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Deutsches Archäologisches Institut, Zentrale, Podbielskiallee 69–71, 14195 Berlin, Tel: +49 30 187711-0

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CHRISTOPHER P. JONES

A Petition to Hadrian of 129 CE*

The system of petitions to emperors is now illustrated by about a dozen examples, and indirectly also by petitions addressed to officials in the provinces. Most of the latter come from Egypt, but in recent years other regions have greatly increased their number, notably the Middle Euphrates. A petitioner to the emperor wrote his petition in Greek or Latin on a sheet of papyrus and presented it either personally or through an intermediary; it was therefore called a «booklet» (*libellus*, λίβελλος, βιβλίδιον). The emperor probably dictated rather than wrote a reply in Latin, which was written up by the official in charge of petitions (*a libellis*) and, after approval by the emperor, was inscribed below the petition on the same sheet, and hence was called a «subscription» (*scriptio*, ὑπογραφή), though other terms such as «order» (διάταξις) also appear. According to the most likely reconstruction of the procedure, the *a libellis* or a member of his staff checked the completed document and certified that it was in order by the notation «I have checked» (*recognovi*, ἀνέγνων). It was then presented to the emperor, who authenticated the copy by writing in his own hand, «I have subscribed» or «I have answered» (*subscripsi*, *rescripsi*). The document was then glued to others that he had recently answered, and the resulting «volume» (*liber*, τεῦχος), was posted up in a public place such as a stoa or a temple.

* I have used the following special abbreviations: ADAMS = J. N. ADAMS, *Bilingualism and the Latin Language*, 2003; FEISSEL – GASCOU = D. FEISSEL – J. GASCOU, *Documents d'archives romains inédits du moyen Euphrate* (III^e s. après J.-C.), JS 1995, 65–120 (= P.Euphrat. 1–5 = SB XXII 15496–15500); HAENSCH, *Apokrimata* = R. HAENSCH, *Apokrimata und Authentica: Dokumente römischer Herrschaft in der Sicht der Untertanen*, in: R. HAENSCH – J. HEINRICHS, *Herrschen und Verwalten: Der Alltag der römischen Administration in der Hohen Kaiserzeit*, 2007; HAUKEN = T. HAUKEN, *Petition and Response: An Epigraphic Study of Petitions to Roman Emperors*, 1998; OLIVER = J. H. OLIVER, *Greek Constitutions of Early Roman Emperors*, 1989; RITTI = T. RITTI (ed.), *Museo Archeologico di Denizli-Hierapolis: Catalogo delle Iscrizioni greche e latine, Distretto di Denizli*, 2008. I have many debts: to audiences at the Istituto di Studi Umanistici, Florence, and at the Kommission für Alte Geschichte und Epigraphik, Munich, for contributions made at seminars held there in January and March 2009 respectively; to the contributors to RITTI, especially FRANCESCO GUIZZI, for giving me an advance copy of the relevant pages; to colleagues at the Kommission, notably RUDOLF HAENSCH, HELMUT MÜLLER and CHRISTOF SCHULER, for generous help; to GERHARD THÜR for advice on points of law; and as always to GLEN BOWERSOCK.

During this time, the petitioner and any other interested person could make his own copy.¹

After a while, the «volume» was taken down and stored, presumably in the office of the *a libellis*. If the original litigant wished to use a copy of the decision later, he would have it properly witnessed and sealed, and if he had the means, he might also have it inscribed for permanent display. He might also petition to be given a copy of a decision relevant to a matter in which he was interested, either in his own favor or to the disadvantage of another party. A favorable verdict was obviously of great power at law, not only for the immediate party but also for others later, and papyri show litigants using imperial subscriptions and judgments of other kinds, and also the equivalent decisions made by lower officials.²

An important text that illustrates the working of the *libellus*-procedure was discovered by THOMAS DREW-BEAR in 1973, but for various reasons remained unpublished. The find-spot was Şapçılar Köy in the Çal Ova, which in ancient terms was the Ἵργαλειτῶν πεδίων (*Hyrgaletici campi*) some twenty miles south-west of Phrygian Eumeneia. ELENA MIRANDA has now provided a partial text with some annotation and an excellent photograph in a catalog of the inscriptions in the Museum of Denizli.³

The stone is carved on a marble stele measuring 121 × 62 × 17 cms, with letters of 1 cm and interlinear space of 0.5 cm.⁴ The stele has a gable, and about a quarter of the way down inclines inwards before continuing vertically. It is broken at the foot, and may have continued further down. A cross has been scratched on the top left by a later Christian, perhaps to repel any demonic associations that might reside in this large and evidently pagan object.

The letters on the left half are reasonably clear down to line 41, where MIRANDA's text and translation end; thereafter I have given the readings copied by DREW-BEAR from the stone. The patronymic in line 29 is separated from the next name by a colon, and presumably the other names were separated in the same way.

I give a text, apparatus, translation, and line-by-line commentary, reserving certain general questions for the second part of the discussion. MIRANDA's text is based on

¹ On the meaning of τεῦχος, P. SÄNGER, APF 53, 2007, 15–30.

² I have generally followed the accounts of W. WILLIAMS, *The Libellus Procedure and the Severan Papyri*, JRS 64, 1974, 86–103, J.-L. MOURGUES, *Les Formules «rescripsi», «recognovi»*, MEFRA 107, 1, 1995, 255–300; see also G. PETZL, *I.Smyrna 2*, 1 (IGSK 24, 1) 82–83 and HAENSCH, *Apokrimata*. For a request for copies, *I.Smyrna 597*; the subscriptions of Augustus to Samos and of Trajan to Miletos found at Aphrodisias must be from such requested copies (J. M. REYNOLDS, *Aphrodisias and Rome*, 1982, nos. 13, 14; OLIVER nos. 1, 48).

³ MIRANDA in RITTI 72–74 no. 16, with Pl. 16 and previous bibliography, p. 74. For the find-spot of the inscription and its implications, see below.

⁴ These are the measurements given in RITTI: DREW-BEAR's notes give maximum height of 1.2 m, width of 62.5 cm at top narrowing to 59.5 further down, thickness of 15 cm, and letters of 1.2 cm.

one provided to her by DREW-BEAR, and all restorations not explicitly attributed in the apparatus are his; the siglum DB¹ denotes his original text made in front of the stone, of which I have a copy, while DB(M) indicates his text as reported by MIRANDA; J. indicates readings proposed by myself. In a number of places I have relied on DREW-BEAR's original transcription where the stone is no longer legible in its present condition.

