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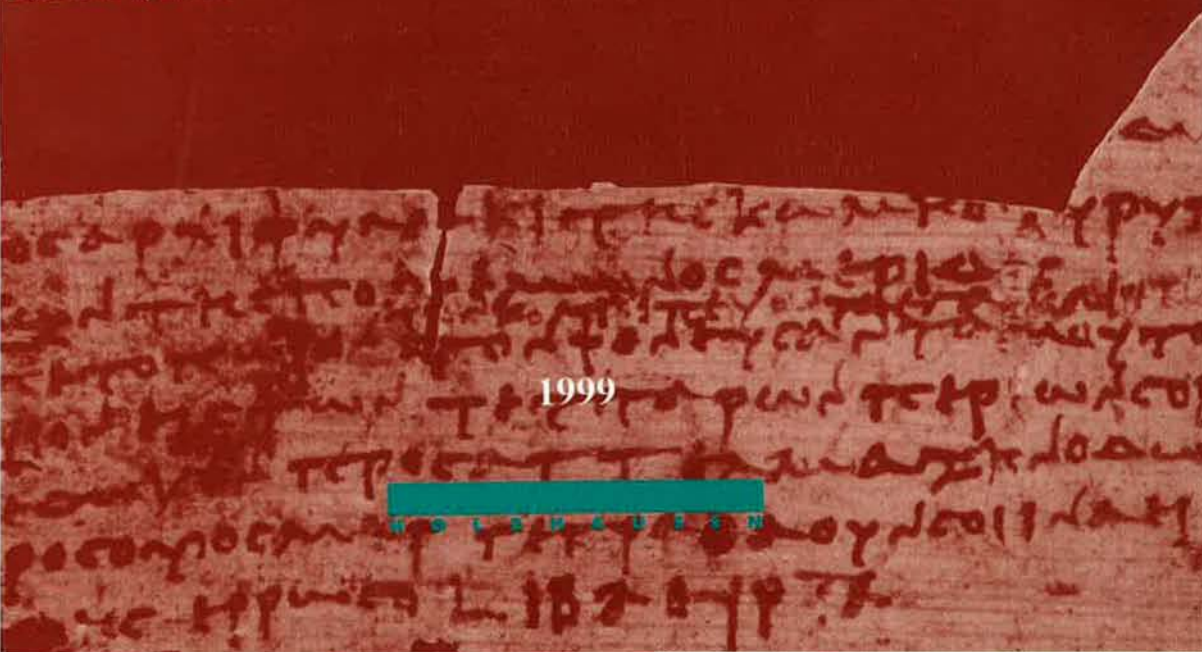
**Beiträge zur Alten Geschichte
Papyrologie und Epigraphik**

Herausgegeben von

Gerhard Dobesch, Hermann Harrauer
Peter Siewert und Ekkehard Weber

Band 14, 1999

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Gerhard Dobesch
zum 15. 9. 1999

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H O L Z H A U S E N

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MICHAEL PEACHIN

Five Vindolanda Tablets, Soldiers, and the Law*

I

That the Vindolanda tablets have provided us with an extraordinarily stimulating body of evidence is a truism, if ever there was one. But in particular, these inscribed scraps of wood offer the rare and tantalizing opportunity to compare many aspects of daily life (largely military, but also civilian) in the far northwestern corner of the Roman Empire with conceivably similar goings-on elsewhere¹. Following this line of investigation, I should like here to isolate one group of the Vindolanda documents, namely, those that seemingly involve soldiers and the law, and then to raise a few further questions concerning them, questions especially of this comparative type. The desire to do this is not fortuitous.

In a collection of essays dedicated to the memory of P. J. Sijpesteijn, I recently examined the habit of petitioning soldiers, there focusing on peoples' attempts to maneuver military men onto the judge's tribunal². A canvass of the Egyptian papyri (our most thorough evidence) which might reveal soldiers having been asked to adjudicate did not yield a perfectly clear picture of their functioning thus. Given, then, that the Egyptian situation could not lay all questions to rest, and in order also to place the papyrological documentation into a larger context, other evidence from around the Empire was brought to bear on the problem. Having collected what appeared to be most of the sources for this practice, several broad conclusions emerged: (1) although our evidence reflects neither the precise hopes of the petitioners, nor the reactions of those petitioned, it is nevertheless reasonable to suppose that civilians, both in Egypt and elsewhere, did attempt, perhaps even with some frequency, to involve soldiers in the settlement of their disputes — and some soldiers, sometimes, must have agreed to help; (2) these military men pretty certainly had nothing like proper legal training, nor were they authorized, in any official way, to adjudicate; (3) the most convincing explanation for these approaches to soldiers is that the imperial government did not make Roman officials, who were regularly assigned to administer the law, widely

* I would like to thank Anne Kolb for reading and making very useful comments on an early version of this paper. Thanks go also to Jonathan Roth, who read and commented on a penultimate draft.

¹ A. K. Bowman, *Life and Letters on the Roman Frontier. Vindolanda and its People*, revised ed., New York 1998, offers a splendid overview of what can be got in this vein from these documents.

² *A Petition to a Centurion from the NYU Papyrus Collection and the Question of Informal Adjudication Performed by Soldiers*, in: A. J. B. Sirks, K. A. Worp (eds.), *Miscellanea in Honour of P. J. Sijpesteijn*, forthcoming.

available — in other words, the nearest soldier was often the nearest manifestation of Roman power (or law), hence, the best alternative to self-help, or sometimes the best way to circumvent less than helpful local officials.

Unfortunately, I neglected to bring the Vindolanda tablets into this discussion. Therefore, I should like here just briefly to examine what the larger picture of soldiers and the law (though with some concentration on petitions to soldiers) could indicate about several texts from Vindolanda, and conversely, how these Vindolanda documents might add to the broader picture. The conclusions will be effectively the same as those just mentioned. However, consideration of the Vindolanda evidence warrants a slightly refined formulation of the case³.

