sooner, increasing its level of priority.

³⁴ Kelly, 2011: 108-112.

petitioners and what these texts can reveal about the social structures and networks within smaller communities.³⁵

Hobson cites seven stages of the dispute resolution process identified by legal anthropologists which often occur before any interaction with formal mechanisms of dispute resolution,³⁶

1. **‘Lumping it’**: The aggrieved party fails to pursue the grievance and maintains the relationship with the other party.
2. **Avoidance**: Occurs in the instance that one of the parties withdraws directly from the dispute and ends their relationship with the other party (such as via fleeing or, in some cases, the expulsion of an individual from a group).³⁷
3. **Coercion**: The parties utilise the threat of or actual violence to force the opponent to resolve the conflict.
4. **Negotiation**: Parties engage in a dispute settlement via discussions, not involving the intervention of a third party, such as a mediator.
5. **Mediation**: Parties involve the assistance of a third party to facilitate the negotiation discussions and reach a settlement, with the help of this third party.
6. **Arbitration**: A similar process to mediation, with the assistance of a third party. However, the parties agree in advance to abide by the decision of the third-party arbitrator.
7. **Adjudication**: This occurs when a third party, usually part of the state-wide legal administration, intervenes to judge the case, and the decision is binding. One or each disputing parties appeal to this office to ask for their intervention, but the ruling can be assigned without the engagement of both parties.

Hobson concluded that adjudication represented the final mode of recourse for petitioners, once all other types of dispute resolution had been unsuccessful, emphasising that ‘self-help’ methods may have been favoured by petitioners rather than engaging with the formal legal framework. Hobson correctly identifies that petitioners on occasion refer to verbal discussions with their adversary, demonstrated via the inclusion of the term *λογοποιούμενος πρὸς αὐτούς*. This term is evidenced in five pre-fourth century papyri; however, none have survived in the fourth-century corpus.³⁸ Verbal negotiation is also evidenced in a few fourth century papyri from the archive of Aurelius Isidorus, albeit with a more rhetorical slant via the term *δικαιολογησάμενος πρὸς* which refers to “pleading” or “reasoning” from the petitioner to the other party in a bid to resolve the dispute.³⁹

Whilst Hobson’s conclusion that the physical petition represented the final resort for those seeking dispute resolutions, Kelly’s 2011 study correctly stated that often the papyri represent petitioners utilising several dispute resolution methods and, in some cases, petitioners may not have just utilised the petition document as a final resort to begin the adjudication process. Instead, Kelly presents the hypothesis that petitions were sometimes utilised as an informal tool to facilitate negotiations or settle a dispute before the formal engagement of an official. The mere threat of a petition being submitted, and the involvement of state officials resulted in disputing parties seeking to settle their cases.⁴⁰ These

³⁵ Hobson, 1993: 193-219.

³⁶ Hobson, 1993: 199.

³⁷ Roberts, 1979: 65-67.

³⁸ For examples see, *P.Tebt.2.331* (A.D. 12); *P.Oxy.19.2234* (A.D. 31); *P.Mich.5.229* (A.D. 48); *P.Oxy.33.2672* (A.D. 218); *SB.6.9458* (late second century). Hobson, 1993: 205.

³⁹ See *P.Cair.Isid.74* (27th Dec A.D. 315) and *P.Cair.Isid.77* (A.D. 320).

⁴⁰ Kelly, 2011: 260-261.

private settlements are evidenced via agreements known as *dialysis* documents. These documents have not survived in great quantities, with 28 remaining from the Byzantine period; of this, 22 are from the fifth to seventh centuries and 4 from the fourth century.⁴¹ Gagos and Van Minnen's 1994 study focused on the later documents, emphasising the importance of these documents in the resolution of disputes whilst maintaining social relationships within communities. The proliferation of this document following the fourth century may be indicative of a growth in the utilisation of settlements, albeit this is very challenging to assert and may merely reflect a loss of evidence from the earlier period.⁴² Nevertheless, such documents are indicative of the existence and importance of the mediation mechanisms utilised by petitioners to settle their disputes.

The use of petitions as a bargaining tool is clear from a collection of documents from third century Soknopaiou Nesos. Aurelius Pakysis, a landowner discovered that his grain had been stolen from his store. Following enquiries, he identified the two culprits and agreed with them that the matter would be settled following an agreement for compensation. However, the thieves failed to provide the agreed compensation and Pakysis set about drafting four petitions to the *nome strategos* and a local centurion. Whitehorne, in his discussion of the texts, outlined that these documents are unsubscribed, and the versos reused for other documents. Therefore, we may conclude that these documents had been drafted to present to the thieves, threatening to submit them to the *strategos* and centurion. This would, in theory, prompt the thieves to honour their original agreement and avoid the legal process.⁴³

Throughout this thesis I will explore how the evidence demonstrates the different mechanisms utilised by petitioners to achieve resolutions in their cases and whether Hobson or Kelly's hypotheses can be supported by the fourth century evidence. Chapter three explores these hypotheses by examining three separate cases from two core fourth century archives, the Archives of Aurelius Isidorus and Sakaon. The cases relate to three recurrent types of disputes within the papyrological record, contract disputes, animal trespass and water access disputes. The survival of these papyri provides a glimpse into the different stages of the dispute, including the initial petition, delegation from higher-level administrators and further appeals for assistance, following the breakdown of the initial resolution or negotiation. Chapter four builds upon the alternative dispute resolution theories suggested by Kelly and Hobson, in particular investigating how authority figures such as military officials and priests may have provided petitioners with an alternative and informal option for settling disputes via their interventions.

Returning to the standard dispute resolution process, following the receipt of the subscription by the appropriate official or the direct petition to a regional or local official, an investigation of the claim would ensue. Such investigations differed in nature depending on the type of case; for instance, medical examinations of injured parties following an assault were commonplace and conducted by public doctors. Disputes regarding landholdings, inheritance or contractual agreements would require reviews of documentary evidence to define the truth behind a petitioner's claim. Defendants of a claim would be notified of the complaint and granted the opportunity to state their case in a separate petition to the appropriate official. In the case of assaults or debt-related cases, defendants could be detained. Summonses, alternatively named orders for arrest, were utilised by lower-level officials to order policing officials or soldiers to apprehend suspects. Chapter five discusses the importance of policing officials to apprehend defendants and how the papyrological evidence reveals that during the fourth

⁴¹ See *P.Berl.Moeller.1* (A.D. 300); *P.Sijp.11b* (A.D. 350-351); *PSI.8.951* (A.D. 388); *SB.22.15768* (A.D. 364). *P.Princ.2.97* (August 29th A.D. 326 or 327) is a letter that refers to a settlement of claims, in this case the number of pigs required to fulfil the settlement.

⁴² Gagos and Van Minnen, 1994: 40-42.

⁴³ Whitehorne, 2003: 208; Kelly, 2011: 264. See *BGU.1.321* (dupl.= *P.Berol.7081.recto*); *P.Louvre 1.3* (dupl.= *BGU.1.322*) All of the drafts date to the 7th April A.D. 216.

century this remit extended to liturgical officials with no traditional policing role. Furthermore, the role of soldiers as a supplementary police function is explored. Chapter five also presents how specialists, such as public doctors contributed to the investigation of cases and the importance of their contributions for citizens pursuing a case.

If the official concluded that the case required a trial, the parties would be notified and required to attend the appropriate court. During the earlier Roman period, this process would be held either before a local level official, such as the *strategos* or a regional level official, such as the *epistrategos* or the highest court in the province at the prefectural court in Alexandria. The courts of the *epistrategos* were replaced by those of the *praeses* in the fourth century and at the lowest level of the administration the *logistes* and *defensors* became the core administrators to hold trials within the metropoleis. Judicial rulings by administrators were binding and rulings fed into the legal landscape as precedents to be utilised in future trials. Chapter six explores how petitioners engaged with legal administrators if their case resulted in a trial. This discussion surveys how the court of the *praeses* may have augmented access to trials for petitioners in comparison to previous centuries and how the introduction of the *defensor* impacted upon the judicial process and its administration.

Naturally, one would consider that once a judgement had been passed cases were resolved and rulings enforced to the satisfaction of all parties, with said case law forming a wealth of precedent, to be cited by future litigants. However, the papyri reveal that the enforcement of judgements was often a challenge, with parties ignoring rulings or further escalations occurring. In these instances, new petitions were created, referencing the earlier dispute and the resolution process was renewed. Chapter two reflects upon the recurrent challenges faced by the Roman administration to achieve compliance with regulations and individual judgements. This chapter presents how laws were created and shaped, both from the central Roman administration and at a provincial level, via the adoption of precedents and reactive regulations. Chapter one explores the remit of administrators to shape and define provincial law and how they reacted to the challenges of embedding regulations in the province.

Documentation and Thesis Methodology

Papyrological documentation from the fourth century provides a rich range of various types of documentation. Compared to the earlier centuries of Roman rule, the survival of documentation during the fourth century is impacted; however, as table 2 presents, approximately 3177 papyrological documents are available for review and provide a far wider evidence base for documentary evidence than any other Roman province.

Table 2: Papyrological evidence per century

Century	Papyri
30 B.C- 1.B.C	414
First Century A.D.	2709
Second Century A.D.	8855
Third Century A.D.	5907
Fourth Century A.D.	3177

Table 3: Fourth Century Papyri: Document classifications

Document Category	No. of Papyri
Receipts (Including Goods, Taxation, <i>Annona militaris</i> , Delivery reports)	419
Unclear Document type	391
Contracts, Agreements, Leases, Deeds and Loans	355
Official Correspondence/Daybooks/Documentation/Official Reports/Official Letters	269
Petitions, Draft petitions, Imperial responses, and Subscriptions	223
Accounts	208
Private Letters	195
Invoice/Orders for Payment/Sale Documentation	179
Religious Literary and documentary texts	170
Declaration/Oaths/Guarantees/Notifications of Death/Wills	166
Lists (Including items, money, liturgists, property, taxation, Land Assessments)	166
Literary texts (Including Classical literature, poetry, art, comedy)	156
Liturgical/Administrative Nominations and related documents	87
Medical Documents (Treatise, Codices, Prescription, Reports)	51
Judicial Documentation (Court Proceedings/Memoranda/Advocate Speeches)	47
Scientific or Educational Texts	40
Magic related texts (Including spells, amulets, and instructional text)	37
Orders for arrest/Summonses/Bail Documentation	9
Prefectural Edicts/Imperial Ordinances	9
	3177

For this investigation, papyri relating to the legal administrative processes were identified during an initial review of all fourth century papyri. These papyri include the documentation displayed in table 4 and these texts represent approximately 23% of the overall fourth century papyrological corpus.

Table 4: Legal documentation utilised in this study

Fourth Century Legal and Administrative Documentation	Total
Official Correspondence/Daybooks/Documentation/ Reports/Official Letters (Including both general and legal administrative matters)	269
Petitions, Draft petitions, Imperial responses, and Subscriptions	223
Private Letters	195
Judicial Documentation (Court Proceedings/Memoranda/Advocate Speeches)	47
Prefectural Edicts/Imperial Ordinances	9
Orders for arrest/Summonses/Bail Documentation	9
Forensic Medical Reports	7
	759

These documents are a key focus of the thesis; however archival evidence has been utilised to provide an augmented view of the legal administrative processes and the outcomes provided to petitioners. Therefore, other types of papyri contained in these archives has also been subject to a complete review to form an augmented view of disputes, their contexts, and the development of cases. These documents include contracts, loan agreements, taxation receipts and relevant nominations for liturgical roles. The relevant archives utilised by this study are presented in table 5. Relevant pre-fourth century documentation was also reviewed to provide points of comparison and map any key developments which impacted upon petitioners.

Table 5: Fourth century archives utilised in this study

Archive	Archive Date Range	Total Texts
Aurelius Isidorus	A.D. 267-324	175
Aurelius Sakaon	A.D. 254-343	76
Flavius Abinnaeus	A.D. 325-375	89
Apa Johannes	A.D. 350-399	27
Ammon	A.D. 281-366	126
Theophanes	A.D. 300-325	40
		533

Archival evidence provides a wider view of the socio-economic lives of citizens and their surrounding social networks. In addition, from the legal perspective, archives provide historians with the ability to map the petitioner's journey across cases, which leads this study to form stronger conclusions regarding the outcomes experienced by petitioners.

Whilst this evidence is illuminating, it should be recognised that archival evidence represents individual, familial groups from certain geographical areas. Therefore, this evidence may not be typical of the entire papyrological corpus, and regional variations must be appreciated when drawing our overall conclusions. Therefore, this study has used this evidence as a jumping-off point for discussing themes or topics, weaving in wider evidence to support or discount hypotheses.

Petitions are the core texts within our corpus for demonstrating the legal processes in fourth-century Roman Egypt. However, the wider legal documentation provides an augmented view of the legal processes and their efficacy.

Table 6: Petitions Per Century

Century	Petitions	All Papyri
30 B.C- 1.B.C	18	414
First Century A.D.	131	2709
Second Century A.D.	261	8855
Third Century A.D.	151	5907
Fourth Century A.D.	193	3177
Total	754	21062

Challenges and Limitations of the Papyrological Data

The examination of the papyrological data identified some key limitations of our data set, such as geographical and chronological disparities in the survival of papyrological data and skewed demographic representation across the corpus. Such limitations represent a perennial challenge for papyrologists, however in this study our focus on the petition document, provided a further methodological challenge as these documents provide very standardised and conventional narratives, resulting in the reader having to tread carefully when handling the information provided by petitioners. This discussion will now set out the different challenges faced, and the approaches taken by this study to manage these limitations whilst providing meaningful conclusions from our data set.

Data Limitations: Convention and Case Narratives in Petitions

Kelly's analysis revealed that much of the information provided in the narrative of cases is similar in formulae due to the use of scribes to create the conventional petition document.⁴⁴ The use of standard stock phrases is clear within the narrative of events in papyri from the earlier period onwards. These phrases are used in varying ways; however, they seem to be used often to address the injustice against the petitioner and their subsequent suffering. In cases of assault stock phrases often appear concerning the brutality of the described account, in particular petitioners often state that the attack "nearly killed" the victim or that the petitioner is "bordering on death", as stated in *P.Herm.20* (fourth century A.D.),

"...for as long as I happen (?)... her... with my relatives too by a certain Pemunis... and Anubion, an athlete, and Hermeias and Euthymia. For these persons, in collaboration with each other, set upon my said brother along with my said relatives and gave them a sound thrashing, so that the marks of the blows laid upon my said brother are even visible and he is in danger of disappearing from men."⁴⁵

Furthermore these phrases are clear also in, *P.Cair.Isid.65* (A.D. 298-299), a petition from Aurelia Taesis concerning an inheritance dispute with her uncle,

"Under these circumstances, while I was still a minor, I took no action, but when by God's providence I had become of age, I deemed it necessary to bring suit against the same aforesaid Chaeremon concerning my paternal inheritance, which he retains in his possession. And once and a second time, when I petitioned the beneficiarius who was entrusted with the dedarchy, he ordered him to restore whatever he had appropriated, but he did not do so. Yesterday, which was the 24th, his daughters Kyrillous, Tasoucharion, Taesis and..., and their mother Thatres...attacked me with blows, dragged (?) me around by the hair, tore my clothing to pieces and left me prostrate on the ground. (All this they did) in the presence of Hol and Casius, officials of the same village, who rescued me from the women(?)..."

The petitioner in this text recounts in detail the level and severity of the assault, using stock phrases such as "attacked me with blows"; whether this description is completely accurate is difficult to assess. *P.Abinn.57* (A.D. 346), provides another example of the use of stock phrases to exemplify the severity of the assault. This petition is addressed from a landowner and *ex-praepositus* Aurelius Uranius who complains of sheep-rustlers attacking him following his confrontation of their actions,

⁴⁴ Kelly, 2011: 48.

⁴⁵ The next line in the petition reads, "And I have presented a petition to your reasonableness on another occasion also against them, and there was an official judgment on this matter..." This suggests that the petitioner to bolster this claim, subtly undermined the character of the accused by citing a previous case waged against the accused.

“To Flavius Abinnaeus, *praefectus alae* of the troops in the camp of Dionysias, From Aurelius Uranius, son of Dalmatius, *ex-praepositus*, landowner in the village of Theoxenis. On the 14th of the present month Choiak, while I was walking round my fields, Dioscorus, son of Paul the Libyan, said to me ‘Peter son of Agaon and two brothers with him rounded up the sheep and appropriated the hay’. And I spoke (?) to them and they all three attacked me with clubs on the outskirts of Hermopolis, and (nearly) killed me with these blows. Wherefore I ask and beseech your humanity to apprehend these men.”

This extract again evidences the use of stock phraseology to exemplify the severity of the attack placed on the victim, exaggerating the need and urgency for the intervention of the legal official. One must avoid taking these petitions at face value.⁴⁶ Especially as we only have one surviving account in most cases, therefore these petitions may merely express one version of the actual event and of course this account is likely to be biased. Byren’s discussion labels these constructive narratives as “fictions”, applied to persuade officials of the distress inflicted, rather than the forensic retelling of events.⁴⁷

Forms of rhetorical phraseology are also found in cases not relating to assaults, in fact scholars have noted that fourth century petitions, pertaining to other forms of legal dispute contain a greater augmentation of rhetorical phraseology placing an emphasis on the suffering of petitioners. These phrases are not standard, like those discussed previously but are expressed in varying ways, for instance in *P.Ryl.4.617*, *P.Ryl.4.618* and *P.Ryl.4.621* (All A.D. 317), three petitions addressed to the emperor from three different petitioners. These three petitions contain the same phrase in line 3,

“δέησις καὶ ἰκεσιὰ” (appeal and supplication)

This line stands alone in the papyrus, potentially being applied as a method of subtle appeal, prior to the description of the complaint.⁴⁸ This phrase is not recorded in any earlier papyri, only appearing in later sixth century petitions, in particular nine papyri from the archive of Dioscorus with dates ranging from A.D. 500-568.⁴⁹ Thus one may conclude that this phrase was not a conventional phrase being used in the fourth century, rather it most likely represents a form of subtle rhetorical appeal being applied by the scribe.

This rhetorical style is not only clear in petitions to the highest levels of the legal administration, but is also used by individuals from villages, applying for regional level assistance in cases concerning

⁴⁶ We cannot just accept all these descriptions as reflecting upon the society itself, for instance these statements do not necessarily mean that Roman Egypt was a violent society, these examples may be isolated events, not a true representation of more frequent crimes, such as robbery or petty theft. Kelly, 2011: 05.

⁴⁷ Byren, 2008: 182.

⁴⁸ One can reject the idea that this phraseology reflects a form of common contemporary expression applied by *scholastici*, this is supported by the absence of the phrase in the archive of Ammon (A.D. 281-366).

⁴⁹ One papyrus from the fifth century contains the phrase, *SB.14606* (A.D. 425-430). For sixth century examples in the archive of Dioscorus see, *P.Cair.Masp.1.67002* (A.D. 567); *P.Cair.Masp.1.67003* (A.D. 567); *P.Cair.Masp.1.67004* (A.D. 567); *P.Cair.Masp.1.67005* (A.D. 568); *P.Cair.Masp.1.67006* (A.D. 566-570); *P.Cair.Masp.1.67007* (A.D. 567-568); *P.Cair.Masp.1.67008* (A.D. 567-568); *P.Cair.Masp.1.67015* (Sixth century A.D.); *P.Cair.Masp.3.67279* (A.D. 567). For additional non-archival examples see *P.Lond.5.1677* (A.D. 568-570); *P.Muench.3.1* (sixth-seventh centuries A.D.); *P.Oxy.1.131* (sixth-seventh centuries A.D.); *P.Oxy.27.2479* (sixth century A.D).

maladministration.⁵⁰ *P.Cair.Isid.68* (A.D. 309-310) provides a petition from a landowner, Aurelius Isidorus,

“To...the *praepositus* of the 5th *pagus* of the Arsinoite *nome*, from Aurelius Isidorus, son of Ptolemaeus, of the village of Karanis in the *pagus* under your jurisdiction. The laws forbid actions aimed at ruining us, the people of small means, and driving us into flight. Now, I myself, who am in every way a man of small means, am suffering violence and injustice at the hands of Heon, Paesius, Horion, and Achilles, the secretary of the said village of Karanis...”⁵¹

In this petition, Isidorus appeals to the regional *praepositus pagi* to intervene at village level, due to the corrupt practices of the village secretary and other local individuals. Isidorus uses loaded terminology to display his suffering, whilst also reminding the *praepositus pagi* that he is merely a man of “small means”, exaggerating his dependence upon the intervention. The studies of Bagnall and Kehoe have both revealed that, contrary to Isidorus’ statement, he was not “a man of small means”. In fact, by A.D. 310 census documentation reveals that Isidorus’ landholdings were around 140 *arourae* of land.⁵² Therefore, we can suggest that this statement was purely used as a form of rhetoric to exaggerate his need for assistance from the official.

Female petitioners also utilised language centered on vulnerabilities such as weakness, widowhood and orphanhood. *P.Sakaon 36* (A.D. 280) records a petition from a widow, Aurelia Artemis to the prefect. Within the introductory address Artemis emphasizes her vulnerability, eliciting pity whilst reminding the prefect of his moral obligations,

“To Hadrianus Sallustius the most eminent prefect, from Aurelia Artemis, daughter of Paesios, from the village of Thraso of the Arsinoite nome: Perceiving your love of moderation, my lord governor, and your care for all, especially for women and widows, I approach you, thinking myself worthy to receive aid from you.”

Artemis continues to narrate her complaint, namely the theft of sheep and goats of her deceased husband, employing further references to her widowhood and her “orphan children”. From the *Sakaon*

⁵⁰ Brown has suggested that the use of rhetorical language in petitions from elite official increased during late antiquity. Brown, 2002: 81-84. This is supported by documents from the archive of Ammon (A.D. 261-366). This archive contains a collection of documentation referring to the business dealings and family of the mid fourth century A.D. *scholasticus* Ammon. These papyri, which were written by Ammon himself, show a sense of rhetorical formulation, used, in the opinion of Van Minnen, as a demonstration of Ammon’s ability to write in a highly professional manner, applying his education in oratory. Van Minnen, 2002: 177-199. The earlier cited, *P.Ammon 1.12.II.1-8* (A.D. 348), a draft petition from Ammon, written for the attention of the *catholicus* is highly rhetorical; This highly sycophantic extract reveals again the level of rhetoric applied by elite officials, in petitions, especially those directed towards the highest levels of administration.

⁵¹ Adams, 2004: 83-85. Adams suggests that continued maladministration was a great burden on the provincial population, these issues clearly had an impact on the stability of the province, playing a role in the revolt of Domitius Domitianus in A.D. 297. This revolt posed a serious threat with many individuals rallying to his support. Subsequently the ability of administrators such as Isidorus to submit complaints concerning local mal-administrative practice was essential.

⁵² See *P.Cair.Isid.69* (A.D. 310). Bagnall, 1978a: 9-16; Kehoe, 1992: 158-165.

corpus one can conclude that Artemis was from the propertied class of Theadelphia and had a wider family network via the marriage of her daughter to Aurelius Sakaon, thus her vulnerability appears exaggerated. Such narratives were utilised often within earlier Roman and fourth century petitions. However, following the fourth century the utilisation of widowhood to elicit pity or empathy becomes largely omitted from petitions. Bagnall has suggested that these status indicators became reduced in favor of arguments based on legal precedent and how this related to the case events/narrative.⁵³ Therefore one may suggest that this form of expression holds similarity to the phrase used in the Theophanes petitions. These petitions, even though they all contain rhetorical flourishes are not “standard” in content and the phraseology varies between petitions, undermining the idea that a standard template was always used in the narrative of the petitions.

Nevertheless the expressions used in *P. Cair. Isid. 68* (A.D. 309-310) reveal that rhetoric was becoming increasingly prevalent in later Roman petitions. Texts such as these support Macmullen’s idea that local level administrative language became inflected with the “language of the higher administration”.⁵⁴ One could suggest that this adoption of rhetorical language was a natural progression, with its usage becoming gradually augmented as the Roman administration drew more citizens into the wider local and regional administration. These elites would no doubt have picked up these strands of language and adopted them for their own documentation, especially when addressing higher-level administrators. Therefore, we must be cautious when using these petitions to explore the social history of criminality within the province.

Data limitations: Survival and dating restrictions

One core challenge faced by this investigation is the skewed survival rates of papyri between the first and second half of the fourth century. Table 7 illustrates that 57% of our datable evidence originates from the first half of the fourth century, whilst only 16% emanates from the second half. This disparity raised the question of whether this study should solely focus on the legal papyri from the first half of the fourth century? On reflection, I concluded that the evidence and wider discussion from the later fourth century, whilst more limited, provides interesting insights in areas such as the lower-level policing structures in the province. Therefore, this study includes evidence from across the fourth century, albeit the discussion reflects more detail on the earlier half of the century and wide-ranging statements must be avoided when making conclusions.

⁵³ Fensham, 1962: 132; Kotsifou, 2012: 317-327; Kovelman, 1991: 135-137; Bagnall, 2004: 56-57; Rathbone, 2006: 103-105.

⁵⁴ Macmullen states: “Minor bureaucrats provided a link of another sort, between the upper central government and provincial society... the great number of officials and the conspicuous presence in the larger houses and senate meetings of municipal aristocracies as in the land registers and villages of rural life, brought the customs of the capital down to a lower level. Thus, for instance, the inflated government language of Constantinople began to infect the private correspondence of a village scribe.” Macmullen, 1964: 311; Macmullen, 1962: 368-371.

Table 7: Fourth Century Papyri- Date Skew

Date range	Papyri	Percentage of overall surviving documentation
A.D. 300-349	1805	57%
A.D. 350-399	507	16%
A.D. 300-400 (Specific dating unclear)	865	27%

Table 8: Fourth Century Petitions- Date Skew

Date range	Number of petitions	Percentage of overall fourth century petitions
A.D. 300-349	147	77%
A.D. 350-399	26	13%
A.D. 300-400 (Specific dating unclear)	20	10%

Data limitations: Geographical distribution of evidence

Whilst Roman Egyptian papyri provide a wealth of documentary evidence, one must approach the texts carefully, accounting for the geographical disparities of our surviving texts. Roman period papyri have only survived from certain geographical areas, with most of our surviving evidence originating from the Oxyrhynchite, Hermopolite, Arsinoite and Herakleopolite nomes. Fourth century papyrological evidence presents a similar survival pattern with most texts from the Oxyrhynchite and Hermopolite. The survival of the archives of Aurelius Isidorus and Sakaon emanating from the Fayum villages, such as Karanis, Theadelphia and the archive of Ammon from Panopolis, results in a dominance of texts from these sites during the first half of the fourth century.

More recent excavations have provided additional texts from the more distant communities of the Dakhleh and Kharga Oasis, providing us with a glimpse into the villages of Kellis, Mothis and Kysis, amongst others within the Great Oasis region. Whilst many of these papyri do support consistent approaches to administrative structures, there are glaring omissions of documents commonly attested

to in the wider papyrological evidence, such as papyri recording contractual land leases from the vicinity of Kellis. Whilst landlords and cultivator-tenants are recorded within the papyri from Kellis and the wider Dakhleh Oasis, the evidence relating to their formal and contractual relationships is absent, as we see recurrently evidenced in settlements closer to the Nile.⁵⁵ Bagnall suggests that this peculiarity is likely a result of the need for greater private capital investment required in the Dakhleh for the creation of new wells to support the trade of olives and cotton, an investment made by richer entrepreneurs than smaller village landowners, which was more common in the Nile Valley.⁵⁶ Bagnall argues that the rapid development of the area in the early Roman period, evidenced further by the existence of larger second century houses in Kellis, indicates a greater polarisation of wealth and inequality than demonstrated within the Nile valley. The settlements built around wells represented new and rapidly developed economic enterprises structured around landlords, managers, tenants, and employees, which must have developed into a hierarchical and collegial system.⁵⁷

Geographical distance from administrative centres has historically played an important role in accessing judicial support. It has, in many societies, resulted in the creation of localised customary legal structures, such as the Jirga system, more commonly utilised in more remote areas of Pakistan and the Pashtun region of Afghanistan. Such regional differences can lead to an inconsistent application of the law for citizens, focusing on long-standing localised customary practices rather than formal codified regulation, which is often applied to those citizens of the main urban centres.⁵⁸ Whilst the introduction of the regional *praesides* may have provided better access to regional judicial structures for those in the Nile Valley, physical access to a *praeses* represented an approximate 300-kilometre journey for those from the Dakhleh Oasis.⁵⁹ One may hypothesise that this geographical distance could have resulted in a disengagement from the formal petitioning and judicial framework. In contrast the surviving petitions from Oasis Magna reveal that citizens were actively petitioning the highest regional official, the

⁵⁵ Worp, 1995: 92; Bagnall, 2022: 130-131.

⁵⁶ Bagnall, 2022: 130-131.

⁵⁷ Bagnall, 2022: 130-131.

⁵⁸ The Jirga system in countries such as Afghanistan and Pakistan has become a central judicial centre within remote communities. Elders from the community form the Jirga's members and pass judgement over cases. In contrast to the official regulations set forth by the central government (particularly in response to human rights legislation) Jirga's often employ customary and religious laws to pass judgement. Such application of laws has often resulted in inhumane and archaic judgements being passed on guilty parties, often with a striking lack of evidence and investigation into claims. Such judgements have faced harsh criticism from international human rights organisations and from the central governments of these countries and often women are disproportionately impacted, often being offered as a bargaining tool in settlement agreements. In the most extreme cases of sexual violence against women certain customary laws allow for male family members to 'settle the score' and perform the same form of sexual violence upon one of the women from the guilty party's family. The application of customary and religious laws such as these contravene the official legal codes and in Pakistan the central government have been forced to travel to very remote areas to perform investigations following the implementation of particularly barbaric punishments. These governmental officials have been met with distrust and a lack of cooperation from villagers, in some cases leading to investigations failing. Observers state that the remoteness of these villages from urban centres has presented major challenges for the central government to achieve compliance and ensure that elders are enforcing the formal legal codes. The Kohistani case is representative of the challenges faced by human rights whistle-blowers in Pakistan. Brohi, 2017: 5-52. Brohi's work on the Jirga system in Pakistan provides a wide-ranging review of the system and the impact on women, utilising case studies to demonstrate the disproportionate threat to women's rights within village communities in Pakistan. Igbinedion, 2009 provides a detailed overview of the legal systems within Afghanistan and how the different judicial forms are distributed geographically. Lau, 2003: 7-24 explores the legal system within Afghanistan and its compatibility with International human right legislation.

⁵⁹ Connor, 2022: 172-173. Antinoopolis served as the *praeses* of the Thebaid's headquarters during the fourth century. Lallemand, 1964: 45-47.

praeses. In fact, of the eight petitions, six are addressed to him, suggesting that local administrators may not have been favoured over the *praeses*. Nevertheless, petitioners may have considered the submission of their petition to the *praeses* as merely the initial step in obtaining a delegation of the case to a local official, undermining the geographical barrier. *P.Kell.1.23* (A.D. 353) provides a good example of such a process, as in this text, the petitioner includes a clear request for the *praeses* to order the local *exactor* to deal with his case.

Table 9: Petitions from Oasis Magna (Late third and fourth century)

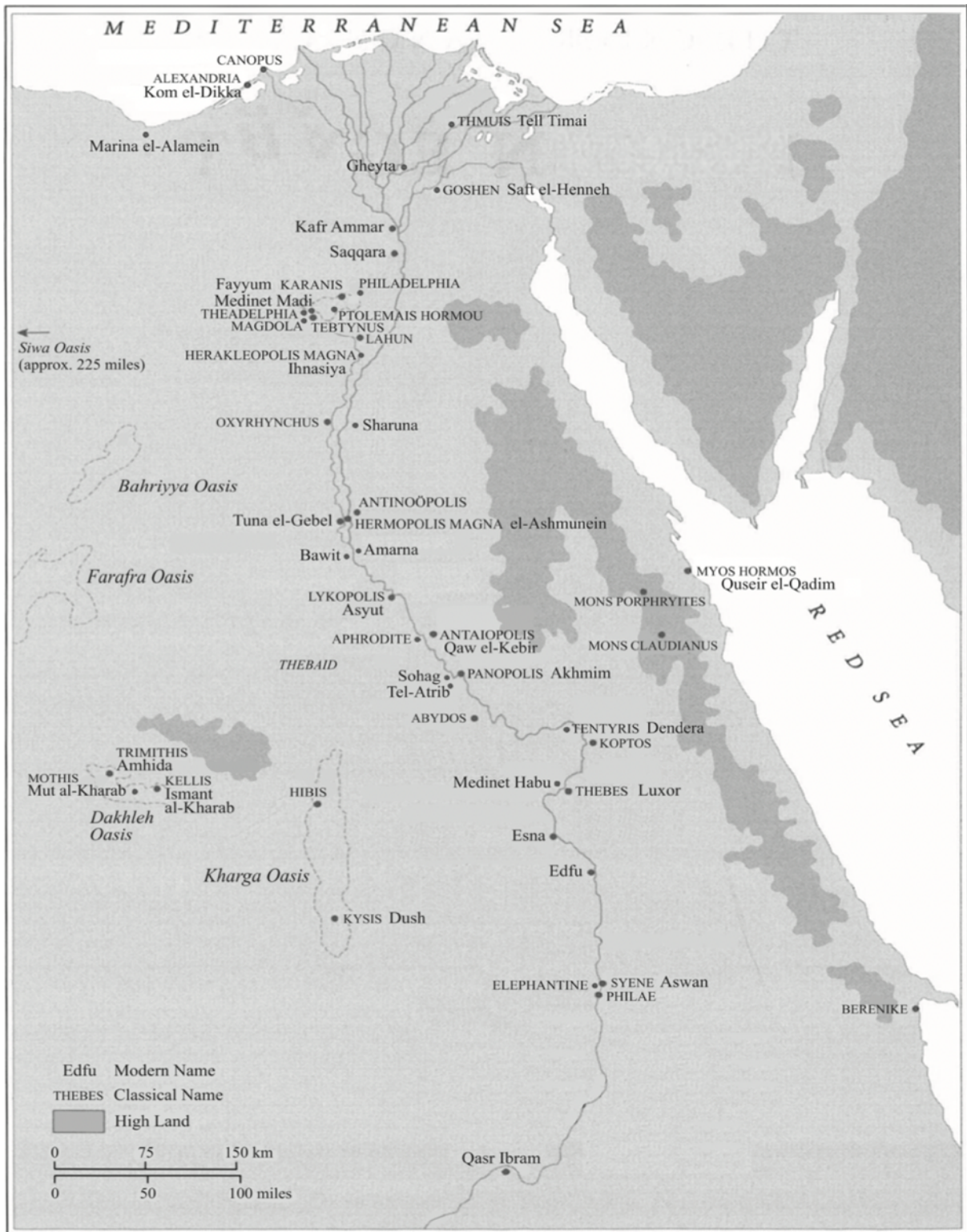
Papyrus	Date	Provenance	Addressee
<i>P.Kell.1.19a</i>	A.D. 299	Kellis	<i>Praeses</i>
<i>P.Nekr.22.V</i>	A.D. 298-314	Hibis	<i>Praeses</i>
<i>P.Nekr.38.</i> ⁶⁰	A.D. 307	Kysis	<i>Praeses</i>
<i>P.Nekr.35</i>	A.D. 307	Kysis	<i>Praeses</i>
<i>P.Kell.1.20</i>	A.D. 300-320	Kellis	<i>Praeses</i>
<i>P.Kell.1.21</i>	A.D. 321	Kellis	<i>Defensor</i>
<i>P.Gascou 69</i>	A.D. 325-330	Kellis	<i>Exactor and riparii</i>
<i>P.Kell.1.23</i>	A.D. 353	Kellis	<i>Praeses</i>

Smaller numbers of papyri from locations with monastic communities such as from the archive of Apa Iohannes from Lycopolis provide some insight into the relationship between civilians living in neighbouring communities and potential hierarchical networks.⁶¹ These papyri enhance the ability of scholars studying the fourth century to form comparative examples, identifying trends and similarities, particularly from archival data, whilst also identifying some examples of clear differences, such as we see in our documentation from Kellis.

This study is mindful that any conclusions cannot be automatically applied to the entire province, due to the unfortunate absence of papyri from certain geographical areas. Furthermore, our surviving evidence is likely to represent a fraction of the documentation which was produced in antiquity. Therefore, large collections of data and insights revealing facets of the legal administration and its processes may be unfortunately lost to antiquity. Thus, this thesis cannot and does not propose to provide an absolute reconstruction across the province.

⁶⁰ Previously published at *P.Grenf.2.78*; *P.Lond.3.718*. See Bagnall, 1997: 149-151 for the text's connection to the archive of *Nekrotaphoi*.

⁶¹ For Greek texts that form the archive of Apa Iohannes see; *P.Herm.7-10*; *P.Amh.2.145*; *SB.18.13588*; *SB.14.11882*; *SB.18.13612*; *P.Lond.3.981*; *P.Misc.Inv.2.98a*; *P.Misc.Inv.2.70*; *P.Misc.Inv.2.179a*; *P.Misc.Inv.2.11a*; *P.Misc.Inv.2.20a*. For the Coptic texts see; *P.Ryl.Copt.268-274*; 276. For key discussions of the archive see Choat, 2017: 37-40; Gonis, 2008: 69-85; Zuckermann, 1995: 183-194; Papaconstantinou, 2010: 92-95; Wispycka, 2009: 83-85; Van Minnen, 1994: 80-85.



Map 1. Map of Egypt (From Hope. C., and Bowen. G. (eds.) *Kellis: A Roman-Period Village in Egypt's Dakhleh Oasis*. Cambridge: Cambridge University Press).

Data limitations: Demographic representation in the Papyrological record

Demographic representation in the papyri has been a subject of great discussion within the field of papyrology, with debate focused on whether our evidence of petitioner engagement with the legal administration fully represents the different social groups from Roman Egypt. Bagnall and Criboire have commented that some evidence reveals that the poorest strata of society may not have had the resources available to instruct scribes to create their initial petition, whilst the potential costs of travel and time away from their homes (resulting in an inability to tend to land or perform occupational requirements) for any trial may have led to a limited or reduced engagement from the poorer social strata.⁶²

Archival evidence from the fourth century supports the theory that petitioners emanated from the wealthier propertied class who, via their business and liturgical roles, maintained social relationships with the nearest metropolis. Such activities naturally resulted in the creation and collation of documentation which may have been stored by the familial group to be utilised for future disputes.

In contrast, however, more recent scholarship has tended to take a more balanced view of the inherent costs involved in creating petitions; for instance, Kelly has suggested that such costs were not enormous and may have represented a few obols, based on evidence from the *grapheion* of Tebtunis in the first century.⁶³ In addition, petitions, overall, do appear to represent a wider range of the population than previous studies have appreciated, including a vast range of individuals from Roman Egyptian villages. Of course, there are notable gaps in the papyri from a demographic perspective, such as unskilled labourers and those who operated socially disconnected occupations, such as shepherds.

Female participation in the legal system and their subsequent representation is also more limited within the surviving papyrological evidence. Petitions from women (independent of a male representative) represent 16% of the surviving evidence.⁶⁴ Bagnall has demonstrated that the surviving corpus of petitions from women declined from previous centuries. For the period 400-641, a further decline can be identified, with only 11% of petitions addressed originating from women.⁶⁵

Many of these petitions originate from widows or women involved in marital disputes. However, the papyri reveal that it was more common for female petitioners to submit their complaints via a male family member or representative. It's essential to recognise that, similarly to the wider judicial evidence, those women engaging with the legal system were more likely to have been part of the propertied classes.⁶⁶

Literate women and those of a higher socio-economic position had a better opportunity to engage with the judicial process. Literate females even drafted their petitions for submission as demonstrated by

⁶² Bagnall and Criboire, 2006: 317-318; Van Minnen, 1994: 244; Hobson, 1993: 212-214. *P.Mert.2.83* (A.D. 175-199) provides an example of a petitioner alluding to the inconvenience of travelling to Alexandria to attend the court of the prefect.

⁶³ See *P.Mich.2.123* (A.D. 45-46) and *P.Mich.5.240* (A.D. 46-47). Kelly, 2011: 160-162; Hobson, 1993: 198.

⁶⁴ The division of gender within fourth century petitions presents the dominance of male participation; 69% of the petitions were sent by male petitioners. 16% originate from female petitioners and 15% of the petitioners cannot be ascertained due to the fragmentary or damaged nature of the papyrus.

⁶⁵ Bagnall, 2004: 54-57. This decline is mirrored by a similar decline in letters from women, as they noticeably are absent from Greek private letters after the fourth century. Bagnall's ideas stand in contrast to earlier hypotheses of Beaucamp, 1992 and Arjava, 1996 who both concluded that the legal position of women remained consistent throughout late antiquity.

⁶⁶ Beaucamp, 2002: 22-40.

P.Oxy. 12.1467 (A.D. 263). This petition records an example of a literate female petitioner submitting a petition to the prefect, asking for her exemption from guardianship. Aurelia Thaisous explains that her exemption is legitimate according to her rights of the Lex Julia, emphasising her competency to represent herself due to her ability to read and write.⁶⁷ Four petitions from the fourth century record that literate female petitioners drafted their own petitions. Interestingly surviving post-fourth century petitions include much higher levels of women drafting and submitting their own petitions, with nearly all subscribed petitions from women bearing the signature in the women's hand. Bagnall has suggested that this increase may indicate that during the fourth century petitions from women originated from a more diverse socio-economic range than the later documents- which originate from only literate women.⁶⁸

It is reasonable to conclude that socio-economic status may have factored into a woman's ability to access the judicial system and particularly the ability to attend a court away from her home. Papyri demonstrate that petitioners were required to spend months away attending to judicial matters and, in some extreme cases, up to a year, such as in the case of Dionysia, a female petitioner from Oxyrhynchus. The latter requested permission from the prefect to return to Oxyrhynchus from Alexandria in A.D. 131.⁶⁹ Such long periods away from occupations or family was unlikely a possibility for the poorest women within the province.

Geographical considerations may have also played a role in the frequency of petitions submitted by women. For instance, papyri from the Dakhleh Oasis reveal that many citizens from this region routinely conducted business within the Nile Valley *metropoleis*, leasing rooms within sites such as Aphrodite and contributing to a thriving 'ex-pat' community. Most of these absentees were male, and their absences may have led to a notable skew in the proportion of women residing within the remaining population. Bagnall has suggested that due to these absences women may have held further remit for managing business matters within their local communities, plugging the gap for absent male figures. Therefore, it would be reasonable to expect higher levels of petitioning and engagement in the judicial system. However, the surviving papyri do not support this theory, as the remaining six papyri are all sent by male petitioners. The absence of female petitioners is an unlikely reality and, unfortunately, further texts have not survived from antiquity.

⁶⁷ *P.Oxy.* 12.1475 (A.D. 266) an application for a sale of land by Aurelia may reveal that her request to the prefect was successful. Sheridan, 1998: 198-199; Salmenkivi, 2017: 65-70.

⁶⁸ Bagnall, 2004: 56-57.

⁶⁹ *P.Oxy.* 3.486 (10th October A.D. 131).

Table 10: Petitions from Oasis Magna (Late third and fourth century)

Papyrus	Date	Provenance	Addressee	Gender of Petitioner
<i>P.Kell.1.19a</i>	A.D. 299	Kellis	<i>Praeses</i>	Male
<i>P.Nekr.22V</i>	A.D. 298-314	Hibis	<i>Praeses</i>	Male
<i>P.Nekr.38</i> ⁷⁰	A.D. 307	Kysis	<i>Praeses</i>	Male
<i>P.Nekr.35</i>	A.D. 307	Kysis	<i>Praeses</i>	Male
<i>P.Kell.1.20</i>	A.D. 300-320	Kellis	<i>Praeses</i>	Male
<i>P.Kell.1.21</i>	A.D. 321	Kellis	<i>Defensor</i>	Male
<i>P.Gascou 69</i>	A.D. 325-330	Kellis	<i>Exactor and Riparii</i>	Male
<i>P.Kell.1.25</i>	A.D. 353	Kellis	<i>Praeses</i>	Male

Furthermore, types of crime which disproportionately impact women are notably absent from the evidence. Sexual assault and rape are infrequently mentioned, with the verb ἀρπάζω often utilised to indicate that the victim had been violated.⁷¹ Often vocabulary relating to violence coupled with the word “adultery” may also be a subtle indicator of sexual violence within the papyri, as evidenced by a petition sent in 326 from a citizen of Antinoopolis,

“Now a certain Antinous of the same city, a headstrong fellow, as though taking advantage of my good nature [...] yesterday [...] our house [...] to commit adultery.”⁷²

Careful consideration must be given to texts that reference crimes of this nature to unpick the underlying narrative. I have identified nine papyri from the Roman period that may be indicative of sexual assault, however such a small figure is clearly not representative.⁷³

In addition, rape and sexual assault may be underreported within the papyri due to the existence of alternative resolution mechanisms, such as the phenomenon of abduction marriage. This practice still sadly prevails within the modern era, remaining legal within twenty countries and in the United States marriage is still utilised as a legal mechanism allowing offenders to avoid criminal charges for statutory

⁷⁰ Previously published at *P.Grenf.2.78*; *P.Lond.3.718*. See Bagnall, 1997: 149-151 for the text’s connection to the archive of *Nekrotaphoi*.

⁷¹ The latin equivalent is *rapio*. Whitehorne, 1979: 240-247; Byren, 2013: 113; Montserrat, 2011: 83; 103. The rape and sexual assault of both young boys and women by monks is attested within Christian literature from Egypt, see Rousselle, 1988: 144-145.

⁷² *P.Ant.1.36* (6th June A.D. 326).

⁷³ *BGU.3.871* (second century A.D.) this papyrus relates to an assault on a male child; *P.Oxy.36.2758* (A.D. 110-112); *P.Oxy.50.3581* (A.D.125); *SB.4.7449* (A.D. 130); *PSI.893* (A.D. 315); *P.Kell.1.21* (A.D. 321); *P.Ant.1.36* (6th June A.D. 326); *P.Sakaon 48* (A.D.343); *P.Oxy.16.1837* (sixth century A.D.).

rape.⁷⁴ In chapter four, the phenomena of abduction marriage is explored in relation to the wider discussion on methods of alternative dispute resolution.

Perceptions and attitudes towards domestic violence appear to have varied across the Roman Empire, with scholars suggesting that in the western empire, domestic violence was perceived as an acceptable form of maintaining family discipline and contributing to a husband's or male family members' masculinity and status. However, Roman Egyptian papyri present revealing instances of wives seeking assistance and publicly renouncing their husbands or male family members for violence, citing legal precedent which allowed for divorce if violence was frequent and severe.⁷⁵

Again, the small number of documents referencing domestic violence is unlikely to be representative of the number of cases that existed in antiquity. An interesting clause included in divorce agreements may also indicate why domestic violence cases between husbands and wives are not more common within the surviving papyri. Lines 27-31 of *P.Lips.27* (A.D. 123) records a statement within a divorce agreement that indicates that upon the completion of the agreement no further legal action can be taken against the parties,

“And that they will not bring charges against each other {about} any aspect of the things connected with the marriage nor about any matter in general up to the present day.”⁷⁶

Divorce agreements and these clauses, prohibiting parties from raising additional charges represent a form of negotiation and one may imagine that many partners may have preferred to agree to these types of settlements, achieving divorce and in some cases the return of dowries (for female parties) than proceed with a lengthy court battle to achieve their aims, even at the risk of conduct from one party not being disclosed. Such statements are recurrent within fourth century divorce settlements and provide an interesting viewpoint into alternative dispute resolution methods.

Considering the social consequences of sexual crimes and domestic violence, their underrepresentation is not surprising. Modern legal systems still face vast challenges regarding the prosecution of such cases in modern jurisdictions. Furthermore, the efforts of charities and judicial organisations to encourage further reporting of these crimes by victims still faces serious barriers and challenges. In that case, one

⁷⁴ Roost, Horn and Koski, 2022: 72-77.

⁷⁵ For examples of domestic violence and appeals from women for judicial intervention see; *P.Oxy.2.281* (A.D. 20-50); *BGU.4.1105* (A.D. 29); *CPR.1.24* (A.D. 136); *P.Oxy.6.903=C.Pap.Jud.3.457d* (fourth century A.D.); *P.Amh.2.141=Chr.Mitt.1.26* (A.D.350); *P.Lips.1.39=M.Chr.127* (A.D. 390); *P.Oxy.50.3581* (late fourth or early fifth century A.D.). Evans-Grubbs, 2002: 212-215; Boozer, 2021: 93-102.

⁷⁶ *P.Lips.27.11.27-32* (A.D. 123). For additional examples of this statement within divorce agreements see; *BGU.4.1102* (13 B.C); *P.Dura.32* (A.D. 254); *P.Grenf.2.76* (A.D. 305-306); *P.Stras.3.142* (A.D. 391). Evans-Grubbs, 2002: 210-218. Within late antique divorce agreements, “evil daimons” are blamed for the breakdown of marriage, whilst Beaucamp has suggested that the ‘daimon’ could be representative of either a mental condition or the suffering of epilepsy on the wife’s part, one could suggest that daimons could also represent dysfunction, potentially violence within the relationship by either party within the relationship which contributed to the breakdown in the marriage. See *P.Grenf.2.76* (A.D. 305-306); *P.Cairo.Preis.2* (A.D. 362); *P.Stras.3.142* (A.D. 391) for some fourth century examples. Beaucamp, 1992; Bagnall, 1987: 55-6; Rupprecht, 1998: 69; Evans-Grubbs, 2002: 212-215.

can certainly accept that in a pre-modern and patriarchal system of Roman Egypt, reporting such crimes would have been substantially reduced and therefore less represented in the papyrological evidence.⁷⁷

⁷⁷ Rape and sexual assault remain highly underreported in the modern era evidenced by the Office of National figures released in 2021. These stated that fewer than one in six female victims and fewer than one in five male victims between the ages of 16 and 59 reported their assault to police. Office for National Statistics, 2021:14-15.

Chapter 1:

Fourth Century Administrative Divisions and Judicial administrators

This chapter discusses the administrative divisions of Roman Egypt from the late third century to the end of the fourth to outline their impact on the centralised and local level administration. The papyrological evidence for the period examples presents how the administrative landscape evolved, and this is investigated to assess whether these administrative reforms were uniformly applied throughout Egypt.

This chapter is divided into three sections. First, the regional divisions of Roman Egypt are defined, examining the changes from the late third century A.D. to the end of the fourth century A.D. Second, local administrative units and their development are explored. Thirdly, a general overview of a number of municipal and lower-level officials introduced in the fourth century is presented. One cannot ignore the redefinition of administrative divisions. At first glance, these changes may not have taken a large amount of time to adapt to, however, they are still important to note as disruption to an administrative procedure can often result in reduced efficiency from an administration during periods of change and transition.

Higher-Level administrative divisions and units

Administrative divisions changed repeatedly during the first two centuries of Roman rule, however for the purpose of this study only regional changes from the late third to the end of the fourth century are discussed.⁷⁸ The reign of Diocletian reflects a major period of reformation of Egyptian administrative districts however, argument is divided concerning the date of Diocletian's reform of the provincial divisions. Diocletian's administrative reforms appear to have removed the regional *epistrategiai*, concurrently removing the need for the office of *epistrategos*. Therefore, to determine the date of Diocletian's reforms scholars have suggested that documents which reference the *epistrategoï* must reflect a continuation of the corresponding *epistrategiai*, whilst documents referring to the advent of the *praeses* in regional areas reflects the reformation of these divisions and subsequent decline of the previous *epistrategiai*.

⁷⁸ It is generally accepted that after his annexation of Egypt the Emperor Augustus reformed the earlier Ptolemaic divisions, creating a tripartite system of division. See Strabo, *Geography*.1.17.1 (20-25 B.C) for the discussion of the *epistrategoï* in the Augustan period. Derda, 2006: 29. For a discussion of the Ptolemaic divisions, see Thomas, 1975; Van't Dack, 1948 and Martin, 1911. *P.Oxy.*47.3362 (late second century A.D) presents a list of *nomes*, grouped together in their respective regional divisions. These divisions reflect eleven *nomes* in the Heptanomia, thirteen *nomes* in the Thebaid and eleven *nomes* of the eastern half of Lower Egypt. Unfortunately, the text becomes fragmentary from this point in the papyrus, leaving us with one clear name of an individual *nome*, located in the north-west region of Lower Egypt. This instance has been suggested to reflect that Lower Egypt was split into two separate regions, therefore reflecting a quadripartite division, and supporting the theory of further reformation to administrative regions in this period. See *P.Oxy.* 1.708 for further corroboration. Derda, 2006: 32; Thomas, 1982.

P.Oxy.1.43.recto (A.D. 295) attests to the existence of a *praeses* in the Heptanomia region, indicating that the introduction of the new system, mirrored by the introduction of the *praeses*, was created by at least A.D. 295.⁷⁹ *P.Panop.Beatty.1* (A.D. 298) reveals that by A.D. 297-298 the *praeses* of the Thebaid had been introduced, in this case the office held by one Iulius Athenodorus. In consequence, this suggests that the Dicoletianic administrative divisions may have been implemented by A.D. 295.⁸⁰ However, *P.Oxy.12.1416* refers to the continued existence of the *epistrategos* of the Heptanomia in a report of proceedings from A.D. 297. Therefore, the papyri may reveal that the office of the *epistrategos* was still active in some form following A.D. 295.

To assess the legitimacy of these dates, one should assess the reasoning for the administrative reform. Many scholars have suggested that Diocletian's reforms were reactionary, created to reassert control within the province, particularly following the revolt of Domitius Domitianus in A.D. 297.⁸¹ This is further supported by Diocletian's visit to the province in A.D. 298, as documented by *P.Panop.Beatty.1*.⁸² The visit denotes that Diocletian was keen to regain control and reassert his authority within Egypt, supporting the theory that his district reform was a reactionary method of social control.⁸³ If one accepts this reasoning, then the date supplied in *P.Oxy.1.43* becomes untenable, as the reformation of administrative divisions cannot be connected to the visit of Diocletian or the earlier revolt.⁸⁴

In contrast, one could suggest that Diocletian's reforms were introduced gradually, which would explain why the evidence displays different periods of alteration.⁸⁵ One may suggest that the office of the *epistrategos* remained active for a period, even after the creation of the Thebaid in A.D. 293-295. This overlap may represent a period of administrative transferral, with individuals remaining in office to tie-up loose administrative ends, whilst initiating the new system, thereby allowing new regional officials and the populace to adapt to these new administrative divisions and procedure. Furthermore, this gradual transferral may have been accelerated due to the revolt in A.D. 297.⁸⁶

In all, we can firmly assert that by A.D. 297-298 Egypt was split into two defined provinces, Thebaid and Aegyptus. The Thebaid was extended, to include the Hermopolite *nomes* and the Antinoopolite, whilst Aegyptus included the whole of Lower Egypt and a large portion of the Heptanomia.⁸⁷ Aegyptus remained under the direct control of the prefect, whilst the Thebaid was managed by the *praeses*, albeit the prefect continued to hold the ultimate authority over the entirety of Egypt. As part of this division the Thebaid was further divided into the Upper and Lower Thebaid, these areas were each controlled by an individual *procurator* (ἐπιτρόπος).⁸⁸ *P.Oxy.42.3031* (A.D. 302) provides evidence for an

⁷⁹ Adams, 2006: 86.

⁸⁰ Derda, 2006: 44-45; Lallemand, 1950: 44; Thomas, 1982: 66-67; Skeat, 1964: 17-18; Bowman, 1978: 28-29.

⁸¹ Schwartz, 1975; Lallemand, 1951: 89-103; Lallemand, 1953: 97-104; Geissen, 1976: 280-286; Bagnall, 1993b: 63-64; Corcoran, 2000: 174; Thomas, 1976: 253-279; Williams, 1985: 81-82. Thomas dates the revolt to A.D. 297, in contrast to earlier scholars who dated the revolt to A.D. 296-297. Harries, 2012: 52 suggests that the restructuring of Egypt in A.D. 298 was a direct consequence of the revolt of Domitius Domitianus.

⁸² Corcoran, 2000: 206; Barnes, 1982: 55.

⁸³ Bowman, 1976: 159-160; Bowman, 1978: 25-38; Rees, 2004: 34.

⁸⁴ Bowman, 1978: 28; Derda, 2006: 46.

⁸⁵ Anderson, 1932: 24-32; Barnes, 1982: 225.

⁸⁶ Derda, 2006: 46.

⁸⁷ *P.Oxy.42.3031* (A.D. 302) refers to an Annius Diogenes, the "*procurator Heptanomiaē*" (ἐπίτροπος Ἑπτανουμίας). Derda compares this office to the *epitropoi* in the Beatty papyri. This office may reflect an administrator who was responsible for a smaller division of administrative unit within the Heptanomia. Thomas further suggests that this office would not have existed alongside the *epistrategos*, reflecting that the *epistrategos* was not active by A.D. 302. Derda, 2006: 47; Thomas, 1982: 67-81. Our final example of this official is located in *P.Oxy.17.2114* (10th August A.D. 316). Connor, 2022: 178.

⁸⁸ Lallemand, 1963: 42-57; Bagnall, 1993b: 63; Derda, 2006: 46-47; Bagnall, 1993b: 62-67; Geens, 2007: 160.

additional *procurator* of the Heptanomia, the *ἐπίτροπος Ἑπτανομίας*. Many of the *epistrategos*' remit and role was transferred to these *procurators*, including the management of liturgies, assessment of taxation, the annona, and its subsequent distribution. However, the previous judicial role of the *epistratego*i was not transferred and remained only with the prefect and *praeses*.⁸⁹ The reorganisation of the province separated the civil and military commands, removing the military control from the prefect and transferring this ability to the *dux Aegypti*.⁹⁰

The lack of judicial authority for the *procurators* may have been supplemented by the reintroduction of the *catholicus* in A.D. 285. The *catholicus* was originally installed in the province during the reign of Philippus Arabs (A.D. 244-249). Scholars have attributed this creation as part of the collection of wider reforms, which focussed on changes to the liturgical system, levels of taxation and its collection. The *catholicus* held remit for the supervision of the imperial estate and public arable land.⁹¹ Following the introduction of the *catholicus* under Philippus Arabs, the office becomes absent from the papyrological record from A.D. 249-286, suggesting that the office may have been dissolved.

P.Oxy.12.1410 (29th August A.D. 285-28th August A.D. 286) evidences the reintroduction of the *catholicus* into the central administration. This papyrus records an edict of the *catholicus*, Mettius Rufus, regarding the appointment of the *decemprimus*.⁹² Similarly, *P.Oxy.10.1260* (12th June A.D. 286) records a declaration of a shipper to the *strategos*, recounting an order of the *catholicus* for corn to be delivered to Alexandria. Curiously, a different *catholicus* is referenced, Ulpius Kyrillios, such crossover could suggest that two individuals held shared remit across the province, however on reviewing all papyri referencing the *catholicus* I cannot locate any other instances for dual parties holding this role. Mettius Rufus is also recorded as *catholicus* in a later papyrus, *P.Oxy.34.2717* (A.D. 296-297), therefore, I would suggest that *P.Oxy.12.1410* may be revised to reflect a date of August 28th A.D. 286, most likely reflecting the transition of the office from Ulpius Kyrillios to Mettius Rufus.

The *catholicus* replaced the financial administrative role of the *dioiketes* and Diocletian further augmented the remit to include the nomination of the *nome strategoi* (which had been solely the responsibility of the prefect), the verification of their accounts and the handling of financial disputes, where appropriate.⁹³ The *catholicus*' remit extended to the entire province, and he held superiority over *procurators*. The *catholicus* was however governed by the prefect and the *praeses*.⁹⁴ The wide-ranging financial role of the *catholicus* is clear from the Beatty papyri, which documents the correspondence between the *catholicus*, *praeses*, *strategos* and the city council (*boulé*). These texts relating to the administration of the requisition of goods for the military, annona, taxation, and the nomination of liturgies provide an integral view into the workings of internal administrative hierarchies following the

⁸⁹ On the judicial role of the *epistrategos* during the Roman period see Thomas, 1982: 112-113. Petitions to the *epistratego*i are sparse pre second century A.D., with no evidence for petitions to this official from the first century A.D. However, court proceedings from the first century A.D. do indicate that the *epistrategos* was in some way involved in the legal process. 31 petitions addressed to the *epistrategos* survive from the second century (mainly from the Oxyrhynchus collection) and whilst this number is far smaller than the 93 addressed to the *strategos* for the same period, it is very similar to those received for the prefect (32 petitions in the second century). The third century evidence is very limited, with only 8 petitions surviving to the *epistrategos*. This may indicate that the judicial role of the *epistrategos* declined and may have been phased out in reaction to the creation of different administrators within the province, such as the *catholicus*. This would support the wider understanding of why the *procurators* installed within the provincial divisions did not hold any judicial remit. Kelly, 2011: 79.

⁹⁰ Cameron, 1993: 39-40.

⁹¹ Parsons, 1967: 137.

⁹² *BL.6.102* for the identification of Magnius Rufus, the *catholicus*.

⁹³ Delmaire, 1988: 113-138; 178-205; Adams, 2006: 87-89.

⁹⁴ Hagedorn, 1985: 197; Lallemand, 1964: 8; Skeat, 1960: 111-112.

Diocletianic reforms of A.D. 297. Furthermore, these texts present an integral insight into some of the perennial maladministration of communities, the tensions between the channels of administration and the central administrations attempts to curtail such issues.⁹⁵

Papyri may also reveal that the *catholicus* toured regional metropolitan sites to inspect accounts and hear cases relating to financial disputes. *P.Cair.Isid.69* (A.D. 310) presents a reference to a *catholicus*, Aurelius Sarapion in a petition sent by Aurelius Isidorus to the *praepositus pagi*,

“Acotas has done this not to benefit the collection of taxes, but to oust me from my property, contrary to the imperial laws, since he has entertained no fear of my lord the most eminent Sossianus Hierocles (the prefect) nor of my lord the most eminent *catholicus* Aurelius Sarapion, in spite of the fact that the latter is now visiting the *nome*.”

