

Official and Private Violence in Roman Egypt

On November 17, 1849, Gustave Flaubert recorded his arrival in Alexandria in one of his numerous letters to his mother. Along with other colorful details, he remarks, "Cudgelings play a great role here; everyone who wears clean clothes beats everyone who wears dirty ones, or rather none at all, and when I say clothes I mean a pair of short breeches."¹ When I read this passage, in 1988, I was in the midst of teaching a class in ancient law based in considerable part on Bruce Frier's *A Casebook on the Roman Law of Delict*.² Some of the cases in that book concerning *iniuria* contain striking pointers to the variability of Roman law in tolerating either verbal or physical assault on individuals, depending, as Gaius puts it, on the act, the place, or the person (*Inst.* 3.225): "for example, if a magistrate suffers *iniuria*, or *iniuria* is inflicted on a senator by one of low degree." The converse was true: just as *iniuria* was more serious if directed by one of low status against one of high status, it was less serious if directed by one of high status against one of low status. Gaius puts it succinctly, again: "But if someone raises a clamor against a slave or strikes him with a fist, no formula is published, nor is one lightly given to a plaintiff" (*Inst.* 3.222). Even the wearing of slave's clothing by the (free) victim could be cause for denial of action for accosting a maiden (Ulpian, *ad Edictum* 57, *D.* 47.10.15.15). The distinction was not only one of slave and free, for a freedman's access to action about *iniuria* was limited, too, "for why should the patron be denied mild punishment or the raising of a clamor that is not indecent?" (Ulpian, *ad Edictum* 57, *D.* 47.10.11.7). The extensive discussion of *iniuria* in Book 47 of the *Digest* refers often to the status of the parties involved, and naturally enough, since the key element in *iniuria* is the intentional damage to the reputation of the victim. One without a reputation cannot suffer any significant *iniuria*; it is injury to the sense of

¹Flaubert in *Egypt, a Sensibility on Tour*, tr. and ed. Francis Steegmuller (1972, repr. Chicago 1979) 29.

²Then in typescript, the use of which I owe to the author's kindness. It is now published (Atlanta 1989). Some of the passages from jurists cited below are used as cases in this book.

honor that counts. Just how far such legal toleration of abuse of social inferiors went, however--that is, what magistrates' usual standards were--, remains unclear.

The combination of these passages made me wonder about the role of violence in social relations in Roman Egypt; that the problem concerned not only private relations but also official ones was suggested by a third remark I came upon around the same time, in E.W. Lane's *Manners and Customs of the Modern Egyptians*:³ "All the felláheen are proud of the stripes they receive for withholding their contributions, and are often heard to boast of the number of blows which were inflicted upon them before they would give up their money. Ammianus Marcellinus gives precisely the same character to the Egyptians of his time."⁴ It is interesting in this connection that though Ulpian denies magistrates the right to do anything with *iniuria*,⁵ Paul emphasizes that "where something is done in the public interest according to sound morals, even though it effects an outrage to someone, nevertheless, because the magistrate does it not to insult but to assert public *maiestas*, he will not be liable to the action for insult."⁶ Given the wide latitude that Roman officials had in general, beating peasants in order to extract taxes no doubt fell easily within the penumbra of Paul's statement.

The place of violent behavior in Roman Egypt has in fact elicited statements diverging with as much extremism as ancient opinions about the Egyptians did. At one end one might place the very negative assessment of life in Roman Egypt by Ramsay MacMullen, whom it "strikes ... as a land of much suffering, in which the only constant element was poverty. ... Dirt poor from cradle to an early grave (their life expectancy being miserably low), fellahin struggled to secure a bare existence. Hence the power of those few among them who managed to accumulate some small means, a few fields to lease out, a few jobs to offer at harvest-time, a few rooms or a house to rent, or money to lend at harvest."⁷ Though MacMullen suggests that towns and villages had far less violence than the countryside, he remarks on a "more restrained and covert violence ... of the rich against the poor and of the poor against

³The Hague and London 1978 (reprint of 1895 ed.; 1st ed., 1836), 135.

⁴Lane is referring to Amm.Marc. 22.16.23: "erubescit apud eos siqui non infitiando tributa, plurimas in corpore vibices ostendat."

⁵Ulpian, *ad Sabinum* 42, D. 47.10.32.

⁶*Ad Sabinum* 10, D. 47.10.33.

