

Rees, B. R.

The curator civitatis in Egypt

The Journal of Juristic Papyrology 7-8, 83-105

1953-1954

Artykuł został zdigitalizowany i opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

THE CURATOR CIVITATIS IN EGYPT

The rôle of the *defensor civitatis* in Egypt was, as we have seen¹, not essentially different from his rôle in the Empire as a whole. While distinguishing between the earlier, municipal *defensor* and the later, imperial version, we found² that there were unmistakable signs of the latter's existence in Egypt in the thirty years which preceded Valentinian's constitution introducing the office in Illyricum in A. D. 368³, and that, therefore, for Egypt at least, the imperial legislation may well have been no more than an official recognition of an institution which had for some time been effective in practice. It is quite different with the other giant of the municipal officialdom in the Later Empire, the *curator civitatis* or *rei publicae*⁴. Trajan is now generally credited⁵ with the introduction

¹ See B. R. Rees, *The Defensor Civitatis in Egypt*, in JJP VI (1952), 73 — 102.

² Ibid., 81 ff.

³ C. Th. I, 29, 1.

⁴ For a general treatment of this office see the three basic articles by W. Liebemann, in *Philologus* 56 (1897), 290 ff., J. Déclercq, in NRD 32 (1908), 29 ff., and E. Kornemann, in RE IV 2, 1809 ff; for Italy, Th. Mommsen, *Röm. Staatsr.* II³ (Leipzig, 1887), 1087; for Asia Minor, T. R. S. Broughton, in *Economic Survey of Ancient Rome*, IV (Baltimore, 1938), 810, and D. Magie, *Roman Rule in Asia Minor* (Princeton, 1950) I, 597 ff; for Gaul G. E. F. Chilver, *Cisalpine Gaul* (Oxford, 1941), 228 f; for Africa, C. Lucas, *Notes on the Curatores rei publicae of Roman Africa*, in JRS 30 (1940), 56 ff; for Egypt, F. Preisigke, in RE XIII 1, 1020 f., and N. Höhlwein, *L'Égypte romaine* (Bruxelles, 1912), 321 f; for a list of *logistae* known from inscriptions, M. N. Todd, in JHS 42 (1922), 172 ff., which supersedes JHS 25 (1905), 44 ff., with the additions made by Magie, *op. cit.*, II, 454 ff. Other articles, etc., will be cited as necessary.

⁵ By, e.g., I. Lévy, in REG 14 (1901), 357 ff; J. B. Bury, *History of the Later Roman Empire* (London, 1923) I, 60; M. Rostovtzeff, *Social and Economic History of the Roman Empire* (Oxford, 1926), 315; B. W. Henderson, *Five Roman Emperors* (C. U. P., 1927), 202 f; R. P. Longden and H. M. Last, in CAH XI, 219 f. and 468 f. respectively; and, most recently, by A. H. M. Jones, *The Greek City from Alexander to Justinian* (Oxford, 1940), 136 f. However, Magie, *op. cit.* II, 455, n. 13, thinks CIL III, 291 (= Dessaу 1017) still worth citing as a possible ex. of a *curator rei publicae* under Domitian.

of this special commissioner, sent to supervise the finances and general administration of those cities which seemed to stand in need of such supervision. The office soon became universal as an instrument of imperial control and an integral part of the machinery of local government, so important that by the early third century the jurist Ulpian thought it worthwhile to devote a treatise to it⁶, and it was the custom for cities to date their monuments and public buildings ἐπὶ λογιστοῦ⁷. By that time the *curator*—or *logistes*, as he was called in Greek⁸—had not only assumed control of the most important departments of local government but in fact became the head of that government⁹; he was without doubt the leading officer of the *municipium*¹⁰, though the precise method of his appointment at this juncture cannot be determined.¹¹ The office had been in existence for more than two centuries, and had probably assumed its later form in the rest of the Empire¹², before it first began to appear in the records of Egypt in the opening years of the fourth

In Egypt there is no evidence for the earlier *curator rei publicae* unless one accepts as such in all but name the Aurelius Pluton who was *procurator ducenarius* at Hermopolis under Gallienus (CPHerm. 59 I; 52; 53 [= WChr. 40]; 125 II [= WChr. 39]).

⁶ *De Officio Curatoris*, of which only six frr. are preserved — Dig. XXII, 1, 33; L, 9,4; 10,5; 12,1; 12, 15.

⁷ The inscriptional record being relatively weak for Egypt, it is not surprising that we have only one possible instance of this practice — SB III, 6212 (undated), first noticed by G. Maspero, in *Ztschr. f. äg. Spr.* 19 (1881), 117. Cf. perhaps CIG IV, 8610.

⁸ C.J. I, 54, 3 (A. D. 239) — *curator rei publicae qui graeco vocabulo logista nuncupatur*; cf. for Egypt PLips. 40 II, 8 ff., in which the *logistes* is identified with the *curator*, and see also PRyl. IV, 702 (early C4); 700 (C4); PLond. V, 1787 (C6); PCairo Masp. I, 67074 (byz), for κουράτωρ or *curator* in the papyri. Lévy, *op. cit.*, 358, n. 3, is chary of accepting the identification of *logistes* with *curator rei publicae* but it will be noted that in his ex. (*CIL.* II, 4114) the title *curator* is used in Italy, the title *logista*, a Latinised form of *logistes*, in Asia Minor, which is only to be expected and in no way supports his objection that they refer to entirely different offices.

⁹ W. Liebenam, *Städteverwaltung im römischen Kaiserreiche* (Leipzig, 1900), 481 — “zunächst galt es eine allgemeine Kontrolle auszuüben und von Fall zu Fall einzugreifen”. Cf. the formula in Cassiodorus, *Variae* 7, 12, for the range of his duties in the West even in the sixth century.

¹⁰ Le véritable chef de la cité, Déclaréuil, *op. cit.*, 31; der vom Kaiser bestätigte Bürgermeister, Mommsen, *ibid.*

¹¹ Déclaréuil, *op. cit.*, 31 ff., and the bibliography there cited.

¹² Jones, *op. cit.*, 138, and especially n. 82.

century¹³. Earlier the word λογιστής is used only to express our “auditor” or “accountant”¹⁴, while the ἐκλογισταί are the nomen-accountants who have their offices in Alexandria¹⁵.

It was for a long time held that the first mention of the *logistes* in Egypt was datable to A. D. 288¹⁶, and, as it was also the fashion to place the municipalisation of Egypt somewhere between A. D. 307 and 310¹⁷, there was no obvious connexion between the two events. But more recently it has been conclusively shown¹⁸ that the evidence for the appearance of the *logistes* as early as 288 really belongs to 307. Our earliest references to the *logistes* in the papyri and literature of Egypt are, therefore, both dated in 304¹⁹. In that year, at Alexandria, the *logistes* or *curator civitatis* is summoned before the court of the prefect to testify to the civil status of S. Theodora²⁰, thus performing a function commonly connected with the office in other regions of the Empire, that of maintaining, safeguarding and producing the public records, including the census-registers²¹. In the same year, at Oxyrhynchus, a defendant is handed the duplicate of a petition to the *logistes* enclosing a previous peti-

¹³ From Egypt there are over sixty references to *logistae* past and present, over thirty of these being named; to six other references in papyri some degree of uncertainty is attached; inscriptions produce one reference, literature two referring to the same incident. Neither of the two inscriptions cited by Tod, *op. cit.*, 172, under IV “Elsewhere”, refers to a *logistes*; a glance at F. C. Gau, *Antiquités de la Nubie* (Paris—Stuttgart, 1822), pl. xiii, 15 shows the restoration adopted of *CIG* III, 5085 to be impossible, and *CIG* III, 5090 has been restored on analogy with it (cf. WOst. I, 499⁵).

¹⁴ MChr. 88 IV, 12 (2).