This reference may suggest that the *catholicus* was taking a tour of certain areas, like the *conventus* held by the prefect, to try cases and perform audits of public accounts. Thus, the drafting of provincial regulation by the *catholicus* may reflect a natural progression of the remit of the *catholicus* during the period. Furthermore, evidence suggests that his predecessor, the *epistrategos*, undertook visits in the regions which he controlled, which closely resembled the *conventus* visits of the prefect. *P.IFAO.3.29* (A.D. 250-299) illustrates an order of the local *prytanis* to collect goods (in this case, ten *minai* of liver) for the forthcoming visit of the *epistrategos*. Additional papyrological evidence also attests to preparations for these visits. Thus, the suggestion that the *catholicus* performed a *conventus* or tour of provincial areas is a reasonable assertion, representing the continuing the tradition from the *epistrategos*.⁹⁶

A further division of the province was instigated in A.D. 315, this is illustrated by *P.Cair.Isid.74* (27th December A.D. 315).⁹⁷ This papyrus is a petition to the *praeses* of Aegyptus Herculia,⁹⁸

⁹⁵ The judicial role of the *catholicus* during the fourth century is demonstrated mainly in the archive of Ammon (A.D. 281- 366), an archive of the personal papers of Ammon, a *scholasticus* (advocate) from Panopolis. Twenty papyri within the archive (*P.Ammon* 5-25) record an inheritance dispute from A.D. 348 between Ammon and one Eugeneios. Ammon submitted his complaints towards the *catholicus*, appearing before his court in Alexandria.

⁹⁶ Sharp, 1998: 301; Thomas, 1982: 167; Jördens, 2009: 252-254; 259. See *SB.1.4425* (second century A.D.); *O.Ashm.72* (second century A.D.); *O.Boal.2.1700* (second century A.D.); *P.Oxy.12.1573* (275-299) for papyri referencing the visit of the *epistrategos*.

⁹⁷ Earlier scholars had argued that the papyrological record reflected the creation of three new administrative regions, Aegyptus Herculia, Aegyptus Iovia and the Thebaid, by the reign of Diocletian. However, recent re-examinations have established that Aegyptus Herculia and Aegyptus Iovia may not have been established until at least A.D. 314-315. See Wilcken, 1912; Gelzer, 1909; Derda, 2006: 44; Lallemand, 1950: 387-395; Derda, 2006: 44-45.

⁹⁸ *P.Oxy.17.2113* (January A.D. 316) mentions a *ἡγούμενος τῆς Ἡρκουλίας* (*praeses* of Aegyptus Herculia), this document originates from the dossier of Aurelius Heras, a *praepositus pagi*, in Oxyrhynchus. The next document within the dossier, *P.Oxy.17.2114* (August A.D. 316) refers to a *procurator* of the Heptanomia, therefore one could suggest that the Heptanomia itself was a separate administrative district within Aegyptus Herculia. Sijpesteijn, 1995: 211. See *P.Mich.Inv.4658a* (A.D. 320) for further corroboration.

“To Aurelius Antonius, the most renowned *praeses* of Aegyptus Herculia, from Aurelius Isidorus, son of Ptolemaeus, of the village of Karanis in the Arsinoite *nome*.”⁹⁹

This extract reveals the further division of Aegyptus into Aegyptus Herculia, this division included areas of the east delta and the Heptanomia. The other division of Aegyptus, Aegyptus Iovia is recorded in *P.Oxy.51.3619* (A.D. 314) which narrates proceedings to the *praeses* of Aegyptus Iovia. This papyrus also indicates the existence of a second *praeses*, administering a separate administrative division within the region of Aegyptus, clearly Aegyptus Herculia.¹⁰⁰ Thereby reflecting that from at least A.D. 314 the region of Aegyptus was divided into two regions, Aegyptus Herculia and Aegyptus Iovia, alongside the Thebaid.¹⁰¹ Therefore restoring a tri-partite division of Egypt.

Further reformations to the Aegyptus Herculia region occur from A.D. 322. Thomas has suggested that the Heptanomia, located within the region of Aegyptus Herculia, was renamed “Aegyptus Mercuriana”, providing a further sub-division of the larger region of Aegyptus Herculia.¹⁰² *P.Ryl.4.659=P.Sakaon 41* (A.D. 322) presents a petition to the *praeses*, Sabinianus.¹⁰³ This papyrus states,

“To Sabinianus, the most illustrious *praeses* of Aegyptus Mercuriana, from Arion son of Dioscrous from the village of Theadelphia in the Arsinoite *nome*.”¹⁰⁴

Thomas suggests that this title “Mercuriana” merely reflects a replacement title for Heptanomia, concluding that this name may have been introduced sometime soon after A.D. 316. He further suggests that Mercuriana was completely divided from the region of Herculia from around A.D. 321-323, administered by its own *praeses* (Sabinianus).¹⁰⁵ Consequently, Egypt may have returned to a quadripartite division, mirroring earlier pre-Diocletianic *epistratego*i divisions.¹⁰⁶ Therefore, at this point Egypt was divided into four regions, Thebais, Mercuriana, Herculia and Iovia.

⁹⁹ *P.Cair.Isid.74* (A.D. 315).

¹⁰⁰ This example from Aegyptus Iovia is corroborated by *P.Oxy.54.3756* (A.D. 325), this property receipt refers to an earlier official as *praeses*.

¹⁰¹ Derda, 2006: 48; Lallemand, 1964: 49-53; Barnes, 1982: 211; Jones, 1937. Jones suggested that Herculia came to include a greater area than the previous region of the Heptanomia, including the Eastern Delta region under its jurisdiction. Thomas, 1982: 27-29; Thomas, 1984: 230. Thomas supports this assertion by citing *CPR. 5.7* (A.D. 318) in which the *praeses* of Herculia appears to have held jurisdiction over the *logistes* of the Athribite *nome* (located within the Eastern Delta), therefore suggesting that the Eastern Delta region was included in the administrative region of Herculia. In addition, a petition to the *praeses* of Herculia, *P.Oxy.50.3574* (A.D. 314-318), refers to areas within the Eastern Delta region further illustrating that Herculia included the Eastern Lower Egyptian region under its administrative jurisdiction. Aegyptus Iovia contained the central and western Delta, including Alexandria.

¹⁰² The final reference to the Heptanomia is found at *P.Oxy.17.2114* (10th August A.D. 316) which refers to a *procurator heptanomia*e. Thomas, 1984: 232; Thomas, 1984: 225-234. Thomas cites three papyri to support his assertion, *P.Oxy.1.60* (17th August A.D. 323); *PSI.5.452* and *P.Ryl.4.659=P.Sakaon 41* (A.D. 322).

¹⁰³ Thomas, 1984: 227.

¹⁰⁴ *P.Ryl.4.659=P.Sakaon 41* (A.D. 322). Parassoglou translated “*Μετκουριανῆς Αἰγύπτου*” as a corrupted form of the title Aegyptus Herculia, however Thomas’ reassessment has contradicted this form.

¹⁰⁵ Sabinianus is the only *praeses Mercuriana*e found in the papyrological record. *P.Oxy.45.3261* (A.D. 324) indicates that Sabinianus was still in office as the *praeses Mercuriana*e in A.D. 324. *P.Oxy.54.3758* (February/March A.D. 325) is the final reference to Sabinianus as *praeses* in the papyrological record.

¹⁰⁶ Thomas, 1984: 233; Derda, 2006: 49-51.

These divisions were short-lived and between A.D. 324 to A.D. 326 the papyri reveal another restructuring of the Egyptian administrative divisions, reflecting the merging of Mercuriana, Herculiana and Iovia back into one region, named (as previously) Aegyptus. One official, the *praefectus Aegypti*, may have administered this region. *P.Oxy.54.3756* (26th January- 24th February A.D. 325) presents Flavius Magnus as *praefectus Aegypti* in office in early 325 A.D.¹⁰⁷ Therefore, from at least A.D. 325 Egypt may have been divided into two administrative districts, Aegyptus and Thebais, administered each by a *praeses*, but still answerable to the authority of the *praefectus Aegypti*, who held ultimate control over Egypt.¹⁰⁸ Ammianus Marcellinus, writing in the mid to late fourth century, recounts this division at *Roman Antiquities*, 22.16.1,

“In early times Egypt is said to have had three provinces: Egypt Proper, Thebais, and Libya. To these later times have added two: Augustamnica being taken from Egypt, and Pentapolis from the dryer part of Libya.”¹⁰⁹

Ammianus reflects the division of Egypt in A.D. 325, further enlightening us to the “later times” meaning the later divisions of Egypt in the 340’s A.D, where Egypt was divided into a tripartite division including Aegyptus, Thebais and the new region of Augustamnica, which appears to have incorporated the eastern delta and the region of the Heptanomia. The earliest example of the division of the Augustamnica can be located in *P.Oxy.12.1559* (A.D. 341). Furthermore, *P.Oxy.50.3577* (A.D. 342) refers to Flavius Iulius Ausonius, the *praeses Augustamnicae*, reflecting that again this new division was presided over by a separate official, under the direct authority of the prefect.¹¹⁰ The *praeses Augustamnicae* held their headquarters in Pelusium and was inclusive of some of the most evidence rich areas for our investigation, including the Oxyrhynchite, Arsinoite and Herakelopolite, with the province also including the East Delta.¹¹¹

In terms of the wider central administration, the diocese of Egypt appears to have been split from the diocese of the Orient between A.D. 381-382. This new diocese included the Inferior and Superior Libyas, becoming governed by the *praefectus Augustalis*.¹¹² The provincial administrative regions do not appear to have been amended until the introduction of the new province of Arcadia.¹¹³ Our first piece of papyrological evidence recording the amendment is dated to A.D. 411, mentioned in *SPP. 20.117* (A.D. 411).¹¹⁴ Therefore, from A.D. 411 a four-part division was in action, including Aegyptus, Augustamnica, Arcadia and Thebais and remained in action until A.D. 606 under George of Cyprus,

¹⁰⁷ See *P.Oxy.51.3619* (October A.D. 325) for Flavius Magnus holding the office in the later part of A.D. 325. *P.Oxy.51.3620* (2nd February A.D. 326) reflects the continuation of the office into A.D. 326, held in this year by Tiberius Flavius Laetus. See *P.Harr.2.215* (A.D. 327) for the further continuation of this office into A.D. 327. Coles, 1985: 25.

¹⁰⁸ Lallemand suggests that a prefect who held ultimate administrative authority over Egypt was absent for around ten years in our papyrological record. Lallemand, 1964: 59-60; Derda, 2006: 50.

¹⁰⁹ Ammianus Marcellinus. *Roman Antiquities*. 22.16.1 (J.C.Rolfe, 1940).

¹¹⁰ Derda, 2006: 52.

¹¹¹ Derda, 2006: 52-53; Hagedorn, 1980: 96; Lallemand, 1964: 53-54 suggested that Pelusium did not belong to the province initially.

¹¹² Derda, 2006: 53; Lallemand, 1964: 55-57.

¹¹³ Arcadia is not mentioned in *Cod. Theod.* 1.14.1 an instruction sent to the *praefectus Augustalis* mentioning only his remit for the provinces of the Thebaid and Augustamnica sent in February of A.D. 386.

¹¹⁴ Bagnall and Worp, 2004: 287-293; Derda, 2006: 52-55.

these divisions may have changed in name, but appear to have remained similar in the areas administered.¹¹⁵

The papyrological evidence demonstrates that the regional administrative divisions of Egypt were prone to recurrent change and restructuring during the fourth century A.D. These reforms were initiated in response to the wishes of external imperial policy and may reflect a wish to centralise or regain control of areas by individual emperors. During the fourth century local administrators and the populace may have witnessed at least five to six different forms of regional administrative groupings. Judging how far this affected administrators at local levels is difficult, and one may argue that local communities may not have known of these changes unless informed by the upper echelons of the administration. However, references to administrator names and the administrative grouping in which they were operating in petitions or judicial documentation reflects a wider awareness of regional administrative change.

Lower-level administrative units

This next section will examine the lower levels of administrative units apparent within Roman Egypt. Focus is given to the period between the end of the third century until the end of the fourth century to establish the administrative framework in which many of the judicial administrators would have been functioning. First, we shall examine the Roman-Egyptian *toparchy*. Second, the transferral to the *pagus* unit is explored.

The early fourth century was also a time for major changes in the lower levels of the administration, with the introduction of several municipal administrators who held remit and responsibility for different tasks within the *nome* areas. These administrators were granted Latin names, seemingly to standardise the terms used for officials within the province (and more widely to mirror the other provinces). The introduction of these officials began around A.D. 302 and many of the roles of these municipal administrators were those traditionally held by the *strategos*. Each of these administrators were integral to the legal administration within the fourth century province. The second part of this discussion will outline the introduction and dissolution of these of these officials over the century, whilst exploring their remits and how these changed over the period.¹¹⁶

The Toparchy

The *toparchy* was an archaic administrative grouping, originating from the third century B.C.¹¹⁷ In the Fayum, these *toparchies* remain apparent within the papyrological record up to A.D. 69-70, only to

¹¹⁵ Derda, 2006: 57.

¹¹⁶ Derda, 2006: 44-51 and 57; Lallemand, 1964: 41-57; Bowman, 1971: 45-46; Bagnall, 1993b: 153; Geens, 2007: 177.

¹¹⁷ Strabo's account at book 17.1.3 states "and again the *nomes* were divided into other sections, for most of them were divided into *toparchies*, and these also into other sections; and the smallest portions were the *arourae*." Many scholars have criticised Strabo's account regarding the early period of Roman Rule in Egypt. However, his account of *toparchies* is interesting as Strabo recounted that only "most" of the *nomes* were further divided into *toparchies*, as during the early Roman period in Egypt *toparchies* do not appear to have been implemented in areas such as the Fayum. Derda, 2006: 118.

reappear from the early second century, as reflected in *SPP.22.94* (A.D. 111).¹¹⁸ Scholars have suggested that this recreation of *toparchies* may have been in response to the reintroduction of the office of *sitologia*, inferring that individual *sitologoi* were responsible for *toparchies*, increasing efficiency for the collection of the *embole*.¹¹⁹ These *toparchies* again disappeared by A.D. 122. Derda remarked that papyrological sources from the Roman Fayum reflect that *toparchies* became numbered rather than being grouped under the name of the central village in their area (as was the conventional form in other areas) from A.D. 118.¹²⁰

Some of these villages appear to have belonged to more than one *toparchy* and subsequently, this phenomenon is known as “doubled *toparchies*”. These units appear from the 240’s A.D, when the *toparchy* reappears in the papyrological record and their restoration is attributed to the wider administrative reforms of Philippus Arabs.¹²¹ This system of numbering may reflect a wish to unify areas under a single system of administration.¹²² These occurrences for small villages such as Karanis are clear in *P.Col.7.137* (A.D. 301-302), which presents Karanis being included in the first and sixth whilst also belonging to the fourth and fifth *toparchy* of the *meris* of Herakleides.¹²³ *P.Cair.Isid.31* (A.D. 276) is the earliest reference to a *toparchy* in the Isidorus archive, recalling the existence of a “doubled” *toparchy* system,¹²⁴

“Year I of our lord Claudius Tacitus Augustus...I, Aurelius Castor...*dekaprotos* of the 1st and 6th *toparchy* of the Heraclides division (acting through me, Aurelius Dioscorus, son of Sampous, who am present), have received at the granary of the village of Karanis....”¹²⁵

From A.D. 247 double numbered *toparchies* appear to have reflected a conventional practice within the Fayum. Derda suggests that these doubled *toparchies* were separate administrative units, which were

¹¹⁸ Referring to the *toparchic* divisions for the village of Sebenytos. Derda, 2006: 137.

¹¹⁹ A corn tax gathered from villages in Roman Egypt. Milne, 1898: 118-120; Sharp, 1998: 237; Aly, 1950: 289-307.

¹²⁰ Derda, 2006: 139; 264. Derda’s examination of *toparchies* reveals that a large number of papyri (from A.D. 118-129) referring to *toparchy* divisions also refer to individual *sitologia*, illustrating their involvement in the administration of *toparchy* units during that period. Following A.D.129 the *sitologia* became replaced by the *dekaprotos*, suggesting that this system of *sitologia* did not assist the efficiency of administration. Our earliest evidence for the change to numbered *toparchies* can be recorded in *SB.16.12833* (A.D. 118), this example concerns the village of Soknopaïou Nesos. Derda, 2006: 138.

¹²¹ Parsons, 1976: 136. Parsons argues that Philippus Arabs introduced the office of the *dekaprotos* into local administration, to administer individual *toparchies*. See *P.Lond.3.1157* (A.D. 246) for the earliest occurrence in Egypt and *P.Fay.85* (A.D. 247) for the earliest example in the Arsinoite nome. Lewis, 1967: 141.

¹²² Derda, 2006: 145.

¹²³ See lines 46; 91; 96 (for the first and sixth *toparchies*) and 23; 31; 74 (for the fourth and fifth *toparchies*). Derda, 2006: 122-123.

¹²⁴ Karanis was not the only village community to have more than one *toparchy* grouping in the *meris* of Herakleides, communities such as Philadelphia, (*P.Wisc.2.86* (A.D. 245); *BGU.7.1611* (A.D. 283)) Kerkesoucha (*P.Tebt. 2.368* (A.D. 265); *P.Tebt.2.581* (A.D.268)), Psenhyris (*BGU. 2.579* (A.D. 263), Ptolemais Nea (*P.Corn. 20* (A.D. 302) and Psya (*P.Strasb.3.153* (A.D. 262-263), all had doubled numbered *toparchies*. For a village with only a single number *toparchy* see *P.Gen.2.100* (A.D. 128); *P.Gen.2.101* (A.D. 128-129) which reflect Soknopaïou Nesos only belonging to the 5th *toparchy*. See Derda, 2006: 125-126 for other Fayum *toparchy* divisions, in the *merides* of Themistos and Polemon.

¹²⁵ *P.Cair.Isid.31* (A.D. 276). This inclusion of Karanis in the first and sixth *toparchies* continues throughout our archive until the disappearance of the *toparchies* from this record in A.D. 299. See *P.Cair.Isid.39* (A.D. 296); *P.Cair.Isid.3* (A.D. 299); *P.Cair.Isid.4* (A.D. 299). However, from *P.Col.7.137* (A.D. 301-302) it is clear that this grouping remained in use into the early fourth century A.D.

again paired off, maybe for reasons of taxation administration. Furthermore, from *P.Cair.Isid.32* (A.D. 279) we can assert that Karanis further belonged to the “fourth and fifth” *toparchies*,

“Year 5 of our lord Marcus Aurelius Probus Augustus, Thoth. Aurelius Euporas, formerly prytanis and Aurelius Priscus, formerly kosmetes...both of them...dekaprotoi of the 4th and 5th *toparchy* of the Heraclides division...”¹²⁶

This extract reveals that Karanis was part of both the first, sixth, fourth and fifth *toparchy* from at least A.D. 279 until A.D. 302. In addition, this papyrus illustrates that Isidorus was clearly aware of his placement within the *toparchy* system, again reflecting a similar level of awareness displayed in the regional documentation. *Toparchy* units remained in use into the early fourth century, managed by *dekaprotoi*.¹²⁷ However, from A.D. 307-308 the *toparchy* divisions disappear from the papyrological record,¹²⁸ to be replaced by the *pagus* unit. Therefore, we can assert that the earlier reformations of *toparchies* and their administrators failed to increase efficiency.

The *Pagus* and the introduction of the *Praepositus Pagi*

P.Cair.Isid.125 (A.D. 308) presents the first occurrence of the *pagus* unit in the papyri,

“To Aurelius Heraclides, *praepositus* of the 5th *pagus*, from Aurelius Isidorus, son of Sarapion, and Aurelius Aion, son of Syrion, both *komarchs* of the village of Karanis.”¹²⁹

This papyrus reflects the existence of the *pagus* from A.D. 308, however if we accept that the *toparchy* was dissolved from A.D. 307, (as shown by *SB. I. 5679*) it would not be unreasonable to accept that the *pagus* unit may have been introduced earlier, in A.D. 307.¹³⁰ These units were not identical to the previous *toparchies*, and the *pagi* from the Fayum appear to have been more numerous. For instance, in the Hermopolite *nome* seventeen *pagi* were created, in contrast to the previous 11 *toparchies*.¹³¹

¹²⁶ *P.Cair.Isid.32* (A.D. 279). The inclusion of Karanis within the fourth and fifth *toparchy* of the Herakleides district continues in our record until A.D. 299, see *P.Cair.Isid.38* (A.D. 296); *P.Cair.Isid.2* (A.D. 298); *P.Cair.Isid.5* (A.D. 299). However, from *SB.12.10881* (A.D. 302) it is clear that this grouping remained in use into the early fourth century A.D.

¹²⁷ These officials were introduced by Philippus Arabs in the 240's A.D. Parsons, 1967: 136. The disappearance of *dekaprotoi* is examined by Thomas, 1974: 60-68. Thomas concludes that the *dekaprotoi* had become replaced by the middle of A.D. 302. The last example of a *dekaprotos* in the Isidorus collection is dated at A.D. 300 (*P.Cair.Isid.5*).

¹²⁸ Our final example of the *toparchy* is in *SB.1.5679* (February- March A.D. 307). Thomas, 1974: 60.

¹²⁹ *P.Cair.Isid.125* (A.D. 308).

¹³⁰ Thomas, 1974: 60-61; Derda, 2006: 264.

¹³¹ Derda, 2006: 264. The term *τοπαρχία* remains in the papyrological record, even after the dissolution of the *toparchai*, and can be located in papyri such as *P.Harrauer 39* (A.D. 347-8). The reasons for this continuation are unclear.

The *praepositus pagi* originated from the curial classes of the *nome* capitals, responsible for the collection of taxes and the nomination of liturgists for lower-level administration. Thus, the introduction of these officials into the lower levels of administration may reflect a formalisation and municipalisation of *nome* areas, leading to a centralisation of administration. The *praepositus pagi*, as the administer of the *nome*, was responsible for managing the collection of taxation and the supervision of liturgists tasked with collating taxation. His role also extended to the nomination of villagers to liturgies. He held a judicial and policing role within the *pagus*, handling petitions and serving judgements on cases (via the delegated remit of the prefect).¹³²

One may suggest that the increased number of magistrates dealing with local administration reflected a need for more central control in these areas. Subsequently the creation of more roles within smaller units of administration would have been more efficient to manage; thus we can view these reforms as methods used by Diocletian to gain greater control within the province, in response to socio-economic issues of the late third century, as discussed previously.¹³³

Papyri such as *P.Select.13* (A.D. 421), which describes the village of Peensamoi as belonging to the 13th *pagus* of the Herakleopolite *nome*, reveal that the *pagi* system continued into the fifth century.¹³⁴ Thus, one may suggest that this system was more successful than the earlier *toparchy* divisions, reflected in its longevity in the Fayum region.¹³⁵

Municipal and *nome* Officials introduced in the fourth century

Logistes

The earliest created municipal office of the fourth century A.D. was the *logistes* whom the papyri demonstrate was introduced by A.D. 303.¹³⁶ The *logistes* absorbed many of the previously held roles of the *strategos* and became the direct link between the prefect, *praeses* and the lower-level administration within both the city and *nome* areas.

Papyri reveal that the *logistes* was the receiver of petitions from citizens and had the judicial remit to apply decisions to individual cases. The *logistes*, as a conduit between the higher levels of the administration and village officials regularly received delegated instructions from higher-level administrators. His office was expected to administer delegated cases and he held an essential role in managing case investigation, summoning individuals to his court, issuing orders to policing officials to locate individuals, and instructing medical professionals to create reports for cases. Furthermore, the

¹³² Boak, 1934; Lallemand, 1964: 130-134.

¹³³ Adams, 2006: 89; 105.

¹³⁴ Derda, 2006: 266. For additional fifth century examples see, *P.Oxy.55.3803* (A.D. 411) and *SPP. 20.117* (A.D. 411). Derda notes that we should be cautious of dating these documents to the fifth century, noting that a re-examination is essential.

¹³⁵ Derda, 2006: 274. Derda examined the method for how the Fayum was divided into individual *pagi*. Even though our evidence for the Fayum *pagi* is lacking, he concluded, "The *nome* may have been divided into *pagi* as a pie into pieces with the city of Arsinoe in the middle. The *pagi* were numbered counter clockwise, starting from the place where the Bahr Yusuf enters the Fayum. According to this system we have Philadelphia in the 2nd *pagus*, Karanis in the 5th, Theadelphia in the 8th..." Derda, 2006: 274. This system seems entirely plausible and certainly fits the available papyrological evidence.

¹³⁶ See *P.Oxy.54.3728* for the earliest attestation of the *logistes*.

logistes held his own remit to hold trials, and his rulings appear to have been binding, albeit via the delegated authority of the prefect.¹³⁷

The judicial role of the *logistes* declined around A.D. 330, following the introduction of the *defensor*, who absorbed much of the *logistes*' previous judicial role.

Strategos and Exactor

During the first three centuries of Roman rule in Egypt, the *strategos* was the main official responsible for processing disputes within the *nome*.¹³⁸ His role was supplemented by the *basilico-grammateus*, assistants and scribes who assisted him in his day-to-day administrative duties.¹³⁹ Minor village and police officials were answerable to the *strategos* and the delegated authority presented to him by the higher levels of the Roman Egyptian administration. The *strategos* reflected a continuation from the Ptolemaic administration.¹⁴⁰ In contrast to the *epistratego*i, the office was not transformed under the Augustan reforms to include Roman equestrian individuals, instead the office consisted of local Greco-Egyptian elites, representing another continuation of Ptolemaic practice.¹⁴¹ The utilisation of local individuals could be argued to reflect the Roman administrations' need to assimilate local elites to Roman rule. The use of local elites at *nome* level may have created a level of loyalty, reinforcing the maintenance of control within individual *nomes*.¹⁴²

The position of *strategos* represented an honourable occupation for local elites, thus it is not surprising that the post was consistently filled throughout the Roman era, with individuals serving for usually more than two terms. Due to their local influence, the Roman administration sought to place restrictions on the geographical placement of a *strategos*, as demonstrated in the “*Gnomon of the Idios Logos*”, paragraph 10, (BGU.5.1210 A.D. 170). This extract states that the man, who holds the office of the *strategos*, cannot hold the office within his native *nome*.¹⁴³ These regulations were likely adopted to undermine *nome* level corruption, as candidates from other areas were, in theory, less likely to have

¹³⁷ Rees, 1955-1956: 498 for an overview of the *logistes*' role.

¹³⁸ During the Ptolemaic period, the *strategos* was created as a military official. The role developed during the second and third centuries B.C. to encompass policing functions of the *nome* unit. His remit developed further to encompass the remit held by the *oekonomus*, a financial *nome* administrator. Witt outlines in his discussion of the judicial role of the *strategos* and comments on the judicial remit of the Ptolemaic official, noting that whilst Ptolemaic petitioners chose to direct their petitions to the *strategos* his ability was most likely limited to that of an arbiter within the *nome* and not the ultimate source of justice for the most serious cases. By the end of the Ptolemaic period, the decline of the *laocritae* and *discastery* extended the judicial role of the *strategos* further and his role included a varied range of responsibilities in the *nome* becoming a purely civil administrator and losing his military authority. Witt, 1977: 2-9; Bowman, 1976: 163-166; Lewis, 1970: 6; Bengtson, 1952: 44-46; 78; Samuel, 1966: 213-229 for the relationship of the *nomarch* and the *strategos* in the third century B.C. Wolff, 1966: 72-73; Wolff, 1962: 151; 186-187.

¹³⁹ Hohlwein, 1969: 50-63; Tait, 1922: 166-172; Witt, 1977: 9.

¹⁴⁰ Bowman and Rathbone, 1992: 108; Abbott and Johnson, 1926: 78. Abbott and Johnson note the removal of military powers from the *strategos* under the Roman epoch.

¹⁴¹ Jones, 1937: 317-318; Tait, 1922: 166-167. Tait notes that under the Ptolemaic period we witness a propensity of individual *stratego*i with Egyptian names. Under the Roman epoch, Tait observed no Egyptian named *stratego*i, with individuals holding Greek names or in some cases an assimilated Greco-Egyptian name. This however does not mean that every individual was of Egyptian ancestry, Tait asserts that these names were Greek in form, whilst the lexemes used were derived from the names of Egyptian deities. Therefore, we cannot firmly assert that the Egyptian names present within the papyri provide a direct reflection of the individuals' ancestry.

¹⁴² We cannot ignore the influence of grants of citizenship upon the office. Prior to the *Constitutio Antoniniana*, Tait notes that only one in five individuals bore a Latin (Romanized) name. These individuals may have been granted citizenship by the emperor as a reward. From A.D. 212 the extension of Roman citizenship clearly changes this assertion. Tait, 1922: 169.

¹⁴³ Tacoma, 2006: 115.

conflicts of interest within the community and therefore provided a greater level of impartiality.¹⁴⁴ Tait ascribes this reform to the Augustan administrative reorganisations.¹⁴⁵

The role of the *strategos* within the *nome* was varied, including the control of liturgical nominations,¹⁴⁶ and the enforcement and communication of prefectural edicts upon the *nome*.¹⁴⁷ Papyri from the earlier Roman period provide a plethora of petitions to the *strategos* and occasional trial hearings before him.¹⁴⁸

The decline of the office is argued to have begun in the late third to the early fourth century. During the late third century the evidence suggests that the judicial authority of the *strategos* became partially undermined, in response to the transference of summoning powers to the office of the *decurio*. However, fourth century evidence suggests a partial continuation of other responsibilities traditional to the role of the *strategos*.¹⁴⁹ *P.Oxy.17.2113* and *P.Oxy.17.2114* (both A.D. 316) provide examples of the *strategos* addressing the *praepositus pagi* with instructions. *P.Oxy.17.2113* records the *strategos* ordering a tax collection upon certain lands, whilst *P.Oxy.17.2114*, recounts the *strategos* ordering the *praepositus pagi* to reserve quantities of wine. Thus, it is evident that the *strategos* was performing duties concerning the land economy¹⁵⁰ and the management of public administration.¹⁵¹

The archives of the Aurelii Isidorus and Sakaon include petitions to the *strategos* from the late third century which supports the theory that the office continued to hold some judicial remit. Many of our petitions from Oxyrhynchus, for instance, *P.Oxy.45.3247* (A.D. 298) present firm evidence of the *strategos* actively dealing with petitions in his locality. However, most of these petitions to the *strategos* concern liturgical cases, reaffirming the theory that the office lost all judicial ability in criminal trial proceedings in the late third to early fourth century. In all *P.Oxy.45.3247* can be viewed as an interesting point of contrast between the third and fourth century, for the declining role of the *strategos* and the narrowing of his remit.

The restrictions placed on the *strategos* under the late third and early fourth century are viewed as a response to the reforms of Diocletian in A.D. 297. The restriction of powers of traditional local administrators such as the *strategos* were applied to exemplify centralised control over these regions,¹⁵²

¹⁴⁴ Tait, 1922: 169-170. *P.Oxy.3.500*; *P.Oxy.6.931*; *P.Oxy.9.1219*; *P.Oxy.10.1301* all form a collection of official documents of a *strategos* whose remit appears to have been within the Delta. Tait commented that these documents were recovered from Oxyrhynchus which suggests that this *strategos* was a native of the Oxyrhynchite. It is reasonable to suggest that these documents accompanied the *strategos* back to Oxyrhynchus after his tenure ended in the Delta, reinforcing the theory that it was typical for the *strategos* to be sourced from other areas of the province.

¹⁴⁵ Tait, 1922: 171.

¹⁴⁶ Lewis, 1997a: 82. For examples of the *strategos* taking part in the selection and administration of local liturgical administration, *P.Oxy.17.2123*; *P.Oxy.36.2765*; *P.Oxy.36.2769*; *P.Oxy.44.3178*; *P.Oxy.46.3294*; *P.Oxy.62.4344*.

¹⁴⁷ Jördens, 2012: 63; Capponi, 2005: 54. Capponi suggests that the *strategos* was responsible for affixing edicts within the *nome* capitals, reaffirming the communication of regulations from the higher echelons of administration to the lower *nome* levels.

¹⁴⁸ See *P.Sakaon 32* (late third century A.D.).

¹⁴⁹ Thomas, 1960: 263. Thomas asserts that most papyri recorded from or to the office of the *strategos* from the fourth century concerns taxation and the land economy, further supporting the view that the *strategos*' role within the *nome* became narrowed.

¹⁵⁰ For a third century papyrus concerning the *strategos*' role within the land economy see, *P.Oxy.1.60*.

¹⁵¹ Thomas, 1960: 264; Lewis, 1997a: 82. Lewis notes that the division of the *nomes* into the *pagi* unit was also a causation for the declining powers of the *strategos*, in terms of liturgical nominations. The *praepositus pagi* took over the role of receiving nominations for liturgies from the non-*boulétic* class thus undermining the traditional role of the *strategos* further. For the *strategos* remaining active within liturgical administration (in this case a complaint of wrongful position) from the late third century, see *P.Oxy.9.1204* (A.D. 299).

¹⁵² Adams, 2006: 105; Bowman, 1976: 166; Lewis, 1997a: 82.

maintaining the supervisory elements of the role and upholding a level of status for the individual *strategoī*. Thomas argues that the introduction of the role of the *logistes*, visible in the papyri from A.D. 304, supports the view that the provincial administration was in the process of becoming greatly centralised. Furthermore, *P.Oxy.10.1260* and *P.Oxy.10.1303* (both A.D. 336) suggest that the office of *logistes* and *strategos* became assimilated, as the individual named within these texts as the *strategos*, had previously held the role of the *logistes*, suggesting that the *logistes* office was assuming the traditional roles of the *strategos*.¹⁵³

It is interesting to note that the Diocletianic reorganisation had such a direct effect, causing the dissolution of offices such as the *epistrategoī* and *strategoī*. Septimus Severus' creation of the Alexandrian *boulé*,¹⁵⁴ a city council which became replicated within the *nome* capitals in the early third century,¹⁵⁵ consisted of local elites performing the traditional duties of the *strategoī* such as the collection of the *annona militaris*, taxes and the nomination of liturgical magistrates.¹⁵⁶ Therefore, one could argue that the office of the *strategos* may have also been dissolved in response to these reformations. Of course, we know from the papyri that the *strategos* continued in his activities until the mid-third century, however the introduction of the further city councils may have undermined many of his traditional tasks.

The latest example of the *strategos*' activity can be located in *P.Oxy.62.4344* (A.D. 342), concerning liturgical nominations.¹⁵⁷ The relinquishment of the *strategos*' judicial ability, in response to the Diocletianic reforms, can be argued to mirror the decline of the office of the *epistrategoī*, who faced dissolution in the early fourth century. Thus, we cannot assert the declining administrative powers as a singular reorganisation. In contrast, we must view the Diocletianic reforms as reshaping both the higher and the lower echelons of administration.

The *exactores* appear to have replaced the office of the *strategos* from the early fourth century.¹⁵⁸ The first located example of the *exactor* is located in *P.Giss.Inv.126.recto=SB.18.13852* (A.D. 309) a collection of receipts sent to the *exactor* of Hibis in the Great Oasis.¹⁵⁹ This document presents the earliest example of the transliteration of the Latin *exactor* and can be interpreted as part of the wider Diocletianic administrative developments, with individuals elected initially via imperial appointment. Papyri reveal the financial role of the *exactor*, particularly his collection of taxes, a role that was directly inherited from the *strategos*.

Initially, the office of *exactor* also assumed the role of the *strategos* in local judicial matters. The early *exactor* utilised the title *στρατηγὸς ἦτοι ἐξάκτωρ*, this blending of the original term exists in the papyri for many years after the introduction of the office and provides an interesting view into the provincial view of the new term. *P.Cair.Isid.74* (A.D. 315) records a petition sent by Aurelius Isidorus to the *praeses* of Aegyptus Herculia. In the original petition the scribe utilises the original Greek term of *strategos* to describe a previously submitted petition to this official. In the subscription of the *praeses*, the correct title is applied,

¹⁵³ Thomas, 1960: 265.

¹⁵⁴ Dio, *Roman History*.51.17.3 records Severus' visit to the province in A.D. 199- 200. Tacoma, 2006: 118.

¹⁵⁵ Our first evidence for the *boulé* within Oxyrhynchus is presented in *P.Oxy.47.3340* (A.D. 201-202).

¹⁵⁶ Tacoma, 2006: 119.

¹⁵⁷ Lewis, 1997a: 82; Tait, 1922: 173; Thomas, 1960: Thomas offers an alternative date for the dissolution of the office, citing *PSI.10.1125* (A.D. 302).

¹⁵⁸ Churchin, 2014: 274; Frakes, 2001: 38-40.

¹⁵⁹ *BL X.223*. Thomas, 1985: 115-125; Bagnall, 1993b: 62-63; Bowman, 2005; Teigen, 2018: 28; Bagnall, 1993b: 60-61; Thomas, 1995: 139-140.

“(4th hand) The *exactor*, in the presence of your adversary, will examine the issue between you in accordance with the laws and cause to be done whatever justice requires, unless of course he finds other impediments.”¹⁶⁰

Such corrections reveal that the adjustment to new terminology, particularly for such longstanding administrators may have been gradual. Therefore, we must be mindful of such terminology when discussing the decline of the *strategos* during the early fourth century and attributing texts to this administrator.

The judicial function of the *exactor* is recorded in seven fourth century documents from the first quarter of the fourth century. The aforementioned *P.Cair.Isid.74* (27th December A.D. 315) reveals the delegation from the *praeses* to the *exactor* in which he is requested to investigate the matter and deal with the case in the locality, delegating responsibility back to this official. However, his ability to enforce judgements at the local level may have been limited. *P.Sakaon 34* (A.D. 321), a report from a court proceeding before the *praeses*, contains an order for the *exactor* to intervene in a dispute between corrupt tax collectors (*πράκτορες*) and villagers in Theadelphia. It appears that his previous efforts to undermine such disputes had failed, hence the escalation of the matter to the *praeses* and the need for his delegated order.¹⁶¹

Papyri from the mid-fourth century reveal that petitioners continued to directly petition the *exactor* for assistance in their disputes, as displayed by an mid-fourth century petition from Oxyrhynchus, *P.Oxy. 22.2344* (A.D. 351-352) in which a Bishop, Dionysios appeals to Flavius Paianois, an *exactor* of Oxyrhynchus, for assistance in his case. By the later fourth century papyri reveal that the *exactor* became elected by municipal officials due to the absorption of the office into the municipal council by at least A.D. 370. This shift of the role of the *exactor* to a purely municipal official is supported by *P.Oxy.17.2110* (6th October A.D. 370), a meeting of the senate in which a retired *exactor* attends and takes part within a municipal debate.¹⁶² Our evidence for the last quarter of the fourth century indicates that the role of the *exactor* was limited purely to tax collection and his judicial remit was removed in totality.¹⁶³

The Defensor (*Ekdikos* and *Syndikos*)

The *ekdikos* appear in our papyri during the earlier Roman period as a form of advocate, representing individuals within the court setting. The role does not appear to have included forming judgements on cases. The pre fourth century role of the *syndikos* appears to have been linked to the *boulé*. During the early fourth century the *syndikos* became a municipal official with the ability to handle minor complaints, in particular complaints regarding land disputes or property from petitioners. Within the

¹⁶⁰ *P.Cair.Isid.74* (27th December A.D. 315) ll. 22-25.

¹⁶¹ See also *CPR.17a.9b* (A.D. 320) which presents a petition complaining of land trespass was levied to the *exactor* of Hermopolis. Kehoe, 2007: 83; Bagnall, 1993a: 171; Lopez, 2013: 03-04; Frakes, 1994: 38.

¹⁶² Thomas, 1959: 129.

¹⁶³ Thomas, 1989: 690-691; Lallemand, 1964: 120.

papyri both the titles *ekdikos* and *syndkios* became interchangeable during this period and any difference in remit is not clear from the documentation.¹⁶⁴

Around A.D. 326 the *defensor civitatis* role was established in the province and this official not only absorbed the existing remit of the *syndikos/ekdikos* but his remit was augmented to include the holding of trials, ability to summon parties in cases and serve binding judgements. The *defensor* absorbed much of the judicial remit held by the *logistes* and the papyrological evidence reflects a notable decrease in the judicial function of the *logistes* as a consequence.¹⁶⁵

Frake's discussion of the *defensor* demonstrates that the role may have been introduced to control and undermine corruption by municipal elites. During the fourth century, the role of the *logistes* became held by local elites, the same influential individuals who were controlling and accumulating greater portions of land in the community. This conflict may have resulted in an increased risk of corruption, and we are presented with papyri reflecting this concern of the Roman administration.¹⁶⁶ Frakes correctly explains that this development may not have undermined corruption, as the *defensor* was nominated from the leading members of the municipalities in which they operated, again creating a risk of conflict of interest, and undermining the core facets of the role. Valentinian recognised the risk of corruption and issued further regulations regarding the role, barring members of the prefect's officium and any local councillors.¹⁶⁷ This regulation was extended further in A.D. 387 to allow *metropoleis* to provide nominations for candidates, which would then be assessed by the prefect and decided upon. This amendment was another attempt by the administration to control local corruption.

Fourth Century Policing Officials

Maintaining control of the populace was a perennial challenge within Roman Egypt and the lack of any formalised "police force" meant that the administration were highly dependent on lower-level policing officials. During the fourth century changes were made to the previous role of the *irenarch*. The *irenarch*, during the third century supported the *strategos* in providing supervision within both cities and villages. Papyri from the fourth century reveal a judicial capacity as he received petitions from civilians. In the early fourth century the *irenarch* were replaced by the *ἐπι τῆς εἰρήνης* (sometimes translated as guardians or supervisors of the peace).¹⁶⁸ These officials appear to have been subordinate to the *strategos*, the *exactor* and later the *riparii*.¹⁶⁹ The papyri reveal that they were responsible for general policing, including the issuing of summonses and the physical detainment of criminals. In the 340's the nome *riparii* appears within the papyri for the first time and were superior to the *ἐπι τῆς εἰρήνης*.¹⁷⁰ The *riparii* worked in pairs and were responsible for maintaining order within the *nome* whilst the policing of cities fell to the *nyktostratego*.¹⁷¹ Their role extended to supervising the collection

¹⁶⁴ Lallemand, 1964: 114-118; Rees, 1952: 81-86; Whitehorne, 1988: 154; Kramer, 1990: 307-308; Geens, 2007: 180.

¹⁶⁵ Bagnall, 1993a: 165; Alston, 2002: 279; Kramer, 1990: 307-309; Geens, 2007: 181; Frakes, 2001: 116-118.

¹⁶⁶ Rees, 1953: 99-100.

¹⁶⁷ Frakes, 1994: 345-347; Lallemand, 1964: 118.

¹⁶⁸ Sanger, 2005.

¹⁶⁹ *P.Stras.5.309* also reveals that the *exactor* provided orders to this official. Torallas Tovar, 2001: 115-119. The *ἐπι τῆς εἰρήνης* operated in guilds, investigating crime within localities. Furhmann, 2011: 86.

¹⁷⁰ Torallas Tovar, 2001: 119-120.

¹⁷¹ The *nyktostratego* appear to have been supervised by the *riparii*. Bagnall, 1993b: 164-165; Torallas Tovar, 2000: 115-117.

of goods and the detainment of prisoners.¹⁷² They also received petitions from civilians, often acting as conduit between the petitioner and higher-level administrators.¹⁷³

Chapter 1: Conclusion

From our examination of both the regional and local level administrative divisions we can argue that civilians were faced with a changing landscape of administrative units and groupings. Overall, the regional changes may not have had a major impact on the daily administrative duties of lower-level administrators. However, the awareness to their existence and development display that these changes were actively communicated to village officials and that they were conscious of the wider administrative framework and their place within the system.

The papyri demonstrate that during the fourth century a range of new administrators were created and introduced, particularly at the municipal and *nome* level, to support the changes to the wider administrative framework. The roles and remit of these individuals varied in relation to wider imperial policy and much of the previously centralised role held by the *strategos* became disseminated to a wider selection of lower-level officials.

Whilst these changes may have been instigated to undermine the power of individual elites within communities, these revisions may have led to wider confusion within localities. Throughout this thesis the effectiveness of these changes and the decentralisation of remit is investigated to identify if petitioners received any benefits from these amendments.

¹⁷² The *nome riparii* are the only *riparii* mentioned within the fourth century papyri. City *riparii* appear in the fifth century and survived into the eighth century.

¹⁷³ *P.Oxy.*63.4377 (A.D. 369). Torallas Tovar, 2001: 115-117.

Chapter 2:

The codification and communication of Law in fourth-century

Egypt

Regulations are an essential structural feature of both ancient and modern societies, working alongside other measures taken by central institutions to maintain stability.¹⁷⁴ In an ancient context, regulation was one of the components necessary for maintaining social control, particularly in an era of imperial growth. In the context of the Roman Empire, the continued publication and adjustments of laws allowed the extension of Roman social control to move beyond the central administration, maintaining imperial power at the fringes of the Empire. The central Roman administration and the emperor needed to maintain compliance within peripheral areas as a breakdown of law and order ultimately reflected a threat to their continued dominance. As such ancient literature, epigraphic and papyrological sources all reveal examples of the codification, communication, and enforcement of imperial legislation in the provinces. Naturally, the codification of law was only the primary step in this process. It was inadequate unless effectively communicated and enforced within provincial localities and to all the subjects of the empire. This integral facet of the installation of laws within provincial communities was understood by the central administration and is reflected within the surviving evidence of regulations published on public *stela* and papyrus from throughout the empire.

Modern legal theorists, in particular, Hart in his prominent discussion of the concept of law, have argued that law is a social construction, formed in the main by intentionally created rules enacted to control or limit social behaviours, by either individuals or institutions, with rules reflecting the main ‘building blocks’ of law.¹⁷⁵ Hart’s theory, known as “Legal Positivism”, reflects that all laws are created and enforced due to their intentional and continued practice within society, via customary application and general recognition by both institutions, such as officials and also private individuals.¹⁷⁶ This model, known as the ‘practice theory of rules’ suggests that conventional rules, recognised by individuals and institutions creates complicity from the wider society, thereby enacting a level of social control.¹⁷⁷ However, as modern legal theorists point out social control is not only enacted via constructed regulations or customary practice. In fact, in many societies, laws are enforced via the physical threat of repercussions.

Hart’s theory, however, takes a more balanced approach, suggesting that compliance within law is maintained in more complex ways and achieving compliance from societies is vastly different in disparate communities. For instance, he notes that in smaller communities with relative stability achieving compliance with customary or written laws is often easier to maintain. In contrast more geographically distant societies or those with complex social systems may require the use of different solutions for maintaining social control, such as,

¹⁷⁴ Additional methods taken to control populations include formal forms of control, which include physical force (usually via a standing military or police force). Informal methods of social control are numerous and complex in their application. Some of these methods include the use of information bias or censorship, the proliferation of customary values or religious ideals, and of course are not applied by all governments to their applicable societies. Hart, 2012: 107.

¹⁷⁵ Green, in Hart, 2012: Introduction, XVI.

¹⁷⁶ Hart, 2012: 107.

¹⁷⁷ Ando, 2000: 80-95. Ando considers the communication of and implementation of laws within the wider Empire, agreeing with the concept that compliance with the law was complex, but was also connected to the wider community’s acceptance of imperial laws and regulations.

“Deliberate mechanisms of social control, that enable customs and other norms to be publicly ascertained and to be changeable forthwith, by the say-so of the rulers, by majority vote, or whatever. This is made possible by institutionalisation: the emergence of specialised organs with power to identify, alter, and enforce the rules. The resulting division of normative labour is a mixed blessing, bringing both gains and costs: ‘The gains are those of adaptability to change, certainty, and efficiency... the cost is the risk that the centrally organised power may well be used for the oppression of numbers with whose support it can dispense, in a way that the simpler regime of primary rules could not’.¹⁷⁸

Imperial law was mainly reactive in nature, with the central Roman administration shaping laws that could be applied to either individual provinces or collectively across the empire. Scholars such as Miller have discussed at length the central role of the imperial administration in shaping reactive laws to undermine illegal activity and strengthen the control of the administration over the populace.¹⁷⁹ Hauken’s study on the evidence of a petition and response system within epigraphic evidence revealed that the imperial administration did receive petitions from the provincial population and that these cases were not solely a response of the imperial administration, in fact, these responses to provincial populations became sources of law themselves.¹⁸⁰ These precedents were often fed into the codifications of empire-wide legislation. These laws were further communicated via imperial edicts across the provinces, disseminated and communicated into smaller communities. Tuori has emphasised that the ability to petition the emperor was an essential facet of strengthening the emperor’s image as the protector of the people and an accessible judge, legitimising support for the administration in provincial areas.¹⁸¹ Harries has emphasised that the imperial and papyrological legal evidence reveal that precedent forming from imperial responses was utilised in cases by provincial populations to bolster their cases, demonstrating to officials handling their case that they were justified in submitting their petition.¹⁸² However, the extent of personal knowledge of individual legal precedents is challenging to quantify and will be discussed throughout this chapter.

This chapter utilises the wide corpus of legal documentation to investigate the different components that contributed to the creation and communication of laws in the province. Initially this discussion focuses on how petitioners could communicate their cases to the emperor, demonstrating the available routes for submitting one’s complaint. Furthermore, the responses of the central administration are discussed, identifying the channels of petition and response and how the imperial administration codified laws for distribution across the empire. To identify the challenges faced by the imperial administration in obtaining compliance to their legislation, this chapter explores illegal requisitioning, tracing how the imperial centre sought to control this behaviour via legislation and the challenges of embedding the laws within the province.

An interesting facet of the Roman Egyptian administration was the remit of the prefect to shape the laws within the province, via the creation of prefectural edicts or his rulings recorded in subscriptions. This delegated authority reflects another area in which the decentralised aspect of the Roman Egyptian administration can be realised and explored further. This ability of the prefect (and later the *praeses*) to form binding law within the province (via the delegated authority of the emperor) can be viewed as a positive and pragmatic aspect of the central administration’s approach to obtaining compliance with the

¹⁷⁸ Hart, 2012: 107.

¹⁷⁹ See Millar, 1992 for the extensive discussion of the emperor’s role and relationship to the provinces.

¹⁸⁰ Hauken, 1998.

¹⁸¹ Tuori, 2016. See also Ando, 2000 who additionally emphasizes the importance of the accessible judge to foster provincial loyalty and subsequently control of the populace. See Corcoran, 2000 for a wide-ranging discussion of the evidence for imperial edicts and the emperor’s role as a legislator during the tetrarchy.

¹⁸² Harries has published several studies on the impact and breadth of imperial law in the provinces, focusing mainly on the relationship between the imperial center and provinces. See Harries, 1998; 2007; 2012 and 2013.

law, as the prefect was better placed to react more quickly and effectively to issues raised in the province by both citizens and localised officials. Katzoff and more recently, Bryen have discussed at length the role of the prefect in shaping law in the province, emphasising that the rulings of the prefect represented important precedents for future petitioners, applied as evidence of their right to bring a case and most importantly have the case tried in their favour. Katzoff emphasises however that imperial law naturally outranked localised rulings.¹⁸³ Modern scholars who have discussed at length the benefits of this decentralised administrative structures in modern developing countries have often praised the existence of delegated legislative ability as allowing officials to react quickly and effectively to legal ambiguities.¹⁸⁴ The central administration further effectively equipped the administration with the tools needed to operate the decentralised administrative framework. For instance, one may suggest that the employment of *nomikoi* in the staff of the prefect reflects a recognition by the central administration for the need of specialist staff in these offices to enable successful delegation procedures to operate within the provincial setting.¹⁸⁵ The second part of this chapter focuses on the role of the prefect as a communicator of imperial legislation, and the prefect's role in creating prefectural laws is discussed to explore how prefectural rulings became precedents that petitioners could utilise for justifying their disputes. To demonstrate the challenges faced by the prefect and officials in obtaining compliance, evidence relating to vexatious petitioning is investigated.

Imperial and prefectural Edicts: Fourth Century Evidence

As the ultimate legal authority in the empire, published imperial edicts held absolute authority over previous legislation.¹⁸⁶ Whilst the later Byzantine legal codices provide the main evidence for imperial edicts, particularly from the reign of Hadrian onwards, throughout the Roman period, papyri also provide evidence of imperial legislation through several forms.¹⁸⁷ The three main documents which record imperial laws within the province are edicts, rescripts and *epistulae*, all of which contained the declaration of the emperor, forming binding legal regulations within the province, superseding the previous law.¹⁸⁸

Whilst legal literature grants us a view from the central administration in Rome and Constantinople and reflects the role of the emperor as a “law-maker”, papyri from the fourth century supplement our

¹⁸³ See Katzoff, 1972: 256-292 for the role of precedents in Roman Egyptian litigation and 1980: 807-44 for a wide-ranging discussion of how law was shaped by the prefect. Jolowicz, 1937 provided the earliest focused discussion of the role of the precedent within the papyri. Bryen, 2015 presents a key discussion on the relationship between the prefectural court and the populace, focusing on the discussions of customary law in the earlier period of Roman rule and how precedents were referenced within petitions and court proceedings. Bryen asserts that the reference to previous cases largely disappears from the papyri from the third century. Whilst individual cases are not referenced, the papyri do reveal several cases where petitioners cite the actions of their opponent as ‘against the laws’ or ‘contrary to the laws’, thereby suggesting that recurrent types of cases were accepted as recorded precedents, not requiring cases to be cited, see *P.Cair.Isid.74* (A.D. 315) for instance. See Brunt, 1975 for a key overview of the role of the prefect and his assertion that the ability of the prefect to adequately enforce change in the province was limited due to the short tenure held in the office.

¹⁸⁴ Thomas, 2003; Byren, 2013: 17; Burton, 1975: 105; Serfass, 2001: 184-185; Hanson 1982: 235; Haensch, 1994: 487; Taubenschlag, 1944: 41-51; Taubenschlag, 1948: 67-73.

¹⁸⁵ Kantor, 2006: 263-265; Weaver, 2002: 43-55. Weaver notes that the use of experts was essential for the central administration to form decisions on individual cases and for more general points of law.

¹⁸⁶ Jördens, 2012: 63; Katzoff, 1972: 273.

¹⁸⁷ Tuori, 2016: 197-198. The *Codex Theodosianus* contained a range of individual laws and *responsa* from throughout the provinces, compiling the earlier works of the *Codex Hermogenianus* and *Gregorianus*. In A.D. 529 Justinian proceeded to begin the compilation of the *Codex Justinianus*.

¹⁸⁸ Harries, 2013: 53.

discussion and show how these laws may have been reactive to issues within the province.¹⁸⁹ During the first three centuries of Roman rule imperial edicts from Egypt have not survived in large quantities and during the fourth century the number of surviving imperial edicts decreases, with only one example of an extant imperial edict remaining from this century, *P.Oxy.6.889* (A.D. 324-325).¹⁹⁰ This loss of data limits our ability to discuss any changes or innovations regarding the conventional structure of imperial edicts during the fourth century.¹⁹¹

Prefectural edicts from the fourth century, whilst more plentiful than their imperial counterparts, have survived in smaller quantities. As demonstrated in table 11 surviving prefectural edicts emanate mainly from the first half of the century, apart from one edict from the late 360's from Oxyrhynchus. Most of the surviving texts were recovered from Oxyrhynchus, apart from two fragmentary texts which were located within the Nag Hammadi corpus.

Table 11: Fourth Century Prefectural Edicts

Papyrus	Date
<i>P.Oxy.9.1186</i>	A.D. 300-400
<i>P.Oxy.46.3303</i>	A.D. 300-301
<i>P.Oxy.31.2558</i>	A.D. 303-306
<i>P.Nag.Hamm.</i> 143a;143f	A.D. 309-350
<i>P.Nag.Hamm.</i> 144a;114h	A.D. 309-350
<i>P.Oxy.8.1101</i>	A.D. 367-370

Even though our extant evidence for imperial and prefectural edicts is not extensive, other documents such as petitions, court proceedings and official letters refer to some imperial and prefectural ordinances formed by the central Roman administration, enabling scholars to evidence the continued codification of ordinances in the province and their communication to the populace.

¹⁸⁹Rees, 2007: 105 notes that the laws of Diocletian were focused on this regulation of the practical elements of administrative functions, such as the economy and religions within the provinces. Ando's discussion highlights the emperor's wish to portray himself as a peacemaker and law-bringer to the provinces emphasizing his accessibility in a wish to foster loyalty within provincial areas: Ando, 2000: 113; Tuori, 2016: 197.

¹⁹⁰*P.Oxy.6.889*= *SB.16.12306*. Thomas, 1976: 201; Barnes, 1976: 279; Barnes, 1982: 234; Barnes and Worp, 1982: 276-278 for the dating of the edict in relation to the accompanying petition.

¹⁹¹ These documents are, *PSI.1.111* (A.D. 287-304); *PSI.1.112* (A.D. 316); *P.Oxy.6.889* (A.D. 324-325).

Reactive imperial legislation: Channels of petition and response

Imperial and prefectural regulations implemented within both Rome and the empire were in many cases created in direct response to issues apparent within communities or to achieve the successful implementation of an imperial policy. Both imperial and local level administrators were made aware of issues via effective methods of communication between themselves and the provincial population.¹⁹² Petitions provided an essential area of feedback for the imperial administration to learn about such failings of the implementation of a law or the infrastructure implementing it within the local setting. This petition and response process linked provincial communities to the central administration, in theory providing an accessible outlet for petitioners to air grievances concerning matters above the auspices of the higher provincial administration.¹⁹³ Petitions could reach the emperor in several ways, firstly, one could present their petition during a provincial visit of the emperor. Secondly, petitions could be delivered via representatives, such as officials, soldiers, or specialists such as a *scholasticus*. Finally, collective embassies could petition the emperor directly; these methods for obtaining assistance will be discussed in this section of the chapter.¹⁹⁴ Grievances sent up to the central administration for further consideration, referred to as *suggestio*, could be replied to or acted upon if deemed necessary.¹⁹⁵ On return, the *rescript* (either sent as a separate document or as a subscription affixed to the original petition) would then be posted publicly (*propositio*)¹⁹⁶ and further copied and authenticated by seven witnesses.¹⁹⁷ Responses from the emperor are rarer in the papyri than in the wider legal codices, however, a number do survive from the Roman period and reflect the role of the emperor as a judge for provincial cases.¹⁹⁸

¹⁹² Millar, 1992: 526.

¹⁹³ Hauken, 1998: 300; Tuori, 2016: 215; Fuhmann, 2011: 147.

¹⁹⁴ For the use of intermediaries, see *P.Oxy.47.3366* (A.D. 258)=*BL.11.59* in which a petition is delivered to Valerian during his visit to Syria. From the fourth century A.D. the archive of Theophanes may also reflect an intermediary delivering petitions to the emperor, during a visit to a neighboring province Corcoran, 2000: 44. For an example of a soldier delivering a petition on behalf of a citizen to Valerian, see *P.Oxy.47.3366* (A.D. 259). Parsons, 1976: 417-420; Corcoran, 2000: 43-45.

¹⁹⁵ Harries, 2012: 8. This relationship between the provincial population and the imperial administration reaffirmed the position of the emperor as all powerful, asserting his legislative authority from a distance. Corcoran, 2000: 1-2.

¹⁹⁶ *Programmata* was the Greek term applied.

¹⁹⁷ Hauken, 1998: 302; Clarysse, 2003: 346; Corcoran, 2000: 43; Williams, 1980: 284-287; Fuhmann, 2012: 147-150; Millar, 2004: 319. See *P.Hamb.1.18* (A.D. 220-222) for an instance of the process of posting an imperial reply in Alexandria. See *P.Yale.61* (2nd May A.D. 209) for the most famous discussion surrounding the posting and authentication of petitions. Hauken, 1998: 308.

¹⁹⁸ For responses from the emperor in the papyri see, *BGU.2.511*; *P.Lond.Inv.2785*; *P.Oxy.42.3021*; *P.Berol.8877*; *P.Cairo.10448* (A.D. 41) which all relate to the *Acta Isidori*, the trial relating to the disputes between the Alexandrian Jewish and Greek communities. *P.Tebt.286* (A.D.131); *CIL.8.10570* (A.D.181); *P.Oxy.42.3019* (A.D. 200); *P.Oxy.51.3614* (A.D.200); *P.Mich.9.529=SB.14.11875* (A.D. 235-237); *P.Oxy.42.3018* (third century A.D.); *P.Stras.1.22=BGU.1.267* (A.D.199-200); *P.Oxy.6.1020* (A.D.199-200); *BGU.2.472* (A.D.199-201); *P.Oxy.12.1405=P.Oxy.43.3105* (A.D. 200); *P.Col.123=P.Amh.63* (A.D.200); *P.Berol.Inv.7346.Verso=SB.4.7366* (A.D. 200). No direct responses survive from the fourth century, however *P.Duk.Inv.179R* (A.D. 348) from the archive of Ammon refers to a rescript of Diocletian, indicating that rescripts continued to be issued to petitioners into the fourth century A.D. Five imperial rescripts survive from the sixth century A.D, preserved in the archive of Dioscoros. See, *P.Cair.Masp.1.67024* (A.D.551); *P.Cair.Masp.1.67025*(A.D.551); *P.Cair.Masp.1.67027* (A.D.551); *P.Cair.Masp.1.67028* (A.D.551); *P.Cair.Masp.1.67029* (A.D.548).

