

Lewis, Naphtali

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Naphtali Lewis

**TO THE CONVENTUS BY ΠΑΡΑΓΓΕΛΙΑ:
THE TIME FACTOR**

THE LAW OF PTOLEMAIC AND ROMAN EGYPT, as readers of this *Journal* know so well, has constituted *ab initio* a major part of documentary papyrology, and it has continued to produce a literature that is awesome in its scope and depth.¹

The prefect of Egypt, like governors of the other provinces, held annual *conventus* for two principal purposes, to scrutinize the finances (διαλογισμός) of his province's regions (in Egypt, nomes), and to hold assizes (δικαιοδοσία) for litigants referred by jurisdictions below for his judgment (διάγνωσις). The sequence of events in the summoning (παραγγελία) of the litigants is the subject of this paper.

It was early established that the *conventus* for the nomes of the ἄνω χώρα, the vast upcountry south of the Delta (from which practically all Egyptian papyri have come), was held, under normal conditions, from late January or early February to late March or April.² Memphis, it appears, was

¹ The comprehensive paper that Rudolf HAENSCH prepared for the Twenty-first (1995) Papyrological Congress will facilitate further study of almost any element or aspect of the *conventus*: "Zur Konventsordnung in Aegyptus und den übrigen Provinzen des römischen Reiches", *PapCong XXI (APF Beibest 3)*, Stuttgart – Leipzig 1997, pp. 320–391 (bibliography of earlier studies at notes 1, 56–60 and 113; note especially G. FOTI TALAMANCA, *Ricerche sul processo nell'Egito greco-romano*, Roma 1974–1984, I–II, s.v. παραγγελία).

² See, most recently, HAENSCH, "Konventsordnung" (cit. n. 1), pp. 329–334. In this connection it is interesting to note:

the most frequent, though far from the only, venue.³ Wherever the *conventus* was held, those summoned to attend it, except for the small number that may have been fortunate enough to reside in the vicinity, faced the prospect of a journey – for many, surely, a long journey – away from home, with its attendant expenditures of time and money. Obviously, local officials and private litigants alike would require timely notification if they were to appear when demanded.

The summons process for litigants began with a petition in which the complainant asked the strategos to have one of his assistants notify the accused to appear for judgment at the next *conventus*. The time and place are variously expressed; the following pages will examine the import of the formula ὄπου (or οὖ) ἐὰν ὁ κράτιστος (or κύριος) ἡγεμῶν τὸν (ἐγγιστα) (τοῦ νομοῦ) διαλογισμὸν (ἢ δικαιοδοσίαν) ποιῆται.⁴ Obviously, when those words were written the place and starting date of the next *conventus* were not yet known to the writers. Thus, *BGU XIII* 2246 is dated in Θ[ύθ] (August/September), the only possible restoration. Likewise much earlier in the Egyptian year than the *conventus* is *PUG II* 64, the date of which corre-

1) *PSI X* 1148 = *SB XIV* 11980, which tells that the then Prefect left Alexandria on the day corresponding to 27 January 209.

2) *P. Oxy.* IV 726, where we read of a man undertaking in Tybi (= 27 December to 25 January) to represent another.

3) *CPR I* 18 = *M. Chr.* 84, which records a proceeding before a judge appointed by the Prefect on 13 April. This date was obviously close to the end of the conventus, and the ruling of the judge was recorded in the Arsinoite nome on 21 Epeiph = 15 July.

4) *P. Teb.* II 407, in which the writer on 19 January mentions τὸν ... γεινόμενον διαλογισμὸν.

5) J. D. THOMAS, *The Roman Epistrategos*, Opladen 1982, pp. 62–64, points out how *P. Mich. inv.* 160 (= *SB XIV* 12087) and *PSI X* 1100 similarly “fit very well with a *conventus* in the early part of the Julian year.”

³ Lists of “Konventsstädte” will be found in HAENSCH, “Konvetsordnung” (cit. n. 1), p. 391.

⁴ The variants are insignificant except for the addition of ἢ δικαιοδοσίαν, which expands the formula to specify the two principal functions of the conventus, scrutinizing the nome’s finances and holding assizes. *P. Oxy.* XXXVIII 2852 has διαλογίζεται ἢ δικαιοδοτεῖται in place of the corresponding nouns.