¹⁵ S. L. Wallace, *Taxation in Egypt from Augustus to Diocletian* (Princeton, 1938), 32 f., and n. 12 on p. 369 for a list of the documents mentioning the *eclogistes* in the Roman period.

¹⁶ BGU III, 928 J, of which the dating, accepted *inter alios* by Preisigke, *op. cit.*, 1020, by WGr, 80, and by F. Oertel, *Die Liturgie* (Leipzig, 1917), 349, was first seriously questioned by A. H. M. Jones, *Cities of the Eastern Roman Provinces* (Oxford, 1937), 339 and n. 53.

¹⁷ See, e.g., (Sir) H. I. Bell, *Egypt from Alexander the Great to the Arab Conquest* (Oxford, 1948), 101.

¹⁸ By J. Lallemand, *La Date de BGU III, 928 et le curator civitatis*, in *Chron. d'Ég.* XXV, no. 50 (1950), 328 f.

¹⁹ Mlle. Lallemand is in error when she refers to POxy. XVIII, 2189 as a document of A. D. 305.

²⁰ BHL 8072—3; BHG 1742.

²¹ Frequently extending to active participation in the persecution of the Christians, especially in A. D. 303—5; see Déclareuil, *op. cit.*, 43 and nn. 1—3.

tion to the prefect with notes on the latter's decision²². Already the *logistes*, who has a διάδοχος²³ and a ὑπηρέτης²⁴, is displacing the *strategus* as the chief executive of the prefect and the acknowledged intermediary between central and local government. In 305 two comarchs of the village of Tampeti render to the *logistes* of the Oxyrhynchite nome, "in accordance with the order of the prefect Clodius Culcianus", a statement of village accounts,²⁵ which they would previously have rendered to the *strategus*. In 306 a complaint of uncertain nature is notified to the *logistes* of the Oxyrhynchite nome by the ἡγεμών and he is requested to take action²⁶. Also in 306 the *prytanis* of Oxyrhynchus addresses to the *logistes* a request for the payment of fifty talents of silver authorised by the prefect to meet expenditure on the public baths²⁷; both the loss of independence by the *prytanis* and the smallness of the sum involved speak volumes. Finally, in 307, at Heracleopolis, the *logistes* records in a medical certificate an opinion given by an official doctor, again discharging a responsibility which had formerly belonged to the *strategus*²⁸.

Here then we have five, possibly six, examples of the encroachment of the *logistes* on the traditional functions of the *strategus*, magistrates and council, all occurring before the date now generally accepted for the municipalisation of Egypt²⁹. How are we to

²² POxy. XVIII, 2187.

²³ For the meaning of διάδοχος and διαδεχόμενος in this connexion see Rees, *op. cit.*, 82 and nn. 57 ff; also Pkl. Form. II, 1010.

²⁴ It is interesting to note that the name of the assistant is Sotas, and that in 324/5 a Valerius Sotas is found as *logistes* in the Arsinoite nome (see Appendix). Neither the date nor the place certainly precludes romantic possibilities. POxy. XII, 1509 also probably refers to the ὑπηρέτης of a *logistes*.

²⁵ POxy. VI, 895.

²⁶ PSI VI, 716; for the dating see the introduction. The document probably contains a record taken from the ὑπομνηματισμοί of proceedings before the ἐπαρχος.

²⁷ POxy. VIII, 1104.

²⁸ BGU III, 928 I. Similar medical reports or certificates addressed to the *logistes* are POxy. VI, 896, 983 (both A. D. 316); I, 52 (A. D. 325); PRein. II, 92 (A. D. 392). Earlier, and addressed to the *strategus*, are POslo III, 95 (A. D. 96); BGU 647 (A. D. 130); POxy. I, 51 (A. D. 173); III, 475 (C2). PCairo Preis. 7 (C4) is addressed to the ἔκδικος, and PLips. 42 (end of C4) to the νυκτοστράτηγος. On medical reports in general see introd. to POslo III, 95.

²⁹ A. D. 307/8; see A. E. R. Boak, *Mélanges Maspero*, II, 125—9 for the introduction of the *praepositus pagi* in that year.

explain these acts of interference? The office of *logistes*, long a characteristic feature of municipal government outside Egypt, now appears in the metropoles and nomes of Egypt itself and exercises, clearly in a legitimate manner, powers long invested in local functionaries of the old order³⁰. Are we to suppose that it was introduced merely to pave the way for the subsequent municipalisation, and was expected to exist in the interim side-by-side with the very institutions which it was designed to replace and whose powers, it was meanwhile absorbing with a cannibalistic zeal? On the contrary, the functions of *strategus*, magistrates and council had been deliberately curtailed and subordinated to a new and all-embracing supervision; the *strategus* himself had already had his activities confined to that fiscal administration which he was soon formally to relinquish to the *exactor civitatis*³¹. This introduction of the *logistes*, now generally recognised as the chief municipal officer, must have either gone hand-in-hand with the introduction of the *municipium* itself or at least followed very closely upon it, and must be accepted as strong evidential support for a view which dates it earlier than 307. Professor A. H. M. Jones has long maintained the view³² that the municipalisation of Egypt dates from the Edict of Aristius Optatus of A. D. 297³³, and that such changes as that from δεκάρωτος and τοπαρχία to *praepositus* and *pagus* were subsequent innovations designed to assimilate the terminology of Egyptian administration to that of the rest of the Empire, and part of a more general move to standardise this terminology throughout the Empire. The appearance of the *logistes* with strongly defined functions as early as 304, and five or six times before 307, does suggest that municipalisation, if not actually complete as early as 297, was a process which was formally initiated about that time, supplemented by piecemeal additions during the next ten years, and finally brought to its practical conclusion in 307 — 308³⁴. The period

³⁰ P. Jougues, *La vie municipale dans l'Égypte romaine*, (Paris, 1911), 463.

³¹ For the *exactor civitatis* see WGr. 77; Oertel, *op. cit.*, 299 ff; M. Gelzer, *Studien zur byzantinischen Verwaltung Ägyptens* (Leipzig, 1909), 50 ff; O. Seecck, in *RE* VI 2, 1544.

³² See *Cities of the Eastern Roman Provinces*, 480, n. 51.

³³ Published by A. E. R. Bock, *Early Byzantine Papyri from the Cairo Museum*, no. 1, in *Et. Pap.* ii (1934), 1—8.

³⁴ Cf. E. G. Turner, *Egypt and the Roman Empire; the Δεκάρωτοι*, in *JEA* 22 (1936), 8 — “the process of administrative reform and the introduction

from 297 to 307 represents, therefore, a transitional state, and the transition itself was effected mainly by the far-reaching operations of the *logistes*, an official with imperial backing who was new to Egypt and the fore-runner of the new order.

The only really serious objection to this hypothesis will be the argument advanced by Grenfell and Hunt³⁵, that the Egyptian *logistes* was at first — and in fact for most, if not all, of the fourth century — not a municipal officer at all, but an official of the central government appointed from outside. We must now examine, therefore, the position of the *logistes* in Egypt in relation to the local officials, and see whether, in what sense, and by what date, he may be described as the head of the municipal cadre; consideration of the method of appointment will be postponed until a later stage of the discussion.

Several papyri from the first half of the fourth century unmistakably connect the *logistes* with the different municipal officials. For example, a papyrus of A. D. 317³⁶, described by the editor as an “instruction from a superior officer” is addressed “.....λογιστὴ καὶ ἔξακτορι Ὁξυρυγχίτου χαίρειν”. Now, as the editor rightly points out, there is no instance of the two offices of *logistes* and *exactor civitatis* being combined, nor is there any intrinsic likelihood of such a combination. Since the instruction is clearly addressed to more than one person in any case,³⁷ there are two alternatives open to us: we can suppose that the lacuna, which cannot be large, contains the designation of a third official also addressed, or the name and designation of the superior official from whose office the instruction emanated. If we accept the first alternative, what official of the Oxyrhynchite nome could at this time rank higher than the *logistes* and *exactor*? The second alternative, however, permits us to assume that the “superior official” was the *praeses*. By 317 then the *logistes* and the *exactor civitatis* stand, in that order, at the head of the *municipium*, whatever was the manner of their appointment. Again, a document datable after 324/5³⁸, about whose pre-

into Egypt of a full municipal system, established in piecemeal fashion, began somewhat earlier than is postulated by the traditional view”.