- [Ποπ]λίω Ἰουβεντίω Κέλσ[ω Λ. (?) Νερατίω Μαρκέλλω]
 [τ]ὸ β' ὑπάτοις πρὸ ὀκτώ καλ[ανδῶν Αὐγ]ούστων, [ἀν]-
 τιγεγραμμένον καὶ ἀντιβε[βλ]ημ[έ]νον ἐ[κ] τεύχους
 4 λιβέλλων τῶν προκειμένω[ν ἐν ----- ca. 12 --- τῆς Λυ?]-
 κίας, ἐν τῇ στοᾷ τῇ καινῇ [------ ca. 18 ----- ἐσ]-
 [τ]ιν ἐξσφράγισμα τὸ ὑπογ[εγραμμένον ---- ca. 10 --- ἐ]-
 σφραγίσθαι καὶ ὑπογραφή [?] βιβ[λ]ε[ι]δίο[υ πρ]οκει[μέ]-
 8 νου καὶ αὐτοῦ ἐν τῇ στοᾷ [------ ca. 20 -----]
 ΤΕΤΕΟΣ δις πρεσβευτῶν [------ ca. 20 -----]
 Πανφυλίας, ἣν ὑπογραφὴν [------ ca. 20 -----]
 ω ~ δέησις ~ παρὰ Ἐρμογένου[ς Ἄπτου τοῦ Γαί?]ου τοῦ Γ[αί]-
 12 ου τοῦ Μάρκου Ἰργαλέως Αὐτο[κ]ράτορι Καί[σ]αρι
 [Τ]ραιανῶ Ἀδριανῶ Σε[β]αστῶ· [--- ca. 10 --- ἐδικάσας e.g.]
 κύριε, μεταξύ ἡμῶν καὶ [Ἀ]πολλοδότου [τοῦ δεῖνος,]
 Διονυσιοπολείτου, ἐν Ἀπ[α]μ[ε]ία πρὸ ----- ca. 10 ---- κα]-
 16 λανδῶν Αὐγούστων· δεόμε[θα οὖν σου ὅπως κελύσης]
 δοθῆναι ἡμῖν τῆς τοῦ Ἀ[πολλοδότου ὑπο?]-
 θέσεως καὶ τῶν σῶν ἀποφ[άσεων --- ca. 10 --- ἐ]ξσφ[ρά]-
 γισμα. Acc(eptus) X kal(endas) Aug(ustas) Apam(eae) in Asia [--- ca. 15 ---]
 20 [I]mp(erator) Caesar Traianus Hadrianus Augustu[s --- ca. 12 ---]
 [A]ristomeniae per Flabium Tatia[num ----- ca. 15 -----]
 [A]lexandro Leontis Apollo[------ ca. 20 -----]
 [He]rmogeni Apti Gai Gai PAP[----- ca. 20 -----]
 24 [Ar]istomenis TETEETB . . . V [---- ca. 11 ---- permitto]
 [eg?]o bobis ex commentariis m[eis describere si quid?]
 [e]x s[cr]ibto sive verbis ad bos [------ ca. 12 ----- pro]-
 nuntiabi. suscribsi. r[ecognobi. ----- ca. 15 -----]
 28 . ΛΓΟΣΣΥ . ΠΕΙΝΕΥΣΔΗ[----- ca. 10 ----- Ἀλέξαν?]-
 [δ]ρος Ἀλεξάνδρου · Σέξτο[ς ----- ca. 20 -----]
 ος Μηνόφαντος [·] Τιβέριος [------ ca. 20 -----]
 ος Μηνόφιλος ~ Caesar [------ ca. 20 ----- d(ixit):]
 32 ἐπεὶ προσφάτω ΤΩ [------ ca. 25 -----]
 . Υ χρόνον . ΑΙΤΑ . ΤΛ . . Τ ----- ca. 25 -----
 . ΕΡΑΟΝΤΑΤΗΙΙ . . ΤΑΙΙ ----- ca. 25 -----
 ΣΙΣ ἀπαγορεύω [σοί?] μητ[έ ----- ca. 15 ----- κατ?]-

36	[έ]χειν πυρὸν πλὴν τοῦ Γ ----- ca. 20 -----
	[κ]αὶ κρειθὴν ΛΕΙ ----- ca. 25 -----
	[σ]τερέσιμος ἔσται καὶ ----- ca. 12 ----- ΠΠΛΩ
	τῆ ζημία ΕΚΚΤΕΙΕΔΙΣ ----- ca. 15 -----
40	διαρῆδην σοι εἴρηται ----- ca. 25 -----
	.ς π[λ]ηρῶται ----- ca. 30 -----
	----- Χ`ΛΤΗ . Σ . Ο -----
	----- ΣΟΜΓ -----
44	----- ΙΤ -----
	----- ΟΙΓΕΟΣΘ . Σ -----
	----- ΑΠΟΔ -----
	----- Ε -----
48	----- ΤΟΥ -----
	----- CA` -----
	----- Σ . . . Ο -----
	----- ΠΠΓΙ ΤΑΙΣ -----
52	----- ΜΗΣΥΠΙΑΒ -----

1: [Πο]υ[β]λίω DB(M): [Ποπ]λίω M.

4/5: . . . ΑΣ DB¹: ΚΙΑΣ DB(M): [τῆς Λυ?]/κίας J.

5/6: [έσ]/τιν J.

6/7: [έ]/σφραγίσθαι J.: (7) σφραγίσθαι M.

7/8: ΥΠΟΓΡΑΦΗ . . . Λ.ΙΔΙΟΔ . . Ο . ΟΓΕΙ / ΝΟΥ DB¹: ὑπογραφή[ν βιβλ]ειδίων [--- ca. 8
----] / νου DB(M): ὑπογραφή [βιβλ]ειδίου[ν] [---] J.

10: ὑπογραφήν J.: ὑπογραφήν[αι] DB(M)

11: Ἐρμογένου[ς] Ἄπτου τοῦ Γαί[?]ου J.: Ἐρμογένου[ς] ---- ca. 12 ---- ου DB(M)

13: [--- ca. 10 --- ἐδικάσας e.g.] J.

16: δεόμε[θα οὖν σου ὅπως κελευσῆς] J. (δεόμε[θα] already DB¹)

17/18: Ἀ[πολλοδότου προ]/θέσεως J.: A[--- ca. 11 ---]θέσεως DB(M)

18: ἀποφ[άσεων] DB¹: ἀνοφ[ειλῶν] M.

19: acc(eptus) J.: acc(epta) DB(M)

23: Ἀρτί Γαί Γαί Παρ- J.: ΑΡΤΙΓΑΙΓΑΙΡΑΡ DB(M)

24: ΤΕΤΕΕΤΒ V J.: ΤΕΤΕΕΤΒΙΗ PV DB¹: ΤΕΤΕΕ++ΛΙ --- ca. 20 --- DB(M): to right, [--- ca.
10 --- permitto] J.

25: [describere si quid?] J.

26/27: [pro]/nuntiabi J.

27/28: / Η . ΓΟΣΚ . ΠΕΙΝΕΥΣΔΗ DB¹: /+ΑΓΟΣΣΥ.ΠΕΙΝΕΥΣΑΝ DB(M)

28/29: [Ἀλέξανδ]ρος (?) J.

31: [d(ixit)] J.

32: προσφάτω ΤΩ DB¹: προσφάτως + DB(M)

33: . Υ χρόνον . ΑΙ J.: Υ χρόνον DB¹: +υ χρόνον +ΑΟΤΑ+ΤΑΤ DB(M)

34: . ΕΡΑΟΝΤΑΤΗΙ . . ΤΑΙ DB¹: -τερα ὄντα ΗΦΑΤΑΤ M.

35: [σοι] μητ[έ] J.: . . . ΜΗΤ DB(M)

35/36: [κατ/έ]χειν (?) J.

