

RECHT HABEN UND RECHT BEKOMMEN IM IMPERIUM ROMANUM

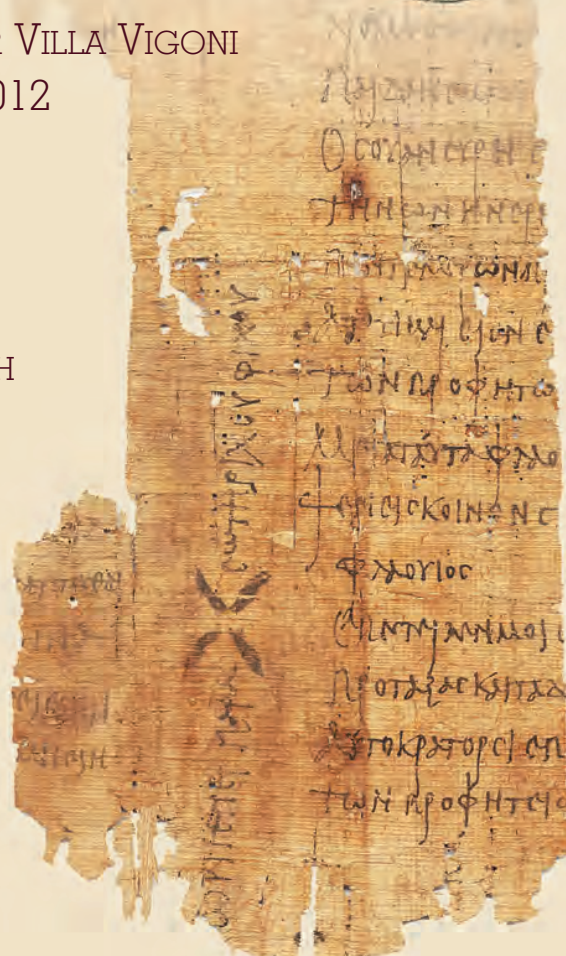
DAS GERICHTSWESEN DER RÖMISCHEN
KAISERZEIT UND SEINE
DOKUMENTARISCHE EVIDENZ

AUSGEWÄHLTE BEITRÄGE EINER SERIE VON
DREI KONFERENZEN AN DER VILLA VIGONI
IN DEN JAHREN 2010 BIS 2012

HERAUSGEGEBEN VON
RUDOLF HAENSCH

MIT UNTERSTÜTZUNG DURCH
FRÉDÉRIC HURLET
KATHARINA-LUISE LINK
SILVIA STRASSI
ANSGAR TEICHGRÄBER

WARSCHAU 2016



RECHT HABEN UND RECHT BEKOMMEN IM IMPERIUM ROMANUM

**DAS GERICHTSWESEN
DER RÖMISCHEN KAISERZEIT
UND SEINE DOKUMENTARISCHE EVIDENZ**

AUSGEWÄHLTE BEITRÄGE EINER SERIE
VON DREI KONFERENZEN AN DER VILLA VIGONI
IN DEN JAHREN 2010 BIS 2012

HERAUSGEGEBEN VON
RUDOLF HAENSCH

MIT UNTERSTÜTZUNG DURCH
FRÉDÉRIC HURLET
KATHARINA-LUISE LINK
SILVIA STRASSI
ANSGAR TEICHGRÄBER

WARSCHAU 2016

INHALTSVERZEICHNIS

Rudolf HAENSCH	
<i>Vorwort</i>	IX
 I. Zur Gerichtspraxis zentraler Institutionen der Hohen Kaiserzeit	
Frédéric HURLET	
<i>Les origines de la juridiction impériale:</i> <i>Imperator Caesar Augustus iudex</i>	5
Jean-Pierre CORIAT	
<i>L'empereur juge et son tribunal à la fin du Principat:</i> <i>Un essai de synthèse</i>	41
Frédéric HURLET	
<i>Entre juridiction civique et juridiction impériale:</i> <i>La sphère de compétences du proconsul.</i>	63
Andrea JÖRDENS	
<i>Die Strafgerichtsbarkeit des praefectus Aegypti</i>	89
Rudolf HAENSCH	
<i>Im Schatten Alexandrias: Der iuridicus Aegypti et Alexandreae</i>	165
Francesca LAMBERTI	
<i>La giurisdizione nei municipia dell'occidente romano</i> <i>e il cap. 84 della lex Irnitana</i>	183

Silvia STRASSI

Prassi giuridico-amministrativa nella χώρα egiziana:

Fra lex romana e diritto locale 213

Christopher J. FUHRMANN

How to kill a bishop:

Organs of Christian persecution in the third century 241

II. Zur Gerichtspraxis zentraler Institutionen der Spätantike

Katharina WOJCIECH

Die Gerichtsbarkeit des praefectus urbi über Senatoren unter Theoderich:

Verfahrensrechtliche Kontinuität und politischer Pragmatismus 265

Rudolf HAENSCH

Die Protokolle der Statthaltergerichte der spätantiken Provinzen Ägyptens . . 299

Sandra SCHEUBLE-REITER

Zur Rechtsprechung des curator rei publicae/λογιστής in Oxyrhynchos . . 325

Dominic MOREAU

The papal appeal court in the sixth century:

The example of the Roman Synod of 531 365

III. Strukturelle Fragen

Benjamin KELLY

Petitions with requests for registration from Roman Egypt 407

Bernhard PALME

Eingaben an Militärs im spätantiken Ägypten 457

Roberto MASCELLARI

La descrizione di atti criminosi e violazioni nei papiri:

ὑβρις, αἰκία, πλεγαί, βία 483

Claudia MOATTI

- Les erreurs de statut et l'idée de liberté dans l'espace judiciaire romain
impérial jusqu'au III^e siècle* 523

Alfons BÜRGE

- Typisches und Untypisches bei der Urteilsfindung* 561

Jean-Jacques AUBERT

- La validité des actes des débus
(Codex Theodosianus XV 14)* 581

Leanne BABLITZ

- Iconographic continuity in the scenes of Jesus' trial before Pilate* 597

IV. Neue Dokumente zur antiken Gerichtspraxis

Sandra SCHEUBLE-REITER

- Fragment mit dem Protokoll
einer Verhandlung vor dem Archiereus (?)* 621

Claudia KREUZSALER

- Säumnisladung und Säumnisfolgen:
Ein peremptorisches Edikt auf einem spätantiken Papyrus
(P. Vindob. G 14475)* 633

Denis FEISSEL

- Les breviatica de Kasai en Pamphylie:
Un jugement du maître des offices sous le règne de Zénon* 659

Indices

I. QUELLEN

1. *Literarische Quellen* 741
2. *Juristische Quellen* 748
3. *Inschriften* 754
4. *Papyri und Ostraka* 756
5. *Archäologische Zeugnisse* 770

II. ORTE

1. *Provinzen und Regionen* 772
2. *Städte, Gaue und kleinere Siedlungen* 773

III. PERSONEN

1. *Imperatores und reges* 776
2. *Übrige Personen* 778

IV. ÄMTER

1. *Hochrangige im Dienste des Imperium Romanum* 785
2. *Unterstützende in Verwaltung und Kirche,
militärische Chargen bis zum centurio, städtische Amtsinhaber* 788

Benjamin Kelly

**PETITIONS WITH REQUESTS FOR REGISTRATION
FROM ROMAN EGYPT***

IN THE MONTH OF PHAOPHI in the year AD 222, Aurelius Stotoetis, an inhabitant of Soknopaiou Nesos, suffered a terrible loss. While grazing on the shores of Lake Moeris, Stotoetis' cow was brutally slaughtered by person(s) unknown. We learn of this incident from a petition from Stotoetis to the στρατηγός. Having narrated the incident, the document makes the following request: ὅθεν ἐπιδίδωμι τάδε τὰ βιβλίδια καὶ ἀξιῶ ἐν καταχωρισμῷ γενέσθαι πρὸς τὸ μέν(ε)ν μοι τὸν λόγον πρὸς τ[ο]ὺς φανησομένους αἰτίους ('Wherefore I submit this petition and ask that it be registered so that my right [or "account"] may remain against the culprits when they come to light').¹

This petition and the several dozen other petitions with similar requests² present a problem for the historian interested in the everyday

* Early versions of this paper were read at a meeting of the Classical Association of Canada in Québec in 2010 and at a seminar of the Collaborative Programme in Ancient History in Toronto in 2012; its results were also presented in summary form, as part of a more wide-ranging paper, at the Vigoni Conference in 2010. I thank the audiences on each of these occasions for their advice, as well as Rudolf HAENSCH and the anonymous referees for their helpful comments on the written version of the paper.

¹ BGU I 35, ll. 10–15.

² See the Appendix below for a list of published examples. In the Roman period, petitions of this kind were distinguished by their use of the verb καταχωρίζω or the phrase

realities of law in Roman Egypt. These documents make it clear that there was a recognized procedure whereby petitions were registered by the recipient (usually the *στρατηγός*), but what was the intended purpose of this procedure? To be sure, some people in Stotoetis' position would have found a certain psychological comfort in doing *something* in response to the wrongs they had suffered, even if that something amounted to little more than a ritual expression of outrage. It is also possible that the submission of such petitions could have been used as a way to harass and intimidate opponents.³ But it is unlikely that *στρατηγοί* would have, for several centuries, made this registration procedure available primarily to facilitate the harassment and intimidation of opponents, or to meet the psychological needs of victims. It is reasonable to assume that such petitions fulfilled some purpose that was acceptable to the institutional logic of the legal system of the province. It is far from self-evident, however, just what that purpose was.

On this issue, there was some discussion in the early years of papyrology, principally by Ludwig Mitteis.⁴ Since Mitteis' last discussion of the issue in 1912, most editors of such petitions have been content to cite with approval his views, often expressed in an abbreviated form.⁵ While

ἐν καταχωρισμῷ γενέσθαι. For the meanings of these terms, see below p. 417, with literature in nn. 32–36. A handful of petitions contain requests formulated in some different way, but which could be suspected as having registration as an unstated goal; see below, p. 431, for references and discussion.

³ For a registration petition which was used to intimidate an opponent – albeit one which, in the end, was apparently never submitted to the *στρατηγός* – see BGU 1 321 (= MChr. 114, duplicate: P. Berol. inv. 7081 r^o), to be read with BGU 1 322 (= MChr. 124, duplicate: P. Louvre 1 3 = SB 1 6), A. JÖRDENS, *P. Louvre* 1, pp. 15–16, and J. WHITEHORNE, 'Strategus, centurion, or neither. BGU 1 321 and 322 (= M. Chrest. 114 and 124) and their duplicates', *BASP* 40 (2003), pp. 201–211. For a general discussion of the use of petitioning to force private settlements, see B. KELLY, *Petitions, Litigation, and Social Control in Roman Egypt* [= *Oxford Studies in Ancient Documents*], Oxford 2011, pp. 276–283.

⁴ L. MITTEIS, 'Zur Lehre von den Libellen und der Prozeßeinleitung nach den Papyri der früheren Kaiserzeit', *Berichte über die Verhandlungen der Königlich Sächsischen Gesellschaft der Wissenschaften zu Leipzig, Phil.-hist. Kl.* 62 (1910), pp. 61–126, at pp. 69–76; IDEM, *Grundzüge und Chrestomathie der Papyruskunde* 11 1, Leipzig – Berlin 1912, pp. 33–34.

⁵ See, for example: *Jur. Pap.* 92, l. 18 n.; *P. Ant.* 11, p. 94; *P. Gen.* 1², p. 118; *P. Oxy.* 1, p. 156; LVIII, p. 4; LIX, p. 95; LXI 4122, l. 16 n. In a few instances, editors have diverged somewhat

his hypothesis was characteristically intelligent, it will be argued below (pp. 419–422) that the subsequent publication of texts has made it untenable. This paper, therefore, engages in a systematic restudy of the available evidence. It begins with the basic question of just what the ‘registration’ of a petition meant in a physical sense, before moving to a diachronic analysis of the evidence to shed light on the changing purposes of this procedure.

In what follows, the focus is on petitions from the Roman period. A handful of Ptolemaic petitions contain essentially similar requests, albeit using slightly different words.⁶ These texts are useful for the interpretation of the Roman cases because they suggest that the practice visible in the Roman evidence was a survival from earlier times rather than something introduced by Roman administrators. Two Ptolemaic texts also shed some light on the physical process of registration. But there are special problems involved in ascertaining the actual purpose of

from Mitteis’ views: *P. Fam. Tebt.*, p. 136; *P. Fouad* 29, l. 12 n. As will be discussed below (pp. 423–424; 439, n. 115) these suggestions need to be rejected or improved upon. ZUCKER also attempted to add minor nuances to Mitteis’ theory: F. ZUCKER, ‘Zu den Klagschriften mit Schlussbitte um Registrierung’, *Philologus* 69 (1910), pp. 449–465; see further below, p. 443. This category of petition is also discussed by P. D. M. WITT, *The Judicial Function of the Strategos in the Roman Period*, Diss. Duke University 1977, pp. 49–57, on which, see below, n. 117.

⁶ See, for example: *P. Tebt.* III 1, 793, col. vi, ll. 19–26, VIII, ll. 10–15 (183 BC); *P. Münch.* III 50 (155 BC or later); *P. Diosk.* I (154 [?] BC); *SB* XVIII 13735 (mid-second century BC [?]); *P. Amb.* II 35 (= *WChr.* 68 = *Sel. Pap.* II 274, 132 BC); *SB* VI 9506 (= *P. Mil.* II 31 = *SB* XIV 11626, 125 BC); *P. Tebt.* IV 1097 (late second century BC); *P. Tebt.* I 44, *BL* II 2, 169 (= *WChr.* 118, 114 BC or after); *P. Tebt.* I 49 (= *MChr.* 19 = *C. Pap. Hengstl* 128, 113 BC or after); *P. Tebt.* I 264 *descr.* (late second century BC); *SB* VI 9065 (*BL* V 107, VIII 338, IX 253, after 50/49 BC). In the Ptolemaic examples, the critical element of the request formula is generally expressed with the accusative and infinitive construction καταχωρίσαι μου τὸ ὑπόμνημα ἐν χρηματισμῶι, or the final clause ἵν’ ὑπάρχηι μοι ἐν χρηματισμῶι, or similar. These formulae are noted but not analyzed by A. DI BITONTO, ‘Le petizioni ai funzionari nel periodo tolemaico’, *Aegyptus* 48 (1968), pp. 53–107, at pp. 80, 82, 101, and EADEM, ‘Frammenti di petizioni del periodo tolemaico. Studio sul formulario’, *Aegyptus* 56 (1976), pp. 109–143, at pp. 135, 138. The word χρηματισμός has been plausibly taken in these contexts to have the same meaning that καταχωρισμός has in the parallel Roman documents: MITTEIS, *Grundzüge*, p. 73, n. 4.

many of the Ptolemaic documents, not least because they are few and their requests are often expressed in a brief and – from our perspective – unclear fashion. The interpretation of these documents is, therefore, best left for another occasion. As for later Roman Egypt, petitions requesting registration are rather rare amongst the published papyri, with only four cases dated securely to after the 250s, two addressed to a prefect, one to a *καθολικός*, and one to a *λογιστής*.⁷ One suspects that the decline of the office of *στρατηγός* in the early fourth century played a role here, since the vast majority of registration petitions from the Roman period had been addressed to *στρατηγοί*. The practice evidently never became entrenched in the bureaux of any other officials in the same way it had been in those of *στρατηγοί*.



⁷ *P. Ammon* 11 30 (= *P. Ammon* 1 6 = *SB* XIV 11929); cf. *P. Ammon* 11 28–29; 31 (AD 348; *καθολικός*); *P. Oxy.* XII 1467 (AD 263; prefect); LXI 4122 (AD 305; *λογιστής*); *SB* XXII 15608 = *P. Stras.* VI 560 (AD 324 or after; prefect). The petitions to these officials use *καταχωρισμός* or *καταχωρίζω*, but request the deposit of the document in the recipient's office (e.g., *P. Ammon* 11 30, ll. 12–14: *μαρτύρομαι (...) ἀσφαλίζ[ο]μενο[s] καὶ ἀξιῶν τοῦτόν μου τὸν δι[α]-σφαλισμὸν κατακεῖσθαι ἐν [τ]ῇ τάξει*; see too *P. Oxy.* XII 1467, ll. 21–24; LXI 4122, l. 16; *SB* XXII 15608, l. 9). For *τάξις* as 'office' in these texts, see below, n. 40. The later Roman cases also are described as securing the petitioner, using the words *διασφαλισμός*, *ἀσφάλεια*, or a form of *ἀσφαλίζω*. There are some petitions with these features or with verbal features reminiscent of registration petitions of the Roman era, but which lack clear reference to the deposit of a document in the office of the recipient: *BGU* XI 2069; *P. Lond.* 11 419 (p. xxxviii) *descr.* (= *P. Abinn.* 54 = *SB* VIII 9691); *P. Amst.* 1 39; *P. Berl. Frisk* 4 (= *SB* V 7518); *P. Cair. Isid.* 65–67; *P. Kell.* 1 15; 24 + *BL* XI 100; *P. Oxy.* VII 1033 (= *WCbr.* 476 = *Sel. Pap.* 11 296); *P. Oxy.* XXXVIII 2849; *P. Rain. Cent.* 84; *P. Sakaon* 50 (= *P. Thead.* 57); *P. Vind. Tand.* 4; *SB* 1 4707; *P. Harr.* 1 135 (with J.-L. FOURNET & J. GASCOU, 'Liste des pétitions sur papyrus des v^e–vii^e siècles', [in:] D. FEISSEL & J. GASCOU (eds.), *La pétition à Byzance* [= *Centre de Recherche d'Histoire et Civilisation de Byzance. Monographies* 14], Paris 2004, pp. 141–196, at p. 165). Such petitions cannot safely be assumed to have been registered or deposited by their recipient, and so will not be discussed below. For a discussion of *διασφαλισμοί*, see too F. MITTHOF, 'Diasphalismos. Eine Neuedition von *P. Rain. Cent.* 84', *JffurP* 30 (2000), pp. 71–79.