Petitions to the emperor from individuals were sent throughout the imperial period, and a small number recording these appeals have survived from the fourth century. Table 12 presents the surviving petitions sent to the emperor by petitioners during the fourth century. No petitions to the emperor have survived from the second half of the fourth century, although this may be reflective of the wider absence of papyri from this period rather than indicative of a change in petitioner behaviour. Legal codices contain responses from emperors after A.D. 350, indicating that petitions continued to be submitted to the imperial administration into the later fourth century.¹⁹⁹

Table 12. Fourth Century Petitions to the Emperor

Papyri number	Date	Location
<i>P.Ant.</i> 2.99	A.D. 300-305 ²⁰⁰	Hermopolis
<i>P.Ryl.</i> 4.620	A.D. 300-325	Hermopolis
<i>P.Ryl.</i> 4.621	A.D. 300-325	Antinoopolis
<i>P.Ryl.</i> 4.619	A.D. 313 (?)	Hermopolis
<i>P.Ryl.</i> 4.618	A.D. 317	Hermopolis
<i>P.Ryl.</i> 4.617	A.D. 317	Hermopolis
<i>P.Lond.</i> 3.878 recto= <i>SB.</i> 6.9217	A.D. 319-320	Krokodilopolis
<i>P.Abin.</i> 1	April A.D. 340-31 st March A.D. 342	Philadelphia
<i>BGU.</i> 19.2760	A.D. 350-375	Hermopolis

At least four of these petitions stem from the archive of Theophanes (A.D. 300-325). One derives from the archive of Abinnaeus, a Latin papyrus, dated to A.D. 340. The remaining papyrus, *BGU.*19.2760 and

¹⁹⁹ See cases such as *Cod.Theod.*10.10.19 (A.D. 387) regarding the classifications bestowed on officials; *Cod.Iust.*1.2.2 (A.D. 381) outlawing the burying of corpses in churches consecrated to the apostles; *Cod.Iust.*9.16.8 (A.D. 374) on the application of capital punishment for the murder of infants.

²⁰⁰ Whilst this text is highly fragmentary, the first damaged fragment does record very similar phraseology to those preserved within the Theophanes archive. The original editors did not recognise the formulae; thus, the imperial connection may have been missed. I would suggest that the inclusion of such formulae and clear reference to *Οὐαλερίῳ Κωνσταντίῳ*, which could be reconstructed to reflect the full title used in *P.Ryl.*4.621 (A.D. 300-325), Flavius Valerius Constantius, this may be in reference to Constantius I and may offer a revised date for this papyrus to the earlier fourth century A.D, limiting its publication to pre 305 and revising the editor's suggestion of A.D. 300-325. The fragmentary nature of the papyrus does not offer any further clue to its dating.

P.Ant.2.99 may originate from Hermopolis. Unfortunately, all our surviving Greek texts are highly fragmentary and do not contain any reply from the emperor included via subscriptions.²⁰¹

Petitions could be presented to the emperor during imperial visits to the province. *P.Col.123* (A.D. 200) records *responsa* which were granted to petitioners and posted in the stoa of the gymnasium at Alexandria, during the imperial visit of Severus and Caracalla, lines 5-7 record one of the posted *responsa*,

“To Ulpius Heraclanus, also called Kallinikos. We remitted the penalties which had been imposed upon Alexandrians or Egyptians but added a time limit to the benefaction.”²⁰²

These posted replies reflect the active role of the emperor in answering numerous petitions and cases whilst on tour of the province.²⁰³ The ability to present your petition to the emperor reflects part of the essential image of imperial accessibility and may have served as a key tool used to undermine corruption within the province.²⁰⁴

An alternative method for obtaining the emperor’s attention for your case was to gain the assistance of an influential individual to act on your behalf, such as a soldier, official or specialist individual (such as a *scholasticus*) to deliver your petition to the imperial centre or to the emperor if he was on tour of another nearby province. Earlier papyrological evidence presents soldiers assisting with the delivery of petitions for citizens, for example *P.Oxy.47.3366* (A.D. 259) records a soldier delivering a petition on behalf of a citizen to Valerian in 259 A.D.²⁰⁵

P.Ryl.617-622 are contained in the archive of Theophanes. Theophanes, a *scholasticus* seems to have taken these petitions with him whilst he was travelling on imperial business, with scholars suggesting that he may have been presenting these petitions to the emperor on behalf of the petitioners. Unfortunately, the papyri are fragmentary and do not provide much further information regarding how they were to be submitted or the outcome of their requests. If we consider that *P.Ryl.617* and *618* were not submitted by individuals from the same regional area and are written in different hands, then this may support the view that Theophanes was delivering the petitions on behalf of the petitioners to the emperor. Further evidence for Theophanes’s travel is clear in a Latin letter of introduction, granted to Theophanes to assist with his travel to Antioch. The letter at *P.Ryl.4.623* (A.D. 317-324) is sent by the *catholicus*, one Vitalis,

²⁰¹ Fuhrmann, 2012: 147-150.

²⁰² *P.Col.123.11.5-7* (A.D. 200).

²⁰³ Westermann and Schiller, 1954; Oliver, 1989: 451-458; Katzoff, 1981; Youtie and Schiller, 1955; Haensch, 2007a: 215-218; Pringsheim, 1956; Coriat, 1997: 190; 588. Turpin, 1991: 107 suggests that these replies were not subscriptions but in fact they reflect *decreta* or decisions made within court proceedings. However, I would suggest that whilst these extracts may reflect small portions of the *krasis* or judgment in a case, there is nothing to suggest that these posted entries are not a copy of the subscriptions issued to the petitioner himself. Such publications were intended to communicate rulings, not only to those involved in the case, but the wider populace. Therefore, any form of convenient and efficient solution for communicating *responsa* must have been sought by the administration. Williams, 1974: 90-103; Tuori, 2016: 246-247.

²⁰⁴ Tuori, 2016: 332-334.

²⁰⁵ Parsons, 1976: 417-420; Corcoran, 2000: 43-45.

“To his lord Achillius, Vitalis. Since in all matters your kindness is endowed with good intent, I have no doubt of its willingness to respect and honor learned advocates, and especially those who are entrusted to your honored self by me, your servant, my commendable lord. On this account I entrusted to your inimitable conscience Theophanes, from the city of Hermopolis in the province of the Thebaid, who at the instance of my lord, our brother Phillipus, is undertaking in some way, it appears, without an official allowance- the burdensome labor of a journey to the *officium* of my lord Dyscolius, and ask that you deign to show him you Honor’s habitual kindness and humanity as he passes on his way. By the good health of us all and of our little children, I avow that it was without a request of any sort from him that I thought it right to introduce him to your benevolence.”²⁰⁶

The text does not outline why Theophanes was sent, therefore it is unclear whether Theophanes was sent either to deliver petitions to an official in this region, to obtain information on a case or whether he was sent on alternative business. Matthews suggests that the absence of an official expense account for Theophanes may suggest that he was not travelling under the direct instruction of the *catholicus*, rather his visit may have been on behalf of his community.²⁰⁷ Nevertheless, these documents reveal that Theophanes was in communication with the *catholicus* and was potentially working under his supervision to assist with legal matters.

P.Ryl.4.621 (early fourth century) a fragmentary text, references an inheritance dispute and does contain a trace of a Latin subscription, which may have been the petitioners case number. Whilst this may suggest that the case was successfully escalated, the outcomes are not clear. It is interesting that these petitioners saw Theophanes as a vehicle for escalating their cases to the imperial court. Theophanes, as a *scholasticus* was regarded a legal specialist and was no doubt used to advise local, regional, and higher-level officials on the legal detail behind cases. However, it must be recognised that the specialised legal knowledge held by Theophanes may have meant that he had a wider role in the administration of justice in localised settings. Local petitioners may have approached Theophanes, seeking guidance. Alternatively, petitioners could have viewed the *scholasticus* as a conduit for approaching higher-level administrators with complaints, thus leading Theophanes and others *scholasticoi* to communicate these disputes. Therefore, it must be recognised that Theophanes was possibly not working just under the auspices of the *catholicus*, rather he may have held a central role in local mediation and the further communication of disputes if the situation required.²⁰⁸

These petitions reflected an essential method for the imperial administration to learn of failings in the implementation and efficacy of law in the province.²⁰⁹ *P.Sakaon 45* (A.D. 334) records a petition, sent

²⁰⁶ *P.Ryl.4.623* (A.D. 317-323).

²⁰⁷ Matthews, 2006: 37-40; Choat, 2006: 53-55.

²⁰⁸ The use of specialists in Roman Egypt was commonplace by the fourth century A.D. In legal cases the opinions of medical specialists such as doctors or midwives were often sought to substantiate claims of injury caused by another agent. Similarly, surveyors (*geometrai*) were often used to substantiate claims in cases of land dispute. In addition, goldsmiths are also attested in the papyri, being used to substantiate disputes concerning inheritance or dowries. Therefore, the use of legal specialists is not surprising. Of course, we must be aware that this area was open to corruption by petitioners. Ferngren and Amundsen, 1978: 342. The prefect himself is also known to have used specialist legal advisors in his court to advise him on the intricacies of cases, known as *nomikoi*, this is not surprising if we consider that the tenure of prefects may have been only around three years, as suggested by Brunt, such tenures did not allow for prefectural candidates to become fluent in the regulatory intricacies of the province. Brunt, 1965: 133-134.

²⁰⁹ The reference to previous edicts and their failings are common within texts such as court proceedings and petitions throughout the Roman era, for instance, *P.Ammon 1.4* (A.D. 348) displays a petitioner, Ammon,

to a local *irenarch* by a farmer, Aurelius Sakaon. Sakaon argues that the setting of weirs and blocking of the water channels in the area countered an imperial law concerning water supply,

“To Aurelius Ploutammon, *irenarch* of the eight *pagus*, from Aurelius Sakaon son of Satabous, from the village of Theadelphia in the Arsinoite *nome*. Since at the time of the flooding... for reasons unknown to me Amies and his sons and Euporas and his sons acting in the manner of tyrants and robbers set a weir in the canal contrary to what is permitted (for an imperial law forbids (?) the setting of weirs), I ask, therefore, you the *irenarch* to review the violence perpetrated against me by the aforementioned and then to produce both me and them at the court of my lord the most eminent prefect of Egypt, for it is his function to exact vengeance for such deeds...”²¹⁰

In this petition, Sakaon underlines that the practice of setting weirs was illegal, affirming that an imperial law forbids this action. Unfortunately, we do not have any record of an imperial or prefectural edict on papyrus outlining the legal aspects of weirs or the blocking of channels, however passages from the digest, in particular Ulpian’s comments in *Edict.book 68=Digest. 43.13.1*²¹¹ do reference such a law and could suggest that an imperial regulation on this subject had been published within the province at some point. Sakaon’s reference of this imperial regulation not only reiterated to the *irenarch* that the actions of the vandals were illegal, but his statement also requests that the prefect be made aware of the issues within the local community, in this case via a trial before the prefect himself. This direct feedback allowed for the higher levels of the legal administration to assess whether further legislation was required within the province and was essential to the successful maintenance of law and order within communities. Sakaon’s knowledge of this law is also interesting as it may reveal that a variety of imperial edicts were stored within local archives following their communication and publication and were accessible to the wider community.²¹²

A trial document from the mid fourth century, *P.Col.7.175* (A.D. 339), refers to an imperial rescript sent to a councillor, Agrippinus, following his submission of a petition to the emperor, questioning property ownership rights. The emperor’s reply is read to the court by the *defensor* judging the case,

referencing an earlier legal regulation of the emperor Diocletian, to bolster his claim concerning the succession of a priesthood for his nephew Ammon clearly references an earlier regulation in this petition in a more general way, rather than outlining the detailed regulation, “...(It was) the emperor who decided long ago, and we offered to him the imperial rescript, which decides all things for all men, lest being judged unjustly by men,... those possessing the portion of the *archipropheteia* [*ca 8*], and now the son..., having received the transmission from his father [*ca 35*]... and of the laws that from of old order [*ca 7*] the father’s [*ca 80*] having been (?) to apply to the priestly account [*ca 10*]...later [*ca?*] to keep for the son (?) of the paternal office [*ca 12*] through the [*ca?*] and to deposit the appointment fee in accordance with the laws. But our most just *archiereus*... did not at all [*ca?*] forward the payment (*or* petition) to me but turned to threats and such abuse against us, perhaps reasoning [thus to him]self [*ca?*] and an [un]disputed manner....”

²¹⁰ *P.Sakaon 45* (A.D. 334).

²¹¹ “The praetor says: ‘I forbid anything to be done in a public river or on its bank, or anything to be introduced into a public river or on its bank which might cause the water to flow otherwise than it did last summer’. By this interdict the praetor has made provision against a river’s drying up because of unauthorised tapping by watercourses or bringing any injury to neighbours by changing its bed...” Ulpian, *Edict.Book 68=Digest.43.13.1*.

²¹² Ando, 2000: 90 Ando references the existence of private copies of subscriptions, suggesting that individuals may have made their own copies of subscriptions. Haensch, 1992: 261-262; Williams, 1980: 288.

“I have come before the court, relying on a divine and venerated law of our masters, the eternal Augusti, which provides that If anyone is in possession of property for a period of forty years, his possession is in no way to be removed from him nor is the date of the inception of possession to be investigated.”

Column. 3. “I beg leave to read the divine and venerated law of our masters, the eternal Augusti, which provides that If a period of forty years has elapsed with a person in possession of property, no one is in any way to proceed against his property of dissolve his longstanding possession.” The *defensor* said to him, “Read the divine and venerated law which you say you have at hand.” “Our masters Constantine Augustus and Constantine and Constantius most noble Caesars to the senator Agrippinus: it is our pleasure that consideration be taken also of the length of the possession to the extent that, if it is established by inquiry from them that the property (?) with which the investigation is concerned has been held for forty years, not even the grounds of the possession be investigated. It is our pleasure moreover that, since legal grounds of possession are necessary (?) only for prescription after ten or twenty years, the present holder be awarded the protection of the court, (etc.).”²¹³

The advocate reads a previously codified fourth-century imperial regulation, sent in the form of a rescript, to a senator Agrippinus. It is not clear why this senator had appealed to the emperors for clarification on the matter, however, this text reveals that the imperial reply was presented in legal cases by advocates and petitioners, to support their claims. Furthermore, this text supports the theory that rescripts were still being produced and interpreted as legitimate legal regulations during the fourth century.²¹⁴ Rescripts were an essential tool for the emperor to not only appear accessible to the provincial populations, in addition rescripts, as the word of the emperor, became law within the province, holding the same level of authority as an independent imperial edict.²¹⁵ These channels of communication between the imperial administration and the provincial population led to the reactive creation or redefinition of previously codified regulations, via the rescript form. These minor amendments to regulations added further definitions to existing legislation, reactively undermining loopholes and providing clarity for its application in cases.²¹⁶ The case of Agrippinus may present the standard approach taken by petitioners who sought assistance from the emperor and this may have been the objective for those petitioners who requested Theophanes to deliver their petitions.

The final method for presenting one’s petition to the emperor was as part of a collective embassy. Both legal literature and papyrological evidence reveal that embassies from Roman Egypt did approach the imperial administration to communicate issues or discontent within their local communities and request imperial intervention. These delegations communicated their discontent through collective appeals, often sending embassies to the emperor to present their petition.²¹⁷ The most famous example from the papyri was the delegation of the Alexandrian *boulé* in A.D. 38 to Gaius, whose heavy-handed response to their complaint led to further violence within the city between the Greeks and Jews. *P.Lond.*6.1912 (10th November A.D. 41) records the later rescript of the Emperor Claudius to the Alexandrian *boulé*,

²¹³ *P.Col.*7.175 (A.D. 339).

²¹⁴ Ando, 2000: 378.

²¹⁵ Harries, 2013: 60; Taubenschlag, 1952a: 137.

²¹⁶ Corcoran, 2000: 49; Turpin, 1991: 104; Harries, 2013: 60-61.

²¹⁷ Harries, 2012: 11.

“Even now, therefore I conjure the Alexandrian to behave gently and kindly towards the Jews who have inhabited the same city for many years and not to dishonour any of their customs in their worship of their god, but to allow them to keep their own ways, as they did in the time of the God Augustus. The Jews on the other hand, I order not to aim at more than they have previously had and not in future to send two embassies as if they live in two cities... and not to intrude themselves into the games presided over by the *gymnasiarchoi* and the *kosmetai*, since they enjoy what is their own and In a city which is not their own they possess and abundance of all good things.”²¹⁸

The *boulé* was a body which could assist the community in airing grievances to higher-level officials and as such must be seen as another channel for feedback to the central Roman administration concerning the failure or success of laws, allowing for the creation of reactive regulation. In this way these delegations used their collective bargaining power to influence a reform to or a new codification of law and provided an essential voice for the local community when the law failed.²¹⁹

Fourth century legal literature reiterates the influence of the Alexandrian *boulé* in the formulation of provincial law. *Cod.Theod.*10.10.19 (2nd March A.D. 387) records a rescript of the emperors to the Alexandrian *boulé*, stating that they had instructed the prefect to confront the issue of informers in Alexandria and the wider province,

“Emperors Valentinian, Theodosius, and Arcadius Augusti to the Senators of the city of Alexandria.

Whereas, we are moved by our Zeal for your security and animated by the just claims presented by your public delegation to us, we have delivered to the most noble and illustrious Cynegius, Praetorian prefect, a letter commanding him that wherever he may find informers, he shall prosecute them with appropriate punishment, even if he has already inflicted upon them the suitable penalties by his own sentence, and that everything shall remain established as the aforesaid Illustrious prefect has decided with reference to the possessions and lands which have been hitherto disturbed by the aforesaid name of the informer. Therefore, live secure and so hold, cultivate, and stock your patrimonies as is demanded by your affection for this auspicious era.

Given on the 6th day before the *nones* of March at Constantinople in the year of the third consulship of Valentinian Augustus and the consulship of Eutropius”²²⁰

This rescript demonstrates that the Alexandrian *boulé* had petitioned the emperors requesting assistance against the actions of informers in the community. Direct appeals to the emperor and his staff led to the redefinition and reassertion of previously codified regulations relating to informers. These amendments were then communicated by the imperial administration, via the delegated authority of an imperial rescript. The existence of such documents supports that imperial rescripts were issued in response to

²¹⁸ *P.Lond.*6.1912=*CPJ.*2.153 (10th November A.D. 41).

²¹⁹ For the reintroduction of the *boulé* to Alexandria and the *metropoleis* between A.D. 200-201 see Bowman, 1971: 15-19; Fuhrmann, 2012: 148; Brunt, 1975: 207-211.

²²⁰ *Cod.Theod.*10.10.19 (2nd March A.D. 387).

failures of the internal administration to implement law and following the ignorance of these laws by the provincial population. This case also suggests that access to the emperor was not inconceivable, particularly for influential local delegations such as the Alexandrian *boulé*. In addition, this rescript presents the influence of the *boulé* within the community, suggesting that the *boulé* represented the complaints of the wider community, using their collective authority to gain the highest level of intervention and assistance to solve community-wide issues.

The feedback provided by individual and collective appeals to the imperial administration ultimately led to the creation of reactive regulations within the province.²²¹ Furthermore, the ability of petitioners and embassies to raise issues to the central government reflects another medium used to maintain social control. Finally, the responses granted by the imperial court supported the image of the emperor as an accessible judge, underpinning loyalty within the province.

Imperial Law-making and obtaining compliance: Illegal Requisitioning

Whilst access to the emperor and imperial court could be interpreted as a benefit for the provincial population, one must question if the responses and reactionary legislation codified by the imperial court effectively undermined illegal activities. To discuss whether reactionary legislation achieved compliance, this discussion will now focus on imperial legislation relating to illegal requisitioning.

Papyri from the early Roman period reveal that illegal requisitioning within provincial areas was a frequent occurrence, placing a burden on local communities. An edict of Germanicus was codified as a direct response to the illegal requisitioning by soldiers in the province, prior to his imperial visit. Germanicus' visit to Egypt in A.D. 19 resulted in the publication of an edict found in *SB.1.3924* (A.D. 19). This edict was introduced with two purposes in mind, firstly to control illegal requisitioning by the military and to enforce payment to individuals who had provided animals for temporary requisitioning during the imperial visit,²²²

“(First Edict) [Germanicus Caesar, Augustus’ Son, grandson of the deified Augustus, proconsul, declares: in anticipation of my visit I hear now that requisitions [--- of boats] and beasts of burden have been made and the rights of hospitality appropriated by force for my lodging, and private citizens terrorised. I have thought it necessary to make it clear that no boat or beast shall be taken by anyone, and that is my wish, unless Baebius my friend and secretary issues an order, and the rights of hospitality shall not be appropriated. For if there is such a need, Baebius himself, fairly and justly will distribute the lodging. For the requisitioned boats or animals’ payment will be given according to my schedule. Such is my order. Those who oppose my order I wish to be brought before my secretary, who will himself forbid the injury of private citizens, or he will report to me. In the passage through the city of beast of burden I forbid those who happen upon them to take them by force. For that is an act of acknowledged robbery.”

²²¹ Harries, 2013: 57.

²²² Weingärtner, 1969: 122-124; Davies, 1989: 154; Millar, 1992: 34; Mitchell, 1976: 114; Adams, 2007: 139. Adams suggests that Germanicus’ order to pay individuals for temporary animal requisition was the first of its kind. See *W.Chr.*413 (A.D. 19) for another example of requisitioning for Germanicus’ imperial visit to Thebes.

The intervention of Germanicus appears to have been effective in the short term. However, by A.D. 48-49 a prefectural edict of Capito suggests that illegal requisitioning had again become a major issue within local communities. The prefectural edict, recorded in *SB.5.8248* (A.D. 48-49), states that no other individual may requisition goods without his written permission,²²³

“Gnaeus Vergilius Capito declares: Even before this I kept hearing that certain unlawful expenditures and frauds were being perpetrated by persons greedily and impudently abusing their powers, and now too I have noted particularly in the lawsuit of the Libyans that persons in the public services are brazenly peculating by making certain disbursements in the guise of allowances-which do not and ought not exist-for their expenses and accommodations, and likewise under the title of transportation requisitions. Wherefore, I command that the soldiers, cavalymen, orderlies, centurions, military tribunes and all others journeying through the nomes shall take nothing and make no transportation requisitions, excepting those who have permits from me; and that even these travellers shall be provided with shelter only, and no one shall draw any allowance beyond those established by Maximus. And if anyone pays out or reports a sum as paid out and charges it to public expense, I will make him pay back ten times the amount which he obtained from the nome, and to the informer I will give a fourfold share from the property of the person convicted. The royal secretaries, the village secretaries, and the district secretaries in a nome shall record all sums expended from nome funds for any purpose or obtained fraudulently or otherwise shall deliver [these records] every sixty days (the secretaries in the Thebaid every four months) to the audit offices, and shall send them to Basilides-the imperial freedman in charge of the Audit Bureau- and the state accountants, so that if anything has been illegally collected or obtained I will remedy the matter.”

The reestablishment of the illegality of such actions by Capito reveals that even in the short intermediary period between A.D. 19 and 48 the authority of the previous edict had become undermined, leading to military officials abusing their position and requisitioning goods from the population over and above their remit. Therefore, such republications are a clear indication of the failure of the legal administration to obtain long term compliance from the populace for these regulations.

During the reign of Hadrian the issue of illegal requisitioning was again targeted by the imperial administration. *PSI.5.446* (A.D. 133-137) records a prefectural edict of Mamertinus, which again reaffirmed to military officials that goods could not be requisitioned from individuals without the necessary diploma.²²⁴ Furthermore, a *stele* from Asia Minor may reveal that the edict of Mamertinus may have been a republication of an edict issued by Hadrian and part of this wider empire-wide enforcement against illegal requisitioning, lines 8-35 of the stele outline the rights of military officials bearing a diploma and that suppliers must not inflate their prices but only offer the market rate to such soldiers,

²²³ Lewis, 1954.

²²⁴ Davies, 1988; 101; Campbell, 1994: 293.

“A wagon shall only be given to those who have a diploma. He who uses the wagon shall pay what is fixed in the Diplomas. No one shall have the right to take a guide since the soldiers do not need to leave the public roads, and since they do not leave they have no need for anyone to show them the way. In case the road becomes invisible because of heavy snowfall, only then shall it be allowed to take a guide. It shall not be allowed to demand breakfast, dinner, barley, or fodder for free nor should anyone give these when called upon. But free lodging shall not be allowed for any soldier to take while travelling on private business. But if someone is passing through while on duty or if they are bringing the ruling power’s money, or transporting prisoners or wild animals, public lodgings shall be given only to them and provisions at the market price which was effective ten days earlier.”²²⁵

The edict continues, outlining the punishments for contrary behaviour. Edicts also served as information for local citizens, defining their right to refuse handing goods to individual soldiers, whilst also denoting what they had to provide if a military diploma was presented. Of course, illegal practices in requisitioning were not only enacted by the military, as the above example underlines the regulation that provincials had to provide provisions “at the market price” and thus suggests that provincial communities may have inflated prices, when privately selling goods to the military.

These edicts reveal a reactive response of the imperial administration and the emperor to undermine illegal practices within Egypt and further provincial areas, such as Asia Minor. However, the effectiveness of such edicts may have only been achieved in the medium term. By the early fourth century, issues surrounding requisitioning practices had again come to the attention of the central imperial administration. A prefectural order, recorded in *P.Panop.Beatty.2.II.239-245* (A.D. 300) records the *procurator* ordering for local individuals in the Panopolite nome to stop charging inflated prices to the guards stationed within the community, in line with an existing imperial edict,

“And let the country-dwellers abandon the practice which, it has come to my notice, they still dare to perpetrate in the Panopolite nome; for no one ought to submit to charges for guards or for fodder for animals or any other imposition of this kind, but to limit their payments to the amounts laid down in the divine regulations. And if after this exhortation of mine any of the collectors should decide to continue in their evil ways, or the *strategoi* in collusion with them should permit any unlawful act to occur, the guilty party on being detected will be sent under guard to my lord Domnus, the most eminent *catholicus*, to receive just retribution. Publish this. Year 16/15/8, Mecheir 1st.”²²⁶

Whilst it is unclear to which imperial edict Isidorus refers, the situation and regulations hold clear similarities with those outlined by Hadrian. This reveals that the issues faced by the imperial administration in maintaining law and order were not limited to Egypt and furthermore, the establishment of imperial edicts within Egypt do not appear to have achieved successful long term compliance. This failure to successfully implement legal statutes in the long term is further supported by a later petition, *P.Abinn.18* (A.D. 342-351). In this petition, the president of the council, Chaeremon

²²⁵ Kantor, 2016: 49-50; Hauken and Malay, 2009: 331-332. Pliny, *Ep.10.7* demonstrates that the Roman governor in Asia minor had to enact regulations to control illegal requisitioning during the time of Trajan.

²²⁶ *P.Panop.Beatty.2.II.240-242*.

writes to Abinnaeus, the *praepositus* of the military garrison, complaining that his soldiers had been illegally requisitioning goods and causing chaos in the village of Theonexis,²²⁷

“To my lord brother Abinnaeus, Chaeremon. You are not justified in acting as you do but you are running the risk of being convicted of criminal conduct. You sent to Theonexis the soldiers under your command, and you dragged them away although so many outrages have been committed in the village. For you know that the house of Hatres was looted, and that too when he had so many goods of other people deposited with him; and cattle have been driven off, and you did not permit inquiry to be made for them, but you carried them off as if there were no laws. For by god either you shall send these men, so that we may learn by them what happened, or all we of the council will report to my master the Duke (*dux Aegypti*) about this. For indeed the people of the hamlet of Ctesis have made written representations against you both to me and to Atammon their *praepositus*; therefore, do what you know to be expedient for you; you alone can know whether you are prepared to send them or not. I pray for your health, my lord brother.”²²⁸

Again, in this petition, we are confronted with another example of the law failing to undermine illegal requisitioning. This repeated ignorance of a law which had been re-established both via edicts of the emperor and the prefect clearly indicates that the repeated codification of laws regarding requisitioning did not result in long term compliance. What is also interesting in this case is that the ignorance of these regulations was carried out by not only the provincial population but also the military within these communities, thus this overarching ignorance of both parties suggests a wider disregard for the law and its authority within these communities, leading ultimately to the imperial administration having to reiterate to both the populace and the military what constituted acceptable conduct. One must recognise that achieving compliance for activities conducted by soldiers, who, in many cases, also assisted in the delivery of law and order, would have been challenging.

Furthermore, it is important to note that in this case, we are also presented with the influence of the *boulé* on behalf of the community which holds great similarities to the actions of the Alexandrian *boulé* in *Cod.Theod.*10.10.1. Both texts imply that the *boulé* held an integral position in the community during the mid-fourth century, championing the cause of the people in times of need and representing their voice to alternative officials. In addition, the use of such informal authority reflects an essential method of mediation within these communities, granting the community another method of gaining justice or mending disputes.

The Prefect and the Law; Communication and Creation

The role of the prefect within Roman Egypt was largely an extension of the authority of the emperor and his will within the province was to be implemented wholly through the actions of the prefect. Regarding the maintenance of social control, the prefect, whilst supported by military and provincial administrators, reflected the main controlling authority. However, Furhmann’s description of the

²²⁷ Bowman, 1971: 81-82; Furhmann, 2011: 160-161.

²²⁸ *P.Abinn.*18=*P.Lond.*408 (A.D. 342-351).

prefect's role as "highly paradoxical" is largely accurate as for all his provincial authority, the prefect was still bound to the ultimate overarching authority of the emperor, leading him to bend to the changing legal landscape in response to the emperor's wishes.²²⁹ Of course, the maintenance of social control within the province was of main importance to the prefect and legal literature reveals the centrality of this feature, particularly in Ulpian's discussion of the role of the governor,

"A good and serious governor should see to it that the province he rules remains pacified and quiet. He will achieve this without difficulty if he earnestly pursues evil men and clears them from his province. For he must hunt out committers of sacrilege, bandits, kidnappers, and thieves, punishing each in proportion to the crime he committed. He must also repress their abettors, without whom a bandit cannot lie hidden for long."²³⁰

Whilst Ulpian's view of the governor suggests a professional, specialised form of civil servant was required for the maintenance of social control in the province, modern views of the prefect are somewhat more cynical. Brunt's discussion of the character of the Roman prefect is critical of the ability of the prefect to shape effective regulations or embed these laws in the province. Brunt concluded that the average prefect only held office for an average of three years and coupled with the fact that many of these prefects did not hold a wide variance of experience in judicial or military roles may have resulted in a collection of underqualified individuals taking office within the province, who furthermore did not have the necessary time to implement vital changes.²³¹ This disconnect and continual change must have led to further struggles to implement policies within the province and a dependency on the imperial centre and local specialists, such as the *nomikoi* for advice in legal matters.²³² Furthermore, their short tenure resulted in an inability for the prefect to effectively embed legislation which must have reduced his ability to achieve long term compliance from the provincial population.

This section discusses the role of the prefect in both communicating and creating laws, in response to issues raised to his office by local administrators and individuals. This discussion asks whether the prefect's role in implementing laws in the province and maintaining social control was dependent on the lower levels of administration. The second part of this discussion focuses on cases and legislation relating to vexatious petitioning, demonstrating the challenges faced by the provincial administration to attain long term compliance to these reactive regulations.

Before outlining the role of the prefect in communicating imperial laws, it is essential to note the earliest form of instruction granted to new prefects (and of course, governors within the wider empire), *mandata* (*ἐντολή*). These instructions appear to have been sent with new governors on their arrival into their newly appointed province, relaying the role and presumably in some instances specific tasks to be undertaken in provinces where a particular issue was facing the imperial administration.²³³ Letters between the emperor Trajan and Pliny the Younger, detailing his governorship of Pliny in Bithynia-

²²⁹ Fuhrmann, 2012: 171-172. Fuhrmann rightly notes the conflicting statements regarding the prefect of Ulpian in *Dig.* 1.16.8, "He has greater authority in the province than all others, except the emperor."

²³⁰ Ulpian, *Dig.* 1.18.13.

²³¹ Brunt, 1975: 146-147.

²³² Brunt, 1975: 126-127.

²³³ Whether the *mandata* were granted to the governor when he was appointed or later during his appointment is unclear, however one may suggest that during the process of a governor's appointment revised *mandata* may have been produced, due to changing issues within a province. Schiller, 1978: 505-506; Sherwin-White, 1998: 546-551.

Pontus reflect the first detailed evidence for *mandata* sent to an imperial governor and a number of letters from Book 10 reference the *mandata* sent by Trajan concerning different facets of his role.²³⁴ This continued communication between the emperor and governors granted clarification on several issues which arose in the province during their tenure and in Pliny's case Book 10 includes 15 letters requesting further clarification regarding his instructions and permission to bend from the prescribed laws to reach a middle ground between the imperial administration and the people. Trajan's response in letter 34 reveals the continued clarification on items of provincial administration,

“You may very well have had the idea that it should be possible to form a company of firemen at Nicomedia on the model of those existing elsewhere, but we must remember that it is societies like these which have been responsible for the political disturbances in your province, particularly in its towns. If people assemble for a common purpose, whatever name we give them and for whatever reason, they soon turn into a political club. It is a better policy then to provide the equipment necessary for dealing with fires, and to instruct property owners to make use of it, calling on the help of the crowds which collect if they find it necessary.”

This continued communication between emperor's and governors was essential to the successful administration of the province, development of practical laws and furthermore the maintenance of social control.

Legal literature records many instances of the emperors ordering the prefect or the *praesides* to communicate imperial orders in the province. For instance, *Cod.Theod.*4.13.9 (6th July A.D. 381) in which the prefect is ordered to ensure that the *alabarchia* is not collected illegally from citizens, following its dissolution,

“The Same Augusti to Palladius, Count of the Sacred Imperial largesses. To the most noble Count of Egypt we have given a mandatory letter, that they may know that the usurpation of all license is abolished with reference to the impost of *alabarchia*, a tax established throughout Egypt and the province of Augstamnica, and we do not allow anything to be vindicated illegally through a permit in connection with the transfer of animals, which must not be permitted without the payment of the customary dues.”

Papyrological evidence, such as *P.Cair.Isid.*1 (A.D. 297), also supports the view that the prefect was the main distributor of imperial regulations within the province, further deciding and instructing steps for the communication of regulations in the local area.

²³⁴ Millar, 1992: 317; Millar, 2004: 38; Fuhrmann, 2012: 150-151; Ando, 2000: 113-116. For Pliny's reference to Trajan's *mandata* see *Ep.*10.22.1 regarding the disposition of soldiers in the province, *Ep.* 30.1. regarding the levying of recruits, *Ep.* 56.3 for the rights of individuals who had been previously exiled under *relegatio*; *Ep.*96.7 for the non-allowance of the forming of associations within the province and *Ep.*110-111 regarding donations from city funds.

“The magistrates and presidents of the councils of each city have been ordered to dispatch to each village or place whatsoever a copy both of the imperial edict together with the schedule and also of this (edict of mine) as well, to the end that the munificence of our emperors and caesars may come as speedily as possible to the knowledge of all.

The collectors of every kind of tax are also reminded to look to their duties to the best of their ability, for if anyone should be detected in transgression, he will risk capital punishment.

Year 13, 12 and 5 of our lords Diocletian and Maximian, Augusti, and Constantius and Maximian, most noble Caesars, Phamenoth 20.”²³⁵

This edict, preserved in the archive of Aurelius Isidorus, from Karanis, reveals that imperial orders were actively communicated to the province and further reasserted via the delegated authority of the prefect. This text is also a clear example of the widespread process of delegation of legislation in the province. We know from the prefect’s statements that the emperor had instructed his office to communicate the imperial edict to the necessary administrators, for further dissemination.²³⁶ This text next reveals the secondary step for the dissemination of the edict. In this case the prefect orders the councillors of each *boulé* to take copies of the edict to each village under their jurisdiction and affix them to public places and make the people aware of the listing of the applicable time schedule for the census returns. The involvement of the *boulé* within this process reflects an interesting development in the remit of the *boulé*, following their installation in the province in the third century. The prefect also reminds the tax collectors of their duties and responsibility for the successful collation of the returns.²³⁷

Another early fourth century papyri affirms that members of the *boulé* were often responsible for the communication of imperial ordinances in localities, during the fourth century. An prefectural order requesting for the creation of a report of property registers from Oxyrhynchus, *P.Oxy.33.2665* (A.D. 305-306) reveals that the *procurator rei privatae* had ordered a local *prytanis* and *syndic* to communicate the new orders within the locality,

“... you have written informing us that Aurelius Athanasius, *procurator rei privatae* in Egypt has given orders by a letter written in accordance with a divine edict of our masters the emperors and caesars and in conformity with letters directed to him from Neratius Apollonides that the property of Paul from the Oxyryhnhite *nome*, who had been laid under sentence by the most illustrious *praeses* of the Thebaid, Satrius Arrianus, should be adjudged to the accounts of the treasury and that (we?) should submit a written report...”²³⁸

²³⁵ *P.Cair.Isid.1* (A.D. 297). The existence of a wide-ranging reform of land tax assessment and a province wide census is also supported by *P.Sakaon 76* (A.D. 298), which presents a declaration of property. Further corroboration is located in *P.Panop.Beatty.2.II.145-152*, this letter from the *procurator* of the Lower Thebaid refers to these reforms being enforced in Panopolis in 300, further underlining that the census and later taxation reforms seen in *P.Cair.Isid.1* (A.D. 297) were not limited to the Fayum. The edict may be recorded in his archive in relation to his liturgical service. Lewis, 1995a: 14-16.

²³⁶ The imperial edict would be published prior to any publication of the prefectural edict on the same subject. Katzoff, 1982.

²³⁷ Corcoran, 2000: 175.

²³⁸ *P.Oxy.33.2665* (A.D. 305-306)= *M.Chr.196*. (A.D. 309) Bowman, 1971: 79.

This text reflects that the *procurator rei privatae* had communicated two imperial orders, concerning property reports, to lower-level officials, in this case a *prytanis* and two *syndics*, to undertake the collection of the property report and request for the orders to be communicated to local officials, thus supporting the idea that imperial edicts were not only communicated by the prefect but also by the municipal administration in localities. Furthermore, the direct connection of the *prytanis* and *syndics* to the *boulé* further reiterates the growing importance of municipal councils in the communication of laws and the administration of justice within local communities during the fourth century.²³⁹ These municipal councils certainly appear to have not only lobbied for the communities in which they operated, but also acted as a conduit for the higher-level administration to communicate rulings to local areas, helping to embed the legitimacy of rulings in these communities and local social networks.

This use of official letters to communicate how edicts should be disseminated within the province was a regular feature in the earlier Roman period of rule. *P. Oxy.* 34.2705 (A.D. 225) is a circular, sent by the prefect, Claudius Herennianus to the local *strategoï*, ordering for the correct formulation of contracts, following a communication of the *archidicastes* presumably commenting on failures,

“Extract....,th year of (the deified?) Alexander. Phamenoth.

Claudius Herennianus to the *strategi* of the seven nomes and the Arsinoite, greeting. The message sent to me by Calpurnius Petronianus, the most worthy *archidicastes* in office, I have ordered to be set out below, together with the attached records of proceedings which were made in his presence. Do you see to it, in accordance with that information, that the contracts are lawfully completed- for in this way the provisions of the contracts (?) will be valid (?)- and that what is owed in virtue of them is delivered to the most glorious city of the Alexandrians, the established penalties remaining in force against those who have transgressed in the past, and still more important, with the reservation of the like legal process in the future against those who disobey even after this warning. Take care that copies of this letter of mine, exactly as it stands, are published in plain letters in the metropolis and in the well known places in the *nome* so that no one may be unaware of my pronouncements. And this I write as one who is managing the affairs of the prefecture in virtue of an imperial command.... th year. Mecheir 15th (?)”²⁴⁰

It is clear from this papyrus that the prefect used official letters to outline how he expected pronouncements to be installed in local areas, holding local officials, such as the *strategoï* to account for any confusion in the interpretation or communication of these documents. In the above text it is clear that prior to the formal creation of the prefectural edict the prefect communicated his wishes for

²³⁹ See also *P. Oxy.* 31.2558 (A.D. 303-306) which records a prefectural edict of Clodius Culcianus in which he communicates an unclear directive of the emperors, “Clodius Culcianus the most eminent prefect of Egypt says: the divine forethought of our all-conquering emperors, the Augusti and the most illustrious Caesars, is anxious... not only the citizens of each city but also those who come from... they have thought good... an edict...”. This fragmentary papyrus, of which unfortunately only the beginning remains, reveals that during the fourth century the prefect was clearly still the first administrator who dealt with the receiving and distributing of imperial edicts within the province, receiving these directives from the emperors (mainly through official letters) and further communicating them to the entire province or in some cases directing them to the particular groups affected by the regulation. Prefects in their further prefectural edicts, would also outline further directives for the installation of the imperial edict.

²⁴⁰ *P. Oxy.* 34.2705 (A.D. 225).

the *strategoi* to deal with the said issue, additionally, in this letter the prefect also outlines his preferred method for the dissemination of the edict,

“Take care that copies of this letter of mine, exactly as it stands, are published in plain letters in the metropolis and in the well known places in the *nome* so that no one may be unaware of my pronouncements.”

As the end of the edict is not preserved this line within the letter addressed to the *strategoi* is important in revealing to us how the prefect wished for the edict to be disseminated and unsurprisingly the prefect clearly wished for the edict to be granted the highest exposure to the provincial population by being erected within the most important and thus most visible places in the region.²⁴¹

The reactive nature of prefectural edicts and their communication is represented in circulars from the earlier third century.²⁴² *P.Oxy.* 12.1408 (A.D. 210-214) contains the end of a document which resembles either a fragment of a petition or court proceedings regarding an arrest. The next section contains a letter sent to the *strategoi* regarding the rounding up of robbers within their jurisdiction. Furthermore, the circular also has affixed a prefectural edict, outlining regulations for the searching out and arrest of fugitives,

“Asclepiades said, “Grant me... days.” Sopater said, “Fifteen will suffice or you.” Tryphon said, “On this condition, however, that if payment is demanded from me before the end of the period, I shall have the right of arrest against him.” Sopater said, “That is completely provided for you, even without a petition and a memorandum, by the declaration, the undertaking of the surety, and the trustworthy note of hand on behalf of the father.” Asclepiades said, “So far as my share is concerned”. Tryphon said, “The [two?] are mutual sureties, for there is one appeal and one fine.” Sopater said to Asclepiades, “Take care that you return within the fifteen days and pay in the whole amount of the fine, as your surety for it is mutual, in order that the most estimable Tryphon may have the security.”

Baebius Juncinus to the *strategiei* of the Heptanomia and Arsinoite nome, greeting. I have already in a previous letter ordered you to search out robbers with every care warning you of the peril of neglect, and now I wish to confirm my decisions with a decree, in order that all inhabitants of Egypt may know that I am not treating this duty as an affair of secondary importance, but offer rewards to those of you who co-operate and on the other hand expose to peril those who choose to disobey. The said decree I desire to be made public in both the capitals and the most important places of the nomes, penalties including personal risk being laid upon you if in the future evil-doers are enabled to use violence without being detected. I hope for your health. The... year, Phaophi 28”

Proclamation of Lucius Baebius Aurelius Juncinus, praefect of Egypt. That it is impossible to exterminate robbers apart from those who shelter them is evident to all, but when they are deprived of their helpers we shall quickly punish them (?). There are many methods of

²⁴¹ Corcoran, 2000: 249.

²⁴² Harries, 2013: 60.

giving them shelter: some do so because they are partners in their misdeeds, others without sharing in these yet...”²⁴³

In this papyrus the prefect, Lucius Baebius Aurelius Juncinus, reissues and formally codifies a previously communicated order to the *strategoi* concerning the harboring of fugitives. The reissuing of this text and its formal dissemination suggests that the previous requests of the prefect had been ineffective, prompting the need for his personal intervention.²⁴⁴ In fact the prefect states that this is not the first letter submitted to the *strategoi* concerning the issue, further highlighting that he wishes for the provincials to be clear that the harboring of such fugitives (in this case robbers) will not be tolerated. This text reinforces that prefectural edicts were viewed by the higher administration as an effective method for counteracting issues within the province and gaining increased levels of social control.²⁴⁵

An official letter of the early fourth century reveals a later step in the seemingly ineffective effort of the administration to enforce the handing over of fugitives in village areas. *P.Cair.Isid.126*. (A.D. 308-309) contains a letter from one *praepositus pagi* to another who was commanding the area around the village of Karanis. In his letter he refers to an imperial order concerning the harbouring of strangers or fugitives and emphasizes the need for it to be enforced by the other administrator in his area of command,

“To my lord brother... *praepositus* of the ... *pagus*, Heraclides, *praepositus* of the 5th *pagus*, greeting. You are doubtless aware, brother, of the order issued by the divine and celestial Tyche of our lords and kings, to turn over to the most sacred fiscus at the rate of five folles per head all strangers who are found in the villages... thus exhibiting manly resolution instead of resorting to extortion. Since the villagers of Karanis have complained to me that some of their men are in your district, I have therefore hastened to inform you, brother, so that you may compel your villagers to surrender to them their fellow-villagers wherever they submit their names, and that you may inform me whom you have surrendered to them. And if there are any persons from your district within my jurisdiction, send those who are to take them in charge along with your letter, so that thus the order may be fulfilled in every detail.

I pray for your health, brother, and good fortune for many years.”²⁴⁶

This official letter reveals that the earlier implementation of the prefectural regulation in A.D. 210-214 was not wholly effective, presumably leading to the creation of an imperial edict to reaffirm the law

²⁴³ *P.Oxy.12.1408* (A.D. 210-214).

²⁴⁴ This example raises interesting implications for our understanding of the authority of the *strategos* during the third century, suggesting that in some cases his authority was not respected by the provincial population, even when this authority had clearly been delegated by the prefect. Thus, we may assert that provincials would often ignore such orders from lower-level officials, such as the *strategos* further leading to the need for the higher-level administration to re-publish the necessary regulation. This ignorance of the *strategos*' authority is also witnessed repeatedly in the Beatty letters, in which the orders of the *strategos* are repeatedly ignored by the town council, leaving the *strategos* to seek the intervention and assistance of the *procurator* of the Lower Thebaid.

²⁴⁵ Fuhrmann, 2012: 182-183; Lewis, 1995c: 290-291.

²⁴⁶ *P.Cair.Isid.126* (A.D. 308-309) See also *P.Ross.Georg.3.8* in which the villagers claim they have been accused of sheltering “outsiders”, suggesting that the administration may have levied accusations that they were hiding fugitives. Rathbone, 2008: 201.

within the province.²⁴⁷ This letter also reveals the secondary steps taken by administrators communicating edicts within the province. In the previous circular the administrator targeted for the communication of such edicts was the *strategoï*, however by the early fourth century the official letter, surviving in the Isidorus archive, suggests that lower-level administrators, such as the *praepositus pagi* had begun to communicate these regulations in the province. Furthermore, this evidence is also interesting as it provides a glimpse into the relationship between lower-level administrators, in this case providing an example of one administrator reminding another of his duties in response to the imperial edict. Thus, one may suggest that the ignorance of the *praepositus pagi* to properly implement or communicate this regulation had led to an ignorance of the legislation by the populace, prompting a gentle reminder from the writer of the above letter. One may assert that the successful communication of imperial edicts and regulations within the province was not only dependent on the actions of the prefect but was also dependent on the communication and implementation of these edicts by those officials working at the lowest levels of the administration itself and these administrators were fully aware of the importance of their role in fulfilling these imperial wishes.

Letters from the Chester Beatty papyri demonstrate further the continued transactional nature between the prefect and the lower levels of the administration, in this case the *strategoï*. These letters reveal that prefects used official letters concurrently to communicate their instructions regarding administrative or regulatory changes during the early fourth century. Furthermore, they also affirm that the prefect utilised official letters to communicate in detail how edicts should be communicated to the lower levels of the administration and erected within local communities. These letters further record inefficiencies in this process and in some instances ignorance towards official pronouncements. *P.Panop.Beatty.2.II.222-229* (A.D. 300) reveals at length an official letter sent by the *procurator* of the Lower Thebaid, Aurelius Isidorus and the *strategoï* of the *nomes* in the Thebaid. Lines 222-229 contains the letter outlining the issue at hand, the need for its publication and the necessary method for its dissemination,²⁴⁸

“The public notice, from the original of Aurelius Isidorus, *procurator* of the Lower Thebaid. I have send appropriate instructions in writing to the overseers of the embankments in each nome about their devoting so much zeal to the care of the embankments and canals that not only may the customary operations be completed but also that any other works which may appear useful for the irrigation of the fields, but which in lapse of time have for various reasons been neglected, may now receive the necessary renovation, without prejudice to the authority of any of those responsible. I have now thought it appropriate I addition, by public notice to appeal to the proprietors and farmers in all localities and at the same time to the *decemprimi*, who are primarily exposed to the risks involved in tax collection, asking if they should consider any such measures of embankments and surveyors, indicating those works which could usefully be undertaken but have hitherto suffered neglect; for I suppose that the latter, being mindful of my commands, will give first priority to such a duty. Furthermore I order the *strategoï* to post up copies of this my public notice not only in the city, but also in each of the chief villages of the nome, so that all persons may be acquainted with these orders. Publish this. Year 16/15/8, Mecheri 21st.”

²⁴⁷ Shaw, 2004: 358.

²⁴⁸ The Aurelius Isidorus mentioned within the Beatty texts is not to be confused with the tenant farmer, Aurelius Isidorus of the Karanis archive.

This letter, concerning the maintenance of embankments and furthermore the identification of areas of land unused by the local population affirms that the *strategoi* held an essential role for the communication of proclamations within city sites and the dissemination of these instructions to lower-level village administrators, whose role was to further communicate such changes in village areas. This clear delegation points to a wider subtle movement towards the decentralisation of responsibility for installing laws to local administrators. The prefectural edict outlining the rules of the *praeses* is affixed to the letter above and was ordered by the *procurator* to be posted in local areas,

“Let the *strategi* also deprived the collectors of every excuse for extortion, and not allow the meat to be handed over to those due to receive it anywhere else than in the city itself, and that too by the fairest possible measure. And so that the delivery of chaff and barley may proceed in the proper manner, publicly standardize the baskets to hold 25lbs each and also the measures, and sealing them with the public seal lock them up in each *toparchy*, or if possible each village, in order that the taxpayers may use these standard measures and no advantage may be taken of them. And let the country-dwellers abandon the practice which, it has come to my notice, they still dare to perpetrate in the Panopolite nome; for no one ought to submit to charges for guards of for fodder for animals, or any other imposition of this kind, but to limit their payments to the amounts laid down in the divine regulations. And if after this exhortion of mine any of the collectors should decide to continue in their evil ways, or the *strategi* in collusion with them should permit any unlawful act to occur, the guilty party on being detected will be sent under guard to my lord Domnus, the most eminent *catholicus*, to receive just retribution. Publish this. Year. 16/15/8, Mecheir 1st.”²⁴⁹

These two documents demonstrate that official letters continued to hold an important role in the communication of legal regulation and that they also had a particularly important role in outlining to lower-level officials how the prefect or *praeses* wished for their edict to be communicated.²⁵⁰ These documents, therefore, are highly important in forming our assessment how prefectural edicts were communicated within the province and also for underlining the wider role and remit of the lower-level of officials such as the *strategos* and later the *praepositus pagi*.

Internal regulation and the role of the Prefect

Prefectural edicts record the development and codification of internal regulations, formed by the prefect of Egypt. The prefect’s authority to form new regulations within the province was entirely dependent upon the delegated judicial authority of the emperor. Thus the edict of the prefect held the ultimate authority and remained valid both during his prefecture and thereafter, future prefects could also amend, develop or even repeal past regulations, if required.²⁵¹ *P.Oxy.42.3017* contains a copy of a prefectural

²⁴⁹ *P.Panop.Beatty.2.II.229-244* (A.D. 300).

²⁵⁰ Katzoff, 1982.

²⁵¹ These collected legal judgments, formed by the prefects of Egypt were interpreted as laws in their own right and could only be rescinded or reformed by new prefects in response to new issues in the province. These judgments therefore formed an essential and part of recording changing legal regulations during the Roman rule

edict from A.D. 176-177, whilst the verso of the papyrus contains a petition submitted in A.D. 218 (*P.Oxy.42.2672b*),

“Titus Pactumeius Magnus, prefect of Egypt, says:

If any person, on handing in petitions, have received subscriptions or letters of this form, namely “Submit the case to me before the tribunal”, or if any persons should receive (such subscriptions) after this edict, they must know that if they do not submit the case to me within ten days of receiving the subscription or the letter, they will reap no benefit as regards (securing? Delaying?) either due legal procedures or execution of judgment or as regards recovering debts... Further, if they register even such subscriptions, I will settle them within the above fixed period of ten days; <but if they do not> register them <within the ten days>, they must know that the subscriptions will be of no benefit to them, and for the future likewise...”

This edict of Magnus outlines that following the submission of a petition, defendants were required to submit their response within ten days. Several prefectural edicts outline deadlines for instructed tasks to be completed. These deadlines were often directed towards officials responsible for the posting of edicts, demonstrated in *P.Oxy.43.1100* (A.D. 206) in which the prefect outlines that the *strategoï* should post up an edict within 30 days.²⁵² These deadlines were dependent upon the nature of the order, with our papyri revealing a range from 5 days in an edict from A.D. 191 in which the prefect ordered all landowners to register their corn stocks and transport them into the city to sell their stock.²⁵³ Whilst, less urgent requests contain deadlines of up to six months, demonstrated in *P.Oxy.2.237* (A.D. 186) in which the prefect ordered for all property owners or lenders to register their properties, mortgages or raise any claims regarding a disputed property within six months of the proclamation.²⁵⁴ Such regulations outlining strict rules and deadlines for the process of dispute resolution were essential for not only the smooth administrative processing of cases, but also the petitioner in a case, as the papyri reveal that in many instances defendants sought to delay the judgement of cases, leading to further expense on the part of the petitioner and undermining the trial itself. Such edicts were clearly issued as a response to the underlying issues faced by the legal administration in trying cases and reaching satisfactory outcomes for both parties.

Once formulated and disseminated within the province prefectural laws remained valid, retaining their authority unless revoked or edited by a later prefect. A variance of papyrological sources reveal the existence and dissemination of such edicts, such as petitions and court proceedings which in many cases cited previously codified edicts in support of their own case. The edict referenced above in

of Egypt and reveal many of the issues which prefects and wider administrators were facing in the province during their rule. Katzoff, 1982; Bryen, 2015: 04; Lewis, 1974: 52-54; Saller, 1982: 150.

²⁵² For further deadlines within prefectural edicts see, *P.Oxy.47.3339* (A.D. 191); *P.Amh.2.85=M.Chr.274* (A.D. 78); *P.Amh.86* (A.D. 78); *P.Ross.Georg.5.25* (third century A.D.); *P.Oxy.42.3017* (A.D. 176-177); *BGU.5.1210* (second century A.D.); *P.Berl.Leihg.2.46* (A.D.136); *P.Oxy.47.3071* (A.D. 249-250); *P.Oxy.8.1100* (A.D. 206); *P.Oxy.17.2106* (early fourth century A.D.); *SB.5.8248* (A.D. 48); *P.Oxy.49.3472* (A.D. 149); *P.Oxy.46.2954* (third century A.D.); *BGU.2.372* (A.D.154); *P.Berl.Zill.3* (A.D. 177-180); *P.Oxy.2.237* (A.D. 186). Litinas, 1999: 72-75.

²⁵³ *P.Oxy.47.3339* (A.D. 191). The order highlights the concerns of the central government regarding the corn supply.

²⁵⁴ Litinas, 1999: 74; Dolganov, 2019: 52-58.

P.Oxy.42.2672b is affixed to a petition on the verso to underline the legitimacy of the litigant's claim and as such provides a typical example of such secondary evidence. This emphasis on the production of prefectural regulation as evidence asserts the continued importance of historic laws, whilst also alluding to the communicative reach of such edicts, which must have remained within local archives following their publication in communities.²⁵⁵ Papyri reveal examples of this behaviour in the fourth century as evidenced by *P.Cair.Isid.78* (A.D. 324) in which Aurelius Isidorus, from the village of Karanis complains to the *praepositus* that animals have been allowed to trespass across his land and damage his crops,²⁵⁶

“To Dioscorus, *praepositus* of the 5th *pagus*, from Isidorus, son of Ptolemaus, of the village of Karanis in the *pagus* under your jurisdiction.

You are well aware, O noblest of *praeposti*, that instructions have frequently come from higher authority that if ever animals are apprehended in damaging crops, they are to be sold at public auction and their price paid to the municipal treasury, while the owner of the crops that have been destroyed is to be preserved from loss. Inasmuch, therefore, as I sowed with great labor only seven arouras in wheat out of eighty arouras and these were completely consumed by animals, and it is the duty of the village officials to produce the culprits, I submit this report to you so that you may summon them to appear before you and may take such measures as are required by the laws, to the end that I may not be driven to flight on their account. Farewell

The consuls designate for the 4th time, Mechir 4.

I, Isidorus, have submitted this petition. I Paulus, have written for him since he is illiterate.”²⁵⁷

In this petition Isidorus cites an existing regulation, commenting that the edict had originated from the higher levels of the provincial administration. Whilst the extant edict is not affixed to the actual petition, Isidorus references an edict concerning damage caused by wandering animals and his generalised reference certainly suggests that this general law was known widely within the community, particularly by landholders. This referenced legislation concerning damage caused by wandering animals can be located in a prefectural edict from the late third century, *P.Oxy.34.2704* (A.D. 292),

“Titius Honoratus, the most distinguished prefect of Egypt, says: There would be no profit whatever from our agriculture and the pains taken with it, unless those who regularly spoil crops were to guard against doing this. I learn, in fact, that although the harvest time has produced crops in great abundance, these same herdsmen spoil them. Therefore I enjoin you to guard against allowing beasts in among the crops, (adding) that a lawsuit before my court lies against anyone who disobeys in these matters, so that he shall be deprived of the actual beasts

²⁵⁵ Katzoff, 1982.

²⁵⁶ *P.Cair.Isid.79* (fourth century A.D) is another part in this dispute. This text discusses the issue of cattle roaming onto Isidorus' land, however it does not reference the actual prefectural legislation concerning the practice.

²⁵⁷ *P.Cair.Isid.78* (A.D. 324).

and shall himself experience strong measures. Post in public. In the eighth year of our lord Diocletian and the seventh year of our lord emperor Maximian. Mecheir 9th (?).”²⁵⁸

Aurelius Isidorus in his petition to the *praepositus pagi* from A.D. 324 refers to a previously codified law to highlight the illegality of the action against him. This reference supports the view that prefectural edicts of past prefects were retained within local archives and remained valid, to be called upon by petitioners if required. Examples such as these are unfortunately scarce in the papyrological record, due to the lack of surviving imperial and prefectural edicts, thus the correlation of documents such as these are essential for modern scholars to form well rounded views of the visibility and reach of such prefectural edicts in ancient society. Papyri such as these also reveal that petitioners may have been aware of their rights and, at a high level, the appropriate regulations. Although if one considers that the drafting of this law was in living memory for Isidorus, it is not surprising that he was aware of it and felt comfortable citing it in his case. Alternatively, one must recognise that scribes drafting these texts may have had a better understanding of regulations, especially if they were asked regularly to draft petitions on similar subjects. Therefore, these references may reflect the scribe’s knowledge, more than that of Isidorus.

Turning to the surviving fourth century evidence, remaining examples of prefectural edicts from this period are smaller than the first three centuries of Roman rule, however many texts alluding to the production and distribution of these edicts have survived and certainly reveal that the prefect and *praesides* were codifying new regulations in response to issues within the province.²⁵⁹ An early example can be located in *P.Oxy.46.3303* (A.D. 300-301),

“Claudius Cleopatrus, the most perfect prefect of Egypt, says:

I observe that the owners of boats are not (obtaining?) much (share?) in the use of them (?) because for a (short?) time, when their service was considered (essential?), those put in charge of them were commanded by me to provide some boats to serve temporarily and to be returned (forthwith?) to their masters...”²⁶⁰

This prefectural edict, concerning transportation for the imperial service, unfortunately breaks off not revealing the further commanded action or the process for the edict’s publication. However, this early example records the continuing reactive nature of prefectural edict in the fourth century.

Papyri also reveal the existence of edicts promulgated by the *praeses*, from different administrative districts during the fourth century. These papyri whilst emphasizing that the office of the *praeses* was also responsible for formulating and issuing prefectural edicts also may indicate that the division of power between these individual *praeses* was more balanced. *P.Oxy.9.1186* (fourth century A.D) is a prefectural edict, issued by the *praeses* of the Thebaid, Aurelius Herodes, forbidding the use of the whip in the punishment of free men within the province,

²⁵⁸ *P.Oxy.34.2704* (A.D. 292).

²⁵⁹ For additional fourth century prefectural edicts see *P.Oxy.9.1186* (fourth century A.D); *P.Oxy.46.3303* (A.D. 300-301); *P.Oxy.31.2558* (A.D. 303-306); *P.Oxy.8.1101* (A.D. 367-370); *P.Nag.Hamm.143a*; 143f (A.D.309-350); *P.Nag.Hamm.144a*; 114h (A.D. 309-350).

²⁶⁰ *P.Oxy.46.3303* (A.D. 300-301).

“Edict of Aurelius Herodes, most honorable *praeses* of the Thebaid. Subjection to the punishment of scourging, called in the native speech..., is even for those of servile estate lamentable though not entirely forbidden; but for free men to be submitted to such outrage is contrary to the laws and an injustice...”²⁶¹

This papyrus breaks off before the end of the text, concealing any information regarding further publication instructions to be taken regarding the publication of the text or any punishment for anyone undertaking the crime. Extracts from the *Digest*, Callistratus, *Judicial Examinations* 6.1-5=*Digest*.48.19.28²⁶² reveal that this regulation, communicated by Aurelius Herodes was being implemented in Rome from at least the early third century A.D,

“The remaining punishments relate to a person’s reputation, not to the risk of his *caput*, such as relegation, for a period or permanently, or to an island, or when someone is handed over to forced labor, or punished by beating with rods. (2) It is not the custom for all persons to be beaten with rods, but only freemen of the poorer classes; men of higher status are not subject to beating with rods, as is specifically laid down in imperial rescripts... (4) it is the custom for slaves, after they have been beaten, to be returned to their masters.”²⁶³

Thus, the edict cited in *P.Oxy*.9.1186 (fourth century A.D) appears to be a further publication and communication of an imperial regulation. However, the existence of such a regulation in Rome from at latest the early third century may indicate that the regulation cited in *P.Oxy*.9.1186 was not a new addition, only being enacted in the province a century or so later.²⁶⁴ Instead this edict must be a reissuing of a previous regulation, to further define the parameters of the law. The republication of this prefectural edict, reiterating the validity of this punishment and its necessary usage, supports the theory that complaints may have been raised within the province concerning the use and relevance of particular punishments, as it is unrealistic to assume that Herodes would have purely republished such a regulation without such a need or that the regulation had only reached Egypt in the following century. Unfortunately, a previous prefectural or imperial edict concerning this regulation has not survived, however it is reasonable to suggest that this example in *P.Oxy*.9.1186 is a republication of a previous edict. Furthermore, this edict reveals that the individual *praeses* had the necessary jurisdiction to issue edicts within their own area of control, in reaction to issues raised within the province.