II

Neither of the first two documents I shall consider is itself a petition; however, both contain echos of legal activity known to have engaged soldiers in Egypt — and perhaps elsewhere. One tablet points to Flavius Cerialis, prefect of the ninth cohort of Batavians at Vindolanda in about A.D. 100, having dealt with *libelli*. A second indicates his involvement with a trial.

T.Vindol. II 281 is a communication from Cluvius Faber, who appears to be a soldier⁴; it pretty certainly is addressed to Cerialis. Faber says that he is bringing, it seems, *libelli* to Cerialis. If so, then here is perhaps evidence of a soldier bringing the prefect of a cohort a *group* of petitions⁵. While there is nothing that speaks necessarily against this, it is perhaps worth remarking that a batch of petitions is not the only possible legal interpretation of the word *libellos* here⁶. For example, the jurist

³ All citations are from A. K. Bowman, J. D. Thomas, *The Vindolanda Writing-Tablets (Tabulae Vindolandenses II)*, London 1994. The documents here in question are the following five: T.Vindol. II 257, 281, 317, 322, 344.

⁴ In col. ii, l. 4, Faber seems to be designated either as belonging to the *turma* or the century of a Petrus, or possibly as decurion of the *ala Petriana*. See T.Vindol. II p. 249.

⁵ Bowman and Thomas, T.Vindol. II p. 248, suggest either the absolutely literal sense („little books“), or the possibility of petitions. They print „petitions“, with a question mark, in their translation. I (in any case) can cite no exact parallel for a *group* of petitions having been brought by a soldier to a superior (though, for an example of a *beneficiarius* being asked to forward a petition to the prefect, see P.Oxy. VIII 1121 [A.D. 295]). Note, on the other hand, the interesting procedure recorded by P.Oxy. XVII 2130 (A.D. 267), and paralleled in P.Amh. II 80 (A.D. 232/233). There, a petition to the prefect of Egypt is placed at the feet of the emperor's statue in a Sebasteion, for a *beneficiarius* to pick up and pass on; a second copy of the petition is handed directly to that same *beneficiarius*, just to be sure. So, an imperial statue might serve as a „mailbox“ for petitions, with a *beneficiarius* playing mailman; and if there had been ten petitions at the pick-up spot on a given morning, presumably he would have taken and delivered them as a batch. Batches of letters (*epistulae*) are known to have been sent with soldiers acting as couriers. An example is T.Vindol. II 295. For a broad discussion of this, see A. Kolb, *Staat und Distanz: Kommunikation und Transport als Instrumente römischer Herrschaft* (forthcoming) II.1.1. Also, petitions to the emperor (*libelli*) were apparently handled in batches — or at least, the replies were posted as a so-called *liber libellorum rescriptorum et propositorum*. On this, see T. Honoré, *Emperors and Lawyers*, Oxford ²1994, 45–46.

⁶ I shall not mention all the possible usages of this word in a legal sense, but include only those that seem more likely in the present context. For a convenient overview, see A. Berger, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1953, 561–562.

Modestinus talks about a centurion being responsible for taking a document (*libellos* — the plural is probably best understood as a single document) relevant to a case *ad officium*⁷. Several papyri reveal soldiers (centurions or *beneficiarii*) compiling dossiers of such documents, which are then sent to higher officials for eventual trial⁸. It is also possible to talk of *libelli inscriptionis*, meaning a formal, written accusation, designed for delivery to the magistrate who would adjudicate⁹. Cerialis might have been the intended judge. Furthermore, one must concede, I think, the possibility that we are dealing here with the transfer of military accounts of some kind. In sum, there are various possible interpretations of the word *libellos* here, none of which can be either proved or excluded given the text as it stands. Still, legal business of one of the kinds just mentioned seems a fairly safe bet.

The second document, T.Vindol. II 317, was perhaps written by Cerialis himself. While little can be made of it, the words *cognitionem* (ll. 3b and 4) and *missi* (l. 5) are clearly to be read; present too is, probably, some form of *inscriptio* or *inscribere* (ll. 3a–4). As the editors suggest, it may be that a malefactor is being sent to a higher official (presumably the governor, if the prefect Cerialis is sending the person) for trial; and as they note, the presence of *inscriptio/inscribere* might indicate an accusation (cf. also above, n. 9). On the other hand, I would tentatively suggest that we not entirely discount the possibility (again) of materials relevant to a case being forwarded by Cerialis to the superior.

Let us now turn to the tablets that pretty clearly are themselves petitions. T.Vindol. II 257 goes from a woman named Valatta to Flavius Cerialis. She apparently asks him either to relax his severity, or to lend his help, thereby granting her something; and in making this request, Valatta mentions Cerialis' wife, Sulpicia Lepidina¹⁰. It looks as if Valatta's entrée to such an important figure as Cerialis was her relationship with his wife¹¹. Be that as it may, this is the only correspondence thus far known, as Bowman

⁷ Dig. 47, 2, 73 (Modest., 7 *respons.*), *Sempronia libellos composuit quasi datura centurioni, ut ad officium transmitterentur, sed non dedit: Lucius pro tribunali eos recitavit quasi officio traditos: non sunt inventi in officio neque centurioni traditi: quaero, quo crimini subiciatur, qui ausus est libellos de domo subtractos pro tribunali legere, qui non sint dati? Modestinus respondit, si clam subtraxit, furtum commissum.* For comment, see H. F. Jolowicz, *Digest XLVII.2. De Furtis*, Cambridge 1940, 110. Regarding the *libelli*, he presumes „some document which Sempronia intended to have added to the dossier of the case“. Jolowicz also posits clumsy abbreviation of this response by the Justinianic editors (although there is no apparent interpolation). And last, note that he translates *ad officium* as, „to the proper office“. Is the office of the provincial governor intended?

⁸ On this, see Peachin, in: *Miscellanea Sijpesteijn* (note 2).

⁹ See T. Mommsen, *Römisches Strafrecht*, Leipzig 1890, 384–386, citing several sources for this use of *libellus* in the plural.