1. THE PHYSICAL PROCESS

Petitions from the Ptolemaic period with registration requests tend to ask that the document be placed ἐν χρηματισμῶι. The word χρηματισμός has many meanings,⁸ so it is not immediately obvious just what such requests were aiming for in a concrete, physical sense. The matter can be clarified, however, thanks to two texts from Tebtynis. *P. Tebt.* III 1, 793, which dates to 183 BC, contains a register of documents received by the κωμογραμματεὺς of Berenikis Thesmophorou.⁹ The substance of each document has been copied into the roll. The documents are mostly petitions, although there are some other types, including items of official correspondence. At least some of the petitions have been shortened in the process of copying: the name of the addressee has sometimes been removed, as has the domicile of the petitioner and the final greeting; it is also possible that the narratives in the petitions have been compressed, although they are still in the first person. Important for our purposes is the fact that one of the petitions, which apparently concerns a theft, contains a registration request: [π]ροσαγγέλλω οὖν σοι ὅπως ὁῖς(ε)ις μου τὸ προσάγγελμα ἐν χρηματισμῶι.¹⁰ There is also a second petition in the register which the editors reconstruct as ending with a similar request.¹¹

A second text from Tebtynis hints at a slightly different practice. *P. Tebt.* IV 1097 is the base of a petition dated on palaeographic grounds to the late second century BC. It asks the recipient firstly to subscribe the petition, and then adds that a copy of the petition has been subjoined ἕν' ὑπάρχῃ ἡμῶν ἐν χρηματισμῶι.¹² Precisely what was meant to happen to the subscribed version of the document is unclear. It is evident enough, how-

⁸ See PREISIGKE, *Fachwörter*, s.v. χρηματισμός.

⁹ On this text, see now I. ANDORLINI, 'Old and new Greek papyri from Tebtunis in the Bancroft Library of Berkeley. Work in progress', [in:] S. LIPPERT & M. SCHENTULEIT (eds.), *Graeco-Roman Fayum – Texts and Archaeology*, Wiesbaden 2008, pp. 1–13, at pp. 10–12.

¹⁰ *P. Tebt.* III 1, 793, col. VIII, l. 15.

¹¹ *P. Tebt.* III 1, 793, col. VI, ll. 19–26, at 25–6: [ἀξιῶ σε] κατατάξαι μ[ο]ν τὸ προσάγγ[ε]λμα ἐν χρηματισμῶι].

¹² *P. Tebt.* IV 1097, ll. 6–9: διὸ ἐπιδίδομέν σοι ὅπως περὶ ἐκάστων ὑπογραφῆν ποιήσῃ προσυποτάξαντα (ἡ προσυποτάξας) καὶ τοῦ ὑπομνήματος ἀντίγραφον ἕν' ὑπάρχῃ ἡμῶν ἐν χρηματισμῶι.

ever, that in this case the anticipated registration was to take the form of the deposit of a full copy of the petition supplied by the petitioners, rather than the copying of the petition (or a compressed version thereof) into a register by a scribe in the office of the recipient.¹³ Unless a good deal more relevant evidence comes to light, it is not possible to say whether *P. Tebt.* IV 1097 shows that a change of procedure for processing these petitions took place in the course of the second century BC, or that different procedures were used simultaneously, perhaps varying from office to office.

In the Ptolemaic period, therefore, a request that a petition be held ἐν χρηματισμῶι amounted to a request that it be placed, in full or in abbreviated form, amongst a collection of petitions (and, sometimes at least, other kinds of documents) submitted to the official in question. Such a collection can rightly be called a ‘register’.¹⁴ That such a register was at least sometimes stored in the office of the addressee is implied by two texts – one addressed to a phrourarch and another to a στρατηγός – which ask that the petition be παρὰ σοὶ ἐν χρηματισμῶι.¹⁵ The use of the word

¹³ *P. Tebt.* III 1, 793 and IV 1097 therefore add precision to B. KRAMER’s suggestion that petitions requesting placement ἐν χρηματισμῶι amount to requests for placement in the public records: *CPR* XVIII, column 1, l. 2 n.: ‘In Eingaben begegnet χρηματισμός in der Wendung, die Eingabe möge “zu den Akten genommen” werden’. See too MITTEIS, *Grundzüge*, p. 73 n. 4. Earlier scholars had suggested that in such contexts χρηματισμός denoted the list of cases scheduled to be heard by the court of the χρηματισταί (‘die Verhandlungsliste der Chrematisten’): L. WENGER, ‘Rechtsurkunden aus Tebtynis’, *APF* 2 (1903), pp. 483–514, at p. 509; G. A. GERHARD, ‘ΩΝΗ ΕΝ ΠΙΣΤΕΙ’, *Philologus* 63 (1904), pp. 498–577, at p. 518; PREISIGKE, *Fachwörter*, s.v. χρηματισμός, 3; IDEM, *WB*, s.v. χρηματισμός, 1 (c); cf. P. M. MEYER, ‘Zum Rechts- und Urkundenwesen im ptolemäisch-römischen Ägypten’, *Klio* 6 (1906), pp. 420–465, at p. 425; *P. Diosk.* I, ll. 34–36 n. It is clear that the petitions invoked to support this suggestion, *P. Tebt.* I 44 (= *WChr.* 118) and *P. Amb.* II 35 (= *WChr.* 68 = *Sel. Pap.* II 274), do anticipate that there could be a court hearing at a later point, but they do not specifically say that the registration of the petition is the mechanism whereby the matter will be put on some list of cases to be heard.

¹⁴ cf. *Webster’s Third New International Dictionary*, 1993, s.v. ‘register [1. n.]’, 2a: ‘a book or system of public records’.

¹⁵ *P. Diosk.* I, ll. 35–36; *P. Amb.* II 35, l. 37 (= *WChr.* 68 = *Sel. Pap.* II 274). Three other documents could be read as implying that the recipient – in this case the κωμογραμματεὺς Menches – was to send the document elsewhere for registration: *P. Tebt.* I 44, ll. 22–26 (= *WChr.* 118): δι[ὸ] π[ρο]σαγγέλλω σοι ὅπως ὑποτάξῃς οἷς καθήκει ἵν’ ὑπάρχη μοι ἐν χρηματισμῶι (translated by the editors of *P. Tebt.* I as follows: ‘Therefore I make this statement to you in order that it may

χρηματισμός in the context of petitions is therefore somewhat analogous to the way that the word is used in relation to contracts. In both the Ptolemaic and the Roman periods, χρηματισμός was used in connection with the registration of certain types of contracts.¹⁶ When registered in a γραφεῖον, a duplicate of a contract would be glued into a τόμος συγκολλήσιμος, an abstract of its key provisions would be added to a second roll, and the document's title would be added to a bare list of contracts.¹⁷ This process could be called χρηματισμός, and this noun could also refer to the physical registers themselves, either individually or collectively.¹⁸ It was natural, therefore, that the rolls in officials' bureaux into which duplicates of petitions were glued or abstracts copied were given the same name.

As for the Roman period, there are two kinds of evidence to suggest that a procedure similar to that envisioned by *P. Tebt.* IV 1097 was followed.¹⁹ First, there are hints that both the original version of a petition and a copy would be submitted, at least when it was the στρατηγός being approached. In the early decades of Roman rule, as we shall see in more detail below (section 3), registration petitions were used to evidence the fact that a petition had been served on an opponent. In all of the early cases in which there are explicit service requests and in which the text is extant at the critical place, it is stated expressly that the original is to be registered and the copy served.²⁰ Appar-

be forwarded by you to the proper officials and I may have it placed on record'); cf. *P. Tebt.* I 49, ll. 17–20 (= *MChr.* 19 = *C. Pap. Hengstl* 128); *P. Tebt.* I 264 *descr.* However, the practice envisioned could simply be for the κωμογραμματεὺς to subscribe the petition with an order for his own staff to place it ἐν χρηματισμῶι. See PREISIGKE's translation of the same phrase in *P. Tebt.* I 264: 'am Fuße einer Eingabe die nötige amtliche Weisung erteilen' (*WB*, s.v. ὑποτάσσω).

¹⁶ Greek contracts: *CPR* XVIII, col. I, l. 2 n.; H. J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemaer und des Prinzipats*. II. *Organisation und Kontrolle des privaten Rechtsverkehrs*, Munich 1978, pp. 37–38. Demotic contracts: *P. Paris* 65, l. 15 (= *UPZ* I, p. 596 = *Sel. Pap.* II 415); WOLFF, *Recht*, pp. 36–39.

¹⁷ H.-A. RUPPRECHT, 'Sechs-Zeugenurkunde und Registrierung', *Aegyptus* 75 (1995), pp. 37–53, at pp. 43–45; *P. Mich.* II, p. 2; *UPZ* I, pp. 612–614.

¹⁸ *CPR* XVIII, col. I, l. 2 n.; *P. Mich.* II, p. 2; *UPZ* I, p. 613.

¹⁹ Of course, this is not to exclude the possibility that evidence will emerge to show that the procedure illustrated in *P. Tebt.* III I, 793 was sometimes followed in the Roman period.

²⁰ See, for example, *BGU* I 226, ll. 16–19 (= *MChr.* 50): ἀξιῶι καταχ[ωρι]σθέντος παρὰ σὺ (ἡ σοῦ) τοῦδε τοῦ ὑπομνήματο[ς] ἀντίγρα[φ]ον δι' ἐνὸς τῶν περὶ σέ ὑπηρ[ε]τῶν μετα[δο]θῆναι

ently such copies were distinguished by the absence of a subscription by or on behalf of the petitioners, or a physical description of them.²¹ There are also two later cases, one from AD 191 (*BGU* I 72) and one from AD 203 (*BGU* I 45), in which a copy is mentioned; in these instances, the copy is said to be the version destined for the register.²² As will be discussed below (p. 432), by this period, the registration process did not aim to document the service of a petition on an opponent. It is therefore unclear what happened to the original version of the petition once submitted.

At any rate, these references to copies suggest that people submitting registration petitions to the *στρατηγός* early in the Roman period were obliged to submit two versions of the petition, and that later this was at least sometimes the requirement. It is not, of course, impossible that the copies needed were made in the office of the *στρατηγός*. But to avoid overburdening the staff of the *στρατηγός*, it seems more likely that the petitioner would have been obliged to provide the duplicate,²³ just as the petitioner in the Ptolemaic *P. Tebt.* IV 1097 evidently did.

A second kind of evidence both shows that, in the Roman period, full versions of the petition rather than extracts were registered, as well as

τῶι Σαταβοῦτι. See too *CPR* xv 8, ll. 19–23; *P. Oxy.* ix 1203, ll. 18–22; XLIX 3464, ll. 25–27; *PSI* I 57, ll. 24–29, cf. *BL* xi 243; *P. Stras.* vi 566, ll. 15–19; *SB* v 7870, ll. 10–14. *CPR* xv 7, ll. 8–9, which is fragmentary at the critical place, is plausibly reconstructed by the editor as follows: ἀξιῶ καταχωρ[ισθῆ]ναι μου τοῦ ὑπομνήματος τ[ούτου] τὸ ἀντίγραφον μεταδοθῆ[ναι] τῶι Νεσπτή[φει].

²¹ This can be inferred from three registration petitions from this period which have subscriptions from assistants of the *στρατηγός* recording the acts of service, but which lack both subscriptions written by or on behalf of the petitioners and also physical descriptions of the petitioners: *BGU* I 226 (= *MChr.* 50); *P. Oxy.* ix 1203; *SB* v 7870.

²² *BGU* I 72, ll. 13–16: δι[ὸ] ἀξιῶ τούτου τὸ ἴσον ἐν καταχωρισμῶ γενέσθαι πρὸς τὸν τὸν ἑτιόν (ἢ αἰτίον) μοι φανησόμενον; *BGU* I 45, ll. 15–18 (cf. *BL* I 11): ὅθεν ἐπιδίδωμι καὶ ἀξιῶ τούτου τὸ ἴσον ἐν καταχωρισμῶ γενέσθαι πρὸς τὸ μέν(ε)ιν μοι τὸν λόγον πρὸς αὐτούς.

²³ Precisely the same deduction has been made in relation to petitions to the prefect and other high equestrian officials in Egypt processed according to the so-called ‘Sammelsubscription’ method in the third quarter of the second century AD. There is clear evidence that, in this period, the procedure used by such officials to process petitions required two copies of the document; the petitioner was surely obliged to provide both to avoid burdening the staff of the official in question with the need to make a copy: R. HAENSCH, ‘Die Bearbeitungsweisen von Petitionen in der Provinz Aegyptus’, *ZPE* 100 (1994), pp. 487–546, at pp. 493–496, especially p. 495 with n. 34.

further illuminating the details of this registration process. *BGU* III 731 consists of two petitions, both from different people and written in different hands, that have been glued together, presumably as part of a *τόμος συγκολλήσιμος*.²⁴ The document that forms the first column of the papyrus is a very poorly preserved petition to the *στρατηγός*: only a strip a few letters in width from its left-hand side survives, and the base breaks off before the substance of the request becomes apparent. The second petition, however, is rather more complete. It dates to AD 180, and contains a request for registration. These two documents are evidently the versions of the petitions submitted by the petitioners rather than copies made in the office of the *στρατηγός*, since the second petition has a subscription written on behalf of the petitioner by her *κύριος* in a hand that differs from the body of the document.²⁵ Clearly, then, these two documents were both submitted separately to the *στρατηγός*, in whose office they were glued together into a *τόμος*.²⁶ This is unsurprising, since there is evidence of petitions with other kinds of requests²⁷ as well as docu-

²⁴ Cf. W. CLARYSSE, 'Tomoi synkollēsimoī', [in:] M. BROSIUS (ed.), *Ancient Archives and Archival Traditions. Concepts of Record-Keeping in the Ancient World* [Oxford Studies in Ancient Documents], Oxford 2003, pp. 344–359, at p. 355 n. 30.

²⁵ *BGU* III 731, col. II ll. 15–18. Note that the editor judged line 3 of the text, which gives the name of the *κύριος*, to be in the same hand as the subscription; presumably the scribe did not know this detail, so the *κύριος* added it himself when he subscribed the document.

²⁶ It is true that the text specifying the addressee of the second petition is lost. But given that petitions requesting registration were almost all addressed to the *στρατηγός* in the Roman period, and that this specimen was found glued to a petition to the *στρατηγός*, the conclusion seems inescapable that it too was addressed to the *στρατηγός*.

²⁷ *SB* XIV 11381 is a petition from the archive of the *στρατηγός* Apollonios which shows traces of having been part of a *τόμος συγκολλήσιμος*: H. BRAUNERT & U. BUSKE, 'Eingaben an den Strategen Apollonios aus der Bonner Papyrussammlung', *JfJP* 18 (1974), pp. 39–53, at p. 39. *SB* V 8001, also from the archive of Apollonios, may have been part of a *τόμος συγκολλήσιμος* too; see the introduction to the *editio princeps*: A. E. R. BOAK, 'A petition addressed to Apollonios, strategos of Heptakomia. PMich. inv. 6629', *Aegyptus* 15 (1935), pp. 265–266, at p. 265. *SB* XIV 11274 (= *P. Mil. Congr.* XIV, p. 37), *SB* XVIII 13087, and 13088 are petitions which formed part of the same *τόμος συγκολλήσιμος*: A. DI BITONTO KASSER, 'Nuove denunce all'ἐπιστάτης φυλακιστῶν', *Aegyptus* 65 (1985), pp. 3–13, at pp. 3, 11. The addressee of the third document is lost, but the first two are addressed to the *ἐπιστάτης τῶν φυλακιστῶν*; we are therefore presumably dealing with petitions submitted to this official and glued into a roll in his office. *P. Vet. Aelii* 1 (= *PSI* VIII 928) is a petition which shows traces of having been part

ments of other genres²⁸ being stored in this way in the offices of στρατηγοί and other officials when it was felt necessary to preserve them.