37: ΛΕΙ J.: ΛΕΣΛΔΑ . Α . DB¹: ΛΕ+ DB(M)

39: ΕΚΚΤΕΙΕΔΙΣ DB¹: ΕΚΚΤΕΙ+ΔΙΣ DB(M)

«P. Iuventus Celsus and L. Neratius Marcellus being consuls for the second time, eight days before the Kalends of August, copied and checked from the volume (4) of petitions displayed [in ----- of Ly]cia (?) in the New Stoa ... the (document) below is a copy ... to have been sealed also a subscript of a petition (8) (that was) additionally (? or: there?) displayed with others in the stoa ... (*unintelligible*), son of the same (?), ambassadors ... of Pamphylia, which subscript (?) ...

Request from Hermogenes [son of Aptus, grandson of Gaius, great-grandson of Gaius, great-great-grandson (?)] (12) of Marcus, to Emperor Caesar Traianus Hadrianus Augustus. [You judged (?),] sire, between us and Apollodotus, [son of ---], of Dionysopolis, in Apamea [on the --- day before the] (16) Kalends of August. We beg, [therefore, that you order (?)] to be given to us a [---] copy of Apollodotus' [statement (?)] and of your verdicts.

Received ten days before the Kalends of August at Apamea in Asia.

(20) Emperor Caesar Traianus Hadrianus Augustus to --- Aristomenia through the agency of Flavius Tatianus, [---] Alexander son of Leo, Apollo- [son of ---,] Hermogenes son of Aptus, son of Gaius, son of Gaius, Pap[-----, ----- son of] (24) Aristomenes, (*unintelligible*). [I permit (?)] you to [copy] from my records [whatever (?)] I pronounced [to you ---] in writing or verbally. I have subscribed. I have checked.

[... the] (28) (*unintelligible*) [Alexand]er (?), son of Alexander, Sextus -----us Menophantus, Tiberius [-----]us Menophilus.

Caesar [---- said:] (32) Since recent ... time ... being the ... I forbid [you (?)] either ... [to with]hold (?) wheat except the ... and barley ... will be forfeit and ... double (?) ... the penalty ... you explicitly said ... is paid in full ...»

Lines 1–5. The general sense of these lines is clear from other petitions. Thus a well known one from Scaptopara in Thrace, even though the text of that is not fully assured: *Fulvio Pio and Pontio Proculo cons. XVII kal. Ian., descriptum et recognitum factum ex libro libellorum rescriptorum a domino nostro* (name and titles of Gordian III) *et propositorum Romae in porticu thermarum Traianarum in verba quae i(nfra) s(c)ripta s(unt)*. A recently published rescript from Septimius Severus and Caracalla to the *coloni* of Tymion and Simoe in Phrygia begins: ἐγγεγραμμένον καὶ ἀντιβεβλημένον ἐκ τεύχους [βιβλιδίων ἐπιδοθέντων τοῖς κυρίοις αὐτοκρά[τορσι καὶ] προτεθέντων ἐν περιστόφῳ Θερμῶν Τρα[ιανῶν] ἀντιγραφῆς καθὼς ὑποέγραπται.⁵

Line 1. The consuls are P. Iuventus Celsus and L. Neratius Marcellus, the *ordinarii* and *consules iterum* of 129, with their names expressed in the dative representing the Latin ablative, as not infrequently in Greek inscriptions. The date is thus July 25th, 129, and since Celsus, also a notable jurisconsult, was proconsul of Asia either in 128/29 or 129/30, he could have been holding that position at the time of this docu-

⁵ Scaptopara: latest text in HAUKEN 85–86. Tymion and Simoe: P. LAMPE – W. TABBERNEE, EA 27, 2004, 169–178 (SEG 53, 2003, 1517). The bare genitive ἀντιγραφῆς is disturbing: possibly [μετ'] ἀντιγραφῆς, if more room is possible at the beginning of the line.

ment. MIRANDA's text assumes a line of 41 letters, as opposed to lines 2, 3, and 12, which can be restored completely with 36, 38, and 37 letters respectively; it also lacks the iteration that is expected after the name of Juventius Celsus. I do not see how to resolve this difficulty, except by assuming an abbreviation of Marcellus' *praenomen* or *cognomen*.⁶

Line 4, λιβέλλων. The text uses this transliteration of the Latin *libellus* here, but the usual Greek equivalent βιβλ(ε)ιδιον in line 7. This seems to be the first attestation of this borrowing, which becomes normal in Egypt only in the fourth century, though P.Euphrates 1 of 245 has the abbreviation λ(ι)β(ε)λλος.⁷

Lines 4–5. After the participle προκειμένω[v] and before the mention of the «New Stoa» in line 5, there must have been the name of a city: thus in the Scaptopara petition quoted above, *Romae in porticu thermarum Traianarum*, and in P.Euphrates 1, Ἐπι ὑπά(των) ... Φιλίππου Σεβαστοῦ καὶ Μεσσιῶν Τιττιανοῦ πρὸ πέντε Καλ(ανδῶν) Σεπτεμβρ(ίων) ... ἐν Ἄντιο(χείᾳ) κολ(ωνία) μητροπόλει ἐν ταῖς Ἀδριαναῖς θερμῆς.⁸

Line 5. The first four letters of this line seem clearly to be ΚΙΑΣ, and they should represent the end of a word denoting the province or (possibly) lesser region containing the city in which the replies were posted, as in *Apam(eae) in Asia* in line 10. If a province, there would seem to be only two possibilities, [τῆς Λυ]κίας and [τῆς Καππαδο]κίας, of which the first is more likely for reasons given below, «The Chronology of Hadrian's Travels».

Lines 6–11 are highly problematic, since they have no exact parallel, and accordingly the interpretation of much of the rest of the document must also remain uncertain.

Line 6. TIN can only represent [----- ἐσ]τιν, and in combination with ἔξσφράγισμα τὸ ὑπογ[εγραμμένον] this phrase appears to be equivalent to the formula, often abbreviated, *in verba quae infra scripta sunt*; a Berlin papyrus has ἐν ᾧ βιβλιδίῳ ἐνεγεγραμμένα ἦν τὰ ὑπογεγραμμένα (BGU III 970, 5). I cannot find a precise Greek parallel, though some phrase such as [διὰ τῶν ῥημάτων ὧν ἐσ]τιν would fit the space. The emperor Julian, writing to the citizens of Bostra and including a *verbatim* quotation from their bishop in a letter to himself, adds: ταῦτα γὰρ ἐστὶν ὑπὲρ ὑμῶν τοῦ ἐπισκόπου τὰ ῥήματα.⁹

⁶ Scaptopara: HAUKEN, 74–139. Celsus: PIR² I 882, B. E. THOMASSON, *Laterculi Praesidum* 1, 225 no. 117, favoring 129/30; in favor of 128/129, W. ECK, *Chiron* 13, 1983, 167, J.-L. FERRARY, *CRAI* 2005, 763–765. Marcellus: PIR² N 55. For the Greek dative influenced by the Latin ablative absolute, J. and L. ROBERT, *Bull. ép.* 1966, 239; 1977, 419 (p. 395); ADAMS 504. For abbreviation of Roman names, especially *gentilicia*, in Greek inscriptions, L. ROBERT, *OMS* II 864–867 (REA 1960).

⁷ FEISSEL – GASCOU 66 and n. 7 there, referring to this inscription.

⁸ P.Euphrates 1, 1–2.

⁹ Julian, Ep. 114 BIDEZ-CUMONT (437d).