¹⁰ Reconstruction of this text is made especially problematic by the fact that two fragments of the tablet are detached; their placement affects any suggested reading. The editors first offer two possible interpretations of lines 3–5: a) *rogo domine re[m]ittas aus]teritat[e]m tuam* [ca. 4 litt.] | *et per Lepidinam* etc.; b) *rogo domine re]ddas or re]feras dex]teritat[e]m tuam* [ca. 4 litt.] | *et per Lepidinam* etc. They also suggest a third, slightly different way of understanding this fragmentary text, depending upon a different placement of one loose fragment: *rogo domin[e] per e]am dex]teritatem tuam | et per Lepidinam* etc.

¹¹ Cf. Bowman, *Life and Letters* (note 1) 57. Roman male aristocrats, of course, often found the influence of wives (or concubines) over their highly-placed partners troubling.

and Thomas point out, between Cerialis and a woman. By way of comparison, the papyrological documentation for petitions to soldiers also reveals markedly fewer women than men — about one-sixth are from women. We should furthermore note that although violence of one kind or another predominates among the concerns of Egyptian women, questions of dowry and inheritance also occur¹². Now, since there is no mention of theft or assault in what remains of this Vindolanda text, and since what we do have seems not about to give primary weight (at least) to such matters, it might well be that Valatta's request chiefly involved a problem less violent in nature. In any case, it ought not to have been necessary, given what we otherwise know about (women) petitioning soldiers, for Valatta to approach Cerialis *per Lepidinam* if her request involved something like assault or robbery. I thus suspect that Valatta's petition to Cerialis had more to do with patronage, or friendship, and a favor (very possibly, of course, a legal one) than it did with the habit of approaching military men when theft or violence was abroad¹³.

T.Vindol. II 322 reports a theft, and may have been directed to the prefect, Cerialis. It is clear that there were several alleged culprits (l. 4, *subriperunt*), and that the object stolen was the petitioner's *balteus* (l. 3, with the editors' comments). There also seems to be mention of the slaves' bathhouse (l. 2): [*bal*]neo *servoru[m]*. Now, there are Egyptian reports of theft, where the petitioner says that the stolen object has been located, a search having been carried out by himself, sometimes with the aid of some local official. This then provides decisive evidence (at least in the mind of the

Ulpian, *e. g.*, suggested that it was better for provincial governors not to take their wives with them; but if they did, they should not forget that they themselves would be held responsible for any offenses committed by the women. See *Dig.* 1, 16, 4, 2 (Ulp., 1 *de offic. procos.*). A *senatus consultum* of A.D. 20 or 24 had laid out the legal situation in this regard: R. Talbert, *The Senate of Imperial Rome*, Princeton 1984, 439 no. 24. See also, *e. g.*, *Cic. Verr.* 2, 1, 120 on the malignant influence of Verres' girlfriend Chelido during Verres' time as praetor.

¹² Of the sixty-four petitions to soldiers known to me, the following twelve are from women: P.Hamb. I 10 (A.D. 167/168), Herais complains to a decurion about a theft, which also involved violence; SB XIV 11904 (ca. A.D. 184), Eudaimonis writes to a centurion about illegal collection of taxes from her, with force involved; BGU II 522 (II A.D.), Taouetis appeals for help to a centurion, the problem remains unknown because the papyrus breaks; BGU I 157 (II/III A.D.), Isidora appeals regarding a theft to a centurion; P.Tebt. II 334 (A.D. 200/201), Heraclia complains to a centurion because her ex-husband has absconded with her dowry, effectively, of course, a theft; P.Gen. I 17 (A.D. 207), Nemesoutis writes to a centurion and a decurion because her husband has suspiciously disappeared; BGU I 98 (A.D. 211), Tanomius brings an inheritance problem before a centurion; P.Tebt. II 333 (A.D. 216), Aurelia Tisais writes to a centurion because her father and brother have disappeared while on a hunting trip, and she suspects foul play; P. Euphr. 5 (A.D. 245), Bathsabbatha reports the murder of her brother and the theft of his property to a centurion [this text is from Syria]; H. Cotton, et al., *JRS* 85 (1995) 223 no. 171 (A.D. 260), a woman petitions a *beneficiarius* concerning theft [this is an unpublished papyrus from Arabia]; P.Oxy. VIII 1121 (A.D. 295), Aurelia Techosis tells a *beneficiarius* that neighbors have stolen much of the property left her upon her mother's death, that she is about to bring charges against these people, and that she would like the soldier to extract written guarantees from the neighbors for their appearance in court; P.Cair. Isidor. 63 (A.D. 296), Aurelia Taesis writes a *beneficiarius* for help in obtaining her patrimony from her ex-guardian (an assault is now also involved).

¹³ I stress this because the editors tentatively suggest comparing the request of this petition with those in T.Vindol. II 322 (involving a theft) or 344 (having to do with an assault).

petitioner) against the person on whose premise the goods were found. The petitioner ultimately hopes that the soldier approached will help in retrieving the stolen property, and/or with achieving justice¹⁴. It may well be that we have something along these lines in this tablet. That is, the writer's *balteus* has been stolen, and subsequently discovered — on analogy with the Egyptian documents, perhaps by the writer himself — in the slaves' bathhouse. Cerialis was presumably then asked, in the part now lost, somehow to set the matter straight¹⁵.