³⁵ POxy. XII, 1426, 3n.

³⁶ PSI IV, 285.

³⁷ 1. 6, φροντίσατε; 11, ὑμεῖς.

³⁸ Bodleian Ms. Gr. Class d. 143 (p), published by E. P. Wegener in JEA 23 (1937), 211 ff.

cise content there is no small uncertainty, is addressed. "To the *logistes*, *ecdicus*, *exactor* and *eopotes* of the Arsinoite nome". It is a pity that this document cannot be dated more precisely, our earliest reference to the *ecdicus* as municipal official in Egypt being otherwise 332³⁹. However that may be, the appearance of the four officials together and in that order as municipal functionaries is full of interest. Might it not be that the *ecdicus*, i. e. the *defensor civitatis*, had been very recently, perhaps tentatively, introduced, and had taken his place in the municipal hierarchy second to the *logistes*? Two documents from 331/2 would appear to give some confirmation to this hypothesis. The first, a petition dated in 331 or 332⁴⁰, is addressed to Flavius Hermeias, *logistes*, and Aurelius Achillion, deputy-*defensor*; the second⁴¹, dated in 332, to Flavius Hermeias, *logistes*, Aurelius Achillion, *defensor*, and Ptolemy, "scribe"⁴². Now this is without doubt the same Flavius Hermeias who is σύνδικος in 336⁴³. It would seem that, after completing his term as *logistes*, he was, either immediately or after a brief interval, appointed *defensor*. "A veritable Irishman's rise", some might say, "if at this time, as you maintain, the *logistes* was still the more important of the two". But it must be remembered that the office of *defensor civitatis* was still at very early stage of its development and that there could be no better way to increase its prestige than by appointing to it someone who had already filled, apparently to satisfaction, the chief municipal office and was thus one of the leading personalities at Oxyrhynchus.

Further complications follow. Flavius Paranius, referred to in three documents of 336 or thereabouts, is in two of them⁴⁴ addressed as *logistes*, in the third⁴⁵ as *strategus*! Of course, the title of *strategus*, without even the qualification of *exactor*, is found as late

³⁹ POxy. XII, 1426.

⁴⁰ PSI VII, 767.

⁴¹ POxy. XII, 1426.

⁴² For γραμματεῖ Dr. Wegener, *op. cit.*, 213, has suggested ἔπει(άκτορι) or possibly ἔπι(όπτη).

⁴³ Pfreib. 11 (= SB 6294); see Rees, *op. cit.*, 83, where it is maintained that here σύνδικος is equivalent to ἔκδικος (*defensor civitatis*).

⁴⁴ POxy. X, 1265; 1303.

⁴⁵ An Oxyrhynchus papyrus as yet unpublished, which Mr. C. H. Roberts very kindly allowed me to see.

as 362⁴⁶, and no one at all acquainted with the Egyptian addiction to such terminological anachronisms would be surprised to find it in use in 336. The point is that Constantine had in 331 laid it down that no decurion was to be appointed *curator civitatis* until he had filled all the municipal *munera*.⁴⁷ Either then this document is earlier than 336, and Paranius passed on to the office of *logistes* after holding that of *exactor*, which would chime in with our evidence about the relative importance of the two offices and their place in the official hierarchy of the *municipium*⁴⁸, or the office of *exactor* was not in theory a *munus* at all, which is perfectly possible — though for all practical purposes it certainly rated as such⁴⁹. The two offices appear together again in a case tried by the *iuridicus Aegypti*⁵⁰, in which the plaintiff appeals to the *strategus* and the *logistes*, the *iuridicus* in his decision reversing the order of reference⁵¹, a fact which may be pure coincidence but is nevertheless suggestive in the light of what has already been said. Similarly, Flavius Eulogius, *logistes* in 345⁵², is a *riparius* in 346⁵³ together with Flavius Dionysarius, *logistes* in 342⁵⁴, all at Oxyrhynchos. But this is neither helpful in establishing a *cursus honorum* or *munerum* in the municipalities of Egypt nor proof of the neglect

⁴⁶ P.Oxy. X, 1057. PLips. Inv. No. 362 (= WChr. 67) has a στρατηγὸς ἦτοι ἔξακτωρ in 369/70.

⁴⁷ C. Th. XII, 1, 20. Kornemann, *op. cit.*, 1809, wrongly speaks of an annual choice, as the Constitution itself makes no mention of the duration of the appointment — *nullus decurionum ad procurationes vel curas civitatum accedat nisi omnibus omnino muneribus satisfecerit patriae vel aetate vel meritis.*

⁴⁸ It has often been maintained that the *logistes* was subordinate to the *exactor*, e. g. by Gelzer, *op. cit.*, 52; incidentally, Preisigke, *op. cit.*, 1020, credits Wilcken too with this view but there is no trace of it in the passage to which he refers, WGr. 77. The assumption in any case is not proven. In fact, such flimsy evidence as we possess seems to point in the opposite direction.

⁴⁹ Oertel, *op. cit.*, 300, describes it as a *Munizipalamt staatlicher Zweckbestimmung* and concludes that, though in theory a liturgy, it probably underwent by the middle of the fourth century *eine Liturgisierung im Sinne einer liturgisierten ἀρχῆς*; Seec, *op. cit.*, 1544, wrote of it, *Doch galt ihre Tätigkeit als ein Munus, dessen Übernahme erzwingen werden konnte.* Cf. C. Th. VI, 3, 35. Professor A. H. M. Jones holds that the *exactor*, like the *defensor* and *curator*, was appointed by imperial *epistula*, Greek City, 332, n. 104; cf. below n 57.

⁵⁰ PRyl. IV, 654.

⁵¹ ὁ λογιστὴς καὶ στρατηγὸς προνοήσονται εἰς τὰ ὑπὸ τούτων κατηγορημένα κτλ.

⁵² P.Oxy. XVII, 2115.

⁵³ P.Oxy. XIX, 2235; VI, 897; cf. IX, 2229 and 2233.

⁵⁴ PHarr. 65; P.Oxy. I, 87 (= WChr. 446).

of Constantine's Edict, as it is the earliest example of *riparii* in the papyri, and the *logistes* concerned can hardly have been expected to fill an office which did not exist! One conclusion emerges: while there was yet no strict hierarchy of the municipal offices in the middle of the fourth century⁵⁵ — the situation was bound to remain fluid as long as new offices were being introduced at intervals — our evidence points to a very definite participation by the *logistes* in such a hierarchy as did exist. This participation is in the tradition of the *strategus*⁵⁶ and is perfectly consistent with imperial appointment or ratification⁵⁷. The distinction which Grenfell and Hunt tried to draw, although not entirely obliterated, was by now largely theoretical. For whence was the central authority to draw its nominees for the highest municipal offices if not from the upper circle of decurions? This was the method which had been used in selecting the *strategi* and the *basilicogrammateis*, while the election of decaprotos and nomarchs had since the introduction of the βουλή been delegated wholly to that body⁵⁸. It was now applied to the imperial ἀρχαι in their turn. Imperial sanction was still required in the first half of the fourth century, though attempts had already been made to dispense with it or at least evade it, as would appear from Constantine's Edict. Probably in Egypt, for the first decades of the new regime, imperial supervision of the candidates chosen to fill the new imperial ἀρχαι would be careful and thorough, but, as time went on and the dearth of suitable material became apparent, it was inevitable that any distinction which had originally existed between them and the older urban ἀρχαι, now *munera* in all but name⁵⁹, became one of simple precedence, and that the Edict

⁵⁵ This situation may be compared to the disregard of strict rules of seniority in filling the older, urban magistracies, which is suggested by PRyl. I, 77; cf. F. F. Abbott and A. C. Johnson, *Municipal Administration in the Roman Empire* (Princeton, 1926), 89; F. Preisigke, *Städtisches Beamtenwesen im römischen Ägypten* (Halle, 1903), 71; Jouguet, *op. cit.*, 292 ff.