Private letters also refer to the remit of the *praeses* in formulating legal regulations. In *P.Oxy*.50.3577 (28th January A.D. 342), the *praeses augustamnicae* communicates instructions to the *boulé* of Oxyrhynchus reminding them of a previously published edict concerning instruction for the collection of taxation and underlining errors undertaken during the previous census collation,

²⁶¹ *P.Oxy*.9.1186 (fourth century A.D).

²⁶² Ando, 2000: 412.

²⁶³ Callistratus, *Judicial Examinations*, 6.1-5=*Digest*.48.19.28. See also *Digest*.48.19.10 (*Macer, Criminal Proceedings*, book 2), this text also outlines the same procedure and regulations. Macer’s text also dates to the earlier third century A.D.

²⁶⁴ Millar, 1984: 127-128.

“Flavius Julius Ausonius to Aetius and Dioscorus, leading citizens of the Oxyryhnhchites, greeting.

Without in any way molesting those who have not taken up the life of businessmen and who have moreover, an edict of my own loyalty (sc. to protect them), exact the tax from those people who are indeed businessmen and subject to it, that is, from all those whose names you have dispatched (to headquarters?) and give back the gold and silver. For it is just that he who has been a benefactor should himself now finally receive back what he advanced.

(2nd hand) Farewell.

In the consulship of our masters Constantius Augustus, for the third time, and Constans Augustus, for the second time.

Given the 5th Day before the Calends of February of Heracleopolis.

(back) To Aetius and Dioscorus leading citizens of the Oxyryhnhchites.”

The *praeses*, Flavius Julius Ausonius, refers in this text to his previously promulgated edict concerning the collection of the *chrysargyron* form of taxation, which was levied on traders.²⁶⁵ In this case, the *praeses* reprimands two of the collectors for extracting taxation from traders who were not liable for the taxation.²⁶⁶ This evidence and the earlier example cited at *P.Oxy.9.1186* (early fourth century) reveals that the *praesides* were actively creating reactionary legislation and that their remit was not restricted to one form of regulatory procedure or further restricted to one *praeses* in the province. In contrast our evidence suggests that individual *praeses* had the remit to respond to issues within their region by producing reactive legislation. Whether these laws were naturally applicable to the wider regional groupings is not clear, however one could suggest that laws enacted within one regional area must have been promulgated throughout the province, to enable a consistent legal framework throughout and to hold firm to the method held in previous centuries. In addition, individual *praeses*' creation of laws within their regions must have alerted other *praeses* of regulatory areas in need of further correction, potentially leading to a chain reaction effect within the province and the wider adoption of new legislation throughout the whole province.²⁶⁷

Papyri from the earlier Roman period reveal that alternative higher-level administrators were also active in the creation of laws within the province. *P.Oxy.33.2664* (A.D. 245-248) records an edict of the *catholicus* Claudius Marcellus and the prefect, Marcus Salutaris, in which they outline a reformation to the number of liturgists needed to serve within the imperial administration, seemingly following complaints concerning the burdens posed by excessive liturgical posts in the *metropoleis*,

²⁶⁵ Referred to as *πραγματευται* (*negotiatores*) in line 3.

²⁶⁶ An additional edict of the *praeses* of the Thebaid supports the theory that individual *praeses* had the judicial remit to publish edicts. *P.Select 9* (A.D. 300-325) records an edict, which enforces a law forbidding any charges higher than one percent interest per month on loans. Bagnall, 1993: 75. Bagnall discusses the loan documentation found at *P.Coll.Youtie.2.82=P.Oxy.45.3266* (A.D. 337), in this text the borrower is subject to a level of 24 percent interest, on an 500 talent loan, clearly in contradiction to the level set in *P.Select 9* (A.D. 300-325), thus the prefectural edict appears to have been ineffective in setting interest rates in private loans between individuals.

²⁶⁷ Harries, 2013: 53.

“On the authority of Claudius Marcellus, the most eminent *catholicus* and Marcius Salutaris the most excellent *procurator* of the emperors. The divine providence of our lords the emperors has lightened the burden of all Egyptians who have been crushed by the innumerable liturgies. Accordingly, a list is subjoined of what liturgies it fixed for abolition and which for preservation and how we determined: from which it will be clear that those who formerly performed to no purpose and as it were phantoms of such services, but were in fact given over to extortion, are now at least restored without impediment to their own farming. Display. Oxyrhynchite *nome*.

The remaining liturgies are:

Royal bankers, from the senate 2 instead of 5.

Bookkeepers of the public accounts 2 instead of 5.

And to each archive 1 each from among the private citizens, who will do all the same duty as those from among the magistrates.

Phylarch from among the private citizens 1.”

This edict, destined for the Oxyrhynchite, was created in response to complaints from the *boulétic* class. Furthermore, this example reveals an insight into the legal remit of the *catholicus*, suggesting that the *catholicus* held the necessary authority to issue edicts within the province. Of course, in the above instance the *catholicus* does not issue this edict independently but in collaboration with the prefect suggesting that the remit of the *catholicus* was based on the delegated authority of the prefect. Nevertheless, this early example of the *catholicus*’ engagement with forming legal regulations does suggest an extended remit of his role, particularly in contrast to the *catholicus* of the early third century who did not hold any legal remit.²⁶⁸ This wider-ranging role of the *catholicus* is also supported by Latin legal literature. Ulpian’s discussion, outlining the duties of administrators refers to the official imperial legal authority of the *catholicus* within the provinces,

“Whatever acts and deeds are performed by the imperial *procurator*, they obtain the same force and validity from him as if they had been done by the emperor.”²⁶⁹

If one accepts Ulpian’s comment on the remit of the *catholicus*, then the third century edict recorded at *P.Oxy.33.2664* (A.D. 245-248) clearly held the same legal authority as an edict of the prefect and the *catholicus*, as a major provincial administrator with delegated imperial authority, did not need the added support of the prefect to issuing laws within the province. This implication is also supported by the comments of Julian, in his discussion of the delegation of judicial administration, in which he outlines that the *catholicus* may have been able to create legislation, due to the delegated juridical authority bestowed on him by the emperor,

²⁶⁸ Parsons, 1967: 139. Parson’s discussion focusses mainly on the remit of the *catholicus* as a financial administrator and does not support the view of the *catholicus* holding any form of judicial role until the reign of Diocletian.

²⁶⁹ Ulpian, *Edict* Book 16; *Cod.Iust.* 1.19.

“It has been provided by ancestral custom that a person may delegate the administration of justice to another only where he has it in his own right and not by the favor of another.”²⁷⁰

Julian’s comments support this idea that the *catholicus* must have held the authority to issue his own proclamations within the province, either through delegated or his own authority, as discussed by Ulpian. Nevertheless, both our legal literature and the papyri support the view that the third century *catholicus* held sufficient remit to produce legislation within the province.

Fourth century papyri indicate that the *catholicus*’ legislative ability continued into the fourth century, following the reintroduction of the office under Diocletian. *P.Oxy.12.1410* (early fourth century A.D) is an edict issued by the *catholicus*, regarding the nomination of liturgical offices within the province, this edict is also clearly issued under only the *catholicus*’ remit,²⁷¹

“On the authority of Memmius Rufus, the most illustrious *catholicus* of the praefecture of Egypt and Libya. Decemprimi from the 8th which equals the 1st year must not be re-nominated by anyone to the office of decemprimus; for it is necessary that in future they should be protected from being appointed again to the duties of that office, having once discharged them. Any person who has been reappointed decemprimus one more...”²⁷²

This example, while unfortunately brief due to the damage sustained to the papyrus, may reveal that by the fourth century the *catholicus* held the independent jurisdiction to create and disseminate edicts in response to issues in the province. One may suggest that the *catholicus* was only responsible for issuing proclamations dealing with issues under his remit as a financial administrator. Whilst this example from Oxyrhynchus suggests that the *catholicus* may have held an independent remit, an edict of the *catholicus*, recorded In *P.Panop.Beatty.2.93* (A.D. 300), may suggest that intervention of the prefect within the codification and dissemination of such edicts was necessary on occasion to reemphasize the legitimacy of the regulation itself via the delegated authority of the prefect. This intervention was necessary for instances in which a regulation of the *catholicus* had not been successfully implemented within the province and ignored by the populace. In *P.Panop.Beatty.2.93.11.92-99* (A.D. 300) a letter from Aurelius Isidorus, the *procurator*, is recorded, outlining the details of a previously issued *edict* of the *catholicus* and demanding compliance from the populace.²⁷³ This edict sought to undermine a form of fraud concerning *folles* by bankers and a copy of the *catholicus*’ original ordinance is affixed,

“Proclamation. From the original of Aurelius Isidorus, *procurator* of the Lower Thebaid. The commands just issued by my lord dominus, the most eminent *catholicus*, evincing his customary solicitude for all classes of men in accordance with the divine decree of our rulers the nomarchs and the most illustrious Caesars, providing that if any sums have been offered to the bankers under the name of *ballantia*, they should be prevented from accepting them, or, if

²⁷⁰ Julian, *Digest* Book 1; *Cod.Iust.2.4*.

²⁷¹ Sharp, 1998: 301; Thomas, 1982: 167; Jördens, 2009: 252-254; 259.

²⁷² *P.Oxy.12.1410* (early fourth century A.D).

²⁷³ Corcoran, 2000: 177.

they have already been given, that they should be reported, I have subjoined to this proclamation. Let all responsible officials therefore henceforth take good care not to give anything under the name of *ballantia*, or , if anything has already been given in the period preceding the publication of this proclamation to apply to the office of the *strategos* and report the facts in writing, in order that through my office no more than the actual sum may, for the time being be recovered from the bankers accepting it and reported to my mediocrity, as the same my lord the *catholicus* has commanded, will report to him concerning the matter and await whatever ruling thereon he decides to give. Publish this. Year 16. 15. 8, Mecheir.

...I have long since given orders that the bankers should not under the name of *Ballantia* overreach those paying in the taxes. If, then...*strategos* of the Letopolite nome has given anything under this pretext, let him recover it through his own subordinates; and let my commands now be published to the taxpayers. And do you yourself examine the practice of the bankers, and whatsoever you find has been appropriated in good faith, so much only for the time being recover, informing me of the sum involved and awaiting my ruling.”²⁷⁴

This letter suggests not only that the *catholicus* was actively producing proclamations during this period, but it may also suggest that at times it was necessary for the prefect to intervene in the enforcement of the regulation, adding authority and legitimacy to the edict itself.²⁷⁵ This need for legitimisation may reflect the prefect intervening in the process due to the ignorance of the provincial population to the legislation of the *catholicus*. If this is the case it would raise interesting conclusions regarding the view of the *catholicus*' authority in the province and may suggest that gaining compliance from the general population was not always easily achieved.²⁷⁶ Overall, the fourth century proclamations of the *catholicus* within the papyri may reflect a simple and pragmatic division of labour within the higher administrative framework, to relieve pressure on the office of the prefect. This action was purely a pragmatic response to an over-worked administration, raising questions regarding the efficiency of the system as a whole.

It is essential to note that this is not the only example of a higher-level official formulating and disseminating an edict to the populace.²⁷⁷ *P.Oxy.34.2705* (A.D. 225), is a proclamation of the *juridicus*, acting as a deputy to the prefect during his absence,

“Extract.....th year of (the deified?) Alexander. Phamenoth.

Claudius Herennianus to the *strategi* of the seven nomes and the Arsinoite, greeting. The message sent to me by Calpurnius Petronianus, the most worthy *archidicastes* in office, I have

²⁷⁴ *P.Panop.Beatty.2.93.11.92-99* (A.D. 300).

²⁷⁵ *P.Panop.Beatty.2.93* (A.D. 300). This text also supports the previously discussed idea that pronouncements were being sent attached to official letters, which outlined the need for the edict and detailed how the pronouncement should be communicated within local communities. For a further instance of the *catholicus* creating and communicating a regulation see *P.Panop.Beatty.2.216* (A.D. 300), in this official letter the *catholicus* outlines his ordinance concerning the state purchase of gold. Whether this is a wider imperial edict is not clear. Nevertheless, the statement of the *catholicus* supports the idea that he held the remit to produce proclamations throughout the province, on matters concerning the financial administration. Corcoran, 2000: 176.

²⁷⁶ This ignorance of the *catholicus*' orders in these letters is also mirrored in the ignorance of orders communicated by the *strategos* in the wider Beatty letters.

²⁷⁷ Thomas, 1999: 184.

ordered to be set out below, together with the attached records of proceedings which were made in his presence. Do you see to it, in accordance with that information, that the contracts are lawfully completed- for in this way the provisions of the contracts (?) will be valid (?)- and that what is owed in virtue of them is delivered to the most glorious city of the Alexandrians, the established penalties remaining in force against those who have transgressed in the past, and still more important, with the reservation of the like legal process in the future against those who disobey even after this warning. Take care that copies of this letter of mine, exactly as it stands, are published in plain letters in the metropolis and in the well known places in the nome so that no one may be unaware of my pronouncements. And this I write as one who is managing the affairs of the prefecture in virtue of an imperial command.... th year. Mecheir 15th (?)”²⁷⁸

This text further suggests that when required, higher-level officials were granted the ability to issue proclamations to assist with the maintenance of the general administration and in line with their own specialism. Of course, it is essential to remark that lower-level officials or regional officials would not have held this ability.

The evidence demonstrates that the prefect was not merely a communicator of imperial laws within the province on behalf of the emperor. In contrast, the prefect held a clear remit to create, shape or republish regulations. This delegated authority was a pragmatic decision taken by the imperial administration, as the prefect was better placed to shape province specific laws, albeit with the assistance of the *nomikoi*. This remit was also recognised by petitioners who cite the role of the prefect as a creator of provincial law.

Prefectural regulations and obtaining compliance: Vexatious Petitioning

Whilst we have demonstrated that the prefect held the remit to and did actively shape reactionary legislation in the province one must ask if these laws were effective and if compliance from the populace was achieved. This discussion reveals how reactionary laws were created and how the responsibility for the recreation was delegated back up to the emperor, following a failure of implementation. To show such a relationship this discussion outlines vexatious petitioning and the laws created throughout the first four centuries of Roman rule to counteract its effect in the province.

Both inscriptions and petitions reveal that vexatious petitioning was an issue faced by the imperial legal administration during the earlier period of Roman rule. In particular, *OGIS.2.669* (A.D. 68), a prefectural edict of Tiberius Julius Alexander, records regulations applied to undermine vexatious complaints and false litigation,²⁷⁹

“I also establish the same rule for matters brought up under the *idios logos*, so that if any matter had been judged and dismissed or shall be dismissed by the [*procurator*] appointed for the “special account”, the accuser shall not again be permitted to submit [the same charge] to a prosecutor or to bring it to trial, or else the person so doing will be punished mercilessly; for

²⁷⁸ *P.Oxy.34.2705* (A.D. 225).

²⁷⁹ Kelly, 2011: 294.

there will be no end of vexatious denunciations if dismissed matters are brought up till someone decides to condemn. Since already the city has become practically uninhabitable because of the multitude of informers and every household is thrown into confusion, I perforce order that if any of the prosecutors attached to the *idios logos* introduced a suit as spokesman for another, he shall produce the real accuser in court, so that the latter, too, may not be free from risk; and if he brings three suits on his own responsibility and does not prove them, he shall not be again permitted to prosecute, but half of his estate shall be confiscated....²⁸⁰

These inscribed regulations outline that a number of cases held before the *idios logos* had been found to have been brought by individuals seeking to undermine the financial position of the defendant, without due cause. Thus, the prefect had intervened, forming this regulation outlining the confiscation of their estates if they were found to be submitting false claims. Whilst these regulations reveal the reactive nature of law during the first century of Roman rule, the responsibility for their creation appears to have remained within the province, not requiring the intervention of the emperor. We do not hear of any further prefectural laws discussing vexatious petitioning until over a century later. *P.Flor.*1.6 (A.D. 210) reveals that by the third century A.D. new regulations had been implemented requiring petitioners to provide capital as a form of security, to be paid as compensation if the case was proven to have been false. These extended regulations suggest that the issue of vexatious complaints had not been solved by the earlier edict recorded in *OGIS.*2.669 (A.D. 68), furthermore becoming refined within this period to undermine the practice and remove part of the temptation for the submission of vexatious claims.

Oaths confirming security for cases appear frequently throughout the papyrological record from the second century A.D. onwards and were an essential tool for undermining vexatious petitioning by increasing the risk to one financially if a case was found to be false. However, papyri from the fourth century reveal that the introduction of security in cases was not wholly effective in undermining vexatious claims. *P.Oxy.*59.3981 (A.D. 312) records a petition of a priest sent to an unknown official, within his petition he underlines the continual accusations levied by a woman from his village,

“...from Aurelius Harmasis, son of Tithoes, priest of the village of Chenetoris. C...iphis, daughter of Psoznaus, from the same village does not stop working away at her struggles against me, reasonable man that I am. For many times she brought me before the former *strategos* Hesychius as though I happened to be in debt to her for monies and although the judgment went against her she did not desist. For having brought different witnesses before the former *strategos* I demonstrated clearly that I owe nothing. But she incessantly tries to arrange matters against me on each and every occasion and since on all counts I am manifestly free from debt to this woman I submit my petition to your grace and ask now that she be prevented by you from attacking me so that I may not be brought to the necessity of troubling higher authority on this matter.”²⁸¹

Aurelius Hamasis reveals in his petition that he had been subjected to a multitude of vexatious petitions against him, those previous petitions had resulted in an investigation of his claims and even a judgement of the previous *strategos* in his favor. However, the complainant continued to act against Hamasis,

²⁸⁰ *OGIS.*2.669. Reinmuth, 1934: 251; Lewis, 1995b: 56-64.

²⁸¹ *P.Oxy.*59.3981 (A.D. 312). Taubenschlag, 1952b: 501-507.

presumably wishing to undermine him financially and resulting in the submission of this petition recorded above, which may have been sent to a higher-level administrator. Unfortunately, we know nothing further on this case, however it is an interesting example of a failure of prefectural regulation to counter vexatious claims and the further failure of the local level administration to undermine her concurrent petitioning, even following the introduction of security within the petitioning process, which had clearly not acted as a deterrent.

Legal literature reveals that during the fourth century the imperial administration recognised the wide-ranging issue of vexatious petitioning throughout the empire and subsequently the issue had prevailed throughout the third century and into the fourth. An imperial edict, preserved in the *Codex Theodosianus* also supports the view that vexatious petitioning did not subside following the publication of an earlier edict. In fact, an ordinance delivered to the provincial population in A.D. 335 reveals that more than twenty years after the imperial administration attempted to undermine the practice, vexatious petitioning must have again become an issue within the province, suggesting that the successful implementation of these earlier imperial ordinances was only achieved in the mid term and that long term compliance was not achieved,

“The same Augustus to the Provincials.

We command all judges to be vigilant and to inflict punishment upon informers. For it is a very clear principle of law that if anything from the patrimony of any person should become caducous, it shall be vindicated by an action brought by the advocates of the fiscus in accordance with the statutes and the former order of the law. But since some precipitate persons do not hesitate to report patrimonies that are possessed in accordance with the law, we grant to all persons who consider themselves wronged the right to implore against the informers the severity of the judges who are armed with the sword. For no person is better able to recognize an informer than the one who has suffered through his wickedness.

Given on the eleven day before the kalends of April at Constantinople in the year of the consulship of Constantinus and Albinus. March 22, 335.”²⁸²

This imperial edict, published around 20 years after the original regulation, further reiterates the failures of the provincial population to adhere to the legislation of the imperial administration and concurrently the failure of the imperial and provincial administration to implement these laws within the province (and the wider empire), even after invoking the threat of capital punishment. Furthermore, an additional edict countering vexatious petitioning and only published 3 years later, reveals that vexatious petitioning continued to be a serious issue within other provincial areas. *Cod.Theod.*10.4 (A.D. 338) records an official order sent to the praetorian prefect of North Africa, requesting for the implementation of an edict undermining false litigation to the provincial population,

“Emperor Constantius Augustus to Celsinus, praetorian prefect.

²⁸² *Cod.Theod.*10.3 =*Brev.*10.5.2; *CJ* 10.11.5.

In order that we may establish innocence securely and prohibit the audacity of certain persons, we promulgate this edict, to the effect that no license shall be permitted against the fortunes of men by the lodging of secret information.

Given on the day before the ides of June at Viminacium in the year of the consulship of Ursus and Polemius- June 12, 338.”²⁸³

Whilst this edicts does reveal an administration actively attempting and responding to challenges within provincial areas, there mere existence again points to the widespread failure of the imperial administration to maintain control and compliance to regulations.

Further fourth-century evidence supports the legal literature and that vexatious petitioning had continued to pose a difficult challenge to the imperial administration. A collection of fragmentary papyri may record portions of an edict either outlining regulations to counteract vexatious petitioning from the fourth century A.D. or the requirements of administrators in implementing the legislation. Whilst these three fragments are very difficult to date, they would appear to have been formed at some point between A.D. 309-350 and may be extracts of the imperial edicts of Constantine in *Cod.Theod.*9.5 (A.D. 314). These remaining fragments are collated within the Nag Hammadi archive, *P.Nag.Hamm.*143.fragment a (after A.D. 309-350) seems to discuss some form of issues with “informers”, which may refer to individuals producing vexatious complaints concerning robberies,

“(line 5)shameless... they are informers too... having robbed... exact(ly)... we have ordered.... of the *exactors*... excuse; for he has... much zeal... in competition the storehouses... injustice... he shall register in the ... year, apportion(ment)... register will show... for the province under the eyes...”

The next fragment, *P.Nag.Hamm.*143.fragment b (after A.D. 309-350), appears to further discuss legal judgments concerning the provincial population and the correct procedures surrounding these judgments,

“(line 5) our judgment... of the provincials... that of the... account... own deeds... intestine... their own.. both enemies... both dangers and ... should be attempted, let them be... apart from the prescribed quantity... the fitting... both in the collections... the proper...”

Furthermore, *P.Nag.Hamm.*143.fragment f (after A.D. 309-350) reiterates the evils surrounding vexatious claims becoming raised in court, further supporting the theory that this text (as a whole) may have been an prefectural edict or circular, communicated to individual administrators, outlining the wishes of the emperor, to challenge vexatious petitioning through extended and communicated legislation and the promise of greater punishments for such behaviour

²⁸³ An additional regulation, recorded at *Cod.Theod.*10.27 (A.D. 418) reveals that vexatious petitioning and informers were a continuing issue into the fifth century in the North African province, suggesting that this edict (and others) were ineffective in solving this problem.

“...blame...let him be armed against the...for the rest...other...what has been ordered now...us to be present with you...proportion for you...rights...throwing, having obscured...race from the...habitual evil, one’s own...compelling at the ...of the return... for we... nothing to those who have claimed nothing in court... let them stop plotting against the...and neither...greed, senseless...with unworthy insults...those who have no(thing)...”

In all, these fragments may reveal that the regulations created to counteract the issue of vexatious petitioning were ineffective. In support, contemporary papyrological evidence supports the view that vexatious petitioning did not cease following the continued publication of numerous empire wide edicts in the earlier fourth century. *P.Princ.*119 (A.D. 325) is a report of speech of an advocate, presumably used within a trial. The advocate underlines to the court that the claim levied against his client is false and being used to undermine his financial position. Thus, he suggests that the petitioner must be punished for submitting a false claim against his client, referencing the general understanding that libellous claims are expected to be punished via a new court case before the unnamed official,²⁸⁴ In the report of proceedings the advocate clearly indicates to the court that the submission of false or vexatious claims are against the law and thus deserves the necessary punishment. Although, interestingly, no court proceedings or court documentation refer to cases of this type existing during the fourth century, furthermore, no documentation references the undertaking of the capital punishments threatened within these imperial edicts. This absence may suggest that cases of this type were often abandoned or may have been settled out of court.

Late fourth century evidence from the *Codex Theodosianus*, supports the claims in *P.Princ.*119 that the issue of professional informers and vexatious petitioning continued and the imperial administration sought to undermine it by employing the assistant of local administrative bodies. *Cod.Theod.*10.10.19 (2nd March A.D. 387) records a rescript of the emperors to the Alexandrian senate, stating that they had instructed the prefect to confront the issue of informers in the province. This instruction of the emperors suggests that the Alexandrian council had petitioned the emperors (or maybe the prefect) to complain about such issues within the province. Unfortunately, this petition does not survive, however the reply of the emperor does indicate that the emperor did at points directly deal with legal issues within the province, especially important issues, such as vexatious petitioning. In addition, this text indicates that the issue of vexatious petitioning and professional informers rumbled on throughout the fourth century and was an issue faced by the imperial administration repeatedly throughout the period, remaining largely unsolved in Egypt by the end of the fourth century A.D.

Furthermore, all of the edicts published within our later legal literature, the earlier edict of Tiberius and the potential prefectural edict, seen at *P.Nag.Hamm.*143 (A.D. 309-350) were clearly ineffective in undermining vexatious petitioning within Egypt and potentially in the wider empire. The continual reissuing of edicts concerning false litigation and the fact that they almost implicitly were sent by the emperors’ office strongly imply that particularly in the case of vexatious petitioning the regulations of both the emperor and prefect were mainly ineffective in countering illegal practices within the province. The failure to implement such laws may reflect a disconnect between the central imperial administration and the provincial population, particularly as the actual regulations posed by the imperial administration do not appear to have changed dramatically over the course of three centuries.

²⁸⁴ Hanson, 1971: 18.

The publication of such edicts reflects a reaction to not only the issues within the province but also that feedback surrounding the success of such laws must have reached the emperor's office, leading to a republication or redefinition of these laws. These two-way, fluid relationships between the emperor, his administrators and the local population was an essential facet in maintaining stability within the province and in obtaining the continued loyalty from the provincial subjects so dependent upon by the Roman imperial administration. Of course, the Roman imperial administration were highly aware of their dependence on local officials and liturgists to manage the large levels of bureaucratic functions in municipal and also local areas. As such, the potential ignorance seen by the administrative bodies, such as the *boulé* may have been more common than recorded by the papyri, due to an inability of the wider Roman administration to control and implement coercive punishments to those groups who posed such ignorance.

Chapter 2: Conclusion

This chapter has demonstrated that the imperial administration created legislation to undermine specific practices and maintain control within the province. The petition and response system provided the imperial administration with clear information to identify where new legislation was required while providing opportunities for existing legislation to be republished and reaffirmed within the provinces. I agree with Tuori's conclusions that the accessibility of the emperor, albeit at a distance, underpinned the image of the emperor as the ultimate judge, and in cases where the emperor intervened, a sense of loyalty from provincial populations may have been created.

However, scholars must remember that access to the emperor was not universal. If one considers that the petition process may not have been accessible to the poorest in society, then their ability to engage with the imperial court was completely limited and extra-legal solutions may have been their only option for recourse.

This chapter has defined that the prefect not only operated as a communicator of imperial legislation within the province but was actively engaged in creating law via prefectural edicts. The existence of these edicts reiterates that the prefect was provided with delegated authority and the freedom to react to issues in the province appropriately. The papyri also demonstrate that alternative higher-level administrations, such as the *catholicus* may have had held the ability to create their own regulations for publication throughout the province. Again, this delegation of authority to a more specialised official represents a pragmatic decision made by the imperial administration to divide workloads effectively, whilst also allowing those officials to undermine illegal practices in the province that impacted their roles.

Petitions reveal that the rulings of higher-level administrators remained valid following their publication and the end of their tenure. The papyri reveal petitioners referring to prefectural and imperial laws, to justify their complaints. Whilst these references do not provide specific examples the general knowledge of laws suggests that individuals were aware of the high-level concepts of what laws impacted their day-to-day environments. In contrast, references to laws in petitions may purely reflect the knowledge of the scribe drafting the petition, if this is the case, we may infer that scribes may have had access to specific archives to shape these texts accurately. Proving these theories is challenging, however this is certainly an area of research that requires further investigation.

Whilst the creation of laws appears to have been a straightforward process for officials, obtaining mid to long-term compliance from the populace was far more challenging and, in many cases, seemingly impossible. In the case of illegal requisitioning and vexatious petitioning, the papyri demonstrate repeated publications of edicts, both imperial and prefectural. This continued republication is indicative of a breakdown in compliance with these regulations. However, we must recognise that there may have been a period of compliance between the republished edicts; unfortunately, our evidence cannot quantify these periods.

Chapter 3: Petitions and Dispute resolution

Many papyrological sources contribute to our knowledge of the legal system in Roman Egypt, including official correspondence, records of court proceedings, orders for arrest, private letters and petitions.²⁸⁵ Contrary to other sources petitions provide us with evidence outlining the details behind an individual's appeal for legal assistance, following a dispute.²⁸⁶ The consolidation of this information in writing allowed administrative officials to communicate the issues raised, whilst adding their own judgments and relevant preceding cases through elements such as subscriptions (replies). If necessary, the petition would be forwarded to a relevant official, to further deal with the complaint and this official would subsequently add further relevant information to the petition. These processes allowed a quicker filtration and detailed account of the actions taken in processing the complaint and these delegatory procedures are often clear in resubmitted petitions, which in many cases include a copy of the original petition.²⁸⁷ The disputes raised from surviving petitions additionally reveal the social interactions between individuals in local communities and particularly during the fourth century the rising tensions between smaller local communities who were vying for natural resources in ever-declining rural economies.²⁸⁸

The introduction of this thesis defined the conventional process for the submission and handling of petitions in the earlier Roman period and into the fourth century. This chapter utilises fourth century archival evidence to identify if petitioners chose formal adjudication methods, as a final resort, supporting Hobson's theory that petitions are evidence for the final stage of the disputing process, which was undertaken by petitioners after all other avenues had been explored.²⁸⁹ Alternatively, any evidence of petitioners utilising extra-legal processes to resolve their disputes is identified and discussed, to test Kelly's assertion that petitioners used the petitioning process to initiate private or extra legal settlements.

The archives selected for this discussion, the archives of Aurelius Isidorus and Sakaon, provide a unique glance into the progression of individual cases, demonstrating the barriers faced by these petitioners and the response from different levels of the administration. In addition, these cases reveal facets of the wider social context, revealing social tensions and perennial criminality that led to further disputes.

Petitions and Dispute Resolution: The Archive of Aurelius Isidorus

The archive of Aurelius Isidorus comprises of 175 papyri and contains the personal and administrative papers of Isidorus and his wider family. There are 28 petitions assigned to the archive dating from A.D. 296-324. Isidorus was the main petitioner in 25 of these petitions whilst the other 3 petitions relate to cases raised by his sister, Thaeisis. The nature of the cases is varied, including thefts, assault, destruction

²⁸⁵ Kelly, 2011: 4-6.

²⁸⁶ Hobson, 1993: 197; Coles, 1966; Harries, 2013: 46.

²⁸⁷ See for instance from the earlier period of Roman rule, *SB.22.15782* (A.D. 152); *SB.8.9905* (A.D. 171); *SB.16.12994* (A.D. 241); *SB.14.11707* (A.D. 212); *SB.10537* (A.D. 214-215); *P.Oxy.65.4481* (A.D. 179); *P.Mich.9.526* (A.D. 155); *P.Mich.6.425* (A.D. 198); *P.Mich.6.424* (A.D. 198); *P.Oslo.2.18=SB.14.12087* (A.D. 162).

²⁸⁸ Baldwin, 1963: 262.

²⁸⁹ Hobson, 1993: 204-205.

of property, breaches of contract, liturgical disputes, and complaints against the administration for misconduct.

Documents from the archive reveal that Isidorus was one of the largest landowners within Karanis. *P.Cair.Isid.5* (A.D. 299) reveals that Isidorus owned at least 140 *arourae* of land within Karanis and its *horiodeiktia*.²⁹⁰ His landholdings remained unchanged during the next fourteen years, as displayed in *P.Cair.Isid.69* (A.D. 310) in which he again declares land of 140 *arourae*. Thus, by A.D. 299 Isidorus' landholdings were sufficient to provide him with a moderate income and he would have been considered one of the largest landholders within Karanis.

P.Cair.Isid.78 (A.D. 324) reveals that by A.D. 324 Isidorus' landholdings had decreased to 80 *arourae* and two suggestions have been proposed for the decline. Firstly, Kehoe suggests that loss may reflect Isidorus' granting of land to his children between A.D. 310-324.²⁹¹ This explanation appears plausible, especially if we consider that Isidorus was still active as a tenant farmer up to A.D. 315 thus granting it to his sons would not have negatively affected his financial circumstance.

In contrast, Boak and Youtie suggest that Isidorus would not have granted this land to his children, due to its poor quality.²⁹² The lack of maintenance applied to this land may have resulted in new landholders having to invest large capital into its re-development, capital which Isidorus' children may not have been able to raise. Instead, this land may have fallen into such disrepair that 60 *arourae* became reclassified as *χέρσος*, thus becoming removed from tax records and explaining its absence from Isidorus' statement to the *praepositus pagi*.

In *P.Cair.Isid.78* (A.D. 324) Isidorus states that only a small proportion of his land was cultivable, in this case he was only able to plant 7 out of the 80 *arourae* of land with grain. Furthermore, *P.Merton 2.92* (A.D. 324) also reflects that Isidorus only sowed 8 of his *arourae* with wheat, whilst sowing 2 further *arourae* with hay. From these papyri one can suggest that fourth century village landholdings may not have produced viable economic outcomes for small-scale farmers, with much land remaining unproductive and ill maintained. Subsequently, small-scale farmers searched for alternative methods of income, resulting in the leasing of land from metropolitan landholders, as tenant farmers. Nevertheless, Bagnall demonstrates that the largest metropolitan landowners within Karanis owned between 135 to 205 *arouras* of land. In relation to the wider landholders of Karanis he describes,

“The remaining holdings are much smaller, with one each at 47, 36 and 28, then six in the tens and seven under 10.”

Thus, we can conclude that Isidorus held an enviable position within Karanis.²⁹³ Therefore during the discussion of these cases one must recognise that Isidorus was a core part of the social network within his community.

²⁹⁰ Kehoe suggests that Isidorus' land increased in A.D. 299 due to an inheritance of land from his mother. Kehoe, 1997: 203.

²⁹¹ Kehoe, 1997: 203-205; Kehoe, 1992: 158-165.

²⁹² Boak and Youtie, 1960: 304-307.

²⁹³ Bagnall, 1978a: 9-16; Bagnall, 1993a: 95-101; Bagnall, 1992: 134-135; Kehoe, 1992: 158-165. The archive also reveals Isidorus' leasing of land around Karanis from metropolitan landowners. See *P.Cair.Isid.111* (A.D. 298); *P.Cair.Isid.113* (A.D. 303); *P.Cair.Isid.116* (A.D. 306); *P.Cair.Isid.119* (A.D. 311) for his leasing of land from four landowners, operating in a joint ownership, Casius, Isidorus, Gemellus and Pasigenes. See

In addition to his landholdings Isidorus also held at least 11 liturgical roles over twenty years. Initially he held minor liturgical roles such as the *kephalaiotes*,²⁹⁴ *pediophylax*²⁹⁵, *apaitetes*²⁹⁶ and also acted as the collector of meat for the military annona. However, by A.D. 308 he was nominated to become *komarch*²⁹⁷ and the following year was nominated to become the *sitologos*,²⁹⁸ an elite local position within the community. In A.D. 314 he was assigned to his final role as *tessararius*.²⁹⁹ These roles further reflect the influential position held by Isidorus within Karanis. It is essential to consider this context during our discussion of the petitions within the archive, as due to his societal position the legal system was more accessible to Isidorus. Therefore, Isidorus may not be representative of the poorest petitioners seeking justice, whose access to the legal system was extremely limited and whose experience of the obtaining assistance may have been very different.³⁰⁰

P.Cair.Isid.34 (A.D. 291-294); *P.Cair.Isid.36* (A.D. 295); *P.Cair.Isid.37* (A.D. 296); *P.Cair.Isid.38* (A.D. 296); *P.Cair.Isid.39* (A.D. 296) for his leasing from Sarapion. See *P.Cair.Isid.112* (A.D. 300); *P.Cair.Isid.9* (A.D. 309); *P.Cair.Isid.112* (A.D. 300) for his leasing from Aurelia Serenilla and *P.Cair.Isid.122* (A.D. 314-315); *P.Cair.Isid.122* (A.D. 314-315) for his leasing from the children of Aurelia Serenilla, Zolius and Ptolema. These leases by Isidorus by metropolitans, underline that even though he did not consistently work his own land, he was actively cultivating land of others. These landowners held the workable capital to maintain their own landholdings, in contrast to many smaller scale farmers, offering better quality land for lease. Rowlandson, 1996: 220. In the event of the destruction of the crop or recurring bad harvests, landowners had to offer a *remissio mercedis*, a remission of rent to lessees in fixed tenancy contracts as recorded by in *Digest* 19.2.15.2-3. Kehoe, 1997: 203. This remission did not extend to circumstances in which the tenant had let the plot fall into disrepair, leaving the tenant to repair damage. Frier, 1980: 22. Conversely, in sharecropping agreements tenants and landowners held equal liability for repair in extreme circumstance, if the damage to property was not substantial, as recounted in *Digest* 19.2.25.6. Frier and Kehoe, 2007: 124; Johnston, 1999: 64. In addition, the archive contains a sharecropping contract in *P.Cair.Isid.74* (A.D. 315), this arrangement was mutually beneficial to Isidorus and the proprietor, reducing the risk of an inability to produce rent in times of a poor harvest whilst also maintaining land in village areas for absent landholders. Kehoe, 1992: 158-165; Bagnall, 1993a: 97-100; Rowlandson, 1996: 214. See Whittaker, 2000: 531 and Kehoe, 1988 for the process of sharecropping in the province of North Africa and Erdkamp, 2005: 29-31 for Pliny the Younger's views on the system of sharecropping in Italy.

²⁹⁴ The *kephalaiotes* role encompassed the supervision and organisation of work gangs who delivered taxation from Karanis to the Nile ports. There were numerous appointed to the village, *P.Cair.Isid.57* (A.D. 315) records nine *kephalaiotai* active within Karanis during A.D. 315. *P.NYU* 1.15 (A.D. 315) from Karanis also attests ten *kephalaiotai* from this year. Bagnall, 1978b: 54; Hagedorn, 1968: 70.

²⁹⁵ The *pediophylax* was concerned with the supervision of a work gang whose responsibility lay in the protection and transportation of wood. Lewis, 1997a: 41.

²⁹⁶ The *apaitetes* were tasked with the collection of non-wheat taxation. Wallace, 1938: 313; Sharp, 1998: 236-237.

²⁹⁷ Following the reforms of Phillipus Arabs, the *komarch* replaced the role of the *komogrammateus* around A.D. 250. The role included the appointment of liturgists and was involved in the collation and assessment of taxation. During the fourth century the role came under the supervision of the *praepositus pagi*. Thomas, 1975: 113-119; Lewis, 1997a: 157; Lallemand, 1964: 130-134; Lewis, 1997b: 345-347.

²⁹⁸ The *sitologoi* were responsible for the control and management of public granaries, thereby Isidorus' role extended to the administration of tax collection within the *nome*. *Sitologoi* were expected to submit monthly reports to the *catholicus*, *nome strategos* and following their introduction in the fourth century, the *praepositus pagi*. Sharp, 1998: 244-245; 250-251; Wallace, 1938: 36-38; Aly, 1950: 293. *Sitologoi* were granted assistants to help manage delivery and the sorting of grain. *P.Ryl.*2.90 (third century A.D) reflects the role of an official whose responsibility included the guarding of the grain. Archaeological excavations in Karanis have revealed ten large and seven small granaries within Karanis. These granaries were mostly for public use; however, they could be rented for private estate use if necessary. Gazda, 2004: 11; Husselman, 1952: 58-60; Adams, 2006: 90-91.

²⁹⁹ The *tessararius* was a village level official responsible for the collection of taxation and requisitions for the *military Annona*. Solieman, 2010: 715; Bagnall, 1977: 324. Two further roles may have been held by Isidorus in A.D. 317 (*P.Cair.Isid.123*) and A.D. 318 (*P.Cair.Isid.82*) however, both roles are unspecified. No further roles are attested following this date.

³⁰⁰ Kelly's analysis has demonstrated that the middle-higher strata of society tended to use the petitioning process most frequently. Kelly, 2011: 155-161.

Case One: Isidorus and the brothers, Castor and Ammonianus

The initial case for investigation concerns an ongoing dispute between Isidorus and two local farmers, Castor and Ammonianus. The papyri related to the case are displayed in table 13 and spanned a period of three years.

Table 13. Petitions related to the Case of Castor and Ammonianus

Papyrus Number	Date
<i>P.Cair.Isid.74</i>	27 th December A.D. 315
<i>P.Merton 2.91</i>	31 st January A.D. 316
<i>P.Col.7.169</i>	13 th April A.D. 318
<i>P.Col.7.170</i>	16 th July A.D. 318
<i>P.Cair.Isid.76</i> (Duplicate of both <i>P.Col.169</i> and <i>P.Col.170</i>)	16 th July A.D. 318

P.Cair.Isid.74 (27th December A.D. 315), records Isidorus' initial petition to the *praeses* of Aegyptus Herculia, in which he outlines that he has leased 25 arouras on half shares of land from two brothers, Castor and Ammonianus. As part of the agreement Isidorus was obliged to provide seed, cultivate the land (including the hiring of oxen for ploughing and paying of wages for land workers for the harvest). Furthermore, Isidorus provided monetary loans to the brothers and loans in kind. However, on the completion of the harvest Castor and Ammonianus proceeded to appropriate the entire yield, breaking the agreement and leaving Isidorus out of pocket.³⁰¹ This appeal to the *praeses* was not his initial attempt to resolve the matter as Isidorus outlines that he originally reported his case to both the *strategos* and the *praepositus pagi* after trying to engage in discussions with the brothers. Isidorus' comment that he attempted to negotiate with the brothers provides an insight into his attempt to resolve the dispute informally and before engaging in formal adjudication, supporting Hobson's assertion. As the case was unresolved Isidorus then sought to refer his case to the *praeses*,³⁰²

“I submitted petitions to the *strategos* of the *nome* and to the *praepositus* of the *pagus* concerning their (Castor and Ammonianus') misconduct. I have therefore hastened to flee to your feet, my lord, begging and beseeching, as a man of most restricted means and almost in need of necessary... food, that you command by your most beneficent decision that the aforesaid persons be compelled to restore to me all the aforesaid loans under the supervision of whomever your Highness approves, so that I may be able with your help to enjoy my own

³⁰¹ Lewis, 1948: 51-52.

³⁰² Aly, 2020: 27.

property and to remain in my own place. If I obtain this, I will render the greatest thanks to your Genius forever. Farewell".³⁰³

The response and instruction of the *praeses* is recorded in a subscription affixed to the bottom of the papyrus,

“(4th hand.) The *exactor*, in the presence of your adversary, will examine the issue between you in accordance with the laws and cause to be done whatever justice requires, unless of course he finds other impediments.”

As is clear from the subscription the *praeses* delegated the judicial remit back to the local *exactor* to investigate and judge the case. This response could be interpreted as an ineffective resolution for Isidorus, as he had already petitioned two lower-level administrators and, on receiving no assistance, had therefore reached out to the *praeses* to resolve his case. The *praeses*' response merely delegated the case back to the *exactor* without providing any form of judgement. In contrast, we could view Isidorus' appeal to the *praeses* as a move to merely bolster his appeal, obtaining his approval and backing for a local investigation. This approval may have forced local officials to intervene, placing pressure on administrators such as the *exactor* to actively resolve the case.³⁰⁴

P.Merton 2.91 (31st January A.D. 316) records the next step taken by Isidorus to resolve his case. In this petition, Isidorus resubmits his case to the local *exactor* Aurelius Octavius, affixing a copy of his earlier submitted petition with the subscription of the *praeses*. The cover letter outlines to the *exactor* why a new petition had been submitted,

“To his highness Aurelius Octavius, *strategos* (*exactor*) of the Arsinoite nome, from Aurelius Isidorus son of Ptolemaeus, of the village of Karanis. The copy of the petition which I presented to my lord the most distinguished prefect, Aurelius Antonius, together with the most beneficent subscription which I received at the hands of his highness, I have set out here and present to you, best of *strategi*, asking that a copy of them be sent through one of your members of staff to the men accused by me, Ammonianus and Castor, of the same village resident in the village of Bubastus, that they may have cognizance of them and may attend in your court until the case between us reaches its termination. Farewell. Consulship of Caecinius Sabinus and Vettius Rufus the most illustrious, Mecheir 5.”³⁰⁵

This text reveals another important step in the delegatory procedure, demonstrating the emphasis placed on the petitioner to proceed their case further, via the submission of a new petition to the required administrator following the instruction of the *praeses*. If we consider the timeline for this dispute, whilst we cannot ascertain the exact date of Isidorus' initial petitions to the *strategos* and *praepositus pagi*, his petition to the *praeses* was sent on the 27th December A.D. 315 and by at least the following month

³⁰³ *P.Cair.Isid.*74.11.15-20.

³⁰⁴ Kelly, 2011: 83-86.

³⁰⁵ *P.Merton* 2.91.11.1-5 (30th January A.D. 316).

(January 31st) he had received a response from the *praeses* and further delivered his next petition to the exactor. This timeline presents a reasonable timescale and one may suggest a positive outcome for the petitioner.

P.Cair.Isid.76 (16th July A.D. 318) reveals the steps that were taken following the submission of the petition to the *exactor*. Rather than forcing the brothers to repay the entirety of the debt, Isidorus recounts that a partial resolution was mediated with them, namely a partial discharge of the debt relating to the earlier agreement. Then, Isidorus proceeded to draw up another agreement with the brothers in February or March of A.D. 316. He agreed to a loan for the brothers relating to 32 *artabas* of wheat and 18 *artabas* of kidney beans not covered by the original agreement. To secure this arrangement on this occasion the brothers agreed to pledge 3 oxen whilst also securing a surety bond with their brother-in-law, Tomis which could be called in if the loan was not repaid following the next harvest e.g., Pauni (May/June). Following the harvest the brothers defaulted on the agreement, neither handing over the produce or the secured oxen. One of the brothers Castor died, leading Ammonianus to flee from the village (*anachoresis*).³⁰⁶ Following the desertion their brother-in-law, Tomis (who had previously provided the guarantee) took possession of the brother's land and property but had declined to honour the original agreement.³⁰⁷ Thus, Isidorus petitioned the *praeses* on 13th April A.D. 318 asking for his intervention in the matter. The initial petition is recorded in *P.Col.7.169*, lines 9-17 recount the clear need for intervention from the *praeses*,

“Now that Castor has died and Ammonianus is in flight, the aforesaid Tomis and his brother Demetrius, who is the husband of Atola, the sister of my debtors, have taken control of all the property that they left, eight oxen and building(-site)s and the rest- and in their contempt of me have given me nothing, neither the produce or the oxen, although so much time has passed.

For this reason, I resort to your nobility, begging and beseeching you to give the order, if you so please, through whomever you approve, that my opponents be compelled either to return the product or to transfer to me the three oxen in accordance with the agreements. I shall be grateful to you. Farewell. Pharmouthi 18.”

The subscription of the *praeses* is affixed to the petition in line 18,

“The *praepositus pagi* will examine the issue between you and provide the appropriate assistance in the matter of the debt.”

The subscription of the *praeses* again provides a generic response, merely delegating the case back to the local administration and again requesting for Isidorus to resubmit a petition for the case to be decided locally. Considering the frustration and desperation to achieve a resolution portrayed by Isidorus the delegation back to another local administrator and without any form of applied judgement reflected a poor outcome for Isidorus.

³⁰⁶ Lewis, 1948: 52-53.

³⁰⁷ Lewis, 1948: 52-53; Taubenschlag, 1955: 206-207.

P.Col.7.170 and *P.Cair.Isid.76* (16th July A.D. 318) record Isidorus' newly submitted petition to the *praepositus pagi*, enclosing the original petition and response of the *praeses*,

“To Aurelius Gerontius, *praepositus* of the fifth *pagus*, from Aurelius Isidorus son of Ptolemaios, from the village of Karanis.

Appending immediately below the petition which I submitted to my lord Valerius Ziper, the most distinguished *praeses Aegypti* Herculiae, together with the subscription granted to me by his highness, I present this to you, with the request that the duplicate be sent to those accused by me, namely Tomis and Demetrios, inhabitants of the same village, so that they may know what has been ordered and may attend your court until the issue between us is settled. Farewell.”³⁰⁸

No further documentation regarding the dispute is recorded within the archive, which may suggest that a resolution was achieved following a decision by the *praepositus pagi*. These texts from the archive of Isidorus reveal the delegatory processes between higher and lower levels of the judicial administration. The role of the *praeses* appears rather limited in this case, merely consisting of delegating the case back to lower-level officials. This delegation and complete lack of opinion or judgement levied on this case reflected an ineffective and inefficient process for petitioners. The fact that Isidorus had to resort to the expense and delays in directing these petitions to the *praeses*, only to result in the case being delegated to local officials, must have been a source of frustration to Isidorus and other petitioners in similar disputes.³⁰⁹

The competence and ability of these officials to enforce judgements is questionable when we examine this case. For instance, the *exactor's* original mediation in A.D. 316 between Isidorus and the brothers appears to have only led to a partial agreement being reached. However, even following the mediation the terms of the agreement were breached, leading to the second dispute, and a renewed petition. In this case, Isidorus appears to have circumvented appealing to a local official first, instead choosing to appeal directly to the *praeses* possibly due to the ongoing severity of the case and the clear need for escalation of the dispute. This decision could also reflect a level of frustration and lack of faith in the lower levels of the administration to resolve the matter without the overarching pressure applied by the *praeses*.

This case demonstrates Isidorus engaging with different stages of the dispute resolution process and utilising different mechanisms to try and obtain a settlement. On the one hand, Isidorus raised his petition to a local official, applying for formal adjudication, following previous attempts to obtain a resolution. However, on obtaining the official's judgement, which gave him an enforceable ruling presumably to recover all his goods, he chose to negotiate with the brothers and even provide them with another loan. This choice to deviate from the original objective of his application for adjudication supports Kelly's notion that petitioners did utilise the adjudication system to encourage their adversaries to negotiate and reach settlements. Following the subsequent collapse of the agreement, Isidorus then decided to engage in pursuing formal adjudication. Isidorus' behaviour may indicate that petitioners utilised different mechanisms to resolve their disputes, engaging with the legal administration and adjudication frameworks to encourage the other parties to return to the negotiating table. This approach

³⁰⁸ *P.Cair.Isid.76.11.1-7*.

³⁰⁹ Lewis, 1995d: 31-46.

may have been more suited to those pursuing resolutions for financial disputes, where settlements or new agreements could be reached to the benefit of both parties.

In all, the case of Isidorus and the brothers, Castor and Ammonianus, represents a disappointing view of the effectiveness of the dispute resolution process. On appealing to higher authorities, following the lack of resolution from two local administrators, he was merely guided back to the lower levels of the administration. This delegation seems to have been ineffective in the resolution of his case, leading Isidorus to ‘self-help’ and manage the dispute himself. It is unfortunate that we cannot ascertain the outcome of his final petition to the *praepositus pagi* as this may have revealed a more positive outcome, however, these texts do provide key insights into the mechanics of the dispute resolution processes and how petitioners chose to navigate achieving resolutions.

Case Two: Isidorus and Land Trespass Complaints

Petitions and legal disputes relating to the trespass of animals and subsequent crop damage are recurrent in the papyrological record from throughout the Roman era.³¹⁰ This led to the creation of regulations to thwart the issue, demonstrated in a prefectural edict from the late third century, *P.Oxy.34.2704* (A.D. 292),

“Titius Honoratus, the most distinguished prefect of Egypt, says:

There would be no profit whatever from our agriculture and the pains taken with it, unless those who regularly spoil crops were to guard against doing this. I learn, in fact, that although the harvest time has produced crops in great abundance, these same herdsmen spoil them. Therefore, I enjoin you to guard against allowing beasts in among the crops, (adding) that a lawsuit before my court lies against anyone who disobeys in these matters, so that he shall be deprived of the actual beasts and shall himself experience strong measures. Post in public. In the eighth year of our lord Diocletian and the seventh year of our lord Emperor Maximian. Mecheir 9th (?).”³¹¹

Papyri from the Isidorus archive reveal that into the fourth century and following the publication of this edict, that the practice still blighted communities. *P.Cair.Isid.79* (early fourth century A.D.) provides a petition sent to the *logistes* complaining of the trespass of animals upon his land.³¹² Isidorus outlines that he had submitted a petition two days previously regarding this dispute, however following a counter claim he felt required to resubmit his complaint,

“To Aurelius Dionysion, logistes of the Arsinoite nome, from Aurelius Isidorus, son of Ptolemaeus, of the village of Karanis.

³¹⁰ Keenan, 1989: 191.

³¹¹ *P.Oxy.34.2704* (A.D. 292).

³¹² Ruffini, 2008: 11. Ruffini describes shepherds as holding a peculiar place in the social networks of the Byzantine era, noting that they were seen as outsiders. This attitude was probably exacerbated by these cases of trespass and destruction caused by their cattle.

I previously submitted to you, on the day before yesterday, a complaint against Melas and his shepherds concerning the one aurora of hay which (their sheep) consumed out of the area which I had sown. Now that these men have been summoned...by your Grace and I have learned that you received from my opponents a complaint against me, in spite of the fact that I was constrained to submit my petition inasmuch as ...he has done me not only this injury, for...other injuries on other occasions as well, I resort to you that you may protect me against violence and provide full vindication in accordance with the laws. For L..., who is charged with the apprehension of bandits..., is my witness that Melas has attempted the same thing against me on other occasions with the intentions of ruining me. Farewell.”

Isidorus emphasised to the *logistes* that the ongoing feuding between himself, Melas and the shepherds was well known to another local official. His indication that the ongoing attempts to undermine his position should be used as “evidence” of the perpetrator's guilt is interesting and suggests that these ongoing feuds would have been well known to local policing officials. These officials would have been well placed to provide commentary to administrators, such as the *logistes* and *praepositus pagi* to assert liability for claims.³¹³

Between A.D. 323 and 324 Isidorus raised four more petitions relating to the trespass of cattle upon his land and the destruction of his crops, culminating in a violent exchange with one of the herdsmen. *P.Cair.Isid.140* (May-June A.D. 323) is the first of these papyri and is unfortunately too fragmentary to fully reconstruct. However, the text does appear to be directed towards the *praepositus pagi* and references cows damaging his crops. *P.Cair.Isid.78* (29th January A.D. 324) demonstrates a further petition to the *praepositus pagi* regarding the destruction of crops by freed cattle,

“To Dioscorus, *praepositus* of the 5th *pagus*, from Isidorus, son of Ptolemaeus, of the village of Karanis in the *pagus* under your jurisdiction.

You are well aware, O noblest of *praepositi*, that instructions have frequently come from higher authority that if ever animals are apprehended in damaging crops, they are to be sold at public auction and their price paid to the municipal treasury, while the owner of the crops that have been destroyed is to be preserved from loss. Inasmuch, therefore, as I sowed with great labor only seven arouras in wheat out of eighty arouras and these were completely consumed by animals, and it is the duty of the village officials to produce the culprits, I submit this report to you so that you may summon them to appear before you and may take such measures as are required by the laws, to the end that I may not be driven to flight on their account. Farewell.

The consuls designate for the 4th time, Mechir 4.

I, Isidorus, have submitted this petition. I Paulus, have written for him since he is illiterate.”

Isidorus utilised the existing prefectural regulations to bolster his case, directly reminding the *praepositus pagi* of his obligations to resolve the matter in line with the law. Nevertheless, this petition suggests that the original case was either not resolved, subsequently prompting this direct response to

³¹³ Bowman, 2008: 32-34; Rees, 1953-1954: 98-99. See *PSI.9.1057* (A.D. 32) for a receipt issuing compensation to a farmer from a shepherd whose sheep had destroyed his crop.

the *praepositus pagi*, or alternatively another occasion of animal trespass had occurred, leading to the need to submit another petition. Considering the harvest normally occurred between late April and June it would be reasonable to conclude that the submission of the original petition occurred between May and June and would be in line with his comments in *P.Cair.Isid.78* that the cattle had destroyed the sown crops.³¹⁴ Therefore, I suggest that by January 324 the case had not been resolved, and the second papyrus submitted by Isidorus was sent as a reminder to the *praepositus pagi* of his duty to resolve the case.

P.Merton 2.92 (31st May A.D. 324) provides a further development in the case. Isidorus again petitioned the same *praepositus pagi*, citing the previous petition and the damage caused to his crops. No resolution is mentioned, and to add insult to injury Isidorus states that in the following year, once his crops reached maturity and were close to harvesting the herdsmen allowed their cattle to destroy the crop,

“To Dioscorus, *praepositus* of the 5th *pagus*, from Isidorus son of Ptolemaeus from the village of Karanis, I possess over eighty auroras, for which though they are not sown, I have long paid the dues to the treasury, and for this reason I have been reduced to poverty. For I experienced great difficulty in sowing, with enormous toil and expense, only eight of these in corn and two of grass-seed. So, when at time of their growth Ammonas son of Capeei, Sambathion son of Syrion, Sotas son of Achillas and Ptollas son of Ariston let their cattle loose on the corn crops and devoured them, on that occasion also I sent you a petition on the subject. But later, when the crops had grown and put forth their fruit and reached ripeness before they were harvested, again the same persons, plotting against me and possessing great influence in the neighbourhood and wanting me to desert my home, set the same cattle upon the crop and let it be completely devoured, so that nothing at all could be found there. Further, there was Harpalus the shepherd too: he let his beasts loose on the grass-crop and hay that had been cut and lay in the field and they devoured it. And therefore, I am unable to keep silence, since the headmen have frequently given instructions that the beasts caught damaging other people’s crops should be sold and half of the proceeds should go to the treasury and the other half to the victim of the damage, with the herdsmen or owners also exposed to the risk of liability. So, I submit my petition, asking that they be brought before you and take the consequences. Farewell.

Under the consuls who are to be elected for the 4th time, Payni 6.

I, Isidorus, have submitted the petition. I, Heron, have written for him, since he is illiterate.”

Isidorus reports to the *praepositus pagi* that the same culprits were making deliberate moves to destroy his crop, for the second year consecutively. He also raises a new claim against Harpalus, a local shepherd, who allowed his cattle to also consume his hay and grass. Again, Isidorus directs the *praepositus pagi* to the prefectural regulation, seemingly in the hope of stirring his assistance and prompting him further to mediate in the matter. The dispute came to a head in June of A.D. 324, as demonstrated by Isidorus’ account in *P.Col.7.171=P.Coll.Youtie.2.77* (6th June A.D. 324),

³¹⁴ Adams, 2007: 188.

“To Dioskoros Caeso, *praepositus* of the 5th *pagus*, from Isidorus son of Ptolemaios, from the village of Karanis in the *pagus* under your jurisdiction. The cattle of Pamounis and Harpalos damaged the planting which I have and, what is more, [their cow] grazed in the same place so thoroughly that my husbandry has become useless. I caught the cow and was leading it up to the village when they met me in the fields with a big club, threw me to the ground, rained blows upon me and took away the cow- as indeed the (marks of) the blows all over me show- and if I had not chanced to obtain help from the deacon Antoninus and the monk Isaac, who happened by, they probably would have finished me off completely. Therefore, I submit this document, asking that they be brought before you to preserve my claim (to be heard) in the prefectural court in the matter of the planting and in the matter of the assault.

In the year of the consuls-to-be for the fourth time, Pauni 12.”

The assault on Isidorus was the culmination of the ongoing tension within the locality. The inability of the administration to enforce the law regarding the trespass of animals reflects the perennial challenge faced by officials, whose control over the populace in these village sites appears extremely limited. The lack of formalised police force resulted in an inability to enforce judgement and maintain compliance. This placed the emphasis on the petitioner to effectively police the outcome of their case themselves, such as in the case of Isidorus in which he physically had to capture the cow to halt the destruction of his crops. Such a system which removed the focus of police officials from reacting to, recording, and reporting crime undermined further effective social control by placing too much focus on citizens to manage their cases. One must recognise that the ability of the administration to manage this type of crime was very challenging. In addition, the absence of any indication that Isidorus sought to negotiate with the herdsmen may have been due, in part, to the difference in social standing between the two parties. Ruffini’s work has concluded that shepherds and herdsmen were often interpreted as “outsiders” of the standard community structure and even treated with an air of suspicion. Such attitudes were likely to have been amplified if their herds continued to damage the villagers’ land, further creating a disconnect between the two groups. Thus, in contrast to the previous case, where Isidorus was willing to negotiate with the brothers, the social distance between Isidorus and the herdsmen may have limited his willingness to engage in extra-legal negotiations.

This lack of security and clear requirement for the need of higher judicial authority is clear from the addressees of the petitions in this case. In the initial three petitions, Isidorus petitions the *praepositus pagi* stating that he wished for the culprits to be brought before his court. However, in the final petition following the assault, Isidorus requests for the *praepositus pagi* to escalate the case, to ensure that the culprits are brought before the prefect.³¹⁵ Considering the failure of the *praepositus pagi* to enforce any judgement or control the herdsmen it is no surprise that Isidorus felt required to demand the intervention of the prefect, as his judgement may have held more weight and resulted in greater compliance. This supports Kelly’s theory that many petitioners would appeal to the highest levels of the administration to try to push a case forward, adding additional gravitas to any judgement and forcing lower-level administrations to process their case.³¹⁶

The clear tensions and difficulties of policing in these communities is evident from *P.Oxy.* 7.1033 (18th October A.D. 392) in which the *nyktostraegoi* of Oxyrhynchus submitted a petition to their superior, the *riparii* also of the Oxyrhynchite nome,

³¹⁵ Harries, 2013: 46.