By far the most interesting of the Vindolanda tablets, for present purposes, is T.Vindol. II 344. It is worth having the whole text before us. But in addition to that, a number of things about the document, these already pointed out by Bowman and Thomas, must not be overlooked. First, there was another tablet that held the initial part of the petition. Second, the editors persuasively suggest that before us is a draft, which itself was never sent. Third, the text of the petition is written on what is probably the verso of the wooden tablet; the recto holds an account of the disbursement of a large quantity of wheat. Fourth, the writer of both sides was the same person, namely, a civilian trader. And fifth, this tablet was found in a most curious context — the period four (ca. A.D. 104–120) barrack-block¹⁶. In sum, this document causes trouble at every step; but it is just as interesting as it is problematic¹⁷.

i

1	<i>eo magis me ca[stigavit dum]</i>
2	<i>dice[r]em mercem [nihil vale-]</i>
3	<i>r[e] vel effunder[em. p]r[o]</i>
4	<i>[ho]mine probo tuam maies-</i>
5	<i>[t]atem imploro ne patiaris me</i>
6	<i>[i]nnocentem virgis caș[t]igatum</i>

¹⁴ See, e. g., P.Berol. 7306 (A.D. 100), or SB III 6952 (A.D. 195). For comment on this type of self-help, see D. Hobson, *The Impact of Law on Village Life in Roman Egypt*, in: B. Halpern, D. Hobson (eds.), *Law, Politics and Society in the Ancient Mediterranean World*, Sheffield 1993, 205–206.

¹⁵ I add nothing really to the interpretation of Bowman and Thomas, other than the Egyptian parallels, and thus the idea that a search carried out by the petitioner himself, and which ended in the slaves' bathhouse, might here be involved.

¹⁶ As Bowman and Thomas say, though, the dates for the barrack do not necessarily rule out this tablet's having belonged to the correspondence of Cerialis. See T.Vindol. II p. 19.

¹⁷ The text that Bowman and Thomas print is very carefully conservative, with conjectural restorations confined to the commentary. I here opt to give a fully restored text, so as to make clear the editors' hypotheses; however, it should again be stressed that these restorations were made by them with the utmost caution. I repeat their translation. The parts in square brackets render conjectural restorations not originally translated by Bowman and Thomas. I do, however, leave their original question marks, in order to stress again just how insecure the understanding at various points is. Note also that at the end of line one, the restored *dum* must be translated as „since/because“, a sense the word can have, though usually with the indicative (and often the present tense), at least in the early imperial period. See OLD *dum*² 4.b, and more thoroughly, J. B. Hofmann, A. Szantyr, *Lateinische Grammatik. Zweiter Band. Syntax und Stilistik*, Munich 1965, 614–615. Given the imperfect subjunctives in our text, *dice[r]em* and *effunder[em]*, it might be slightly preferable to restore *cum* — although this is a nit hardly worth picking.

7 *esse et domine prout prae-*
 8 [*fe*]cto non potui queri qua va-
 9 [*let*]udini detinebatur
 10 *ques*[tu]s sum beneficiario

ii

11 [*frustra et ce*]nturionibu[s]
 12 [*ceteris*] numeri eius [*proin-*]
 13 [*de tu*]am misericord[ia]m
 14 *imploro ne patiaris me*
 15 *hominem transmarinum*
 16 *et innocentem de cuius fide]*
 17 *inquiras virgis cruent*[at]u[m]
 18 *esse ac si aliquid sceler*[i]s
 19 *commississem.*

„ ... he beat (?) me all the more [since I said the] goods [were worthless], or [because I] pour[ed] them down the drain (?). As befits an honest man (?) I implore your majesty not to allow me, an innocent man, to have been beaten with rods and, my lord, inasmuch as (?) I was unable to complain to the prefect because he was detained by ill-health I have complained in vain (?) to the *beneficiarius* and the rest (?) of the centurions of his (?) unit. Accordingly (?) I implore your mercifulness not to allow me, a man from overseas and an innocent one, about whose good faith you may inquire, to have been bloodied by rods as if I had committed some crime“.

Bowman and Thomas offer the following interpretation¹⁸. The petitioner, a civilian trader, was mishandled, probably by a centurion. He first sought redress with the prefect of the cohort, who was sick and could not see him, then with the *beneficiarius praefecti*, and finally with the other centurions of the unit in question. Since none of these attempts to obtain justice succeeded, the man now prepares an approach to the provincial governor (indicated by the expression *tuam maiestatem*, ll. 4–5). While this must be largely right, I should like to make just a few further comments.

There may be reason to think that the assailant was not a centurion. Now, the facts that the petitioner uses the verb *castigare* (ll. 1 and 6), and that he talks of the *numerus eius* (l. 12), along with what he says generally in lines 1–3 and 16–19, indicate that the person who flogged him was in some position of authority, or superiority, and point pretty certainly toward a military man. Let us assume, for the sake of the argument, that the offender was a centurion. If so, an appeal to the prefect, as the officer in charge, would have made sense. So too might a subsequent approach to the prefect's *beneficiarius* (though we might not be dealing with a *beneficiarius praefecti* here — see below n. 25), given that the prefect himself could not be reached. On the other hand, if a centurion were the culprit, then any attempt to involve the other centurions, *i. e.*, the perpetrator's close comrades, would not seem to have been very wise

¹⁸ Cf. also Bowman, *Life and Letters* (note 1) 52–53.

at all. Indeed, if the assailant was a centurion, then the point at which the *beneficiarius* voiced his demur would seem to have been the moment for proceeding to a higher tribunal, namely, that of the governor. It might therefore be worth considering the possibility of an ordinary soldier as the assailant¹⁹. We know well enough that soldiers of no high rank were apt to lay hands on civilians; and they, if tried at all, would normally come before a military tribunal, thus making our petitioner's approach to the officers at Vindolanda logical²⁰.

It might even be possible to take the guessing a bit further. The person who wrote the present complaint was pretty clearly a civilian trader from abroad²¹. We can assume, based on the recto of this tablet, that he was involved in the supply of wheat at Vindolanda. Moreover, given what he says in the first three lines, it seems that the person who assaulted him was attempting to sell *him* an inferior product, which he refused to buy, then claimed to be worthless, and finally dumped out. Those actions elicited the beating. Now, there is evidence that the military at Vindolanda was involved in the sale of surplus supplies²². Might it then be that an *optio*, e. g., was offering for sale to our trader something produced by, or in surplus among, the soldiers, that a disagreement arose during the course of the attempted transaction, that the soldier resultantly assaulted the trader, and that then came the complaint²³?