⁵⁶ Oertel, *op. cit.*, 292.

⁵⁷ While the earlier *strategus* had been nominated by the prefect (*CIG* III, 4957, Edict of Tiberius Julius Alexander, 35), the appointment of *exactor civitatis* required imperial ratification; yet no one would seriously dispute that it was made from the circle of decurions; see *Archiv* III, 348, cited in Seecck, *op. cit.*, 1544.

⁵⁸ WGr. 348.

⁵⁹ Ibid., 350; cf. E. P. Wegener, *The βουλή and the Nomination to the ἀρχαι*, in *Mnemosyne*, Ser. 4, Fasc. 1, 17 ff., where reference is made to PLond. Inv.

of A. D. 331 was designed to confirm and regularise this position. Candidates for the office of *logistes* then were perforce selected from the ranks of the most important members of the municipal council, and took their place at the head, for the time being, of the municipal cadre.

In the early years of the fourth century courtesy demanded that official instructions and communications from a higher authority should be addressed to the urban magistrates and council as well as to the *logistes*, and we have a letter from the prefect⁶⁰ about a requisition of gold dated in the early part of the fourth century and addressed to the council, magistrates and *logistes* of Oxyrhynchus. But there can be no doubt as to where the real supremacy lay. "La βουλή", writes G. Méautis⁶¹, "tout entière semble être sous la domination et la surveillance étroite du *logistes*". For this practical supremacy the illusion of municipal autonomy was a small price to pay. Later, of course, in the fifth and sixth centuries, it was other forms of control and oppression that the local councils had to fear — the *defensor civitatis*, the landowners, the bishops⁶²; by then the time of the *logistes* had passed and he was himself proudly, it would seem, and openly styled πολιτευόμενος καὶ λογιστής⁶³. Even in 370 we find two ex-*logistae* taking part in a debate of the council on liturgical matters, apparently on equal terms with other ex-officials of the *municipium*⁶⁴. There is little evidence of any change in social position which may have accompanied, or corresponded to, this change in political status, though it left the *logistes* and ex-*logistes* hardly distinguishable from their fellow-decurions. One *logistes* is styled ἀξιολογώτατος⁶⁵, another ἐπιεικέστατος⁶⁶, but never

2565 (A. D. 250), published by T. C. Skeat and E. P. Wegener in *JEA* 21 (1935), 221 ff.

⁶⁰ POxy. XVII, 2106.

⁶¹ *Hermopolis-la-Grande* (Lausanne, 1918), 185.

⁶² Rees, *op. cit.*, 99 f.

⁶³ PFlor. III, 352 (C5).

⁶⁴ POxy. XVII, 2110. Ptoleminus, an ex-*logistes*, speaks immediately after the petitioner himself and the collective protest by the Council. His attitude is that of an official defining a point of law; he speaks with obvious authority and is followed by an ex-exactor, another ex-*logistes*, another ex-exactor, an ex-gymnasiarch, two police-officials, another ex-gymnasiarch, an ex-*prytanis*, a third ex-gymnasiarch, and finally the *prytanis* himself, summing up.

⁶⁵ POxy. I, 84.

⁶⁶ PSI V, 454.

did the office acquire, as did the *defensio civitatis*⁶⁷, more or less stereotyped, honorific titles⁶⁸.

We have seen that there was no reason for any essential difference between the mode of appointment of the Egyptian *logistes* and that of his equivalent in the rest of the Empire. But it must be emphasised that there is no actual evidence for Egypt⁶⁹, and there is little for the rest of the Empire⁷⁰. For Egypt there are the inferences to be drawn from such evidence as we possess about his relative position in the *municipium* and its official hierarchy, and there are analogies to be made, at our own risk, with the situation obtaining outside Egypt. Finally, there is the Edict of 331⁷¹, which has been frequently misunderstood. The emphasis is surely not upon the fact that decurions were now to be allowed to hold office as *curator civitatis* or any other *cura*; this they had clearly been in the habit of doing for some time, for otherwise there would have been considerably less point in publishing the Edict at all. Rather the stress was being placed upon the necessity for their having filled all the municipal *munera* before aspiring to appointment as *curator civitatis*, and it was the practice of evading these preliminary obligations by corrupt means that was being denounced⁷². Outside and inside Egypt the *logistes* would be nominated by the council of the *municipium* from its own membership⁷³, confirmed by imperial

⁶⁷ See Rees, *op. cit.*, n. 180, where the conventional titles of the *defensor civitatis* are listed and analysed.

⁶⁸ A. Zehetmayer, *De Appellationibus honorificis in papyris graecis obvii* (Marburg, 1912), 44. Cf. O. Hornickel, *Ehren- und Rangprädikate in den Papyrusurkunden* (Diss. Giessen, 1930), 3. For ἡ ἐμμελία (sic) see POxy. I, 52, 7 (A. D. 325); 86, 18 (*ca.* A. D. 338); 53, 4 (A. D. 316); VI, 896, 5 (A. D. 316).

⁶⁹ Oertel, *op. cit.*, 107; Jones, *Cities*, 340.

⁷⁰ Déclareuil, *op. cit.*, 31.

⁷¹ C. Th. XII, 1, 20; see above n. 47.

⁷² *Qui vero per suffragium ad hoc pervenerit administrare desiderans, non modo ab expedito officio repellatur sed epistula quoque et codicilli ab eo protinus auferantur et ad comitatum destinentur.* (*Interpretatio: ista lex praecipit nullum curialem, nisi omnibus curiae officiis per ordinem actis, aut curatoris aut defensoris officium debere suspicere....*) Professor A. H. M. Jones has pointed out to me that *per suffragium* means no more than our "by graft" in this context, and has nothing to do with a form of popular election.

⁷³ Cf. Lévy, *op. cit.*, 358, n. 4; Liebenam, *Städteverwaltung*, 379; Kornemann, *op. cit.*, 1809; W. Ramsay, *Cities and Bishoprics of Phrygia* (Oxford, 1895), 370 — for the statement that the nomination of the *curator rei publicae* or *civitatis* by towns goes back to Alexander Severus.

*epistula*⁷⁴, and thereafter elevated for the duration of his office to the head of the council as the chief representative of the central authority. Oertel was right when he described the λογιστεία as an ἀρχή based on the choice of the βουλή, but subject to the approval of the Emperor⁷⁵.

Later, of course, further restrictions were placed both upon the method of appointment and upon the type of candidate who was to be chosen: Justinian vested the power of election in an assembly of bishops, *primates* and *possessores*, still subject, be it noted, to imperial confirmation⁷⁶; heretics and Jews were to be excluded from office⁷⁷; the bishop, sitting with a commission of five important *municipes*, was to examine annually the conduct of the official⁷⁸. His title outside Egypt had by now become *pater civitatis* or πατήρ τῆς πόλεως⁷⁹, and amongst the few grains of evidence which we are able to scrape together for the existence of the office in Egypt in the late fifth, sixth and seventh centuries there is a reference to a Cosmas who goes by this title in a seventh-century receipt from Hæacleopolis⁸⁰.

⁷⁴ From Philostorgius III, 28 we see that even in the reign of Gallus *curatores* ranked lowest in the scale of imperial appointments — οὐδὲ λογιστὴν ἔξεστι σοι προχειρίσασθαι, καὶ πῶς ἐν πραιτωρίου ἐπαρχον ἀνελεῖν δύνατο;

⁷⁵ *Op. cit.*, 292.