⁷*Roman Social Relations* (New Haven 1974) 13.

each other."⁸ At the other end of the spectrum is the view of Paul Swarney, seeing Roman Egypt as a relatively peaceable and nonviolent society.⁹ Both views rely on the same body of evidence, the petitions in which Egyptians complain about the illegal and violent behavior of others. Similarly, just as different views of the extent of lawlessness arise from the same evidence, so do views of the efficacy of official control of crime.¹⁰

Crime itself is a highly problematic area in the papyri. Crime and punishment form an indissoluble conceptual unity in modern thought, to the point that punishment and deterrence of crime form a regular subject entry in the *Social Sciences Index*. Crime, thus considered in tandem with punishment has, however, occupied a modest place in the study of the law in Roman Egypt. In part this is the result of the grip of a traditional, dogmatic approach to Roman Law on the part of students of the law in Roman Egypt. A perusal of the table of contents of a standard work like Raphael Taubenschlag's *Law of Greco-Roman Egypt in the Light of the Papyri*² (Warsaw 1955) shows that it is an attempt to fit the evidence into an outline provided by Gaius' *Institutes* (even though the volume includes Ptolemaic Egypt). Criminal or delictal law occupies a modest place in the Gaian scheme, and hence in modern works dominated by their authors' European training in Roman Law. What there is, manages only an enumeration of particular delicts and their consequences, identified always in Roman categories. The scanty discussion of punishment for each delict reflects the silence of the papyri. The periodic bibliographic reports of Joseph Méléze-Modrzejewski in the *Revue Historique de Droit*, with scanty reference to punishment and not much on penal law, reflect accurately the state of scholarship. That the problem is deep-seated will emerge from the discussion below.

The comparative evidence adduced in the preceding pages comes in part with Egypt in the nineteenth century, in part with ancient Rome. It indicates two key points: first, the routine use of physical force by officials to compel obedience, without any need for legal process; and second, the direct connection of the acceptability of violent behavior

⁸*Ibid.*, 4.

⁹Paper delivered at the XIX International Congress of Papyrology, Cairo, September 1989.

¹⁰Cf. R.W. Davies, "The Investigation of Some Crimes in Roman Egypt," *Ancient Society* 4 (1973) 199-212; Barry Baldwin, "Crime and Criminals in Graeco-Roman Egypt," *Aegyptus* 43 (1963) 256-63.

between individuals with the relative social status of the parties involved. But this evidence was gathered by no deliberate process, and its typicality and relevance remain to be demonstrated. I turn therefore to look for more extensive comparative evidence with which to examine three forms of violence: violence between approximate equals; violence of high-status persons against low-status ones; and official use of force against individual subjects.¹¹ The question I pose here is twofold: what light does comparative evidence shed on the possible dynamics of Egyptian society, particularly that of the villages? And can we test the models which the comparative evidence offers us against direct evidence for Roman Egypt in such a way as to make these more than possibilities and questions?

It is not immediately obvious what a proper society for comparative purposes is. It is not only a matter of, let us say, a village in a preindustrial society largely dependent on agriculture. One wants a state with a relationship to the village similar to that which the Roman imperial state had. That means, in my view, a state with a highly concentrated central power and weak ties to local communities. Most villages in Roman Egypt had no permanent resident representatives of central authority, for the village officials were locals serving limited terms. The village secretary was a partial exception, but even he was simply a villager from somewhere else; and Roman military posts were sporadic at best. The state's interest in the village was largely one of collecting taxes, extracting labor, and preventing disturbance.¹² The same may be said, by and large, about many parts of the Middle East and North Africa until quite recent times, and it has been there that I have looked first for comparative evidence.¹³

The results, to be blunt, are hardly overwhelming. The anthropological literature about modern Egyptian and Levantine villages

¹¹Naturally, there are many other forms of violence, physical and metaphorical, which could be investigated, like banditry or sectarian violence. I claim for those I concentrate on here only that they happened to seize my attention first.

¹²See Abraham Marcus, *The Middle East on the Eve of Modernity: Aleppo in the Eighteenth Century* (New York 1989) 76-79 for a similar description of the interests of the central government of the Ottoman Empire: defense, public order, and taxes. Other things which we might regard as duties of government were either left to local authorities or ignored entirely.