Another papyrus from the Roman period may illustrate the same phenomenon. *P. Bodl.* 1 40 is a petition from the reign of Severus Alexander (AD 222–235) regarding a dispute over a compulsory public service. It contains a request for registration, the addressee of which is not immediately apparent thanks to the loss of the top of the document. On the left margin, the editor identified ‘unmistakable traces of a join from a *tomos synkollesimos*’.²⁹ If this is correct, then this could well be a case like *BGU* III 731 in which a petition with a registration request was glued into a *τόμος συγκολλησίμος* by its recipient, perhaps the στρατηγός.³⁰ Like *BGU* III 731, it was an original document rather than a copy, since there is a subscription in a second hand, and the date in a third. This tends to suggest that the process implied by *BGU* I 45 and 72, whereby it was the copy that was registered, did not pertain in all places or at all times in the second and third centuries.

of a *τόμος συγκολλησίμος*; the editor of *P. Vet. Aelii* raises the possibility that it could have been archived in this way in the office of the στρατηγός, although he suspects that it was more likely stored in a *τόμος* in the petitioner’s private archive (P. SÄNGER, *P. Vet. Aelii*, pp. 127–128). Furthermore, during the second half of the second century, and into the third century, the processing of petitions by the prefect and some of the equestrian procurators involved gluing them in rolls. For discussion and literature, see below, p. 448.

²⁸ CLARYSSE, ‘*Tomoi*’ (cit. n. 24), p. 354; BRAUNERT & BUSKE, ‘Eingaben’ (cit. n. 27), pp. 39–40, n. 4; R. HAENSCH, ‘Das Statthalterarchiv’, *ZRG RA* 190 (1992), pp. 209–317, at pp. 246–247. For examples of collections of correspondence archived in *τόμοι συγκολλησίμοι*, see *P. Bub.* 4 and *SB* XVIII 13175.

²⁹ *P. Bodl.* 1, p. 113.

³⁰ The editor of *P. Bodl.* was of the view that the addressee was probably a ‘high official (the prefect or one of his procurators)’. He assumed that the document was glued into a *τόμος* as part of the convention followed by the prefect and some equestrian procurators in the third century, whereby petitions were subscribed and glued into a *τόμος*, where they were then available to be inspected and copied; for this process, see below, p. 448. The case of *BGU* III 731 suggests another possibility: that *P. Bodl.* 1 40 was glued into a *τόμος* in the office of the στρατηγός as part of the standard process of registering such petitions. In favour of this view, one can also cite the formula used in *P. Bodl.* 1 40, ll. 6–8: ἐπιδίδωμι ἀξιῶν ἐν καταχωρισμῷ γενέσθαι εἰς τὸ μένειν μοι τὸν λόγον. This formula has many parallels in registration petitions addressed to the στρατηγός. On the other hand, there are no parallels in petitions to the prefect or to a procurator: the two petitions to the prefect asking for registration tend to ask that they be placed ἐν τῇ σῇ τάξει: *P. Oxy.* XII 1467, ll. 23–24; *SB* XXII 15608, l. 9.

The practice of gluing the petition into a *τόμος συγκολλησίμος* evidenced by BGU III 731 (and perhaps *P. Bodl. I 40*) is consistent with the wording found in Roman era petitions requesting registration. The requests in these documents commonly use the verb *καταχωρίζω*, or ask that the document be placed *ἐν καταχωρισμῷ*. *Καταχωρίζω* can be used to refer to several slightly different types of action,³¹ but one of these is the deposit of a document in some kind of archive or set of official records. Thus, for example, the verb can be used to refer to the deposit of a document in the registers of a *γραφεῖον*,³² in a nome *βιβλιοθήκη δημοσίων λόγων*,³³ or in the *βιβλιοθήκαι* of Alexandria.³⁴ The archiving of the *commentarii* of a *στρατηγός* was also described with this verb.³⁵ As for the word *καταχωρισμός*, this is encountered outside the petitions primarily as the noun referring to the act of depositing a document, or the state of being deposited.³⁶

Unsurprisingly, the nature of our documentation does not provide many firm details about where petitions with registration requests were stored, and for how long. Just as with items of official correspondence archived by the office of the *στρατηγός*, it seems reasonable to assume that registered petitions would have been archived and available for consultation after the *στρατηγός* who received them went out of office.³⁷ The procedure would have little point if there was a chance that a *στρατηγός* could go out of office at any

³¹ Cf. PREISIGKE, *WB*, s.v. *καταχωρίζω*.

³² E.g. *P. Grenf.* II 41, l. 16 (= *MChr.* 183); see too A. SEGRÈ, 'Note sul documento greco-egizio del *grapheion*', *Aegyptus* 7 (1926), pp. 97–107, at p. 104, n. 2; *P. Mich.* II, p. 2; *UPZ* I, pp. 612–614.

³³ *P. Oxy.* III 515, l. 3.

³⁴ E.g. *P. Oxy.* I 34 v^o, col. 1, ll. 4–5, II, 15 (= *MChr.* 188); see too WOLFF, *Recht* (cit. n. 16), pp. 51–53; A. JÖRDENS, 'Öffentliche Archive und römische Rechtspolitik', [in:] K. LEMBKE, M. MINAS-NERPEL & S. PFEIFFER (ed.), *Tradition and Transformation. Egypt under Roman Rule* [= *Culture and History of the Ancient Near East* 41], Leiden – Boston 2010, pp. 159–179, at p. 160; EADEM, 'Zwei Erlasse des Sempronius Liberalis und ein Verfahren vor Petronius Mamertinus', *Chiron* 31 (2001), pp. 37–77, at pp. 46–47.

³⁵ *WChr.* 41, I, l. 18, III, l. 41, VI, l. 8 (= *P. Paris* 69).

³⁶ BGU IV 1062, l. 18 (= *WChr.* 276); *P. Grenf.* II 41, l. 18 (= *MChr.* 183); *P. Lond.* II 259 (pp. 36–42), ll. 66, 92, 95; *P. Mich.* XI 603, l. 20; *P. Oxy.* I 34 v^o, col. 1, l. 13 (= *MChr.* 188); *P. Oxy.* III 514, l. 4; IX 1198, ll. 14–15 (= *C. Pap. Gr.* II 39); *P. Oxy.* XII 1510, l. 7; LIV 3758, l. 4; SB XVIII 13244, ll. 8, 12.

³⁷ See HAENSCH, 'Statthalterarchiv' (cit. n. 28), p. 253 on the archiving of official correspondence after the departure of *στρατηγοί* from office.

moment, and the record of the petition vanish with him. But there is little evidence to clarify just where rolls of registered petitions were stored. Several Roman petitions (like their Ptolemaic counterparts) ask the recipient that the petition be registered *παρὰ σοί*.³⁸ This tends to assume that the gluing of these petitions into *τόμοι* took place in the office of the *στρατηγός*, and perhaps that these rolls remained in that office for a time. But it remains possible that these rolls were eventually sent somewhere else for long-term storage – for example, to the *βιβλιοθήκη δημοσίων λόγων* of the nome.³⁹ The petitions that provide evidence of a registration procedure in the later Roman period ask that they be deposited in the office of the recipient (*ἐν τῇ τάξει*);⁴⁰ again, however, a subsequent movement to a more permanent archive cannot be ruled out.⁴¹

³⁸ BGU I 226, l. 17 (= MChr. 50 = FIRA III 167) (read *σοί* for *σύ*); *P. Brookl.* 3, l. 20; *P. Gen.* I² 28, l. 22; *P. Oxy.* XLIX 3464, l. 26; L 3561, l. 17; *PSI* I 57, l. 25; *SB* V 7870, l. 11. Note too *P. Stras.* VI 566, ll. 16–17, an early Roman petition which has the older, Ptolemaic formula: *παρὰ σοί (... ἐν χρημα[τισμῶ]*.

³⁹ Although this particular scenario is unlikely for the early first century AD, since an archive with the name *βιβλιοθήκη δημοσίων λόγων* is not attested until the mid-first century AD: F. BURKHALTER, ‘Archives locales et archives centrales en Egypte romaine’, *Chiron* 20 (1990), pp. 191–216, at p. 209; WOLFF, *Recht* (cit. n. 16), pp. 48–49. On this archive, see too K. MARESCH, ‘Die Bibliothek Enkeseon im römischen Ägypten. Überlegungen zur Funktion zentraler Besitzarchive’, *APF* 48 (2002), pp. 233–246, at p. 235; JÖRDENS, ‘Öffentliche Archive’ (cit. n. 34), pp. 160–161.

⁴⁰ See above, n. 7. In these texts, the phrase could conceivably mean ‘amongst the staff of the prefect’; for a clear example of this meaning of *τάξις*, see *P. Oxy.* VII 1032, l. 59, cf. R. HAENSCH, ‘Le rôle des *officiales* de l’administration provinciale dans le processus de décision’, *Cabiers Glotz* 11 (2000), pp. 259–276, at p. 268, n. 40; IDEM, ‘“Dans tout le prétoire...” Le personnel du préfet d’Égypte sous le Haut-Empire’, *Cabiers Glotz* 18 (2007), pp. 93–100, at p. 93. It is more likely, however, that *τάξις* in the texts in question refers to the office of the prefect in physical sense. This likelihood is suggested by the fact that in one of the texts we find *ἀξιῶν (... τὸν δι[α]σφαλισμὸν κατακεῖσθαι ἐν [τῇ] τάξει* (*P. Ammon* II 30, l. 14). The phrase *κατάκειμαι ἐν* appears elsewhere in the papyri to refer to the physical deposit of a document in an archive, e.g. *P. Oxy.* VII 1040, ll. 30–32: *κύρια [τὰ γ]ράμματα δισσὰ γραφέντα ὡς ἐν [δ]ημοσίῳ κατακείμενα* (*l. κατακείμενα*), cf. *P. Oxy.* X 1257, l. 11; *SB* I 5679, l. 20. Of course, the staff of the prefect would still be involved in the process of archiving the document in the physical office, so our translation of the word does not have an enormous impact on our understanding of what happened to these petitions.

⁴¹ On the archives of provincial governors in late Antiquity, see R. HAENSCH, ‘Die Statthalterarchive der Spätantike’, [in:] M. FARAGUNA (ed.), *Archives and Archival Documents in*

2. THE PURPOSE OF REGISTRATION PETITIONS: EARLY THEORIES

The most serious and influential discussions of the purposes of registration petitions are those of Mitteis. Initially, Mitteis was of the view that the purpose of these petitions was to have the petitioner's case placed on the list of matters to be heard by the prefect during his *conventus*, and to summons the petitioner's opponent to this hearing.⁴² In this he was influenced by a petition addressed to the *στρατηγός* from AD 99 which asks that the document be registered and a copy served on the petitioner's opponent to summons him before the prefect during the *conventus*.⁴³ However, after Mitteis suggested this theory, new petitions were published requesting the summoning of defendants, and these had no reference to the registration of the petition in the office of the *στρατηγός*.⁴⁴ Mitteis therefore recanted his earlier suggestion.⁴⁵

Instead, he tentatively raised a new hypothesis: that in cases in which the petitioner was not immediately ready to bring a lawsuit, the registration of the petition was designed to prevent the claim from becoming

Ancient Societies. Legal Documents in Ancient Societies IV, Trieste 30 September–1 October 2011 [*Graeca Tergestina. Storia e civiltà* 1], Trieste 2013, pp. 333–349, and especially pp. 342–344 for the archiving of legal documents such as petitions.

⁴² L. MITTEIS, 'Zur Berliner Papyruspublication', *Hermes* 30 (1895), pp. 564–618, at pp. 567–576; cf. U. WILCKEN, 'Der ägyptische Konvent', *APF* 4 (1908), pp. 366–422, at p. 413.

⁴³ *BGU* I 226, ll. 16–23 (= *MChr.* 50 = *FIRA* III 167).

⁴⁴ E.g. *P. Tebt.* II 434 *descr.* (= *MChr.* 51): τῆς βίας αὐτῶν δεομένης τῆς τοῦ κρατίστου ἡγεμόνος δικαιοδοσίας ἀξιοῦμεν δι' ὑπηρέτου μεταδοθῆναι ἐκά[σ]τῳ αὐτῶν τὸ ἴσον τοῦδε τοῦ ὑπομνήματος, [ὅπ]ως ἔχοντες ἔνγραπτον [δια]στολήν καὶ παραγγελίαν παραγ[ί]νονται (*l. παραγίνονται*) ἐπὶ τὸ ἱερώτατον τοῦ κρατίστου ἡγεμ[ό]νος βῆμα πρὸς τὸ τυχ[ε]ῖν ἡμᾶς τῶν δικαίων. For further references and a discussion of the formulae typically found in such summonses, see G. FOTI TALAMANCA, *Ricerche sul processo nell'Egitto greco-romano*. II. *L'introduzione del giudizio*, Milan 1979, pp. 79–87.

⁴⁵ MITTEIS, 'Zur Lehre von den Libellen' (cit. n. 4), pp. 69–71. HORSTKOTTE nevertheless appears to accept Mitteis' original theory, albeit without engaging with or showing awareness of his subsequent abandonment of it: H. HORSTKOTTE, 'Die 1804 Konventseingaben in P. Yale 61', *ZPE* 114 (1996), pp. 189–193, at pp. 191–192.

barred by the operation of a limitation period.⁴⁶ In formulating this hypothesis, Mitteis was particularly impressed by the petitions which asked for registration *πρὸς* (or sometimes *εἰς*) *τὸ μένειν μοι* (or *ἡμῖν*) *τὸν λόγον*. In his view, this phrase sounded like it reflected a concern on the part of the petitioner that the claim could become barred by the expiry of a limitation period.⁴⁷

This hypothesis is now open to a number of objections. One set of objections arises from what we know and what we can assume about limitation periods in Roman Egypt. As Mitteis pointed out, in *P. Flor.* 1 61, a report of proceedings from AD 85, there is a mention of a two-tiered regime in relation to limitation periods: five years for those who lived in places visited by the prefect during his *conventus*, and ten years for those who did not.⁴⁸ The problem is that many of the Roman petitions requesting registration were submitted within a few days of the wrong that they allege: they specify both the date of the wrong and the date of submission, or they say that the wrong occurred ‘yesterday’ or similar. In almost all of the cases in which the interval can be determined with precision, that interval is very short: rarely more than nine days, and usually between one and three.⁴⁹ For reasons that will be discussed below, all of these

⁴⁶ MITTEIS, ‘Zur Lehre von den Libellen’ (cit. n. 4), pp. 71–76; IDEM, *Grundzüge*, pp. 33–34, with some hesitation at p. 34, n. 2.

⁴⁷ MITTEIS, ‘Zur Lehre von den Libellen’ (cit. n. 4), pp. 72: ‘Das klingt aber weniger danach, daß der Antragsteller sich fürchtet auf dem Konvent nicht zu Wort zu kommen, sondern ganz allgemein danach – daß er fürchtet seinen Anspruch durch Präklusion oder Verjährung zu verlieren.’

⁴⁸ *P. Flor.* 1 61, ll. 45–47 (= *MChr.* 80); see too R. TAUBENSCHLAG, ‘Periods and terms in Greco-Roman Egypt’, [in:] IDEM, *Opera Minora* 11, Warsaw 1959, pp. 171–187, at p. 176.

⁴⁹ Same day: *P. Lond.* 11 363 (p. 170, *BL* 1 258 [?]) = A. MARTIN, ‘“Women, camels, donkeys, or other animals”: Réédition de *P. Lond.* 11 363 (p. 170)’, *PapCongr.* XXIII, pp. 435–438, at p. 437). Next day: *BGU* 1 45; 72; *P. Fay.* 108; *P. Harr.* 11 200; *P. Oxy.* L 3561; *PSI* 111 249; cf. *P. Oslo* 11 23 (= *Pap. Choix* 19). Two days: *BGU* 1 46 (= *MChr.* 112); *P. Oxy.* xli 2997; *P. Princ.* 11 29. Three days: *BGU* 11 651 (= *MChr.* 111); *P. Gen.* 11 107; cf. *P. Flor.* 1 9. Nine days: *P. Mich.* 1x 527; 111 days (?): *P. Stras.* vi 566. 170 days or more: *P. Fam. Tebt.* 38 (but cf. 37). In several cases, we can tell the maximum possible time between wrong and petition: *BGU* 1 35 (seven days or fewer); *BGU* 1 2 (= *MChr.* 113) (148 days or fewer); *P. Wash. Univ.* 11 77 (= *P. Vind. Worp* 2) (twenty-nine days or fewer). *P. Fouad* 29 was written ‘a few days’ after the wrong; in *BGU* 1 321 (duplicate *P. Berol. inv.* 7081 r^o), the wrong is said to

cases in which specific intervals can be determined come from the AD 160s or later. The problem for Mitteis' theory is that if limitation periods were fixed in years, why did some petitioners rush to register their petitions so swiftly, even though they did not know all the key facts of their cases – including, in some instances, the identities of the offenders? Why not wait a few weeks or months before petitioning, so as to be able to present the full story to the authorities, and ask at the same time for a hearing?