⁷⁶ Nov. Just. 75 and 128, 16. Jones, *Greek City*, 209, suggests that this had already been done once by Anastasius but that the Constitution containing the enactment has not been preserved.

⁷⁷ C. J. I, 5, 12, 7; 9.

⁷⁸ Nov. Just. 128, 16.

⁷⁹ Ch. Diehl, *Études sur l'administration byzantine dans l'exarchat de Ravenne* (Paris, 1888), 98 ff; Kornemann, *op. cit.*, 1809 ff; Déclareuil, *op. cit.*, 36 ff., however, argues that this appellation is peculiar to the eastern provinces and the reconquered regions of the West, and that it is not simply a new name for the *curator rei publicae* but a new institution *per se* set up in the East in the fifth century and there substituted for him. However that may be, our main concern here is that the two offices were in practice equated in that they had the same powers and responsibilities. On the πατήρ τῆς πόλεως generally, see Jones, *Greek City*, 348, n. 105.

⁸⁰ PStud. III, 67. Oddly enough, there is also a *logistes* named Cosmas in a sixth seventh century receipt (Pkl. Form. I, 508) but the name is common enough and it is from the Fayum. PRoss.-Georg. III, 47 (6C) is a receipt made out by a σύμμαχος τοῦ δημοσίου λούτρου of Arsinoe to Flavius Timotheus, ὁ περὶβλεπτὸς πατήρ, for his annual pay.

For the duration of office the rest of the Empire has offered no conclusive proof⁸¹, nor does the evidence of the papyri do more than limit the possibilities. It could at least exceed one year, as there are instances of the same man filling the office in two successive — Egyptian, as well as Roman — years⁸². Of a term longer than two years, on the other hand, there is only one positive example: Valerius Ammonianus, *alias* Gerontius, is in office not only on four separate dates in 316⁸³ but also in 320⁸⁴, the continuous period, if such indeed it be, extending from Mecheir 316 to Mecheir 320, at the least. Now the other evidence forbids us to suppose that the normal term of office was five years⁸⁵, and we are thus left with three alternative explanations: either the term was not a fixed one at all, or Ammonianus was re-appointed somewhere between 316 and 320, or his term of office was abnormally extended. The first explanation is unlikely at this period, though probably true for the earlier, imperial *logistes*⁸⁶. Either the second or the third is conceivable, since exceptional circumstances — e. g. the death or sickness of a nominated successor — might well necessitate an *ad hoc* extension or even re-appointment⁸⁷. The *strategus* had probably held office for a term of three years in normal circumstances⁸⁸. Our evidence does not preclude us accepting a similar norm for the *logistes*⁸⁹. The probable duration of his office is three years, the pos-

⁸¹ Abbott and Johnson, *op. cit.*, 91.

⁸² Oertel, *op. cit.*, 350. To his list may now be added Flavius Dionysarius on 10 Pachon 342 (PHarr. 65) and (?) Phamenoth (POxy. I, 87 [= WChr. 446]), and Valerius Ammonianus, *alias* Gerontius, on 6 Pharmouthi 316 (POxy. VI, 896 (= WChr. 48)) and in Mecheir (?) 320 (PSI V, 454).

⁸³ POxy. I, 53; 84 (= WChr. 48); VI, 896 (= WChr. 48); 983 (= SB III, 6003).

⁸⁴ PSI V, 454.

⁸⁵ See Appendix, from which it will be clear that for the period 320—7 at Oxyrhynchus there were no less than four *logistae*, to our knowledge; for the period 331 to, at the latest, 345, no less than five.

⁸⁶ IG IV, 796 (= BCH 17 (1893), 98) refers to a *logistes* who held office at Troezen for as long as ten years, but this would, of course, be exceptional.

⁸⁷ Abbott and Johnson, *op. cit.*, 91, state categorically that reappointments were not forbidden outside Egypt but offer no evidence in support of this statement.

⁸⁸ Oertel, *op. cit.*, 293 ff.

⁸⁹ Again see Appendix. There is nothing in our evidence to prevent Flavius Leucadius from having been *logistes* from 1 Thoth 324 to 1 Thoth 327 or Flavius Paranius, *alias* Macrobius, from 1 Thoth 334 to 1 Thoth 337, if in fact, 1 Thoth was, as is probable, the first day of the administrative year in Roman Egypt.

sible alternative two, with the possibility, in either case, of an extension or re-appointment in certain circumstances. But it must not be forgotten that, as the *curator civitatis* continued to be *de iure* an imperial official, confirmed in his appointment by imperial *epistula*, the duration of his term of office would be in theory "during the Emperor's pleasure" and might in practice vary, like those of the provincial governors and higher officials⁹⁰.

Especially may this have been so in the later period. One cannot believe that filling the office of *logistes* was any easier, to put it mildly, than finding suitable candidates for the lower, urban magistracies. For them we know that considerable concessions had been made in the early third century by the introduction of the principle of collegiality and the consequent abbreviation of the term of office of the individual⁹¹. Of course, there were financial obligations incumbent on the urban liturgies from which, so far as we know, the later *logistes* and *defensor civitatis* were free, and the latter were by the second half of the fourth century strongly bureaucratic in orientation⁹². But the assumption that the principle of collegiality was never applied to the office of *logistes* has been rather too dogmatically stated and complacently accepted⁹³, chiefly for the lack of a concrete example of two *logistae* holding office in the same administrative district in the same administrative year. Such a view does not allow for the undoubtedly decline in the position of the *logistes* after the middle of the fourth century⁹⁴ and the corresponding fall in the number of papyri referring to him at all⁹⁵, and it

⁹⁰ Professor A. H. M. Jones has here referred me to C. Th. XII, 6, 22 for evidence that the term of an *exactor* was very fluid in late-fourth-century Egypt.

⁹¹ Bell, *op. cit.*, 93.

⁹² A. C. Johnson and L. C. West, *Byzantine Egypt: Economic Studies*, (Princeton, 1949), 323, question whether the *logistes* is to be regarded as a liturgical officer or bureaucratic official in the fourth century. Any such distinction would be purely academic; the *logistes* was a liturgical officer in that he took office under compulsion, a bureaucratic official in that he administered his department in the interests, and in the manner, of the imperial bureaucracy. The same applies to the later *defensor civitatis*.

⁹³ E. g. by Abbott and Johnson, *op. cit.*, 91.

⁹⁴ See below.

⁹⁵ Of the sixty-odd papyri referring to *logistae* only about fifteen can be placed with any certainty after A. D. 350, and seven of them are before A. D. 400. Even the known dearth of fifth-century papyri and the obvious drawbacks of a merely statistical assessment cannot rob this fact all significance for the hi-

fails to account for discoveries recently, or soon to be, published. An impeachment of a priest from Antinoopolis⁹⁶, dated by the editor to the first half of the century on palaeographical grounds, ends with the surprising, and for us rather enigmatical, words—ἀντίδικοι λογισταὶ κατὰ πόλιν. Again, in a fragment written in Greek and Latin⁹⁷, dated also on palaeographical grounds to the early part of the fourth century and containing minutes of certain legal proceedings whose nature must remain obscure, occurs the word *curatoribus*, albeit indistinctly. Lastly, in 362 a deed of surety⁹⁸ is addressed λογισταῖς [τῆς λαμπροτάτης Ὁξυρυγχιτῶν πόλεω]ς⁹⁹. Of these three pieces of evidence, the second is clearly quite inconclusive: *curatoribus* need be no more than a reference to guardians, e. g. of a minor or minors. Again, the palaeographical dating of the first and second might be held to prove our case for an earlier period than would suit our own hypothesis. But the third, even taken by itself, calls for something more than a casual examination, and, which is more important, is exactly datable. For its support much would depend on the interpretation of the phrase κατὰ πόλιν in the Antinoopolis impeachment. The editor suggested that it hinted at a division of responsibility between *civitas* and *enoria*. On this interpretation it would be permissible to suggest that the *logistae* formed a kind of *koinon* to share certain responsibilities. The term ἀπὸ λογιστῶν, of course, proves nothing: it is merely the Greek equivalent of *ex-curator*¹⁰⁰, and is found frequently from 331/2 onwards¹⁰¹. On the other hand a similar difficulty over a possible plurality of *exactores* in a letter from the *praeses*¹⁰² has been satisfactorily overcome by a similar explanation, that, although the

storian. On the paucity of references in the sixth century see G. Rouillard, *L'administration civile de l'Égypte byzantine*² (Paris, 1928), 66, but there is no call to make the legislation of Justinian the scapegoat for the decline of the Egyptian *logistes*; it dates much farther back than that.