¹³It should be remembered, however, that in many periods and places the government was much weaker than the Roman Empire, to the point that *de facto* local autonomy was sometimes extensive.

has little to say about the matter.¹⁴ My anthropologist colleague Elaine Combs-Schilling, a specialist on Morocco, confirms that I have not simply missed the evidence in my ignorance of the literature. She remarks, "I certainly saw (and, even more, heard--apartment walls are permeable) a lot of this kind of violence when I was there, but I have not written anything about it, much less engaged in systematic analysis, nor have any of the thirty or so anthropologists whose books I most regularly use. . . . The whole issue of the use of physical force by the "haves" over the "have-nots" is singularly undiscussed, an interesting fact in itself."¹⁵ She speculates that this silence may in part result from anthropologists' sensitivity to avoiding stereotypes about those they study and hostility to stratification itself as a subject.¹⁶ That is not to say that there is not *some* discussion, as in Marie-Élisabeth Handman's book on a village on Mt. Pelion, which deals almost exclusively with violence in male-female relationships--and "violence" in a trendy sense, not entirely physical.¹⁷

Those anthropologists who have dealt with the subject have encountered serious conceptual problems. As Simon Roberts puts it, "Anthropologists have been widely criticized for their failure to conceptualize 'dispute' in such a way that this sphere can be marked off from other forms of conflict. Here one difficulty, as we have already seen, is that those working within 'rule-centred' and 'processual' paradigms have tended to regard conflict rather differently: the former, as an abnormal feature associated with breaches of rule; the latter, as part of the normal flow of life and inherent in the pursuit of interest."¹⁸ Moreover, Roberts points out, "Much anthropological work can be

¹⁴Social history of medieval and early modern Europe is more forthcoming, based largely on judicial records. See for example R. Muchembled, *La violence au village. Sociabilité et comportements populaires en Artois du XVe au XVIIe siècle* (Brepols 1989), the first volume of a series edited by him on *Violence et société*; other pertinent items are cited below. But for the most part this literature offers for our purposes serious problems of comparability and of the type of evidence used, and nothing in Muchembled's volume speaks to the questions at stake here.

¹⁵I am grateful to Professor Combs-Schilling for helpful discussion of this and other points, as well as the numerous comments of hers incorporated here.

¹⁶For that matter, law itself clearly evokes problematic reactions from many anthropologists. See Laura Nader, ed., *Law in Culture and Society* (Chicago 1969), esp. the Preface and pages 1-10, for some sense of the possible conflicting agendas.

¹⁷Marie-Élisabeth Handman, *La violence et la ruse. Hommes et femmes dans un village grec* (Aix-en-Provence 1983).

¹⁸"The Study of Dispute: Anthropological Perspectives," in *Disputes and Settlements: Law and Human Relations in the West*, ed. John Bossy (Cambridge 1983) 1-24 at 7.

criticized as tending to present all disputes as confrontations between equals; the implications of stratification, the presence of control from the centre (and thus the question of 'crime') have frequently been ignored."¹⁹

It is in fact precisely in the area of "small-scale, relatively egalitarian" societies that we do find some illumination.²⁰ Twentieth-century Egyptian villagers have tended to prefer to settle disputes and violent altercations by local, informal means, rather than resorting to the authority of the state. Henri Fakhouri, describing a village near Helwan, remarks that the emphasis lies on the restoration of harmonious relationships; villagers "do not rely on civil authority to settle disputes."²¹ Hamed Ammar's description of a village at the other extreme of Egypt is similar: "In the case of attack on someone, the Arab council has to be formed to smooth the relations between the disputants . . . To appeal to a remote and impersonal power vested in a local or national government is not a socially acceptable procedure."²² Henein's account of a Coptic village near Akhmim again shows that internal procedures, sometimes involving the church, are preferred to involving the magistrate with legal jurisdiction, namely the mayor of a nearby village.²³

All of these villages present much the same picture. It is interesting that a study of medieval Europe concludes in a similar vein. Communities preferred to settle disputes informally if the judicial system appeared to be a means of imposing outside control. "Medieval criminal justice was a private affair, meant not so much to punish as to maintain

¹⁹*Ibid.*, 8. "Dispute resolution" is undoubtedly the wrong category altogether for analysis of much violence, not to speak of control of behavior by threat of such violence. But it is unquestionably the dominant paradigm in anthropological discourse. See, for example, Gulliver, "Case Studies of Law in Non-Western Societies," in Nader, ed. (above, n.16) 13-14.

²⁰How far these societies are or were really egalitarian is questionable. Anthropological dislike of both stratification and "contamination" of societies by the "outside world" may have led to an exaggeration of the degree of equality in some of these villages.

²¹Henri Fakhouri, *Kafr el-Elow: An Egyptian Village in Transition* (New York 1972) 109-11, 114; he notes that the presence of a police station in the village is (along with the increasing presence of immigrants) changing matters.