¹⁹ The restoration of *ceteris* at the start of l. 12 is, of course, crucial to the argument that a centurion is here the accused. Bowman and Thomas (ad ll. 6–7) also mention the problem that the petitioner says he was beaten with sticks (*virgis*), rather than with the centurion's habitual tool, i. e., the *vitis* (a staff made of vine-wood). Still, as they point out, one should not press this distinction. Cf. also M. P. Speidel, *The fustis as a Soldier's Weapon*, *AntAfr* 29 (1993) 137–149, arguing that soldiers, in particular *beneficiarii*, often carried clubs (whose intended use was peacekeeping), and that representations thereof have sometimes been mistaken for the *vitis*.

²⁰ On soldiers and their mishandling of civilians, see the excellent overview by J. B. Campbell, *The Emperor and the Roman Army 31 BC – AD 235*, Oxford 1984, 246–254. Cf. also B. Isaac, *The Limits of Empire. The Roman Army in the East*, Oxford ²1992, 272–274 (for the situation at Antioch), J.-U. Krause, *Gefängnisse im Römischen Reich*, Stuttgart 1996, 192–195 (on soldiers, and others, jailing people without due process), or R. Bagnall, *A Kinder, Gentler Roman Army?*, *JRA* 10 (1997) 507 (on the question of soldiers in Egypt having possibly been somehow kinder — he thinks probably not). With regard to the trying of soldiers accused of delicts against civilians, s. Campbell, *op. cit.* 255–263. Note also the comments of E. Courtney, *A Commentary on the Satires of Juvenal*, London 1980, 615–616, with regard to Juvenal's portrayal of a praetorian being accused by a civilian.

²¹ Generally on civilian traders supplying the army in peacetime, s. L. Wierschowski, *Heer und Wirtschaft. Das römische Heer der Prinzipatszeit als Wirtschaftsfaktor*, Bonn 1984, 112–121; and while on campaign, J. P. Roth, *The Logistics of the Roman Army at War (264 BC – AD 235)*, Leiden 1999, 96–101.

²² See Bowman, *Life and Letters* (note 1) 40–41; and in the pages that follow, Bowman has much of interest to say about production and trade on the part of the military at Vindolanda (and elsewhere).

²³ I suggest an *optio* because they were the soldiers frequently involved in procuring and managing supplies for the troops. See Bowman, *Life and Letters* (note 1) 59. Note, though, AE (1978) 635, which attests an *interpres leg(ionis) XV idem (centurio) negotiator* just across the Danube from Carnuntum in the late first century A.D. Generally on the administration of supplies for the imperial army in the field, see Roth, *Logistics of the Roman Army* (note 21) 271–275. It is perhaps also worth noting that beer (i. e., something easily described as „poured

While this seems arguable, we nonetheless are left with a curiosity. Whether we suppose an *optio* or a *centurio* as the assailant, the perplexing fact remains that this petition was found in a military barrack — indeed, the barrack occupied by centurions and *optiones*. Bowman and Thomas offer two suggestions, albeit with extreme caution: a) „ ... it is perhaps worth noting that some of the footwear discovered in the same context also implies the presence of non-military personnel.“ (T.Vindol. II p. 122); b) „ ... the hypothesis that the author had been flogged by a centurion may help to explain the puzzling fact that a civilian text, if that is indeed what it is, was deposited and found in the barrack-block within the fort.“ (T.Vindol. II p. 330). The avid reader of Agatha Christie (or Juvenal) might prefer the second explanation, might even begin to suspect that our complainant, and/or his written complaint, could have met with further foul play at the hands of soldiers.

The history of this trader’s attempts to elicit justice also deserves a bit of special attention. He was beaten, let us say, by a soldier from Vindolanda, and so approached the officer in charge. Nothing was thus accomplished²⁴. The next step was to seek out a *beneficiarius*²⁵. Again, no result. When centurions (some, all ?) at the post were thereafter petitioned, they too did nothing. Having worked his way through the local chain of command, our trader resolved to contact the provincial governor. It would be terrific to know the outcome; sadly, this remains obscure. What is nonetheless especially intriguing is the trial and error manner in which this trader sought a (military) tribunal that would hear his complaint. There does not seem to have been one clearly, or absolutely, defined locus for the resolution of such matters. Rather, the plaintiff himself attempted to find someone, seemingly anyone, of authority who would listen. We have parallels for this sort of behavior, albeit where the disputants were all ci-

down the drain“) was apparently made in, or near, the fort at Vindolanda. Cf. Bowman, *Life and Letters* (note 1) 47, 60.

²⁴ The claim of sickness, assuming Flavius Cerialis to be the prefect in question, is perhaps a bit suspicious. Note, in this regard, another text, where Cerialis and his wife Lepidina might together be concocting an excuse of ill-health. See T.Vindol. II 227, and Bowman, *Life and Letters* (note 1) 74. However that may be, the prefect cannot have remained sick forever — unless this was the illness that immediately preceded his death.

²⁵ Bowman and Thomas suggest a *beneficiarius* subordinate to the prefect, adducing in support a *beneficiarius praefecti* of the first cohort of Tungrians (CIL VII 691 = RIB 1619), which might even be the unit involved in this petition. While there is no reason to dispute this, we should perhaps not rule out the possibility of a locally stationed *beneficiarius*. SPP XXII 55 (A.D. 167) and P.Mil. Vogl. IV 234 = SB VI 9657 are petitions addressed to such officials. P.Amh. II 77 (A.D. 139) is a petition to the *epistrategos*, where the petitioner says that his having been beaten became known to the *beneficiarius ἐπὶ τῶν τόπων*. P.Cair. Isid. 62 (A.D. 296) is addressed (pretty certainly) to the *beneficiarius* „stationed in the Arsinoite nome“, and P.Cair. Isid. 63 (A.D. 296) goes to the *beneficiarius σπατιζῶν* of the Arsinoite. See further the excellent comments of Boak and Youtie to P.Cair. Isid. 63 (pp. 255–256). We also know of *centuriones regionarii* stationed in Britain (and elsewhere). For those in Britain, see CIL VII 45 = ILS 4920 = RIB 152, and T.Vindol. II 250. See further J. Ott, *Die Beneficiarier. Untersuchungen zu ihrer Stellung innerhalb der Rangordnung des Römischen Heeres und zu ihrer Funktion*, Stuttgart 1995, 106–107. Note also the warning that the expression ἐπὶ τῶν τόπων might not be a simple, direct translation of *regionarius*: Bagnall, *Gentler Roman Army* (note 20) 508 n. 11.