Line 7. The verb προκείσθαι should mean «be displayed» rather than merely «be available» in some kind of bureau or office, as has been suggested.¹⁰

Line 8. The phrase καὶ αὐτοῦ, if it means «it too», could suggest that the text has now moved on to discussing another document. The so-called Columbia Apocrimata, headed ἀντίγραφα ἀποκριμάτων (προ)τεθέντων ἐν τῇ στοᾷ τοῦ γυμνασίου, form a collection of imperial responses without the corresponding petitions, issued over three days, and give a sense of the variety of such petitions that could be displayed together.¹¹ Alternatively, this second document might be, not another imperial response, but the extract from the *commentarii* that began in lines 20.¹² A third possibility, though remote, is that αὐτοῦ is the adverb «there», which is not rare in post-classical prose.¹³

Line 9. The remnants of this line, ΤΕΤΕΟΣ δις πρεσβευτῶν, are mysterious. δις presumably means «son of a man of the same name». If so, the preceding letters are part or all of a masculine name in the genitive, and -εος for classical -εως is not rare; there might then be a connection with the equally mysterious ΤΕΤΕ in line 24, though I do not know of a name such as Τετης. Another name and patronymic could then have preceded at the end of line 8, both names being in apposition with the following πρεσβευτῶν. On these «ambassadors», see below, «Chronology».

Line 10. I have preferred the noun ὑπογραφῆν to the aorist passive infinitive ὑπογραφῆν[αι], though this is not excluded.

Line 11. Here the petitioner's name and origin are given in the genitive as Ἐρμογένου[ς] or Ἐρμογένου ... Ὑργαλέως, and the intervening genitives presumably represent forebears (though such strings of forebears are unparalleled in petitions). If that is right, he should also be the person mentioned in Latin in line 23 as [He]rmogeni APTIGAIGAI, and in the present line there is just space for Ἐρμογένου [Ἄπτου τοῦ Γαί]ου τοῦ Γ[αί]ου τοῦ Μάρκου. In such a series, the first τοῦ can be omitted, as for example at Phrygian Hierapolis ἡ σορὸς καὶ ὁ περὶ αὐτὴν τόπος Ἀλεξάνδρου Ἐρμογένους τοῦ Ἀμα[ντίου(?)] τοῦ Ἀλεξάνδρου.¹⁴ If that is right, GAIGAI in 23 could represent Hermogenes' father and grandfather, but it will follow that PAP following GAIGAI in 23 is the beginning of a new name, and that Hermogenes' great-great-grandfather Marcus was omitted in that line.¹⁵

¹⁰ A. D'ORS – F. MARTÍN, *Propositio libellorum*, *AJPh* 100, 1979, 111–124; for a defense of the usual view, W. WILLIAMS, *ZPE* 40, 1980, 283–294.

¹¹ *proposito* ...: PSI IX 1026, 1–2. Προτεθέντων ...: BGU III 970, 5 (*Chrestomathie* II 242). Columbia Apocrimata: P.Col. 123; OLIVER, nos. 226–238. On these see now HAENSCH, *Apocrimata* 215–218.

¹² For authenticated copies of extracts from *commentarii*, HAENSCH, in: M.-F. BOUSSAC – A. INVERNIZZI (ed.), *Archives et sceaux du monde hellénistique*, 1996, 458–460.

¹³ See the article in STEPHANUS-DINDORF, *Thesaurus*, much fuller than the one in LSJ.

¹⁴ *Altertümer von Hierapolis* no. 183, cf. 117, 138, 184, 206, etc. On τοῦ as part of the previous name, not the following, *Bull. ép.* 1973, 238, with bibliography.

¹⁵ It has been suggested to me that PAP represents the Roman tribe Pap(iria), but there is no sign that this person was a Roman citizen.

Line 13. After Σε[β]αστῶ the titles of Hadrian might have continued with Ὀλυμπίῳ, which he begins to be accorded in 129.¹⁶ That will leave only a few letters at the end of the line before κύριε in 14, which cannot be the first word of its sentence, and should not be followed by a colon, as it is by MIRANDA. Thus in all five petitions that make up P.Euphrates 1–5, κύριε is the second or third word of the sentence; *domine* behaves similarly in the letters of Pliny to Trajan. Hence the missing word or phrase in line 13 presumably indicated that the emperor had previously judged between the parties, for instance ἐδικάσας. Since the petition goes on to ask for a copy of his verdicts (see below), either a conjunction such as ἐπεὶ preceded the verb in 13, or (as I have assumed) an inferential particle such as οὖν followed δεόμεθα in line 16.

Line 14. The patronymic of Apollodotos must have occupied the rest of the line.

Line 15. The petition was posted eight days before the Kalends of August (25th July), and the Ides of July fell on the 15th, so that the hearing occurred at the earliest on the next day, seventeen days before the Kalends. If I have rightly calculated ten as the number of missing letters, a numeral such as τριακαίδεκα (the 20th) or higher is likely.

Line 16. δέομαι can introduce either an infinitive or an indirect command followed by ἵνα or ὅπως and the subjunctive. Since δοθῆναι in 17 could mean «be permitted» (LSJ s.v. δίδωμι III 1), as well as «be given», there is some uncertainty about the construction here, but the general sense is that Hermogenes wishes Hadrian to order that he receive access to some document or documents. The parallel texts strongly suggest that some form of the verb κελεύω followed δέομαι. Thus P.Oxy. 2, 237 VII 11, δέομαι κελεῦσαι σε γραφῆναι τῆ στρατηγία τάς τε χορηγίας ἀποδίδοσθαι μοι κατὰ καιρόν, κτλ.; P.Oxy. 65, 4481, 10, δέομαι, ἐάν σου τῆ τύχη δόξῃ, κελεῦσαι γραφῆναι τῶ τοῦ νομοῦ στρατηγῶ ὅπως ἐπαναγκάσῃ αὐτήν παρεῖναι; TAM V 3, 1417 (HAUKEN 58–73, Kemaliye), τοῦτο δεόμεθ' ἀπιδόντας ὑμᾶς ... κελεῦσαι; P.Euphrates 1, 13ff., δεόμεθά σου κελεῦσαι δι' ὑπογραφῆς σου Κλαυδίῳ Ἀρι(σ)τωνί ... ἐν ἀκραιῶ πάντα τηρηθῆναι. The petition of Sextilius Acutianus from Smyrna is especially close, asking Pius to order that he be given copies of Hadrian's *commentarii*: διὸ [δέομαί σου,?] φιλόθεε καὶ φιλόανθρωπε Καῖσαρ, κελεῦσαι δοθῆναι μοι τὰ ἀντίγραφα τῶν ὑπομνημάτων, ὡς καὶ ὁ θεὸς πατὴρ συνεχώρησεν.¹⁷

Line 17. A lacuna of only about eleven letters after the final alpha, as indicated by MIRANDA, would produce a line of thirty letters in all, when the expected average is about 38 (see on line 1); hence the number of missing letters should be more like 18. The first letter of the line, though damaged, must be omicron, which is not possible in this combination, or theta (phi has been suggested to me, but seems excluded by comparison with the phi's in lines 10, 30, etc., which have very marked verticals.) Hermogenes is clearly requesting a copy of more than one document, and the first such document is (in the genitive) τῆς τοῦ A[--- ca. 18 ---]θέσεως. It is tempting to suppose that

¹⁶ A. BALLAND, Fouilles de Xanthos VII: Inscriptions d'époque impériale du Létéon, 1981, 58. On this title, not part of Hadrian's official titulature, C. P. JONES, JRA 19, 2006, 153.