²²Hamed Ammar, *Growing up in an Egyptian Village: Silwa, Province of Aswan* (London 1954) 60; similarly, he notes that this inhibition is breaking down.

²³Nessim Henry Henein, *Mari Girgis: Village de Haute-Egypte* (Bibl. d'Étude 94, Cairo 1988).

stable social relations between parties of equal rank."²⁴ Compensation of the victim was a key element in this, but punishment of the criminal was not.²⁵ Most medieval and early modern European states were much weaker than the Roman government, but the pattern is much the same. In fact, the preference for avoiding legal process in connection with ordinary actions that we would call crimes has become almost a standard description for preindustrial societies.²⁶

For the manner in which violent disputes between individuals of comparable status were handled, then, there is a certain amount of comparative evidence. Violence between persons of different status presents a harder case, and I have found little to help. The study of medieval Europe does note, in a general fashion, that attacks by servants on masters rarely became a legal matter, because of the master's right to discipline the servants.²⁷ So far as modern villages go, some explanation may lie in a low level of status differentiation. Fakhouri notes that in the village he studied there were almost no class differences observable,²⁸ and the same appears to be true in the other cases. As noted above, the dominance of small, relatively unstratified cultures in the anthropological literature, and the preference of most anthropologists for concentrating on the small and "untouched" society to the exclusion

²⁴Michael R. Weisser, *Crime and Punishment in Early Modern Europe* (Sussex 1979), 10, 52-53.

²⁵*Ibid.*, 62. Cf. Laura Nader and Elaine Combs-Schilling, "Restitution in Cross-cultural Perspective," *Restitution in Criminal Justice*, ed. J. Hudson and B. Galaway (Boston 1977) 27-44 at 35-36, who point out that restitution is characteristic of village societies managing their own affairs; it tends to disappear in favor of punishment when national institutions displace village ones. Where there is punishment at the village level, it tends to come from one's own group (for having caused trouble for everyone). Restitution (unlike state punishment) helps repair damage to the reputation of the injured party.

²⁶See, for example, the remarks of James Casey, "Household Disputes and the Law in Early Modern Andalusia," in *Disputes and Settlements: Law and Human Relations in the West*, 189-217 at 189-90. Casey points out that there are some counterexamples of litigiousness, which (he argues) may reflect use of legal process to encourage negotiated settlement. An instance from contemporary anthropology: P.H. Gulliver, "Dispute Settlement without Courts: the Ndendeuli of Southern Tanzania," in *Law in Culture and Society* (above, n.16) 24-68. Cf. also Handman (above, n.17) 74: Only after World War II did the authorities take any real interest in the village on Mt. Pelion which she studied; the inhabitants are still inclined to settle their affairs internally.

²⁷Weisser, *op.cit.*, 20.

²⁸Fakhouri, *op.cit.*, 74; cf. 113, where he points out that homogeneity reduces conflict in this village.

of outside impingements,²⁹ tends to reduce description of such status relationships. Here I am particularly indebted to Combs-Schilling for an account of the village she studied. "The use of physical force as an acceptable form of expressing status does go on. . . . Most of it is internal to the households or to the fields, but it goes on, usually expressed by a patriarch or an immediate delegate of his power, and it is usually exerted against one of the patriarch's dependents--wife, child, servant, chauffeur, field worker. . . . This kind of violence is a patriarch's business, not something that the town goes prying into." She suggests that this kind of force serves as "both a demonstration of and a constant means of recreating the 'big men's' power."³⁰

Another interesting body of evidence is a body of more than fifty thousand legal cases from eighteenth-century Aleppo under Ottoman rule, studied by Abraham Marcus.³¹ Of the entire body, only *two* cases involved violence of higher-status individuals against those of lower status, both of them masters who had exceeded the tolerable level of abuse of apprentices--a point also dealt with by the Roman jurists, as it happens.³² Marcus notes that acts of violence between social equals appear regularly (though not in great volume) in the court record, in contrast to the silence about violence of superior against inferior. That the latter did happen is guaranteed by the fact that there is not a single mention in the records of violent treatment of pupils in Quranic schools by their teachers, though there is evidence for the existence of the

²⁹Roberts, *op.cit.*, 3: "Outside influences, such as agents of the colonizing power or contact with adjacent indigenous groups, tended to be ignored or blocked out as contaminating the purity of the sample." Cf. Handman (above, n.17) 15: "Or, en ethnologue débutante, je désirais trouver un village à l'abri des influences extérieures, aussi "exotique" que possible et naturellement, pas trop gros."

