

Index

- abduction 136–8, 151
 Abinnaeus, Fl. 26–7, 58 n. 6
 Ablabius, Fl. praetorian prefect (333) 44 n. 28, 196–7
abolitio 129
 acclamations 26, 38–9, 56–9, 65–9, 75, 213–15
 accountability 5, 58–9, 69, 96–8, 127, 161, 167–71
 accusations 119–22, 125, false accusations 153–4, 194
 Achilles, of Karanis 185
 Acotas, tax-collector in Karanis 185
acta consistorii 39
Acta Martyrum 72, 93–4, 99, 129, 134 n. 90, 156–7
acta publica, *see* records, public
 actions, in law 1
 Adam, sin of 132
 Addeus, *magister militum* 48
 adjudication 4, 103, 172–6, 193–6
adoratio 58
 Adrastia (or Nemesis) 145
 adultery 12, 111, 120, 126, 129, 137, 140, 149, 151, 194
adventus, of emperors 26; of governors 154
 advocates 5, 16, 54, 62, 99, 103, 107–8, 110, 155, 179, 188–90; of *fiscus* 94; *see also* Isidorus, *nomikos*; Salvius
aequitas 4, 6, 11, 26, 79
 Aelianus, proconsul 130
 Aëtius 66
 Africa 23, 51, 55, 68–9, 87, 90–1, 99, 113, 168, 198–9
 Africanus, *agens in rebus* 115–16
agentes in rebus 54, 113
 Alaric, of Goths 7, 51
 Alexandria 52, 95, 104, 201 n. 35
 ambiguity, *see* law, confusion of
 Alypius, friend of Augustine 92, 154
ambitus 12
 Ambrose, of Milan, bishop 29, 75, 148, 201, 203, 205, 208–10
 Ambrosiaster, Christian writer at Rome (380s) 145, 153
 Ammianus Marcellinus, historian 25–6, 40–1, 50, 87, 102–3, 111, 116–17, 118–19, 122–3, 131, 145–6, 154, 200
 Ammonius, maternal uncle of Taësis of Karanis 186–7
 amnesties 141, 151–2
 Anastasius, *constitutionarius* 65,
 Andronicus, *praeses Libyaë* 154, 156, 170
 Anthemius, praetorian prefect of the East (400s) 169–71
 Anthemius, emperor 61 n. 21
 Antioch, 39, 86, 122, 131, 134
 Antiochus, the Elder, and Theodosian Code 22–3
 Antiochus Chuzon (the Younger), and Theodosian Code 23
 Antoninus of Fussala, controversial bishop 207
 Antoninus Pius, emperor 13, 15, 86, 102, 124, 127
Apocalypse of Paul 146–7
 appeals 53, 55, 72, 101–3, 160, 162, 167, 191, 196, 202
 Appius Sabinus, prefect of Egypt (250) 84–6
 Aquileia, Council of (381) 75
 arbiter 102, 175–6, 176–7, 181, 191–211, 215
 arbitration 54, 80–1, 101–3, 142, 172–84, 216
 Arcadius, emperor 30, 37, 45, 47–8, 63, 164, 201
 Arcadius Charisius, jurist 18, 55 n. 88
 archives 23, 35, 70, 109
 Areion, priest of Lycopolis 182–3
 Arius, heretic, death of 146
 Armenia, dux of 48
 Arsinoë, nome of 85–6, 179