⁹⁶ PAntin. I, 34.

⁹⁷ PRyl. IV, 702.

⁹⁸ An Oxyrhynchus papyrus as yet unpublished.

⁹⁹ Mr. C. H. Roberts, who very kindly made his transcript of this papyrus accessible to me, informs me that it is quite impossible to read λογιστῆς.

¹⁰⁰ Cf. ἀπὸ ἐκδίκων, for *ex-defensores* (PCairo Masp. I, 67055 I, 10; III, 67327 21, 27).

¹⁰¹ PSI VII, 767; V, 469; POxy. XIX, 2235; VIII, 1103 (= WChr. 465); XVII, 2110; PFlor. I, 71.

¹⁰² BGU IV, 1027.

exactores concerned did not hold office simultaneously, they remained collectively responsible for the term of three years and probably filled the office in rotation¹⁰³. Such an explanation, applied to the case of the *logistae*, does not conflict with our evidence, and, tentative though it must be for the moment, is surely preferable to the only honest alternative view — that two or more *logistae* could hold office simultaneously, which would contradict all that we know of municipal tradition and practice in the Later Empire. For, even if κατὰ πόλιν is explained away as meaning “city by city”¹⁰⁴, indicating that the plural λογισταῖ is used because more than one city is involved in the impeachment and each city is represented by its own *logistes*, the deed of surety from Oxyrhynchus remains inexplicable.

It now remains to discuss the functions performed by the *logistes* in Egypt. Roughly speaking, and allowing for local divergences, these were the same as those performed by the *logistes* and *curator civitatis* elsewhere¹⁰⁵. Briefly, they involve the receipt and custody of public documents and records;¹⁰⁶ the supervision of religious and cultural institutions¹⁰⁷; the control of municipal accounts, the guilds and the market¹⁰⁸, as well as the liturgies and public works¹⁰⁹; the investigation of complaints on behalf of the prefect and the execution of his decisions¹¹⁰. At first sight this would appear

¹⁰³ WGr. 229, n. 2, adopted by Gelzer, *op. cit.*, 53.

¹⁰⁴ Sir Harold Bell maintains that, without the article, this must be the true meaning, and Mr. C. H. Roberts now agrees with him. Cf. WChr. 469 — ῥιπαρίοις κατὰ πόλιν ἀπὸ Θηβαΐδος ἔως Ἀντιοχίας — a reference for which I am indebted to Professor A. H. M. Jones.

¹⁰⁵ Cf. Liebenam, *op. cit.*, 297 ff., and Déclareuil, *op. cit.*, 30, 40 ff., for the rest of the Empire, with Preisigke, *op. cit.*, for Egypt.

¹⁰⁶ Census-register: BHL 8072—3; BHG 1742; PSI V, 454; Medical certificates: BGU III, 928 I; PRein. II, 92; POxy. I, 52; VI, 896 (= WChr. 48); 983 (= SB III, 6003).

¹⁰⁷ Ephebi: POxy. I, 42 (= WChr. 154); Priests: PAntin. I, 34; POxy. X, 1265.

¹⁰⁸ Accounts: POxy. VI, 895; VIII, 1103 (= WChr. 465); Guilds: POxy. I, 53; 84 (= WChr. 197); 85; VIII, 1116; 1139; X, 1303; PHarr. 73; PRyl. IV, 654; PSI III, 202; Market: POxy. I, 83 (= WChr. 430).

¹⁰⁹ Liturgies: POxy. VI, 892 (= WChr. 49); 900 (= WChr. 437); XVII, 2115; PAntin. I, 31; PRoss.-Georg. V, 7; PSI X, 1108; Public Works: POxy. I, 53; 86; VI, 896 (= WChr. 48); VIII, 1104; XII, 1426.

¹¹⁰ Petitions: POxy. XVIII, 2187; PAntin. I, 36; PSI V, 452; VII, 767; Declarations and engagements on oath: Bodleian Ms. Gr. Class d 143 (p); PGrenf. II, 79 ii; PHarr. 65; POxy. I, 87 (= WChr. 406); Prefect's representative, etc.: PSI VI, 716; PFlor. I, 36; PSI IV, 285; PThéad. 19; PHarr. 160.

to be a wide and impressive field of action¹¹¹ but two qualifications, based on a closer analysis, must be made in order to remove false impressions. In the first place, the *logistes* is very largely pre-occupied with the purely routine work of local administration, though the extent and scope of this work gives him initially a commanding position in the *municipium*; secondly, the range and importance of his responsibilities diminishes rapidly in the second half of the fourth century, so that there is no document datable after ca. A. D. 350 which shows him engaged in any more important activity than the control of appointments to the liturgies¹¹². The traditional explanation of this decline has been the development of the office of *defensor civitatis*,¹¹³ which was officially established in A. D. 368 in Illyricum by Valentinian but which had existed in Egypt, perhaps in a less regularised form, since at least 332¹¹⁴. Now the crux of the *defensor*'s powers was his juridical competence in trying and deciding minor cases, directed at first to the enforcement of justice and the prevention of oppression¹¹⁵, but later, as the origi-

¹¹¹ Other documents in which the *logistes*' precise function cannot be determined or assigned to a specific department of the administration are PRyl. IV, 700 and 702; PSI VII, 813; PKl. Form. I, 508; II, 1010; PGoth. 39; PFlor. III, 352; PLond. V, 1787; PSI IX, 1061; PStud. III, 67; PCairo Masp. I, 67074. Again, there are papyri in which the *logistes* appears in an unofficial capacity, e. g. PLips. 40 II; PLond. I, 113 (?); POxy. XVI, 2028 (?), and some from the sixth and seventh centuries in which the word no longer refers to our municipal *logistes* at all but to the accountant of an estate or village, e. g. PLond. I, 113; POxy. XVI, 1908 recto; 2028. References to the πολιτικὸν λογιστήριον (Pkl. Form. II, 1025), the ἐπιμελητής τοῦ δῆμοσίου λογιστηρίου (POxy. I, 125), and to τὸ κοινὸν λογιστήριον (PGiessen I, 106), are also of very doubtful relevance, *pace Gelzer, Archiv* V (1913), 357, n. 3. The ἔφορος of PGoodspeed 12 and BGU I, 21, cited in Johnson and West, *op. cit.*, 323, n. 12 is a village-official and cannot possibly be our *logistes*, although, outside Egypt, the ἔφορος of *MAMA* III, 197 A. may be his equivalent (Jones, *Greek City*, n. 104). In OGI 492 from Trapezopolis *curator rei publicae* is rendered by ἐπιμελητής but that is in the time of Hadrian (see JHS 17 [1897], 402, and Gelzer, *Studien*, 43).

¹¹² The possible exception is PAntin. I, 36, a petition, if dated to A. D. 354. See below n. 135.

¹¹³ Kornemann, *op. cit.*, 1811; Bury, *op. cit.*, I, 60; Abbott and Johnson, *op. cit.*, 93. For an analysis of the powers which the two offices shared in common and of the fluctuations in their respective importance see E. Chénon, *Étude historique sur le Defensor Civitatis*, in NRD 13 (1889), 547 ff.