³⁰Conversely, for an important person to be involved in a legal dispute causes damage to reputation no matter what the outcome; for a lower-status person to bring action against a higher-status one is in itself a blow to the prestige of the defendant.

³¹Department of History, University of Texas. See his book *The Middle East on the Eve of Modernity* (above, n.12) 73-120 for a general description of the workings of law and social order generally. Marcus points out, p.107, that legal suits amounted to only a fraction (about a seventh in the sample he cites) of court business, and only a fraction of *these* were what we would call criminal, i.e., assault, theft, and the like. I owe the detailed information cited here to personal communication; he is currently preparing a book in which he will discuss violence in more detail.

³²Cf. Ulpian, *ad Edictum* 18 and Paul, *ad Edictum* 22, in *D.* 9.2.5.3, 9.2.6 (Case 23 in Frier, *Casebook*). See also Handman (above, n.17) 139 for master-apprentice violence on Mt. Pelion.

latter.³³ In Marcus' view, it is likely that elite violence against underlings was viewed as a legitimate right and even as social discipline.

Official violence against civilians is still harder to document, for much the same reasons. One could of course argue that the modern state in peacetime simply does not use violence against its citizens in the way that Lane and Ammianus suggest. But it would be at least as helpful to point out that modern government tends to be highly specialized, with functions and powers divided among various functionaries. Despite the systematizing bent of historians of Ptolemaic and Roman Egypt, it remains true that "everywhere we see political, administrative and judicial powers intermingled," as Roberts puts it about the "relatively undifferentiated nature of government in Europe" over a long span of time until recently.³⁴ Combs-Schilling sees state power, at least until fairly recently, as representing a larger form of the individual power of important men, using forcible exaction of taxes or labor not only to obtain them but to show off the power of the government, to remind people that it was more powerful than any private individual.

It is time to turn back to the papyri to try to test these patterns. Now violence, and disputes in general, between people of like status, turned out to be the area in which other times and places are the most suggestive. As it happens, the same thing is true of the papyri. Our principal source here is the large body of petitions to Roman officials submitted by villagers. These have been analyzed by Deborah Hobson in an as yet unpublished paper.³⁵ One might think (as scholars often have) that these show village populations quick to grab pen and papyrus to involve central authorities in local disputes, but Hobson argues that the reverse is true. Complaints ask for restitution of property loss or the restraint of violence, not for punishment; they often indicate that the victim had attempted to rectify the situation before asking for outside help, or had at least identified the perpetrator. Indeed, what is asked for is often help in identifying the perpetrator where the victim does not already know this information. "Implicit here is the notion that one did not go to law on the principle of the matter, but only because it was

³³Combs-Schilling mentions that she knows Moroccan men over fifty years old who have burn scars on their faces from the application of live coals to their faces by Quranic teachers when the pupils performed badly in their lessons.

³⁴Roberts, *op.cit.*, 23.

³⁵"The Impact of Law on Village Life in Roman Egypt," forthcoming in a volume on ancient law and society.

necessary to do so in order to assert one's rights or claim one's rightful property or even to reestablish one's dignity; in other words, if you could do this for yourself, you didn't make a petition." In sum, she argues, "The petitioning process exists on the perimeter of what is essentially a system of self-help rather than a penal system as we know it."

Confirmation comes from a juristic analysis of the same material. The dissertation of Barbara Canas, to appear next year, will fill the previous lack of any careful treatment of criminal justice, but her findings are largely negative.³⁶ As she remarks, "in practically the totality of the documents, civil and penal are mixed, and the sentences settle questions of procedure rather than of substance; allusions to penalties consequent on this genre of delicts are rare." The judges' decisions have to do with further procedure or with the making whole of the plaintiff, not with punishment. What little there is concerning criminal law in fact concerns either murder or offenses against the state. That negative conclusion, however, has positive implications, for it confirms Hobson's view that involving the state was a last resort; what we call criminal action was not really distinguished by Egyptians from any other dispute, and in all cases they tried to settle cases locally first and went to the Roman authorities, if they did, for reestablishment of their property and social position.³⁷ Criminal punishment, it turns out, was a negligible matter, because so little "crime" was actually prosecuted as such. One might, in fact, go so far as to say that "criminal" and "penal" are simply inappropriate vocabulary, borrowed from modern (or

³⁶*Juge et sentence dans l'Égypte romaine*, her revised Thèse d'État (1983); I am grateful to Dr. Canas for sending me a copy of the pertinent section in advance of publication.