228 *Index*

- arson 138
 Arvandus 101 n. 12
 Asclepiades, 'persecuting' governor 156
 Asia, proconsul of 49
 assessors 38, 62, 154
 astrology, *see* Maternus, Firmicus
 Athaulf, of Goths 7–8
 Atila, king of Hunnic confederacy 6
auctoritas 11, 16, 56–7, 60, 148, 183–4, 211;
 of the 'ancients' 1–2
 Augustine, of Hippo, bishop 67, 89, 91, 96,
 107, 145, 147–9, 154, 187–8, 204; and
 public records 72–5; as adjudicator
 181; as patron 92–3; on torture 132–3
 Augustus, emperor 12–13, 17, 19, 38, 56–7,
 83, 128; as Octavianus 124
 Aulus Gellius 103, 161–2, 193
 Ausonius, of Bordeaux, poet and quaestor
 43, 58, 116, 127
 Austriani, rebellious tribe 146
 Auxentius, priest 157
- Baetica 32
 bandits, *see* robbers
 Barcelona 67
 Basil, of Caesarea, bishop 166
beneficia, *see* patronage
 Benivolus, *magister memoriae* 46
 Besarion, freeholder at Hermopolis 197
 Besarion, M. Aurelius (twice), arbiters 180
 bishops 50, 98, 139, 147–50; adjudication
 of 103, 150, 181, 191–211; as patrons
 99, 121, 214; as pressure groups 150,
 152
 Bithynia 48, 157, 169
 Bonifatius, priest at Hippo 207
 Bostra, Julian's letter to 44, 200
 boundary stones 144
 branding, of criminals 139
 bribery 154, 160–2, 170; *see also* judges,
 venality of
 Brutus, M. Junius, jurist 15
 Bureaucracy, power of 37–8, 42, 47, 72,
 78–9, 82, 180, 216
 Byzacium 83
- Caecilianus, client of Symmachus 166
 Caesar, C. Julius, dictator (40s BCE) 16,
 162
 Calama, riot at 73, 88–91
 Callistratus, jurist 34, 109, 136, 193
cancellarius 127
 capital punishment 135, 138, 140
 Caracalla (M. Aurelius Antoninus),
 emperor 30, 86, constitution on
 citizenship 32, 173
 Carthage 23, 151; Council of (345/8) 67–8,
 198–9, 206–7; Council of (411) 68, 76
 Cassiodorus, quaestor (6th C.) 46
 Celsus, jurist (2nd C.) 14
censuales 113
 Cephalion, tireless petitioner 185 n. 56
 Chaeremon, paternal uncle of Taësis 185–7
 Chalcedon, hearings at 119 n. 5, 146
 charges (*commoda*) for litigation 100–1
 Christianity, laws on 52
 Christians 44; dispute–settlement among
 191–5; illegal exploitation of law by
 95–6, 214; persecution of 44, 87–8,
 119, 126, 131, 135, 156–7, 200
 Cicero, M. Tullius 16, 84, 161
 Circumcellions (Donatists) 148
 Cirta 74–5, 93
 Claudius, emperor (1st C.) 13
 Claudius Gothicus, emperor (3rd C.)
 46
 Claudius Paulinus, governor in Gaul (3rd
 C.) 169 n. 82
 Claudius Saturninus, jurist 136
 claws, as torture 118, 147–8
clementia, of emperors 115, 117, 141, 151,
 164, 213
 clergy, Christian 88–9; in Hell, 147
 Codex Gregorianus, *see* Gregorius
 Codex Hermogenianus, *see*
 Hermogenianus
 Codex Justinianus, *see* Justinian
 Codex Theodosianus, *see* Theodosius II
 codification 9, 18, 37, 42
cognitiones, *see* hearings
Collatio Legum Mosaicarum et Romanarum
 21, 144
 collections of laws, private 21, 110
coloni 88, 144, 188–90, 216
comites consistoriani 38
commemoratio 71
 Commodus, emperor 13, 30
compromissum (also *pactum compromissi*)
 176–9, 182, 194, 201–3, 216
 consent, principle of 2, 3, 32–4, 41–2, 57–9,
 66–9, 75–6, 97, 184, 212, 215
 consilium, of bishop 193–4; of emperors,
see consistory; of family 38; of
 governors 102–3, 162
 consistory 16, 36, 38–42, 213
 Constans 111
 Constantine I, and law–codes, 21–3, 31;
 edict on accusations 21; and rescripts
 28; and *ratio*, 34; *epistulae* on religion
 43–4; and quaestors 45; laws of, on