¹¹⁴ Rees, *op. cit.*, 81 ff.

¹¹⁵ C. Th. I, 29, 1 — *ut plebs omnis Illyrici officiis patronorum contra potentium defendatur iniurias*.

nal purpose of the office became either forgotten or deliberately distorted, diverted to the support of the imperial tax-collectors¹¹⁶. As the *municipium* came to be organised less and less for its own social and cultural welfare and more and more for the replenishment of the imperial coffers, so the official who was mainly responsible for the former lost ground to the official who had ultimate control of the latter. The investment of the *defensor* with minor *iurisdictio* enabled him first to overshadow the *exactor* and *propoliteuomenos* in their respective fields¹¹⁷, and then, as the imperial bias became increasingly fiscal and judicial, to dispute the preeminence of the *logistes*, eventually ousting him from his position at the head of the *municipium*¹¹⁸. In this connexion a fragment of a sixth-century petition¹¹⁹ records an interesting and possibly significant reversal of the order of precedence as given in the documents emanating from the second quarter of the fourth century¹²⁰. But the *defensor* did not have to wait until the sixth century in order to establish his ascendancy. Already, at the beginning of the fifth century, the attestation of acts of *donatio* had been transferred to the *duumviri* and the *defensor*, *ne tanta res eorum (sc. curatorum) concidat vilitate*¹²¹. In fact, the historical process of which this transfer was an open acknowledgement had begun by the middle of the fourth century in Egypt and was well advanced by its close¹²².

A good illustration of this process offers itself in that very field in which the initial and crucial authority of the *defensor* lay, the

¹¹⁶ Rees, *op. cit.*, 91, 96, citing *Nov. XV*, 3, 1.

¹¹⁷ They had been the chief successors of the *strategus* in the collection of taxes and the exercise of a minor *iurisdictio* respectively.

¹¹⁸ J. G. Milne, *History of Egypt under Roman Rule*³ (London, 1924), 148.

¹¹⁹ PSI IX, 1061. Ll. 15 f. read — εἰ τι ἀναλίσκεται καὶ παρὰ τοῦ ἐκδίκου καὶ παρὰ λογιστοῦ καὶ βιταρτοῦ κτλ.

¹²⁰ E. g. Bodleian Ms. Gr. Class d. 143 (P); POxy. XII, 1426; PSI, VII, 767.

¹²¹ C. Th. VIII, 12, 8. It has often been suggested that the corruption of the *curatores* was one of the main reasons for the introduction of the *defensores*. Certainly the former, as representing the higher municipal bureaucracy, would be among the targets for the vigilance of the latter but only one remotely possible suggestion of corrupt practice on their part appears in the papyri — PRyl. IV, 700, a fourth-century letter threatening the *curator* and *nyktostrategi* of Antinopolis with penalties for failing to repay a loan.

¹²² Cf. the history of the office in N. Africa — Lucas, *op. cit.*, 56 ff: *curatores rei publicae* appeared there from A. D. 196 to A. D. 425/439, and the first inscription suggesting the later régime in which the *curator* is still at the head, but now also a part, of the local government is dated to 322.

trial of minor cases. For there are grounds for the argument that up to a time just prior to the first appearance of the *defensor civitatis* in the papyri, possibly even for a short time afterwards, but certainly not later than the date of the regularisation of the office by Valentinian, the *logistes* too enjoyed a limited and strictly delegated right of *iurisdictio*¹²³. F. Preisigke once questioned¹²⁴ whether Pierre Jougues¹²⁵ was justified in seeing evidence for this in a document in which the guardian of an orphan petitions the *praeses*, Valerius Ziper, to intervene in favour of his ward as against the claims of his paternal great-aunt, and which the *praeses* endorses τὸ ἀβίαστον φυλάξει ὁ λογιστής¹²⁶. But, whichever of these two great papyrologists was correct here, Dr. E. P. Wegener has more recently published¹²⁷ part of a τομός συγκολλήσιμος from the office of the *logistes* of the Arsinoite nome¹²⁸ which contains a series of declarations on oath of sureties and engagements to appear in court and, she claims, brings out the "judicial competence of the *logistes*, of which up to now we have had only scanty evidence"¹²⁹. This claim must certainly be examined, if only because it may throw light upon the topic under immediate discussion, the relative position and powers of the *logistes* and *defensor*.

At the outset it must be made perfectly plain that we have no direct evidence, not even in the fragments which Dr. Wegener has published, that the *logistes* himself was entitled to try minor cases. Declarations on oath addressed to him are frequent¹³⁰, as we would expect, but by themselves prove very little, apart from the known responsibility of the *logistes* for collecting the evidence and preparing the case for the prefect. But it was this same responsibility which provided the basis of the juridical powers of the *defensor civitatis*; by his conscientious fulfilment of it he was enabled to

¹²³ R. Taubenschlag, *Law of Greco-Roman Egypt in the Light of the Papyri*, I (New York, 1944), 276; the exercise of minor *iurisdictio* by the *curator* outside Egypt is attested by Déclarezil, *op. cit.*, 43 f.

¹²⁴ *Op. cit.*, 1021.

¹²⁵ *Op. cit.*, 463.

¹²⁶ PThéad. 19 (A. D. 316—20).

¹²⁷ In *JEA* 23 (1937), 211 ff.

¹²⁸ Bodleian Ms. Gr. Class d. 143 (P).

¹²⁹ *Ibid.*, 212.

¹³⁰ See n. 110 above.

increase and widen those powers, because in time he became indispensable to the central government as a link in the chain of the civil law. He became the prefect's delegated representative, as the *strategus* had earlier been but not before efforts had been made to acquire this position for the *logistes*. In the judicial field there were several examples of the recognition of the latter, whether by high officials in their directives and decisions, or by ordinary citizens in the presentation of their suits, as the representative of the central government. In 312 the prefect endorses a petition with αὐτὸς τοῦτο φανερὸν γενέσθω παρὰ τῷ λογιστῇ ἀκολούθως τοῖς νόμοις¹³¹, a clear-cut instance of delegation apparently authorised by law. Then there is the endorsement already cited — τὸ ἀβίαστον φυλάξει ὁ λογιστῆς¹³². Finally, in a fragmentary report of a judgement given by a *catholicus*, the *logistes*, who has taken part in the discussion, is instructed as follows: — ὁ λογιστῆς προνοήσεται μηδὲν καινοτομηθῆναι κατὰ τοῦ ὑπο[τεταγμ]ένου¹³³. To these we may add a request addressed to a *logistes* to notify the prefect's decision to the creditors of the petitioners¹³⁴, and two other petitions, the first¹³⁵ sent direct to the *logistes* and apparently alleging charges of housebreaking and adultery against the defendant, the second¹³⁶ to the *praeses* appealing to him to enforce a decision of the *logistes* in the petitioner's favour, since it is being disregarded by her brother¹³⁷. It is the last instance which is undoubtedly the most significant. Here the *praeses* would seem to have delegated to the *logistes* the task of hearing the evidence and deciding the issue in a specific case, but with not altogether satisfactory results, because the decision arrived at is being ignored. There is a strong suggestion that any right of *iurisdictio* possessed by the *logistes* was strictly limited and sparingly delegated, nor so easily and readily recognised by the public as to evoke

¹³¹ PFlor. I, 36, 32, cited in WGr. 80, n. 4.

¹³² PThéad. 19.

¹³³ PHarr. 160, 11; the supplement is my own.

¹³⁴ PSI VII, 767; see R. Taubenschlag in Z. Sav-St. (Röm. Abt.) 51 (1931), 403 f., for the legal points involved in this document.