³⁷Some papyri do have vague phrases that sound as if the petitioner sought some sort of punishment of the malefactor, but they are so persistently lacking in specifics that one must wonder. The most common request is for ἐκδίκη, which in *BGU XI 2069.12* seems to mean what the other party's deeds merit, but otherwise normally seems to mean legal "redress," as it is rendered in *P.Oxy. XXXVIII 2672.23* by P.J. Parsons. Since it is there joined with θεραπεία, treatment for the victim, it seems to mean specifically financial redress. Some first-century texts speak of sending the culprit up for the ἐπέξοδος, the circuit court (*P.Mich. V 228, 230*). "It is curious that Kronion does not ask for the arrest of Kronios, or for damages for the clothes taken. He asks merely that 'steps be taken' against the latter's lawless, or perhaps better, unmannerly behavior." So C.B. Welles (*EtPap 8* [1957] 107) reacted to one typical petition, noticing (unlike most editors) the existence of the problem. He supposed that the case may have been so slim that the plaintiff did not dare ask for more. The case may well have been slim, but as we have seen, the explanation is more interesting.

Roman) views but inapplicable in Egypt. They refer not to any inherent quality of behavior, but to the view that societal authorities take of it.³⁸

The papyri do then offer--once one looks below the surface--some general confirmation of the patterns described for other preindustrial societies: Most violence is handled by informal procedures ranging from acceptance to mediation, with official complaint a last resort. When a complaint is filed, it aims at restoration of social equilibrium and the honor and material position of the complainant, not at punishing the violence itself, which is not seen as "crime" but as ancillary to the disruption of the social fabric.³⁹

Complaints about violent behavior by elite persons against those of lower status do occur, but conclusions to be drawn are anything but obvious. Most fracasés involved neighbors, family members, business partners and fellow villagers of the same status. A former exegetes from a rich family is accused of beating up one of his debtors, who had borrowed at an illegal rate of interest.⁴⁰ The petitioner alleges arrogant disregard of law on the part of his powerful opponent. Similar accusations of suffering at the hands of more powerful individuals occur elsewhere, for example in *P.Oxy.* VIII 1120, where a widow claims that she cannot defend herself. But she gives no information about her assailant. That not all such claims are to be taken seriously may be deduced from *P.Abinn.* 50, in which the petitioner begins with a banality about the recipient's obligation to suppress abusive acts by τῶν δυνατοτέρων ἀνθρώπων only to reveal that it is his own business partner who is the culprit. Similarly, *P.Panop.* 27 opens with platitude: "If the powerful succeeded in whatever they undertook and if they were not stopped by the intervention of the laws, the life of those of modest

³⁸An extreme example of the inappropriate use of vocabulary borrowed from modern agencies is found in Davies' article cited above, where he talks about "this Criminal Investigation Department (Police Judiciaire) work" (p.200). When Davies comes to talk about sentencing, he finds no penal sentences at all; but instead of the logical conclusion, he supposes that "the centurion would normally make his investigation and, if convinced of the charges, then send the accused under guard to a higher authority for sentence" (p.212). For this conclusion he cites not one bit of evidence from the papyri, but rather Eusebius talking about the prosecution of Christians! Criminal sentencing is effectively nonexistent in the papyri.

³⁹Egyptian villages were in general, I think, relatively unstratified in economic and social terms. I plan to return to that question elsewhere.

⁴⁰*P.Fouad* 26; cf. W.S. Bagnall, *BASP* 10 (1973) 65-70 on the man and the incident; Heron son of Amatiós was a member of the wealthy family of the descendants of Laches.

means would be unlivable." Unfortunately, the petitioner is a former magistrate, his opponents fishermen! The writer seems to have been carried away with inappropriate rhetoric. One is inclined to take with similar skepticism Aurelius Isidoros' complaint that some neighbors who let their cattle consume his crops were "possessing great influence in the neighborhood" (*P.Mert.* II 92). He complains also about a shepherd in the same petition, and he gives no information to make us think the others are of higher status than himself (a substantial landowner).

Moreover, complaints about violence by people of *lower* status are just as common. In *P.Mich.* V 228, the perpetrator is a herdsman. In *SB XII* 11114, a Roman citizen complains about his injury at the hands of an Egyptian; indeed, he is outraged that a Roman citizen should be so treated by an Egyptian. A metropolitan of some standing--he was overseer of the tribes of the Serapeum--attacked by a villager filed *P.Oxy.* XXXI 2563. Another complaint specifying the Egyptian identity of the wrongdoer occurs in *P.Oxy.* XLII 3061.