Mitteis could see this problem, even from the limited range of texts at his disposal. His suggested solution was that there was one set of limitation periods for serious matters (as mentioned in *P. Flor.* 1 61), and another limitation period for less serious matters of the sort at issue in the registration petitions.⁵⁰ Of course, the assumption that an entirely unattested legal rule existed threatens to offend the principle of Occam's razor, and so it should only be made in the absence of other plausible explanations.⁵¹ Moreover, we would need to assume that such a limitation period was absurdly short to account for the cases in which petitioners went to the authorities within a matter of days, even though they did not have possession of all the relevant facts. Such a short limitation period would have been potentially unjust to would-be plaintiffs. There is also the problem that not all of the wrongs reported in these petitions can be called minor: in one case in which a petition was registered with the *στρατηγός*, the petitioner's father and brother went on a journey twenty-three days previously and had not been seen since; the petitioner evidently fears that someone has murdered them.⁵² Nor can such a theory draw support from

have been discovered 'recently' (line 8: *πρώην*); in *BGU* 111 731, col. 11 the implication is that the discovery of the theft was recent as well (line 5: *ὑπογύως*).

⁵⁰ MITTEIS, 'Zur Lehre von den Libellen' (cit. n. 4), pp. 72–73: 'für kleine Sachen deliktischer Herkunft, wie sie in unsern Stücken meist in Frage stehen, können noch kürzere Fristen bestanden haben...'

⁵¹ Note that no such period appears in the catalogue of official deadlines evidenced from Roman Egypt provided by N. LITINAS, 'Official deadlines in the documentary papyri of Roman Egypt', *APF* 45 (1999), pp. 69–76, at pp. 72–76; see too TAUBENSCHLAG, 'Periods and terms' (cit. n. 48), pp. 176, 179–185.

⁵² *P. Tebt.* 11 333 (= *MChr.* 115 = *Sel. Pap.* 11 336); cf. *P. Princ.* 11 29, with *BASP* 46 (2009), pp. 147–148, submitted two days after the incident.

what is known about the limitation of actions elsewhere in the Roman empire during the Principate: there is no sign in the juristic sources that limitation periods reckoned in days or months applied to the sort of affairs that dominate the registration petitions – that is, assaults, thefts, unpaid debts, and damage to property.⁵³

There are further objections. Three cases are now known, all from the early Roman period, in which the petition asks both for registration and for the summons of the petitioner's opponent before the prefect.⁵⁴ It is hard to account for these cases by reference to the limitation period theory: surely once the defendant was summonsed, the plaintiff had commenced his action and the limitation 'clock' would stop running. Why would registration also be necessary? Furthermore, in several other cases, it was actually the *defendants* who submitted petitions with requests for registration – usually these contradicted the allegations made in earlier petitions submitted by plaintiffs.⁵⁵ These petitions surely cannot have aimed to defeat a limitation period, since it would have been in the interests of the defendants for the plaintiffs' claims to become barred through the effluxion of time.

Since Mitteis wrote, there have not been any systematic attempts to re-evaluate his hypothesis. Some editors simply adopt his views, either explicitly or implicitly; generally these editors have emphasized his suggestion that the petitioners might not have been in a position to commence litigation because the offender was unknown or unavailable, and they have ignored the speculation about limitation periods.⁵⁶ However, the unpreparedness of petitioners for litigation is not in itself a sufficient explanation: why did these petitioners not wait until they were actually

⁵³ The evidence relating to limitation periods during the Principate is collected and analyzed by M. AMELOTTI, *La prescrizione delle azioni in diritto romano*, Milan 1958, pp. 23–210.

⁵⁴ BGU I 226 (= *MCbr.* 50 = *FIRA* III 167, AD 99); *P. Oxy.* XLIX 3464 (c. AD 54–60); *SB* V 7870 (AD 103–107).

⁵⁵ *CPR* XV 7 (AD 14 or after); *P. Oxy.* IX 1203 (c. AD 70); *SB* XX 15036 (Second half of the third century AD).

⁵⁶ MARTIN, "Women, camels..." (cit n. 49), p. 438; *P. Gen.* I², p. 118; *P. Oxy.* LVIII, p. 4; LXI, p. 111 and 4122, l. 16 n.; cf. *P. Gen.* II 107, ll. 11–13 n.

ready to litigate and then submit a petition requesting that their opponent be summonsed – thereby avoiding the trouble of submitting an extra petition?

One editor has suggested a slightly different hypothesis: that the authorities were being asked to verify the wrong alleged in the petition, so that the complainant's sincerity could not later be questioned.⁵⁷ In the case of assaults and physical injuries, it is conceivable that upon receiving such a petition the *στρατηγός* would send a public physician to verify the existence of wounds. There was a well documented procedure whereby public doctors would make such examinations, and then report to the *στρατηγός* in writing.⁵⁸ However, of the eleven petitions making clear references to assaults and injuries in the Appendix below, only two petitions request a medical inspection from a public physician. In neither of these cases does the language of the document force the conclusion that the registration of the petition was logically connected with the doctor's inspection.⁵⁹ Furthermore, there are petitions which request an inspection from a public physician, but which do not ask that the petition be

⁵⁷ The suggestion is made at *P. Fouad* 29, l. 12 n.: 'Cette demande d'enregistrement est régulière toutes les fois que le coupable est inconnu. Elle n'a point pour effet d'introduire une instance, ni même peut-être de provoquer une enquête, mais de réserver les droits du plaignant (μένειν μοι τὸν λόγον) pour l'avenir, en vue d'une action judiciaire éventuelle. De plus, le libelle du plaignant avait valeur de témoignage (cf. ἐμμάρτυρα): il signalait le tort causé par le coupable – le plus souvent, comme ici, une blessure – à un moment où le fait pouvait être encore facilement vérifié par les autorités. Ainsi, plus tard, en cas de procès, la sincérité du demandeur ne pourrait-elle être mise en doute.'

⁵⁸ For discussion and references, see F. MITTHOF, 'Forensische Medizin im römischen und spätantiken Ägypten', *Symposion* 2007, pp. 301–318; D. HENNIG, 'Amtlich angeordnete ärztliche Untersuchungen im römischen Ägypten', *Chiron* 44 (2014), pp. 1–21.

⁵⁹ *P. Oxy.* XII 1556, ll. 1–9 (AD 247): [...] ἐνὶ τῶν περὶ σέ ὑπη[ρετ]ῶν ἐφιδεῖν με ἅμα δημοσίῳ ἱατρῷ {ἐφιδεῖν με} καὶ προσφωνῆσαι σοι τὴν περὶ ἐμέ διάθεσιν, ἔχειν δὲ τὰ βιβλίδια ἐν καταχωρισμῷ ἄχρι τῆς παρὰ τῷ μείζονι ἐκδικίας. *P. Oxy.* LXI 4122 (AD 305): ἐπιδίδωμι τάδε τὰ βιβλία, ἀξ[ι]ῶν δι' ἐγὼς τῶν περὶ σέ ὑπηρετῶν ἐπισταλῆναι δημόσιον ἱατρὸν τὸν ἐποψόμενον ἅμα τῷ αὐτῷ ὑπηρέτῃ τὴν τῆς συμβίου διάθεσιν καὶ ἐγγρά[φ]ως (ἢ ἐγγρά[φ]ως) σοι προσφωνοῦντας (ἢ προσφωνῆσαι) καὶ αὐ[τ]ὰ ταῦτα εἶναι ἐν [τῇ] τάξει μαρτυρ[ε]ίας καὶ ἀσφαλείας [τ]ῆς ἡμετέρας ἔνεκεν πρὸς τὸ τηρηθῆναι μοι τὸν λό[γον] περὶ τῆς ἐκδικ[ε]ίας παρὰ τῷ μεγέθ[ει] τῆς ἡγεμονίας.

registered.⁶⁰ The case for registration requests being tacit requests for an inspection by a public physician is therefore not strong.

It could also be suggested that, upon receiving a registration request, a *στρατηγός* was expected to order a subordinate – for instance, a member of his office staff or a policing official – to investigate the (non-medical) facts of the case.⁶¹ But this suggestion would suffer from the same problems that are encountered in relation to medical inspections. There are no cases of registration petitions requesting such an investigation;⁶² there are, however, several petitions requesting investigations but which do not have requests for registration.⁶³ There is no reason to believe, therefore, that when a registration petition was submitted, there was a tacit assumption that this would trigger an official investigation of the wrong alleged in it.



3. THE PURPOSE OF REGISTRATION PETITIONS IN THE EARLY ROMAN PERIOD

The difficulties mentioned above suggest that a new study of the evidence is required. This section and the next therefore examine in a diachronic fashion all the published examples of registration petitions in order to determine their purposes.

⁶⁰ *P. Flor.* I 59, ll. 8–15, cf. *BL* I 144; *P. Oxy.* LI 3620, ll. 17–24; LVIII 3926, ll. 16–22; cf. *P. Oxy.* XXXI 2563, ll. 17–30. For the process, see MITTHOF, ‘Forensische Medizin’ (cit. n. 58), p. 302.

⁶¹ MITTEIS did raise this possibility, but did not pursue it: MITTEIS, ‘Zur Lehre von den Libellen’ (n. 4), p. 73, n. 1; IDEM, *Grundzüge*, p. 34.

⁶² Note, however, *P. Cair. Isid.* 65–67, petitions from AD 298–299 dealing with the same affair, each of which refers to the same earlier petition to the *στρατηγός* using language reminiscent of a registration petition. The earlier petition is said to have aimed to safeguard the petitioner’s rights (65, l. 7: *τηρ(ε)ῖσθαί μοι λόγον*) and to have been a piece of testimony (66, l. 9; 67, l. 12: *βιβλία ἐνμάρτυρα*). It also requested that the *στρατηγός* send a subordinate to the scene of the crime to investigate. None of these texts, however, actually states that the earlier petition contained a request for registration by the *στρατηγός*.

⁶³ E.g. *BGU* II 454, ll. 15–17; III 769, ll. 5–7; *P. Athen.* 38, ll. 7–11; *P. Mich.* IX 523, ll. 14–16; *P. Münch.* III 73, ll. 8–10; *SB* IV 7469, ll. 7–8; XX 15032, ll. 11–15.

The first result gained from such a study is that, from the beginning of the Roman period until the early second century, registration petitions almost always request both that the original version of the petition (that is, the version with the petitioner's subscription or physical description) be registered, and that a copy be served on the defendant by a member of the staff of the addressee.⁶⁴ There are ten published petitions dating to between 30 BC and AD 107 containing registration requests.⁶⁵ Of these, eight also contain an explicit request for service,⁶⁶ and in another case, such a request seems to be implied in the text.⁶⁷ The tenth petition is too fragmentary to allow us to see whether the request for registration was accompanied by a request for service, but certainly this cannot be ruled out.⁶⁸

Of course, there are other petitions from this period which request service but do not happen to request registration.⁶⁹ It is possible that in

⁶⁴ This connection between registration and service in the early years of Roman rule is noted by G. MESSERI SAVORELLI in the *editio princeps* of SB XXVI 16418; since her purpose was to clarify the text at hand, she quite understandably did not discuss the underlying rationale for the practice: G. MESSERI SAVORELLI, 'Papiri documentari viennesi', *AnalPap* 10/11 (1998–1999), pp. 33–64, at p. 37, note to line 5.

⁶⁵ There are also four petitions from this period with mention that, at an earlier stage of the dispute, a registration petition had been submitted: *P. Mich.* v 231, ll. 17–23, cf. *BL* vi 82; *P. Oxy.* LVIII 3916, ll. 11–13; *SB* I 5235, ll. 10–11; XVIII 13087, ll. 12–16. These mentions are too brief to allow any firm claims about what the goals of these earlier petitions had been.

⁶⁶ *BGU* I 226 (= *MChr.* 50); *CPR* xv 7; 8; *P. Oxy.* ix 1203; XLIX 3464; *PSI* I 57, cf. *BL* xi 243; *P. Stras.* vi 566; *SB* v 7870. Where extant, the verb used to describe the act of service is *μεταδίδωμι*; on the meaning of this word in the administrative language of Roman Egypt, see S. STRASSI, 'Problemi relativi alla diffusione delle disposizioni amministrative nell'Egitto romano. Il ruolo degli *hyperetai* e le formule di trasmissione dei documenti', *PapCongr.* xx, pp. 504–507.

⁶⁷ *P. Wash. Univ.* II 77 (on which see below, n. 76).

⁶⁸ *SB* XXVI 16418; see too MESSERI SAVORELLI, 'Papiri documentari' (cit. n. 64), p. 38, note to line 6.

⁶⁹ See, for example, *P. Oxy.* XXXVIII 2852, cf. *BL* xi 165 (AD 104/5), a petition to the *στρατηγός* which requests the summons of the defendants before the prefect's *conventus*, but which contains no registration request. Several petitions also request service but no registration, although damage to these documents means that the office held by the addressee is not known: *P. Tebt.* II 434 *descr.* (= *MChr.* 51, AD 104); *BGU* IV 1105, cf. *BL* II 2, 24 (c. 11–10 BC); cf. *P. Ryl.* II 293 *descr.*, cf. *BL* I 389 (c. AD 90 or 122). Also relevant are the several petitions concerning debt disputes that request that the *στρατηγός* or *πράκτωρ*

these cases too, in spite of the reticence of the petition, the staff in the office of the recipient would have in fact glued the document into the register. One can certainly imagine that creating a permanent record in this way would have avoided subsequent disputes about whether a document had been served, or about the nature of its contents.⁷⁰ If registration was automatic with all petitions requesting service (or, indeed, with petitions of every type),⁷¹ then the documents expressly requesting registration must have been so drafted to emphasize to the people on whom they were served that a permanent, official record existed. Whatever the case, a close examination of the petitions which couple express registration requests with requests for service shows that the circumstances of these cases would have made it especially important to document the fact that the petition had been served. These cases fall into three rough groups.

First, three texts make it very clear that the aim of having the petitions served on the defendants was to summons them before the prefect's *conventus*.⁷² There is a fourth case in which the relevant part of the document is fragmentary, but what does remain shows that the petitioner was hoping for some kind of court hearing.⁷³ The summoning of the defendant could therefore have been the aim of this petition as well. In such a

ξενικῶν be ordered to arrange the service of the petition on the debtor or creditor. In these cases, there is no express reference in the request to registration: *P. Flor.* 1 86 (= *MChr.* 247, AD 86 or after); *P. Oxy.* 11 286 (= *P. Lond.* 111 797 *descr.* = *MChr.* 232, AD 82); *P. Oxy.* VIII 1118 (late first or early second century AD); XLIX 3466 (AD 81–96).

⁷⁰ This possibility is raised by *SB* v 8001, a petition that was apparently once part of a τόμος συγκολλησίμος put together in the office of Apollonios, στρατηγός of the Apollonopolite nome (cf. above, n. 27), and which requests service on the petitioner's opponent to summons him before the prefect's *conventus*.

⁷¹ The existence of petitions glued into τόμοι συγκολλησίμοι but which do not ask for registration or service could be explained by assuming that, at least in some offices during some periods, registration was more or less universal: see above, n. 27. But this would be very slender evidence on which to base such a broad claim.

⁷² *BGU* 1 226 (= *MChr.* 50); *P. Oxy.* XLIX 3464; *SB* v 7870.

⁷³ *P. Stras.* VI 566, ll. 15–23: διὸ ἀξιῶ ἐὰν φαίνη(ται) [συντάξαι κ]αταχωρίσαι παρ(ὰ) σοὶ [τὸ ὑπόμνη]μα τοῦτο ἐν χρημα[τισμῶ καὶ] μεταδοθῆναι αὐτῷ [τῷ]φ ἀντίγραφον δι' ὑπ[η]ρέτου ἀνό[δο]δου πρὸς τῷ [..... ἔν] ἐκτίεση τὸ ὠρισμένον [.....], σ προσ-τ[ε]ίμων καὶ [± ?] *vacat*.

case, the registration of the petition would have ensured that if the defendant did not appear before the court, it could not be subsequently claimed that he or she had not been properly summonsed. It would appear that the use of registration to document a summons had Ptolemaic roots: a petition from 50/49 BC or after asks the monarchs to forward the petition to the local *χρηματισταί* and their *εἰσαγωγεὺς* so that they may accept the case for hearing, place the petition *ἐν καταχωρισμῶ*, and then arrange for a copy to be served on the defendant to summons him.⁷⁴

Secondly, in two cases, the service of the petition was sought in order to object to some action that the petitioner's opponent had carried out, or threatened to carry out, and to put this opponent on notice about the consequences of this course of action. In these cases, the registration of the petition would have been tactically important for the petitioner, since it would have made it impossible for the opponent to plead ignorance at a later date, or to try to make capital out of the fact that the petitioner had not objected at the time. One of these petitions arose from a dispute between two priests about rights to certain temple revenues.⁷⁵ One of the parties obviously feared that the temple was about to give the revenues to his opponent wrongfully, so he had a petition registered and served on the chief financial officer of the temple to assert his claim. The idea seems to have been that, if the temple authorities nevertheless went ahead and handed over the funds to the petitioner's opponent, they could be held accountable. The other petition in this category arose from damage done on some *βασιλική γῆ* that the petitioner cultivated by some animals that had been illegally pastured on it.⁷⁶ The main purpose of having the petition

⁷⁴ SB VI 9065, ll. 19–24, cf. BL V 107, VIII 338.