- forgery 52; and appeals 55; on acclamations 59; constitution on veterans' privileges 68; laws on gifts 70–1, written records and prisoners' rights 71; against informers 94; on court charges 100; on interrogation by judges 102–3; bishop as witness 109; *praescriptio longi temporis* 110; on appeals 111–13; on accusations, 120; on prisoners' rights 121; on decurions convicted of forgery 127, 140; penalties for abduction 136; and crucifixion 138; Christian influence on penal policy 139; on judicial corruption 154, 164; on rights of litigants 161; on decrees of provincials 169; and clerical privilege 177n. 25; rights of minors to episcopal hearings 177 n. 27; on bishops' hearings 191–9; as reformer 212.
- Constantinople 23, 27, 30, 41–2, 48, 61, 63, 82, 149, 180, 196, 216
- Constantius I toleration of Christians by 96
- Constantius II 25–6, 38, 45, 48, 50, 86–7, 128, 145
- constitutionarii* 24, 65
- constitutions, of emperors 2, 19–21, 52, 59, 62, 162, 164, 176, 199
- Constitutiones Sirmondianae* 21, 196
- consultatio* 30, 36, 46, 63, 111
- Consultatio veteris cuiusdam iuriconsulti* 31
- Corpus Iuris Civilis, *see* Justinian
- corruption 5, 81, 163, 171, 178, 215; *see also* judges
- Corsica 161
- Councils, of Church 50, 57, 72
- Crime (Sentences) Act 53 n. 80
- criminal proceedings 71–2, 119–22
- Crispus, son of Constantine 126
- criticism, culture of 5, 97, 119, 152, 171
- crudelitas* (cruelty) 118–19, 135, 150–2, 155–8
- cudgels, beating with 141
- culleus* (sack), *see* parricide
- curator 163; *see also* Gaudentius
- cursum publicum*, *see* public post
- custom (*consuetudo*) 31–5, 78, 179
- Cyngius, Maternus 95
- Cyrus, of Alexandria, trader 104–5
- Cyrus, of Lycopolis, bishop 182–3
- Damasus, bishop of Rome 95
- Daniel, priest of Lycopolis 182–3
- De Rebus Bellicis* 9, 60, 153
- debt 159, 166
- decrees, of emperors 11, 20; of senate (*senatus consulta*)
- decurions 38–41, 67, 70–1, 81–3, 86, 124, 127, 130, 140, 142, 155, 166 n. 74, 170, 214
- defendants 13, 71–2, 104–6, 119–22, 125, 129, 133, 193
- defensor civitatis* 154
- delegation 54–5, 102, 155, 169
- denuntiatio* 28, 104–6
- deportation, *see* exile
- deserters 79, 138, 141
- desuetude, of laws 11
- dialysis*, record of settlement 104, 179–83
- Didyma, Aurelia 179 n. 35, 180–2
- Diocaesarea 165
- Diocletian, emperor 15, 21, 29, 38–9, 53, 55, 63, 101, 120, 124–5, 130–1, 160, 162, 167, 173, 178
- Dionysius, *navicularius* in Africa 188–9
- Dioskorides, decurion of Hermopolis 198
- disobedience, *see* obedience
- disputes, handling of 172–3; resolution of 4, 172–211 *passim*; strategies 173–5, 178 n. 32, 185–7 *see also* arbitration
- dolo malo* 161 n. 46, 178 n. 2
- Donatists 72–6, 90, 132–3, 142, 187
- Easter, amnesties at 151–2
- Edessa 44, 86
- edicts, of emperors 20, 36, 66; of governors 170; On Accusations and On Maximum Prices 21
- Edictum (Perpetuum), *see* Praetorian Edict
- editio*, *see* *denuntiatio*
- Egypt 26–7, 32, 54, 56, 84–6, 99, 102, 110, 157, 179–87, 197–8, 215
- eloquentia* 43, 107, 119, 185; *see also* law, language of
- embassies 40, 49–50, 52, 88, 91, 213; of Lepcis Magna 168; of provincial councils 213
- Emesa 16, 79, 167
- emperors, as legislators 2, 4, 14–15, 24–6, 35, 36–53 *passim*, 60–2; symbolic presence of 66
- Ephesus, council of (431) 23, 151
- episcopalis audientia*, *see* hearings
- Eraclius, of Hippo 68–9
- Eudaemon 180
- Eudoxia, daughter of Theodosius II 23, 64–5
- Euergetis 179–80
- Eulogius 180
- Eupraxius, Fl., quaestor 40–1, 45