The documentation thus offers some assailants of higher status, some of lower, and most of comparable social position. It is difficult to see how such evidence can allow us to test the hypothesis of systematic violence of the powerful against the weak. One can equally take the evidence to point to a society in which violence was not so distributed. In fact, if one of the salient indicators of the ordinariness of such violence is that no one thinks it worthwhile to mention or complain of it, as seems true in at least some of the comparative evidence described earlier, one might argue that the occurrence of complaints such as those mentioned in the papyri points to Roman Egypt's *not* being this sort of society. On the other hand, it is not clear that allegations of abuse of powerful position are anything other than rhetorical strategies of petitioners, able to be stood on their heads if a better strategy occurs to the drafter of the petition.

It seems almost inevitable that official use of force against private citizens left little trace. There are small indications here and there of the practice. In *P.Oxy.* IV 706 (*ca* 115), for example, the prefect of Egypt tells a freedman that if there are further complaints about his behavior, apparently from his patron, he will have him cudgelled, ξυλοκοπηθῆναι. And the enigmatic *P.Flor.* I 61, again a case before the prefect, ends with a statement by the prefect that he could have had the defendant flogged, μαστιγωθῆναι, because of his illegal detention of a high-status man and women (ἄνθρωπον εὐσχήμονα καὶ γυν[αῖ]κας), a fate the defendant's

advocate knows is possible and deprecates early in his speech. These acts would perhaps not have been documented had they actually occurred; it is their mention as threats which was recorded. And both come before the highest official in Egypt; the threats or deeds of the local centurion undoubtedly did not find written expression.⁴¹ In fact, physical abuse of free citizens was forbidden by official edicts. *P.Oxy.* IX 1186 records a praeses' view that whipping was undesirable even for slaves, though not forbidden, but entirely illegal and unjust for free persons. A petitioner's remark that "of all things the most disgraceful is for free persons to suffer *hybris*," points to its being a commonplace that free persons were properly exempt from being beaten by others.⁴² But people no doubt feared it just the same, and we have two copies of an imperial rescript reassuring a man that surrendering his property in a liturgical exchange would not subject him to corporal punishment.⁴³ All of this evidence, then, speaks to a certain widespread view that official violence even against free persons did exist and was to be feared, but that it contradicted government policy.⁴⁴

The use of the liturgical system in Egypt complicated matters considerably. Private citizens serving terms as tax collectors commonly had paid assistants. One such is the *cheiristes* accused in *P.Mich.* VI 425, who beat the petitioner's mother, demolished the doors to their house, and left it wide open, even though they owed nothing to the *fiscus*. The petitioner asked the prefect for help, and the prefect told him to petition the epistrategos. He did, and the epistrategos told him to petition the centurion now on the spot. The highly colored account in the petition

⁴¹Canas, *op.cit.*, points out that one could recognize the detention in *P.Flor.* 61 as a case of βία, by analogy with Roman law. But the prefect's sentence is difficult to understand in any case, and there is no indication that he is dealing with Roman criminal law.

⁴²*P.Wisc.* I 33. A remark later in this text concerning "and to beat and thrash and flog free persons like slaves" is unfortunately in a damaged context, but it points to the same attitude, that slaves were the natural recipients of beatings.

⁴³*P.Oxy.* XII 1405, XLIII 3105.

⁴⁴General abuse of official power, of course, was an old story in Egypt, firmly rejected by official ideology and policy, but difficult to repress in practice. See D. J. Crawford, "The Good Official of Ptolemaic Egypt," *Das ptolemäische Ägypten* (Mainz 1978) 195-202 for a general discussion of the conflict between expectations and reality. Stanley Burstein reminds me of the scene in the Complaint of the Peasant, where the success of official ideology in the end is no doubt idealized (translation at, e.g., J.B. Pritchard, *Ancient Near Eastern Texts Related to the Old Testament* [Princeton 1950] 407-10, by John Wilson).

makes it difficult, as usual, to tell what might have been the other party's story, but resistance to taxpaying seems a plausible explanation. Another such instance occurs in a Tebtunis papyrus of the late second century which recounts the *hybris* of some official (his title is not specified) in the course of collecting transport charges on grain.⁴⁵