⁷⁵ CPR xv 8 (AD 13–15). For a discussion of this dispute and further literature, see KELLY, *Petitions* (cit. n. 3), pp. 5–6, 128, 197.

⁷⁶ P. Wash. Univ. II 77 (21 BC). This text is the only reasonably well preserved, Roman-era registration petition from before the second century AD which lacks an express request for service. Such a request is surely implied, however: the petitioner can hardly have expected that the guilty party, who was an enslaved herdsman, would happen upon the petition while casually browsing the records kept in the office of the *βασιλικὸς γραμματεὺς*.

officially registered and served would have been to notify the herdsman responsible for the animals that he was liable for the taxes that the petitioner was no longer in a position to pay. If the tax authorities pursued the petitioner for the outstanding dues, and he attempted to shift the blame onto the guilty herdsman, the fact that the petition had been registered to prove that it was served would stop the latter from pleading ignorance.

Thirdly, several registration petitions from the period 30 BC–AD 107 were submitted by defendants (or would-be defendants) to contradict the claims of their opponents. One petition is an *ἀντίρρησης* – a petition submitted by some alleged debtors in response to their creditor’s attempt to recover a debt.⁷⁷ The submission of such a petition and its service on the creditor sufficed to halt the debt collection process and deprive the creditor of his automatic right of execution on the security for the loan, and force a trial of the matter.⁷⁸ In this case, registration would protect the petitioners against any allegations that they had failed to object to their opponent’s claims and had therefore lost their right to dispute these in court. A second relevant petition arose from the famous *Nestnephis-Prozess*. The petition deals with the allegations raised by Nestnephis against the petitioner, Satabous – namely that he had annexed certain ownerless lands to his own property. Part of the lacunose request section of the petition asks for registration and service *ὅπως εἰδῇ ἀνόνητον αὐτῶι τ. γέ[± ?]*.⁷⁹ The request section of the document then continues after a break and asks that Nestnephis be punished in relation to a separate allegation of theft that Satabous had raised against him.⁸⁰ The state of

⁷⁷ *P. Oxy.* IX 1203 and *P. Berl. Möller* 2 (= *SB* IV 7339) are the remains of what were once duplicates of the same text. The surviving parts mostly contain different sections of the petition, but there are some overlaps at *P. Berl. Möller* 2, ll. 18–19 and *P. Oxy.* IX 1203, l. 33, and possibly also at *P. Berl. Möller* 2, ll. 16–17 and *P. Oxy.* IX 1203, ll. 2–3.

⁷⁸ On *ἀντίρρησης*, see MITTELS, *Grundzüge*, pp. 126–127; *Jur. Pap.*, p. 143; H. KUPISZEWSKI, ‘Les formulaires dans la procédure d’exécution’, *Eos* 48 (1956), pp. 89–103, at pp. 94–95. For examples, see *BGU* VII 1574; *P. Lond.* III 908 (p. 132–133 = *MChr.* 229); *P. Oxy.* I 68 (= *MChr.* 228 = *Jur. Pap.* 47); *PSI Com.* 14.

⁷⁹ *CPR* xv 7, l. 9 (AD 14 or after). For this case and its feuding dynamic, see KELLY, *Petitions* (cit. n. 3), pp. 1–5, 309–312, with further literature, to which JÖRDENS, ‘Öffentliche Archive’ (cit. n. 34), pp. 162–172 should now be added.

⁸⁰ *CPR* xv 7, l. 11.

the document does not allow us to see the concrete goal behind Satabous' request that the petition be registered and served. In view of the bitterness of the relations between the two men, which essentially amounted to a feud, it could be that Satabous in fact aimed at intimidation and harassment: legal procedures are not always used for their intended purposes.

A final registration petition is, in a sense, a defendant's petition as well. *PSI I 57* was submitted by a man from Theadelphia who had, along with his brother, taken over the lease on an allotment of land on the death of their father. The petitioner declares that they are giving up the allotment, claiming to have fulfilled his obligations.⁸¹ He asks for the petition to be registered and a copy served on the brother of the lessor – the lessor has himself also died. The stated aim of serving the petition is to make the late lessor's brother aware that the tenants have withdrawn from the land.⁸² The petition therefore falls into a well attested category of petitions from tenants which assert that they have withdrawn from leased land, and which ask that a copy be served on the lessor to make him aware of this fact.⁸³ This is, however, the only specimen that expressly requests registration. The petitioner evidently fears that the lessor could sue him, claiming that he and his brother were still farming the land but had ceased paying the relevant dues. Having the petition registered as well as served would not only prevent a misunderstanding, but also allow the petitioner to contradict the lessor if he claimed in bad faith that he had not been properly notified that the current tenants were quitting the land.

The ultimate goals of petitions requesting registration prior to the early second century therefore appear to have been quite diverse. But a connecting thread runs through these cases: it was in the petitioners' interests that the fact of service was properly documented; registration would prevent their opponents from later claiming that the petitions had

⁸¹ *PSI I 57*, ll. 12–23, cf. *BL XI 242*. On the phrase τὸ καθήκον ἐπιτελέσας in line 23, see H.-A. RUPPRECHT, 'Die Beendigung von Vertragsverhältnissen. Überlegungen zur Rechtswirklichkeit anhand der Pacht', *JJrP* 20 (1990), pp. 119–128, at p. 121 n. 18.

⁸² *PSI I 57*, ll. 24–32, cf. *BL XI 243*.

⁸³ For this category of petition, see RUPPRECHT, 'Beendigung von Vertragsverhältnissen' (cit. n. 81); D. КЕНОЕ, 'Legal institutions and the bargaining power of the tenant in Roman Egypt', *APF* 41 (1995), pp. 232–262.

never been served, or from misrepresenting their contents. It could well be that, once the copy had been served, a note was made on the original version of the petition recording the fact of service, and that this was then registered.⁸⁴ Four registration petitions in fact have notes recording the fact that they were served; all four lack a subscription of the petitioner, so these are more likely to be the copies served on the defendant than the original petitions registered in the office of the *στρατηγός*.⁸⁵ But a similar kind of note could have been added to the base of the registered versions.⁸⁶ Alternatively, it could be that the very presence of the petition in the appropriate *τόμος* was deemed to be sufficient to prove that it had been served.



4. THE PURPOSE OF REGISTRATION PETITIONS IN THE SECOND AND THIRD CENTURIES

From at least AD 164, if not earlier in the second century, the purpose of petitions containing registration requests underwent a fundamental change. In this section, I outline this change in purpose. In the following section, I shall then discuss the precise timing and context for the change.

⁸⁴ cf. SÄNGER, *P. Vet. Aelii*, pp. 127–128.

⁸⁵ BGU I 226, ll. 24–26 (= *MChr.* 50); *P. Oxy.* IX 1203, ll. 31–33; *PSI* I 57, ll. 33–34; *SB* V 7870, ll. 22–23. Note too *P. Oxy.* XLIX 3464, ll. 32–38, *P. Stras.* VI 566, ll. 24–27, and *SB* XXVI 16418, l. 13, each of which contains very fragmentary traces of writing at its base in a hand that differs from that found in the body of the petition; these could be records of service (cf. *P. Oxy.* XLIX 3464, ll. 32–38 n.).

⁸⁶ A fragment of *P. Berl. Möller* 2 = *SB* IV 7339 also contains a record of service by an assistant of the *στρατηγός* on both the son of the petitioners' opponent and the *πράκτωρ ξενικῶν* (lines 18–21, with emendations at *BL* 111 29): ἀντίγρ(αφον) τῷ ξενικῶν πρά[κτορι] καὶ τῷ Ἀπίωνι ἐνωπίωι. [Ἔτους]. Αὐτο]κράτορος Καίσαρος Οὐέσπασιανου [Σεβαστο]ῦ Ἐπεὶ ἰδ. Since the lines immediately above this section of the papyrus have been lost, it cannot be excluded that this was the original petition containing the petitioners' subscription, and that it was the version registered by the *στρατηγός*. However, it could also be that this was simply a copy served on the petitioners' opponent or the *πράκτωρ ξενικῶν*, just like the duplicate of this text, *P. Oxy.* IX 1203.

The first hint of a change in purpose lies in the formulae used in these kinds of requests. The phrase *πρὸς τὸ μένειν μοι τὸν λόγον* (and its variants) begins to appear in the documentation for the first time, and immediately becomes very common. Furthermore, in cases in which the perpetrator of a wrong was unknown, it also became the practice for the concluding request to say that registration is sought so that ‘when (or if) the culprits come to light’, the plaintiff’s *λόγος* may remain. Representative is the request of Aurelius Stotoetis, quoted above.⁸⁷ In five other petitions from this period, three addressed to centurions and two to decurions, one finds essentially this formula, but without the words *καταχωρισμός* or *καταχωρίζω*.⁸⁸ These may well have been intended as requests for registration, but in the absence of any express statements, these documents are left to one side in the analysis that follows – not that the patterns in them differ in any noticeable way from those visible in cases which do explicitly call for registration.

⁸⁷ *BGU* I 35, ll. 10–15.

⁸⁸ E.g. *P. Flor.* I 9, ll. 13–17 (to a decurion): ὅθεν ἐπιδίδωμι τάδε τὰ βιβλίδια αὐτὸ τοῦτο φανερόν σοι ποιῶν, κύριε, πρὸς τὸ μέν(ε)ν μοι τὸν λόγον πρὸς τοὺς φανησομένους αἰτίους (‘Wherefore I submit this petition making this very thing clear to you, my lord, so that my right [or “account”] might remain against the culprits when they come to light.’). See too: *P. Oslo* II 23, ll. 11–15 (= *Pap. Choix* 19) (centurion); *PSI* III 184, ll. 14–17 (decurion; AD 292); *P. Tebt.* II 333, ll. 16–18 (= *MChbr.* 115 = *Sel. Pap.* II 336) (centurion; cf. below, n. 89); and *SB* VI 9203, ll. 15–18 (centurion). *P. Cair. Isid.* 65, ll. 6–7 (cf. 66 and 67) refers to a previous petition to the *στρατηγός* using similar words, again without the words *καταχωρισμός* or *καταχωρίζω* (see too above, n. 62). One cannot exclude the possibility that centurions and decurions were expected to archive petitions even in the cases in which this is not expressly stated. *BGU* II 651 (= *MChbr.* 111), a petition to a centurion, is said to have been submitted εἰς τὸ ἐν καταχωρισμῷ γενέσθαι(ι) (lines 7–8). This request assumes that the centurion had access to an appropriate archive in which to deposit the petition. Moreover, DARIS has recently argued that the centurions, decurions, and *beneficiarii* who received petitions were not stationed in outlying villages of the relevant nome, but were based in the nome capital and would, at best, visit rural villages on occasion: S. DARIS, ‘Il soldato-giudice: una postilla’, *ZPE* 164 (2008), pp. 185–190. If this is correct, then it would have been convenient for such soldiers to deposit petitions in the βιβλιοθήκη δημοσίων λόγων located in the relevant nome capital – an archive that was also conceivably the final destination of registration petitions submitted to *στρατηγοί*. See DARIS, *ibid.*, p. 185, n. 1 for additional recent literature on the phenomenon of centurions, decurions, and *beneficiarii* receiving petitions.

A second change that becomes visible in the documents from AD 164 is that in a significant number of cases, it is clear that the petition was submitted even though the offender's identity was unknown. This contrasts with the situation in the early Roman period. During this earlier period, with the exception of the fragmentary *SB* xxvi 16418 for which no judgment is possible, we can tell that the identity of the offender was known in all the published examples of registration petitions. By contrast, in the period from AD 164 to AD 258/9 (the date of the last registration petition addressed to a στρατηγός), there are 32 published examples of petitions with explicit registration requests; it is clear that, in at least twelve of these cases, the petitioners did not know the identities of the offenders.⁸⁹ Furthermore, in two other cases, it is clear that the offenders' identities were known, but their whereabouts were not.⁹⁰ In another two cases, enough of the text survives to make it clear that either the identities or the whereabouts of the offenders were unknown, even if we cannot be sure which of the two scenarios was the case.⁹¹ The goal of registration petitions complaining of unknown or absent offenders cannot have been to evidence the service of a copy on the offender, since it would obviously not have been possible to serve a document on a person who had vanished or was unknown. Moreover, in none of the 32 cases from this period is there an express request for service.

If the process of registration in this period never (or hardly ever) aimed to document the service of the petition on an opponent, and if this process cannot be explained as allowing the circumvention of limitation periods, just what was its goal? Here another feature of the formulae from

⁸⁹ *BGU* I 35; 46 (= *MChr.* 112); *BGU* I 72; II 651 (= *MChr.* 111); *BGU* III 731, col. II; *P. Fouad* 29; *P. Harr.* II 200; *P. Mich.* IX 527; *P. Oxy.* xli 2997; L 3561; XLVI 3289; *P. Tebt.* II 330; cf. *P. Oslo* II 23 (= *Pap. Choix* 19); *P. Cair. Isid.* 65; *P. Flor.* I 9; *SB* VI 9203. *P. Tebt.* II 333 is also a case in which the offender's identity is unknown; its request does not use the words καταχωρισμός or καταχωρίζω, but it refers to the fact that the στρατηγός has been given a duplicate πρὸς τὸ ἐν καταχω[ωρ]ισμῷ γενέ[σ]θαι (lines 16–18).

⁹⁰ *P. Ant.* II 88; *P. Grenf.* II 61; cf. *P. Oxy.* LXI 4122 (with the editor's introductory comments at p. 111).

⁹¹ *P. Fay.* 108; *P. IFAO* I 26, with B. KELLY, "When the culprits come to light...". *P. IFAO* I 26, *BGU* III 731.11, and *P. Fay.* 108', *APF* 59 (2013), pp. 369–374.

the documents of this era suggests part of the answer. In a number of cases, the request section of the petition states explicitly that the purpose of having the document registered is to *testify to* the wrong done. Thus, in *P. Fam. Tebt.* 38 the request is ὅθεν ἐπιδίδομεν τόδε τὸ βιβλίδιον, ἀξιοῦντες ἔχειν σε αὐτὸ ἐν καταχωρισμῷ πρὸς μαρτύριον ('Wherefore I submit this petition, asking that you register it for the purpose of testimony').⁹² In *P. Ant.* II 88, one finds ἀξιῶ αὐτὸ τοῦτο μαρτυρόμενος [καὶ ἐπιδιδ]οὺς τόδ[ε τ]ὸ βιβλίδιον εἶναι α[ὕ]τὸ ἐν καταχωρισμῷ πρὸς μ[αρ]τύριον ('Testifying to this very fact and submitting this petition I ask that it be registered for the purpose of testimony').⁹³ The phrase πρὸς μαρτύριον also appears in a similar context in another petition from this period, and is plausibly reconstructed in a second.⁹⁴ Four other cases lack the phrase πρὸς μαρτύριον, but express the same idea, either using a participial form of μαρτυρέω,⁹⁵ or describing the petition itself as a μαρτυρία,⁹⁶ a διαμαρτυρία,⁹⁷ or an ἐνμάρτυρα.⁹⁸ In several of the cases, such language is combined with the formula πρὸς τὸ μένειν μοι τὸν λόγον or its variants, suggesting that there was perhaps a conceptual link between the petition's status as testimony and the preservation of rights.⁹⁹

In what sense were these petitions useful testimony of the wrong done? Part of the answer must be that the narrative within such a petition could be brought before the court in the event of a trial. There are

⁹² *P. Fam. Tebt.* 38, ll. 12–15.

⁹³ *P. Ant.* II 88, ll. 11–12.

⁹⁴ *BGU* VII 1577, l. 4: πρὸς μ[α]ρ[τ]υ[ρ]ία; *P. Ryl.* II 116, l. 18.

⁹⁵ *PSI* III 249, l. 17: [δι]ὸ τοῦτο μαρτυρό[μενος].

⁹⁶ *P. Oxy.* LXI 4122, ll. 16–17; note PREISIGKE, *Fachwörter*, s.v. μαρτυρία: 'schriftl. Zeugnis-ablegung'.

⁹⁷ *SB* XX 15036, l. 6, cf. REA's rendering of διαμαρτυρία in this passage as 'written testimony' or 'a written affirmation of evidence': J. REA, 'On κηρυκίνη: *P. Heid.* IV 334, *P. Köln* VI 279, and *CPR* I 232', *ZPE* 79 (1989), pp. 201–206, at pp. 203, 205.

⁹⁸ *P. Fouad* 29, l. 13; cf. *P. Cair. Isid.* 66, l. 9; 67, l. 12 (with above, n. 62). See too *DGE* VII, sv. ἐνμάρτυρος (2): 'que tiene valor probatorio o testimonial'.