vilians²⁶. Equally interesting are our trader's failures to be heard. In other words, he thought that various soldiers might be empowered, or willing, to render him justice; the soldiers, apparently, thought and acted otherwise. Were they really not authorized to handle the matter, and did they thus properly (even perhaps obediently) refuse him²⁷? Or did they simply want to avoid harming a fellow soldier, and therefore ignore him? There can be no certainty here. However, getting a dispute like this one resolved by a military court (presumably the proper venue) looks to have been something of a hit-and-miss procedure at Vindolanda.

III

In the end, these five documents from Vindolanda are so lacunose that they severely impede interpretation of themselves. It must additionally be said that my introduction of more details from conceivably parallel documents tends only to raise further questions, or possibilities, rather than to resolve existing doubts. Nor, in turn, does any one of these Vindolanda texts much help to elucidate individual documents from elsewhere. Nevertheless, I would argue that the present exercise is not otiose. In the first place, Vindolanda simply offers some of the best parallels we have for the papyrological (mainly Egyptian) evidence regarding soldiers and the law. Moreover, by considering these several Vindolanda tablets as a group, and then by comparing them qua group with the body of evidence that we otherwise possess, something quite interesting emerges. We see, in fact, that when the military sphere and the realm of the law came into contact, the results in northern Britain and the Fayum did indeed look, on the whole, very much alike²⁸.

Flavius Cerialis, the prefect of a cohort, received *libelli* from a (presumably subordinate) soldier. Although we cannot know exactly what was brought him, several different possibilities can easily be adduced on the basis of practices known from Egypt, or because they are suggested by our legal sources. Cerialis also accepted the report of a theft, was addressed with a request for a favor (or possibly a complaint about an assault or theft) by a woman named Valatta, was involved somehow with a trial (either sending the defendant, or materials for the case to a superior), and was perhaps the recipient of a complaint about an assault on a civilian trader — the assailant almost certainly having been a soldier. All of this resonates, albeit to greater and

²⁶ The same person informs more than one soldier of the same problem, apparently in the hope of getting at least one of them involved: BGU I 321 and 322 (A.D. 216); P.Harr. II 200 (A.D. 236); or cf. P.Tebt. II 333 (A.D. 216). See also Hobson, in: *Law, Politics and Society* (note 14) 201–202 on peoples' attempts to find any willing ear.

²⁷ There is one case from Egypt, where a centurion, apparently when approached to settle a dispute, put the petitioner in custody, in order to await assignment of a proper judge. See BGU VII 1676 (2nd cent. A.D.).

²⁸ It more and more becomes clear that, generally speaking, Roman Egypt was not utterly unique in the context of the larger Empire. See, e. g., R. S. Bagnall, *Reading Papyri, Writing Ancient History*, London, New York 1995, esp. 64–68, depending largely on A. K. Bowman, D. Rathbone, *Cities and Administration in Roman Egypt*, JRS 82 (1992) 107–127. The argument is that the Romans actively imposed their usual style of provincial administration on Egypt, and that this affected directly and most particularly the metropoleis. My intent here is to describe what seems to have been a typical part of that usual administrative style, though observing this at the provincial fringes, and arguing for little or no centralized direction.

lesser degrees of exactitude, with what we know from the papyri about the activities of several types of soldier, namely, centurions, decurions, and *beneficarii*.

An important question is thus raised. Might it be that the similarities just mentioned were centrally planned and organized? Now, it is possible to observe, here and there, what seem to be reflections of something like a centralized military administration²⁹. For example, the logistics of the Roman field armies seem largely to have been uniformly organized³⁰. Army pay, too, was unified³¹. Promotions were handed out solely by the central authorities³². There are also some analogous types of police-like work on record for soldiers in several places around the Empire³³. Thus, it might begin to seem that there was, at least with regard to some matters, a systematic, centralized military command³⁴. Given that, it could be tempting to attribute the parallels in the legal activities outlined above to the efforts of such a central command. It might even be alluring to presume that some soldiers were somehow trained, or selected, so as to be able to carry out legal business expertly³⁵. I think, however, that any such picture, at least where the law is concerned, would be misleading.

²⁹ For a brief overview of evidence regarding central military organization, see R. Gordon, et al., *Roman Inscriptions 1991–95*, JRS 87 (1997) 227.

³⁰ See Roth, *Logistics of the Roman Army* (note 21) 261–278.

³¹ M. A. Speidel, *Roman Army Pay Scales*, JRS 82 (1992) 87–106 and R. Alston, *Roman Military Pay from Caesar to Diocletian*, JRS 84 (1994) 113–123. Cf. L. Keppie, CAH² X, 378.

³² A. Birley, *Locus virtutibus patefactus? Zum Beförderungssystem in der Hohen Kaiserzeit*, Rheinisch-Westfälische Akademie der Wissenschaften. Vorträge G 318, Opladen 1992, esp. 7–29 and 41–47, with further literature on this.

³³ Cf. Bagnall, *Gentler Roman Army* (note 20) 512, commenting that the police-work of soldiers at Vindolanda, in the eastern desert of Egypt, and at Dura looks to have been similar. On the other hand, Y. Le Bohec, *Coh. XVII Lugdunensis ad monetam*, Latomus 56 (1997) 816–817 is rather unwilling to suppose regular police duties for soldiers around Lugdunum, and insists that the one and only regular job of soldiers there was soldiering.