¹⁷ I.Smyrna 597, 5–7 (ῶ is not necessary in line 5).

this is something belonging to Apollodotos, the other party in the case, whose name in the genitive will then occupy ten broad letters, leaving a further six or so. A possible supplement, though still rather short for the space, is [ὑπο]θέσεως, «case-statement», «complaint». This sense is well attested in Roman Egypt: PREISIGKE glosses it as «Prozessgrund, Streitanlass, Klagegegenstand, Tatbestand», LIDDELL and SCOTT more narrowly as «case at law, lawsuit», citing OGIS 665, 18, Καὶ νῦν ἐν τῇ Λιβύων μάλιστα ἔγνων ὑποθέσει, and P.Oxy. 237 VII 34, Τειτιανὸν τὸν ἡγεμονεύσαντα ὁμοίας ὑποθέσεως ἀκούσαντα.¹⁸ «Complaint» finds support from line 40, διαρῆδην σοι εἶρηται if, as seems likely, that means «You clearly said» rather than «You were clearly told».

Line 18. The other document of which Hermogenes requests a copy is in the plural, τῶν σῶν followed by three letters that DB read as ΑΠΙΟ, restoring ἀποφ[άσεων] (I do not understand MIRANDA's ἀνοφ[ελῶν]). ἀπόφασις and the corresponding verb ἀποφαίνομαι are usual for judicial decisions; LIDDELL and SCOTT cite P.Tebt. 286, 10–11, a record of a hearing at Tebtynis under Hadrian, ἀκολούθως ταῖς τοῦ κυρίου ἡμῶν ἀποφάσει; *ibid.* 22–24, τὰς ἀναγνωσθείσας τοῦ θεοῦ Τραιανοῦ καὶ τοῦ κυρίου ἡμῶν ἀποφάσεις.¹⁹ To the right, DREW-BEAR read ΣΣΦ, so that [ἐ]ξσφ[ρά]- is preferable to ἐσφ[ρά]-, which does not seem to be attested. There is space for about eight letters between ἀποφ[άσεων] and [ἐ]ξσφ[ρά]-, and it could have contained an infinitive dependent on δοθῆναι, «be allowed», such as λαβεῖν; alternatively, assuming δοθῆναι to mean «be given», there could have been an epithet or participle signifying «authentic», «valid», for instance κύριον.²⁰

Line 19. Since the subject must be *libellus*, ACC should stand for *acc(eptus)*, not *acc(epta)* as supplied by MIRANDA.²¹ This is presumably an annotation made in the office of the *a libellis* on receipt of the petition, and is not connected to the imperial reply that follows in line 20ff. The somewhat cursive style of the Latin lettering, notably the curved v's and the g's ending in a hook rather than a line, could suggest that the mason was trying to imitate the appearance of the original in order to give more authority to the text.²²

Lines 20–27 contain the imperial subscript, which is addressed not to Hermogenes alone but to several recipients, and moreover his name appears far down the list. Several explanations are possible. Hermogenes may be speaking on behalf of the whole

¹⁸ PREISIGKE, Wörterbuch der griechischen Papyrusurkunden II 660; cf. LSJ s.v. ὑπόθεσις II 2, «case at law, lawsuit».

¹⁹ LSJ s.v. ἀπόφασις I; H. J. MASON, Greek Terms for Roman Institutions, American Studies in Papyrology 13, 1974, 25, 130.

²⁰ κύριον: LSJ s.v. II 2.

²¹ HAUKEN 309 n. 51, citing this text. Note also P.Yadin 16, 36 (N. LEWIS, Documents from the Bar Kokhba Period in the Cave of Letters, Judean Desert Studies 2, 1989), the subscript of a prefect of cavalry: Πρεῖσκος ... ἐδεξάμην τῇ πρὸ μιᾶς νωνῶν Δεκεμβρίων and consular date; P.Euphrates 5 (SB XXII 15500), *acceptavi*.

²² On this practice, HAENSCH, Apokrimata 218–219.

group, as Aurelius Archodes does in one of the Euphrates papyri.²³ Alternatively, the petitions of the other persons named in Hadrian's reply were unconnected with his, but since all were requests for the same favor, that of copying the imperial *commentarii*, the emperor answered them collectively.²⁴

Line 20. The lacuna to the right might have contained some further title of Hadrian (perhaps *procos.*), and almost certainly a gentile name for Aristomenia in line 20, e.g. *Flaviae*.

Lines 21. The first petitioner, *Aristomenia*, may have taken precedence as a Roman citizen (see on line 20). Her name is virtually without parallel, though *Aristomenes* is not rare and occurs just below. She is represented by a man, Flavius Tatianus, perhaps a relative, as Roman law usually required of women who lacked the *ius trium liberorum*.²⁵ *Flabium* reflects an assimilation of the sound of *b* and *v* in spoken Latin, and recurs below in *bos*, *nuntiabi* and presumably *r[ecognobi]*.²⁶

Lines 22–24. As far as can be judged, all the men whose names follow are listed without the customary *f(i)lius*, the Latin being influenced by Greek practice through a process of «interference». On the genitives following *Hermogeni*, see above on line 13. *Aptus* is a known *cognomen*, here seemingly functioning as a Greek name, and *pap-* represents a root common in Anatolia, as in *Papos*. On the mysterious TETE see above on line 9.²⁷

Lines 25–27. These, containing the emperor's subscript, appear to have their closest parallel in the petition of Acutianus from Smyrna: *Imp(erator) Caesar T(itus) Aelius Hadrianus Antoninus Augustus Pius Sextilio Acutiano: sententiam divi patris mei, si quid pro sententia dixit, describere tibi permitto. rescripsi. recogn(ovi)*.²⁸ Here the clause corresponding to *si quid pro sententia dixit* seems to come last, so that the main verb should have appeared in line 24, e.g. [*permitto / ego*] *o bobis ex commentariis m[eis] describere si quid / e]x s[cr]ibto sive verbis ad bos [--- ca. 10 --- pro]/nuntiabi. suscribsi. r[ecognobi]*. *Pronuntiare* is the usual term for the pronouncing of a judicial decision (*decretum*), but the phrase [*e]x s[cr]ibto sive verbis* is unusual; I defer discussion of the legal implications to the relevant section below. The spelling *s[cr]ibto*, like *suscribsi* in the next line, represents «progressive assimilation» whereby the second consonant in a cluster changes the sound of the first.²⁹

²³ P.Euphrates 1 = SB XXII 15496 (FEISSEL-GASCOU 73). For petitions presented by a single representative, WILLIAMS (n. 2) 94 with n. 61.

²⁴ For similar collective replies in Egypt, HAENSCH, ZPE 100, 1994, 493–495.

²⁵ R. VAN BREMEN, *The Limits of Participation: Women and Civic Life in the Greek East in the Hellenistic and Roman Periods*, 1996, 206–207, 226–228.

²⁶ M. LEUMANN, *Lateinische Laut- und Formenlehre*, 1977, 159, s. 164 c.