⁹⁹ E.g. *P. Fouad* 29, ll. 12–15: ὅθεν ἐπιδίδωμι τάδε τὰ βιβλίδια καὶ ἀξιῶ ἐν καταχωρισμῷ αὐτὰ γενέσθαι ἐνμάρτυρα εἰς τὸ μέν[ε]ν μοι τὸν λόγον πρὸς τοὺς φανησομένους αἰτίους. See too *BGU* VII 1577, ll. 4–6; *P. Ryl.* II 116, ll. 16–21; *PSI* III 249, ll. 17–21.

cases from Roman Egypt of petitions being read aloud during trials.¹⁰⁰ Obviously enough, having sufficient testimony in one's favour would protect one's right to win a remedy from a court. If the usual translation of the phrase *πρὸς τὸ μένειν μοι τὸν λόγον* as 'so that my right may remain' is correct, it should therefore not be seen as referring to the continuation of the abstract right to commence proceedings. Rather, it should be regarded as a practical acknowledgement of the fact that, without sufficient evidence, one has no hope of enforcing a right in the future. A jurist perhaps would say that, as a point of legal philosophy, one's right remains, even if one has no practical ability to enforce it; in the gritty world of our petitioners, however, an unenforceable right would have (quite reasonably) seemed to be a dead one. On the other hand, in view of the fact that registration petitions were seen as a putting the petitioner's testimony on record, there is a good case for translating *πρὸς τὸ μένειν μοι τὸν λόγον* as 'so that my account may remain'.¹⁰¹ None of the documents presently at our disposal absolutely precludes *λόγος* from meaning either 'right' or 'account' in such contexts, so both understandings remain open.¹⁰²

¹⁰⁰ See KELLY, *Petitions* (cit. n. 3), 172 for examples and discussion. The fact that other petitions with requests unconnected with registration are sometimes conceptualised as providing testimony also reflects this practice: e.g. *P. Amb.* II 141, l. 17 (= *MCbr.* 126); *P. Mich. inv.* 1960, l. 21 = L. H. BLUMELL, 'Petition to a *beneficiarius* from late third century AD Oxyrhynchus', *ZPE* 165 (2008), pp. 186–190; *P. Oxy.* VIII 1121, ll. 23–24. The use of petitions to record testimony for later forensic use is also documented elsewhere in the Empire: *P. Euphrates* 5, l. 14 (= *SB* XXII 15500).

¹⁰¹ The phrase is understood in this way by A. BRYEN, *Violence in Roman Egypt. A Study in Legal Interpretation*, Philadelphia 2013, pp. 131, 240, although he translates *λόγον* in a similar context in a completely different way at p. 247.

¹⁰² *P. IFAO* I 26, as read by its original editor, is a registration petition in which *λόγος* (line 6) is perhaps best translated as 'account'; however, my recent rereading of the text means that this observation no longer applies, and the word could just as well be translated as 'right': see KELLY, 'Culprits' (cit. n. 91). *P. Oxy.* LXI 4122, ll. 17–19 reads *πρὸς τὸ τηρηθῆναι μοι τὸν λόγον* *περὶ τῆς ἐκδικήσεως παρὰ τῷ μεγέθει τῆς ἡγεμονίας*, and the editor offered the entirely reasonable translation 'so that right of action may be reserved to me concerning legal satisfaction in the presence of his Highness the prefect'. However, one could also understand *περὶ* to mean 'for the purpose of' and translate 'so that the account may be preserved for me for the purpose of legal satisfaction before his Highness the prefect'. For this sense of *περὶ* + genitive, see MAYSER, *Gram.* II 2, ll. 2, pp. 448–449;

But one crucial question remains: why did some petitioners seek to create this kind of testimony so soon after the offence, before the full story was known – indeed, sometimes before the very identity of the offender was known? The answer becomes clearer if we take a brief lateral step away from Roman Egypt, and into the courtrooms of classical Athens and republican Rome. In forensic speeches from both eras, one finds the defence arguing that prosecutors who delayed in airing their allegations can by this fact be suspected of dishonesty. Take Lysias' *Speech* 3, a case before the Areopagus in which the prosecutor had alleged that the defendant had wounded him with intent to kill in the course of a dispute over a beautiful boy. Arguing that the prosecutor is lying about what transpired during the affray, the speaker says:

Lys. 3, 39 (ed. CAREY): τὸ δὲ μέγιστον καὶ περιφανέστατον πάντων ὁ γὰρ ἀδικηθεὶς καὶ ἐπιβουλευθεὶς ὑπ' ἐμοῦ, ὥς φησιν, οὐκ ἐτόλμησε τεττάρων ἐτῶν ἐπισκῆψασθαι εἰς ὑμᾶς. καὶ οἱ μὲν ἄλλοι, ὅταν ἐρῶσι καὶ ἀποστερῶνται ὧν ἐπιθυμοῦσι καὶ συγκοπῶσιν, ὀργιζόμενοι παραχρῆμα τιμωρεῖσθαι ζητοῦσιν, οὗτος δὲ χρόνους ὕστερον. – But here is the greatest and most conspicuous point of all: he who was wronged and plotted against by me – so he says – did not dare to denounce me to you for four years. Other people, whenever they are in love and are deprived of those whom they desire and are beaten up, are angry and seek to avenge themselves immediately, but this man seeks this long after.¹⁰³

The defence here is not invoking a legally defined limitation period.¹⁰⁴ Rather, the argument is a more general one: that people who delay in bringing accusations are probably not acting in good faith. Precisely the same argument is found in Lysias, *Speech* 7, as well as in two passages in Demosthenes.¹⁰⁵ In Lysias, *Speech* 13, we see this argument from another

S. LURAGHI, *On the Meaning of Prepositions and Cases. The Expression of Semantic Roles in Ancient Greek*, Amsterdam – Philadelphia 2003, pp. 271–272, 282; P. BORTONE, *Greek Prepositions. From Antiquity to the Present*, Oxford – New York 2010, p. 298.

¹⁰³ Cf. 3, 19–20.

¹⁰⁴ C. CAREY, *Lysias. Selected Speeches*, Cambridge 1989, p. 108.

¹⁰⁵ Dem. 18, 15; 36, 53–54; Lys. 7, 42; cf. 17.

angle.¹⁰⁶ The speaker pre-emptively attacks the defendant's argument that the suit was launched long after the alleged offence. The prosecution's argument is that there is no limitation period in relation to murder cases – although one suspects that a crafty defence speech would still use the delay to attack the credibility of the prosecutor. That Lysias thought it necessary to raise the issue at all shows what a natural argument this would be for the defence.

Since this was a stock argument amongst the Attic orators, it is scarcely surprising that we find it in Cicero as well. In *Pro Caelio* 19, Cicero responds to the prosecution's promise to produce a senator who will give evidence that he was manhandled by Caelius during the pontifical elections. Cicero says that if the senator in question is called upon to give oral testimony, he will ask why this witness is only now levelling the accusation, rather than immediately bringing charges, or at least complaining about the accusation in some other way.¹⁰⁷

The notion that a delay in bringing an accusation was an indicator of bad faith was familiar in the legal culture of Roman Egypt too. This can perhaps be traced to the fact that Demosthenes and the Attic orators would have been central to the education of the advocates who argued cases in the courts of the provinces,¹⁰⁸ as is evident from the presence of a range of the topoi and techniques of classical oratory in the versions of advocates' speeches preserved in reports of proceedings.¹⁰⁹ Whatever its origins, one can see this kind of notion in an edict of the prefect C. Valerius Eudaemon from AD 142. The edict, which the prefect says was prompted by his experience in cases argued before him, deals with the problem of debtors bringing criminal charges against their creditors to

¹⁰⁶ Lys. 13, 83–84.

¹⁰⁷ Cic. *Cael.* 19; cf. *D.* XLVII 10, 11, 1.

¹⁰⁸ R. CRIBIORE, *Gymnastics of the Mind. Greek Education in Hellenistic and Roman Egypt*, Princeton 2001, pp. 144, 231–238.

¹⁰⁹ See H. SCHMIDT, 'Einfluss der Rhetorik auf die Gestaltung der richterlichen Entscheidungen in den Papyri', *JfJRP* 4 (1950), pp. 165–177, at pp. 171–176; J. CROOK, *Legal Advocacy in the Roman World*, London 1995, pp. 58–118; M. HEATH, 'Practical advocacy in Roman Egypt', [in:] M. EDWARDS & C. REID (eds.), *Oratory in Action*, Manchester 2004, pp. 62–82; IDEM, *Menander. A Rhetor in Context*, Oxford 2004, pp. 21, 311–331.

intimidate them into conceding easier terms on the repayment of the loans.¹¹⁰ The prefect rules that when creditors demand repayment, debtors must immediately bring any charges of fraud or forgery against them. If they delay, they will either lose the right to bring such charges, or at least have to wait until the action for debt is over and put down a deposit before the criminal case is heard. The underlying assumption is clear: people who delay in bringing accusations are quite probably lying, and should be treated with suspicion.

In petitions one also finds evidence that promptness was considered a virtue when it came to complaining of wrongs. For one thing, it was not just registration petitions that tended to be submitted swiftly: of the petitions from the Roman period with other kinds of requests, 49 can be securely dated to within 14 days of the wrong;¹¹¹ on the other hand, only eleven can be securely said to have been submitted two weeks or more later.¹¹² The preference for promptness is reflected in the rhetoric of peti-

¹¹⁰ *P. Oxy.* II 237, col. VIII, ll. 7–18, cf. *BL* I 318. See too, *P. Mil. Vogl.* I 25, col. III, ll. 12–14 in which an advocate attacks a plaintiff's credibility because he delayed in suing over an (allegedly) long-overdue debt.

¹¹¹ Same day: *BGU* I 242 (= *MChr.* 116); *P. Giss.* 8 (= *MChr.* 206); *P. Lond.* II 342 (pp. 173–174); *P. Mich.* v 226; *P. Münch.* III 73; *P. Oslo* II 21; *P. Oxy.* II 283; xxxIII 2672; xxxVIII 2853 r^o; *P. Oxy. Hels.* 23; *P. Sijp.* 16. Next day: *BGU* II 491, col. II; 589; 663; *P. Alex. Giss.* 31 (= *SB* x 10642 F); *P. Harr.* II 192; *P. Lund.* IV 13 (= *SB* VI 9349 = *Pap. Choix* 25); *P. Mich.* III 175; *P. Mich.* v 228; *P. Mil. Vogl.* IV 234 (= *SB* VIII 9657); *P. Oxy.* XLIII 3105; LVIII 3926; *P. Stras.* IV 222, cf. *BL* v 138; *P. Tebt.* II 332; *P. Würzb.* 8 (= *SB* I 5280); *SB* III 6952; VI 9421; XXVI 16526; cf. *P. Oslo* II 23 (= *Pap. Choix* 19). Two days: *BGU* I 22; *P. Ryl.* II 148. Three days: *BGU* I 275, cf. *BL* I 35; *BGU* II 454; cf. *P. Flor.* I 9. Three days or fewer: *P. Hamb.* I 10. Four days: *P. Mich.* v 229, cf. *BL* III 115; *P. Ryl.* II 139. Five days: *P. Stras.* II 118. Five days or fewer: *P. Lond.* III 1218 (pp. 130–131); *P. Mil. Vogl.* IV 222. Six days or fewer: *P. Giss.* 9. Seven days: *BGU* IV 1036 (= *MChr.* 118). Eight days or fewer: *P. Ryl.* II 136. Nine days or fewer: *P. Ryl.* II 142. Ten days or fewer: *BGU* XIII 2240; *SB* IV 7469; XIV 12199 (= H. C. YOUTIE, *Scriptunculae posteriores* I, Bonn 1981, pp. 485–487). Twelve days or fewer: *P. Ryl.* II 140. Thirteen days or fewer: *P. Oxy.* LXVII 4582; *P. Ryl.* II 133. Fourteen days or fewer: *P. Ryl.* II 127.

¹¹² 16–45 days: *PSI* v 463. 35–42 days: *P. Oxy.* III 485 (= *MChr.* 246). Five months: *BGU* IV 1139 (= O. MONTEVECCHI, 'BGU IV 1139. Paramone e trophitis', *BASP* 22 [1985], pp. 231–241). Seven or more months, but not more than 20: *BGU* IV 1061. One year or more: *BGU* I 180 (= *MChr.* 396 = *Sel. Pap.* II 285). 384–414 days: *BGU* II 578 + *BL* VIII 29 (= *MChr.* 227 = *Jur. Pap.* 46). Two years: *WChr.* 176 (= *Sel. Pap.* II 280). More than one year, but not more than three: *SB* XIV 11902 = *P. Oxy.* II 393 *descr.* Seven years, eight months or more: *P. Oxy.*

tions as well. Thus, for example, a third-century petition claims that the complainant was wrongfully nominated to a liturgy, and then continues: *διόπερ ... οὐχ ἡσύχασα, ἀλλ' εὐθέως ἐνέτυχον τῷ [κ]ρατίστῳ* (or *Σεβήρῳ τῷ*) *διαδεχομένῳ τὰ κατὰ τὴν ἐπιστρατηγίαν τῆς Ἑπτανομίας ταῦτα π[αρα]-τιθέμενος* ('Therefore ... I did not keep quiet, but immediately petitioned His Excellency (or Severus) the acting *epistrategos* of the Heptanomia.').¹¹³

Also relevant in this context is the famous *P. Oxy.* L 3555, in which a woman of Oxyrhynchus complains that her slave-girl has been injured in a collision with a donkey. The woman had not submitted the petition immediately – the incident was on the nineteenth of the previous month, so the woman delayed by between twelve and forty-one days. Important for our purposes is the fact that the woman (or her scribe) felt the need to explain that she did not register a petition earlier because the office of *στρατηγός* was vacant, and she did not fully appreciate the gravity of the girl's injuries at first.¹¹⁴ The date of the document is not known – both a first- and a second-century date are possible – so it is not clear whether the point of such a petition would have been to testify to the incident in case the girl's condition deteriorated, or whether the registration request would have been twinned with a request that the document be served on the donkey driver, perhaps to summons him. Whatever the case, the assumption is that it ought to have been done quickly, and that special pleading was necessary to explain why it was not.

In light of such evidence, requests for registration in petitions from the 160s and after are mostly explicable as attempts to pre-empt the argument that the complainant had been slow to bring his or her allegations, and was

11 285 (= *P. Lond.* 111 796 *descr.*). Nine years: *BGU* IV 1200. 27 years: *BGU* III 888 (= *MChbr.* 239). In several of these cases, there are clear extenuating circumstances to explain the delay; for example, the twenty-seven year delay was apparently caused by the fact that the petitioner had departed for a career in the army after contracting a debt, and his brother, who was the co-creditor, had died before enforcing the contract. See KELLY, *Petitions* (cit. n. 3), pp. 273–274 for further discussion.

¹¹³ *P. Flor.* III 382, ll. 48–51 (= *P. Flor.* I 57), with *BL* VIIII 132; cf. *P. Mich.* IX 527, ll. 12–14; *P. Oxy.* VIII 1119, ll. 7–8.

¹¹⁴ *P. Oxy.* L 3555, ll. 29–44. The editor's addition of *οὐ* in line 30 is surely correct, since without it the logic of the sentence is lost; see his comments at line 29–31 n.

therefore probably lying.¹¹⁵ As Mitteis rightly observed, such petitions were often submitted in cases in which a victim of a wrong anticipated a delay in bringing the case to court, perhaps because the offender was unknown or had vanished, or, one might add, possibly because there was some other impediment to litigation, or the petitioner preferred to attend to some other pressing business first.¹¹⁶ In these cases, petitions were registered as a first step, to ensure that the victim could not be accused of bad faith because he or she waited so long before bringing a complaint. Although such petitions often did not contain all the testimony necessary to win the case, they did have the virtue of testifying in a timely fashion. It is no accident that in all the cases in which the interval between offence and petition can be ascertained, that interval was only a few days.

Of course, it should be stated quite frankly that this hypothesis requires one to assume that even in the cases that did not involve offenders who had vanished or were unknown, the petitioner (or his or her advisors) still anticipated some kind of delay in the commencement of litigation. One must assume this even when these texts do not specifically state that delay was anticipated. But such an assumption does not seem far-fetched. To obtain a proper judicial hearing of the types of complaints typically raised in registration petitions, one would usually have to petition the prefect, which would often involve travelling to Alexandria or a *conventus* centre. Further travel (and expense) could be required if, as often happened, the prefect delegated the case to a subordinate official. It is quite reasonable to assume that some victims of wrongs were not in a position to do this immediately. Furthermore, we should reckon with the possibility that some people who submitted registration petitions and

¹¹⁵ This hypothesis differs somewhat from that suggested by the editors of *P. Fam. Tebt.* 38 (cf. 37), a registration petition submitted by two brothers complaining that a third brother had, without their knowledge, used a slave owned by all three to secure a loan. The creditor then seized the slave. The editors state that 'this document has no other purpose than to prove in the future that the brothers immediately protested lest their silence would be interpreted as acquiescence'. Whilst this formulation could cover *P. Fam. Tebt.* 38, in most registration petitions the issue is not that prolonged silence could be interpreted as acquiescence, but that it could be taken to suggest that the wrong alleged did not take place at all.