³⁴ One other point. A similar kind of duty roster appears to have been in use at both Vindolanda and Bu Njem; however, comparison with what is known of such documents from other places does not indicate Empire-wide uniformity. See A. K. Bowman, J. D. Thomas, *A Military Strength Report from Vindolanda*, JRS 81 (1991) 63–66. Cf. also Bowman, *Life and Letters* 38.

³⁵ R. Alston, *Soldier and Society in Roman Egypt. A Social History*, London and New York 1995, asserts, on the basis of the Egyptian evidence, that, „Centurions needed considerable administrative and legal skills“ (p. 96). I am not persuaded of this. Still, it is worth remarking that centurions, at least, served for a long time, and that they, until the Severan period, seem to have been recruited largely from the elites of Italian towns, or provincial colonies or *municipia*. This combination may indeed have resulted in their amassing, by some point, a considerable amount of legal or administrative experience, as opposed to their having *needed* (either before recruitment, or by training once in the army) particular skills of this kind. On length of service and recruitment, cf. F. Jacques, J. Scheid, *Rom und das Reich in der Hohen Kaiserzeit 44 v. Chr. – 260 n. Chr. I: Die Struktur des Reiches*, Stuttgart and Leipzig 1998, 147 and 154 respectively. Regarding the kind of legal education that might have been available in the towns of the west — an elementary introduction, offered as appendage to the much fuller training in grammar and rhetoric —, see J. M. J. Chorus, *L'enseignement du droit romain en occident de 250 à 500: essai de tableau*, TRG 61 (1993) 195–199. On the unlikelihood of centurions (largely *primipilares*) having been recruited because of talents (here especially military), see B. Dobson, *The ‚Rangordnung‘ of the Roman Army*, in D. M. Pippidi (ed.), *Actes du VII^e Congrès International d'Épigraphie Grecque et Latine*, Bucarest and Paris 1979, 197–199. There is some evidence that centurions, once enlisted, were trained as, e. g., *mensores*. On this, see F. T.

Our evidence indeed demonstrates roughly analogous forms of legal *activity*, seemingly throughout the Empire. Nonetheless, this activity, both in Egypt and at Vindolanda, seems not to have been coherently delineated. The papyri, for example, make it fairly clear that there was no well-defined notion of what soldiers were *supposed* to be doing independently (if, indeed, anything at all) in the legal sphere. Nor do the tasks actually assigned them demonstrate much *planning* or *coherence*³⁶. As for Vindolanda, the various legal functions apparently undertaken by Flavius Cerialis indicate, I think, the same kind of situation.

Beyond this, the evidence also points to a less than clear situation with regard to the types of soldier involved in these activities. In Egypt, centurions, decurions, and *beneficarii* received petitions, perhaps settled many a dispute, dealt with reported thefts, made up and transferred legal dossiers. There is, in other words, no clearly discernable delineation of *who* was supposed to be doing what³⁷. Vindolanda adds, moreover, a new *miles* to the list, *i. e.*, the *praefectus cohortis*³⁸. And the fruitless

Hinrichs, *Die Geschichte der gromatischen Institutionen*, Wiesbaden 1974, 159 and 162–163. Finally, note what can be said of the judge *officially delegated* (the *iudex datus*) by the prefect of Egypt: „un fonctionnaire civil ou militaire plus ou moins compétent“. See J. Méléze-Modrzejewski, *L'Égypte*, in: C. Lepelley (ed.), *Rome et l'intégration de l'Empire II: Approches régionales du Haut-Empire romain*, Paris 1998, 454.

³⁶ Note what Alston, *Soldier and Society* (note 35) 94 says in this regard: „To sum up, the officers were stationed in the localities for comparatively short periods of time; their geographical competence was ill defined; their relationship to the civilian administration was unclear but they received a large number of petitions on various issues submitted by villagers. The role and position of the centurions remain somewhat obscure“. It seems to me that this ill-defined sphere of duty does not very well coincide with the supposition that there was an expectation of legal competence (*cf.* above note 35). Notice also the positions of Campbell on centurions and Ott on *beneficarii* (below note 37).

³⁷ Let me illustrate how easily this point can be glossed over, so as to give the impression of more organization than the totality of our evidence really seems to indicate. Campbell, *Emperor* (note 20) 431–435, provides an appendix called „*The Judicial Role of Centurions*“ (my italics). I would argue that the italicized words tend to be misleading, in spite of the fact that Campbell's presentation is indeed carefully nuanced. The definite article inclines one to think in terms of a specific (and perhaps specified) judicial function; use of „centurions“ in the appendix' title, rather than the more neutral „soldiers“, distracts from the fact that several types of soldier were involved in legal business (though a few *beneficarii* do appear here). Note, for example, the influence of this appendix on Jacques and Scheid, *Rom und das Reich* (note 35) 198–199: centurions (*n. b.*, no other soldiers are mentioned) functioned in Egypt as first-instance judges, and thus might have done likewise in outlying parts of Syria (Jacques did, though, attentively read Campbell's carefully phrased argument, and so realized that the impetus for centurions functioning as judges, at least, is not a clear-cut matter). With regard to *beneficarii*, see the comments of Ott, *Beneficiaries* (note 25) 126–129; though roughly in the same way as Campbell, he perhaps unintentionally gives a false sense of organization.

³⁸ While I do not know of any evidence otherwise that would demonstrate a *praefectus cohortis* performing the functions just listed, we do know that such an officer might serve as *iudex datus*: P. M. Meyer, *Juristische Papyri. Erklärung von Urkunden zur Einführung in die juristische Papyruskunde*, Berlin 1920, no. 89 = M. Chr. 84 (A.D. 124), an inheritance case (*n. b.*, between two Egyptian litigants). Further on this text now, J. A. Crook, *Legal Advocacy in the Roman World*, Ithaca 1995, 74–75 no. 6. For the slight evidence of equestrian military officers involved in civil administration, see E. Birley, *The Equestrian Officers of the Roman Army*, in: id., *Roman Britain and the Roman Army. Collected Papers*, Kendal 1953, 146–151.

attempts of our trader to locate someone who would hear his plea might also reflect a slightly chaotic organization of the military's adjudicative hierarchy — or at least, an organization that was obscure to, and/or rather oblivious of, civilian plaintiffs. The law codes complicate things yet further, in that they demonstrate two other types of soldier — the *latrunculator* and the *stationarius* — similarly involved in litigation³⁹.