230 *Index*

- Eusebius of Caesarea, bishop and historian 43, 118, 120, 126, 131–2, 157, 170
 Euserius, ex-*vicarius* 128
exceptores 100
 excommunication 149, 192, 194, 196, 199
 executions, by beasts 138–9, 151, 157; by crucifixion 136, 138–9, 151; by fire 118, 136–8, 140; in England 134
 exile 142, 162
 extortion (*repetundae*) 162, 168
- fairness, *see aequitas*
falsum, *see* forgery
 Fausta, wife of Constantine 126
 Faustus, Anicius Acilius Glabrio 64–6, 69
 Faventius, *conductor* 92–3, 204–5
 Favorinus, philosopher 103
 fear, *see* terror
 Felix, bishop of Apthungi 74–5, 130
 Felix, governor of Corsica 161
 Felix, saint of Nola and arbiter 207
fideicommissum, *see* trust
 Fidustus, ex-*praeses* 128
 fines, of governors 112–13, 121, 142, 155, 168; of officials 54, 81, 90, 112–13, 121, 142; of infringements of procedure 111
fiscus, *see* taxation
 Flavianus, Nicomachus, the elder 45
 Flavianus, Nicomachus, the younger 170
 flogging 96, 118, 130, 134, 141–2, 155, 170
 Florentius, official at Hippo 92–3
 Florentius, praetorian prefect of Gaul 40–1
 forgery 12–13, 52, 109, 127, 130, 136, 138, 140, 151
 formula, of praetor 102, 161
 Fortunius, Donatist bishop 73
 Forum Transitorium, in Rome 137
 Foucault, M. 118 n. 3, 134, n. 90
Fragmenta Vaticana 19, 21
 Fulgentius, quaestor (5th C.) 46
 Fulgentius, senator at Rome (4th C.) 113
 Fussala 207
- Gaianus, governor of Phoenicia 166 n. 73
 Gaius, jurist 10, 17–19, 33, 143–4, 158, 177
 Galba, emperor 137
 Galerius, emperor, horrible death of 131–2
 games, *see* public entertainments
 Gaudentius, curator 105, 114–15
 Gaul 87
generalitas, *see leges generales*
 George of Alexandria, bishop 95
Gesta apud Zenophilum 74–5
Gesta Senatus (25 Dec. 438) 42, 64–6, 69
- gifts 70–1, 80
 Gildo, revolt of 51
 gladiators 95, 139, 157
 God, Judgement of 131, 145–7, 150–1; Law of, 145, 150, 153; *see also* Jerome
 Gomorrah 145
 Gordianus, *beneficiarius* 186
 governors, of provinces, *see* judges
gratia (influence) 30, 117, 153, 158, 163–6, 171, 203, 215; false allegation of 165
 Gratian, emperor 43, 120, 127, 129, 140, 151–2, 154, 201
 Gratus, of Carthage 67–8, 198–9
 Gregorius, or Gregorianus, Code of 15, 21, 23, 29, 31, 39, 63–4, 84
 Gregory of Nazianus 149–50, 152, 164–5, 204–7
 guardians, *see* tutors
 guilds 49, 81, 86, 214
 Gulliver, Philip 174
- Hadrian, emperor 12–15, 17–19, 29, 84, 86, 109
 Hadrianus, Prefect of Italy and Africa 92
 Harsas 181
 Harsiesis, brother of Harsas 181
 hearings, of bishops 174–6, 181, 191–211, 215; of governors 39, 74–5, 99–110
 heirs (*heredes*) *see* wills
 Hell, torments in 131, 137, 145–7
 Hellespont 49
 Heracleia, Aurelia 180–2
 Heracleides, Cl., of Lycopolis 183
 Heracles, Aurelius, arbiter 179
 Heras, of Karanis 187
 heretics 90, 141, 210 n. 69, 214
 Hermeias, an unreliable witness 166 n. 73
 Hermogenianus, Code of 15, 21, 23, 29, 31–2, 39, 63–4, 84
 Heron, of Karanis 185
 Heron, *strategos* 186
 Heroninos, of Theadelphia 179
 Hierocles, Sossianus 157, 185
 Hippo Regius 67–9, 92, 207
Historia Augusta 30, 137
 holy men 181
 homicide 12, 111, 118, 138, 140, 150
honestiores, rights of 109, 124, 140, 150
 Honoré, Tony 42
 Honorius, emperor 51, 87, 89–92, 113, 121, 141, 201
 hooks, *see* claws
 Horian, of Karanis 185
 Horion 180
humiliores 143; *see also* plebeians