¹³⁵ PAntin. I, 36 — both the editor and Sir Harold Bell, the latter in JTS II, 2, 205, are strongly inclined to the later dating of A. D. 354 on the grounds that the crucial letter is γ, not α'', as printed in the edition itself.

¹³⁶ PSI V, 452.

¹³⁷ For the interpretation of the dispute about *servi communes* see P. M. Meyer, in Ztschr. f. vergleich. Rechtswissenschaft 39 (1921), 222 f.

an immediate response from those over whom it was being exercised. Unfortunately we are not able to date this document more exactly than to the fourth century, so that all it enables us to conclude with confidence is that at the time at which it was written, that is, at some time in the fourth century, the delegation of *iurisdictio* to the *logistes* was not universally recognised in Egypt but rather treated as exceptional. But, as long as it existed—and we have no evidence datable with any certainty after the middle of the fourth century¹³⁸—it plainly resembled the kind of limited *iurisdictio* which we find the *defensor civitatis* exercising soon after his appearance in Egypt¹³⁹. It is not known how regular or official was the exercise of this right even by the *defensor* until the imperial recognition of his office in A. D. 368. But it certainly embraced, indeed completely swallowed up, any corresponding right which the *logistes* may have been tending to acquire for himself. Before the middle of the fourth century we have four definite petitions addressed to the *defensor*¹⁴⁰, one almost certainly by direction of the prefect¹⁴¹, the earliest in A. D. 336¹⁴². It would seem that this elementary *iurisdictio* dispensed with the administrative necessity for the exercise of any similar right by the *logistes*, and drove the latter out of the only field of local government which would have been likely to bear him the fruits of increased power and prestige in the Later Empire. In the third century Gordian had found it necessary to forbid him the right to impose fines¹⁴³. By the early sixth, when Justinian re-enacted an earlier constitution¹⁴⁴ curtailing the right of *defensores* and *curatores* to try serious law-breakers¹⁴⁵, there was no longer any need to include the *curatores* under the enactment's provisions. Their hesitant advances towards the acquisition of a modest juridical competence had met with an

¹³⁸ Even PAntin. I, 36, if excepted, is only four years later than this.

¹³⁹ Rees, *op. cit.*, 86 f.

¹⁴⁰ POxy. VI, 901; PFreib. 11 (= SB 6294); PCol. 181 and 182 (= TAPA 68 (1937), 357 ff); PRoss.-Georg. V, 27.

¹⁴¹ PCol. 181 and 182; see Rees, *op. cit.*, 83 f.

¹⁴² POxy. VI, 901 and PFreib. 11.

¹⁴³ See Magie, *op. cit.*, I, 698 for the restrictions enforced on local functionaries by the Emperor Gordian.

¹⁴⁴ C. Th. IX, 2, 5.

¹⁴⁵ C. J. I, 55, 7.

early setback, and with their failure had perished all their hopes of retaining municipal pre-eminence in the face of forces at once more powerful and better equipped**.

** Once again I wish to express my gratitude to Sir Harold Bell and Professor A. H. M. Jones for so kindly reading and criticising the typescript draft of this article. I have tried to indicate in the notes points which they have suggested to me or in which they disagree with my views.

APPENDIX

A list of known Logistae.

| NAME | DATE | PLACE | REFERENCE |
|------------------------------------|---------|----------------|--------------------------------|
| Aurelius Seuthes, <i>alias</i> | | | |
| Horion | 305 | Oxyrhynchus | POxy. VI, 895. |
| Id. | 306 | Ibid. | POxy. VIII, 1104. |
| Valerius Plution | 307 | Heracleopolis | BGU III, 928 I. |
| Valerius Ammonianus, <i>alias</i> | | | |
| Gerontius | 316 | Oxyrhynchus | POxy. I, 53. |
| Id. | 316 | Ibid. | POxy. I, 84 (=WChr. 197). |
| Id. | 316 | Ibid. | POxy. VI, 896 (=WChr. 48). |
| Id. | 316 | Ibid. | POxy. VI, 983 (=SB III, 6003). |
| Id. | 320 | Ibid. | PSI V, 454. |
| Valerius Dioscorides, <i>alias</i> | 322 | Ibid. | POxy. VI, 900 (=WChr. 437). |
| Julianus | | | |
| Id. | 323 | Ibid. | POxy. I, 42 (=WChr. 154). |
| Valerius Sotas | 324/5 | Arsinoite nome | PGrenf. II, 79 II. |
| Id. | 324/5 | Ibid. | Bod. Ms. Gr. Class d 143 (P). |
| Flavius Leucadius | 325 | Oxyrhynchus | POxy. I, 52. |
| Aurelius Silvanus | 326/354 | Antinoopolis | PAntin. I, 36. |
| Flavius Thennyras | 327 | Oxyrhynchus | POxy. I, 83 (=WChr. 430). |
| Flavius Hermeias | 331 | Ibid. | PSI VII, 767. |
| Id. | 332 | Ibid. | POxy. XII, 1426. |
| Flavius Paranius, <i>alias</i> | | | |
| Macrobius | 336 | Ibid. | POxy. X, 1265. |
| Id. | c. 336 | Ibid. | POxy. X, 1303. |
| Flavius Eusebius | ?336 | Ibid. | PSI III, 202. |
| Id. | 338 | Ibid. | POxy. VI, 892 (=WChr. 49). |
| Id. | 338 | Ibid. | POxy. I, 86. |
| Id. | 338 | Ibid. | POxy. I, 85. |
| Flavius Dionysarius | 342 | Ibid. | PHarr. 65. |
| Id. | 342 | Ibid. | POxy. I, 87 (=WChr. 446). |
| Flavius Eulogius | c. 345 | Ibid. | POxy. XVII, 2115. |

| NAME | DATE | PLACE | REFERENCE |
|--------------------------------|----------|------------------|---------------------------------|
| Flavius Paniscus, <i>alias</i> | | | |
| Isidorus | 347 | Antinoopolis | PAntin. I, 31. |
| Flavius Psoeis | 363 | Oxyrhynchus | POxy. VIII, 1116. |
| Flavius Paulus | 381 | Ibid. | PSI X, 1108. |
| Flavius Aetius | 392 | Ibid. | PRein. II, 92. |
| Bion | C 4 | ? | PRoss.-Georg. V, 7. |
| Hermaeon | late 4/ | | |
| <i>ius Philippus</i> | early 5C | Hermopolis | PLips. 40 II. |
| Flavius Erythrius | 416 | Arsincite nome | PGoth. 39. |
| Theodosius | C 5 | Hermopolite nome | PFlor. III, 352. |
| Cosmas | C 6 | Oxyrhynchus | POxy. XVI, 2028. |
| Flavius Timotheus | C 6/7 | Arsinoite nome | Pkl. Form. I, 508. |
| Cosmas | C 6 | Arsinoe | PRoss.-Georg. III, 47. |
| Cosmas | C 7 | Heracleopolis | PStud. III, 67. |
| <i>Ex-logistae</i> | | | |
| (Ammon ?) - ianus | 331/2 | Oxyrhynchus | PSI VII, 767 |
| Ammonianus | 334 | Ibid. | PSI V, 469. |
| Flavius Eulogius | c. 346 | Ibid. | POxy. XIX, 2235. |
| Flavius Eutrygius | 360 | Ibid. | POxy. VIII, 1103 (= WChr. 465). |
| Sarmates | 370 | Ibid. | POxy. XVII, 2110. |
| Ptoleminus | 370 | Ibid. | POxy. XVII, 2110. |
| Domninus | C 4 | Antinoopolis | PFlor. I, 71. |
| Helladius | C 4 | Ibid. | PFlor. I, 71. |
| <i>D e p u t i e s</i> | | | |
| Eutolmius | 304 | Oxyrhynchus | POxy. XVIII, 2187. |
| Hermogenes | C 4/5 | ? Hermopolis | Pkl. Form. II, 1610. |

[Aberystwyth]

B. R. Rees