²⁷ Omission of *f(i)lius*: ThLL VI 1, 753, 63–70; ADAMS 512, 532. *Aptus*: H. SOLIN – O. SA-LOMIES, *Repertorium nominum gentilium et cognominum Latinorum*, 1994, 294. Names with root *pap-*: C. P. JONES, JRA 17, 2004, 481 n. 28.

²⁸ I.Smyrna 597, 8–9.

²⁹ LEUMANN (n. 26) 196 s. 197 f.

Line 27. Other petitions contain a phrase similar to the *suscripsi, r[ecognobi]*, correctly restored by the editors here, though in all other instances the verb is *scripsi* or *rescripsi*. The thesis of WILCKEN that *recognov(i)* is a notation of an official, probably the *a libellis*, is confirmed by the dossier from Takina, in which Caracalla signs his reply *rescripsi*, after which there is the notation M. Ὀφίλλιος Θεόδωρος [ἀ]νέγγων.³⁰

In the petition of Acutianus, the words *rescripsi. recogn(ovi)* are followed by the notation *undevicesimus*, a date by day, month, and consular year, all in Latin; next there is the word ἔσφραγίσθη followed by the consular date in Greek, and then the verb παρήσαν and eight names in Greek. In the Takina inscription of 212/13, the «signature» of the *a libellis* is followed by the words [καὶ ἔσφρά]γισαν and then by the names of seven signatories, all M. Aurelii. It is natural to assume that the signatories in the present case are attesting merely to the correctness of the copy, but they may also be members of the imperial *consilium*, persons familiar with local conditions, not highly placed *amici Caesaris* such as the signatories to the Tabula Banasitana.³¹ The question partly depends on the difficult line 28. The editors print +ΛΓΟΣ ΣΥ . ΠΙΕΙΝΕΥΣΑΝ, where their + appears to indicate an undistinguishable letter: this seems correct, except that the gamma might be a tau. The first five letters could represent [ἔξσφραγίσ/μ]ατος, or possibly [ἀξιώ/μ]ατος, «petition».³² The immediately following ones suggest some part of a verb ending in -ευω, for instance, assuming the reversal of epsilon and pi, συ[v]⟨επ⟩ινεύσαν[τες].³³ I prefer, however, to leave the line unrestored.

Lines 28–31. In this list of names, the first person named, Alexander son of Alexander, lacks the Roman citizenship, whereas the *praenomina* Sextus and Tiberius suggest that at least two of the others were Romans. The space to the right of lines 29 and 30 seems too long for the *tria nomina* of only one person unless his filiation was given, and the precise number of signatories must remain uncertain.

Line 31. If the reconstruction offered so far is roughly correct, and the first part of the document contains Hermogenes' request for a copy of the emperor's decision, then the Latin *Caesar* in the middle of line 31 must indicate that the new section of the text has begun, and one that is in fact the earliest in time: the extract from the imperial *commentarii* requested by Hermogenes. It is odd that the statement (ὑπόθεσις) of Apollodotos is not also inscribed (unless it came in the last lines), but presumably the plaintiffs decided to memorialize only that part of their copy that had real importance. For the form of the extract, the famous inscription of El Dmeir in Syria contain-

³⁰ HAUKEN, 217–243, with text 220–224 (lines 11–12). A new text in S. DESTEPHEN, EA 40, 2007, 160–162.

³¹ A. N. SHERWIN-WHITE, JRS 63, 1973, 90. For locals in the *consilium* of provincial governors, P. R. C. WEAVER, in: P. MCKECHNIE (ed.), Thinking like a Lawyer: Essays on Legal History and General History for John Crook on his eightieth Birthday, 2002, 43–62, esp. 55–57. On the number of persons required to attest to Roman documents, HAENSCH (n. 12) 463–474.

³² For this sense of ἀξιωμα, LSJ s.v. II 3; MASON (n. 19) 23; OLIVER no. 1, 1 (Augustus to Samos): P.Yadin 13, 1; 33, 1, 4.

³³ This reading was suggested in my seminar in Munich.

ing a similar hearing of an imperial *cognitio* provides the best epigraphic parallel. This begins with a notation of the date and certain formal details, including the names of the plaintiff, the *defensor Goharienorum*, and the defendant, a *manceps* (contractor or lessee); it then continues with an extract from the *commentarii*. The speakers are usually recorded by their bare names in Latin followed by *d(ixit)*, while their speeches, or the summaries of them, are in Greek; Caracalla's one intervention, also in Greek, is prefaced by *Antoninus Aug(ustus) d(ixit)*. As at Şapçılar, the reason for recording the hearing is that the Goharieni had won their case, and wished to display a permanent record of it.³⁴

Here, therefore, the Latin word *Caesar* was followed, not necessarily immediately, by *d(ixit)*. The first words of line 32, ἐπεὶ προσφάτω, could be the beginning of the emperor's speech, but not much can be made of what follows. He is clearly addressing Apollodotos. He seems to forbid him to do something with reference to wheat and barley; in line 34, the traces might support τὴν καταξί[α]ν (suggested by H. MÜLLER). The simple ἔχειν seems unlikely in 36, and a compound verb such as [κατ]έχειν, «sequestrate» or «withhold» seems preferable. The letters ΠΠΛ further along in line 36, suggest [δ]ιπλ-, and hence a reference to the *poena dupli* of Roman law (see further below). If Apollodotos disobeys, something will become «confiscated» or «forfeit» (στερέσιμος, 40), a very rare adjective.³⁵ He has «clearly stated» something, presumably in his complaint (40: σοι εἶρηται might mean «you were clearly told», but that seems less likely); the subjunctive πληρῶται in 41, possibly preceded by ἕως, might have the sense of «to make good,» «pay in full».³⁶

Line 49. This may be in Latin script, and represent *Ca[esar]*. If so, that could begin a second imperial judgment, and explain the plural ἀποφάσεις in line 18.

Structure

The structure of the document implied by the previous discussion, and the dates of each part where known, are as follows:³⁷

A (lines 1–11): preliminary notation dated 25 July, 129 (*a.d. VIII kal. Aug.*), concerning the copying and witnessing of the following petition, as displayed in the «New Stoa» of a city of Lycia (?).

B (lines 11–19): copy of the petition of Hermogenes to Hadrian, referring to a previous decision taken by him at Apamea on the 16th of the same July or a few days later

³⁴ El Dmeir: SEG 17, 759; F. MILLAR, *The Emperor in the Roman World*, 1977, 535–536; ADAMS 383, 391. For the contrast in this respect with judicial hearings recorded in papyri, HAENSCH, *Typisch römisch?*, in: H. BÖRM – N. EHRHARDT – J. WIESEHÖFER, *Monumentum et instrumentum inscriptum*, 2008, 117–125.

³⁵ To the examples in LSJ, notably OGIS 515, 29 (I.Mylasa 605), add I.Knidos 35,10.

³⁶ LSJ s.v. πληρῶ III 5.

³⁷ This replaces my previous summary, *AJPh* 108, 1987, 703.

(*a.d.* --- *kal. Aug.*), and requesting permission to make or receive a copy of the statement (?) of the other party, Apollodotos, and of the emperor's decisions.

C (line 19): annotation of receipt of the petition, dated 23 July (*a.d. X kal. Aug.*) «in Apamea of Asia».