¹¹⁶ Cf. WITT, *Judicial Function* (cit. n. 5), pp. 49–50.

who knew the identity of the person who wronged them were hoping for a private settlement of the matter. Such individuals may well have felt that the immediate commencement of litigation was excessive; the registration of a petition would, however, have protected the victim if attempts at a settlement failed – and also, as a practical bonus, would have placed pressure on the wrongdoer to settle.¹¹⁷

If one is willing to assume that some petitioners, even if they knew who the offender was, were not willing or able to commence litigation immediately, then the hypothesis outlined above would seem to cover all the evidence presently available.¹¹⁸ Most of the registration petitions from the period AD 164 and following that are reasonably extant outline the original offence, and end with a request which displays one of the formulaic features mentioned above.¹¹⁹ There are a few variations on this basic pattern, but these still are readily explicable as cases in which the petition was registered to serve as evidence in a later trial. As discussed above, there are two cases which are unusual in that they ask both for registration and for a medical inspection of assault victims.¹²⁰ The idea behind these requests must have been that the attending physician's report

¹¹⁷ This kind of motivation may have existed in *BGU* I 321 (but cf. above, n. 3) and *P. Gen.* II 107 (with note to lines 11–13). WITT, *Judicial Function* (cit. n. 5), pp. 50–51 suggests something along these lines: ‘the registry petition, like the *παραγγελία* or the *μετάδοσις* petition ... are (*sic*) in the way of informations to the strategos that other avenues to justice will be pursued. Perhaps the plaintiff plans to take his own steps: “self-help”.’ This suggestion overstates the case by trying to explain all registration petitions in this way; there is not nearly enough explicit evidence to support such a hypothesis. But it is not impossible that some petitioners did hope for such alternative avenues to justice, and registered a petition in case these avenues led nowhere.

¹¹⁸ Of the petitions in which the offenders' identities are known, such an assumption provides a straightforward explanation in the following cases: *BGU* I 2 (= *MCbr.* 113); *BGU* I 45; 321 (duplicate: *P. Berol. inv.* 7081 r^o); *P. Fam. Tebt.* 38 (= *SB* IV 7363); *P. Gen.* II 107; *P. Mich.* VI 423 (duplicate: 424); *P. Ryl.* II 116 (= *Jur. Pap.* 92 = *Sel. Pap.* II 287 = *C. Pap. Hengstl* 50). Of course, some texts are too fragmentary to make any secure judgment about whether this (or any other) hypothesis explains: *BGU* VII 1577; *P. Bodl.* I 40; *P. Lond.* II 363 (p. 170 = MARTIN, “Women, camels...” [cit. n. 49], p. 437); *P. Princ.* II 29; *PSI* III 249.

¹¹⁹ Above, p. 431.

¹²⁰ *P. Oxy.* XII 1556; *LXI* 4122 (AD 305), discussed above, n. 102.

would not provide evidence of how the wounds were sustained, and so the timely registration of the petition would provide such background testimony for later forensic use.

Two other petitions aim to testify not so much to the initial wrong itself, but to the fact that the petitioner's opponent had undertaken to appear in a given city for a judicial enquiry, but had not done so.¹²¹ The registered petition therefore would have served as evidence if the plaintiff sought a default judgment, or if the defendant subsequently tried to claim he or she had indeed appeared. In these cases, therefore, the registration of the petition replaced another practice which is evidenced for the Roman period, namely requesting that an opponent's failure to attend court be recorded in the *commentarii* of the presiding judge.¹²²

A petition from AD 187–188 to the στρατηγός and one from AD 324 or after addressed to the prefect are somewhat unusual in that they also request a hearing. It is not impossible that these are evidence for the survival of the early Roman practice of registering petitions which were served on defendants by way of summons. There is, however, no specific request for the service of these petitions, and it would be unusual for a defendant to be summonsed before the στρατηγός in this way.¹²³ It seems more plausible that registration was sought as a fallback measure: if the defendant failed to attend the hearing, the petitioner would still have an official record of his claims that could be used if he managed to bring the offender to court at a later date. The petitioners' pessimism about their chances of promptly bringing the offenders before a court could be explained by the fact that both complained of violent extortion, one by a tax collector and one by a military man.¹²⁴

¹²¹ *P. Ant.* II 88; *P. Ammon* II 30 (= *P. Ammon* I 6 = *SB* XIV 11929, AD 348); cf. *P. Ammon* II 28–29; 31.

¹²² For this practice, see HAENSCH, 'Statthalterarchiv' (cit. n. 28), pp. 227–228.

¹²³ See KELLY, *Petitions* (cit. n. 3), pp. 97–98 for summonses to appear before the στρατηγός, with further literature.

¹²⁴ *BGU* I 242 (= *MChr.* II 6, AD 187–188): extortion by a tax collector; *SB* XXII 15608 (= *P. Stras.* VI 560, AD 324 or after): extortion by a certain Asklepiades, described as ἔχων περὶ ἑαυτοῦ στρατιωτικὸν σχῆμα, {δὲ} λέγω δὴ τὸ τῶν κρατίστων. This odd description

The suggestion that registration petitions were designed to serve as testimony in later court proceedings also explains two petitions submitted not by plaintiffs, but by defendants (or people who feared that they would become defendants). A petition dated on palaeographic grounds to the second half of the third century narrates how the petitioners were accused of theft by a certain Eudaemonis, who then activated various legal procedures against them, but did not carry them through. The petition therefore asks for registration so that these affairs may not be unwitnessed (*ἀμάρτυρα*), and so that if the plaintiff launches further litigation, her recent vexatious conduct may be apparent.¹²⁵ To put it more plainly, the defendants hoped that, if Eudaemonis attempted to sue them again, they would be able to use the testimony contained in the petition to destroy her credibility.¹²⁶

A similarly defensive idea is behind another petition, this one a complaint about the theft of four donkeys from AD 193. The request is framed as follows:

διὸ ἐπιδίδωμι τόδε τὸ βιβλίδιον, ἀξιῶν ἐν καταχωρισμῶ γενέσθαι, ἐμοῦ μὲν ἀναζητοῦντος τούτους ἐν οἷς ἐὰν (ἢ ἂν) βούλωμαι τόποις, ὅπως, ἐὰν εὐκαιρίας τύχω τοῦ εὐρεῖν, ἀποσπάσω (...) – Therefore I submit this petition, asking that it be registered, since I am searching for them where I am willing to, so that, if I happen to have the opportunity of finding them, I may take them away...¹²⁷

is plausibly translated by the most recent editor of the document as ‘having a military man’s cloak on him, I mean that of the *egregii*’: A. J. B. SIRKS, ‘Aurelius Neilammon alias Hiërax and Caecilius [Cons]ultius, prefect of Egypt, in a case of extortion (P. Strasb. VI 560)’, *Tyche* 10 (1995), pp. 179–184, at p. 183. For the meaning of this very passage, see N. LEWIS, ‘Notationes legentis’, *BASP* 13 (1976), pp. 5–16, at pp. 5–6; J.-M. CARRIÉ, ‘Bryonius Lollianus de Sidé ou les avatars de l’ordre équestre’, *ZPE* 35 (1979), pp. 213–224, at p. 220, n. 30.

¹²⁵ *SB* xx 15036, ll. 30–37.

¹²⁶ In this context, note too *PSI* IV 281 v^o, ll. 49–60, a very fragmentary draft of a petition which contains a registration request, and which probably aims to complain about the conduct of a plaintiff. The state of the document makes firm conclusions impossible, however. *P. Oxy.* xii 1467 can perhaps also be explained as a case of someone who feared legal attack putting her claim on record in a pre-emptive fashion.

¹²⁷ *BGU* I 46, ll. 13–19 (= *MChr.* 112).

It has been suggested that this amounted to a request that the *στρατηγός* give permission for the petitioner to search for and seize back his stolen donkeys.¹²⁸ This interpretation would require us to assume that *στρατηγοί* were operating an otherwise unattested system for authorizing acts of extrajudicial self-help. Such a regime would seem to be especially unlikely if scholars have been correct to suggest that in the late Republic and Principate there was a growing official distrust of self-help in private property disputes, both in Egypt and in the Empire more generally.¹²⁹ There is a more straightforward explanation for this document: the petitioner was planning to seize back his donkeys if he could find them; he did not want to be accused of theft himself by the new possessor of the animals, who was potentially either the real thief or an unwitting buyer; therefore, by registering the petition the day after he discovered his loss, he created a piece of testimony that could be used to support his version of events if he was so accused.



5. TIMING AND CONTEXT

The evidence presently available therefore suggests that, at some point in the early or mid-second century AD, most registration petitions came to have new goals. When did this change take place? The last clear request for both registration and service dates to AD 103–107;¹³⁰ the first case in

¹²⁸ ZUCKER, 'Zu den Klagschriften' (cit. n. 5), pp. 456–457.

¹²⁹ For the situation in Egypt, see R. TAUBENSCHLAG, 'Selfhelp in Greco-Roman Egypt', [in:] IDEM, *Opera Minora* II, Warsaw 1959, pp. 135–141, at pp. 136–137. For official attitudes in the Empire more generally, see L. WENGER, *Institutionen des römischen Zivilprozessrechts*, Munich 1925, pp. 8–11; J. S. KLOPPENBORG, 'Self-Help or *deus ex machina* in Mark 12.9?', *NTS* 50 (2004), pp. 495–518, at pp. 511–512; D. P. KEHOE, 'Law and social formation in the Roman Empire', [in:] M. PEACHIN (ed.), *The Oxford Handbook of Social Relations in the Roman World*, New York 2011, pp. 157–159. Note too the constitution of Marcus Aurelius about the use of self-help by creditors, preserved at *D.* IV 2, 13 and XLVIII 7, 7.

¹³⁰ *SB* v 7870.

which we find a version of the formula *πρὸς τὸ μένειν μοι τὸν λόγον* dates to AD 164.¹³¹ Only two published petitions with registration requests can be securely placed between AD 107 and 164. The first is too vague to be helpful: it simply asks the *στρατηγός* to register the petition, and to do what he thinks best.¹³² The second, which dates to AD 137, deals with an offender, Horion, who took a sum of money from the petitioners with the promise that he would use it to buy wheat for them from his own father. Horion then vanished with the money. It asks that the petition be registered *ἄχ[ρ]ι οὗ ὁ Ὀρίων ἐμφανῆς γένη[τ]αι*, as well as requesting that his father be summonsed.¹³³ The first element of this request could be seen as having the same goals of those we find later in the second century: putting the victim's story on record in a timely fashion for use when the offender is eventually found and brought to trial. However, doubt is introduced by the existence of another version of this petition in which the critical passage is too mutilated to reconstruct with confidence, but which seems to have been phrased differently.¹³⁴

¹³¹ *P. Gen.* II 107, l. 13: *μ(ε)ῖναι μοι πρὸς αὐτοὺς τὸν λόγον*. For the date, see *BL* VIII 136. Note, however, *P. IFAO* I 26, which was dated by its editor to the second century AD, apparently on palaeographic grounds. It could therefore have been written earlier than AD 164.

¹³² *P. Oxy.* VI 898, ll. 37–39 (AD 123): *ἀξιῶ ἔχειν ἐν καταχωρισμῷ καὶ διαλαβεῖν ὡς ἔάν σοι [δ]όξῃ*.

¹³³ *P. Gen.* I² 28, ll. 21–27 (= *MChr.* 109): *διὸ ἀξιούμεν μένειν παρὰ σοὶ ἐν καταχωρισμῷ τὸ ὑπόμνημα ἄχ[ρ]ι οὗ ὁ Ὀρίων ἐμφανῆς γένη[τ]αι (καὶ) ἀχθῆναι τὸν πατέρα αὐτοῦ πρὸς τὸ παραστῆσαι αὐτὸν ἢ ὅμην ὑπὸ σοῦ βεβηθημέ(νοι)*. Two possible motives lie behind the request to summons the father: (a) there is a suspicion that the father, in spite of his protestations to the contrary, was actually party to the swindle; and (b) the plaintiffs wanted the *στρατηγός* to interrogate the father about his son's whereabouts. As a matter of law, there could be no question of making the father liable for a wrong committed only by the son, or of attempting to compel the father to produce the son before a court. In *SB* XIV 12087A, ll. 18–22, 12087B, ll. 1–7, a report of proceedings which took place in AD 154 before the prefect L. Munatius Felix, the prefect specifically states that a father cannot be held legally liable for a theft committed by his son, or forced to produce him before a court.

¹³⁴ *P. Brookl.* 3, ll. 19–24. The editor reconstructed the passage as follows: *διὸ ἀ[ξ]ιούμεν μένειν παρὰ σ[ο]ὶ ἐν καταχωρισμῷ τοῦτ[ο] τὸ ὑπόμνημα π[ρὸ]ς [τὸ αὐτόν τ]ε παραστῆναι καὶ ἀχθῆναι [καὶ τὸ]ν π[ατέρα] αὐ[το]ῦ ἐπ[ὶ] σέ ὅπ[ω]ς τύχομε[ν] (ἢ τύχωμεν) [τῶ]ν [ἀ]πὸ σο[ῦ] δι[κ]αίων*. An inspection of the plate (*P. Brookl.*, pl. 2) suggests that the editor's reading of the first part of *παραστῆναι* is not secure.

On the basis of the evidence presently available, another point can also be made with reasonable confidence: that in the first half of the second century AD, although it had not disappeared altogether, the practice of asking for petitions to be registered had become somewhat uncommon. More documentary papyri from the second century have been published than from any other century, and published petitions from the second century are much more common than those from the first or third centuries.¹³⁵ Of the 496 petitions from 30 BC–AD 284 involving disputes that can be dated to a particular year or narrow range of years, 137 (27.6%) date to AD 108–163.¹³⁶ The fact that of the forty-five published registration petitions from 30 BC–AD 284 only two (4.4%) come from this period is therefore striking. It is also noteworthy that the two examples that do come from AD 108–163 use formulae that are not precisely paralleled before or after in such documents. It would appear that the scribes who wrote the two documents could therefore not mechanically reproduce a standard formula from memory and did not have ready access to a model from which to work. It is also perhaps no accident that the request sections of the two versions of the petition from AD 137 were formulated in two different ways.

Now, the scarcity of requests for registration in the early second century could be explained by the assumption that scribes stopped mentioning this detail of the process, even though petitions were still being registered to evidence service. But it is hard to see why it would have been important to mention this detail in the first century, but no longer in the second. It seems more likely that the actual procedure became less common. Thus, the change in the purposes of registration petitions that I have

¹³⁵ For the chronological spread both of petitions involving disputes and of published documentary papyri in general, see KELLY, *Petitions* (cit. n. 3), pp. 64–66. See too W. HABERMANN, 'Zur chronologischen Verteilung der papyrologischen Zeugnisse', *ZPE* 122 (1998), pp. 144–160, especially p. 147.

¹³⁶ These numbers are generated from the evidence collected in KELLY, *Petitions* (cit. n. 3), Appendix 1. In doing the calculation, I have excluded any petitions datable just to a century or a part of a century (e.g. *P. Stras.* IV 241, datable only to the first half of the second century). In cases in which a petition is datable only to a range of years, some of which fall into the period AD 108–163, I have treated the document as coming from those years if 50% or more of the range falls between AD 108–163 (e.g. *BGU* XI 2063, datable to AD 159–64).

identified could well be a case of a procedure that was becoming uncommon being reused for different ends.

Who was behind this change? Unsurprisingly, the nature of our documentary record does not illuminate the precise moment of the change: we only see its results. Two possible types of agents, however, could have been responsible, even if our evidence does not allow us to choose between them, and perhaps never will. First, it could have been that, in a case in which actual litigation was going to be delayed for some reason, a canny petitioner (or his or her legal advisor) hit upon the device of co-opting the practice of registration to prevent the defence from arguing that he or she had been suspiciously slow in airing his or her grievances. It would not have taken a creative genius to devise such a tactic. *PSI* 1 57 (AD 51), the petition from the tenant who had withdrawn from the land he leased, makes it clear that already in the first century registration petitions were being used to put on record a version of the facts that could be used by potential defendants in the event that they were sued. It was therefore not an enormous leap for *plaintiffs* to begin registering their version of the facts at an early stage, for use in future litigation.