³¹⁶ Kelly, 2011: 80-85.

“In the 2nd consulship of our sovereign Arcadius, eternal Augustus, and of Flavius Rufinus the most illustrious, Phaophi 21. To Septimus Paulus and Claudius Tatianus, *riparii* of the Oxyrhynchite nome, from Aurelius Gaius and Aurelius Theon, both *nyktostrategoï* of the said city. Being entrusted with the care of the peace we are irreproachable in our obedience to public orders, and also intent upon the guardianship of the city. We are often called upon for the production of various persons in accordance with the command of our lords the superior officials but having no assistance either of public guards or inspectors we often run the risk almost of our lives because these assistants have been taken from us and we go about the city on the watch all alone. Therefore, to safeguard ourselves we present this petition requesting either that we should be given the proper assistance of the public guards and the inspectors as aforesaid or that we should have no concern for the guardianship of the city or the production of persons who are wanted, in order that we may not incur risk.”

In this petition, the *nyktostrategoï* take a direct stance with their superiors, raising the clear dangers faced by them in undertaking their role without adequate and physical support from additional policing figures, such as public guards. The threat of withdrawing their support due to this threat represented a serious risk to the maintenance of local order and again demonstrates that the threat of violence must have posed a serious concern to those undertaking policing responsibilities during the fourth century. This clear threat of violence and the concerns of the *nyktostrategoï* further support our assertion that achieving compliance was extremely challenging for the administration.³¹⁷

In all, the case of Isidorus and the herdsmen again provides an unsatisfactory image of the dispute resolution process of the fourth century. In this case Isidorus appealed solely to the *praepositus pagi*, citing the laws in support of his claim clearly and to protect his interests. However, the dispute rumbled on, and the culprits struck again, causing further damage. The final assault upon Isidorus underpins the claim that the local level administration had failed to enforce the law and their intervention had limited impact in obtaining compliance from the populace. This lack of social control undermined the judicial system, leading petitioners to look for assistance outside at the highest levels of the administration, even when the best placed officials to manage such disputes were “on the ground”.

In addition to the poor management of cases by local officials the Isidorus archive also reflects instances of corruption by the same municipal officials. *P.Cair.Isid.73* (A.D. 314) presents a petition, sent by Isidorus and Palemon (in their liturgical roles as the *tesserarius* and *quadarius* of Karanis) to the prefect. They report of misconduct by the *praepositus pagi* (Theodorus) and his collusion with the *komarchs* of Karanis,

“To Julius Julianus, the most eminent prefect of Egypt, from Aurelius Isidorus, son of Ptolemaeus, *tesserarius*, and Aurelius Palemon, son of Tiberinus, *quadarius*, both from the village of Karanis in the Arsinoite nome. ...we, who are small farmers, suffer severely at the hands of the *praepositus* of the *pagus* Theodorus and of the *komarchs*. They terrorize us, and this reveals the character of these utterly wicked men, these men who play the tyrant locally, and

³¹⁷ Violence could also be a risk for administrators delivering summonses, as demonstrated in *SB.14.11707* (A.D. 212) which records an assault on the *strategos*, during his delivery of a summons. Rea, 1977: 17; Kelly, 2011: 96.

while we show them due respect, do us the greatest mischief. The *komarchs*, in collusion with the *praepositus*, have made levies in the village at their pleasure- a very large number of illegal assessments, in excess of three hundred talents; and we do not know into what account these have gone. We accordingly wish you to know and to proceed with your hatred of wickedness to the punishment of these men.”

The petition then proceeds to outline the additional goods requisitioned unduly from local inhabitants. Whilst the outcome of the petition is not clear, the petition does support the notion that civilians, such as Isidorus used the petitioning process to effectively whistle blow and draw the central administration's focus to resolve the matter. Corruption and collusion may have extended into the judicial arena and for citizens such as Isidorus the mechanism to report any form of corruption would have been beneficial to the wider administration. *P.Fouad.1.26* (A.D. 158-159) records a petition to the prefect in which the petitioner expressed his concern that the defendant will unjustly receive a favourable outcome in their case, due to his local influence. Whilst there is little evidence to support that the administrators in Isidorus' petition had extended their corrupt behaviour into their legal arena, it is likely that across the province some judges would have been 'bought' to either favour an associate or to ignore a case altogether.³¹⁸

Letters from the Beatty collection also reveal a range of corruption and collusion by the entire city council, namely relating to the collection of taxes, the falsifying of accounts and even the loss of a range of various official documentation.³¹⁹ The imprisonment of all the councillors is reflective of the challenges faced by the central administration to maintain visibility and transparency within these areas. *P.Panop.Beatty.2.II.236-244* (A.D. 300), also reflects the *procurator's* concerns regarding the potential collusion of the *strategos* with the local population,

“And let the country dwellers abandon the practice which, it has come to my notice, they still dare to perpetrate in the Panopolite nome; for no one ought to submit to charges for guards or for fodder for animals; or any other imposition of this kind, but to limit their payments to the amounts laid down in the divine regulations. And if after this exhortation of mine any of the collectors should decide to continue in their evil ways, of the *strategoï* in collusion with them should permit any unlawful act to occur, the guilty party on being detected will be sent under

³¹⁸ For additional cases from the early Roman period, see *P.Oxy.8.1120* (A.D. 200-225); *P.Louvre.1.2* (A.D. 133); *SB.20.14401* (A.D. 147) and *SB.1.5676* (A.D. 232-233). I cannot locate any cases from the fourth century that allude to corruption within the courtroom, however in the following chapter *P.Herm.7* (After A.D. 381), a letter to Apa Iohannes, a holy man of great influence references a payment made for his intervention in obtaining the release from prison. Whilst this intervention differs from direct corruption in cases managed by municipal officials, the reference does allude to elements of corruption via the paid utilisation of an influential individual.

³¹⁹ From *P.Panop.Beatty.1.II.64-70* (A.D. 298) It is clear that Apolinarius, the *strategos*, had replaced another individual who had allowed records to fall into disarray, Apolinarius informs the *catholicus* of his struggle to locate various documentation and corn records and thus, appeals for more time to locate and forward them to his office. From *P.Panop.Beatty.2.II.32-5* it is clear that the *strategos* could be fined for negligence of lower officials or the disappearance of requisitioned goods. Rees, 2004:35; Burton, 2004: 321. The misappropriation of public funds was an ongoing challenge across the empire with the centralised administration instructing for audits to be undertaken by provincial governors. For instance, Pliny's letters from Bithynia demonstrate inherent corruption within the local community of Bithynia Pontus, leading to Pliny's review and retrieval of funds for the imperial treasury. See Pliny, *Ep.10.18*.

guard to my lord Domnus, the most eminent *catholicus*, to receive just retribution. Publish this. Year 16/15/8, Mecheir 1st.³²⁰

The *procurator* outlines his concerns relating to inflated charges levied on soldiers posted within Panopolis. One can imagine that villagers relished the opportunity to inflate their prices and fabricate charges for soldiers, with local officials turning a blind eye to such practices.³²¹ The clearly corrupt practices around land assessment could be addressed by the Roman administration via a land reassessment, a more challenging task was to disrupt local corrupt practices within the existing social frameworks.

An imperial regulation *Cod.Theod.*12.1.20, published by Constantine in A.D. 331, supports the notion that the Roman administration recognised the risks of granting too much authority to individual local elites,

“No decurion shall undertake procuratorships or curatorships of municipalities, unless either because of his age or because of his performances of service, he has fulfilled in every detail the compulsory duties of his municipality. But if anyone should arrive at such office through patronage in his eagerness to hold an administrative office, not only shall he be barred from the office desired, but also his imperial letters and letters patent shall be immediately taken from him, and he shall be dispatched to the imperial court.”³²²

The risk of corruption created by the election of the *logistes* by the *boulé*, was of great concern to the centralised administration. *P.Oxy.*33.2666 (A.D. 308-309) demonstrates the central administration’s desire to obtain visibility of the practices of the *logistes*. In this letter, sent from the current *logistes* to his predecessor he is informed that he is partially liable for an unpaid loan, granted from municipal funds during his term in office. The defaulted debt had resulted in the seizure of the debtor’s property, however the prefect had ruled that the previous *logistes* held partial liability and was expected to repay a portion of the debt. *P.Oxy.*33.2667 (22nd June A.D. 309) records a subsequent letter from the *logistes* asking for the previous *logistes* to produce his accounts, to be further delivered to the prefect for

³²⁰ *P.Panop.Beatty.*2.11.236-244 (A.D. 300). A copy of a letter from the *catholicus*, affixed to the *procuratores*’ letter make clear reference to the corrupt practices of the previous *strategos*, Heraclius who had sold a portion of land without the permission of the *catholicus*. Heraclius had also seen fit to sell the land at a higher rate than stated to the *catholicus*, seemingly retaining the profit for himself. see *P.Panop.Beatty.*2.11.134-144. Further complaints against the poor oversight of the *stratego*i are outlined in *P.Panop.Beatty.*2.11.145-152 (A.D. 300) in which the *procurator* complains that individuals have been allowed to omit their vineyards from their land assessment returns. Thus, he called for a reassessment of the land and stresses that the *stratego*i must be present for the assessment. Corcoran, 2000: 149.

³²¹ In later Roman Egypt, scholars suggest that military officials became more greatly involved in local administration suggesting that soldiers played an increasing role in the policing of local communities, thus the further maintenance of these troops was integral to local governments. This increase in military officials would have served as a temptation for those looking to exploit the opportunity to profit. Davies, 1989: 176-180; Lesquier, 1918: 235-237. If one also considers the requisitioning of goods from these local communities, who already faced socio-economic pressures, it is not unreasonable to propose that local inhabitants tried to charge soldiers as another method of survival.

³²² *Cod.Theod.*12.1.20. Frakes, 1994: 346-347.

review.³²³ The initial request appears to have been directed to the city clerk and was unsuccessful, thus he approaches the previous *logistes* directly,

“Valerius Heron, alias Sarapion, *logistes* of the Oxyrhynchute nome, to Aurelius Seuthes, alias Horion, *ex-logistes* of the same city, his well-beloved colleague, greeting. Whereas a letter reached me from my lord the most illustrious prefect of Egypt, Aelius Hyginus, instructing me to demand the municipal accounts of your administration, both those of money deposited and money owed, as well as those of money alleged to have been spend and to send them to headquarters within the time limit specified therein, immediately, because I have perceived that you were not here but absent in accordance with a command of higher authorities, I enjoined the clerk of the city to fulfil this and he affirmed that in your absence he was unable to produce them. And since, moreover, it is fitting that the command be fulfilled, I send you a copy of the letter, my well-beloved colleague, so that you may understand and conform. I pray for your health, my well-beloved colleague.”³²⁴

These papyri demonstrate that the prefect sought to undertake reviews of municipal accounts, particularly in cases where a suspicion had been raised that public funds had been misappropriated. This case also demonstrates that individuals who held municipal offices could be held liable for their decisions whilst in office and the prefect could levy financial penalties if he felt it appropriate. This reactive extension of the centralised administration to review and undertake assurance on the activities of officials demonstrates that the prefect must have held concerns regarding the ongoing administration and those managing such areas.

In response to this recognised corruption and power of local elites within the province, the Roman administration augmented the role of the *defensor* in a bid to disrupt local networks and offer an alternative channel for escalating local disputes.³²⁵ This is further supported by a later imperial regulation of Valentinian from A.D. 368, recorded in *Cod.Theod.*1.29.6 (A.D. 368) that outlined that the appointment of the *defensor*, whilst allowed to be selected by the city council members had to be independently reviewed and confirmed by the prefect.³²⁶

The *defensor* became an integral conduit between citizens seeking to petition the higher levels of the administration, as demonstrated by *P.Strasb.Inv.*1265 and *P.Strasb.*296.recto (19th November A.D. 326), a petition sent to the *defensor* of Hermopolis by a city councillor, Aurelius Didymus against one Hermes. Didymus outlines that Hermes had manipulated or enticed his slave Eutybios away, whilst also encouraging Eutybios to steal several goods from his home during his exit. Eutybios had been caught at Hermes' home with several of the stolen goods and therefore Didymus requests for the *defensor* to escalate his case to the *praeses* of the Thebaid for judgement. *P.Strasb.*296 verso (29th November A.D. 326) records a report of the *defensor* to be sent to the *praeses*. These texts reveal that the *defensor* was a conduit to the higher-level legal administration and petitioners clearly recognised that such intervention and escalation could be actioned by these officials. It is also interesting to note

³²³ Bowman, 2008: 35.

³²⁴ *P.Oxy.*33.2667.ll.1-14 (22nd June A.D. 309).

³²⁵ Williams, 1985: 122-123; Churchin, 2014: 275; Bowman, 2008: 35; Frakes, 1994: 345-346; Corcoran, 2000: 252.

³²⁶ Churchin, 2014: 282; Frakes, 1994: 346.

the efficient escalation of the case by the *defensor*, namely ten days to complete the report which next would have been sent to the *praeses*.

The papyri reveal that the *defensor* also held his own remit to handle cases for less serious disputes, with petitioners addressing their minor complaints directly to the official. *P.Oxy.54.3770* (26th March A.D. 334) records a petition of Aurelia Ptolema, appealing against the behaviour of her son in law,

“To Aurelius Julianus, *syndic (defensor)* of the city of the Oxyrhynchites, from Aurelia Ptolema, daughter of Dionysius, from the same city. I have our daughter Arilla (her father being Diogenes)... to a man, one Theon, in a marriage...He had a male child by her. She nursed the child for a year and a half. He provided no maintenance for the child or for his wife, but having already been elsewhere for a long time, taking his bedding he...., and leaving my daughter as a widow he tries even to demand back from me the bride-price he provided at that time, scorning my powerlessness. Wherefore, since I cannot endure the man’s lack of conscience, I present this petition, requesting that if he persists in this same wilful behaviour and...

In the consulship of Flavius Optatus, patrician, and Anicius Paulinus, *viri clarissimi*, Phamenoth 30.

(hand 2) ‘I Aurelia Ptolema, presented this.’”

The introduction of the *defensor* and the subsequent nomination regulations of Valentinian may have reduced the risk of corruption feeding into the petitioning process, however our evidence does not reveal enough to make a definitive conclusion. The evidence of higher-level administrators referencing collusion, reviews of accounts in relation to previous administrators and furthermore creating division in the nomination of the *defensor* does support the hypothesis that the Roman administration were acutely aware of corruption within the province. Unfortunately, their control of these issues was limited, due to the ingrained social networks within these municipalities as was demonstrated by *P.Cair.Isid.73* (A.D. 314), this embedded risk of corruption may have further acerbated poor outcomes for petitioners, particularly in cases involving local elites.

Petitions and Dispute Resolution: The Archive of Aurelius Sakaon

The archive of Aurelius Sakaon contains 76 texts relating to his own personal papers and those of his wider family.³²⁷ Sakaon was a modest landholder within Theadelphia, with approximately 46¼ *arouras* of land under his ownership. Sakaon also appears to have also owned livestock and the archive records his ownership of sheep and goats.³²⁸ Sakaon held a prominent role in the village, undertaking a range of liturgies, including becoming the *komarch* in A.D. 303/304 and holding the prominent role of *sitologos* five times from A.D. 308-327. He returned to his role of *komarch* on three more occasions between A.D. 311 and 325. The Sakaon archive provides an interesting view into the last days of

³²⁷ *P.Abinn.44* reflects a duplicate of *P.Sakaon 47*.

³²⁸ *P.Sakaon 71* reveals that by A.D. 306 Sakaon owned 62 sheep and 59 goats. By A.D. 342 he had extended his sheep stock to 82.

Theadelphia, as the village would be deserted by the end of the fourth century.³²⁹ The pressures placed on the community will be explored in the discussion of the petitions below.

P.Sakaon 33 (3rd June A.D. 320) records proceedings held before the *praeses* regarding illegal water restrictions against the village of Theadelphia. These proceedings, recorded partially in Latin and Greek, appear to have been held in the court at Arsinoe, with villagers of Theadelphia and of the accused village, Andromachis present to argue their case. Leontius, the representative of Theadelphia outlines that due to the blocking of water channels to the village all but three of the families had fled to other communities. The *praeses* orders for an inspection to be undertaken by the *praepositus pagi* with the dyke inspectors and to redirect the water appropriately.³³⁰

Less than three years later a further petition was raised in A.D. 323 by Sakaon and three other villagers in which he again petitioned the *praeses* complaining of a drought due to the other surrounding villages having initial access to the water supply,

“To Sabinianus, the most eminent *praeses* of Mercurian Egypt, from Sakaon, Esouris, and Arion, from the village of the Theadelphia. We solicited your excellency, my lord, through a petition, asking to obtain your beneficence, because, as we do not receive any water for the irrigation of our fields (and because of the very fact that the village is short of water it has been crippled), we have been reduced to impoverishment by paying dues for so many uninundated fields for a long time. You commanded that the dyke inspectors visit the locality accompanied by a member of your staff and the *praepositus* of the *pagus* and inspect the sight; and they did come down and discovered that we did not receive any water, not only this year but for many years, because our village is far too back. We ask, therefore, that your worthiness show his beneficence and that, in accordance with the laws and the edicts, my lord, both of yourself and other governors, which provide that the poorer villages be attached to the richer ones, we too share our imposts with the rich village of the plain, and we mean Hermopolis, to which even I the past we have been allotted....the *dekaprotoi*. Since they...the water in the first instance, they too should contribute to the dues of the lands of our village; so that, having obtained this, we may be able to remain in our village and for ever be grateful to you. Farewell.”

Sakaon’s petition verifies that the requested inspection and validation of the villagers’ claims was obtained following the trial in Arsinoe. However, in the three years since the trial Sakaon suggests that either the water channels were not restored to their original state or alternatively they may have been blocked or diverted again. Whilst the events are not clear from this petition the inability of the *praepositus pagi* to enforce the judgement of the *praeses* was contributing to the decline of the village due to the socio-economic pressures. This difficulty to enforce the law within these village areas supports our assertion that obtaining an enforceable judgement from the highest levels of the legal administration did not guarantee that rulings would be complied with.

An extract from a *narratio* preserved in *P.Sakaon* 35 (A.D. 332), presumably the speech used in a proceedings before an unnamed official, is the penultimate papyrus that outlines the ongoing dispute between Sakaon, the remaining villagers of Theadelphia and their neighbours,

³²⁹ Bagnall, 1982: 57.

³³⁰ Bowman, 2008: 37-38.

“Address. You speak on behalf of Sakaon, Heron, and Kanaoug, who are left in the deserted village of Theadelphia in the 8th *pagus* of the Arsinoite nome.

The year before last, as well as last year, as the field of our village are situated on elevated ground and the nearest villages (Narmouthis, Hermopolis and Theoxenis) steal our water and prevent our land from being irrigated, since they are at the front of the *pagus* and we are at the far end of the *pagus*, we have become the inhabitants of a deserted village, the tax levied on our village encompassing five hundred arourae which are permanently uninundated, and Posidonios and Didymos our former *praepositi*, as well as Phileas our present *praepositus*, can bear witness to this, and to the fact that the village is deserted. We sold ourselves and managed to pay for two hundred arourae- as for the remaining three hundred arourae of unsown land, order about them as you see fit. And we who are left, although there are just three of us, provided a sailor, and a guard to the *irenarchs*, and contribute to all imposts.”

Sakaon and his two remaining neighbours again describe how the other surrounding villages were benefitting from the water supply and in some way exhorting an unfair share, rendering their land permanently incapacitated. One must recognise the resolve of these three villagers to remain within Theadelphia considering the perennial struggle to resolve these water access issues. For disputes of this nature to rumble on for over thirty years must have resulted in desperation for villagers and frustration in the central administration's lack of ability to enforce compliance. The reality that villagers reached the point of desperation to be forced to physically remove obstacles and presumably cut open these channels is indicative of the challenges facing rural village sites during the late third and fourth centuries. These villagers were placing themselves at risk of violence and confrontation from neighbouring villagers or farmers, whilst additionally placing themselves at risk of arrest by policing officials, such as the irrigation guards if they were caught in the act. Furthermore, if one considers the root cause for these illegal activities it is likely that the socio-economic pressures placed on these villages must have contributed towards a need for those villages to appropriate all the available resources to survive.³³¹

P.Sakaon 45 (7th December A.D. 334)³³² records another petition sent by Sakaon complaining about the setting of a weir again in the canal, restricting his and presumably the villagers of Theadelphia's water supply,

“To Aurelius Ploutammon, *irenarch* of the 8th *pagus*, from Aurelius Sakaon son of Satabous, from the village of Theadelphia in the Arsinoite nome.

Since at the time of the flooding...for reasons unknown to me Amies and his sons and Euproas and his sons acting in the manner of tyrants and robbers set a weir in the canal contrary to what is permitted (for an imperial law forbids (?) the setting of weirs), I ask, therefore, you, the

³³¹ Baldwin, 1963: 262. Baldwin demonstrates that during the late antiquity period inter village feuds were commonplace. I would suggest that these feuds, based mainly around the preservation of one's resources and position with the community would have been existing throughout the Roman period, of course as village sites and their inhabitants faced more challenges in obtaining resources the risk for increased social tensions would increase.

³³² *P.Sakaon* 45a (7th December A.D. 334) is a copy of the same petition.

irenarch, to review the violence perpetrated against me by the aforementioned and then to produce both me (?) and them at the court of my lord the most eminent prefect of Egypt, for it is his function to exact vengeance for such deeds; and having obtained this I shall acknowledge my gratitude to you. Farewell.

I, Aurelius Sakaon, have submitted this petition. I, Heraklios, wrote for him since he is illiterate.

In the consulship of Flavius Optatus, patrician, and Anicius Paulinus, the most illustrious, Choiak 11th.”

Sakaon requested the *irenarch* to again review, investigate and escalate his case to the prefect. This dispute regarding the water supply to Theadelphia was a long-standing issue by A.D. 334 and is recorded across five documents preserved in the archive. The initial issue must have been raised in the late third century, as recorded in a proceedings before the local *strategos* and *dioiketes* at *P.Sakaon 32*. The proceedings record the questioning of the irrigation works guards of Theadelphia who had presented a report outlining that the Theadelphians had cut open the mouth of one canal whilst several villagers of Philagris had removed a stone from the mouth of another canal, presumably to redirect the water supply. Following the objection of a villager from Philagris, one Hermias, the papyrus becomes fragmented, and the outcome of the proceedings is unfortunately not recorded.

Such disputes between villages must have created further pressures upon the administration, leading to the inability of villagers to contribute to the public purse and potentially leading to an increase in criminal activities due to the ongoing socio-economic pressures placed on villagers. Sakaon’s final recorded request to the *irenarch*, is presented in *P.Sakaon 45* (7th December A.D. 334).³³³ This text again supports the notion that the continued pressure placed on the local administration and repeated court proceedings had not abated the illegal activity, activity that was exceptionally detrimental to the entire village and its socio-economic position. This inability of the administration to take a firm grip over this dispute and enforce the law in such a serious and long-standing case suggests that individuals with minor disputes stood very little chance of obtaining justice. Such frustrations would have been felt by petitioners and whilst we can see Sakaon continuing to engage with the formal legal framework, to achieve a resolution, it would not have been unreasonable for Sakaon to seek out informal methods to resolve the matter.

A later fourth century petition addressed to the *riparii* also displays the tensions within another fourth century village. *P.Cair.Goodspeed.15* (A.D. 362) records a petition sent by a female petitioner, Aurelia Eus of the Hermopolite nome. The petitioner outlines a violent assault perpetrated by other inhabitants of the village upon her and a subsequent miscarriage suffered by another female inhabitant who had intervened in the violence,

“Since therefore, sixteen years ago I obtained upon written guarantee a year in the aforesaid village, and purchased at the same time on the north of the aforesaid yard a piece of vacant land with the cistern that was on it from Tasous, mother of Taurinus, and acquired for the same period the right of pasturage of both the yard and the vacant land along with the purchase, I undertook the building of the waste land, and restored the embankment of the cistern which was filled up and up to the past year I have procured water for my oxen from this cistern and

³³³ *P.Sakaon 45a* (7th December A.D. 334) is a copy of the same petition.

all who belong to the village know the fact both of the ownership and of the right of pasturage. And now I had undertaken to rebuild the wall which had fallen. How therefore Isakis, son of Ammonion, and Tapiomis his sister (dupl. wife of Serenus), and Helen, daughter of Panitis, and Helen, wife of Ptersous, came upon me wishing to make an end of me, as they particularly declare, I have made known both to the establishment of the *praepositus* and to his assistant. And they would have succeeded had I not found help in Taesis and her sister Sophia. To Taesis who was pregnant they occasioned by their violence the miscarriage of her child, and from Sophia they took away her *ὄνυδις* (*ἄωνυδις*) which is still in their possession. And they lawlessly pulled down the newly built wall of the vacant land, desiring to rob me of the lands of my mother's ruined house, which is close to the yard, although I was in possession of the deeds. The aforesaid Isakis, relying on his means and wealth, wishes to drive me from the village, just as he drove forth the father of my children, who is still tarrying in foreign parts, so that today I am paying taxes upon fifty arourae of inundated land."

This account outlines that in the first instance the petitioner appealed to the *praepositus pagi* and his assistants, albeit no mention is made of the outcome of this appeal. Furthermore, the petition reveals that this was not an isolated incident, as it is revealed that her husband had left the village due to the ongoing conflict with Isakis, leaving her liable for taxation upon land. Such accounts again demonstrate the fragile social networks within these small village communities and the clear risk of violence. The *riparii* are petitioned in this case as a means of escalating their case to *nome* level, with the petitioner outlining that the ongoing local discord, seemingly involving several villagers had resulted in serious violence and even the loss of an unborn child. It is unfortunate that we have no further information on how this case developed, however one would suggest that the *riparii* would have been best placed to try and recover social order within the locality and resolve the matter, due to their clear policing remit. The perennial existence of local disputes including violence in our fourth century papyri demonstrates a clear need for policing officials. If we combine these local tensions with the declining remit of the military as the receivers for petitions the role of local policing officials would have become augmented, establishing themselves as the central officials for petitioners to approach when submitting a petition.

Chapter 3: Conclusion

This chapter has presented three cases which demonstrate that petitioners utilised a range of methods to obtain resolutions for their disputes. In the case of Aurelius Isidorus and the brother's Castor and Ammonianus, Isidorus engaged with the legal administration to obtain an enforceable judgement which he then utilised as a mechanism to encourage the brothers to the negotiating table. This clever utilisation of the formal process to serve his needs and form further agreements with the brothers reflects that the seven stages of dispute resolution should not be interpreted as set in stone. Instead, observers who utilise the valuable archival evidence which reveals separate steps taken in these cases should seek to dissect and present the different mechanisms taken by petitioners.

In the case of Aurelius Isidorus and land trespass disputes, the evidence does not indicate that Isidorus utilised the legal framework to stimulate negotiations with the shepherds and herdsmen, who allowed their animals to trespass on his land. This different approach may reflect the distinct relationships between Isidorus and the shepherds. As they were often designated as "outsiders" and not part of the social networks within the village, there was less of an incentive for Isidorus to settle the matter,

especially as the conflict was recurrent and seemingly no compensation had been received for the damaged crops previously. The conflict culminated in violence between the farmer and Isidorus, namely when Isidorus tried to physically return the cow to Pamounis and Harpalos, representing the breakdown in the dispute resolution processes. This threat of violence or existing tension between villagers may have resulted in petitioners, such as Isidorus seeking to utilise adjudication to protect themselves whilst seeking to resolve a dispute. The approach taken by Aurelius Isidorus to engage with formal adjudication methods is also clear from *P.Cair.Isid.73* which reported the corrupt behaviour of a number of local officials to the prefect. This approach and avoidance of extra-legal approaches is unsurprising considering the nature of the complaint and one would expect petitioners in these scenarios to engage with the formal system.

The disputes over water access recorded in the Sakaon archive also demonstrate that in some cases alternative dispute resolution methods were not adequate or appropriate. In this case several inhabitants from villages closer to the main water source had blocked the channels feeding water into Theadelphia, leading to a scarcity of water to adequately irrigate crops. These pressures resulted in several desertions from the village, subsequently placing increased economic pressure on the remaining villagers. Considering that adequate water supply was crucial to the survival of these agricultural communities, it is reasonable to conclude that Sakaon and the three other villagers may have faced physical violence if they attempted to remove the obstructions or negotiate with those from the offending villages. Therefore, this engagement with adjudication and lack of reference to extra-legal resolutions is not surprising.

The difference in approach taken by Isidorus in the initial case conceivably reflects the disparate nature of the dispute, as financial disputes between neighbours could be resolved via settlements and reformed agreements. In contrast, cases involving “outsiders” who may have been less receptive to negotiation or mediation processes represented cases where adjudication via formal authorities was more likely to occur and could have been the only option for achieving a resolution. Whilst these cases provide good examples of the pragmatic approaches taken by these petitioners, a wider study investigating the dispute resolution mechanisms taken by petitioners and whether their approach differed based on the social standing of their adversary would provide a beneficial study for understanding how petitioners approached their disputes.

These cases demonstrate the recurrent challenge of obtaining compliance from accused parties following judgements. In all these cases, the petitioners had presented their disputes to local legal administrators on several occasions. However, in all of these cases, the judgements levied upon the defendants were either ignored or adhered to for some time and later flouted to meet the accused own needs. When the resolution failed these petitioners sought the intervention of the *praeses* and prefect, hoping their influence and authority would force their opponents to comply with rulings. However, the escalation of these cases had a limited outcome, resulting in cases mainly being delegated back to lower-level officials. This delegated authority did not, in these cases, lead to successful outcomes for petitioners, with disputes rumbling on for extended periods. In the case of Isidorus he sought to physically intervene, which led to physical conflict with the farmers, Pamounis and Harpalos. This escalation was, in some cases, unavoidable as one must recognise the physical challenges for the Roman administration to obtain compliance for certain case classifications. For instance, the blocking of water channels by villagers was an activity that could and seems to have been successfully undermined shortly after a dispute was raised and investigated. However, over time rulings and compliance with them reduced in influence, this coupled with economic and environmental challenges, would have encouraged citizens to engage in illegal practices, such as the blocking of water channels to meet their own pressing needs and contributed to further instability.

Chapter 4:

Petitioning Alternative Representatives

Within the localised communities of the Egyptian *chora* legal assistance and dispute resolution may not have been always achieved through formal channels such as petitions.³³⁴ This chapter presents a review of influential local elites and their role within the resolution of disputes in their communities. In our previous discussion on formal petitions, we demonstrated that petitioners faced several challenges in receiving adequate resolutions for their disputes. These perennial issues and lack of resolution may have resulted in petitioners seeking dispute resolution methods outside of the formal legal framework. In support of Hobson's theory that the formal petition was the final step in submitting a legal complaint, the evidence presented in this chapter suggests that petitioners may have sought out informal mediation prior to the submission of the actual formal petition. The evidence demonstrates that some individuals approached influential local elites to request assistance, or in some cases a form of "brokerage" with other administrators to resolve disputes.³³⁵

Collating evidence to support this assertion is challenging, as scholars must be mindful of the unquantifiable nature of how this form of meditation would have operated within the local setting. For instance, any form of verbal request for intervention is absent from our record and in some cases records of minor disputes, such as an individual verbally discussing a case with a soldier within a village is, inevitably absent.³³⁶ In addition, acts of vigilantism are absent from our written records.³³⁷ Furthermore, disputes within particular communities such as the monastic, could have been dealt with within their own hierarchical structures, eliminating the requirement for formal adjudication and from any documentary evidence. Therefore, our evidence, whilst providing an interesting view into the disparate routes taken by petitioners to reach resolutions, must be interpreted as not representative for the entire province, as disparate types of community may have approached diverse local elites, based on the different social dynamics within.

However, evidence such as private letters, can reveal informal appeals for assistance from individuals addressed to persons of high status in local communities. These informal appeals usually involve petitioners requesting informal intervention from the addressed official.³³⁸ Alternatively, often the

³³⁴ How far this trust stretched for individuals is difficult to assess and this chapter will highlight cases where the judicial framework fell short of assisting a petitioner. Delays, expense and perennial issues of maladministration or social feuding may have led petitioners to seek alternative methods for mediation, known as "Diversion".

³³⁵ Hobson, 1993: 197.

³³⁶ Nevertheless, in such a heavily documented society verbal requests from officials may have been less frequent. Harries, 1999: 173.

³³⁷ Bauschatz, 2013: 162; 173. Bauschatz notes that, "vigilantism was essential to many forms of self-help and cornerstone of ancient justice". However, during the Ptolemaic period there is no evidence for cases of vigilantism or even petitions following an act of clear vigilantism. So far this seems to be the same case for our Roman-Egyptian evidence. Whether vigilantism was a major issue in Roman Egypt is unclear, however further study is needed on the topic, to underline whether this form of "self-help" was being applied by victims of crime, it does not seem unreasonable to suggest that some petitioners took the law into their own hands, especially if their case was not resolved to their benefit.

³³⁸ Hobson, 1993: 199. Hobson recognizes that mediation represents a process in which "the two disputing parties agree to have a third party help them settle the disagreement", which appears to be a representation of this form of informal intervention. Gulliver has proposed that we must view dispute settlement in two models, either adjudication or mediation/ negotiation. He states that adjudication is "essentially characterised by the fact

petitioner requests that the addressed official requests another official to “broker” a resolution via their own personal authority and influence. Thereby, these appeals for assistance bypass the formal procedure for petitioning and may have represented a previous stage in the overall petitioning process, albeit informal and largely unrecorded.³³⁹

This chapter seeks to demonstrate that individuals did engage in extra-legal processes to achieve resolutions to their disputes. The first part of this chapter will explore papyri that reference abduction-marriage and marital disputes to demonstrate different methods taken by petitioners to resolve disputes and discuss why these methods were employed. These papyri also refer to the involvement of the clergy in marital disputes, therefore these instances will be discussed. The archive of Apa Iohannes, which provides examples of private letters in which individuals requested informal assistance is then explored to further investigate the role of the clergy. The second part of this chapter will review papyri relating to disputes that were addressed to non-municipal agents. Firstly, the archive of Abinnaeus is explored, initially addressing the formal petitions delivered to the military official to understand his formal role in the judicial system. Next, private letters from the archive which demonstrate informal appeals for assistance are investigated, to explore how military officials with influence could be utilised by civilians for informal assistance.

Particular types of crime may have required extra-legal resolutions utilising private negotiations to settle the matter. Naturally, the verbal negotiations and agreements were not recorded by parties and subsequently largely omitted from the papyrological record. However, some papyri indirectly reveal the use of negotiations to resolve disputes; this is particularly true of papyri that reference abduction marriage. Abduction marriage subverted the traditional norms of marriage betrothal, in which the elder males of the families had previously engaged in protracted negotiations to reach a suitable agreement and arrange the marriage between two familial groups. Typically, the abductor would assemble several male accomplices to assist him in breaking into the home and capturing the female, in many cases resulting in physical conflict between the woman’s family and the abductors. Once seized, the woman may be hidden away in a more remote location outside the village or town and, in many cases, sexually assaulted. The woman’s family typically engaged policing officials to locate and recover the abductor and woman. The woman’s abduction irrevocably damaged her reputation and honour, likely removing all possibility that she could be married to another potential suitor as she was no longer a virgin and her ‘worth’ in the marriage market was eroded. Therefore, once returned to the locality extra-legal negotiations between the abductor and her family would often be held and the woman would be asked, or in many cases coerced into marriage with her abductor. Following the negotiation, a formal marriage agreement would be documented.³⁴⁰

Papyrological evidence for abduction marriage is minimal and indirect, typically quoted by women in later submitted complaints regarding the return of dowries or cases of egregious violence. Only one surviving papyrus references legal proceedings relating to abduction. *P.Oxy.16.1837* (sixth century A.D.) is a letter discussing forthcoming legal proceedings of a woman named Macaria, who had fallen victim to an abduction. These cases in which women (and their families) legally pursued the abductee are virtually non-existent in the papyrological record. In the main, families tended to settle the matter

that decision making and the outcome of the issues in dispute are controlled by a third party exercising some degree of accepted authority’ whilst for negotiation parties are “independent in the absence of authority” but often this process includes a mediator who is a facilitator but not an adjudicator”. Gulliver, 1979: 20; Harries, 1999: 175.

³³⁹ These interventions by institutions or individuals may also display the importance of social networks and elite individuals in these communities during the Roman period.

³⁴⁰ Evans-Grubbs, 1989: 59-61.

via a marriage agreement, effectively negotiating the matter. Even though our papyrological data is lacking on direct cases of abduction marriage leading to criminal cases, the matter was recognised at an imperial level as a recurrent problem, leading to the codification of the first legislation by Constantine in A.D. 326 to undermine the practice.³⁴¹ The edict, recorded at *Cod.Theod.*9.24 sets out clear punishments and consequences for the abductor but also, rather shockingly, the abductee is also defined as complicit in the crime. The legislation places a clear emphasis on the abducted woman to agree to marry her abductor and negotiate with her parents that the forming of a marriage agreement provides an ideal settlement. Constantines' edict provides clarification on those for whom the law applies,

“And if voluntary assent is revealed in the virgin, she shall be struck with the same severity as her abductor; impunity shall not be offered to those girls who are abducted against their will either, since they too could have kept themselves at home till their marriage day and, if the doors were broken down by the abductor's audacity, they could have sought help from their neighbours by their cries and could have defended themselves with all their efforts. But we impose a lighter penalty on these girls, and order that only legal succession to their parents is to be denied them.”³⁴²

Constantine's edict presents the unfortunate reality that abducted women had very little recourse to submit criminal cases against their abductor, rather apportioning blame upon the victim and even removing their inheritance rights. Such regulations would have resulted in victims and their families seeking to reach a settlement, via a marriage agreement, undermining the available judicial options whilst also seeking to ensure that the abductee was afforded some protection via marriage to her abductor.³⁴³

Evidence for abduction marriage is often evident from papyri recording later disputes raised by female complainants. These complaints were mostly submitted by wives who were seeking the return of their marriage dowry or a financial settlement, which had been agreed upon during arbitration and included as part of the divorce agreement.³⁴⁴ The female petitioners would often cite violence, infidelity, ill-treatment and squandering of financial resources by their ex-partners to justify their reasons for the divorce and the financial settlements, in line with clauses from their original marriage agreements. *P.Oxy.*50.3581 (fourth or fifth century A.D) is a petition to a tribune from Aurelia Attiania in which she complains that her husband has abandoned her for another woman following the birth of her child. She explains that she was initially the victim of abduction marriage,

³⁴¹ Evans-Grubbs, 1989: 59-61; Montserrat, 1996: 10-12; Byren, 2013: 179-183.

³⁴² *Cod.Theod.*9.24.2-3 (A.D. 326). Constantine's comments suggest that cases existed in antiquity of mock bride abduction. In these cases, parties may have sought to stage an abduction when, in reality, they sought to elope, but their union had not been between a couple whose families had not agreed to their marriage for economic or social reasons. Grey's 2008 article discusses a case of 'mock abduction' in fifth century Gaul, the practice Constantine was so keen to undermine in his edit of 326 A.D., suggesting the continuation of the practice. Grey, 2008: 286-302; Evans-Grubbs, 1989: 70; Evans-Grubbs, 2002: 52; Rowlandson, 1998: 208-212.

³⁴³ Evans-Grubbs, 1989: 59-61.

³⁴⁴ Arnaoutoglou, 1995: 11-28; Bagnall, 1987: 54. See Rupprecht, 1998 for a wide-ranging discussion of the clauses contained with marriage contracts and how they could be utilised as a justification tool to dissolve marriages by disputing parties.

“A certain Paul, coming from the same city, behaving recklessly carried me off by force and compulsion and cohabitated with me in marriage.”

Aurelia narrates that following the marriage her husband proceeded to take another wife and she, therefore left. However, Paul proceeded to obtain the intervention of priests to negotiate and convince Aurelia to reconcile the marriage, leading to the creation of a new agreement between the pair,

“Then after some time again he beguiled me through priests until I should again take him into our house, agreeing in writing that the marriage was abiding and that if he wished to indulge in the same vile behaviour he would forfeit two ounces of gold, and his father stood surety for him.”

The interventions of priests in the negotiations held between Aurelia and Paul are indicative of the importance of the local church in mediating between residents. In this case, seeking to reconcile spouses and in turn, encouraging the continuation of marriage within these communities and undermining conflicts. Aurelia was influenced by the priests to reconcile the marriage, even following her mistreatment, suggesting a deep-seated respect for their counsel.³⁴⁵

The further intervention of priests in marital disputes is evidenced by a fourth-century affidavit from Oxyrhynchus, *P.Oxy.6.903* (fourth century A.D). The female subject outlines severe violence, and torture levied against her, her family, and slaves for seven days and a subsequent robbery by her estranged husband. Following the events, the wife may have sought assistance; although no official is directly mentioned, she does however mention that the local bishop became involved,

“He swore in the presence of the bishops and of his own brothers, “Hence- forward I will not hide all my keys from her (he trusted his slaves but would not trust me); I will stop and not insult her”. Whereupon a marriage deed was made and after this agreement and his oaths, he again hid the keys from me; and when I had gone out to the church at Sambatho he had the outside doors shut on me, saying, “Why did you go to the church?” and using many terms of abuse to my face, and through his nose.”

The bishop's involvement again reveals the growing importance of religious figures as mediators in the dispute resolution process. *P.Oxy.6.903* and *P.Oxy.50.3581* both support Hobson's conclusions that, in many cases, adjudication was the final resort for complainants. One can conclude that the complainants had engaged third parties, in these cases members of the religious community, to provide mediation, following the breakdown of negotiations between themselves and their partners. Both mediation cases led to the parties arranging a formal agreement with the support of these mediators (and their wider families). Following the breakdown of these agreements, both complainants sought to engage in formal adjudication to force their partners to either provide a divorce agreement or return the marriage dowry.

³⁴⁵ Bagnall, 1987: 41-44.

Wider evidence relating to marital disputes presents a similar approach taken by wives trying to settle with their respective partners.³⁴⁶ Private letters also often indicate the extra-legal involvement of family members and friends, utilised to exert influence upon the parties and reach a suitable compromise.³⁴⁷ As the papyri reveal, these negotiations were often unsuccessful and formal adjudication was engaged to obtain an enforceable ruling for the complainant. These cases support Hobson's theory that the movement to formal adjudication was a final resort for many petitioners, following the utilisation of extra-legal methods, such as negotiation and mediation with central and influential local elites. In the cited cases the involvement of the clergy as mediators between feuding partners reflects their growing importance in the social fabric of communities. These individuals represented a level of authority which often encouraged parties to relent and compromise; thus, these members of the local clergy must be recognised as one of the integral components for the extra-legal resolutions of disputes.

The Archive of Apa Iohannes and the intermediary role of the "Holy Man" in fourth century Egypt.

During the fourth century A.D. the rise of Christianity in Egypt subsequently led to the increase in holy men operating within local communities, these men became increasingly famous and powerful, becoming a pillar of hope for many communities, who may have felt disillusioned by the local administration.³⁴⁸ Therefore, it is no surprise that these holy men became entangled in the legal disputes of local individuals and other clergymen.³⁴⁹ In comparison to the references to intervention in the aforementioned martial disputes, the letters in the archive of Apa Iohannes mainly presents the initial requests of individuals asking for his intervention.

The archive of Apa Iohannes, contains 27 documents, including six Greek and nine Coptic private letters. Letters were directed to Iohannes from soldiers, civilians from the surrounding villages, monks, and local officials. These letters contain requests for intervention with authorities, including local and military officials.³⁵⁰ Three of the Coptic and one of the Greek letters within the archive also suggest that Iohannes may have been mediating resolutions between the correspondents and higher-level officials, in these cases the *praeses*.³⁵¹ Zuckerman has quite rightly signposted a Greek papyrus within the collection as demonstrating the influential position of Iohannes. *P.Lond.*3.981 contains a letter from

³⁴⁶ For some references to marital disputes in the papyri, see; *P.Oxy.*2.281 (between 20-50 A.D.); *PSI.*9.1075 (3rd August A.D. 458); *P.Heid.*1.13 (15th June A.D. 134); *PSI.*8.893 (A.D.315); *P.Cairo.Preis.*2 (A.D.362); *P.Cairo.Preis.*3.(A.D. 362); *SB.*16.12505 (23rd October A.D. 221); *SB.*16.12627 (A.D. 127-128); *P.Lond.*5.1651 (20th April A.D.363); *P.Oxy.*54.3770 (26th March A.D. 334); *SB.*12.11221 (sixth century A.D.); *BGU.*8.1848 (47 B.C.); *BGU.*4.1105 (29 B.C.); *P.Lips.*39 (23rd December A.D. 390); *P.Lips.*41 (A.D. 375-399); *P.Lond.*5.1711 (A.D. 566-573). Arnaoutoglou, 1995: 11-28; Rupprecht, 1998: 60-76.

³⁴⁷ For private letters that demonstrate the involvement of family or friends to resolve these disputes see; *P.Oslo.*2.15 (second century A.D.); *P.Oxy.*3.528 (second century A.D.); *SB.*6.9271 (second century A.D.); *P.Mich.*8.514 (third century A.D.); *SB.*1.4658.(seventh century A.D.). Arnaoutoglou, 1995: 14-16.

³⁴⁸ Brown has written extensively on the importance and the role of holy men in late antique communities. Brown underlines that Late Roman communities in both Egypt and Syria came to see the "holy man" as a form of powerful patron, leading to an increase in their local prestige but also leading to an increase in appeals to them, due to their important position in the community. Brown, 1971: 87.

³⁴⁹ For a wide-ranging discussion regarding the application of the terminology used to address these individuals see Wipszycka and Derda, 1994: 23-56.

³⁵⁰ See Choat, 2017: 17-72 for the discussion of the use of letters in monastic sites during the fifth century A.D.

³⁵¹ See *P.Ryl.Copt.*270; 273 and 311 for the Coptic texts where the involvement of the *praeses* is cited. See *P.Misc.Inv.*2 98a=I 134a for the Greek text. Gonis, 2008: 69-86.

Iohannes in which he discusses meeting with the *dux Aegypti* and demonstrates his connection to another high ranking official within the province. Zuckerman's discussion convincingly argues that Iohannes can be identified as John of Lycopolis, the anchorite and prophet, who reportedly provided prophecies for the emperor himself. This powerful and influential role provides a clear context for the appeals for his intervention and his ongoing brokerage between correspondents and officials.³⁵²

Apa Iohannes clearly held a great deal of local authority, both informal and formal. However, in *P.Misc.Inv.2.70*³⁵³ (late fourth century A.D) a petitioner, Epagathos submits a second letter to Apa Iohannes. In this letter he states that he is currently being held in prison and pleads with Apa Iohannes to mediate with an official named Apollonios, to facilitate his release immediately,

“To my lord father, in Lord God, and son of Christ, Iohannes, (from) Epagathos, greetings. I want you to know, my lord father, that I came to you some other time too, asking your goodness about Apollonios, (saying) that I ask you to send (a letter) to him, so that he releases me from ... (my?) power ... that he releases me from prison, because I do not have enough of the food I need; sometimes I spend three days without tasting bread. Had it not been for the love of God, I would have died of hunger. Thus make every effort (?) so that he releases me, for after God I trust (only) you. I pray for your health.”

It is unclear from the text if Apa Iohannes had intervened previously to assist this prisoner.³⁵⁴ However, this letter reveals that in some cases the intervention of Apa Iohannes was insufficient to facilitate the release of prisoners. Zuckerman has noted that this text precedes his rise to fame and this may explain why Iohannes could not apply enough leverage in this case to secure the release.

P.Herm.17 (Late fourth century A.D) is a letter written by a widow, Leuchis. In the letter she asks for Apa Iohannes's assistance in evicting a group of women from her home, following a disturbance,³⁵⁵

³⁵² Zuckerman, 1995: 190-194. Zuckerman's suggestions regarding the identity of Apa Iohannes as John of Lycopolis is supported by, firstly, the acquisition documentation for the archive located in the Manchester John Rylands collection. Zuckerman outlines that the reports of the recorded excavations at Siout (Lycopolis) in 1897, which identified the monastery of John of Lycopolis, included a list which cites the findings of religious and Coptic papyrus fragments. However, these fragments, whilst identified at the site, do not appear in the lists of excavated objects in the Museum of Gizeh (Cairo), where the other excavated goods were held. However, Crum noted, in his edition of the Coptic papyri contained within the John Rylands collection, that the texts “had been bought of two well-known Gizeh-dealers by the present Lord of Crawford in 1898. The contemporary dating of the purchase, the location, and the clear references to this influential Iohannes certainly supports the identification of Iohannes as John of Lycopolis. Zuckerman further supports his case by utilizing the *The Lausiaca History*, of Palladius, in section 35 Palladius describes his visit to John of Lycopolis in approximately A.D. 394, in which the *praeses* of the Thebaid was present. Furthermore, Zuckerman cites the references to John of Lycopolis in the *Historia Monachorum* which references the imperial prophecies and influence in the imperial court. Crum, 1909: introduction vii-xii; Zuckerman, 1995: 190-194; Butler, 1904: 100. Butler's text was extended in 2014, the republication includes a discussion on the Armenian version of Palladius' text.

³⁵³ *P.Misc.Inv.2.70*. Gonis, 2008: 73-77.

³⁵⁴ In addition, we don't know how early in the career of Apa Iohannes this event took place, if it was early in his career then maybe his informal authority did not yet stretch to this level of influence.

³⁵⁵ Rees suggested that these women were “camp-followers” or licensed *εταίραι*, therefore their removal required the intervention of police or military officials. Rees, 1964: 30.

“To my lord the pious Apa Iohannes, Leuchis (daughter of) Malamus, greetings. Your goodness embraces all the incapacitated; and let your compassion extend to me too, my lord. After God, it is your help that I look for, that you may request the tribune Gunthus and he may remove them from my house, for that I am a widow. Do this for God’s sake.”

It is interesting that Leuchis approaches Apa Iohannes, asking for his intervention, rather than directly instructing the tribune and thus circumventing engaging with the formal adjudicative process. Leuchis must have viewed Apa Iohannes as holding the necessary authority to act upon her complaint and add his own weight to her request. Furthermore, Leuchis must have recognised that Apa Iohannes could legitimately instruct or ask the tribune to undertake such police actions, suggesting that Apa Iohannes had the ability to intervene informally in these cases.³⁵⁶

Furthermore, *P.Herm.10* (late fourth century) is a fragmentary letter written by a religious official, named as John and members of a community. The addressee’s name is lost, however Rees suggests that the letter is most likely addressed to a high-ranking religious official. John and the other petitioners ask for the official to intervene and mediate with the judge who was trying the case against them.³⁵⁷ This letter suggests that high-ranking priests were also intervening with legal administrators, in this case a judge, to mediate the outcome of legal proceedings. These examples show that priests were mediating informally with other officials to achieve the desired outcome for those seeking redress.³⁵⁸

In addition, further documents from the archive of Apa Iohannes also shows that religious officials liaised with the higher echelons of administration and may have appealed on behalf of petitioners to these officials. *P.Misc.Inv.2 98a=I 134a*³⁵⁹ (late fourth century A.D) is a fragmentary letter from an unknown petitioner,

“To the most...and most God-loving Apa Iohannes, (from)- mis in lord God very many greetings. ... thanks... your goodness ... remember me in your holy prayer ... the *praeses*-ing towards (?) your ... remember me ... for I (?) petitioned ...”

This papyrus may suggest that a forthcoming visit of the *praeses* was imminent, hence the reminder that the petitioner had previously petitioned Apa Iohannes. This petitioner had previously asked for Apa Iohannes to communicate his grievance to a higher-level official, such as the *praeses*. The involvement and suggested visit of the *praeses* implies that Apa Iohannes was in continued communication with

³⁵⁶ Rees, 1964 makes it clear in his discussion of *P.Herm.17* that tribunes and the military in general often acted as police officials within local communities during late antiquity. Later examples from the sixth century include *P.Cair.Masp.1.67054*; *P.Cair.Masp.1.67056*; *P.Cair.Masp.1.67058* and *P.Cair.Masp.3.67287*.

³⁵⁷ They claim that they have been accused falsely of the charges brought against them.

³⁵⁸ Apa Iohannes’s legal interventions were not limited to soldiers and villagers, instead the archive reveals his intervention on the behalf of members of his religious community. A fragmentary Coptic text, *P.Ryl.Copt.268* (late fourth century A.D.) presents a letter by a priest, Apa Shoi, asking for Apa Iohannes’s intervention, this text clearly shows that religious officials also believed that an intervention from Apa Iohannes could assist in the dissolution of their case. Furthermore, *P.Herm.16* (early fifth century A.D) presents us with the form of action that Apa Iohannes may have taken, following a request like that in *P.Ryl.Copt.268*. *P.Herm.16* is a letter, to a bishop or leader of a religious community. The letter appeals for the granting of a pardon to a member of the religious community who had been previously married prior to entering the religious life. The writer asks for permission to grant exemption of divorce, due to the age of the couple.

³⁵⁹ *P.Misc.Inv.2 98a=I 134a*. Gonis, 2008: 69-86.

regional administrators potentially acting as legal mediators, on the behalf of individual petitioners involved in regional level disputes or appeals.³⁶⁰

These examples suggest that holy men were interacting and intervening in both local and regional cases, using their authority to weigh in on and mediate in legal disputes. One has to ask why religious officials, such as Iohannes, were granted the authority to become intermediaries in these areas? One suggestion is that religious officials were utilised to assist the military and civil officials in controlling the populace and to help maintain stability.

It is clear from our previous discussion on the formal petitioning processes and texts in the Isidorus and Sakaon archive that during the fourth century villagers were becoming increasingly despondent with the continued taxation on their land, especially when their land was not providing suitable outcomes. Texts such as *P.Sakaon* 44 (A.D. 331-332) reveal that whole villages were deserting their obligations, thus leading to instability. This petition to the prefect, submitted by Sakaon and two other villagers, complains that they have become forced to subsidize the taxation levies for the entire village, following the desertion of the other villagers.³⁶¹ Sakaon therefore appeals for the prefect to force the deserters to return. Villagers in similar situations to Sakaon may have viewed priests as able to cross the picket line of conflict with another warring party, encouraging them to come back to the negotiating table and reach a suitable agreement.

With issues such as these playing out in fourth century villages one would expect the higher Roman administration to utilize as many options for controlling the population as possible. Clearly these options included the military and civil administration. However, the increasing number of priests and their growing informal authority over the populace must have suited the needs of the declining administration. Thus, the increasing informal powers being granted to priests can be seen as a natural development used to the advantage of the central administration struggling with a dissatisfied and unstable population. These issues could then be dealt with at a more localised level, becoming intercepted by officials like Apa Iohannes, rather than having to be solved by regional officials.³⁶² This delegation of responsibility and authority may have lessened the levels of petitions reaching the desks

³⁶⁰ This relationship is further attested in the Coptic letters of the archive. These letters reference examples of provincial governors taking cases such as in *P.Ryl.Copt.270* (late fourth century A.D.). In this letter a man named Prophyra asks Apa Iohannes for legal assistance, following an interrogation by the prefect/*praeses*. This letter suggests that petitioners regarded Apa Iohannes as having the necessary level of influence with the *praeses*, to lessen their charges, or at least the petitioner thought that Apa Iohannes was capable of intervening.

³⁶¹ *P.Sakaon* 35 (A.D. 332) is another stage in the development of this case, it is unclear to whom this petition is addressed. However this petition reveals that part of the reason for the villagers deserting Theadelphia was due to nearby villages, Narmouthis, Theonexis and Hermoupolis diverting their water supply, thus leading to an inability to irrigate the land around Theadelphia. Due to this theft the villagers were unable to pay their taxes, consequently resulting in their desertion of the village. *P.Sakaon* 32 (A.D. 254-268) reveals that this tampering with village water supply was not a new development in Theadelphia. In this record of legal proceedings, the *strategos* Isidorus (alias, Nemesion) questions a sailor, Ninnos to ascertain whether damage and tampering had occurred to some irrigation works near Theadelphia, the defendants appear to be two villagers- who deny the claim, instead blaming each other for the damage. This also text reveals that a guard of the irrigation works had been implemented, potentially in a bid to reduce this form of crime.

³⁶² If one accepts Zuckerman's theory that this Iohannes was the famous John of Lykopolis then petitioners may have been more likely to have approached this important official for assistance, as his influence may have been more powerful than that of a lower-level religious official, in this way his intervention may have carried more authority and been more effective. Therefore, these petitions directed from a variety of different social groups may merely represent the importance of Iohannes himself.

of higher-level officials, who were often besieged by high levels of informal complaints in localised areas.³⁶³

Granting power to religious officials may have also functioned as another method for curtailing corruption. *P.Lond.3.1014* (late fourth century A.D) is a request from a petitioner to Apa Iohannes asking for assistance against an *exactor* who was pursuing the petitioner for taxation payments. Furthermore, a Coptic text from the collection, *P.Ryl.Copt.273* (late fourth century A.D.) is a similar appeal to Apa Iohannes, in which Kelbaule appeals for assistance from Apa Iohannes against the *exactor*,

“...writeth to his dear father, John. I had decided to go to thee..., and I was sick and unable [to go?] to thee, according to the information of.... So now pray for me, that God may give me strength to come to thee. And now here is our brother Psenteapis; I have sent him to thee, because the magistrates told me, saying that he is troubled regarding a matter of business. He is a man valuable as to judgment, yet weak in body. So now the business- ‘be diligent’ they said, ‘ and write to Apa Iohannes the presbyter’-is one of the fields which the (river’s) water hath carried away; and they are those of the ‘master’ tax collector. And they saw how the affair was becoming difficult, and they said to him, ‘Appeal unto the prefect for other (fields), that he would concede them unto thee;’ and the magistrates will have pity on him, while he is imprisoned, each of them giving a little on his behalf. Now, therefore, suffer him to relate to thee the manner in which he is troubled. Any benefit that thou canst do unto him, that do; for I am acquainted with his trouble. I greet all the brethren that are with thee by their names. Farewell in the lord, my dear father. I greet thee, my dear father, [I], thy servant Kelbaule..., my dear father.”

Papyri such as these suggest that religious officials posed an accessible outlet for grievances to be aired and another method for the communication of these issues to reach higher-level officials. However, this power to intervene and broker the outcome of these cases may have also reflected an area for potential corruption, for instance *P.Herm.7* (after A.D. 381) reveals that petitioners may have in some cases paid Apa Iohannes for his informal intervention in these cases.³⁶⁴ In this petition, Psois, writes to Apa Iohannes complaining that he has not been released from military service.³⁶⁵ For a second time Psois asks Apa Iohannes to liaise with a tribune (in this case an ex-tribune, who is also named Psois) to secure his release,

“...So now help me: write a letter to Psois from Taeto, ex-tribune, that I may be released- if I have not (by then) been released. For Psois’ son has already demanded of me 7 gold solidi and

³⁶³ Furthermore, one must identify that prior to the dissolution of the office the *strategos* would have dealt with and filtered many of these complaints, prior to them reaching higher, regional officials. Therefore the granting of administrative powers to varying officials, including religious administrators, would have distributed the load previously carried by one official. In this way, the Roman administration clearly used religious officials to their advantage, recognizing their informal authority within local communities and the subsequent available power for mediation. Haensch, 2008b: 153-182.

³⁶⁴ *BL.10*. pp 85 for the revised date for this text.

³⁶⁵ Psois reiterates to Apa Iohannes his inability to enter into military service, due to a damaged finger. Zuckermann’s commentary on this text suggests that this damage may reflect a deliberate action taken by Psois to avoid his military responsibility. Zuckermann, 1995: 185.

his assistant another gold solidi; for you took (money) from me so that I might obtain my release, and they (?) have not released me. I ask God that you either release me or hand over to me the 8 gold solidi...”

This letter suggests that Apa Iohannes may have received payment for his intervention and may represent an area of corrupt activity, undermining the formal systems of regulated law in the province, further raising the question of whether other individuals involved in these informal systems of brokerage were also receiving payments and were therefore potentially open to corrupt practices.

What is clear from these texts is that these individuals appealing for assistance believed that by gaining the mediation of Apa Iohannes and his contemporaries that their freedom or a resolution to their dispute was more likely to be ensured. This was certainly an opinion that was probably realistic if we regard Apa Iohannes as “John of Lykopolis”, a priest with a direct line to the emperor and the higher-level administration. Conversely, these petitioners may have appealed to these officials due to their social connection, this is more likely to be true in cases concerning local individuals, such as other priests or monks from religious communities. Nevertheless, these papyri reveal that formal petitions were not the only mode of appeal being used by those seeking legal assistance or dispute resolution, therefore we cannot ignore the importance of private letters in the investigation of law and its administration during the fourth century A.D, even if they do not represent “formal” petitions appealing for assistance.

The Military and dispute Resolution: The Archive of Abinnaeus

During the first three centuries of Roman rule soldiers often received petitions, encompassing a role in administering judicial matters and maintaining the stability of minor village settings.³⁶⁶ The physical presence of the military within local communities reflected an extension of the central authority and represented the physical aspect of legal enforcement within local areas.³⁶⁷

Petitioning to military officials and soldiers was commonplace in the earlier centuries of Roman rule. In particular the number of petitions to military officials and soldiers peaks during the second century A.D, with the number of surviving petitions to military officials dropping into the third and even further into the fourth century A.D.³⁶⁸ The complaints levied at military officials were varied in nature and not restricted to a particular form of dispute.³⁶⁹ This wide ranging variance may be a reflection of the physical visibility of military officials within localities, meaning that local inhabitants may have purely seen military officials as an extension of the existing policing officials, such as the local thief catchers, *kephaloites*, *riparii* or the *archephedoi*.³⁷⁰

³⁶⁶ Adams, 2007: 141-142; Alston, 1995: 53; Bagnall, 2003: 211. Bagnall suggests that if we examine general petitioning behavior in the papyrological evidence we can view a small number of petitions from local individuals against soldiers, or the higher administration. Thus, our evidence may reflect only a handful of examples of illegal requisitioning, as other examples may be merely absent from our records.