D (lines 20–27): Hadrian's reply, addressed to several petitioners including Hermogenes, and giving them access to his *commentarii*.

E (lines 27–31). Names of the witnesses to the correctness of the copy of the petition and reply (?).

F (line 31 ff.) The extract from the *commentarii*, containing so far as preserved only the emperor's own words.

Presuming that the list of witnesses refers to the petition and reply preceding, not to the extract from the *commentarii* that follows, the chronological order is F, B, C, D, A, E.

The Chronology of Hadrian's Travels in 129

The dating of the various parts of this document impinges on vexed questions of Hadrian's movements in the year 129. The *Historia Augusta* is less than helpful about his «Third Journey», indicating only that he visited Athens, Asia, possibly Cappadocia (though the reference need not imply that he visited it), Antioch, Pelusium, and Egypt, where the account breaks off.³⁸ For 129, the points fixed by other evidence are these. He arrived in Ephesos in 129, presumably in the spring, and was in Phrygian Laodicea five days before the Kalends of a month of which the name is lost, but which must be July, that is, on June 28th. Malalas asserts that he was in Antioch of Syria on a 23rd of June, which has often been assumed to be that of 129, but if that date is right at all, this cannot be the year.³⁹

The usual view of his movements after leaving Laodicea or (when the Şapçılar inscription became known) Apamea has been that he proceeded eastwards along the great east-west highway leading inland from Ephesos, reached the Euphrates in Cappadocia, and then turned south to winter in Antioch; a minority, W. WEBER and more recently A. BALLAND, have supposed that he turned south from Phrygia to the Lycian coast.⁴⁰ Here the evidence of the new inscription intervenes, though not decisively. If line 4/5 is correctly restored to contain the word [Λυ]χίας, then Hadrian must

³⁸ *Hist. Aug.* 13. 6–14. 7. On his route see especially H. HALFMANN, *Itinera principum*, 1986, 192–193, 204–206; R. SYME, *ZPE* 73, 1988, 159–170 = *Roman Papers* VI 346–357, especially 163 = 350–351; A. R. BIRLEY, *Hadrian: The Restless Emperor*, 1997, 221–227.

³⁹ Ephesos: OLIVER no. 82A = *I.Ephesos* V 1487–1488. Laodicea: IG XII 3, 177 = IGRR IV 1033 = OLIVER no. 68. Malalas 278 BONN, καὶ ἐπετέλεσεν ὁ αὐτὸς Ἀδριανὸς ἑορτὴν τῶν πηγῶν μηνὶ δαισίῳ τῷ καὶ ἰουνίῳ κγ': cf. W. WEBER, *Untersuchungen zur Geschichte des Kaisers Hadrianus*, 1907, 231–232.

⁴⁰ Majority view: e.g. BIRLEY (n. 38) 224. Minority: WEBER (previous n.) 224–226; BALLAND (n. 16) 66–74.

have been somewhere in Lycia only two days after being in Apamea. That in turn raises the question of Lycia's northern boundaries at this time, since it is inconceivable that he could have got far into the province so soon. If he turned south from Apamea, his route would have been along the Via Sebaste that skirted the north side of the Lacus Ascanius (Burdur Gölü) and then divided, a side-branch leading south-west into the upper valley of the Xanthos, while the main road continued south-east towards Pamphylia. Though the northern boundary of Lycia at this time is uncertain, it seems to have advanced northwards in the first and second centuries, and may already have included cities north of the Lacus Ascanius; if so, Hadrian could have entered the province within a few days of leaving Apamea.⁴¹ It may also be relevant that just west of the bifurcation already mentioned, ALAN HALL found inscriptions that revealed a Hadrianopolis, the *Hadriane* of the *Notitiae Dignitatum*, and such foundations sometimes commemorate a visit of the emperor, for instance at Hadrianoutherai of Mysia.⁴² The supplement [Καππαδοκ]ίας, though it suits the prevailing view of Hadrian's route, would necessitate an impossibly fast journey for an interval of two days.

A consideration in favor of the southern route, whether the emperor later diverged south-west towards the Xanthos valley or south-east towards Pamphylia, might be the mention of «ambassadors» and «Pamphylia» in lines 9 and 10. Given the state of the text, it is unwise to speculate at length about these ambassadors, but they could be representatives of the Hyrgaleis who had trailed after the emperor as far as Pamphylia; ambassadors were often forced to take long journeys, as when Marcus Aurelius adjudicated a dispute between the Athenians and Herodes Atticus while on the Danube.⁴³

The Location of the Hyrgaleis

The stone's discovery at Şapçılar shows that this is the area of the Hyrgaleis, who unlike their neighbors of Dionysopolis were not at this time organized as a city, but were presumably spread over one or more of the valleys named after them, the Elder Pliny's *Hyrgaletici campi*; the coins of the third century show that they had a βουλή, so that they had probably become a πόλις by that time. RAMSAY was the first to identify this region with the Çalova, the large valley on the right bank of the Maeander where the river turns sharply north-west after coming south-west from the territory of Eumeneia. The famous inscription listing the *conventus*-cities of Asia under the Flavians

⁴¹ Barrington Atlas 65 D 1–3; more detailed maps in A. S. HALL, AS 36, 1986, 138; D. FRENCH, EA 17, 1991, 66; M. CHRISTOL – T. DREW-BEAR, GRBS 32, 1991, 399. Boundary of Lycia to the north-west: FRENCH 56; DESTEPHEN (n. 30) 146–173, especially 158, with further bibliography. It now appears that Caunos on the south-west was also part of Lycia in Hadrian's reign: CHR. MAREK, Die Inschriften von Kaunos, 2006, 214–215.

⁴² HALL (previous n.) 141; Barrington Atlas 65 D 3. Hadrianoutherai and other foundations in Mysia: ROBERT, BCH 102, 1978, 443 = Documents d'Asie Mineure, 1987, 138.

⁴³ Philostr. soph. 2. 1. 11, pp. 67–69 KAYSER, cf. the famous letter of M. Aurelius to the Athenians, OLIVER no. 184 (SEG 29, 127).

shows that, like Dionysopolis, the Hyrgaleis belonged to the *conventus*-district of Apamea, where Hadrian heard the present case. Pliny does not name them among the communities of the district, evidently lumping them in with the *ignobiles* unworthy of mention.⁴⁴ Dionysopolis, which he does mention, is more considerable, being a foundation of Eumenes II when the Peace of Apamea had given him the larger part of the Asian territory of Antiochus III. Its site was long disputed, but LOUIS ROBERT argued that like the Hyrgaleis it lay on the right bank of the Maeander, perhaps in the north of the valley. The present inscription confirms this view, without permitting a more precise location.⁴⁵