Our evidence, in short, manifests distinct similarities of activities, though little or no apparent definition or organization of those activities from above, along with a relatively wide variety of soldiers involved in these matters, again without indication of a planned divvying up of tasks. I would argue in the following vein.

A coherent, centrally organized policy regarding the legal activity of Roman soldiers in the provinces — and in particular, I am thinking now of their having served to resolve peoples' disputes — simply did not exist. There was no „grand strategy“. Rather, the circumstances brought about by Roman military presence in (especially) remote provincial areas probably tended to be in many ways similar throughout the Empire; and the reactions generated, hence the legal *activities* of soldiers, likewise developed similarly. That is, whether the native population of a given area was or was not used to litigation, Romans were; and where Roman soldiers went, there too went Roman civilians, Roman customs, Roman law⁴⁰. Moreover, the army must have become, in numerous places, and rather quickly, the new power elite. Thus, there was probably in many frontier areas a natural tendency for Roman soldiers to become the focus of not a few attempts to achieve justice. And when the performance of various other legal tasks became necessary, assignments look to have been handed out on an ad hoc basis; the call probably went, generally, to the man most conveniently available.

I can discern no indication that any of this was in any way planned, or intended. Nor is there evidence, to my knowledge, of anything like a coherent reaction to this phenomenon by the central authorities. Nothing demonstrates particular soldiers having been delegated with specific, or regular, legal duties, or having been trained in any way for any such duties. Rather, we have a relatively wide range of soldiers attested as (again, for example) dispute settlers, without any apparent demarcation of their competences or responsibilities in this area. We are forced to suppose that the soldier approached would simply decide on his own, and on an ad hoc basis, whether to react to a petition; and if he did choose to do something, his actions seem not to have been subject to orderly supervision or oversight. So far as I can see, we have absolutely no evidence for the organization, training, or regularized discipline of soldiers exercising any kind of jurisdiction in the wake of a petition, in spite of the fact that soldiers must with some frequency have undertaken such informal adjudication. Nor is any cen-

³⁹ Dig. 5, 1, 61, 1 (Ulp., 26 *ad ed.*): A *latrunculator* may not serve as judge in a dispute over money. CJ 9, 2, 8 (Diocletian, *s. d.*): Anyone who has suffered *iniuria*, and who wants to lodge a complaint, is to do so with the governor, and not to run to a *stationarius*. S. Mitchell, *Anatolia. Land, Men, and Gods in Asia Minor*, I, Oxford 1993, 122–124 interprets the latter as, „... the natural tendency for them (soldiers) to take the law into their own hands ...“

⁴⁰ Strabo 16, 4, 21, for example, claims to have been told that at Petra, the Romans and other resident foreigners engaged frequently in litigation, whereas the natives of the place avoided this sort of thing among themselves.

tralized delimitation of any other legal function soldiers are found involved in (compilation of trial dossiers, for example) apparent.

In sum, then, comparison of what we know about soldiers and the law at Vindolanda with similar matters in (especially) the southeastern corner of the Roman world appears to reinforce the conclusions referred to at the start of this paper. Let me reiterate that case, with now some slight refinements. A certain kind of Romanization was brought about by Roman military presence⁴¹. One form this Romanization took was probably similar throughout the Empire, namely, a tendency to approach locally stationed Roman soldiers — whatever their rank, whatever their administrative competence over such matters, whatever their legal expertise — for dispute settlements. There are also some analogies to be observed in other law-related tasks assigned to, or undertaken by, soldiers. However, I do not think that the origins of any similarities of practice should be sought in actions taken by the central government — actions whose intent it might have been to create or regulate such practices. Rather, in one place, or initially, the prefect of a cohort perhaps seemed a logical source of help or justice, while elsewhere, or at a later moment, the nearest *beneficiarius* might inherit the same role. Similar thoughts must have occasioned all such petitions: the man solicited was a Roman, he was a soldier of some standing (perhaps, even, the commander of the local garrison), and he was on the spot. He was, in other words, available and powerful. His competence, in any sense of the word, seems equally to have disinterested a foreign trader at Vindolanda, the people of the Fayum, and Rome's governing elite⁴².

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⁴¹ For cautionary remarks on concepts of Romanization, see now G. Woolf, *Becoming Roman. The Origins of Provincial Civilization in Gaul*, Cambridge 1998, 1–23.

⁴² Let me just point out, in the end, that what lies at the core of this whole discussion has been, at least for some, and for some time, clear. See E. G. Turner, *Greek Papyri. An Introduction*, Oxford 1968, 146: „It has been observed, for instance, that throughout the Roman era in Egypt petitions are addressed to army personnel, even to such relatively low-ranking persons as centurions. It is otiose to ask whether a centurion had any civil jurisdiction, even of a police nature. The victim who has suffered personal assault and property damage sees him as a person of local standing and importance who may be able to help him to recover the price of the fish his assailants have poached and to offer him protection in the future“. With regard to the Roman elite's stance on bureaucracy, which underlies what has here been observed, I adduce one nicely summarizing remark: A. Lintott, *Imperium Romanum. Politics and Administration*, London, New York 1993, i: „... recent research ... highlights how flexible, casuistic, personal and (sometimes deliberately) ill-defined the principles and methods of Roman imperialism were“. Cf. also F. M. Ausbüttel, *Die Verwaltung des römischen Kaiserreiches. Von der Herrschaft des Augustus bis zum Niedergang des Weströmischen Reiches*, Darmstadt 1998, 194.