Secondly, it is not impossible that the initiative came from those charged with the administration of justice in the province. One can imagine that a prefectural edict ordered plaintiffs to register their complaints promptly if they were not in a position to begin litigation immediately, or that a high-profile judicial decision encouraged the same result. If this is how the change came about, it is again best to see it as a (not especially radical) reuse of a previous Egyptian practice. It is less likely that a Roman administrator introduced it from elsewhere in the Roman empire. There is no trace of this process in Roman juristic texts, or in the (admittedly few) petitions from other provinces preserved on stone, wood, or papyrus. More importantly, as discussed above, the practice of registering petitions was well established in Egypt, going back to the Ptolemaic period. It would be an remarkable coincidence if a similar but subtly different practice existed in other Roman provinces, and this came to supplant the local practice.¹³⁷

¹³⁷ The editor of *P. Diosk.* 1 (154 BC?) speculates that this Ptolemaic registration petition had an evidentiary function: 'Dem Prosangelma kommt also nur eine beweissichernde

Whether the initiative came from on high, or from below, the establishment and continuation of this use of petitions has a plausible context in the ethos of those responsible for administering the province. There are clear signs, certainly from the late first century, if not before, that at least some Roman administrators in Egypt saw it as their duty to put various kinds of public archives and record collections at the disposal of members of the general public so that they could safeguard their legal rights – or, to put it another way, to try to limit fraudulent behaviour. Andrea Jördens has convincingly argued that when nome βιβλιοθήκαι ἐγκτήσεων were established (probably in the third quarter of the first century AD), their primary purpose was to secure the rights of the inhabitants of the province by providing an archive in which property rights created by transactions such as sales and mortgages were registered.¹³⁸ A similar observation can be made concerning the central archives in Alexandria, the Nanaion and the Ἀδριανὴ βιβλιοθήκη (the latter existing, of course, only from the time of Hadrian onward). Private contracts were deposited in these facilities, to try to ensure both that one party could not tamper with the contract to the detriment of the other party's rights, and also that contracts could not be forged entirely, thereby placing people under legal obligations to which they had not agreed.¹³⁹

Public archives were also used to secure the rights created by successful acts of petitioning and litigation. From as early as AD 164 and continuing into the third century, petitions submitted to the prefect were subscribed with the prefect's answer and then glued into a roll. After being displayed publicly, they were then archived. Witnessed copies of the subscriptions

Funktion zu' (*P. Diosk.*, pp. 16–17). If this is correct, the use of such petitions for the purpose of evidence in the second century AD and beyond could be seen as a revival of a Ptolemaic practice. But a good deal more Ptolemaic evidence would be needed before such a theory was supportable.

¹³⁸ JÖRDENS, 'Öffentliche Archive' (cit. n. 34), pp. 172–177.

¹³⁹ JÖRDENS, 'Öffentliche Archive' (cit. n. 34), pp. 173–174; BURKHALTER, 'Archives' (cit. n. 39), p. 203. These archives were available both for contracts drawn up by notaries and for those that were not (χειρόγραφα), although the process of deposit varied depending according to which of these categories the contract fell into. For details, see BURKHALTER, 'Archives', (cit. n. 39), pp. 204–208; WOLFF, *Recht* (cit. n. 16), pp. 51–53.

could henceforth be made; these cited the very column in the roll (and, at least by 219, also the number of the roll) in which the subscription could be found.¹⁴⁰ If a case reached the stage of court hearing, then a report of the proceedings would be made and would form part of the *commentarii* of the prefect or whichever other official was presiding. As early as the first century AD – perhaps from the reign of Claudius in the case of prefectural *commentarii* – these documents were then archived, and were available to be copied.¹⁴¹ Amongst other things, this practice meant that for the future there would be a record to evidence the court's decision regarding the parties' rights – or to prevent them from misrepresenting this decision.

Thus, part of the ethos of the provincial administration was an openness to the use of provincial and local archives to preserve evidence of the rights of individuals and to discourage fraud. It would therefore not be surprising if the provincial authorities had deliberately introduced the practice of registering petitions to help to preserve the rights of the petitioner in future litigation. On the other hand, if the introduction of the practice was the result of private initiative, this aspect of the administrative ethos of the province still explains why στρατηγοί and some other officials tolerated the practice.



¹⁴⁰ For the process, see HAENSCH, 'Bearbeitungsweisen' (cit. n. 23), pp. 499–506; IDEM, 'Statthalterarchiv' (cit. n. 28), p. 255; J. D. THOMAS, 'The *subscriptiones* in PSI IX 1026 and P. Oxy. XLVII 3364', *Tyche* 18 (2003), pp. 201–206, at pp. 204–206. For the earliest known case of a petition processed in this way, see SB XXIV 15915 (AD 164), with the commentary of A. PAPATHOMAS, 'Eine Petition an den *praefectus Aegypti* aus der friedlichsten und glücklichsten Regierungszeit von Marcus Aurelius und Verus (P. Heid. Inv. G 73)', *PapCongr.* XXI, pp. 765–779, at pp. 767–768. There are signs of a similar process being used at certain points by at least some of the other high equestrian officials of Egypt: HAENSCH, 'Bearbeitungsweisen' (cit. n. 23), pp. 508–510; IDEM, 'Statthalterarchiv' (cit. n. 28), pp. 256–257. For a period during the third quarter of the second century AD, petitions to the prefect were glued into a roll and sent to the prefect's delegate with a single covering letter of instruction – the so-called 'Sammelsubscriptio' process. It is less clear whether these rolls were eventually archived: HAENSCH, 'Bearbeitungsweisen', (cit. n. 23), p. 498; IDEM, 'Statthalterarchiv' (cit. n. 28), pp. 255–256. The 'Sammelsubscriptio' process apparently overlapped for a period with the one whereby petitions with individual subscriptions were glued into a roll.

¹⁴¹ HAENSCH, 'Statthalterarchiv' (cit. n. 28), pp. 219–245 is fundamental on the archiving of *commentarii*. See too KELLY, *Petitions* (cit. n. 3), p. 40 for further literature.

6. CONCLUSION

The accumulation of evidence in the last hundred years therefore allows us to improve substantially on the intelligent initial discussion of registration petitions by Mitteis. The findings can be summed up as follows. During the first century and a half of Roman rule in Egypt, petitioners would submit registration petitions in duplicate, usually to the *στρατηγός*; the original would apparently be glued into a roll and archived, while the copy would be served on an opponent. The purpose of archiving the original should be seen as part of an attempt to document the fact that the service of the copy had occurred. There are some signs that this procedure became uncommon in the first part of the second century, before then being reused for a different purpose.

In the second half of the second century, and in the third, registration petitions were still submitted mainly to the *στρατηγός*, and at least sometimes had to still be submitted in duplicate. They were pasted into rolls and likely archived, only now the point of doing this was to testify to the plaintiff's factual claims. Plaintiffs tended to do this very soon after the wrong about which they complained. My suggestion is that these were mostly cases in which some delay in bringing the case to court was anticipated; the plaintiffs sought to record their stories in a timely fashion to prevent their opponents from arguing that a delay in doing so was a sign that their story was invented – an argument that is well attested in the courts of Rome and classical Athens, as well as in the legal culture of Roman Egypt. Our evidence does not allow us to see whether the initiative for this new purpose came from the administrative authorities of the province or from a canny litigant and his or her legal advisors. Whatever the case, it is clear that the authorities were willing (and sometimes even eager) for the population of the province to use public archives and record collections to safeguard various other kinds of legal rights. This fact explains why they would be willing to introduce – or at least tolerate – the practice of registering petitions to testify to factual claims so that the petitioners' rights would be preserved.

APPENDIX: ROMAN REGISTRATION PETITIONS

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>SB</i> XXVI 16418, cf. <i>BL</i> XII 243	30 BC–AD 14	?	?	Breach of apprenticeship contract, cf. <i>AFP</i> 47 (2001), p. 347	?
<i>P. Wash. Univ.</i> II 77, cf. <i>BL</i> XI 289 (ll. 1–16 = <i>P. Vind. Worp</i> 2)	21 BC	Oxyrhynchite	βασιλικὸς γραμματεὺς	Illegal pasturing	✓
<i>P. Stras.</i> VI 566, cf. <i>BL</i> VII 252	7	Euhemeria (?), cf. <i>P. Stras.</i> VI, p. 91	?	Violence	✓
<i>CPR</i> xv 8. Dupl.: <i>CPR</i> xv 9 (= <i>SB</i> I 5245; <i>CPR</i> xv 10, ll. 1–14 = <i>SB</i> I 5242); cf. <i>CPR</i> xv 10a (= <i>P. Lond.</i> II 357, p. 165); <i>CPR</i> xv 11	13–15, cf. <i>BL</i> XI 72; <i>Str.R.Scr.</i> ² , pp. 10–11	Soknopaiou Nesos	στρατηγός (?), cf. <i>CPR</i> xv 10a; 11	Debt dispute	✓
<i>CPR</i> xv 7	14 or after	Soknopaiou Nesos	?	Real property dispute/Theft	✓
<i>PSI</i> I 57, cf. <i>BL</i> XI 242–243	51, cf. <i>BL</i> XI 242	Theadelphia	στρατηγός	Notice of withdrawal from a lease	✓
<i>P. Oxy.</i> XLIX 3464	c. 54–60	Letopolis (Arsinoite)	στρατηγός	Real property	✓

All dates are AD, unless otherwise indicated.

*Str.R.Scr.*² = J. E. G. WHITEHORNE, *Strategi and Royal Scribes of Roman Egypt*, Florence 2006.

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>P. Oxy.</i> IX 1203, cf. <i>BL</i> III 135. Dupl.: <i>P. Berl. Möller</i> 2 (= <i>SB</i> IV 7339), cf. <i>BL</i> III 29, VI 136	c. 70, cf. <i>Str.R.Scr.</i> ² , p. 92	Oxyrhynchus	στρατηγός	Debt dispute	✓
<i>BGU</i> I 226 (= <i>MChr.</i> 50 = <i>FIRA</i> III 167), cf. <i>BL</i> IX 17	99	Soknopaiou Nesos	στρατηγός	Inheritance dispute	✓
<i>SB</i> V 7870	103-107, cf. <i>Str.R.Scr.</i> ² , p. 37; <i>ZPE</i> 17 (1975), p. 280	Arsinoe	στρατηγός	?	✓
<i>P. Oxy.</i> VI 898	123	Oxyrhynchus	στρατηγός (acting)	Debt dispute/Real property dispute/Guardianship dispute	✓
<i>P. Brookl.</i> 3, cf. <i>BL</i> XII 42. Dupl. (with var.): <i>P. Gen.</i> I ² 28 (= <i>MChr.</i> 109)	137	Soknopaiou Nesos	στρατηγός	Theft	✓
<i>P. Gen.</i> II 107, cf. <i>BL</i> VIII 136	164, cf. <i>BL</i> VIII 136	Bacchias	στρατηγός	Property damage	✓

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>P. Oxy.</i> L 3561	c.165	Arsinoite	στρατηγός	Theft/Violence	×
<i>P. Fam. Tebt.</i> 38 (= <i>SB</i> IV 7363)	168	Antinoopolis	νομάρχης	Debt dispute	✓
<i>P. Fay.</i> 108, cf. <i>BL</i> VI 37; KELLY, “Culprits” (cit. n. 91)	c. 170, cf. <i>Str.R.Scr.</i> ² , p. 44	Arsinoe	στρατηγός	Theft/Violence	?
<i>P. Lond.</i> II 363 (p. 170), cf. <i>BL</i> I 258 (= MARTIN, ‘Women, camels...’ [cit. n. 49], p. 437)	c. 175	Pelousion (Arsinoite)	στρατηγός	Theft (?)	?
<i>BGU</i> III 731, col. II, cf. <i>BL</i> III 14, VIII 32; KELLY, “Culprits” (cit. n. 91)	180	Oxyryncha (?)	στρατηγός, cf. p. 415 above	Theft	× (?)
<i>P. Mich.</i> IX 527, cf. <i>BL</i> VII 112, VIII 215	187–188, cf. <i>BL</i> VII 112; <i>Str.R.Scr.</i> ² , p. 25	Karanis	στρατηγός	Theft	×
<i>BGU</i> I 242, cf. <i>BL</i> I 32, 434, II 2, 15, 211 (= <i>MChr.</i> 116)	187–188, cf. <i>BL</i> VI 11	Karanis	στρατηγός	Violence/ Official misconduct	✓

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>BGU</i> I 72, cf. <i>BL</i> I 15	191	Karanis	στρατηγός	Property damage	×
<i>BGU</i> II 651 (= <i>MChr.</i> III)	192	Karanis	Centurion	Property damage	×
<i>BGU</i> I 46 (= <i>MChr.</i> II2)	193	Neilopolis (Arsinoite)	στρατηγός	Theft	×
<i>P. Ryl.</i> II 116 (= <i>Jur. Pap.</i> 92 = <i>Sel. Pap.</i> II 287 = <i>C. Pap. Hengstl</i> 50)	194	Hermoupolis Magna	στρατηγός	Violence/ Inheritance dispute	✓
<i>P. Tebt.</i> II 330 (= <i>MChr.</i> II0)	c. 196–198, cf. <i>BL</i> IX 355; <i>Str.R.Scr.</i> ² , p. 46	Tebtynis	στρατηγός	Theft	×
<i>P. Mich.</i> VI 423 Dupl.: <i>P. Mich.</i> VI 424	197	Karanis	στρατηγός	Violence/Theft/ Property damage/Magic	✓
<i>P. Grenf.</i> II 61, cf. <i>BL</i> I 189	195 or 197–198, cf. <i>Str.R.Scr.</i> ² , p. 26; <i>BL</i> III 71	Psenhyris	στρατηγός	Theft	✓
<i>BGU</i> VII 1577	199–209	Arsinoite (?)	?	?	?

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>P. IFAO</i> I 26, cf. KELLY, “Cul- prits” (cit. n. 91)	Second century	Arsinoite (?)	?	?	?
<i>PSI</i> IV 281 v°, ll. 49–60	Second century	Oxyrhynchus (?)	?	?	✓
<i>BGU</i> I 45, cf. <i>BL</i> I 11	203	Soknopaiou Nesos	στρατηγός	Violence	✓
<i>BGU</i> I 2 (= <i>MChr.</i> 113), cf. <i>BL</i> I 7; XII 9	209	Soknopaiou Nesos	στρατηγός	Property damage	✓ (4 of 8 named)
<i>P. Oxy.</i> XLI 2997 (= <i>BASP</i> 6 [1969], pp. 55–56)	214	Toka or Oxyrhynchus	στρατηγός	Property damage	×
<i>BGU</i> I 321 (= <i>MChr.</i> 114 = WHITEHORNE, ‘Strategus, centurion’ [cit. n. 2], pp. 202– 203). Dupl.: P. Berol. inv. 7081 r°	216	Soknopaiou Nesos	στρατηγός	Theft	✓
<i>PSI</i> III 249, cf. <i>BL</i> I 393	218	Arsinoe	στρατηγός	Official Misconduct (?)	✓

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>P. Ant.</i> II 88	221	Hermopolite	στρατηγός	Theft (?)/ Inheritance dispute (?)	✓
<i>P. Bodl.</i> I 40, cf. <i>BL</i> XI 45	222–235	?	? cf. above, n. 30	Liturgical dispute	?
<i>BGU</i> I 35 cf. <i>BL</i> I 10	222, cf. <i>BL</i> XII 10	Soknopaiou Nesos	στρατηγός	Property damage	×
<i>P. Fouad</i> 29, cf. <i>BL</i> VII 56; <i>Korr. Tyche</i> 682	224	Bacchias	στρατηγός	Violence	×
<i>P. Harr.</i> II 200	236	Philadelphia	στρατηγός	Theft	×
<i>P. Oxy.</i> XII 1556	247	Oxyrhynchite (?)	στρατηγός (?)	Violence (?)	?
<i>SB</i> XX 15036 (= <i>CPR</i> I 232)	251–300	Hermupolis (?)	νυκτοστράτηγος (?)	Theft	✓
<i>P. Princ.</i> II 29, cf. <i>BL</i> III 149, VII 168, XII 163; <i>BASP</i> 46 (2009), pp. 147–148	258	Kaminou	στρατηγός	Violence (?)	?
<i>P. Oxy.</i> XLVI 3289, cf. <i>BL</i> X 152	258/259	Oxyrhynchus	στρατηγός	Theft	×

<i>Text</i>	<i>Date</i>	<i>Petition origin</i>	<i>Recipient</i>	<i>Subject-matter</i>	<i>Offender known?</i>
<i>P. Oxy.</i> XII 1467 (= <i>Sel. Pap.</i> II 305 = <i>FIRA</i> III 27 = <i>Jur. Pap.</i> 14), cf. <i>BL</i> VIII 246	263	?	Prefect	Registration of claim to <i>ius trium librerorum</i>	?
<i>P. Oxy.</i> LXI 4122	305	Oxyrhynchus	λογιστής	Violence	✓
<i>SB</i> XXII 15608 (= <i>P. Stras.</i> VI 560)	324 or after	Alexandria (?)	Prefect	Debt dispute/ Violence	✓
<i>P. Ammon</i> II 30, (ll. 1-17 = <i>SB</i> XIV 11929 = <i>P. Ammon</i> I 6). Drafts: <i>P. Ammon</i> II 28, 29 & 31	348	Alexandria	καθολικός	Dispute over ownership of slaves	✓

Benjamin Kelly

Department of History
York University
2140 Vari Hall
06108 Toronto, Ontario M3J1P3
CANADA
e-mail: benkelly@yorku.ca



ISBN 978-83-93425-3-7
9 788393 184253