Legal implications

In imperial and other hearings recorded in documents and the law-codes, there is naturally a distinction between the strictly verbal arguments, which may be expressed in Greek, and the final verdict, which the judge reads out from a written text and in Latin: the phrase used is ἀπὸ πινακίδος or *ex tabella*.⁴⁶ In the Martyrdom of Pionius, where the proconsul's interrogation is said to be copied from official records, he questions Pionius directly in Greek, and when at last convinced of his obstinacy says to him, again in Greek, «Since you are eager for death, you will be burned alive.» He expresses his formal verdict, however, in the third person and in Latin: «And it was read out from a tablet (ἀπὸ πινακίδος) in Latin, «Pionius having confessed to being a Christian, we have ordered him to be burned alive.» (M. Pionii 20. 6–7). In this inscription, by contrast, the verdicts are expressed in the second person and in Greek, which could suggest that they were not issued *ex tribunali* (πρὸ βήματος), but by the much less well-attested procedure of *interlocutio de plano* (χαμᾶθεν), in which the emperor or a lower official issued a verbal decision outside the structured setting of a regular hearing; even these decisions were written down.⁴⁷ The Sententiae Hadriani preserved in the so called Hermeneumata Leidensia, which are thought to reflect verdicts made *de plano*, use the second-person form. In every one of these, the emperor

⁴⁴ Pliny on the *conventus*-district of Apamea: NH 5.106. Hyrgaleis: references in ROBERT, *Villes d'Asie Mineure*, 21962, 69 n. 2 and map, Pl. XVI. On the coinage, H. VON AULOCK, *Münzen und Städte Phrygiens* 1, 1980, 60–63, 113–118. Inscription of Ephesus: CHR. HABICHT, *JRS* 65, 1975, 82–83.

⁴⁵ Dionysopolis: ROBERT, *Villes* 127–140, 356; HABICHT (previous n.) 82; VON AULOCK, *Münzen und Städte Phrygiens* 2, 1987, 13–17, 52–63.

⁴⁶ ROBERT, *Le Martyre de Pionios, Prêtre de Smyrne*, 1994, 114, on M. Pionii 20. 7, citing J. REA on P.Oxy. 51, 3614, 4.

⁴⁷ D. NÖRR, *Zu einem fast vergessenen Konstitutionstyp: Interloqui de plano*, *Studi in onore di Cesare Sanfilippo* 3, 1983, 521–543 = *Historiae iuris antiqui* 3, 2003, 1503–1525; id., *Aporemata Apokrimaton* (P.Columbia 123), *Proceedings of the Sixteenth International Congress of Papyrology, American Studies in Papyrology* 23, 1981, 575–604 = *Historiae iuris antiqui* 2, 2003, 1293–1322, esp. 592–596 = 1310–14.

talks directly to the parties or to their representatives, both when passing judgement and when leaving the case undecided. Sometimes one party initiates the appeal by means of a written petition, while in others the text says merely that the person «asked»; sometimes both sides are present, for example a father and his negligent son, or a *patronus* and a group of freedmen represented by an *advocatus*, while elsewhere the text mentions only one party. Since Hermogenes talks of Hadrian deciding «between» the two parties, and Hadrian addresses Apollodotos directly, it is likely that both parties were present.⁴⁸ A hearing partly preserved in the Digest might be cited in favor of a different interpretation. Here Marcus Aurelius questions a certain Marcianus in case involving a debt that he had reclaimed without going through the process of law. The emperor ends his cross-questioning of Marcianus by stating as a general principle that he will not give a claimant the *ius crediti* under such circumstances, but he may have gone on to pronounce a specific verdict that is not preserved in the extract.⁴⁹

It has been seen that the letters ΠΠΛΩ in line 38 suggest a word based on the stem διπλ-, and that just below there occurs the phrase «you have clearly said» or, less probably, «you were clearly told» (διαρήδην σοι εἶρηται, 40). «Classical law did not provide for costs to be paid by the defeated party. In theory there were no costs, and no doubt in fact they were comparatively low. Even so, to be saddled with an unnecessary action is always a hardship. [Hence] there were ... actions in which a defendant by denying liability exposed himself to double condemnation.» Gaius includes among actions involving the *poena dupli* those on a debt owed because of a previous judgment (*per actionem iudicati*, Inst. 4.9). That might be the issue here, since the emperor reminds Apollodotus of something he «clearly said» on a previous occasion.⁵⁰

A newly published inscription deserves mention in this context. It is a decree of Hadrian issued after he had left the province of Asia in 129 on the familiar subject of the abuses inflicted on cities and villages by soldiers passing through. Among other things such soldiers had required breakfast, dinner, and barley as well as fodder for their animals.⁵¹ The present case seems not to involve supplies for a third party but rather cereal crops which one party claims from another; the issue may have turned on the produce of land in dispute between the two, which had been assigned to the plaintiffs in a previous hearing.

⁴⁸ G. GOETZ, *Corpus Glossariorum Latinorum* 3, 1882, 31–38; new edition by G. FLAMMINI, *Hermeneumata Pseudodositheana Leidensia*, 2004, 67–77.

⁴⁹ Dig. 48. 7. 7 (on the claimant, PIR² M 209a).

⁵⁰ *Poena dupli*: M. KASER, *Das römische Privatrecht* 1, ²1971, index s.v. The passage quoted is F. DE ZULUETA, *The Institutes of Gaius* 2, 1953, 298.

⁵¹ T. HAUKEN – H. MALAY, *A New Edict of Hadrian from the Province of Asia setting Regulations for requisitioned Transport*, in: R. HAENSCH (ed.), *Selbstdarstellung und Kommunikation*, 2009, 327–348.

Language

The inscription is an example of bilingualism in the fullest sense, in that it moves between Latin and Greek for different parts of the text, a phenomenon that J. N. ADAMS has called «code-switching», and the Greek and the Latin parts each betray the influence of the other language.

The first lines, from the opening date at least as far as line 4, show the influence of Latin in the dative used for the consular dates, the borrowing *λίβελλος* as opposed to the fully Greek *βιβλίδιον* below, and the general resemblance to the *descriptum et recognitum* formula of Latin official documents. At Şapçılar these opening lines probably reflect the Greek of a bilingual scribe rather than a translation, since where the text certainly reproduces a Latin original, it uses Latin.⁵² The parts in continuous Latin (19–18) use the language of the master document because Latin, as the language of power, conveyed the unassailability of Hadrian's reply; presumably few inhabitants of the Ὑργαλειτικὸν πεδίων could read it, but this part might also prove useful to show to future Roman officials in case the same dispute, or a similar one, arose in the future.⁵³ Finally, the hearing of which the record begins in line 31, even though Hadrian's verdict is the only part preserved, and was perhaps the only one incorporated in the inscribed text, resembles the imperial hearing of Caracalla at El Dmeir, and also hearings preserved from Roman Egypt, in giving the speaker's name in Latin and his words in Greek, ADAMS' «code-switching». Hadrian speaks Greek not only because of his familiarity with the language but as an act of linguistic «accommodation», using his second language to «accommodate» the language of his audience.⁵⁴

Department of the Classics

Harvard University

Cambridge MA 02138

U.S.A.

⁵² Bilingual translator: ADAMS 70–84: «Texts which implicitly reflect a bilingual situation». On «inscriptions latinisantes» in Asia Minor, ROBERT, BCH 101, 1977, 45–52 = Documents d'Asie Mineure, 1987, 3–10.

⁵³ ADAMS 32: «Such public bilinguals as there are in Greek regions might sometimes have included Latin for symbolic purposes: the very presence of Latin, even if it is not understood, symbolises the romanness of imperial power.»

⁵⁴ «Code-switching» in records of hearings: ADAMS 383–390. «Accommodation» as a mark both of considerateness and of condescension: ADAMS 576–577.