It is interesting to note that in Provincia Arabia a different formula (borrowed from its neighbour, the earlier *provincia Iudaea*?) was employed for the same purpose: litigants are summoned ἐ]ς Πέτραν [ἢ] ἄλλ[ου ἐν τῇ α]ύτου ἐπ[αρ]χία (*P. Yadin* 23), and ὄπου ἂν ᾖ ὑπ’ αὐτοῦ ὑπαρχ[ί]α (*P. Yadin* 26), αὐτοῦ referring, of course, to the governor of the province.

sponds to 2 November. But in the rest of the relevant documents that have dates,⁵ the dates all fall within the time when the *conventus* would be in session, viz.:

| Document | Date (Julian) |
|---|------------------------------|
| <i>BGU</i> I 266 = <i>M.Cbr.</i> 50 = <i>FIRA</i> III 167 | 25 February 99 |
| <i>P. Oxy. Hels.</i> 19 | 12 March 134 |
| <i>P. Mil. Vogl.</i> III 129 = <i>SB</i> VI 9314 | 28 January 135 |
| <i>P. Oxy.</i> III 484 | 28 January 138 |
| <i>P. Mich.</i> IX 526 | 3 March 155 |
| <i>PSI</i> VII 806 | 26 January – 24 February 158 |
| <i>SB</i> V 7744 | 13–24 February 161 |
| <i>SB</i> VIII 9905 | 13 March 171 |

At those dates, with the *conventus* already (or long since) in session, the ὄπου κτλ. clause would be an absurdity. What, then, do those dates represent.⁶

⁵ The formula appears also in the following documents that do not specify a month: *P. Lond.* II 358 = *M. Cbr.* 52; *P. Mich.* V 231, *P. Oslo* II 19, *P. Oxy.* XXXVIII 2852, XLIX 3464, *P. Ross.-Georg.* II 27, *PSI* VIII 941, *SB* I 4416, V 7870.

P. Oxy. XXXI 2597, a private letter written in Alexandria, mentions that the prefect ἐξέρχεται τῇ νεομηνία τ[ο]ῦ Ἀθῶν εἰς Ἐρμού πόλιν ἀπαρτίσαι τὰς διαγνώσεις (lines 12–14). This sounds relevant, but actually makes no contribution to the present discussion. Is the hand to be dated third century or fourth? The latter is more likely since under the Principate the date of 1 Hathyr (28 October) was far earlier than the Prefect would leave Alexandria to hold assizes in the ἄνω χώρα. Note also that the writer speaks of judgments (διαγνώσεις), not *conventus* (διαλογισμός).

⁶ It is not likely, but just barely possible, that *P. Mil. Vogl.* III 129, *P. Oxy.* III 484 and *PSI* VII 806 were written a few days before the opening of the *conventus* if they were written early in the month and the *conventus* was unusually late in starting in those years.

It is analogy with the other documents that enables us to include *SB* V 7744 and VIII 9905 in this list. Both these papyri are badly fragmented, but enough of their texts remains to reveal that the dates they bear fall in February and March and that they make references to litigation to be settled at the *conventus*. The details are of some interest:

SB V 7744. The date is written by a second hand. The notation recording the service of this summons by one of the stratetegos's assistants (Πάμφιλος [ὑπηρέ]της μεταδέτωκα (sic) τὸ ὑπ[ό]μνημα Μεχ[ε]ῖρ) is by the last of five hands. As to the body of the summons, the beginning being lost we cannot tell whether it conformed to the standard pattern of the documents reviewed above, but it ends with a unique formula ἢν εἰδῆ καὶ περιμείνη ἕως εἶπω τὰ πρὸς αὐτὸν τὰ ἐκ κρίσεως ἐκβησόμενα].

From the start the ὄπου κτλ. clause was taken to signify that “die Konventsladung lautet nicht auf einen bestimmten Tag, sondern auf die Konventsperiode überhaupt; deshalb haben die Parteien beim Beginn des Konvents zu erscheinen und dann so lange dort zu bleiben, bis ihre Sache aufgerufen und zu Ende verhandelt wird.”⁷ That is still, it appears, the *communis opinio*.⁸ And yet, there lurks here an inconcinnity crying aloud to be heard.

To be sure, there is no lack of instances of the imperial administration’s indifference to the convenience of its provincial populations. But would a regime that, beginning with Augustus, incessantly trumpeted the *clementia* and other virtues of the emperor gratuitously impose upon these litigants the hardship of appearing at some venue away from home at the start of the conventus and waiting there for as long as it might be before their cases were called up at the assizes? Happily, the answer to that question lies not in a priori reasoning alone, but is found in the documents themselves *expressis verbis*.

We may note in passing that the administration prided itself on providing interested parties with timely notice. A prefectural edict (*P. Oxy. XXXVI 2754*) issued on 1 Pharmouthi (= 27 March), when the *conventus* of A.D. 111 was in session, states that it was then too late for interested parties to apply for a deferment as they had no valied excuse, *πάλαι τοῦ διαλογισμοῦ τὴν προθεσμίαν εἰδότες*.