³⁶⁷ Fuhrmann, 2012: 213; Campbell, 1994: 434; Alston, 1995: 88-89; Peachin, 2007: 81; Samuel, 1980: 225; Macmullen, 1963: 53; Hobson, 1993: 96. For the use of the military in policing imperial mines, see Hirt, 2010: 93-96.

³⁶⁸ Fuhrmann, 2012: 213-214; Macmullen, 1963: 53; Aubert, 1995: 259.

³⁶⁹ Peachin, 2007: 84.

³⁷⁰ Sijpesteijn, 1992.

Peachin has suggested that disputes sent to military officials and their subsequent judgements may have only represented preliminary investigations or hearings, prior to the case being forwarded to a formal official, with the necessary remit for formally judging the case.³⁷¹ However, one could also suggest that military officials were operating under the delegated remit of the prefect. Byren cites an example of such delegation in a case granted to a military official, Blaesus Marianus, who was not only delegated the authority to try a case, but was also assigned a *nomikos* to advise on legal precedent and appropriate judgements.³⁷² Whilst this case may reflect an exceptional example and not every local centurion would have been granted such assistance, we must recognise that petitioners, regardless of the formal or informal legal remit of a military official, did address their disputes to soldiers within their locality.

If one accepts that this more informal practice was in existence within these communities during the earlier Roman period, then it would not be unreasonable to suggest that over time such practices became normal or conventional and essentially formalised.³⁷³ Such a theory can be supported by the interesting phenomenon of ‘dual-petitioning’, in which a petitioner appears to have sent petitions to both a military and local official. Such instances, whilst not common within the surviving papyri, are found in petitions from throughout the Roman period. *P.Harr.*2.200 (A.D. 236) records an example of the dual petitioning method, in which a victim of theft appeals to not only a centurion, but also a decurion and the local *strategos*.³⁷⁴ Fuhrmann describes such an action as a ‘scatter-shot’ approach’, in which petitioners sought to both inform multiple authorities of the dispute and to potentially elicit a quicker response from the chosen officials.³⁷⁵ *P.Tebt.*2.333 (22nd Dec A.D. 216) provides another example of dual petitioning. In this dramatic text the appellant, Aurelia Tisais petitions the local centurion stating that her brother and father had gone missing, after leaving for a hunting trip a month earlier and she suspects potential foul play,

“To Aurelius Julius Marcellinus, centurion, from Aurelia Tisais, whose mother is Taid, formerly styled as an inhabitant of the village of Tebtunis in the division of Polemon. My father Kalabalis, Sir, who is a hunter, set off with my brother Neilos as long ago as the 3rd of the present month to hunt hares, and up to this time they have not returned. I therefore suspect that they have met with some accident, and I present this statement making the matter known to you, in order that if they have met with any accident the persons found guilty may be held accountable to me. (2nd hand) I happen to have also presented a copy of this notice to the *strategos* Aurelius Idiomachos to be placed on the register. (1st hand) The 25th year of Marcus Aurelius Severus Antoninus Caesar the Lord, Choiak 26.”³⁷⁶

Aurelia’s submission to both the centurion and separately to the *strategos* reflects clearly the dual petitioning method. This method may suggest that centurions and additional military officials within localities held the remit to receive and deal with petitions, with however the caveat that additional formal administrators were to be advised in serious cases, such as the suspected double homicide above.

³⁷¹ Peachin, 2007: 83.

³⁷² Byren, 2013: 26.

³⁷³ This idea of the gradual adoption of the military as conventional local legal administrators was discussed primarily by Campbell, who again stressed that the formal administrative remits held by soldiers was not relevant to residents, who purely saw soldiers as a visible and accessible figure of authority, who ultimately may be able to aid them in their time of need. Campbell, 1984: 434-435.

³⁷⁴ Aubert, 1995: 258; Fuhrmann, 2012: 214.

³⁷⁵ Fuhrmann, 2012: 214.

³⁷⁶ *P.Tebt.*2.333=*M.Chr.*115=*Sel.Pap.*2.336 (22nd Dec A.D. 216).

Therefore, one could suggest that military officials worked alongside and in collaboration with the existing legal administrative framework in localities. This collaboration is further supported by a text from the archive of Sakaon, from Theadelphia. The petition, recorded at *P.Sakaon* 38 (17th August A.D. 312), recounts a secondary appeal of Aurelius Melas to the prefect. Melas recounts the abduction of his son's wife by her father following the marriage, due to a dispute over the girl's dowry. Within the narrative of his complaint, Melas mentions that following appealing to the *praepositus pagi*, the case was delegated to a soldier from the local garrison,

“Arsenius son of Kastor, from the village of Dionysias, and Apollon also called Anoup, a soldier under ..., princeps of the camp situated there, acted as mediators and decided that he should receive from me ... talents of silver and restore the girl to her husband in marriage- and I swear by your... that I did just that: I borrowed from Taxoumas, the tribune stationed there, and restored the money agreed upon in the presence of the said witnesses, the aforementioned Arsenios having signed the deed of loan on my behalf.”³⁷⁷

Melas clearly indicates that his case was delegated to two soldiers from the camp at Dionysias for mediation and from Melas' account he was granted a judgement by the soldiers. This judgement suggests that the mediation provided by the soldiers was not part of a preliminary investigation but rather a true and binding judgement, seeking to resolve the case in its entirety.

Dispute resolution and the role of the military: The Archive of Abinnaeus

The archive of Abinnaeus records the personal and official papers of Flavius Abinnaeus, a military commander at Dionysias (located within the Arsinoite). The texts within the archive range from between A.D. 325-375. The archive contains a range of documentation including accounts, lists letters and petitions. Of the 89 papyri assigned to the archive, 14 record petitions addressed to him as the *praepositus alae*, or commanding officer of the fortress of Dionysias.³⁷⁸ These petitions, whilst often sent by soldiers, veterans or from civilians concerning the conduct of soldiers within the locality, also

³⁷⁷ *P.Sakaon* 38.II.18-23. (17th August A.D. 312).

³⁷⁸ One additional petition is located within the archive, *P.Abinn.*1 (1st April A.D. 340- 31st March A.D. 342). This draft of a Latin petition was sent by Abinnaeus to the emperors regarding his appointment to his role at the fortress at Dionysias. The events can be reconstructed as follows: Abinnaeus was appointed to the role of *praefectus alae* for the camp at Dionysias. On arriving in Alexandria and presenting his imperial letter of recommendation to the *dux Aegypti* (Valacius), the *dux Aegypti* revealed that other individuals had arrived and presented similar recommendation letters to him, confirming their appointment to the role. Abinnaeus proceeded to petition the emperors (Constantius and Constans). No further information is recorded regarding the case; however, the papyri reveal that Abinnaeus was the active *praefectus alae* by A.D. 342, confirming the success of his appeal to the emperors. The petition grants an insight into the chronology for the career of Abinnaeus. Bell, 1962: 6-12; Cugusi, 1992: 335. Cugusi suggests that the alternative appointees who had produced letters of recommendations may have been proteges of Valacius, this could be supported by the latin dismissal letter preserved in the archive, *P.Abinn.*2 (1st-2nd February A.D. 345). This letter provides an impersonal and direct confirmation of his dismissal, confirming that another candidate had been selected and granted imperial approval. It appears from *P.Abinn.*58 and *P.Abinn.*59 that Abinnaeus again appealed against this dismissal, travelling to Constantinople to present his petition. His appeal was successful, and he was reappointed by the May of A.D. 346. Abinnaeus appears to have retired from his role around A.D. 351. Bell, 1962: 12. See Saller, 1982: 157 for these appointments by the prefect.

include examples not related to these classifications. The majority of these petitions request for Abinnaeus to escalate their case to the *dux Aegypti*, the highest military official within the province.

The archive also contains 42 letters from both civilians, veterans, and soldiers (including their respective family members). Four of these letters contain informal appeals to Abinnaeus for assistance in the mediation of a dispute. These letters provide an interesting view of a parallel informal dispute resolution mechanism, external of the formal petitioning framework and raise several questions regarding the policing role of military officials within their respective communities.

In the following discussion we will outline the formal judicial role taken by Abinnaeus. Initially we will explore four documents linked to a crime spree from A.D. 346 in Hermopolis. Five of our fifteen petitions to Abinnaeus relate to livestock thefts and four represent burglary, which in many cases involved the use of force and assaults against the homeowners. In a number of these disputes petitioners clearly indicate the involvement of local officials or their families. In fact, four petitions, covering three different criminal cases were undertaken by the sons of a local *irenarch*, Horion. It appears that his son, Apion, was part of a local gang who undertook a spree of looting within the year of A.D. 346.

The first petition connected to the Abinnaeus archive was not included within the initial publication of the archive. *SB.14.11380=P.Berlin.Inv.11624* (A.D. 346) records a robbery of a house within Hermopolis. The petitioner identifies Apion and Helias as the looters. He explains that he originally submitted a petition to the previous *irenarch*, Apammon but no further information is provided on the steps taken by the *irenarch* to escalate the case, although his appeal to Abinnaeus may suggest that either he had been instructed to petition Abinnaeus to ask for him to investigate or he had submitted the petition due to a lack of resolution to the case. To add insult to injury, another fragmentary petition, *P.Abinn.54* (A.D. 346) enclosed in the archive references the inability of Apammon to remain impartial in a case levied against his own son and he was accused of providing impunity for his son, Dioscorus. Following the departure of Apammon from his role Horion became *irenarch* and before long his own sons were accused of being part of a group illegally shearing sheep and assaulting villagers within Hermopolis.

P.Abinn.48 (29th June A.D. 346) records another petition sent to Abinnaeus from a local villager of Hermopolis, Aurelis Aboul, outlining that the same criminal gang (including the son of the *irenarch*) had targeted another individual in the village, on this occasion partaking in an illegal sheep shearing ring. Aurelius Aboul also refers Abinnaeus to the gang's criminal past, namely driving off six of his pigs,

“To Flavius Abinnaeus, *praefectus alae* of the troops in the camp of Dionysias in the Arsinoite nome, from Aurelius Aboul son of Dionysios of the village of Hermopolis in the same *nome*. My sheep were shorn in the night, eleven in number, by certain criminals, and on my investigating the shearing of the sheep I heard (it was) Paul the soldier, one of those under your command, and he named as his fellow evil-doers Peter son of Sarapion and his brother Melas a soldier and Apion son of Horion the *irenarch* from the same village. Wherefore I ask and beseech your humanity to apprehend these men and compel them... by these evildoers, and then to bring my statement to the knowledge of my lord the Duke (*dux Aegypti*); for his function it is to take vengeance on the perpetrators of such outrages. And obtaining this I shall acknowledge my gratitude to you. Sir. Farewell. I Aurelius. Aboul have made this statement. Consulship of our masters Constantinus [*sic*] for the 4th time and Constans for the 3rd time,

Augusti, Epeiph 5. P.S. On another occasion the same persons drove off pigs of mine to the number of 6”.

P.Abinn.32 (A.D. 346) records an appeal made to Abinnaeus by Kaor, a priest from Hermopolis, asking for him to pardon the desertion of Paul (a soldier within Abinnaeus’ own command) and one of the gang members. This private letter records an interesting intervention on behalf of the soldier, suggesting that the actions of the group were widely known within the community and that Paul had appealed for Kaor to intervene,

“To my master and beloved brother Abinnaeus, *praepositus*. Kaor, priest of Hermopolis, greeting. Many greetings to your children. I wish you to know sir, about Paul the soldier, about his desertion, forgive him this once; for I have no time to come to you this very day. And afterwards; if he will not leave off, he will be at your disposal another time. I pray for your health for many leave, my lord brother.”

Kaor’s appeal provides an interesting view of the informal brokerage that could occur between local elites and priests which citizens may have utilised to assist in the resolution of their cases. Apion and the gang (minus Paul) struck again two months after their previous robbery as demonstrated in *P.Abinn. 51* (26th August A.D. 346). This petition records an assault upon Aurelia Ataris following her request for the repayment of debt,

“To Flavius Abinnaeus, *praefectus alae* of the troops stationed in the camp of Dionysias from Aurelia Ataris, landowner in the village of Hermopolis, daughter of Melas, veteran. On the third of the intercalary days, for some unknown reason and in the manner of robbers, at the tenth hour, when I demanded repayment of the debt which he owes me, Poleion with Apion the son of Horion the *irenarch* and Cyriace the sister of Poleion shut me up in his house and (nearly) killed me with blows. I took to flight from his house and betook myself to a distance from their outrageous conduct and the violence which I suffered from them, and I am in condition bordering on death. Wherefore I ask and beseech your humanity, Sir, to apprehend these men and send them to my lord the duke (*dux Aegypti*); for his function it is to take vengeance on the perpetrators of such outrages. And obtaining this I shall acknowledge my gratitude to you, Sir, Farewell.

I Aurelia Ataris have made this statement. Consulship of our masters Constantinus for the 4th time and Constans for the 3rd time, the Augusti, 3rd of the Intercalary Days.”

Aurelia’s appeal for Abinnaeus to capture the perpetrators and escalate her case to the *dux Aegypti* demonstrates his intermediary role within the local legal administration. The criminal gang, including two soldiers and the son of the *irenarch* decided, upon what can only be described as a spree of destruction during the summer of A.D. 346. These petitions from the archive of Abinnaeus reveal that criminality was an issue for residents and the ability of the authorities to apprehend and quash this behaviour may have been limited. We cannot clearly identify the initial date of the gang’s spree, however, the two petitions sent after Horion proceeded to his role were recorded on June 29th and

August 26th of A.D. 346. This indicates that the gang may not have been apprehended or at least detained when they assaulted Aurelia Ataris in August. Furthermore, Horion, even though his son was directly involved in the robberies had not been removed from office. These cases again demonstrate the inability of policing officials to attain and maintain compliance, allowing gangs to cause chaos but with very little chance of any reprisals. A petition addressed to the *defensor* from Aurelius Pamouris, a citizen of Kellis describes a very similar story to that presented in those from Hermopolis,

“Now Sois son of Akoutis, *komarch* of the same village of Kellis, who is constantly plotting against me, (is harassing?) me every day in violation of everything, stirring up the locally present soldiers and *officiales* and *expunctores* against my wife and being a constant pain in the neck for me. For yesterday, during my absence, he burst the door open with an axe, went in with the son of Psenamounis the carpenter from Pmoun Pamo, though being neither a liturgist nor happening to be a (fellow?-) village of mine, he assaulted my wife with a club and he beat her up with blows so that these are visible on her body, as if they are not subject to the laws. As such is the mentality of the said *komarch* and the son of Psenamounis, and because I cannot live in peace, I present this petition to your clemency and I ask that these things be relayed to the braveness of my lord the *praeses* Valerius Victorinianus *vir perfectissimus*, in order that their reckless act get a fitting vindication. Farewell.”³⁷⁹

Pamouris’ account describes the collusion between local officials, in this case the village *komarch*, soldiers and local officials. The similarities between this case and those reported within the Abinnaeus corpus provide further evidence of the tensions within these local communities. These tensions could prove decisive and corrupt officials may have felt their relationship with local policing officials and the military gave them the protection to commit crimes against their opponents with little risk of rebuke.

P.Abinn.18 (A.D. 346) records a letter sent from the president of the *boulé*, Chaeremon. He suggests that appeals to the military regarding the conduct of soldiers may have been suppressed or inadequately investigated by officials like Abinnaeus,

“To my lord brother, Abinnaeus, Chaeremon. You are not justified in acting as you do but you are running the risk of being convicted of criminal conduct. You sent to Theonexis the soldiers under your command and you dragged them away although so many outrages have been committed in the village. For you know that the house of Hatres was looted, and that too when he has so many good of other people deposited with him; and cattle have been driven off, and you did not permit inquiry to be made for them, by you carried them off as if there were no laws. For by God either you shall send these men, so that we may learn by them what happened, or all we of the council will report to my master the duke (*dux Aegypti*) about this. For indeed the people of the hamlet of Ctesis have made written representations against you both to me and to Atammon their *praepositus*; therefore do what you know to be expedient for you; you alone can know whether you are prepared to send them or not. I pray for your health, my lord brother.”

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³⁷⁹ *P.Kell.1.21.11.6-25* (A.D. 321).

³⁸⁰ Baldwin, 1963: 258. Baldwin notes the earlier example of *P.Fayum.108* (A.D. 171) demonstrating a soldier in coercion with local citizens in a case of robbery and assault.

Chaeremon's seething letter to Abinnaeus highlights the ongoing tensions between local villagers and misbehaving soldiers had been inflamed by the ongoing reluctance of military officials, like Abinnaeus, to control them. Chaeremon goes as far to suggest that Abinnaeus was failing to investigate crime, following reports. If we consider the aforementioned cases that were sent to Abinnaeus and the fact that the gang was not apprehended, then there may be some truth to the accusations levied by Chaeremon. Again, this suggests that some officials may have avoided or delayed the petition handling process, maybe due to some external influence. It's challenging to assert whether his avoidance could be linked to corruption, but Charemon's comments certainly support Kelly's theory that the complexities of social networks in communities and the interwoven social links of officials may have resulted in corruption seeping into the process and undermining the possibility of petitioners receiving fair outcomes.³⁸¹

In *P.Abinn.27*, we are presented with the letter of one Hatres of Euhemeris, in which he complains of the behaviour of the local tax collectors. Nicole suggested that this Hatres is synonymous with the individual mentioned by Chaeremon in *P.Abinn.15*, noting purely a change in domicile. If we accept Nicole's suggestion then we can identify that Hatres may have also sent a letter or petition to Abinnaeus regarding the behaviour of soldiers within Theoxenis, as outlined by Chaeremon's comment "For you know that the house of Hatres was looted". This would certainly support the argument that local disputes were being communicated directly towards military officials, potentially via letter in the first instance and particularly in cases regarding the conduct of soldiers. Furthermore, Chaeremon's comment; "For indeed the people of the hamlet of Ctesis have made written representations against you both to me and to Atammon their *praepositus*", suggests that these issues were perennial but also reveals that individuals were undertaking methods of dual petitioning, including officials such as the *praepositus pagi* and the president of the *boulé* to ensure that intervention would be made.³⁸²

The involvement of Chaeremon, in his position as president of the *boulé* demonstrates the interesting bargaining power of this municipal body whilst also cementing its role in communicating the voice of the local population, particularly in times of social pressure. Whilst the council may not have held any power to enforce or punish Abinnaeus for his actions, his mere threat to escalate the matter to the *dux Aegypti* if investigations were not to be pursued, reflects the clear informal power of the *boulé* as a collective. One can imagine that local petitioners viewed the *boulé* as a vehicle for obtaining further assistance in cases where they felt the local systems had failed or if cases had been unfairly suppressed or not investigated. This saga certainly paints a poor picture of the ability and potentially the willingness of local military officials to undermine criminal activity. The coupling of inefficiency and potential unwillingness to handle such cases must have represented a great frustration for victims of crime, reducing confidence in the legal framework and potentially leading victims to seek for better conflict resolution methods.

The final petition sent to a military official in the papyrological record is recorded in *P.Oxy.49.3480* (A.D. 360-390) and was sent to a *beneficarius* from Oxyrhynchus,

³⁸¹ Kelly, 2011: 264.

³⁸² It is also interesting in this case to note that this community felt powerless against the troops of Abinnaeus, having to appeal to their local council to intervene, examples such as these suggest that relationship between the military and local communities was deteriorating, and that the community felt unable to approach Abinnaeus himself. Bowman, 1971: 81-82. See *P.Oxy.50.3579* (A.D. 341-343) which records the *praeses* delegating a case back to leading citizen of Oxyrhynchus requesting for him to investigate the matter and pass judgement.

“To Flavius Isidorianus, *beneficiarius* of the office of the governor of Augustamnica, from Aurelius Gunthus son of Penephis from the city of the Oxyrhynchites. Didymus and Aion, children of the sister of my wife, precisely as a result of the urging of one Dorotheus son of Aphynchis from the same city, themselves approached me with a view to doing work on..., agreeing to provide a wage. Since, then, I and my wife were held responsible on account of...of the trade tax in gold and silver (incumbent on?) the aforementioned Didymus and Aion, we approached the aforementioned Dorotheus for the payment of wages owed by him out of (our unpaid remainder?), that is, one solidus, with a view to...the account (?), but in some way we fail to understand, in addition to his refusal to pay, he attacked us, me and my wife, with the help of some slaves, and battered us with blows all over the body..... of our foster-child Heronas... Therefore I submit the petition (requesting that?) the sums owed should be (repaid?) and that the necessary (official action?) should be taken to punish the outrage.

I Aurelius Gunthus, submitted (the petition). I, Aurelius Theon, wrote on his behalf because he does not know letters.”

Whilst we cannot be confident of the date of this petition, the petition does support the theory that the Roman administration moved to reduce the role of military officials in the civil legal administration following A.D. 350. This transition in policy is recorded in the *Codex Theodosianus* which contains a regulation prohibiting military officials from trying civil judicial cases at *section 2.1.2* (A.D. 355),

“The same Augustus to Taurus, praetorian prefect.

It has been decided that the governors of the provinces shall terminate litigation in civil cases, even if men in the imperial service should defend or institute suit. 1 In order, therefore, that no usurpation may confound the courts and the law or rob judges ordinary of their proper jurisdiction, the trials of civil suits shall be transferred to the governors of the provinces.2. In criminal cases also, if any person in the imperial service should prosecute an accused person, the governor of the province shall try the case. If it should be affirmed that any military man has committed any, it shall be tried by the person to whom the direction of military affairs has been entrusted.

Given on the eighth day before the calends of August at Milan in the year of the consulship of Arbitio and Lollianus- July 25, 355”³⁸³

A later prefectural edict, recorded in *P.Oxy.8.1101* (A.D. 367-370) reveals that this regulation was implemented in the province,

“Copy of an edict. Proclamation of Flavius Eutolmius Tatianus, most illustrious prefect of Egypt. [My orders are] not based on information gained by... and from a few first comers, but on instruction in a way derived from what occurs in every city and district. I learn from petitions that some persons of civil status, without [excuse?], whether from malice or from perversity of judgment, in their desire thoroughly to worst their adversaries at law, have recourse to the local *praepositi*, presenting petitions to them and procuring exactions by their means from persons,

³⁸³ *Cod.Theod.2.1.2* (A.D. 355).

as I said, of civil status. That this is forbidden by the law is clear. For a *praepositus* has authority over soldiers, but not over civilians; it is enjoined on the *praesides* to [govern] them and to receive their applications. This, therefore, is for the future made clear by this proclamation. If any civilian has a difference with a soldier and relies on the vengeance of the *praepositus* and is confident of receiving assistance from him, let him apply; for he cannot obtain requisite assistance on the spot from anyone else. If, however, it is with a person of civil status, let him not attempt to do this. For should anyone ever be discovered leaving his proper court and having recourse to unauthorised persons, if he is a man of common rank, I order him to be deported, and if he is a senator, I subject him to confiscation of property. I therefore command the local *riparii*, if they catch any civilian who has left his proper court and had recourse to *praepositi*...”³⁸⁴

This edict outlines the clear wish of the administration to remove military officials from the legal system. It is essential to note the disparity of over ten years between the publication of the original edict (in Milan) and the copy of the edict in *P.Oxy.8.1101*. This disparity may reveal that the original edict, which unfortunately is now lost may have been ignored by certain petitioners and in fact the prefect states that he has learnt of the issue through petitions that persons had been appealing to the local *praepositi* for justice. Therefore, one may surmise that the original edict had been ineffective in undermining the practice of individuals appealing to local military officials.

This disparity of petitions to military officials, after the mid fourth century, may lead us to offer two conclusions.³⁸⁵ First, the lack of evidence may merely reflect a loss of papyri, whilst surviving archives, like that of Abinnaeus purely survived (through luck), therefore revealing these previous activities. Second, we could suggest that the absence of such petitions, following the mid fourth century A.D. could be an indication that the reissued prefectural edict, *P.Oxy.8.1101*, may have been effective in undermining the practice of petitioning local military officials.

In addition, one must note that the implementation of this regulation and its success may have been easier to achieve for the imperial administration, as this legislation applied to military officials whose loyalties and position were highly connected to the provincial administration. In addition, this regulation removed a role, which may have been rather time consuming and a burden for these military officials, thus they may have been more willing to follow the regulation.

Letters and Dispute Resolution in the Archive of Abinnaeus

The archive of Abinnaeus provides an interesting view of the use of private letters as a vehicle to achieve dispute resolution and if one considers the poor handling and outcomes of the aforementioned petitions these letters may reveal that petitioners often sought to achieve resolutions to their disputes before entering the formal legal framework. Four private letters from the archive also reveal that victims of crime and those involved in civil disputes were appealing to Abinnaeus for assistance informally via private letters. *P.Abinn.15* (A.D. 346) records a private letter sent from Plutammon to Abinnaeus asking for assistance following an assault on his grandson,

³⁸⁴ *P.Oxy.8.1101* (A.D. 367-370).

³⁸⁵ Bagnall, 1993b: 169. Bagnall underlines the decline in the military role in rural justice citing that it is significant that the system of military officers, centurions or *beneficarii*, disappears from the documentation after the first decade of the fourth century. He states that these petitions, that until this time would have gone to such officers, were now becoming sent to the *praepositus pagi*.

“To my lord brother Abinnaeus, Plutammon...my lord brother.... Since therefore [it is the duty of] your [nobility?] to...the taxes... you ought to ...receive the taxes...to convey (?) them to the city...his excellency my lord Duke (*dux Aegypti*) (?)...by cajolery...For thirty [evil-doers from Herm]opolis, whose identity is not known... my (?) grandson out of malic and by hamstringing him. I ask you therefore, Sir, to secure them and hand them over to his excellency my lord Duke (*dux Aegypti*). For indeed even before [this?] in the presence of his excellency a letter was written to... he has the letter...you make it a matter of urgency on their account. I pray for your health for many years, my lord brother.”

Plutammon requests for Abinnaeus to find and deliver the perpetrators to the *dux Aegypti* for further formal intervention. Coupled with his comment that a letter had been written in the presence of the *dux Aegypti* this may suggest that this letter reflected a secondary step taken by the petitioner to advance his complaint. One would have expected Plutammon to submit a formal petition to the *dux Aegypti* and a subscription to have been issued to Abinnaeus to ask for him to locate and arrest the perpetrators. This letter however provides a view of a different process, involving letters and the petitioner appealing to Abinnaeus directly via a letter for his assistance. Ascertaining the causation for the adoption of this process is challenging, as for such a serious case involving assault upon a tax collector one would expect for the petitioner to remain within the formal process to achieve his desired outcome. However, we may suggest that because his nephew was working under the auspices of the *dux Aegypti* whilst collating taxation his first action was to inform the *dux Aegypti* in person (as suggested by his earlier comment) and construct a letter to Abinnaeus to act quickly in locating the perpetrators.

Once the perpetrators were identified and located Plutammon may have then proceeded to submit a formal petition, entering the formalised dispute resolution process. Therefore, we may suggest that this letter reflects an initial step taken by the victim to move their case forward, prior to the formal petitioning process. This suggestion certainly supports the arguments of Hobson that the final submission of a petition may not have been the first step taken within the dispute resolution process.

P.Abinn. 27 (A.D. 325-375) is a fragmentary letter sent from Hatres of the village of Euhemeris. Hatres refers to the violence afforded by tax collectors from the village, making reference to Plutammon. Whilst we cannot be sure if this letter is connected to the original appeal of Plutammon in *P.Abinn.*15 (A.D. 346), it is certainly interesting to see that Abinnaeus was again being asked via private letters to intervene in local level disputes and in this case Hatres includes an inventory of some stolen property.³⁸⁶ If this letter was submitted in response to the claim raised by Plutammon this may strengthen the argument that some lower-level disputes were being communicated and even countered via the use of private letters to local military officials, external of the formalised legal system.

One private letter addressed to Abinnaeus requested his intervention in local disputes relating to those under his direct care, namely soldiers. For instance *P.Abinn.*12 (A.D. 342), a letter from a military officer, regarding an assault on the son of one of his soldiers,

“To my lord brother Abinnaeus, Luppicus. Sarapion, our soldier, has petitioned our care against the children of Aron, son of Peter, of the village of Philagris. Moreover, Aron’s children

³⁸⁶ Keenan, 1975: 239.

struck down Sarapion's son with clubs and swords and it has become necessary to write to your nobility in order that you may settle the case of the soldier on the basis of this information. And as for any matters you desire, command me, my lord brother, for I am well disposed to you. May the divine providence keep you in good health, my lord brother.

Verso: (Addressed) To my lord brother..., Luppicianus."

Abbinæus is clearly engaged by Luppicianus to act as a judge for this case between a few local villagers' children and the son of his soldier. It is interesting that no further detail or context is included within the letter, as the letter itself cannot have provided enough information for Abbinæus to form a judgement. Thus, again, this suggests that this letter represented the initial contact between victims and an official, prior to the submission of a formal petition. Following the submission of this letter, Abbinæus may have proceeded to ask Luppicianus or another local policing official to seek out those involved in the dispute to capture evidence and testimonies, leading to the submission of a formal petition if required. Although, Luppicianus' comment "that you may settle the case of the soldier based on this information" appears contradictory to this theory. I doubt, however, that this could reflect the only information provided in this case to form such a judgment, especially if one considers the involvement of civilians who were subject to the conventional petitioning process. It is most likely, in my opinion, for this letter to represent an initial introduction to the conflict (involving a local soldier's family) for Abbinæus and for further action to have followed, based on how he wished to proceed with the case. In all, this letter again suggests that informal channels were being utilised to resolve local disputes with military officials such as Abbinæus and one could surmise that the handling of the case may have been disparate due to the victim's status.

Chapter 4: Conclusion

This chapter has demonstrated that citizens chose to engage with alternative methods of dispute resolution and, in many cases, engaged with influential local elites or figures of authority in a bid to resolve the conflict before utilising formal adjudication. Papyri relating to abduction marriage present an interesting example of how individuals chose to engage with extra-legal remedies for resolving disputes, in this case via negotiation, formalised via a marriage contract. One must recognise that in these cases, the options for litigation were limited. Following the publication of Constantine's ruling, any case raised to the authorities would have resulted in serious repercussions for the abductee and her family, with the loss of her right to inheritance. This legal consequence, coupled with the social stigma of the abduction and perceived loss of virginity, would have undermined any chance of marriage for the abductee. Therefore, it is no surprise that families sought to quickly negotiate with the abductor and his family to reach a formal agreement. Constantine's law, whilst seeking to undermine cases of both real and mock bridal abduction, may have led to a reduction of cases reported to officials by victims, further pushing negotiations into the extra-legal sphere and undermining the evidence of cases in the papyri.

Some of the only remaining evidence alluding to instances of abduction marriage are recorded in requests for formal adjudication in cases relating to marital disputes. As demonstrated, the petitioner will, in relevant cases, cite their marriage as initiated via abduction as part of their wider narrative of mistreatment, squandering of dowries or infidelity. As demonstrated, some accounts of marital discord

reference engagement with two different dispute resolution mechanisms, such as negotiations and often facilitated by families or associates of the couple. Alternatively, parties employed methods of mediation, utilising members of the local religious communities. These negotiations may have been twofold in nature; firstly, the mediator may have engaged with the less agreeable party to encourage them to reconsider the marriage and form a workable agreement. Secondly, the mediator in these cases seems to have facilitated the discussions between both parties, to reach an agreement that would have been formally documented. Whilst it is impossible to measure how frequently these extra-legal processes occurred and the long-term outcomes for parties the petitions cited in this chapter represent cases where agreements failed, resulting in one of the couples seeking to engage with the formal adjudication process to obtain their ideal resolution. These cases strongly support Hobson's theory that formal adjudication represented the final resort for many petitioners, following engagement with extra-legal resolution methods, such as negotiation.

The evidence also demonstrates the increased importance of religious figures within the social networks of communities during the fourth century. The archive of Apa Iohannes further supports this notion and supplements our discussion as the letters present the direct appeals for assistance to the anchorite. Private letters addressed to Apa Iohannes contain requests relating to a wide range of complaints, from the appeal of the widow Leuchis, seeking to evict a group of female tenants, to a request for the anchorite to intervene with an overzealous tax collector. These letters demonstrate that local citizens viewed Iohannes as holding the informal authority to intervene and negotiating on their behalf, undermining the need for the addressee to engage with the formal adjudicative system. Apa Iohannes' supposed identity as the famous John of Lycopolis may have intensified his appeal to those seeking for intervention from an influential local authority. However, our discussion regarding marital disputes reveal that it was not only the most influential religious figures who appear to have mediated disputes, therefore one must recognise that these letters to Iohannes were most likely indicative of a wider growth in the utilisation of the clergy to mediate in local disputes, because of their augmented social standing.

This chapter has also demonstrated that military officials represented a suitable outlet for grievances during the fourth century. In the case of the Abinnaeus archive we are presented with an interesting mix of formal petitions, from a mix of soldiers, veterans, and villagers of Hermopolis, but also private letters with requests for intervention in cases. The petitions from the archive provide a pejorative view of the interactions between officials, their families, and soldiers within the social networks of the Hermopolite. The petitions demonstrate instances of collusion, leading to a wave of criminal activity in 346 A.D. The petitioners who approached Abinnaeus did so to obtain his intervention and in the hope that he would utilise his subordinates to capture the offenders and end the violence. However, the letter of Chaeremon, the president of the *boulé*, suggests that the petitions of these villagers had been ignored by Abinnaeus, maybe due to the involvement of some of his subordinates in the spree. The ongoing nature of the assaults on villagers and the subsequent petitions supports the assertion that little action was taken to capture the perpetrators and restore stability to the area.

The private letters within the archive of Abinnaeus demonstrate that Abinnaeus and other military personnel were not purely intervening in formal requests for adjudication. The writers of these letters appealed to Abinnaeus to take a range of actions, from physically locating and detaining a perpetrator of an assault to intervening with an overzealous tax collector. In the case of physical assault, it is reasonable to assume that soldiers represented a natural receiver of such requests, as citizens recognised their remit to often assist with the recovery of fugitives. However, the letter from Hatres which describes the violence perpetrated by a local tax collector and the risk of *anachoresis* by several villagers represents a very different request for intervention. This report could have been communicated to Abinnaeus via a petition and the choice taken by Hatres, on behalf of himself and other villagers,

suggests that he was seeking for Abinnaeus to mediate on the matter with the accused party, outside of the formal legal system. These texts, whilst rarer in the archive of Abinnaeus, present similarities to those preserved in the archive of Apa Iohannes and could demonstrate that influential local military officials, such as Abinnaeus, were approached via private letters by individuals seeking their intervention as part of negotiations between disputing parties.

Chapter 5: Summonses and Case Investigations

As explored in this thesis, the submission of a formal petition represented the initial step of the formal legal journey for petitioners. The evidence demonstrates that many of these petitions contained a plethora of exaggerations, falsities and inaccuracies built into petitions via stock phraseology. Furthermore, in chapter two it was argued that the imperial administration was often faced with vexatious petitions, utilised by citizens to undermine the social or financial position of their adversaries and neighbours. Evidence forms an essential feature in establishing the truth of claims and in the modern era much emphasis is placed on the requirement of documentary and concrete evidence to successfully try cases.

Local investigations held an essential role in undermining vexatious petitions, importantly establishing the true facts surrounding a petitioner's case and for an appropriate judgement to be applied. These investigations assisted administrators to reach a judgment and, in many cases, assign appropriate recompense if required. Therefore, it is not surprising that the papyri contain instances of petitioners requesting investigations to be undertaken and for reports of the damages incurred to be documented by an official. These reports could then be used to bolster the case for a petitioner and could be used if they needed to present their case in court before an official. This emphasis on the need for documentary evidence is clear from Roman legal literature in particular *Cod.Iust.4.21.15* (21st July A.D. 317) an extract from an imperial edict, stating that the evidence of documents and witnesses are of equal weight,

“The Emperor Constantine to the People.

In the administration of justice, documentary evidence has the same force as the depositions of witnesses.

Given at Rome, during the Kalends of August, during the Consulate of Gallicanus and Bassus, 317.”³⁸⁷

The need to prove one's case through documentary evidence led to petitioners and administrators seeking to collate and store any evidence surrounding their case. These reports and statements have survived in the papyri and will be discussed throughout this chapter. In the earlier Roman period the *strategos* held the core responsibility for performing investigations in local areas. However fourth century documentation reveals that the management of investigations became diversified, with a transferral of remit to alternative municipal officials such as the *logistes* and *exactor*.

If the case was deemed to have aggravating circumstances, such as the involvement of serious violence or widespread property damage then officials could order for the accused to be located and detained. These orders are recorded in documents named summonses. These documents reveal that during the fourth century a wide range of minor policing officials became responsible for the physical delivering of summonses in local areas, replacing the earlier role of the *archepodos*. These changes seem to be reflective of the wider diversification of power within local areas, most likely a result of the administrative reforms of Diocletian. In contrast one constant feature of the investigatory process from

³⁸⁷ *Cod.Iust.4.21.15*. Scott, 1932; Corcoran, 2000: 193, no 44.

the earlier Roman period is the utilisation of specialist opinion (expressed through written statements) to bolster an individual's case, these reports will also be explored.

This chapter will firstly outline the summons/orders for arrest process, focusing on the administrators involved and the fourth century developments. Secondly, the delegation of investigations is explored, particularly discussing the use of subscriptions as a tool for delegating official orders. Thirdly, investigation reports are investigated, both those produced by administrators and those by specialists to present how these documents supported the legal process and contributed to the resolution of cases.

Summonses/Orders for arrest

Following the submission of a petition, if the official handling the case decided that it required a hearing, he was required to issue a summons to the defendant. A summons would then be physically delivered to the recipient.³⁸⁸ This discussion will explore which administrators held the remit for issuing these documents and how responsibility shifted to a wider range of officials during the fourth century. Furthermore, the evidence demonstrates that the responsibility for delivering summonses was delegated to lower-level officials, therefore this discussion presents this process. Summonses from the earlier Roman period have not survived in vast quantities, with seven remaining surviving from the fourth century.

To appreciate how the format of summonses changed following the mid third century it is essential to outline the conventional structure of such documents from the earlier Roman period. A second century summons *BGU.20.2861* (150-200 A.D.) provides a standard example of the document,

“To the *archepodos* of the village of Ptolemais Hormou. Send Heraklas, farmer of Ischyriion, who has been accused by Herais daughter of Ptolemaios, immediately.”³⁸⁹

In this order, we are immediately introduced to the administrator, the *archepodos*, who is expected to implement the order, in this case the locating and sending up of a farmer, presumably to a mid-level local official to answer his case. A third century summons *P.Sel.Mchl.4* (third century A.D.)³⁹⁰ maintains the same conventional structure,

“To the chief of police of the village of Dinnis. Deliver the persons who are wanted by the tax collectors of Bacchias. If you do not deliver them, you come up with your assistant.”³⁹¹

³⁸⁸ These documents have previously been referred to by scholars as ‘orders for arrest’, however the term ‘summons’ has been adopted when referring to these documents, as not all summonses may have referred to those individuals being sent for trial.

³⁸⁹ *BGU.20.2861* (150-200 A.D.).

³⁹⁰ Please note that the original edition of this text, presented in the 1966 doctoral thesis of E.Michael, dated this text to the late third to early fourth century A.D. The same dating was applied to *P.Sel.Mchl.5*. Both of these texts have been re-dated to the third century A.D. following the realisation that both of these summonses did not contain the ‘*παρὰ του* [name of official]’ formula which became common in our texts from the mid third century A.D.

³⁹¹ *P.Sel.Mchl.4* (third century A.D.). Youtie, 1960: 251.

This text again leads with the address to the responsible administrator, unfortunately not revealing from who the order was issued. The absence of such details from earlier summonses limits our identification of which administrators held responsibility for issuing these orders to village officials. However, if one considers and accepts that, from the earlier Roman period up to the mid to late third century, the *strategos* held the main remit for overseeing and supervising all orders concerning legal cases, within local areas, then this remit may have also included the issuing of summonses. This opinion, largely heralded from Nicole in 1906 concluded that the *strategos* held the main role for ordering case investigations, up to the dissolution of the office.³⁹² Nicole's discussion suggested that the omission of the senders name was merely because it was not necessary for such texts as if all of these summonses were sent by one official, namely the *strategos*, the confirmation of its origin was not required. This suggestion is highly credible when considering the widespread and largely all-encompassing role of the *strategos* in localities up to the late third century A.D.

Returning to the structure of summonses, from the late third century, the structure of summonses changed. In particular, at the beginning of each document the formula [*παρὰ του* + administrator title] became added to these documents. This addition therefore specified from whom the document originated. A good example of this new form is found in *P.Oxy.61.4116* (late third to early fourth century A.D.)

“From the *strategos* to the *komarchs* and the *demosioi* of the village of Nemimis. At once hand over to the guard sent up by me Horpaesis, priest, (to be delivered) to the street, on the petition of Petosiris, priest and sealer of the sacred calves.”

This text displays the changing format of summonses, from the late third century A.D. and following the late third century all surviving summonses do also conform to this format, thereby suggesting that this change was widespread. In this case, the order emanated from the *strategos*, which is not surprising following the discussion of his importance in such legal matters. Furthermore an early fourth century A.D. summons, *P.Turner 46* (early fourth century A.D.) again records the *strategos* sending an order to village officials,

“From the *strategos* to the *irenarch* and public officials of Obion Panektyreos. Immediately send the collectors of the *annona* of the 4th indiction with the receipts for chaff and Chaeremon ex-comarch on account of the receipt for barley. I pray for your health.”

Considering the wide-ranging judicial role of the *strategos*, his remit to produce summonses was a reasonable extension of his role. By the end of the first quarter of the fourth century, summonses reveal that the *strategoï* ceased to be involved in the production of summons, instead our papyri reflect that a diverse range of officials began to obtain the remit to issue such orders. *P.Cair.Isid.129* (A.D. 308-309) preserves a summon addressed to the *komarchs* and police officials of Karanis,

³⁹² Nicole, 1906: 231; Hagedorn, 1979: 61-74; Gagos and Sijpesteijn, 1996: 81.

“From the centurion to the *komarchs* and police officers of the village of Karanis. Surrender Pamoun, who is accused by Zosimus, to the police agent sent by me, or come up yourselves immediately.”³⁹³

In this case, the centurion orders the *komarchs* and police officials to locate and produce the accused. Furthermore, an additional summons surviving from Karanis and produced within the same period, is recorded at *P.Cair.Isid.130* (A.D. 308-309),

“From the officer charged with the maintenance of order (*ἐπι τῆς εἰρήνης* “Supervisors of the Peace”) to the *komarchs* and police officers of the village of Karanis. [Send up to me (?) N.N.] who is accused by Paisis, son of Neas, oil-manufacturer, immediately.”³⁹⁴

This summons, again sent to the *komarchs* and police officers of Karanis was sent in this case from an official who refers to himself as the officer charged with the maintenance of order (*ἐπι τῆς εἰρήνης*). This official held a policing role, suggesting that the remit for producing summonses was no longer assigned to the most senior local official.³⁹⁵ Instead, policing officials, who also received petitions during this period, were also expected to enact these orders, this extension of remit demonstrates part of the wider diversification of the legal administration during the fourth century.³⁹⁶

This responsibility may also have been fluid in nature, adapting to the practical needs of areas. An additional fourth century summons reveals a form of role reversal in which the receiver of the summons is a police official, in contrast to *P.Cair.Isid.130*. *P.Mich.Mchl.6* (fourth century A.D) is a summons in which the name of the sending official is lost, however, the officials ordered to send up the defendants are referred to as the *ἐπιστάταις εἰρήνης*,³⁹⁷

“From... to the guardians of the peace of the village of Mnachis. Send up immediately Onnophris, son of Kopres, and Herminus, son of..., both of them being prostatai; Aulius, son of ... is the plaintiff. Or you yourselves come up. Mesore 20.”

This term again appears to reflect a wider group of policing officials working within local areas. These officials and the term used to describe them could be suggested to be connected to the office of the *irenarch*, who were in the early Roman period involved in the policing of local areas.³⁹⁸ A third century

³⁹³ *P.Cair.Isid.129* (A.D. 308-309).

³⁹⁴ *P.Cair.Isid.130* (A.D. 308-309).

³⁹⁵ Eitrem and Amundsen, 1954: 30-33.

³⁹⁶ Three petitions from the fourth century are addressed to the *ἐπι τῆς εἰρήνης*; *P.Oxy.12.1559*; *P.Oxy.50.3575* and *P.Oxy.6.991*. *P.Oslo.Inv.1482* is a third century petition to the *ἐπι τῆς εἰρήνης* which reveals that their remit to receive cases was active within the later third century.

³⁹⁷ Sijpesteijn, 1979: 127 suggests that the sender may have been the *strategos* and reconstructs the line as such, however this conclusion is in my opinion very tenuous as the beginning of the summons is extremely difficult to comprehend.

³⁹⁸ Gagos and Sijpesteijn, 1996: 81.

summons, *P.Oxy.17.2107* (A.D. 262), reveals that *irenarchs* during this period held responsibility for policing with the *nome*. Furthermore *P.Sakaon 45* (7th December A.D. 334)³⁹⁹ reveals that this role continued into the fourth century A.D. and *irenarchs* held policing remit over the newly formed *pagus* within communities, even being granted the remit to manage petitions.

Additionally, a declaration to the *riparii* from the mid fourth century, *P.Oxy.19.2233* (A.D. 350), may suggest that *irenarchs* from the Oxyrynchite *nome* had formed a commission to investigate crime and locate fugitives,⁴⁰⁰

“In the consulship of Sergius and Nigrinianus the most illustrious, Payni 13. To Flavius Eulogius and Flavius Theodulus, *riparii* of the Oxyrynchite *nome*, from Aurelius Horion, son of Paulus, from the village of Tampiti in the 7th *pagus*, chief of the *irenarchs* and Aurelius Papnuthius, son of Acoris, and Aurelius Paulus, son of Chaeremon, both inhabitants of the village of Sesphta in the 10th *pagus*, *irenarchs*. Being required by your grace, in connection with the assault made by certain inhabitants of the village of Tychinphagi against the people of the hamlet of Ptolema..., to go thither for [investigation] and production of the delinquents, we....”

This text also references the *riparii*'s involvement in the creation of summonses and the ordering of lower-level police officials to physically detain and produce individuals. A surviving mid fourth century text, *P.Oxy.19.2229* (A.D. 346-50) supports the assertion that the *riparii* were involved in the issuing of summonses,

“From Eulogius, *riparius*, to the *kephalaiotes* of Paneuei. Make haste to produce immediately in the city Peter, the son of Paul, whom you have apprehended in the farmstead of Pegoul(ius?) son of Aphththionius. Farewell.”⁴⁰¹

This summons suggests that the *riparii* were also responsible for issuing such orders during the fourth century A.D. Furthermore, these texts reveal that a range of individuals operating within local areas held the remit to issue such orders to lower-level village officials. This level of variety is a marked contrast to the earlier period of Roman rule, in which the *strategos* held the main remit to summon individuals. Our fourth century evidence strongly suggests that the responsibility for such summonses was interchangeable and diverse, potentially responding to the availability of individuals for such tasks in particular localities. This spread of authority across several municipal offices reflects the wider diversification of the legal administration of the fourth century A.D.

³⁹⁹ For a duplicate of this petition see *P.Sakaon 45a*.

⁴⁰⁰ Remondon, 1974: 31-34 discussed the potential privatization of the police during the later period. Whether this “privatization” actually existed is unclear and I would suggest that the creation of individual “commissions” when needed was a greater possibility.

⁴⁰¹ *P.Oxy.19.2229* (A.D. 346-350). *P.Amh.2.146* (fifth century A.D) also reveals that the role of the *riparii* continued into the fifth century A.D. ‘From his honour Heraclammon, *riparius*, to the *irenarchs* of the village of Telbonthis. Make Collouchis and Sirius his brother, sons of Penob, who have carried off the two cows of Anouphius, restore them to him; or if they dispute it, send them off to the city, for they have been charge before the magistrate. I pray for your health’.

Summonses and Village officials

If such diversification was clear in the municipal offices responsible for the overseeing of such orders, then one would expect to see this change reflected in the administrators physically enforcing such tasks at village level. This section will explore which village officials received such orders in the fourth century and whether these summonses conform to the wider structure of diversification.⁴⁰² During the earlier period of Roman rule summonses were mainly directed toward the minor village official the *archepodos* to be actioned⁴⁰³ an example of a summons directed toward this official is *P.Oxy.61.4115* (early third century A.D),

“To the *archepodos* of Namera. Send Dionysius, son of Valerius, and Taaphynchis, daughter of Mieus, on the petition of Hatres, son of Pausiris, Phaophi 2.”⁴⁰⁴

This text is clearly addressed to the village *archepodos* and whilst these officials appear to have held the main responsibility for physically summoning defendants there are some texts which reveal additional village officials being requested to undertake such duties.⁴⁰⁵

The role of the *archepodos* as an enforcer of the summons document appears to have declined during the fourth century and our last surviving summons which mentions their involvement is recorded at *P.Horak.11* (early fourth century A.D).⁴⁰⁶ From the late third to early fourth century, other minor village officials appear to have been expected to be enforce summonses, slowly diluting the once dominant role of the *archepodoi*. *P.Oslo.2.20*, from the later third century records a summons to an official only referred to as a ‘thief catcher’,

“The liturgist charge with the farming of taxes to the thief catcher (*ἐνκαλούμενον*) of the village of Karanis. Send up Atisis, son of Akialis (for Akiaris), accused by the tax collector of the village Philopater, either him or 160 drachmas.”

Whilst this individual is not addressed with a formal title, one may surmise that he held a generic policing role, in this case holding a remit for policing in the village of Karanis. This is supported by the discussed *P.Sel.Mchl.6* (late third to early fourth century A.D) recording a summons to the *ἐπιστάταις*

⁴⁰² Bulow-Jacobsen, 1986: 95-97.

⁴⁰³ Bulow-Jacobsen, 1986: 93-94.

⁴⁰⁴ The editors of this text note that the inclusion of the date and month in this summons is highly unusual. As discussed previously, the exclusion of the addressee suggests that this summons conforms to the earlier format of the summonses.

⁴⁰⁵ *P.Merton 1.29* records a request for the ‘Arabian Archers’ to deliver a summons, this is the only example surviving. The Arabian Archers are not a group which feature often in the papyrological record; however tax records reveal that salaries were being provided to these officials and as such one may suggest they held some form of policing role within smaller communities.

⁴⁰⁶ The cursive hand seen within this document and its convention to the later format for summonses suggests a fourth century A.D. date. Bagnall and Mitthof, 2004: 59-60. *P.Oxy.9.1193* (fourth century A.D). represents the only other summons directed to the *archepodoi* during the fourth century.

εἰρήνης. This use of such general terms may reveal that during the late third to early fourth century the officials responsible for local policing had also become much more diverse. Surviving summons reveal that responsibility for physically summoning individuals was not only held by one main official as in previous centuries. In fact, these roles appear to be interchangeable, dynamic and at points held jointly between local village officials. Our latest surviving summons of the fourth century, preserved in *P.Oxy.19.2229* (A.D. 346-50) records a summons ordered by a *riparius* to a minor village official, the *kephalaiotes*,

“From Eulogius, *riparius*, to the *kephalaiotes* of Paneuei. Make haste to produce immediately in the city Peter, the son of Paul, whom you have apprehended in the farmstead of Pegoul(ius?) son of Aphththonius. Farewell.”

This request to the *kephalaoites* to locate and detain individuals is highly unusual if one considers that this official was usually responsible for the management of work-gangs who collected and arranged the transportation of goods. A good example of this role is preserved in *P.Cair.Isid.40* (A.D. 299) a receipt confirming the delivery of emmer to a bakery by Aurelius Isidorus, the *kephalaiotes* of Karanis,

“Isidorus, son of Ptolemaeus, *kephalaoites* of Karanis, has made delivery in full of the artabas of emmer of the crop of the 15th year, including the arrears, given to him by the *sitologoi* for baking bread. And likewise Heroninus, *kephalaiotes*, has made delivery in full to the same account (?), including the arrears.”

A further list of the *kephalaoites* of Karanis and a further receipt for two deliveries to the *komarchs* recorded at *P.Cair.Isid.57* (A.D. 315), suggests that the role of *kephalaoites* had not changed in the early fourth century. Thus, *P.Oxy.19.2229* (A.D. 346-50) exposes an unexpected and surprising role of the *kephalaoites* within the fourth century legal administration. A similar divergence of traditional remit is evident from a surviving receipt, *P.Cair.Isid.128* (A.D. 314), which records a delivery of wanted fugitives by Isidorus, in his role of the *tesserarius* of Karanis,

“Aurelius Pacimneous, son of Patermuthius, *tesserarius*; Aurelius Sarapion, son of Apollonius, and Aurelius Artemidorus, son of Pamuthius, both *komarchs*; and Aurelius Naraous, a police officer, all from the village of Buto in the Memphite nome, to Aurelius Isidorus, *tesserarius* of the village of Karanis in the Arsinoite nome, greeting. Since we, Pacimneous and associates, having come to the aforesaid village of Karanis and found certain men who had fled our village, have taken them into custody, we therefore acknowledge that we have received them from you, and we have no claim against you or against the village concerning any matter whatsoever. In response to the formal question we have so declared.

Pacimneous, 30 years old, with a scar on the upper part of his right shin.

Sarapion, 27 years old, with a scar on his right shin.

Artemidorus, 28 years old, with a scar on his left shin.

Naraous, 38 years old, with a scar on his left shin.

The consulship of Rufius Volusianus and Petronius Annianus, *clarissimi*, Epeiph.”

This receipt reveals that Isidorus, in his role as *tesserarius* was expected to deliver these fugitives, a role which was not traditionally held by the *tesserarius*, a village official responsible for the requisitioning of goods for the military or the collection of taxation. Thus, this extension of responsibility again appears unusual.⁴⁰⁷

The original editors of this papyrus noted that the receipt may have been issued by a ‘commission’ of the village of Buto, charged with locating and delivering fugitives. Thus, Isidorus, as *tesserarius* may have been the head of such a commission in Karanis. Therefore, one could suggest that such commissions were also operating within village areas during the fourth century and were comprised of a range of minor village officials, such as the *tesserarius*, *komarchs*, *demosios* and also police guards.⁴⁰⁸ One may argue that the composition of localised commissions were dynamic and largely dependent on the existing liturgists in the village. These groups again support the hypothesis that the fourth century legal administration became widely diverse, even including those village officials whose remit and roles were distant from the legal administration, such as those held by the *kephalaiotes* and *tesserarius*. This extension of remit to these liturgists may be indicative of wider strains on smaller communities during the fourth century, suggesting that these areas did not have a suitable number of candidates to take up policing roles in addition to the more central liturgical roles in communities.

Nevertheless, the papyri reveal a clear diversification of administrators responsible for the ordering and serving of summonses. Furthermore, it is clear that lower-level policing officials were granted further remit to order other policing officials to deliver summonses, a stark contrast to previous centuries where the role fell to the *archephodoi*.⁴⁰⁹

Additional fourth century papyri reveal the involvement of the military in locating, detaining and delivering defendants. A memoranda preserved in the archive of Abinnaeus, *P.Abinn.42* (mid fourth century) records an order to a soldier, Geladius, requesting for him to search for a local barber who had defaulted on several sales,

“Memorandum by Romanus, *decenarius*, to his messmate, Geladius, leaving for Arsinoe: you are to search in the city for Cronius the barber, residing there, and demand from him the money on the objects owned by others which he pledged and for which he received money, 700,000 (*denarii*), because he received it at Lycopolis and took to flight. And if he denies the receipt of the money deliver the note of hand to my lord and brother, the *primicerius* of the detachment, and (request him) to put him in Irons and hand him over to you, because here too he was found to have sold stolen camels, and his wife is detained here. See to it you are not negligent. I pray for your health, brother. (Endorsed) Memorandum from Romanus, *ducenarius*, to Geladius, his messmate.”

⁴⁰⁷ *P.Cair.Isid.126* (A.D. 308-309) also alludes to an ongoing wish for fugitives to be located and handed over. In this text to a *praepositus pagi* Isidorus refers to a prefectural order concerning the protecting of fugitives within village areas. Solieman, 2010: 715; Bagnall, 1977: 324.

⁴⁰⁸ Boak and Youtie, 1960: 396.

⁴⁰⁹ Hagedorn, 1979: 61-74; Gagos and Sijpesteijn, 1996: 77-80.

Geladius is expected to not only locate the thief, but also to detain the defendant physically for his delivery back for trial, on presumably the request of a number of local villagers. An additional example of soldiers being used to locate and detain criminals is clear from *P.Abinn.29* (A.D. 346). In this letter we hear of the detainment of a corrupt official to await the visit of the *praeses* and to presumably be brought to trial during his *conventus* visit,

“To my master and patron the *praepositus*, Eulogius, decurio, greetings in the lord. As you sent to me the soldier Syrus in the matter of our soldiers and the superintendent-I found an official of the *praeses* holding him under arrest for the quota of the corn which he collected, and the *exactor* also wrote to take him away in charge of two police officials, and so he has been removed to the city because of the visit of the *praeses*. In two days I will bring him to the camp, and I made him address a letter to the people of Theoxenis about the barley tax. I have sent by Kiales ten sacks, and let me have an answer about the barley tax; and whether your order is that I should go up to the camp. I pray for your health for many years, my lord patron. (Addressed) To my master and patron, the *praepositus*, Eulogius, decurio.”

Both texts reveal that the military held an essential role in physically locating, detaining and delivering of defendants for trial during the fourth century. The extension of responsibility regarding summonses to additional village officials again supports the idea that legal administrative roles, particularly those at village level, became highly diverse during the fourth century A.D. It is unclear why this process of diversification took place however a text from the Sakaon archive, preserved at *P.Sakaon 93* (A.D. 314-323), may reveal why local policing and liturgical officials were forced to take on the role,

“To... the most eminent *praeses* of Herculian Egypt, from... son of..., from the village of Theadelphia in the Arsinoite nome.

Since the aforementioned village has become..., the villagers have abandoned ... in the village and took up residence in another locality a whole year ago... I, together with my wife, have been left behind in the temple in order to guard it... being the only one dwelling therein, there being neither public officials nor *archepodoi* to keep guard along with me... on the contrary every day they drag me away from the temple and... on the pretext of payments due from... persons...”

This petition indicates that following the desertion of villagers the officials charged with policing such as the *archepodoi*, were absent from their role guarding the temple. Therefore the gradual desertion of villages, such as Theadelphia may have resulted in the slow decline and eventual removal of the *archepodoi* from the village, leading to the requirement to use the existing liturgical or policing administrators to ‘plug the gap’.

As demonstrated in *P.Oxy.19.2229* some defendants fled before officials could arrest them. Affidavits exist within the papyri and may have served as essential documents for building a case in instances where one party involved in the dispute was unwilling to engage with the case or had fled. In cases

where a defendant may have fled, the village administrators created these statements to document the matters of the case (according to the petitioner) and note the defendant's absence.⁴¹⁰

In some cases, the papyri reveal that once the nominated official had received the order for arrest and located the individual, they could be subject to imprisonment. Gagos suggests that the accused was only imprisoned if there was direct evidence of guilt, considering the small corpus of orders for arrest/summonses and papyri referencing imprisonment this seems a sensible suggestion. Furthermore, imprisonment for accused parties in cases concerning civil matters and non-violent crimes may have been counterproductive, as such restrictions may have limited the ability of individuals to participate in the agricultural economy.⁴¹¹

Torallas Tovar, in her discussion of late antique and early Islamic prisons suggested that the papyri reveal that even in cases where the accused had been imprisoned officials allowed other family members to trade with the accused, acting as warranty, thereby allowing male family members to continue agricultural work. Upon review, the fourth century evidence does not present any evidence of this phenomenon.

Fourth century papyri demonstrate that imprisonment was a sometimes a consequence for failing to pay taxes, debts or in cases of financial dispute.⁴¹² *P.Oxy.46.3302* (A.D. 300-301) the petitioner, Aurelia Serenilla, describes her guardians confiscating her parents' property (and subsequently hers following their death) whilst subjecting her to liability for the taxes upon the property. Thus, Serenilla had been imprisoned in the prison of the treasury. In addition, *P.Lond.6.1915* (A.D. 330-340) records an letter of one Pamouthius to an associate. Pamouthius explains that he is so indebted that he was forced to sell all of his property and when he was still unable to meet the financial demands his children were seized by the creditors.⁴¹³

*P.Misc.Inv.2.70*⁴¹⁴ (late fourth century A.D) records a letter of, Epagathos to Apa Iohannes. In this letter he states that he is currently being held in prison and pleads with Apa Iohannes to mediate with an official named Apollonios, to facilitate his release immediately,

“To my lord father, in Lord God, and son of Christ, Iohannes, (from) Epagathos, greetings. I want you to know, my lord father, that I came to you some other time too, asking your goodness about Apollonios, (saying) that I ask you to send (a letter) to him, so that he releases me from ... (my?) power ... that he releases me from prison, because I do not have enough of the food I need; sometimes I spend three days without tasting bread. Had it not been for the love of God,

⁴¹⁰ See *P.Yale.Inv.1569* (1st April-28th August A.D. 212); *P.Yadin.1.15* (A.D. 125); *P.Oxy.61.4122* (22nd June A.D. 305); *P.Oxy.46.3304* (6th June A.D. 301) records an affidavit made by a *systates* of Oxyrhynchus to be used in the case if the defendant does not return. Dolganov, 2018: 120.

⁴¹¹ Gagos and Sijpesteijn, 1996: 78-79; Torallas Tovar, 2006: 104-106.

⁴¹² Johnson and West, 1949: 31.

⁴¹³ The pledging of children as security was illegal throughout the Roman Empire however the practice was ongoing. The practice was well known to the Roman administration as demonstrated by the republication of legislation by Justinian to counter the custom. See *Nov.134.07*. Again, this evidence is representative of the challenges faced by the central Roman administration to achieve compliance with legal regulations in these communities. It is unsurprising that in times of great hardship that parents resorted to such measures and undermining the practice would require alternative solutions than the creation of new regulations.