All of these remarks are very preliminary. A more systematic reading of the papyri might yield more.⁴⁶ But it must be remarked that it is difficult to find a trustworthy method of testing models acquired from comparative evidence. This is particularly true in the case of violence directed by the influential against the weak. The papyri mention a few cases of this phenomenon, both by private persons and by officials or their employees. But they also yield mentions of violence by lower-status persons against higher-status ones. Moreover, much of the evidence about top-to-bottom violence is suspect, involving rhetorical flourishes rather than the reality of the situation. It can hardly be doubted that official social values included the exemption of all free persons--though not slaves--from violent treatment by others, private or official, and that they involved the protection of the population by the government from the abusive behavior of the powerful. The relationship of these values to reality is more doubtful. One could suppose that the relative absence of mentions of this sort of violence is here, too, an indication of its prevalence and normality; but that involves a logical trap. A society where such violence was *not* prevalent could never be identified given such assumptions and methods.

To that extent, then, the evidence of the Roman jurists, the European travellers in the East, social history of other periods, and anthropology provide possible descriptions of social behavior in Roman Egypt but fail to give us any means of verifying or disproving such models. As it happens, it is precisely the areas where the comparative evidence is least abundant and clear that the papyri illuminate least adequately.

Violence in general, particularly between social equals, offers a more hopeful problem. The papyri provide adequate evidence for its existence, tell us a certain amount about motives and contexts, and

⁴⁵SB VI 9458 = *EtPap* 8 (1957) 103-111.

⁴⁶I have relied to a considerable degree on searching for various terms commonly used in contexts describing violence. But obviously more words might be looked at, and more widely. There may also be evidence not readily discoverable by the vocabulary used.

indicate something of how society dealt with it. Here also the comparative evidence offers us a model, and it is easier to test this model. On the whole, villages in Roman Egypt seem to fit the model, preferring to deal with violence by internal processes than to use legal processes, and seeing the problem primarily as one of reintegration and restoration of status and property than as one of punishment. The extensive body of petitions, however, despite the evidence that they were often a last resort, seems to me to point to a society more ready to use formal structures of the government to accomplish restoration of social stability than are most of the societies on the basis of which the model is constructed.⁴⁷

Substantive questions remain, and they would be worth investigating. Primary is one of development: Does the situation alter over the four centuries from which our evidence is drawn? The internal institutions of Egyptian villages suffered a serious decline, I think, in the second and third centuries, reviving only with the rise of local churches after the conversion of the countryside in the fourth century. That decline involved a shift of institutions to the metropoleis, an urbanization of power. It would make sense if reliance on outside authority for dispute resolution grew in tandem with that change, and a sophisticated study of the evidence might show if this actually happened. In general, the handling of violence seems to me a reflection of the character both of internal community and of its relationship to the central power, a subject scarcely yet touched for Roman Egypt. It is perhaps also worthwhile examining degrees of inequality in Egyptian society; both general social stratification and the relative positions of men and women have been implicated as factors in the extent of violence in society, and these factors were probably not constant throughout the Roman world.⁴⁸ Another aspect of the petitions, touched on by Hobson, deserves further exploration: the role of previous events and existing relationships between adversaries. It is clear that in relatively small communities one

⁴⁷Naphtali Lewis suggests that it would be worth seeing if there are any differences of character or assumptions between petitions directed to distant officials and those to nearby ones.

⁴⁸See, for example, Handman (above, n.17) 158-59, citing work on the characteristics of "gentle" societies. One wonders, however, if this is not in part another instance of the ideological preferences of anthropologists projected onto the societies they study--happy savages, in effect, fun-loving, egalitarian, and permissive.

cannot understand most events of violence, or most disputes, without understanding the context.⁴⁹

On the methodological side, the gains may seem partly negative: One can offer a model and thus ask interesting questions, without being able to answer them. But the most productive part of the question turns out to be not an area where comparative evidence helps fill a yawning gap in the papyrological evidence, but rather an area where the papyrological evidence is fairly abundant but demands explanation. The internal dynamics of other societies help provide this explanation, offering insights into the personal relationships and motivations behind the pattern. That the pattern turns out (as I think) to be somewhat different does not at all lessen the value of the investigation. The results are not very tidy, but they do offer an internal perspective often difficult to gain from the analytic documentation of the papyri.⁵⁰

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⁴⁹Cf. Gulliver (above, n.16) 60 on this point. He also points out (p.64) that the alignment of villagers around disputants is inconstant, shifting with the identity of the adversaries and their network of links.

⁵⁰I am grateful to the participants in the seminar for their helpful comments, only a few of which are singled out for attribution above.