SB VIII 9905 begins with an address to a *strategos*, the standard form. The next bit that we can make out of the badly mutilated text is a reference to a hearing before an epistrategos, who referred the matter to the idiologos. There follows a request that the defendant be required to post sufficient bond to assure his appearance ἄχρισ ἀ[ν τὸ μεταξὺ ἡμῶν πρᾶγμα πέ]ρας λάβη ἐπὶ τῆς τοῦ λαμπροτά[ου ἡγεμόνος παρουσίας σὺν τῷ] πρὸς τῷ ἰδίῳ λόγῳ. Then comes the date, in the same hand (as in *P. Mich. IX 526*), followed by a second hand, that of the plaintiff signing his name. And here the papyrus breaks off, so that we are left to suppose that, as in 7744, the notation of service was added in still another hand.

⁷ L. MITTEIS, *Grundzüge der Papyruskunde*, Leipzig 1912, pp. 36–37.

⁸ E.g. R. TAUBENSCHLAG, *The Law of Graeco-Roman Egypt in the Light of Papyri*, Warsaw 1955, p. 501, with bibliography p. 500, n. 25; also G. P. BURTON, *JRS* 65 (1975), p. 100: “If the [petition] was accepted an officer of the [strategos’s] bureau informed the defendants of the summons ... The most interesting effect ... of the serving of the *denuntiatio* on the defendant was to ensure that he would be present at the prefect’s tribunal for the whole period of the assize, or at least until the suit was heard.”

Let us then review the *παραγγελία* process step by step, as revealed by the documents in the above Table. Each of those documents is a petition addressed to a nome strategos. The petitioner states his grievance, and asks the strategos to have one of his assistants deliver a copy of this document to the defendant(s), thus serving the accused with a summons (*παραγγελία*) to attend the next *conventus* ὅπου ἐὰν ... τὸν διαλογισμὸν ποιῆται. Obviously, when those words were written the time and place of the next *conventus* were not yet known to the writer; otherwise the ὅπου κτλ. clause would be nonsensical. Therefore, the date at the end of the petition, being a date when the *conventus* was in session, cannot be that of the day when the petition was submitted to the office of the strategos. From that day, whenever it was, the petition remained on file in the office of the strategos until he received notice of where and when the Prefect would sit in *conventus* for his nome. With that information in hand, the strategos could give the litigants timely notice of when and where to appear. This was done by making a copy of the petition (which in all likelihood the petitioner had to provide or pay for making), which was then served as a summons upon the defendant by a ὑπηρέτης of the strategos. The date at the end of the copy – the dates in the Table – is that on which the summons was served. This is stated *expressis verbis* in several of the documents,⁹ *amplissimis verbis* in *P. Mil. Vogl.* III 129: Ἡρακλείδης δοθεὶς εἰς κλήρον ὑπηρετῶν μεταδέδωκα τὸ προγεγραμμένον ἐπιδικ[ασ]θέντι μοι συνόν[τος] Σαβείνου (the plaintiff) ἐν τῷ ἐνώπιον ὡς καθήκει. (έτους) ιθ Ἀδριανοῦ Καίσαρος τοῦ κυρείου Μεχέρ γ (= 28 January 135).¹⁰ No doubt the parties were allowed a grace period within which to make their appearance.

⁹ As noted (without commentary) by FOTI TALAMANCA, *Ricerche* (cit. n. 1), I, p. 81, n. 72.

¹⁰ Herakleides was an acting-assistant in the strategos's office, that is, he was among the nominees to that liturgy, and (with the other nominees) was liable to serve in that post until the appointees were selected by lot. On this κλήρος procedure see my *Compulsory Public services (Papyrologica Florentina XXVIII)*, Florence 1997 (2ed.), pp. 84–86 and 115–16 (= XI, pp. 86–88 and 119–20).

By his presence the plaintiff satisfied himself that the summons was duly served.

On the analogy of this notation we may now revise the one in *P. Mich.* IX 526 to read: Na[me] ὑπηρέτης μετα[δ]έδωκα ἐνώ[πιον] Σερήνου (or ἐν τ[ῷ] ἐνώπιον Σερήνου ?).

APPENDIX: P. OXY. XXXVI 2754

1 Pharmouthi (27 March), the date on which this document was issued, would normally fall in the waning weeks or days of the *conventus* of the ἄνω χώρα. In fact, that is here stated in so many words, τοῦ διαλογισμοῦ ἐξή- κ[ο]ντος, (lines 10–11). This affords clarification of the preceding οἱ φίλους ἡγεμονικοὺς λαβόντες πρότερον κριτὰς καὶ μὴ ἀπαρτισθέντες. That clause refers not to “still unsettled from a previous *conventus*”, 10–12n.), but to cases that this Prefect had delegated to *ad hoc* judges earlier in this *conventus*. (Query: Does φίλους ἡγεμονικοὺς here connote members of the Prefect’s *consilium*?)

Naphtali Lewis

41 Magnolia Ave.
Cambridge, MA 02138
USA

e-mail: lewmar@mymailstation.com