Monnickendam, 2019: 5. See Miller and Sarris, 2018 for the most recent translation and commentary of The Novels of Justinian.

⁴¹⁴ Gonis, 2008: 73-77.

I would have died of hunger. Thus make every effort (?) so that he releases me, for after God I trust (only) you. I pray for your health.”

Epagathos reveals the unpleasant conditions of his stay in prison. His account reveals that the Roman administration did have the means to physically detain individuals and in conditions that may have served as deterrent for criminal activity.⁴¹⁵ Whilst we do not have the sufficient evidence to discuss imprisonment in more detail, the existence of prisons and the ability to detain individuals was an essential facet for maintaining control within the province.

Investigating Crime

Once a petition had been submitted it was the responsibility of the appropriate official to investigate the claims and collate any necessary evidence. These investigation requests range from appealing for administrators to seek out public records to confirm property ownership, locating stolen goods or ascertaining the severity of an assault.⁴¹⁶ A second century papyrus, *P.Oxy.10.1271* (A.D. 144) provides an account of a burglary, in which the petitioner implicates his neighbour and his associates and requests an investigation into their involvement,

“I present this petition and request that, if you think fit, you should come for a personal inspection, and that Heras and his associates, whose names he will himself give, should be brought before you and the proper inquiry made, in order that I may be able to help with your assistance to discover my property.”⁴¹⁷

The petitioner requests the *strategos* to locate Heras and his associates to investigate their role in the burglary. These requests for local investigation by petitioners emphasize that they recognised and applied their right to request official local investigations. Additional petitions from the earlier Roman period reveal that in cases where the defendant is not specified or is unknown petitioners still requested for officials to investigate the crime, using their inquiry to locate this information regarding the perpetrator. This behaviour is evidenced in *P.Cair.Isid.67* (A.D. 299) in which Isidorus references a previously submitted petition, the dispute at hand and also new information regarding the culprits,

⁴¹⁵ Bail bonds could be used by petitioners, as demonstrated by *P.Oxy.2.259* (A.D. 23). These surety bonds required for a third party to agree to ensure that the individual would attend at court. Kelly notes that these oaths/bonds were not always effective, and the papyri reveal examples of defendants failing to attend court on multiple occasions. A prefectural edict was published in A.D. 89 to try and undermine the absence of attendees, outlining that non attendees would be tried *in absentia*. For examples see; *P.Ant.2.88*; *P.Fouad.23*; *SB.6.9066*. See *P.Ammon 1.6* (A.D. 348) for a fourth century example of a petitioner failing to attend court. This certification document was created with a public notary and signed by Ammon to ensure that it was on record that he had attended court.

⁴¹⁶ A fourth century petition which requests the location of stolen goods is displayed in *P.Abinn.56* (A.D. 346), the petitioner in this case had provided a list of stolen goods, however due to the fragmentary nature of the text the actual list of goods is absent.

⁴¹⁷ *P.Oxy.10.1271* (A.D. 144).

“...Then, by dint of taking much trouble, I learned from certain evidence who had dared to do this thing, namely Acotas, son of Germanus, and Chaeremon, son of Ptolemaus and grandson of Harb..., of the same village of Karanis, and heron, son of Muranus, of the village of Ptolemais Nea, inasmuch as I inquired into the village officials, Sotas and Leonides, concerning this point, who they might be who had put in an appearance at this place on that day, and they supplied these very names. Concerning this I gave testimony in a second petition...”⁴¹⁸

Isidorus’s recognition of this need to resubmit his petition with further information demonstrates a clear understanding of how the legal process functioned as does his recognition of the need to document new information regarding this crime in a formal manner to the official dealing with his case, in this instance, the prefect. In addition, this text reveals that petitioners were actively requesting for local officials to investigate their cases.

An additional fourth century papyrus may reveal that renewed investigations of cases may not have been always necessary for local administrators, particularly in cases where the defendant and accuser had a history of disputes. In *P.Herm.Rees.20* (fourth century A.D) the petitioner, Aurelius Benjamin, explains to an unknown official that a group of individuals had attacked his brother, leaving him with serious injuries. Benjamin underlines to the administrator that he had previously submitted a petition against the attackers for a similar crime and to the same official. This petition had resulted in a trial and a judgment, seemingly in favor of Benjamin and his brother. Following the new attack Benjamin therefore resolved to file a new petition against the attackers which is recorded in *P.Herm.Rees.20*,

“...For as long as I happen (?)... her... with my relatives too by a certain Pemunius... and Anubion, an athlete, and Hermeias and Euthymia. For these persons, in collaboration with each other, set upon my said brother along with my said relatives and gave them a sound thrashing, so that the marks of the blows laid upon my said brother are even visible, and he is in danger of disappearing from men. And I have presented a petition to your reasonableness on another occasion also against them, and there was an official judgement on this matter; and,... not a small act of effrontery, I present to your reasonableness this petition, asking that the aforementioned Euthymia along with all her other accomplices aforementioned be forthwith brought before the court and placed in custody, since I have made this petition against them to my lord the *defensor* (?) for a greater punishment. Farewell. (Date.) I Aurelius Benjamin son of Joses my father, wrote and have presented (this petition).”

Benjamin, in his second petition, does not request for a new investigation to be undertaken, nor does he request a medical report to be compiled outlining the extent of the injuries. In the context of the previously discussed petitions this lack of emphasis on documenting the evidence appears surprising. However, Benjamin’s comment that he had previous legal dealings with these individuals and that there are “visible” marks upon his brother may suggest that he wished for these facts to be used as a form of

⁴¹⁸ *P.Cair.Isid.67*.ll.15-20 (A.D. 299). *P.Cair.Isid.67* may be a draft of or a preceding petition to *P.Cair.Isid.66* (A.D. 299), in which the last 5 lines are preserved and record that a trial was upcoming and Isidorus requests that the culprits pay a security to ensure their attendance at court. *P.Cair.Isid.65* (A.D. 298-299) records the first petition sent by Isidorus, at the time Isidorus was not aware of the identity of the vandals who had destroyed his grain, he does however request at this point for an assistant of the *strategos* to be sent to the site to inspect and confirm the complaint.

evidence to support his case. In fact, his suggestion that the accused deserved a “greater punishment” may suggest that this case may have been dealt with as a continuation of the previous case, by the local administration. This further suggests that administrators could, if necessary, use archival sources to obtain or validate the background to a case.

P.Cair.Isid.79 (early fourth century A.D.) records a petition sent to the *logistes* following the trespass of animals onto Isidorus’ land and the subsequent destruction of crops. Isidorus had, two days prior, submitted a petition to the *logistes*, which had been met with an opposing complaint from the defendant, Melas. Isidorus references a longstanding dispute with Melas in lines 14-18,

“He has done me not only this injury, for...other injuries on other occasions as well, I resort to you that you may protect me against violence and provide full vindication in accordance with the laws. For L., who is charged with the apprehension of bandits..., is my witness that Melas has attempted the same thing against me on other occasions with the intention of ruining me. Farewell.”

Isidorus references the knowledge of the dispute with other local administrators, suggesting that these local feuds were most likely common knowledge within these smaller village communities. We established in our discussion of the archive of Abinnaeus that local municipal bodies, such as the *boulé* recognised and in the case of *P.Abinn.18* actively intervened to resolve cases that were contributing to social disquiet within these communities. Whilst these cases would need to be documented, the reference to known disputes by petitioners suggests that officials may have applied past cases to shape their judgements and in some instances the retrieval of further documentary evidence may not have been required to form their decision. Furthermore, in cases where enough evidence had been obtained regarding the conduct of an individual, it may have been less efficient to instruct officials to retrieve further evidence, thus decisions may have been brought to avoid unnecessary work and streamline the process.

Whilst additional examples of this action have not survived in the papyri this example may suggest that it was not always necessary for local officials to conduct a new or as thorough investigation of new claims in an already established or previous dispute, between individual parties. Furthermore, this example could also indicate that the precedent of previous investigations, in local cases and between the same individuals held great importance in local administrators forming conclusions on future disputes. Of course, there is no indication of how this case was concluded or whether further documentary evidence was collected to affirm Benjamin’s claims. Nevertheless, this petition does raise interesting questions regarding how local administrators dealt with continuing disputes between neighbours and also emphasizes that the enforced law was not always effective in quelling disputes between individuals, in fact in this case the judgment supplied by the judge appears to have led to further violence between the warring factions.

Papyri from throughout the Roman era record higher-level administrators delegating cases to lower-level officials, which had been presented to themselves through petitions. These cases could not be investigated by higher-level officials, thus leading them to forward these petitions, with an affixed subscription to officials working in the locality. These subscriptions usually contain an order requesting an investigation be undertaken in the locality, by either the official or one of his assistants to ascertain if the petitioners’ case was valid. If the claim required a trial the local responsible official would then send up the accused for trial to the court.

Subscriptions are essential for our discussion of the investigatory procedure as they reveal which administrators at the local level were responsible for overseeing local case investigation or the collation of evidence for trials. Ten subscriptions survive from the fourth century and in line with our wider evidence nine are dated to the first half of the fourth century A.D. The evidence demonstrates that following the dissolution of the *strategoï* a range of officials took responsibility for overseeing the investigation of local cases. It is essential to note that these officials are mainly senior local administrators such as the *logistes* and *exactores*, rather than minor village officials. Furthermore, these subscriptions reveal the delegatory relationships between higher and lower-level administrators. Finally, these subscriptions also in some cases reveal instances in which higher-level administrators delegated the remit for lower-level officials to form and enact their own judgments on cases in their own locality, creating a partially decentralised process for local judgments.

The Praepositus Pagi

Three remaining papyri from the fourth century indicate that by at least 318 the office of the *praepositus pagi* was responsible for overseeing local level investigations. The earliest of these papyri is a subscription affixed to a petition, *P.Cair.Isid.76* (16th July A.D. 318) submitted by Aurelius Isidorus to the *praeses*,

“The *praepositus pagi* will examine the issue between you and provide the appropriate assistance in the matter of the debt.”

The *praeses* clearly delegates the investigation of the case back to the *praepositus pagi*, reaffirming his delegated judicial remit, following such consideration of his findings. *P.Sakaon 33* (3rd June A.D. 320), records proceedings held before the *praeses*, Quintus Iper and his order for further local investigation of a case to proceed and identify if water channels had been blocked by the surrounding villages,

“The most eminent Quintus Iper, *praeses* of the Herculian Egypt, said: “The *praepositus* of the *pagus* and the district dyke inspectors will discover those who have blocked the place with dirt and immediately take stringent measures to force them to clear up the said place, so that the water may follow its habitual course.”

The *praeses* requests that the *praepositus pagi* in conjunction with the dyke inspectors inspect the blocked channels. This order reveals that the recording of the professional opinion of the dyke inspector was essential as evidence for the case. In addition, the *praepositus pagi* is clearly specified as the local official responsible for investigating the claim and resolving the matter at local level. Furthermore, in *P.Sakaon 42* (A.D. 323), a further petition sent to the *praeses*, following the failure of the *praepositus pagi* to resolve the issue and individuals from blocking the channels again, we hear from the petitioners that the ordered inspection was completed,

“...You commanded that the dyke inspectors visit the locality accompanied by a member of your staff and the *praepositus* of the *pagus* and inspect the sight; and they did come down and discovered that we did not receive any water, not only this year but for many years, because our village is far too back.”

This extract supports the earlier assertion that from at least the first quarter of the fourth century the *praepositus pagi* was responsible for supervising the investigation of petitioner claims in localities. In addition, if following these investigations, the claims were found to be accurate, then the *praepositus pagi* held the authority to enact mediation and judgment between the disputing parties, resolving the case in the local area. Of course, in instances where the case was not sufficiently resolved, as seen in both *P.Sakaon* 42 (A.D. 323) and *P.Sakaon* 38 (A.D. 312) further petitions could be submitted to higher-level offices such as the *praeses*.

The Exactores

Subscriptions reveal that in addition to the *praepositus pagi* the office of the *exactores* was also involved in the investigation cases during the early fourth century. His remit appears to have been extended following the dissolution of the *stratego*i in which he took up a number of the *stratego*i's previous roles. The first of these papyri, *P.Cair.Isid.74* (27th December A.D. 315), is a subscription of the *praeses* ordering for the *exactor* to investigate the claim and further exact his own judgement,

“(4th hand). The *exactor*, in the presence of your adversary, will examine the issue between you in accordance with the laws and cause to be done whatever justice requires, unless of course he finds other impediments.”

This text reveals that the responsibility for local case investigations was not limited to one office, instead it would seem that a variance of local mid-level officials were granted delegated authority to investigate cases.⁴¹⁹ This diversity of official remit is in stark contrast to the earlier administrative structure, during which the *stratego*i and his assistants were wholly responsible for the investigation of crime. An official letter, *P.Oxy.43.3129* (14th-30th September A.D. 335), supports the view that the *exactores* also held responsibility for investigating local claims,

“Flavius Philagrius to the *exactor* of the Oxyryhnhite nome, greetings. Eudaemon approached (me) claiming that he has debtors acknowledged as such, as you will learn from the copy of the petition he submitted. Take care, if you find he is telling the truth, to protect him from loss.

(2nd hand) ‘Farewell.’

(4th hand) ‘In the consulship of Julius Constantius, *vir clarissimus*, brother of our lord (Constantine Augustus, and Rufinus Albinus, *vir clarissimus*).’

⁴¹⁹ Hanson, 1984: 78-80.

Margin. (3rd hand) ‘Given the *n*th day before the Kalends of October, in Alexandria (?).’

(Back) ‘To Synesius, *exactor* of the Oxyrhynchite nome.’⁴²⁰

This letter written by the *praeses* Flavius Philagrius to the *exactor* of Oxyrhynchus affirms that during the fourth century higher-level officials continued to delegate the responsibility for investigating local cases to municipal and *nome* administrators. These papyri may reveal that the investigation of cases was not limited to one official and their assistants, instead the delegation of these cases was far more diverse. The diverse nature of these delegations appears a practical solution for investigating cases, as local officials may have been more effective in forming judgments, as these officials had a better understanding of the local context surrounding quarrels.

The *logistes*

An fourth century subscription, preserved in *P.Sakaon* 38 (A.D. 312), records a prefectural judgment requesting for the *logistes* to execute his and the petitioners wishes, following the ignorance of a previous judgment by a military official. The petitioner, Aurelius Melas, had therefore re-petitioned the prefect requesting further assistance,

“(hand three) In the consulship of our lords Constantinus and Licinius Augusti consuls for the second time, on the 16th day before the Calends of September, Mesore 24th. If the girl is pleased living in marriage with her husband, this very fact should be made known to the *logistes* in accordance with the laws.”

This subscription is particularly interesting as it is directed to the *logistes*, even though the petitioner claims that his original petition had been submitted to the *praepositus pagi*,

“... not only did I present written testimony through a petition I submitted to Kastorion, the *praepositus* of the *pagus*, but I also testified to the same effect in public, so that the matter be forwarded to your esteemed worthiness at the *logistes*’ risk. Arsenios son of Kastor, from the village of Dionysias, and Apollon also called Anoup, a soldier under..., *princeps* of the camp situated there, acted as mediators and decided that he should receive from me...talents of silver and restore the girl to her husband in marriage...”

⁴²⁰ *P.Cair.Isid.*74 (27th December A.D. 315) the Greek “*strategos*” is used in the text, however I would suggest that this refers to the *exactor* rather than the *strategos*, as Thomas, 1960: 265 suggested that the examples referring to this term following 302 A.D. are merely a use of the term. Thomas, 1960: 265; Tait, 1922: 173; Lewis, 1997a: 82. A similar petition which may refer to the same case can be found in *P.Oxy.*12.1470 (26th February-26 March A.D. 336).

The fact that this subscription was directed toward the *logistes* demonstrates the hierarchical superiority held by the *logistes* over the *praepositus pagi* and that the *logistes* may have been the main official responsible for supervising the investigation of cases in this particular geographical area.

An early fourth century papyrus, *P.Oxy.* 18.2187 (A.D. 304) contains a collection of documents relating to a property ownership dispute. The papyrus includes an earlier submitted petition to the prefect, an extract from the following trial before the prefect, a judgment recorded within a subscription and a new petition to the *logistes* requesting that he executes the previous order of the prefect. The prefect orders for the *logistes* to liaise with the president of the builders so that they may divide the property in the claimant's favour,

“Septimus Zenius to the *logistes* of the Oxyryhnhchite nome, greeting...to my honour... and take care, unless concerning the common ownership of the property..., to make the division of it in accordance with the just claim. Farewell. ... and (a copy?) of the application (is subjoined?).”

The subscription of the prefect is clearly directed toward the *logistes*, who is expected to oversee the execution of his judgment at local level. Whilst this subscription differs in that it is not an order for investigation of the case, rather an execution of judgment, the delegation between the prefect and the local *logistes* clearly reflects the pre fourth century relationship between higher-level officials and the local *strategos*.⁴²¹ Further surviving subscriptions such as *P.Sakaon* 40 (A.D. 318-320) further confirm the role of the *logistes*, particularly in exacting the judgment of the *praeses*,

“Payni 16th. The *logistes* shall shelter the boy under tutelage from any violence.”

Subscriptions such as these reveal that by the early fourth century the *logistes* held the necessary remit to oversee the execution of the prefect's judgments within localities, replicating the earlier role of the *strategos*, therefore the *logistes* may have also had a role in supervising investigations in his area.

Overall, these surviving subscriptions from the fourth century reveal that the main officials being delegated the remit to undertake investigations were the offices of the *exactores* and the *praepositus pagi*. These two officials appear to have taken over the role once held solely by the *strategos*, however these two individual roles may have also been supervised by a superior official, the *logistes*. This new structure appears to be wholly different to that of the previous *strategos* who held sole responsibility

⁴²¹ *P.Oxy.* 43.3127 (19th August A.D. 328) is another example of petitioners requesting local level assistance in enacting judgment following a prefectural judgment, which had clearly been communicated through a subscription, “...I applied to the authority of the prefect asking that the division of the property should take place. After they had been informed of (his) order and together contrived (?) hearings before your clemency against me, this share was confirmed as mine upon the record made of the proceedings in conformity with the right conferred by the sale to me; and since it is necessary in accordance with the edicts of the higher authority also to make the division of the property, so that each may have his own and enjoy it, I make haste for this reason now also, subjoining the text of my application with the reply I received, to submit this petition asking that, communication be made to the monthly presidents of the builders so that they may be informed and that they may be compelled to come to the division of the same house in accordance with the edicts concerning this matter...”.

for such matters, supporting the wider idea that the fourth century legal administration was more diverse than in previous centuries.

Local Investigation reports.

As demonstrated requests for investigation were in most cases delegated to mid-level administrators, such as the *strategos* in the earlier Roman period and a range of officials, including the *praepositus pagi* or *exactores* during the fourth century. Whilst these officials were requested to undertake such investigations, the physical investigation of cases often fell to the assistants of these officials or, as this section will discuss policing officials, such as the *irenarchs*.⁴²² These officials were expected to create written reports to document their findings and conclusions surrounding the legitimacy of the claim. This section discusses three of these remaining reports and additional fourth century evidence that reflects which local officials were forming these reports.

During the earlier Roman period the *strategos* was responsible for supervising local case investigation. However, papyri suggest that the assistants of the *strategos* undertook the physical investigation of cases and collation of evidence, presenting these findings in a written report directed towards the *strategos*. Unfortunately nearly all of these reports from minor officials to their local subordinates concerning legal cases have not survived from antiquity, other than two reports of this kind one from the late third century, *P.Cair.Isid.*124 (A.D. 298) and one from the fourth, *P.Oxy.*19.2233 (A.D. 350) The first of these, is a report to the *strategos* from his assistant, Aurelius Sarapion,

“To Aurelius Heron, *strategos* of the Arsinoite nome, from Aurelius Sarapion, an assistant on your staff.

Having been instructed by you, in consequence of the petition submitted to you by Isidorus, to go to the village of Karanis and inspect the grain on the threshing floor which belonged to Isidorus and had been set on fire, I went to the place and taking with me officials of the village, I questioned Sotas and Leonides and found that it had been burned. I therefore report as above.

(2nd hand) I Aurelius Sarapion, report as above.

Year 14 and 13 of our lords Diocletian and Maximian, Augusti, and year 6 of our lords Constantius and Maximian, the most noble Caesars, Mesore 29 (?).”⁴²³

This report highlights the concise confirmation that a crime had taken place, with Sarapion confirming that he had personally visited the site of the supposed crime and spoken with the village officials to confirm Isidorus’ claim. Furthermore, one may note that these reports, in comparison to a petition are highly concise and devoid from any opinion or emotive assertions. Therefore, we can assert that such reports formed an essential step in validating the facts surrounding a case and more importantly documenting these disputes for the future. Aurelius Isidorus’ original petition, recorded in *P.Cair.Isid.*

⁴²² For an exhaustive list of the *irenarch* in papyri during the Roman and Byzantine period see, Sanger, 2005: 143-205.

⁴²³ This case concerning Aurelius Isidorus is recounted in various stages in *P.Cair.Isid.*65, 66, 67 and 124 (A.D. 298-299).

66. (A.D. 299) records not only his request for the claim to be investigated by an assistant of the *strategos* but also that this report (seen above in *P.Cair.Isid.124*) had been satisfactorily created,

“Since, then I had a quantity of grain on the threshing floor after harvesting of eleven arouras in the plain of the same village, I went to make an inspection, so as to bring the farm labors to an end, on the twenty-seventh of the month of Mesore of the past year, and I found that this grain had been set on fire by malefactors. Immediately, following the customary procedure, I submitted to the office of the *strategos* a petition supported by testimony, requesting that an assistant be sent to inspect and present a report; and he reported accordingly...”

Isidorus’ comment that he is adhering to the “customary procedure” reaffirms that the use of the *strategoï* and their assistants must have been commonplace in localities. The use of the *strategoï* is not surprising if one considers their important and wide-ranging role in local administration, particularly in the earlier Roman period. Furthermore, the use of assistants must have been essential to relieve pressure on the workload of the *strategoï* in localities.

The only remaining report from the fourth century *P.Oxy.19.2233* (A.D. 350) records the beginning of a declaration addressed to the *riparii* of the Oxyrhynchite nome from a number of *irenarchs* from a variance of different villages. The actual report indicating the result of their investigation is unfortunately missing, however this document reveals that by the mid fourth century minor village officials, such as *irenarchs* held the remit to investigate cases if requested by more superior administrators, such as the *riparii*,

“In the consulship of Sergius and Nigrinianus the most illustrious, Payni 13. To Flavius Eulogius and Flavius Theodulus, *riparii* of the Oxyrhynchite nome, from Aurelius Horion, son of Paulus, from the village of Tampiti in the 7th *pagus*, chief of the *irenarchs* and Aurelius Papnuthius, son of Acoris, and Aurelius Paulus, son of Chaeremon, both inhabitants of the village of Sespitha in the 10th *pagus*, *irenarchs*. Being required by your grace, in connection with the assault made by certain inhabitants of the village of Tychinphagi against the people of the hamlet of Ptolema..., to go thither for [investigation] and production of the delinquents, we...”

In this report we observe that the village *irenarchs* were not responsible for the villages involved in the dispute. The involvement of *irenarchs* from different villages may represent a wish for impartiality and the mitigation of bias. The variation of different *irenarchs* and their villages also supports the idea that during the fourth century the responsibility for investigations ceased to be placed into the hands of one individual, unlike the situation discussed previously in *P.Cair.Isid.124* (A.D. 298), in which one assistant of the *strategos* was ordered to investigate the claims of Aurelius Isidorus and compile a report.

This repeated assumption that assistants of the *strategos* and other officials during the earlier fourth century operated alone during their collation of evidence for trials, provides an interesting comparison for the process seen in *P.Oxy.19.2233* (A.D. 350). The number of *irenarchs* involved in the investigation of the case may have been due to the size and therefore the practical implications of such a case. Alternatively, the increase may also have reflected the changing administration, in particular the

diversification of the lower-level legal administration during the mid-fourth century. This case again supports our assertion that the remit of policing officials became augmented during the fourth century, likely due to the pressures placed on municipal officials and departures from village sites of citizens who traditionally may have held these roles.

By increasing the number of individuals investigating petitioner claims the administration may have sought to undermine elements of corruption between individual administrators and petitioners. In contrast, this diversity may simply reflect the changing landscape of the petitioning process, with the dissolution of the office of the *strategos* and his assistants. As previously discussed, the range of administrators at mid-level, receiving delegated requests from higher-level administrators, became more diverse from the fourth century, as such the individuals whom they requested to investigate claims, ‘on the ground’ may have become more diverse also, not only including assistants.

In all, even though our surviving evidence of these reports are lacking, one may suggest that these reports continued to be produced during the fourth century. Furthermore, in reflection to the ever-changing remit of mid-level and lower-level officials in localities one may suggest that a variance of minor officials, such as the *irenarch* and also assistants of mid-level officials such as the *logistes* were instructed to collate evidence to assist with the judgment of trials. In the forthcoming discussion specialist reports are explored to understand how evidence was collated and in reality, many similarities between these reports and those discussed can be drawn.

Specialist reports

In our discussion of the investigation of cases by lower-level officials, we have confronted the need for evidence to be collated and further documented for future reference or trial. This discussion will examine a range of papyri from the fourth century which involve specialist opinion, including those of public doctors, midwives and *geometrai* to explain how these reports and their collation fit into the process of justice and additionally how these professionals became involved in the legal administration of fourth century Egypt. The evidence produced by professional individuals would have also been produced in court in the form of written reports, to be read within the court and passed onwards to the official performing the judicial role for further examination.⁴²⁴

Reports of Public physicians

Public doctors and healers can be identified from the Ptolemaic period, operating within the *chora* under the name *basilikos iatros*. These individuals provided an integral service to local communities, although due to the absence of any evidence of the *basilikos iatros* performing in a forensic manner, we must conclude that the Ptolemaic *basilikos iatros* was not involved in the legal administration.⁴²⁵ This is not to say that individuals did not grant professional testimony or opinion to the Ptolemaic courts.

⁴²⁴ Coles, 1966.

⁴²⁵ Amundsen and Ferngren, 1978: 338.

Physicians and healers are represented in papyrological, epigraphic and archaeological evidence from the Roman period. Recent studies, such as Hirt Raj's 2006 investigation focused mainly on documentary evidence to propose that several different variations of healer functioned within Roman Egypt. She classified these roles in three different areas of competence and activity: Firstly she outlines the existence of those working within the 'public' sector, namely the *demosioi iatroi* who worked alongside the imperial administration and reported upon cases.⁴²⁶ Secondly, she discusses the private sector, outlining the role of those physicians working in local surgeries. Finally she outlines the role of physicians working for the army.⁴²⁷ Draycott broadened Hirt Raj's discussion, applying an interdisciplinary approach, using archaeological, epigraphic, documentary, and forensic anthropological evidence to the study of healers in Roman Egypt. Her approach results in a greater understanding of some of the informal and non-professional healers who functioned within Roman Egypt.⁴²⁸

Draycott, expanding on the discussion of Hirt Raj, identified three different forms of formal or "professional" physician, the *archiatroi*, the *demosioi iatroi* and Army physicians. Relevant to this study is the *demosioi iatroi*, a title given to a public physician who worked alongside the imperial administration. Their existence is known to us from papyrological sources from the second century A.D. onwards, particularly they appear in forensic medical reports. Amundsen and Ferngren grouped the papyri which relate to *demosioi iatroi* into four separate classifications.⁴²⁹ The first group of documents records requests to a formal official, from a petitioner, in which they ask for a formal examination of damage or injuries to be undertaken. As discussed previously in this chapter, these requests typically were directed toward the *strategos* during the first three centuries of Roman rule. Following the dissolution of the *strategos*, municipal officials began to receive such requests.

The second classification includes requests sent from this administrator to an assistant, working in his office. These orders would ask the assistant to accompany the doctor on a visit to the injured party, further requesting that a written report be produced by the doctor or doctors. The third grouping of documents records these forensic reports, known as *prosphephesis*. Lastly, the proposed fourth grouping contains a trial proceeding in which a medical report is used as evidence to support a case.⁴³⁰

⁴²⁶ Amundsen and Ferngren, 1978: 353; Kupiszewski, 1952: 267.

⁴²⁷ Hirt-Raj, 2006: 102-62.

⁴²⁸ Draycott, 2012: 35.

⁴²⁹ Nanettis' 1941 discussion in identified four separate areas in which the public doctor held a role, however this study has been widely criticised and superseded by the studies of Hirt-Raj and Draycott. She suggested that public doctors were responsible for certificating deaths in local areas, however the papyri reveal that the certificating of deaths was often undertaken by the *strategos* and his assistants during the earlier roman period. During the fourth century, the *logistes* and his assistants continued this practice. Furthermore her second suggestion that doctors were responsible for visiting injured victims for medical treatment cannot be substantiated by any evidence, in fact only one papyrus, recorded in *P.Oslo.95* (A.D. 65) records the treatment of a victim during a medical examination. Similarly, her fourth claim that doctors were expected to certificate illnesses of employees is again not supported by the papyri, in fact the only papyrus cited in support of this claim, *P.Oxy.1.896* (A.D. 316) does not appear to have been a request from an administrator or employee, rather it seems that the request originated from the petitioner himself to confirm his illness, to further cover him from legal cases if he was unable to undertake a liturgical service in the future. After scrutinizing Nanetti's claims alongside the papyrological evidence it would appear that only her third point applies - that public doctors were responsible for reporting on and creating written testimony for trials and civil suits, when requested by mid-level legal administrators.

⁴³⁰ Amundsen and Ferngren, 1978: 350; Nutton, 1977: 215; Samama, 2003: 474-475; Kayser, 1994: 283-285.

*P.Oxy.*61.4122 from A.D. 305 records a request from Aurelius Hierax to the *logistes* of Oxyrhynchus detailing an assault on his wife and requesting for a public doctor alongside the *logistes* assistant to come to his home and report on her injuries,

“...Since, then, my wife, mentioned herein, was assaulted with blows and they wounded her arm, of necessity I present this petition, requesting that through one of your assistants a public physician be instructed to examine my wife’s condition along with the said assistant and that both of them report to you in writing and that this same document may remain in the office for evidence and for my security, so that right of action may be reserved to me concerning legal satisfaction in the presence of his Highness the prefect.”⁴³¹

This petition is a typical example of a request for medical examination and the first stage in the process of instructing a public doctor’s assistant. An example of the second type of document referenced by Amundsen and Ferngren is an order from an official requesting an assistant and public doctor to investigate. Only one extant example of such a document exists, although in many petitions we hear of petitioners requesting assistants to accompany public doctors to investigations. This text, *P.Oxy.*3.475 (A.D. 182) records an official letter sent from a *strategos* to one of his assistants enclosing a copy of a report sent to him recounting the death of a slave who had fallen from an upper storey while watching a show given by dancing girls,

“Hierax, *strategos* of the Oxryhynchite nome, to Claudius Serenus, assistant. A copy of the application which has been presented to me by Leonides also called Serenus is herewith sent to you. Take a public physician and view the dead body referred to, and having delivered it over for burial make a report in writing. Signed by me. The 23rd year of Marcus Aurelius Commodus Antoninus Caesar the lord, Athur 7.”⁴³²

The *strategos* requests for his assistant to visit the site and view the body in collaboration of a public doctor to assess his injuries and then to submit a report on his findings. It is clear from this document that often assistants may have accompanied public doctors when assessing cases. One may suggest that this was to ensure that doctors were undertaking their investigation correctly, undermining elements of collusion or corruption.

The third type of document referenced by Amundsen and Ferngren is the actual medical report submitted by public doctors, the *prosphonesis* (*προσφωνήσεις*).⁴³³ This document is the most abundant document referencing public doctors with 13 surviving from the first to fourth centuries, of this 7 from the fourth century are preserved, mainly from Oxyrhynchus. *P.Oxy.*1.52 (A.D. 325) records a similar report, this time compiled by two public doctors of Oxyrhynchus,⁴³⁴

⁴³¹ *P.Oxy.*61.4122.11.7-16 (A.D. 305).

⁴³² *P.Oxy.*3.475 (A.D. 182) The text outlining the original declaration follows.

⁴³³ Amundsen and Ferngren, 1978: 343; Kupiszewski, 1952: 264.

⁴³⁴ Gonis, 1999: 211. Gonis notes that the same doctors may have drafted additional reports, one of which is recorded in *P.Oxy.*63.4366=*P.Oxy.*66.4528 (6th May A.D. 336).

“In the consulship of Paulinus and Julianus, the most illustrious. To Flavius Leucadius, *logistes* of the Oxryhnhite nome, from the Aurelii... Didymus and Silvanus, of the most illustrious city of Oxryhnhus, public physicians. Your grace sent us in consequence of a petition received by you from Aurelius Dioscorus, son of Dorotheus, of Oxryhnhus, to make a report in writing upon his daughter, who as he complained had been injured by the fall of his house, which had occurred. We accordingly went to Dioscorus’ house and saw that the girl had several cuts in her hip and wounds near the shoulder and right knees. We therefore present this report. Me[sore].”⁴³⁵

This concise report, originally requested by the *logistes* and, clearly in result of a previously submitted petition, again reflects the concise and evidence-based approach taken by these officials. The inclusion of only two public doctors in this text may also suggest that there was no official number of doctors who were expected to visit a victim to assess their injuries. In all these reports reaffirm that evidence was essential, and these reports were extremely important as validation of individual claims.

These documents follow a standard format, firstly outlining to who the report is addressed. Next the identity of the doctors undertaking the investigation are outlined. Following this introduction, the reason for the investigation and their investigation findings are recorded concisely. Finally, these documents are always signed off by all of the doctors involved in the investigation. In the case of this document the final signature is missing for one of the doctors due to the loss of end of the papyrus. Even though the reports reflect a medical document, basic terminology is used for describing injuries. A good example of the use of accessible lay language can be found in *P.Oxy.44.3195*. Column 2 records a report addressed to the *logistes* and the *defensor* by four public doctors, interestingly this papyrus includes the only known use of the term “membrane” in the papyri and appears unusually technical in relation to other examples,

“In the consulship of Junius Bassus and Flavius Ablabius the most illustrious.

To Flavius Julianus *logistes* and Claudius Hermias *defensor* of the Oxryhnhite from Aurelii Theoninus and Heron and Silvanus and Didymus, public Doctors of the illustrious and most illustrious city of the Oxryhnhites.

We were instructed by your Diligences in response to a petition handed in by Aurelius Paesius, son of Senenuphis, of the village Pela, to examine his condition and make a written report. Wherefore we examined the man on a bunk in the public office building; he had gashes on the right side of his head....of the membrane and a swelling on the right side of his forehead and a contusion with a skin wound on his left forearm and a slight contusion on the right forearm. Wherefore we make our report.’

⁴³⁵ We can date the document thanks to the inclusion of the name “Flavius Leucadius” who we know from 5 additional documents was the *logistes* of Oxryhnhus between A.D. 325-326. This detail and the clear fourth century cursive hand reveal that the text is certainly fourth century and the appearance of Leucadius points to a date between 325 and 326. In line 12 of the papyrus, we can see a potential correction added above the line, in this case the term *ὄθεν*, this may indicate that this text was a draft of a report or alternatively a copy of the original report. The signatures in this text are also missing from the text which again may indicate that it is a draft.

(4th hand) I, Aurelius Theoninus, have made my report as aforesaid.

(5th hand) I, Aurelius Heron, have made my report as aforesaid.

(6th hand) I, Aurelius Silvanus, have made my report as aforesaid.”⁴³⁶

The papyrus indicates that following the instruction of the *logistes* and *defensor* that the doctors examined the petitioner and compiled the necessary report. The four doctors explain in detail all the injuries sustained by Aurelius Paesius.⁴³⁷ The above reports are similar to those discussed in the previous section, including only concise information regarding the crime or the dispute and omitting any form of rhetoric.

These documents could be used to certify individual injuries, but in some cases concerning a deceased party these reports could be used to confirm a cause of death. An example of this form of document is found in *P.Rein.92* (A.D. 392) which is a medical report directed to the *logistes* by a public doctor, who was requested by the local Oxyrhynchite *riparius* to report upon the condition of a deceased male, who had formerly been the *irenarch* of the village of Teis. The medical report confirmed that the corpse had no signs of contusions or lacerations and suggesting that the deceased succumbed to a disease, rather than any foul play. Such reports may have been requested by family members in the cases of sudden or unexpected death. This avoidance of accusation of foul play is further supported by a fragmentary report, *P.Sakaon 50* (8th January A.D. 317) submitted by Aurelius Sakaon, after he came across the body of a deceased male,

“... as he was pasturing his sheep. As I was unable to carry his body, not without difficulty; or to ascertain his cause of death (for I do not know how he passed away) without official certification, I submit this report to you to safeguard myself regarding this matter and so that you may make cognizance. Farewell. In the consulship of Gallicanus and Bassus, the most illustrious, Tybi 13th. I, Aurelius Sakaon, have submitted this report as stated above. I, Aurelius...wrote for him since he is illiterate.”

Such texts must have been submitted by citizens to protect themselves from any accusations relating to the death of the individual.

The fourth type of document which references the involvement of public doctors are those medical reports used within trials as evidence. Only two examples of these documents have survived from antiquity and both of these documents are highly fragmentary and damaged, so much so that they cannot be fully translated. One of these reports is referenced in *P.Oxy.17.2111* (A.D. 135) an extract of court proceedings. The remaining terminology indicates that the case concerned the strangulation of a female and the testimony of a doctor concerning the cause of death is cited in the trial. *P.Oxy.12.1502* (A.D. 260) records another set of trial proceedings, possibly before the *epistrategos*. A public doctor is referenced to in the text, however the context surrounding his involvement is unclear. These examples

⁴³⁶ *P.Oxy.44.3195*. Col.2.

⁴³⁷ Again, one must question why it was necessary for these medical reports to be written and undertaken by more than one physician? One may suggest that these reports were to be formed by groups to again avoid corrupt practices from influencing the creation of such reports.

reveal that some petitioners, prior to and during the fourth century, understood and recognised that they could apply their right to request an investigation by local officials into their claim.⁴³⁸

Midwives

Documentary evidence for midwives is unfortunately slight from Roman Egypt, with only three papyri directly referencing midwives.⁴³⁹ The first of these examples uses the term *ιατρίνη* to refer to the midwife and is recorded in a second century private letter from Oxyrhynchus. In our second example, from September A.D. 147, the term *μαῖα* is used to describe the midwife. In this case the midwife is sent to examine a pregnant woman after the death of her husband. We can suggest that her presence in such a process was to ensure that the child would be documented as the child of the deceased father, to ensure his rights were protected.⁴⁴⁰

The final clear case of a midwife, again referred to as *μαῖα*, functioning within Roman Egypt is recorded in a fourth century petition from Oxyrhynchus. *P.Oxy.51.3620* (2nd February A.D. 326) records a petition to two *nyktostrategoi*, in which a man outlines that his wife had been physically assaulted and robbed by a woman and a slave girl. He asks for a midwife to be sent to inspect her health and injuries. Furthermore, he requested that the midwife write a report outlining the injuries sustained, so that it may be used within a trial before the prefect,

“In the consulship of our masters Constantine Augustus for the 7th time and Constantius the most noble Caesar for the 1st time, Mecheir 8.

To Aurelius Aphthonius and Aurelius Timotheus, both *nyktostrategoi* of the glorious and most glorious city of the Oxyrhynchites, from Aurelius Thonius son of Onnophris from the same city. In the course of yesterday while my wife was at home a certain Tapesis, who lives in the regions far distant from our house (?), during the evening hours made an attack together with her salve-girl Victoria (?) and inflicted unspeakable acts of violence on my wife, so that not only was her clothing torn, but her person...my said wife... gold. Since, therefore, ..., I make submission of this petition requesting that... midwife should be officially instructed by you to come and take note of her condition and report in writing (and that) when the report has been made and the outrage investigated, they should provide guarantees, so that, if anything should befall my wife, the appropriate action for retribution may take place in the immaculate court of my lord the most perfect prefect of Egypt Tiberius Flavius Laetus.”

⁴³⁸ The inclusion of professional legal testimony within the legal procedure suggests a developing nature of Roman-Egyptian law. Implying that individuals had the right to access the resources, essential for the construction of their personal legal testimony, whilst these “professional” opinions were additionally essential for judicial administrators to judge cases fairly and as accurately as possible.

⁴³⁹ Other texts such as Soranus’ *Gynaecology* do suggest that the use of midwives was more widespread than our documentation would suggest. See *Sor.Gyn.2.6* for the discussion of the midwife’s role in childbirth. *PSI.2.117* records part of the *Gynaecology*, suggesting the text may have been circulated within the province. Draycott, 2012: 142.

⁴⁴⁰ Draycott, 2012: 141; Rowlandson, 1998: 290.

It is unfortunate that the corresponding report or any report from a midwife has not survived from antiquity, however if one notes that the above request is similar to those sent to the *demosioi iatroi* and on the basis that medical reports to officials used conventional language structure and basic descriptions of injuries we can suggest that any reports of midwives would have been similar to those created by doctors. In the same way as the *demosioi iatroi* midwives may have also undertaken the bureaucratic function of reporting on crimes relating to pregnant women, or those who had lost a child due to criminal activity, therefore they may have functioned in a similar way to the *demosioi iatroi*, albeit they may have not been called upon as frequently. Even though our overall evidence for midwives is lacking from Roman Egypt, they must have played an important role within communities and the above documents give a small insight into some of their role assisting women in childbirth and potentially commenting on criminal cases.

Land surveyors

Fourth century papyri also demonstrate that land surveyors provided professional testimony for cases. A particularly interesting fourth century papyrus is *P.Oxy.44.3195* (13th June A.D. 331); this text has survived in two columns recording two separate reports addressed to a *logistes* Flavius Julianus. It would therefore appear that these documents were part of a larger collection of reports, directed towards the *logistes*. The first of these columns contains a report of monthly presidents of the builders,

“To Flavius Julianus *logistes* of the Oxyrhynchite from Aurelius Panares, son of Heonetus, and Heracleos, son of Murus, both from the illustrious and most illustrious city of Oxyrhynchites, monthly presidents of the builders.

We were instructed by you in response to a petition delivered to you by Dius, son of Theora (?), to proceed to the Theoris street quarter in the said city and inspect a courtyard handed over to him by Didyme, daughter of Titus, from the said city, situated at the north of a dwelling house of the said Didyme, and to make you a report in writing of the condition in which we found it. Accordingly we proceeded there and we found that of the courtyard to the north of the house of the said Didyme the window-openings (?) in the north wall of the house of the said Didyme were open, [but].... Of the north side of the said (?) courtyard were blocked up. Wherefore we submit our report.’[Signatures].”⁴⁴¹

The report clearly indicates that the instruction of such professionals was the responsibility of mid-level officials, such as the *logistes*, presenting his instructions clearly and specifying that they were to visit the premises physically to make their assessment. The actual report supplied by the builders confirms the condition of the property (as requested by the *logistes*) in a concise manner. The basic elements discussed within the report, merely recording the condition of windows begs the question of whether it was necessary for two individuals, the presidents of the builders to make such an assessment, rather than an assistant or other village officials? One may suggest that the involvement of two officials for

⁴⁴¹ *P.Oxy.44.3195*. Col.1 (13th June A.D. 331), in the original translation the editors chose to use the term ‘*curator civitatis*’ to describe the *logistes*, I have chosen to use the Greek in my discussion of these documents.

such a basic observation may reflect the continued focus on professional opinion and their reports in ‘proving’ cases, recording them for future litigation or the undermining of vexatious claims.

The use of private surveyors, similar to these builders mentioned above, named as *geometrai*⁴⁴² was a Ptolemaic precedent. During the Roman era we can view an augmented application of these individuals in obtaining professional testimony for individual cases. Under the Roman era the name of private surveyors changed to *ὀριοδείκτης* within our papyri.⁴⁴³ An earlier example of such reports preserved in *P.Oxy.* 12.1469 (A.D. 298) provides an example of the *ὀριοδείκτης* surveying a drainage works to assess damage and necessary repairs. This report was applied in a case addressed from the *komarchs*, concerning officials who had mis-managed a public building project. Cases such as these define that that the testimony of private surveyors was indeed important to the formulation of accurate evidence, allowing judges to formulate accurate verdicts and suitable settlements following a case.

Alternatively, this ongoing emphasis on documentation to prove one’s ownership or the condition of a property may have led petitioners to request the involvement of such professionals, to add a level of gravitas to their claim and undermine false defences. A petition to a *strategos* from the early fourth century, *P.Cair.Isid.*70 (A.D. 310), records a petitioner appealing for a report from the boundary inspector to secure his claim to a cultivate a particular area of land,

“...And if the unruly were successful in this kind of thing, no man of small means would have survived long since. So, I am constrained to submit to you this petition with the request that he be brought before you and be made to produce effective proofs through the boundary inspector and the adjoining proprietors of my alleged cultivation of this piece of land, so that I may retain my claim...”

This request for written proof supports the view that petitioners understood that a professional endorsement of their claim would further support their petition and hopefully grant them a better chance of success with their case. As such, one may suggest that this continued emphasis on documentation and professional opinion might have produced a cyclical system in which even in minor cases or those that could have been investigated by minor ‘non-professional’ officials, petitioners still sought written evidence of specialists to support their case. Of course, in certain cases, particularly those involving assault and bodily injury the recording of such injuries by a medical ‘professional’ was more essential.⁴⁴⁴

A late third century petition reveals that it was not only doctors or *geometrai* who were approached to provide specialist opinion on cases. *P.Cair.Isid.*62 (5th September A.D. 296) records a legal enactment

⁴⁴² Kupiszewski, 1952: 258-260.

⁴⁴³ Kupiszewski, 1952: 260.

⁴⁴⁴ Some additional documents also reveal that following the conclusion of case and a judgment had been applied that some petitioners forwarded their wish to these officials, particularly concerning the division of land, to ensure that the necessary judgment was enacted, as displayed in *P.Oxy.*43.3126 (19th August A.D. 328) “...and since it is necessary in accordance with the edicts of the higher authority also to make the division of the property, so that each may have his own and enjoy it, I make haste for this reason now also, subjoining the text of my application with the reply I received, to submit this petition asking that communication be made to the monthly presidents of the builders so that they may be informed and that they may be compelled to come to the division of the same house in accordance with the edicts concerning his matter...’.

that dowries in written agreements had to be assessed and valued by tailors and goldsmiths, prior to their legal enforcement,

“...Having made this Claim with the support of witnesses but not having established it satisfactory, she has now taken another approach and has asserted against us a document supposedly drawn by our aforesaid father, in which he stated that he, our father, had given her a half interest in a female slave as security for her dowry which he had used up; but she will not be able to provide the proofs. For this is required by the laws, that the dowries recorded in written agreements be evaluated by a goldsmith and a tailor; and she will produce neither their dowry agreement nor the deed of security which he drew up for the half interest in the slave girl, probably foreseeing that these were not properly drawn. Since we intend to inform his Highness the most renowned *Corrector* Aurelius Achilles about this matter, we are submitting this petition with our testimony on this very point, requesting that she be compelled by you to furnish us with copies of the contracts which she has claimed to have, that is, both the dowry agreement and the deed of security, so that thus having traced them through the record-offices we may be able to answer her claims before his Highness...”⁴⁴⁵

This text therefore reveals that goldsmiths and tailors may have been used to provide specialist opinion in cases concerning dowry disputes or theft. Whilst texts confirming these activities has not survived more widely, it is interesting to note that specialist documentary evidence was so valued and necessary for all aspects of individuals lives.⁴⁴⁶

Overall, these specialist reports reiterate that the collation of documentary evidence remained essential during the fourth century for the understanding of a case. These reports appear to be instigated and requested from the office of the *logistes* reflecting the importance of his role in the fourth century legal administration. Furthermore, this role may also help to support the earlier assertion that the *logistes* held a more supervisory role in the investigatory procedure, delegating the creation of written reports to lower-level administrators or specialists. Of course, our one remaining report also indicated that the *riparii* must have held an important supervisory role, following the mid 350's A.D, delegating the responsibility for investigating reports to village police officials such as the *irenarch*.

Furthermore, these papyri reveal that petitioners knew that they were able to request the creation of reports from specialised individuals, such as doctors, midwives, and land surveyors to verify their legal claims and support details in their petitions. This practice is a clear continuation of previous practice under earlier Roman rule.⁴⁴⁷

⁴⁴⁵ Amundsen and Ferngren, 1978: 353; Kupiszewski, 1952: 267.

⁴⁴⁶ An interesting document from the late third century may also suggest that some evidence was collated through unsavoury means, such as torture, whether this claim is accurate or merely a fabrication of the defendant is unclear, particularly as this text is highly fragmentary, however it does raise interesting questions surrounding evidence gathering by some local officials. *P.Ant.2.87* (late third century A.D.) ‘Archias said: “Were not his sons also in their company? How many times were they?” He answered: “Never...” “...Did you earlier... About them through the court interpreter?” He answered: “...” Archias commanded that he should be tortured and said: “Tell the truth! Were... in the company of the brigands...?” He answered: “We told because of much torture”. Archais said: “Whom, then, from the village...?” ...Archias said: “And who...?” He answered: “Others, too, from the village”. Archias said: “Which of...?”’.

⁴⁴⁷ Amundsen and Ferngren, 1978: 353; Kupiszewski, 1952: 267.

Chapter 5: Conclusion

This chapter has demonstrated that following a formal request for adjudication local administrators were expected to investigate cases and, if required, detain defendants involved in cases with aggravating factors. The investigation of the summons document demonstrated that during the fourth century the remit for issuing these orders often lay with municipal officials, in line with the wider administration changes of the century. Furthermore, the papyri indicate that the physical locating and detainment of fugitives was delegated to policing officials.

Interestingly, the fourth century evidence indicates that the remit for policing was extended to a wider range of liturgical roles during the fourth century. Peculiarly these tasks began to be delegated to roles such as the *kephalaiotes* and *tesserarius*. These roles traditionally held no judicial or policing competence, suggesting that these individual liturgists were taking up additional roles to their regular tasks. This diversification is indicative of the wider pressures placed on smaller village communities during the century, echoing many of the fourth century accounts in which petitioners describe augmented levels of *anachoresis* in village sites, which left remaining citizens to absorb the administrative burden. The most illustrative papyri documenting these pressures is that of Aurelius Sakaon, in which he describes that following a mass abandonment of Theadelphia, him and his wife have been left to guard the temple, without any support from the traditional policing officials, the *archepodoi* and public guards. Such accounts provide clear evidence that these village sites were at the point of serious decline and it's of no surprise that Theadelphia was completely deserted by the end of the century. *P.Oxy.19.2233* (A.D. 350) demonstrates that the remit of the *riparii* was augmented to include the conducting and reporting of investigation reports. This extension of remit to a policing official supports the theory of diversification at the local level.

Our fourth century evidence demonstrates that the collection of evidence to support cases was also delegated to assistants of municipal officials, who were tasked with providing written confirmation of damages to property and obtaining further supporting evidence. The papyri also reveal the interesting focus by the administration on the provision of specialist evidence, demonstrating a sophisticated approach to the assessment of cases and application of judgements. The reference to the acquiring of evidence by petitioners demonstrates that they were acutely aware of the value of documentary evidence and the specialist opinions which could underpin their claims.

Chapter 6:

Trial Proceedings in fourth century papyri

This chapter investigates the fourth century judicial process and the administrators who operated within this framework. As cited in the introduction to this thesis, Rigsby, in his 1996 work stated that “laws do not matter until they have been tested by the courts” and this is certainly true of the relationship between the development of law and the court process in Roman Egypt.⁴⁴⁸ Papyri recording trial proceedings reflect the court as a stage for the testing of legal precedent and its relevance to the Roman Egyptian populace. Often these documents present the discussions of lawyers, the *nomikoi* and the administration in relation to laws and their application in the daily lives of citizens. Subsequently, trials were not only essential for the individual pursuit of justice for petitioners but also reflected a vital facet for the development of laws and their “real-world” application.

The aim of this discussion is to identify if our fourth century evidence supports the theory that the judicial system became further decentralised to local officials, in the main via the delegation of judicial remit from higher-level officials. If such a theory is evident within our texts, then this may reveal that the importance of higher-level courts of Alexandria was undermined during the fourth century. A weakened emphasis on higher-level jurisdiction may have represented a benefit for petitioners, removing the expense and inconvenience of attending Alexandrian courts and, in theory, leading to a quicker conclusion for their case.

To assess whether a devolvement took place within the fourth century judicial administration several varying types of documents are assessed, the most enlightening are the surviving reports of court proceedings, of which a number survive from the fourth century.⁴⁴⁹ These documents and fourth century amendments will be discussed at length in the first portion of this chapter.⁴⁵⁰ Additional documents, such as declarations of arrival for court, bail oaths and petitions which reference previous trials are presented within the fabric of the wider discussion in part two of this chapter, in which those administrators active within the higher echelons of the judicial administration are outlined. The third part of this chapter explores the lower levels of the fourth century judicial administration, assessing whether the burden of trials was devolved onto the lower levels of the administration, during this period.

⁴⁴⁸ Rigsby, 1996: 24; Kantor, 2006: 249.

⁴⁴⁹ A discussion of Roman Egyptian court proceedings was originally performed in detail by Coles, in his 1966 title. The forthcoming discussion is based around the ideas proposed by Coles with an emphasis on the fourth century documentation.

⁴⁵⁰ Coles underlines that the Ptolemaic style followed a ‘narrative form’ and record the judge’s decision in *oratio obliqua*. In contrast court proceedings from the first century A.D. follow the *oratio recta* style, favouring direct speech. The first example of such a document is *P.Oxy.1.37* (A.D. 49), in which the speeches are expressed directly and the individual speakers introduced purely by their own names. Coles attributes this change in style to political transitions, further leading to the adoption of the *Oratio Recta* format in Rome. Furthermore, Cole emphasised that the adoption of Latin shorthand in court proceedings may have begun during the middle of the first century A.D., which could further coincide with the stylistic changes witnessed in court proceedings from this period. The dating surrounding the Greek shorthand system is unclear, with no clear indications of a Greek shorthand system being used within Ptolemaic proceedings. *P.Brem.82* (A.D. 113-120) is our earliest example of shorthand text being applied in a text. Furthermore, *P.Oxy.4.724* (A.D. 155), a contract for an apprentice shorthand teacher, is the earliest example of any reference to Greek shorthand in the papyri. These examples indicate that the existence of such a shorthand system in Greek had been established by the beginning of the second century A.D. Coles, 1966: 26-55.

The prefect as the ultimate judicial authority in the province is essential to our discussion of the administrators of the judicial process. As established in previous chapters many of the cases that reached the prefect were quickly delegated back to local level officials, who were better placed, in theory, to manage minor cases in the locality. This process of delegation is also evident in the process for court proceedings and in many cases only the most serious of cases or appeals reached the prefectural court.

Papyri recording cases tried at the prefectural court during the fourth century are minimal, however, several texts indirectly reveal that the Alexandrian courts were still essential for those seeking judicial assistance. Forty records of court proceedings have survived from the fourth century, whilst nine documents, such as extracts of advocate speeches and court memoranda provide an augmented view of the administrators and outcomes experienced by petitioners engaging with the courts during the century. The surviving evidence reveals court proceedings were held both within the higher echelons of the administration and at the lower municipal levels. However, our evidence of trials before the municipal administration is limited due to a sudden decline in evidence after A.D. 339. Therefore, for the later discussion we are dependent on the trials held between the higher-levels of the administration (prefect, *praeses*, *dux Aegypti*).

Table 14 outlines figures of how many court proceedings were held in front of individual officials, during the fourth century. It is interesting to note that the *praeses* held the highest number of court proceedings during the period. Whilst we must be cautious assigning too much weight to these figures, due to the absence of lower-level court proceedings post A.D. 339, the figures may suggest that the introduction of the *praeses* may have relieved pressure from the prefectural court in Alexandria, creating a regional alternative. This development and its potential benefits for both citizens and the administration will be discussed throughout this chapter.

Table 14. Number of fourth-century court proceedings per official

Judge within court proceeding	Number of cases
Unclear	14
<i>Praeses</i>	12
<i>Logistes</i>	5
Prefect	3
<i>Iuridicus</i>	2
<i>Defensor</i> ⁴⁵¹	2
<i>Strategos</i>	1
<i>Dux Aegypti</i>	1

⁴⁵¹ *P.Oxy.54.3764* (A.D. 326) is included in the figures relating to the *defensor* as the term *διατητής* is used to describe the mediator. This term was also used to describe the *defensor* during the third century when he was directly connected to the city council.

The prefectural court in Alexandria

Lewis suggests that during the early Roman period the amount of petitions directed to the prefect was continuously high, estimating that it was normal procedure for many cases to remain unheard for long periods.⁴⁵² *P.Oxy.22.2343* (A.D. 287), records an individual sending a representative, Nemesianus, to Alexandria to petition the prefect. Nemesianus proceeded to appeal to the prefect and was turned away being informed to return when the court was in session. On Nemesianus' second attempt he was thwarted, since the court was out of session, as the day marked a holiday. Nemesianus' third attempt was additionally unsuccessful, due to the prefects' commitment on that day to the administering of embassy business. His final attempt was to accost the prefect who then advised him to resubmit his petition to the *epistrategos* so that his trial could be dealt with at regional level. The outcome presented demonstrates a clear example of the sometimes disappointing results faced by petitioners who sought assistance in the prefectural court. One can conclude that Nemesianus may have achieved a better outcome if he had sought to merely submit a general petition to the *epistrategos*, rather than the lengthy (and no doubt costly) method undertaken to obtain a resolution.⁴⁵³ This case suggests not only that access to the prefect was greatly difficult, but also that the serving of your petition to the prefect did not always guarantee a swift response or even a judgement from the prefect himself.

Additional earlier Roman reports such as *P.Oxy.3.486* (A.D. 131)⁴⁵⁴ present an extreme example of excessive durations petitioners could face in the capital whilst waiting to attend the prefectural court. This example presents the *epistrategos*' escalation of a property dispute to the prefect, referred due to a murder charge applied to the mother of the petitioner.⁴⁵⁵ The petitioner, Dionysia, following an order from the prefect to travel to Alexandria for trial, remained within the capital for the arrival of the plaintiff. We can ascertain that Dionysia remained in Alexandria for a long period as the documents present her appeal for permission from the prefect to return to Oxyrhynchus,⁴⁵⁶ suggesting an absence of the plaintiff. Dionysia was further instructed to submit a new petition to the *epistrategos*, as she could not remain in Alexandria any longer. Lewis notes that the duration of this case may have spanned at least a year before her case was even resubmitted. Consequently, these cases highlight severe limitations in accessing judicial assistance from the prefect, presenting the process as lengthy, expensive and in cases such as *P.Oxy.3.486*, ineffective.⁴⁵⁷

Fourth century papyri suggest that inefficiencies at the prefectural court were not resolved. *P.Oxy.31.2601* (after 23rd February A.D. 303) is a letter from a petitioner, Copres, to his wife, in the Oxyrhynchite. Copres recounts his experience in Alexandria during his wait to attend the court. The letter does not

⁴⁵² Lewis, 1983: 189.

⁴⁵³ Lewis, 1983: 189; Lewis, 2000: 90.

⁴⁵⁴ Please note that this "Dionysia" is a different individual to the "Dionysia" featured in *P.Oxy.2.237* (A.D. 186).

⁴⁵⁵ Complicated cases such as this were delegated immediately from the *epistratego*i to the prefect.

⁴⁵⁶ Lewis, 1983: 194. We do not know why Dionysia had to return to Oxyrhynchus.

⁴⁵⁷ Travelling to Alexandria to petition the prefect was not an activity undertaken by all echelons of Egyptian society. Many petitioners would not have been able to afford to leave their occupations to submit a petition personally to the prefect, let alone afford to remain in Alexandria for long periods, as suggested earlier in *P.Oxy.3.486*. Therefore, we can argue that direct petitioning to the prefect would be of greater accessibility to elite individuals, whom if they personally could not travel to Alexandria, could instruct a representative to travel on their behalf, as portrayed through the example of "Nemesianus" in *P.Oxy.22.2343*.

indicate which court the trial was destined for, nevertheless the letter does provide a glimpse into the potential timeline surrounding the preparation for a trial,

“Copres to his sister Sarapias, very many greetings. Before all things I pray before the Lord God that you (pl.) are in good health.

I want you to know that we arrived on the 11th and was made known to us that those who appear in court are compelled to sacrifice and I made a power-of-attorney to my brother and until now have accomplished nothing but we have instructed an advocate on the 1st, so that the matter about the *arourai* might be brought into court on the 14th.

But if we accomplish something, I write you. But I have sent you nothing since I found Theodorus himself is going out. But I am sending you this (letter) through someone else quickly. Write us about the well-being of you all and how Maximina has been and Asena. If it's possible let her/him come with your mother so that her leucoma can be cured. For I have seen other people (that had been) healed. I pray for your health. I greet all our (friends/loved ones) by name.

‘Deliver to my sister, from Copres, 99....’⁴⁵⁸

Copres indicates that following his arrival on the 11th, he learnt that to attend court he would be required to perform a sacrifice, in the presence of the appropriate judge. As Copres was Christian he could not submit to this practice and the fact that he signposts this activity in such a direct manner may suggest that this was not the standard process. Luijendijk, in her discussion of papyri from the Great Persecution compares these circumstances to those described in the *De mortibus persecutorum*, in particular the discussion of an edict published on the 23rd February A.D. 303 which records the setting up of altars within courtrooms to force Christian attendees to perform sacrifices prior to the trial,

“The next day an edict was published, in which it was ordered that every lawsuit against them (i.e., the Christians) should succeed, that they themselves should not be able to go to court, not about insult, not about adultery, not about stolen matters, in short, that they should not have freedom nor voice.”⁴⁵⁹

This very deliberate barrier would have limited the ability of Christian attendees to raise their case before an Alexandrian court. However, In the case of Copres, the papyri demonstrates that he managed to locate a “loophole” in the system and submitted a power-of-attorney for his brother, who could perform the sacrifice.⁴⁶⁰ The statement made by Copres and the supporting commentary of Lactantius suggest that in the early fourth century the access to the courts for Christian attendees may have been more limited as this deliberate blocker would have restricted their ability to achieve favourable outcomes for their disputes. Such evidence suggests that Christians may not have received equal

⁴⁵⁸ *P.Oxy.*31.2601 (early fourth century A.D.). Trans: Luijendijk, 2008: 357-358.

⁴⁵⁹ Lactantius, *De Mortibus persecutorum*.13.1. Trans: Luijendijk, 2008: 360.

⁴⁶⁰ This ‘brother’ may not represent the biological brother, but rather a friend or associate who was not Christian and could undertake the sacrifice.

treatment before the law and leads scholars to consider if this segment of the population may have been more likely to engage in mechanisms of informal dispute resolution.

Returning to the narrative outlined by Copres; The following day, he instructed the services of an advocate in a bid to bring the case to trial on the 14th. Copres' earlier comment that they had achieved "nothing" and his further reference to the trial in the past tense suggests that the case had not yet been seen and he was waiting on the trial to be brought to court. Additional fourth-century letters also refer to the extended wait in Alexandria endured by petitioners. *P.Oxy.8.1160* (late third to early fourth century A.D.), records a letter between a father and son, discussing the provision of money and providing an update on the stay in Alexandria,

"To my revered father Origenes, many greetings from Trophimus. Before all else I send many salutations to you and your consort Copria and Isidorus and Phullon and Helen and all our friends severally. You wrote to me in your letter that my boastfulness earns me the name of "Gift of Zeus" because I sent you money; but I do not boast about what I sent you by Philxenus. If you have sold the various things which I sent you, write to me in order that I may send you more. I have been idle here for two months, otherwise I would have sent you all some more. I am keeping for the trial the money I have collected; for I am waiting for the memoranda. You wrote to me, "Petition against Polydeuces." If the memoranda comes to me, I will petition against him and against Sarapodorus. If it seems good to you, send me a pot of oil. You wrote to me "You are staying at Alexandria with your paramour." Write and tell me, who is my paramour. I pray for your health. (Addressed) Deliver to Origenes from Trophimus."

Trophimus indicates in this text that he had been waiting a least two months within Alexandria for his trial to begin and was awaiting a document, named here as a memorandum. It is unclear what type of document he is referring to, but one may suggest that such a document may have referred to the case or even a summons confirming the date for the upcoming trial. Nevertheless, this letter again points to inefficiencies in the Alexandrian court process which resulted in petitioners being forced to spend excessive lengths of time and resources in presenting their cases to the prefectural court. The inconvenience posed by such periods in Alexandria waiting for trial would have undermined the ability of those who could not afford to abandon their everyday life, particularly those dependent on their land for their livelihood to attend the prefectural court. Therefore, one must recognise that the prefectural court was likely frequented by the wealthier and propertied classes of the Roman Egyptian population. Furthermore, it is likely that petitioners were aware of the inefficiencies in the higher-level courts and as such may have opted to direct their cases to lower-level officials in a bid to be seen by a local level court.

These issues within the higher-level courts may have further led to an imbalance in those attending these courts, with only those individuals able to afford the time and expense caused by their time in Alexandria. *P.Ammon 1.5* (October-November A.D. 348) preserved in the archive of a *scholasticus* from Panopolis, Ammon, reveals that it was not only the less socio-economic petitioners who recognised the long periods needed to be spent in Alexandria for trials, in this power of attorney document, written by Ammon to enable his friend Aurelius Faustinus to petition the prefect on his behalf, following the abduction of his dead brothers slaves,

“Aurelius Ammon, son of Petearbeschinis, advocate, from Panopolis of the Thebaid, to Aurelius Faustinus, fellow-citizen and friend, ex-magistrate, councillor of the same city, greetings. Since just now I happen to be engaged, having in hand business now most urgent together with the season of farming that keeps me from setting out on a journey, concerned at present that our land if it is not sown may not embarrass me with respect to the public levies, I deputize you by this my written authorisation to fill my place during this time. For I have heard that someone coming forward suddenly from abroad is attempting forcibly and fraudulently to seize my brother Harpocraton’s slaves in Alexandria on the grounds that they are now ownerless and that he has died without heirs. I appoint you therefore to inform my lord the prefect of Egypt, Flavius Nestorius, *vir perfectissimus*, about this, that there exists a full brother of the said deceased Harpocraton as his lawful heir, Ammon by name, who bears the travails of his few possessions in the Thebaid which are, moreover, uninundated, and by force of the laws that compel him to the care of them on account of the public taxes. This deputation written by me in my own hand I convey to you as authoritative and binding [] on behalf of (?) [.]”

Ammon clearly indicates to Faustinus that he is unable to petition the prefect in Alexandria personally due to both business matters and responsibilities connected to the autumn harvest of his land, which could be affected in his absence. We know from a declaration of attendance in Alexandria of Ammon, preserved in *P.Ammon* 1.6, presented on the 9th of December A.D. 348 that Ammon did in fact travel to Alexandria to present his case,

“To Flavius Sisinnius, *catholicus*, *vir perfectissimus*, from Aurelius [Ammon] son of Petearbeschinis, advocate from Panopolis of the Thebaid. Whereas Eugeneios, imperial secretary (*memorarius*), and I, Ammon, (friends having come between us in Panopolis-Paniskos), former *iuridicus*, and Apollon the poet and another, Horion) have made a written agreement in common concerning slaves now in this splendid city Alexandria left behind by my brother Harpocraton, in this agreement in duplicate, for some unknown reason I was summoned to accept a fixed time such that within twenty days from the 27th of the preceding month Hathyr I was to be present in Alexandria in order that a final decision be imposed in the matter. But now after arriving here two days ago I did not meet the aforesaid Eugeneios and I have not been able to find him. For this reason I bear witness publicly today, which is Choiak 13th, having arrived four days earlier than the appointed time (expires) and asking that this my certification be deposited in security until that person arrives, in order that it may not be possible for him to proffer an excuse. I ask that the facts set forth by me be referred to your greatness, my lord, through the public notary on this day. In the consulship of Flavius Philippus the *clarissimus* prefect of the Sacred Praetorium and Flavius Salia the *clarissimus magister equitum*, Choiak 13. I Aurelius Ammon, have set forth (this affidavit) as above.”

Declarations reflected an important step in the administrative process for trials within the higher-level judicial administration. These declarations served a twofold purpose; firstly, establishing the arrival of individuals for trials and thereby notifying the administration themselves that the trial was to go ahead and needed to be physically prepared for. One can suggest that trial dates were maybe granted to parties following these notifications. Secondly, these declarations also provided individuals with protection, in the event that the additional party did not arrive, that they could confirm their own attendance and

subsequently the case could be tried *in absentia*.⁴⁶¹ Declarations of attendance were not a new development in the administrative process of the higher-level court administration, *P.Oxy.12.1456* (A.D. 284-286) records an earlier example of an oath, sent to the local *strategos*, promising his attendance for an upcoming prefectural *conventus*, these declarations and accompanying petitions were essential for the *strategos* (or other responsible) official to note their wish to be included within the upcoming *conventus*,

“To Aurelius Philiarchus also called Horion, *strategos* of the Oxyrhynchite nome, from Aurelius Zoilas son on Theogenes and Tauris, of the illustrious and most illustrious city of Oxyrhynchus. I swear by the fortune of our lord Gaius Valerius Diocletianus Caesar Augustus that I will present myself before our more eminent prefect, Marcus Aurelius Diogenes, when he auspiciously visits this place or the neighbouring nome, and will bring an action in his court against the *komarchs* from the nome now (?) present... on account of the ... which they wrongly...”

Philiarchus indicates that he will attend court during the prefectural *conventus* and his confirmation to the *strategos* is further interesting as it reveals that these declarations for attendance could be sent to the local office of the *strategos*, rather than the prefect, who would ultimately be trying the case. Furthermore, this also indicates the essential role of the *strategos* and his office in the preparation of *conventus* visits, as one may assume that the *strategos* must have been responsible for forming almost an agenda of cases and collating the necessary pre-work for the prefect, potentially in a bid to lessen the amount of time needed for each case to be physically seen during the visit.

Declarations were not only issued for trials before the prefect but also lower-level trials, held before local judges, also required the document of confirmation prior to the trial. *P.Oxy.9.1195* (A.D. 135) is an early second century declaration to the Apollonius, who may have been the *strategos*,

“To Apollonius, the judge appointed by his highness the prefect Petronius Mamertinus. I, Hermaeus also called Anubion, son of Hermaeus, inhabitant of Hermopolis Magna, swear by the Emperor Caesar Trajanus Hadrianus Augustus that I will speak before you tomorrow, being the twentieth day of the present month Mecheir, in explanation of my case against Hermaeus son of Apollonides son of ...; otherwise let me be liable to the consequences of the oath. Date.”

This declaration to the *strategos* indicates that the use of declaration oaths also occurred within the lower levels of the judicial administration. Furthermore, the comment of Hermaeus, that the judge had been appointed by the prefect reiterates that the judicial authority of the *strategos* was solely dependent on the delegated orders of the prefect, rather than any form of independent judicial authority. These declarations were also accompanied in many cases with a bail of security, alluded to in the last line of the above declaration. This bond was provided by both parties to secure their attendance at court. These bonds continued to be applied within the fourth century and are mentioned in several declarations.

⁴⁶¹Burton, 1975: 100.

P.Harris 1.65 (A.D. 342) records an oath sent to the *logistes*, confirming bail for a prisoner secured by an individual for a defendant,

“In the consulship of our masters Constantius the third time and Constans the second, the Augusti, Pachon the 10th. To Flavius Dionysarius, *logistes* of the Oxyrhynchite nome, from Aurelius Heras, son of Agathodaemon, his mother being Arilla, of the said city. I declare, swearing the hallowed divine oath of our masters the Augusti, that willingly and of my own accord I stand surety for Aurelius Plotinus, son of Plotinus, of the same city..., whose son, Aurelius Dionysius, was sent to the prefectural court of my lord the most excellent governor of Augustamnica, Flavius Julius Ausonius, for judgment, to answer the charges against him... And if I do not produce him before the overseer of the public peace (on the appropriate date) I will (forfeit...) under pain of being liable to the consequences of the oath and the penalty involved.”

(2nd hand) “I have sworn the divine oath, standing surety for Plotinus. I, Aurelius Olympius, wrote on his behalf, he being illiterate.”

Heras provides in this text an agreement that he will ensure the attendance of Aurelius Plotinus at the court of a local level police official, the overseer of the public peace. These bonds indirectly reveal part of the prison and bail system undertaken within localities during the earlier Roman period. In the cases in which bail could not be granted by guarantors one may suggest that these individuals remained within public prisons until the time of their trial, including those prisoners who were to be seen before the prefect, as displayed by an official letter, recorded in *P.Mich.Inv.5299a* (A.D. 215-216),

“To Aurelius Julius Isidorus, *strategos* of the Arsinoite nome, Heracleides division, from Aurelius Pasion *komogrammateus* of Philadelphia. For the delivery of prisoners being sent to Alexandria to the most illustrious prefect Aurelius Septimius Heraclitus I submit the persons written below, since they are men of property and qualified...”

Pasion, the *komogrammaetus* advises in this text his collation of the necessary individuals to be sent up to Alexandria. It is not clear for what exact purpose the men were being delivered, however we may suggest that the men were being sent up to serve a liturgy following a failing in their own area. Nevertheless, this reference reveals an interesting look into the process of the pre-trial administration.

The Court of the *Praeses*

The extension and further division of administrative areas in Roman Egypt during the late third and early fourth century extended the number of *praesides* operating within the province and remaining fourth century papyri do indicate that the *praeses* within the regional areas held judicial remit to try cases.⁴⁶² At least twelve of our remaining papyri recording court proceedings demonstrate the *praeses*

⁴⁶² Palme, 2014: 482-502.

judging cases, the earliest of these *P.Oxy.*41.2952 (A.D. 315) is a damaged portion of a bilingual protocol in which only the introduction of the *praeses* is surviving on the recto, with interspersed Greek words. The right-hand side of the text is unfortunately missing, hindering any reconstruction of the content of the trial itself.⁴⁶³ *P.Sakaon* 33 (A.D. 321) records a trial held before the *praeses* of Herculia. The trial brought by a group of village representatives from Theadelphia concerned the blocking of channels by other villagers of Andromachis further upstream,

“In the consulship of our lords Constantinus Augustus, consul for the 6th time, and Constantinus, the most illustrious Caesar, consul for the 1st time, on the 3rd day before the Nones of June, i.e. Payni 9th, in the city of the Arsinoites, at the court.

...Leontius said: “...from the village of Theadelphia in the Arsinoite nome, acting through Arion who is present here in court, prefer charges and subjoin... on account of the census. It is only he who is left, and two more with him since the village is utterly deserted, Their fields... now already in the past Alypius... a canal bringing water to the plain... and had caused a stone bed, what is called ‘a channel’, to be constructed, so that... the surplus of the water. But the inhabitants of the village of Andromachis...of the desolation... and ruin our clients; for not only their beasts carrying... dam up the channel and prevent the water from flowing on unrestrained, but they also...of the ancient custom which prescribes this. I beg, since he too... from flight..., that the persons who dammed up the mouth of the canal be forced to clear it up.”

The most eminent Quintus Ziper, *praeses* of Herculian Egypt, said: “The *praepositus* of the *pagus* and the district dyke inspectors will discover those who have blocked the place with dirt and immediately take stringent measures to force them to clear up the said place, so that the water may follow its habitual course.”

Leontios said: “Manos’ associates and his brother are situated on ground higher than ours and, although they possess but twenty *arourae* on the plain, are blocking up the channel and preventing the water from being sent on to us. Now inasmuch as..., it is only proper that they either allow us to have the water, in which case we gladly undertaken to discharge the dues of the twenty *arourae*, or else, if they insist on blocking the water, take over our land- and we cede it to them herewith.”

The most eminent Quintus Ziper, *praeses* of Herculian Egypt, said: “The *praepositus* of the *pagus* will see to it that they against whom this charge is preferred after having drawn sufficient water in proportion to the land they possess will send on the remaining water to your clients’ land, so that they too may be able to irrigate their own land.”⁴⁶⁴

In these proceedings it is clear that the regional *praeses* held the judicial remit to hold trials at regional level and also delegate the authority for case investigation to lower-level officials, such as the *praepositus pagi*, in this case. This transferral of ultimate authority marks a major change in the level

⁴⁶³ *P.Oxy.*51.3619 (A.D. 314-325) may also reflect an early example of the *praeses* operating within the judicial process, this text which records our only reference to the otherwise unknown region of Iovia records the introductory portions to the speech of the *praeses*, one Isidorus. Fragment 2 of the text records fragments of Greek text, however the content of the case is impossible to reconstruct.

⁴⁶⁴ Ast’s careful dissection of this document, in collaboration with *P.Sakaon* 33, proposes the title of Tziper not Iper for the *praeses* in this text and should be identified as such. Ast, 2001: 229-230; Hagedorn, 2001: 154; Sijpesteijn, 1995: 211.

of regional judicial remit from earlier centuries, in which regional officials, such as the *epistrategoi* held only delegated judicial authority granted by the prefect, whose sole authority reflected the final word on cases. Thus, the later division of the prefect's role into the *praesides* appears to have shifted this ultimate and most importantly final authority from the central administration in Alexandria (and the one prefectural court) to the regional administrative arena. This decentralisation of authority may have allowed petitioners a greater chance of arguing their case before the highest legal authority and furthermore, may have lessened the need for such expensive and time-consuming periods in Alexandria, thereby improving the accessibility of gaining justice.

In addition, the inclusion of the *praeses* court within regional areas may have lessened the need for the *conventus*, held previously by the prefect as a method of extending access to his court and dealing with local administrative matters.⁴⁶⁵ If one considers the inefficiencies of the prefectural court in Alexandria the logical resolution to these inefficiencies was argued to be the travelling of the prefect to assize centres, to deal with local judicial business.⁴⁶⁶ However, papyri which grant us an insight into the administration and judgements of the assizes reveal a disconcerting picture.⁴⁶⁷ Papyri suggest the same issues of the prefects' judicial examinations in Alexandria, mainly the inability of individuals to access judgement from the prefect himself.⁴⁶⁸ As noted previously, petitions to the prefect were consistently frequent. Under the assize system the levels of petitions to the prefect became augmented further.⁴⁶⁹ From *P.Oxy.17.2131* a filing number of 1,009 is presented, whilst *P.Yale.61* (A.D. 208) depicts a two day assize session in Arsinoe, where the prefect Subatianus Aquila received 1,804 petitions.⁴⁷⁰ These papyri clearly denote the large volumes of petitions apparent during the assize process. The causation behind this can be assessed as one of accessibility. We have already indicated how travelling to Alexandria (or the sending of a representative) was a time consuming and expensive business. Thus, the presence of the prefect within a closer, regional area granted individual petitioners accessibility to the prefect. Subsequently, the increase of petitions to the prefect during the assize season can be argued to have been a natural consequence.

Taking account for large numbers of petitions granted to the prefect both within Alexandria and within the assize process, it is not surprising that the prefect delegated a large number of cases to personal aides and *amici*. These petitions would contain a plethora of cases of moderate importance, retaining serious cases for his own attention. *P.Oxy.36.2754* (A.D. 111), provides an example of not only the issues concerning time constraints, but also the application of his *amici* in assisting the judicial administration of the assize,

⁴⁶⁵ Palme, 2014: 482-502.

⁴⁶⁶ The prefect remained within areas such as Arsinoe and Memphis for around three months. His activity was not only judicial, but he was also involved in reviewing the local administration and financial records for the past year, acting as an auditor for each region. Lewis, 1983: 190.

⁴⁶⁷ Burton, 1975: 92. Burton notes that the Latin term for the assize was "*conventus*", which could also designate the area in which the assize was located. Foti Talamanca, 1974: 180-187.

⁴⁶⁸ Burton, 1975: 99. Burton cites the traditional scholarly view that the Alexandrian courts were viewed as providing judicial assistance in the absence of the assize-sessions, revoking the inefficiencies of the assize system. However, we have already noted that the Alexandrian courts were as inefficient with dealing with judicial complaints. Therefore, we cannot assess the Alexandrian court as solving the issues of administrative inefficiency.

⁴⁶⁹ Lewis, 1983: 190.

⁴⁷⁰ Lewis, 1983: 190; Haensch, 1994: 487. Lewis estimates that Subatianus Aquila would have received around 700-750 petitions in a day. Therefore, it would be impossible for each of these cases to be dealt with effectively over the working day (conventionally a ten-hour period). The overwhelming number of petitions and the lack of time available to the prefect to deal with individual cases must be recognised as a failing of the administration.

“If the judges I assigned are responsible for the delay, I will keep them here till they dispose of their cases.”⁴⁷¹

The application of *amici* as judges throughout the assize process provides an alternative view of the judicial authority granted to individuals within Roman Egypt. The legal authority of the prefect himself naturally allows for a judicial ability, however the subject of whether judicial authority permeated into the power of other administrators has been long debated. The above source suggests that some judicial authority was applicable to individuals, though it must be made clear that this authority had been granted directly from the prefect himself. Therefore, one can argue that the prefect had the right to confer judicial powers onto individual judges, when necessary, to maintain the efficiency of judicial administration.⁴⁷²

The clear inefficiencies in the *conventus* system, coupled with those of the Alexandrian prefectural court may have been partially reduced by the creation of courts in regional areas following the creation of the *praeses*. However, it is essential to remark that in practice these courts essentially just replaced the earlier courts of the *epistrategoi*, whose judicial authority, whilst delegated appears to have been rather extensive and only a small number of highly serious or appeal cases seem to have been re-delegated up for the prefects’ attention. Nevertheless, these ‘more serious’ cases previously worthy of being forwarded to the Alexandrian court would have been intercepted by the *praeses* during the fourth century, in a sense removing a further layer of administrative involvement and keeping cases within the regional administrative framework.

The Iuridicus

The pressures placed upon the prefectural court in Alexandria are clear from the papyri previously discussed. However the papyri also reveal that part of these pressures were alleviated by the establishment of additional courts within the capital, designated to specialised higher-level officials, in which the official held judicial authority in his particular field of occupation.⁴⁷³ During the first three centuries of Roman rule officials such as the *archidikastes*, *idios logos* and the *iuridicus* held trials for cases in their fields, relieving pressure on the central court of the prefect. Fourth century papyri reveal that the latter of these officials, the *iuridicus*, continued to operate a court within Alexandria during the period. *P.Abinn.63* (13th November A.D. 350) is a report of a court proceeding, recording a trial held before the *iuridicus*, Flavius Gennadius in Alexandria,

“In the consulship of the most honourable Sergius and Nigrinianus, the Ides of November, Hathyr 17. In the presence of Horus, Nonna, and Dionysius;

⁴⁷¹ *P.Oxy.36.2754* (A.D. 111).

⁴⁷² *P.Oxy.36.2754* (A.D. 111) also presents us with an example the prefect Sulpicius Similis attempting to counter the inefficiencies of the *conventus* system. This papyrus notes plans made prior to a *conventus*, denoting that if individual petitioner cases are not tried at the *conventus* due to delays, the petitioners’ cases will be delegated to the *strategos*, whom is given the judicial capability to judge these individual cases. Therefore, we can assess that individual prefects were actively seeking to improve the *conventus* system. Furthermore, we can also view here the ability of the prefect to delegate and grant judicial powers to the *strategos*.

⁴⁷³ Lewis, 2000: 83.

Gennadius spoke: 'Speak on behalf of Eustorgion in accordance with a power of attorney given to Horus, and I will read you the power of attorney given by Eustorgion to Horus, which has been put on file among the minutes of transactions by power of attorney before your Sanctity.'

Flavius Gennadius, the most distinguished *iuridicus* of Alexandria, spoke: 'Read it'.

Gennadius spoke: 'I will read it' and he read as follows:

'In the consulship of the most honourable Sergius and Nigrinianus, 9th day of Phaophi, etc.' The advocate added: 'Such is the power of attorney. We request our opponent who is present in court either to withdraw from the share which belongs to my client, the fourth part of a courtyard, the half of the bread, the fourth part of the bounty and shop; or else to make restitution of these things to us; or else to pay the proper rental such as another would pay, [someone] making a survey, in connexion with the courtyard, of the bread-issue which our opponent has volunteered to give back.' Nonna spoke: 'To the portion of Eustorgion... to Didianus in accordance with the fourth part.' Flavius Gennadius, the most distinguished *iuridicus* of Alexandria, spoke: 'It follows that an Architect should make an examination on the spot and fix the amount of rental that Nonna owes to Eustorgion for the fourth part of the courtyard and the shop; and Nonna [should be required] to guarantee this to Horus, Eustorgion's mandatary, since Nonna came to these terms on these grounds in particular and promised if she occupied the premises to pay as much rent as another would pay. The officers of the court will attend to the execution.'

The continued judicial remit of the *iuridicus* is clear from the report of proceedings above, furthermore, the *iuridicus*' order to the defendant that an architect should be instructed to examine the courtyard and shop also indicates that he held the necessary remit to delegate orders for case examination to lower-level, local officials. An Oxyrhynchite report of proceedings, *P.Ryl.4.654* (A.D. 300-350) records part of a trial held before the *iuridicus*, Maximimianus,

"... Of the city of Oxyrhynchus, Apolinarius said: He is a linen weaver by craft, but is bound to be an advocate for a man fulfilling his trade. For he has with him as fellow worker Paul (present here in court), who is his pupil and has come to him to gain practice in his craft. You too, my master, as well aware that these men, by their own activity, are of no small usefulness to the public services. They contribute much to the anabolum, and you know all that has to be manufactured by them. but in this pressing need the builders take on themselves to regard these men only as idlers (?). The pass over the builder who benefits from their held, and are bent on doing a great wrong to a man who is a peaceful linen weaver. For they are tearing him away from the craft he has learned and wish to teach him another, the builders craft. He has to be guarded in his wife's house so that no violence may be done to him by the builders. He requests the *strategos* and *logistes* to attend to his case.

Maximimianus, *vir perfectissimus, iuridicus Aegypti*, said: 'The *strategos* and *logistes* will take case that in regards to these persons charges, if he has learned this craft and is actively engaged in this trade, he is not to be transferred to another.'

This extract supports the assertion that the *iuridicus* remained an active higher-level official within the fourth century judicial administration. Furthermore, again in this text we hear of the *iuridicus* delegating his authority to local level officials, in this case the *logistes* and the *strategos*. The continuation of such offices in the fourth century may be an indication of the continued importance of the judicial system in Alexandria, undermining the previously suggested theory that regional courts, under the *praeses*, became the main centre for judicial proceedings for those seeking justice from higher-level officials. A lack of further fourth century evidence surrounding such trials before the *iuridicus* limits our discussion on whether these courts held a continued importance throughout the century, however additional evidence revealing the operation of additional courts in Alexandria during the fourth century may support the theory that the higher-level Alexandrian courts remained essential to the judicial administration during the century.

The Catholicus

References to the judicial role of the *catholicus* are not recurrent throughout surviving fourth century papyri and no trials held before the *catholicus* have survived from antiquity. However, a surviving declaration of arrival in Alexandria of Ammon, the *scholasticus* of Panopolis is directed toward the *catholicus* in *P. Ammon* 1.6 (A.D. 348),

“To Flavius Sisinnius, *catholicus*, *vir perfectissimus*, from Aurelius [Ammon] son of Petearbeschinis, advocate from Panopolis of the Thebaid. Whereas Eugeneios, imperial secretary (*memorarius*), and I, Ammon, (friends having come between us in Panopolis-Paniskos), former *iuridicus*, and Apollon the poet and another, Horion) have made a written agreement in common concerning slaves now in this splendid city Alexandria left behind by my brother Harpocraton, in this agreement in duplicate, for some unknown reason I was summoned to accept a fixed time such that within twenty days from the 27th of the preceding month Hathyr I was to be present in Alexandria in order that a final decision be imposed in the matter. But now after arriving here two days ago I did not meet the aforesaid Eugeneios and I have not been able to find him. For this reason, I bear witness publicly today, which is Choiak 13th, having arrived four days earlier than the appointed time (expires) and asking that this my certification be deposited in security until that person arrives, in order that it may not be possible for him to proffer an excuse. I ask that the facts set forth by me be referred to your greatness, my lord, through the public notary on this day. In the consulship of Flavius Philippus the *clarissimus* prefect of the Sacred Praetorium and Flavius Salia the *clarissimus magister equitum*, Choiak 13. I Aurelius Ammon, have set forth (this affidavit) as above.”

It is clear from this declaration that Ammon’s trial was to be held before the *catholicus*, thereby confirming that by at least the mid fourth century the court of the *catholicus* was active within Alexandria. One may suggest that such a court was similar to that previously held by earlier officials concerned with financial administration, such as the *Idios logos*. Earlier Roman papyri recount the role of the *Idios Logos* as recurrently responsible for trying cases concerning financial matters.⁴⁷⁴

⁴⁷⁴ Lewis, 1995b: 56-64.

The judicial remit of the *catholicus* was not limited only to Alexandria, in fact *P.Cair.Isid.69* (A.D. 310) suggests that the *catholicus* may have also been involved in a form of *conventus*, similar to that held by the prefect.⁴⁷⁵ This papyrus, a petition sent by Aurelius Isidorus to the *strategos*, references the visit of the *catholicus*,

“To Aurelius Chrestus, *strategos* of the Arsinoite *nome*, from Aurelius Isidorus, son of Ptolemaeus, of the village of Karanis in the same *nome*....Actos has done this not to benefit the collection of taxes, but to oust me from my property, contrary to the imperial laws, since he has entertained no fear of my lord the most eminent Sossianus Hierocles (the prefect) nor of my lord the most eminent *catholicus* Aurelius Sarapion, in spite of the fact that the latter is now visiting the *nome*....”⁴⁷⁶

From this source, it is clear that the *catholicus* was visiting the Arsinoite *nome* prior to A.D. 310 and may have been handling petitions. One would suggest that these visits must have been more widespread, as it would be unrealistic to imply that the *catholicus* would travel to individual *nomes* experiencing issues. Even in *P.Panop.Beatty.2.II.61-63* (A.D. 300), in which the *catholicus* becomes re-involved in the mismanagement of the collection of taxes, by local administrators in Panopolis, he does not physically visit the *nome*. Instead, he delegates responsibility to the regional *procurator* and the local *strategos*.⁴⁷⁷ Overall, we could argue that the *catholicus* did conduct a form of *conventus*, to deal with local level financial and legal issues.⁴⁷⁸

These visits to local areas assert that higher-level officials did have a level of interaction with local communities, being partially accessible. This personal interaction may not have always solved local disputes concerning financial administration. However, this level of accessibility cannot be underplayed as one could suggest that the ability of local officials, such as Isidorus, to access higher-level administrators may reflect a deliberate action of the Roman central government, who were granting local individuals the opportunity to raise issues of local maladministration and corruption, issues which otherwise may have gone unnoticed. Thus, the existence of a *conventus* style visit from the *catholicus* or prefect may have reflected another method available for Aurelius Isidorus to gain access to and assistance from the higher-level administration in dealing with local disputes. In all one can conclude

⁴⁷⁵ It has been previously noted that the *catholicus* reappears in the papyrological record by A.D. 286 in *P.Oxy* 10.1260. In contrast to the purely financial role held by the *procurator neaspoleos*, the predecessor of the *catholicus*, the augmented role of the *catholicus* involved extended activity in the civil sphere, leading him to deal with litigation and local level financial disputes as is clear from *BGU.7.1578* (Third century A.D). Sharp, 1998: 266-267.

⁴⁷⁶ *P.Cair.Isid.69* (A.D. 310). Isidorus here alludes to the fact that “Actos”, seemingly a local tax-farmer, did not enact this action to “benefit the collection of taxes”, one could suggest that Isidorus references this poor administrative conduct to further his authority, in his appeal to higher level administrators.

⁴⁷⁷ The *catholicus* is clearly involved in the continued management of local financial administration as he received monthly accounts from individual *nome* regions. See *P.Panop.Beatty.1.II.64-71* (A.D. 298).

⁴⁷⁸ This suggests that the *catholicus*' authority may have been close to that of the prefect, supporting the views of Lallemand. Furthermore, evidence suggests that the earlier official the *epistrategos* undertook visits in his region, which resembled closely the *conventus* visits of the prefect. *P.IFAO* 3.29 (A.D. 250-299) reflects an order of the local *prytanis* to collect goods (in this case ten *minai* of liver) for the forthcoming visit of the *epistrategos*. Additional papyrological evidence also attests to preparations for these visits, thus I would argue that it is reasonable to suggest that the *catholicus* may have operated a similar system of *conventus* following the dissolution of the *epistrategoi* in regional areas.

that the clear accessibility to the prefect and *catholicus* through petitioning and *conventus* systems granted petitioners an additional method for interaction with the judicial administration.

Military official's court (*Dux Aegypti*)

The final Alexandrian court referenced within the surviving fourth century papyri is that of the *dux Aegypti* the highest military official within the province. The court was, in theory, for the use of legal cases of soldiers, however an earlier fourth century oath of attendance suggests that civil cases may have also been seen in the court of the *dux Aegypti*.⁴⁷⁹ This particular case *P.Kell.1.24* (A.D. 325) is unfortunately too damaged for a full translation to be produced, however the text appears to have been sent by a group of residents of Kellis. The preservation of the middle section of the first line reveals that a declaration was directed toward the office of the *dux Aegypti*. This declaration therefore reflects that the group of villagers were to be seen within the court of the *dux Aegypti*, in Alexandria. Fragments of lines 2-4 appear to suggest that the case had been presented due to the actions of one Hatres, the nature of his crimes are not clear and the villagers do not reference whether this individual was a soldier.⁴⁸⁰

This declaration raises further questions surrounding the judicial ability of military officials in civil cases. It was emphasised in the earlier discussion that during the fourth century imperial and prefectural edicts sought to undermine the involvement of soldiers and military officials within civil cases. This declaration suggests further that military officials, even at the highest level of the administration, were actively involved in hearing cases and providing judicial oversight on such matters. The only existing papyrus recording extant proceedings before the *dux Aegypti* is recorded in a later fourth century papyrus *P.Oxy.63.4381* (3rd August A.D. 375). The trial was held in the court of the *dux Aegypti* in Alexandria; however this text was found within Oxyrhynchus and clearly represents a copy of the original trial from the original notes,

“After the consulship of our master Gratian, perpetual Augustus, for the third time, and of Equitius, *vir clarissimus*, comes, on the third day before the nones of Augustus, at Alexandria, in the secretarium.

Spoken from the officium: “Having in our hands a petition in the form which Pelion, *ducenarius*, submitted to your Highness in public, we shall recite it, if you so command.

Flavius Macuricius, *vir clarissimus*, comes of the first rank, and *dux*, said: “Let it be read and entered in the records.

Recited from the officium: “From Flavius Pelion, *ducenarius*, and Flavius Gunthus, (*centenarius* or *circitor*?) of the *numerus* of Mauri Scutarii stationed in Lycopolis under Paulus, *praepositus*. It is your Highness's custom to help all people lord *dux*, but especially us soldiers, who are staying on even after our term of service. Our case then is of this kind. Certain persons, violent and audacious and disregarding the laws, while we were occupied with military service, have inflicted violence of no ordinary kind on our people in Oxyrhynchus. For although we

⁴⁷⁹ Palme, 2014: 484-500; Whitehorne, 2004 remarks on the continued dependence on the military for local level policing during the earlier period of Roman rule, remarking that at least 50 petitions record such interaction.

⁴⁸⁰ Alston, 2002: 107; Hussein and Wagner, 1994: 109.

possess no vineyards (?) or (arable?) lands or indeed camels, they were powerful enough, while we were absent, as I (sic) said before, to practice extortion on those who belong to us in respect of the gold and silver trade levy, which we have never had exacted from us on this pretext. We do possess, certainly, a property in the aforesaid city there in the shape of a camel stable which we hold for our own use. Since, therefore, we are taking care that those who belong to us may not suffer the same thing again from those to whom the exaction is entrusted, we flee for refuge to your Highness, requesting and beseeching that you condescend to give orders to restrain for the future, through the attention of Crescentio, who has been placed in charge of the peace, and of Theodulus, *curialis* of the same city, those who conduct the administration of the same gold and silver trade levy from the unreasonable exaction which they are imposing on our people, in order that we may be able to carry out our military services without blame, so that, when we secure this, we may be able to acknowledge our very great thanks to your glorious fortune, lord dux.

Flavius Mauricius, *vir clarissimus*, comes of the first rank, and dux, said, “if no... possessions... silver...”

Whilst it is unfortunate that the judgment of the *dux Aegypti* is not preserved within the text, the document still reveals essential information regarding the judicial remit of the *dux Aegypti* during the later fourth century A.D. The comment, recorded in the main case narrative, “It is your Highness’s custom to help all people lord dux but especially us soldiers...” again may suggest that the judicial remit of the *dux Aegypti*, even in the later fourth century, was not limited only to serving military individuals or veterans. Of course, laws forbidding such involvement of military officials within civil cases were re-established during the later fourth century, however in practice some cases may have still been dealt with by these courts on occasion. One may suggest that during busier periods that other higher-level administrators may have delegated some of their cases to the *dux Aegypti*, purely to alleviate the strain on their office and turning a blind-eye to the regulations. Whilst there is no direct evidence to support such a claim of delegated judicial authority, it may have occasionally been needed to alleviate such strains on the wider judicial administration.

An additional report, this time recording proceedings of the *boulé* (presumably in Oxyrhynchus) is preserved in *P.Oxy.* 8.1103 (A.D. 360). This report records a meeting concerning the raising of tax levies for the military and a dispute concerning the payment of such taxes,

“The year after the consulship of Flavius Eusebius and Flavius Hypatius the most illustrious, Mecheir 17. At the meeting of the senate, the *prytanis* being Asclepiades son of Achilleus, *ex-gymnasiarch* and senator, Eutrygius, *ex logistes*, said: His highness my lord the most illustrious dux, Flavius Artemius, having auspiciously made a visit here, we advised his excellency that the new levies raised by us for military service had falsely represented themselves as not having received the sum agreed upon with them, and that we had previously paid them not only the amount fixed upon by the treasury but a further consideration; and his highness accepted [this statement].”

The officials comment that the *dux Aegypti*, Flavius Aretmius, had personally visited the locality, presumably to check upon the collection of such levies and inspect such administration. This comment bears similarity to the tours taken by additional higher-level officials, discussed previously, such as the prefect, *epistrategos* and the *catholicus*. This indicates that higher-level officials, during the fourth

century were actively visiting local areas, on tours, to inspect administrative functions and presumably audit the actions of local administrators. Whilst this text and others do not comment upon any judicial activities undertaken on these tours, it would be remiss to not suggest that some local cases could have been examined or dealt with during these visits.

Court proceedings in the municipal administration: The role of the *logistes*

From A.D. 325 onwards the most recurrent local judicial administrator in the court proceedings is the *logistes*. In our previous discussion of this official, we have established that his legal remit was wide ranging, from answering petitions, both delegated and directed towards his office, arranging for the investigation of cases and finally for the dissemination of regulations within his local remit. At least 5 trials before the *logistes* can be clearly identified from the fourth century and it is highly likely that many more trials were held before the *logistes* but are unfortunately lost to us. Our date range for cases held before the *logistes* is unfortunate with our latest text, *P.Oxy.60.4077* (A.D. 325-337), therefore our discussion regarding the judicial remit of the *logistes* is substantially limited. However, even our latest document does reveal some familiar and interesting instances of delegated authority. For instance, an early trial held before the *logistes* of Oxyrhynchus is recorded in *P.Oxy.54.3759* (2nd October A.D. 325), the report records that the petitioner, Chaeremon had petitioned the prefect following the ignorance of the *praepositus pagi*. The prefect had further delegated the case to the *logistes* to be dealt with in the locality,

“Year 20, 10 and 2, Phaophi 5. In the temple of Kore. In the presence of Dionysodorus, assistant, and Phantias, assessor, Poemenius, advocate, said, “[Chae?]remon of this locality petitions. I have not come [trying?] to contrive a hearing-do not think this”, and while he continued speaking, Ischyron, advocate, said, ‘I object. Let him say against whom he speaks.

Poemenius, advocate, said, “My lord the prefect of Egypt Flavius Magnus, *vir perfectissimus*, in response to minutes made independently at the *strategos* office gave you as our helper. Communications had passed from the *praepositus* to the village officials concerning the transference of possession. They paid no attention to this, and we petitioned before my lord the prefect and we obtained you...as a helper and we request that possession... be transferred.”

The *logistes* said, “What did my master the prefect of Egypt Flavius Magnus, *vir perfectissimus*, ordain?”

And there was read as follows: “The *logistes* is to put into effect what has been decided in accordance with the law’: therefore assent to the reading of the minutes, from which... more completely that nothing else remains for me except to be installed in possession of the sites, inasmuch as on the appointed day the defendants did not appear; not having come to the court on the appointed day, they were given a decision and have been decreed out of time in accordance with the laws.

The *logistes* said, “Let him say against home he speaks.” Poemenius, advocate, said, “He petitioned against Harachthes and Eudaemon and Phibis and those with them.”

Ischyriion, advocate, said, “I call you to witness that he petitioned against certain persons before my lord the prefect and it is against different persons that he now brings a case. This will be the evidence for my objection.”

The *logistes* said: Read out the actual communication, which you sent to your adversary.” And it was read: after the reading, Ischyriion, advocate, said, “I gave notice of my objection. After petitioning my lord the prefect regarding certain persons, he is now bringing a case in respect of different persons. So, I gave notice of my objection which is admirable and absolutely within the law; thus in no way can my adversary made the case tenable.”

While he was continuing to speak, Poemenius, advocate, said, “I call his own words to witness, that the case is untenable; so that I ow request to be assigned possession of the sites.”

The *logistes* said, “Since the hour of *vespera* has passed, there shall be no prejudgments, the appointed day not yet having arrived. Since some part of the coming sacred Lord’s Day has supervened, the case will be deferred till (the day?) after the Lord’s Day, until both parties shall be here for judgment. But If anyone is absent, I shall give such decision as occurs to my humble self.”

“(Back) ‘Minutes for the month of Phaophi, (year) 20, 10 and 2, before Leucasius, *logistes*.’”

This text clearly reflects the continued delegation of trials and subsequent delegated judicial authority of the prefect to local administrators, such as the *logistes*. Furthermore, the judgement of the *logistes* is clearly binding in this case as even in cases of an absence of the defendant the *logistes* states that he can form a decision *in absentia* based on his own authority. Additional papyri also reveal the independent judicial authority of the *logistes*, such as *P.Harris* 1.160 (A.D. 329-331),

“At the temple of Hadrian. There being present together...Tithoes and Sarapas, assistants and Gerontius (?)... on behalf of Heracleides from those there... through the monthly-presidents Nemesi- and x... headman, and Germanus (?)... those on the other side. The goodness of my lord catholicus has forbidden the new action against him. I will read the decision.’

..., advocate, said, ‘I object.’

The *logistes* said, ‘read the decision of the *catholicus*, the most eminent.’

And there was read out part of a decision, as follows: ‘Antonius, *vir perfectissimus, catholicus*, said, ‘The *logistes* is to see that no new action is taken against the person named below (?).’ After the reading Macrobius, advocate said, ‘I support the objection. I set out the manner of the objection. I should prefer you not even to allow the other side to speak. But I...his interference...the judgments already made...’

This extract from the report reveals that the delegations of cases to the *logistes* did not only pertain from the office of the prefect or *praeses*. In this case the *catholicus* had previously published a judgement on the case, further ordering the *logistes* to halt any further proceedings against the defendant, whose name is lost. This clear indication supports the theory that local level officials, such as the *logistes* reflected the wishes and authority of higher-level officials, such as the *catholicus* within local communities.

Whilst this element does not reflect a new factor in the role of the most eminent local officials, it does highlight that the *logistes* clearly took up the previous judicial role of the *strategos* within these communities, developing into the main judicial authority in the municipalities.

Bail documents also reveal that pre-trial work was undertaken by the *logistes*. *P.Harris*.1. 65 (A.D. 342) records an oath of a petitioner, sent to the *logistes* of Oxyrhynchus, securing his future attendance at the court of the *praeses augustamnica*,

“In the consulship of our masters Constantius the third time and Constans the second, the Augusti, Pachon the 10th. To Flavius Dionysarius, *logistes* of the Oxyrhynchite nome, from Aurelius Heras, son of Agathodaemon, his mother being Arilla, of the said city. I declare, swearing the hallowed divine oath of our masters the Augusti, that willingly and of my own accord I stand surety for Aurelius Plotinus, son of Plotinus, of the same city..., whose son, Aurelius Dionysius, was sent to the prefectural court of my lord the most excellent governor of Augustamnica, Flavius Julius Ausonius, for judgment, to answer the charges against him... And if I do not produce him before the overseer of the public peace (on the appropriate date) I will (forfeit...) under pain of being liable to the consequences of the oath and the penalty involved.

(2nd hand) I have sworn the divine oath, standing surety for Plotinus. I, Aurelius Olympius, wrote on his behalf, he being illiterate.”

This declaration of attendance is our only remaining fourth century instance of a petitioner sending his declaration directly to the *logistes*. From our previous discussion it was concluded that the *strategos* held an essential role in the collation of such documents, before trials. Subsequently, the existence of the above declaration may suggest that the *logistes* also replaced the role of the *strategos* in collating pre-trial information. Furthermore, in the previous chapter we concluded that, during the fourth century, the *logistes* became the ultimate local authority for pre-trial investigatory duties and as such an extension of his role to include the collation of pre-trial declarations seems reasonable.

The wide-ranging role of the *logistes* within the judicial administration (in addition to his role in the general local administrative framework) and the continued delegation to his office, of cases or the implementation of judgements does suggest that a level of decentralisation was active during the fourth century. However, the evidence does not provide any indication that an increase in the level of devolution was apparent than that held by the *strategos* during the earlier Roman period.

Chapter 6: Conclusion

In chapter six, the evidence has demonstrated that during the fourth century, petitioners continued to have access to the prefectural court in Alexandria, regional courts managed by the *praeses* and lower-level courts, typically held by the *logistes*. The papyri evidenced that the *praeses* and municipal officials held the remit to levy enforceable judgements and these judgements would have contributed to the wider

corpus of precedent. Senior specialist officials, such as the *catholicus, iuridicus* and the *dux Aegypti* also held proceedings relating to their specialism. The delegation of cases to alternative officials may have reduced the pressure on the prefectural court, which continued to experience heavy caseloads into the fourth century.

Whilst petitioners had access to the prefectural court, the outlays related to attending a trial, such as the costs to stay within the capital and the time away from their daily business and livelihood presented a barrier to many petitioners. Therefore, many citizens may have preferred to attend local courts to present their dispute, suggesting that the delegation of cases to municipal officials often represented a better outcome for a petitioner. Furthermore, one must also recognise these barriers as a factor that encouraged disputing parties to reach settlements via negotiation or mediation with informal mediators from their immediate community, supporting the previous conclusions of this thesis that it was in the interest of petitioners to form informal settlements outside of the formal judicial structures.

The case of Copres, the Christian petitioner, presents an interesting view into additional barriers that may have been faced by segments of the population in their pursuit of justice. Whilst Copres identified a method for circumventing the law and his need to perform a sacrifice in the court, the fact that this regulation would have excluded other Christians from partaking in the judicial process may have led to this segment of the population engaging more readily with extra-legal dispute resolution methods rather than the formal adjudicatory methods. Whilst this exclusion wouldn't have been active as tolerance of Christianity was augmented, a focused study on trial proceedings and Christian petitioners could provide an interesting view of whether these exclusionary practices impacted engagement with the judicial system.

Whilst court proceedings provide affirmative evidence for the administration to see through cases and provide enforceable judgements, I have demonstrated in the previous chapters that judgements could be flatly ignored by defendants. Alternatively, in other cases, defendants could comply with rulings for a period of time and then reoffend in the future against the petitioner. In certain cases, like Sakaon where members of a community are repeat offenders and seem ignorant to the rulings of judges, the value and effectiveness of the judicial process is brought into question. If one considers the inefficiencies of the judicial system in tandem with the inability of officials to obtain compliance following judicial rulings, then it is unsurprising that citizens sought informal methods of dispute resolution or engaged with extra-legal settlements, negotiation or even mediation to achieve some semblance of justice and resolution for their dispute.

Chapter 7:

Conclusion

The purpose of this thesis has been to extend the scope of our understanding of the legal system into the fourth century, utilising the papyrological documentation from the century to assess how petitioners accessed the legal frameworks and their outcomes. This investigation has explored if petitioners faced the same barriers of the earlier Roman period and whether the administration was effective in handling cases. Furthermore, this thesis has provided a greater holistic approach to the stages of the petitioner's journey, considering how the legal processes shaped the creation of new laws and the approaches of the administration to achieve compliance from the populace.

Chapter two demonstrated that the imperial administration created legislation to undermine specific practices and maintain control within the provinces. The petition and response system provided the imperial administration with clear information to identify where new regulation was required while providing opportunities for existing legislation to be modified, republished and reaffirmed within the provinces. The role of the prefect as both the communicator and creator of imperial legislation was defined. Whilst the evidence also provided a clear view of the alternative higher-level administrators, such as the *catholicus* who may have had held the ability to create their own regulations for publication throughout the province. This delegation of authority to a more specialised official represented a pragmatic decision made by the imperial administration to divide workloads effectively, whilst also allowing those officials to undermine illegal practices in the province that impacted their roles.

Many petitions from our corpus reveal that the rulings of higher-level administrators remained valid following their publication and the end of their tenure and the papyri reveal petitioners referring to prefectural and imperial laws, to justify their complaint. Whilst these references do not provide specific examples the general knowledge of laws suggests that individuals were aware of the high-level concepts of which regulations impacted their day-to-day environments.

Whilst the creation of laws appears to have been a straightforward process for officials, obtaining compliance from the populace was far more challenging and, in many cases, seemingly impossible. In the case of illegal requisitioning and vexatious petitioning, the papyri demonstrate repeated publications of edicts, both imperial and prefectural. This continued republication is indicative of a breakdown in long term compliance with these regulations. However, we must recognise that there may have been a period of compliance between the republished edicts; unfortunately, our evidence cannot quantify these periods. Nevertheless, the wider evidence does indicate that the creation of laws was not sufficient in isolation to achieve successful compliance. The evidence does not indicate that administration followed through with enforcing many of these regulations and therefore the reduction of compliance from the population over time is of no surprise.

Chapter three presented three cases which demonstrated that petitioners utilised a range of methods to obtain resolutions for their disputes. In the case of Aurelius Isidorus and the brother's Castor and Ammonianus, Isidorus appears to have engaged with the legal administration to obtain an enforceable judgement which he then utilised as a mechanism to encourage the brothers to the negotiating table.

This clever utilisation of the formal process to serve his needs and form further agreements with the brothers reflects that the seven stages of dispute resolution should not be interpreted as set in stone. Instead, observers who utilise the valuable archival evidence which reveals separate steps taken in these cases should seek to dissect and present the different mechanisms taken by petitioners.

In the case of Aurelius Isidorus and land trespass disputes, the evidence does not indicate that Isidorus utilised the legal framework to stimulate negotiations with the shepherds and farmers. This different approach may reflect the different relationships between Isidorus and the shepherds. As they were often designated as outsiders and not part of the social networks within the village, there was less of an incentive for Isidorus to settle the matter, especially as the conflict was recurrent and seemingly no compensation had been received for the damaged crops previously. The conflict culminated in violence between the farmer and Isidorus, namely when Isidorus tried to physically return the cow to Pamounis and Harpalos, representing a further breakdown in the dispute resolution process. This threat of violence or existing tension between villagers may have resulted in petitioners, such as Isidorus seeking to utilise adjudication to protect themselves whilst seeking to resolve a dispute.

Disputes over water access recorded in the Sakaon archive also demonstrate that in some cases alternative dispute resolution methods were not adequate. In this case several inhabitants from villages closer to the main water source had blocked the channels feeding water into Theadelphia, leading to a scarcity of water to adequately irrigate crops. These pressures resulted in several desertions from the village, subsequently placing increased economic pressure on the remaining villagers. Considering that adequate water supply was crucial to the survival of these agricultural communities, it is reasonable to conclude that Sakaon and the three other villagers may have faced physical violence if they attempted to remove the obstructions or negotiate with those from the offending villages. Therefore, this engagement with adjudication and lack of reference to extra-legal resolutions is unsurprising.

The difference in approach taken by Isidorus in the initial case conceivably reflects the disparate nature of the dispute, as financial disputes between neighbours or those of a similar social standing could be resolved via settlements and reformed agreements. In contrast, cases involving “outsiders” who may have been less receptive to negotiation or mediation processes represented cases where adjudication via formal authorities was more likely to occur. Whilst these cases provide good examples of the pragmatic approaches taken by these petitioners to resolve their disputes, a wider study investigating the dispute resolutions mechanisms taken by petitioners and whether their approach differed between their immediate and non-immediate social networks would provide a beneficial study for understanding how petitioners approached their disputes.

These cases demonstrate the recurrent challenge of obtaining compliance from accused parties following judgements, supporting our discussion in chapter two. In all these cases, the petitioners had presented their disputes to local legal administrators on several occasions. However the judgements levied upon the defendants were either ignored or adhered to for some time and later flouted to meet the accused own needs. When the resolution failed these petitioners sought the intervention of the *praeses* and prefect, hoping their influence and authority would force their opponents to comply with rulings. However, the escalation of these cases had a limited outcome, resulting in cases being delegated back to lower-level officials. This delegated authority did not, in these cases, lead to successful outcomes for petitioners, with disputes seemingly rumbling on for extended periods. In the case of Isidorus he sought to physically intervene, which led to physical conflict with the farmers. This escalation was, in some cases, unavoidable as one must recognise the physical challenges for the Roman administration to obtain compliance for certain types of dispute. For instance, the blocking of water channels by villagers was an activity that could and seems to have been successfully undermined in the

short term after a dispute was raised and investigated. However, over time compliance with rulings reduced and it's sensible to conclude that when renewed economic and environmental challenges were encountered by other villages, then this would have encouraged citizens to engage in illegal practices, such as the blocking of water channels. This fight for resources ultimately led to increased disputes between villages and in time, the total desertion of many village sites.

Chapter four has demonstrated that citizens chose to engage with alternative methods of dispute resolution and, in many cases, engaged with influential local elites or figures of authority in a bid to resolve the conflict before utilising formal adjudication. Papyri relating to abduction marriage, present an interesting example of how individuals chose to engage with extra-legal remedies for resolving disputes, in this case via negotiation, formalised via a marriage contract. One must recognise that in these cases, the options for litigation were limited. Following the publication of Constantine's ruling, any case raised to the authorities would have resulted in serious repercussions for the abductee and her family, with the loss of her right to inheritance. This legal consequence, coupled with the social stigma of the abduction and perceived loss of virginity, would have undermined any chance of marriage for the abductee. Therefore, it is no surprise that families sought to negotiate quickly with the abductor and his family to reach a formal agreement. Constantine's law, whilst seeking to undermine cases of both real and mock bridal abduction, may have led to a reduction of cases reported to officials by victims, further pushing negotiations into the extra-legal sphere and undermining the evidence of cases in the papyri.

Some of the only remaining evidence alluding to instances of abduction marriage are recorded in requests for formal adjudication in cases relating to marital disputes. As demonstrated, the petitioner will in relevant cases, cite their marriage as initiated via abduction as part of their wider narrative of mistreatment, squandering of dowries or infidelity. As demonstrated, some accounts of marital discord reference engagement with two different dispute resolution mechanisms, such as negotiations. often facilitated by families or associates of the couple. Alternatively, parties employed methods of mediation, utilising members of the local religious communities. These negotiations may have been twofold in nature; firstly, the mediator may have engaged with the less agreeable party to encourage them to reconsider the marriage and form a workable agreement. Secondly, the mediator in these cases has facilitated the discussions between both parties, to reach an agreement that would have been formally documented. Whilst it is impossible to measure how frequently these extra-legal processes occurred and the long-term outcomes for parties the petitions cited in this chapter represent cases where agreements failed, resulting in one of the couples seeking to engage with the formal adjudication process to obtain their ideal resolution. These cases strongly support Hobson's theory that formal adjudication represented the final resort for many petitioners, following engagement with extra-legal resolution methods, such as negotiation.

This evidence has revealed the growing importance of religious figures within the social networks of communities during the fourth century. This archive of Apa Iohannes further supports this notion and supplements our discussion as the letters present the direct appeals for assistance to the anchorite. Private letters addressed to Apa Iohannes contain requests relating to a wide range of complaints, from the appeal of the widow Leuchis, seeking to evict a group of female tenants, to a request for the anchorite to intervene with an overzealous tax collector. These letters demonstrate that local citizens viewed Abinnaeus as holding the informal authority to intervene on their behalf, negotiating on their behalf and undermining the need for the addressee to engage with the formal adjudicative system. Iohannes's supposed identity as the famous John of Lycopolis may have intensified his appeal to those seeking for intervention from an influential local authority. However, our discussion regarding marital disputes reveal that it was not only the most influential religious figures who appear to have mediated disputes,

therefore one must recognise that these letters to Iohannes were most likely indicative of a wider growth in the utilisation of the clergy to mediate in local disputes, because of their augmented social standing.

Chapter four also demonstrated that military officials represented a suitable outlet for grievances during the fourth century. In the case of the Abinnaeus archive we are presented with an interesting mix of formal petitions, from a mix of soldiers, veterans, and villagers of Hermopolis, but also private letters with requests for intervention in cases. The petitions from the archive provide a pejorative view of the interactions between officials, their families, and soldiers within the social networks in the Hermopolite. The petitions demonstrate instances of collusion, leading to a wave of criminal activity in 346 A.D. The petitioners who approached Abinnaeus did so to obtain his intervention and in the hope that he would utilise his subordinates to capture the offenders and end the violence. However, the letter of Chaeremon, the president of the *boulé*, suggests that the petitions of these villagers had been ignored by Abinnaeus, maybe due to the involvement of some of his subordinates in the spree. The ongoing nature of the assaults on villagers and the subsequent petitions supports the assertion that little action was taken to capture the perpetrators and restore stability to the area.

The private letters within the archive demonstrate that Abinnaeus and other military personnel were not purely intervening in formal requests for adjudication. The writers of these letters appeal to Abinnaeus to take a range of actions, from physically locating and detaining a perpetrator of an assault to intervening with an overzealous tax collector. In the case of physical assault, it is reasonable to assume that soldiers represented a natural receiver of such requests, as citizens recognised their remit to often assist with the recovery of fugitives. However, the letter from Hatres which describes the violence perpetrated by a local tax collector and the risk of *anachoresis* by several villagers represents a very different request for intervention. This report could have been communicated to Abinnaeus via a petition and the choice taken by Hatres, on behalf of himself and other villagers, suggests that he was seeking for Abinnaeus to informally mediate on the matter with the accused party. These texts, whilst rarer in the archive of Abinnaeus, present similarities to those preserved in the archive of Apa Iohannes and could demonstrate that influential local military officials, such as Abinnaeus, were approached via private letters by individuals seeking their intervention as part of negotiations between disputing parties.

In chapter five it was demonstrated that following a formal request for adjudication the administration was expected to investigate cases and, if required detain defendants involved in cases with aggravating factors. The investigation of the summons document demonstrated that during the fourth century the remit for issuing these orders often lay with municipal officials, in line with the wider administration changes of the century. Furthermore, the papyri indicate that the physical locating and detainment of fugitives was delegated to policing officials, such as the *ἐπὶ τῆς εἰρήνης*.

However, the evidence indicates that the remit for policing was extended to a wider range of liturgical roles during the fourth century. Surprisingly these tasks began to be delegated to roles such as the *kephalaiotes* and *tesserarius*, roles that traditionally held no judicial or policing competence. This diversification is indicative of the wider pressures placed on smaller village communities during the fourth century, echoing many of the fourth century accounts in which petitioners describe augmented levels of *anachoresis* in village sites, which left remaining citizens to absorb the administrative burden.

Similarly, the collection of evidence to support cases was also delegated to assistants of municipal officials, who were tasked with the duty of providing written confirmation of damages to property and obtaining further supporting evidence. The papyri also reveal the interesting focus by the administration on the provision of specialist evidence, demonstrating a sophisticated approach to the assessment of cases and application of judgements. The reference to the acquiring of evidence by petitioners demonstrates that they were acutely aware of the value of documentary evidence and the specialist

opinions which could underpin their claims. Considering the bureaucratic nature of Roman Egypt this focus is predictable.

In chapter six we argued that the evidence demonstrates that during the fourth century, petitioners continued to have access to the prefectural court in Alexandria, regional courts managed by the *praeses* and lower-level courts, typically held by the *logistes*. The papyri evidence that the *praeses* and municipal officials held the remit to levy enforceable judgements and these judgements would have contributed to the wider corpus of precedent. Senior specialist officials, such as the *catholicus*, *iuridicus* and the *dux Aegypti* held proceedings relating to their specialism. The delegation of cases to alternative officials reduced the pressure on the prefectural court, which seems to have continued to experience heavy caseloads into the fourth century.

Whilst petitioners had access to the prefectural court, the expenses related to attending a trial, such as the expenses to stay within the capital and the time away from their daily business, presented a barrier to many petitioners. Therefore, many petitioners may have preferred to attend local courts with their dispute, suggesting that the delegation of cases to municipal officials probably represented a better outcome for a petitioner. We must recognise these barriers as a factor that encouraged disputing parties to reach settlements via negotiation or mediation with informal mediators from their immediate community.

Whilst court proceedings provide affirmative evidence for the administration to see through cases and provide enforceable judgements, I have demonstrated in the previous chapters that judgements could be flatly ignored by defendants. Alternatively, in other cases, defendants could comply with rulings for a while and then reoffend in the future against the petitioner. In certain cases, like Sakaon where members of a community are repeat offenders and seem ignorant to the rulings of judges, the value and effectiveness of the judicial process is brought into question.

In all, this thesis has provided an overarching view into both the legal administrative process from the perspective of the petitioner and the administrators who managed various parts of the process. Whilst previous studies have discussed particular segments of the surviving evidence or the process, this thesis has tried to take a holistic approach, looking at a wide range of papyri from different geographical sites, across the entire fourth century and not focusing in on one topic.

The use of archival evidence to understand the mechanisms of dispute resolution has revealed that in many cases petitioners sought to utilise various methods for resolving their disputes. I would suggest that our evidence indicates that in some cases petitions and formal adjudication were not the last resort for petitioners, undermining the position of Hobson. Whilst Kelly's theory that in the main petitioners utilised petitions as a bargaining tool is also not applicable to all cases sampled in this thesis. As with any papyrological study scholars must be mindful to not assert one theory across the sampled evidence. Rather, in the case of the dispute resolution process, one size certainly did not fit all, and petitioners appear to have actively chosen which route they wished to advance, based upon the nature of the case and their own personal circumstances.

This thesis has also identified some key areas for future research. Firstly, a widespread study of the petitions and letters from the fourth-century archives in collaboration with the mapping of social networks may provide further evidence that particular social segments chose to avoid adjudication, instead seeking to utilise negotiation methods to resolve disputes. A study of this nature could also explore if the type of case played a role in the approach taken by petitioners, building upon the evidence from the Isidorus and Sakaon archives.

In addition, the case of Copres presents an interesting view into additional barriers that may have been faced by segments of the population in their pursuit of justice. Whilst Copres identified a method for circumventing his need to perform a sacrifice in the court, the fact that this regulation would have excluded other Christians from partaking in the judicial process may have led to these individuals engaging more with extra-legal dispute resolution methods rather than the formal adjudicatory methods. Whilst this exclusion wouldn't have been active as tolerance of Christianity was augmented, a focused study on petitions, private letters and trial proceedings of Christian petitioners could provide an interesting view of whether these exclusionary practices impacted engagement with the judicial system.

Finally, a study of this nature could also be replicated for the fifth-century evidence. Whilst the evidence is much slighter for the fifth century, a study into the legal administration may also provide key information relating to the interaction of petitioners during a time in which many village sites fell into decline and would be beneficial to the wider papyrological field.

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