- immunities, erosion of 118, 124–9, 140
imperium 19, 102
 imprisonment 112, 120–2, 135, 157; *see also*
 prisoners
infamia 142, 144 n. 60, 161
 informers (*delatores*) 27, 66, 81, 94
 Ingentius, scribe in Africa 130
inimicitia 163
iniuria 143, 158–60
 Innocentius of Sardis 32
inscriptio 94, 101, 115, 120–2, 127, 129, 133
intercessio 147–8, 165
 Isidore, advocate 108
 Isidore, of Karanis 173, 185, 187
 Italy 16, 49, 51, 67, 89–91, 106, 120
iudex (judge, provincial governor as judge),
see judges
iudex datus 102, 175
ius civile 7, 10, 15, 32, 59, 101, 184
ius gentium 10
ius honorarium 11, 101
ius naturale 10
ius respondendi 16–17
ius trium liberorum 32, 180
- Jerome, interrogation by God, 130–1
 Jews 90, 151; courts of 201–2
 John, usurper 87
 judges 5, 6, 16, 27, 53, 71, 99, 101–3,
 108–9, 129–33, 147–8, 152, 194–5,
 202, 215; behaviour of, 103, 165;
 corruption of 6–7, 90, 10, 114–15, 117,
 153–6; discretion of, 53, 140, 149;
 good practice of 193–4; ignorance of
 132–3; liability of 111–13, 161–2, 176;
 mistakes of 6, 155, 158–60, 164;
 negligence of 122, 155–6, 161–2
- Julia Domna 16
 Julian, emperor 39, 43–5, 74 n. 77, 87–8,
 100, 106, 120, 145; repeal of
 jurisdiction of bishops, 199–200
 juries 101, 161
 jurists 1, 2, 4, 10, 14–19, 29, 33–4, 62–3,
 104, 109, 124, 158, 163–4, 171, 176,
 190
- Justinian, emperor 9, 10, 17, 20, 24, 46,
 100, 195, 216; Code of 14, 21, 24–5,
 39, 99, 199–200; *Digest* of 9, 10, 15, 17,
 24, 33, 99, 104, 123, 213; *Corpus Iuris*
Civilis of 21, 24, 46; *Institutes* of 24
- Karanis, in Egypt 173
 kidnap, crime of 116, 138, 141
 Koprotes, father of Taësis and Kyrillous
 185–7
- Kyrillous, daughter of the above 186–7
- Labeo, jurist 1,3
 Lactantius 118, 132, 157
 Laetus, *vir clarissimus* 208–10
 Lampadius, prefect of Rome 95
Laterculum Mimus 49
- law, as religion 7; Christian 150, 196, 201;
 confusion of 9, 34–5, 59–61; efficacy of
 72, 96–8; enforcement of 81, 88, 90–1,
 93–8, 172; function of 80–2; ideal of,
 6–8; language of 5, 58–60, 77, 83,
 92–3, 97–8, 118; morality of 3;
 obedience to 4, 77–80; repetition of
 78, 82–88
- ‘Law of Citations’ 33–4
 laziness, *see* judges, negligence of
- leges* (statutes) 11, 13–14, 19, 34, 83; *leges*
generales 20–1, 24–5, 30–1, 36, 41, 44,
 47–8, 55, 60, 83, 203, 212–13; *leges*
Iuliae 12; *see also* named *leges* below
- Leo, emperor 61 n. 21
 Leonas 44 n. 21
 Leontius, prefect of Rome 95
 Leontius, priest in Cappadocia 165
 Lepcis Magna 168
- letters, of emperors (*epistulae*) 20–1, 25,
 44–6, 68, 84
- lex*, meaning of 84
 Lex Aquilia 12
 Lex Cincia 12–13
 Lex Cornelia de falso 12–13, 127
 Lex Cornelia de sicariis 12–13, 162
 Lex Fabia 13 n. 36
 Lex Falcidia 12–13
 Lex Iulia de repetundis 12, 162
 Lex Iulia et Papia 13
 Lex Laetoria 12
- liability of judges, *see* judges
- Libanius, of Antioch 59, 96, 118–19, 121–2,
 134, 155–6, 166, 171
- libelli* (documentation) 112; as petitions
 30–1, 45
- libellus* procedure 104–5
- Liberius, procurator 106, 114–15
- Limigantes, punished by Constantius II
 145
- litigation, cost of 6, 10, 100–1; drawbacks
 of 173, 190; in small towns 180
- litis contestatio* 28, 104
- Lycopolis 181–3, 203
- Lyon, martyrs of 151
- Macrinus, emperor 30, 137
 magic 40, 111, 118, 128, 151

232 *Index*

- maiestas*, *see* treason
 Maiuma, festival 22
mangones 92
 Manichaeans 94, 142
 Manilius, M., jurist 15
 Marcellinus, *tribunus et notarius* 148
 Marcellus, jurist 19
 Marcellus, bishop in N. Italy 208–10
 Marcellus of Ancyra, bishop 95
 Marciana, the Elder, deceased 114
 Marciana the Younger 114–15
 Marcus Aurelius, emperor 13, 124
 Mark, *scholastikos* (6th C.) 180
 marriage, laws on 81; with governors 168;
 with slaves 142
 Martinus, *constitutionarius* 65
 Master of the Offices (*magister officiorum*)
 29, 38, 49; *see also* Remigius
 Maternus, Firmicus, writer on astrology
 138–9
 Maxentius, Constantine's victory over 138
 Maximian, emperor 38, 124
 Maximinus Daia, emperor 44
 Maximinus, *vicarius Romae* (370–1) 129
 Maximinus, intermediary of Salvius 190
 Maximus of Turin, bishop 153
 mediation 54, 80–1, 92–3, 103, 172–4, 190;
 of bishop 191–4; of Ambrose, 209–10;
 of Augustine 207–8; of Gregory of
 Nazianus 205–7
memoria, office of 45–6
 Menander Rhetor 32
mesites, *see* arbitration
 Mesopotamia, dux of 48; *vicarius* of 86
 Milan 204, 207
 mines, sentencing to 138 n. 20, 140–3, 157
 Modestinus, jurist 18–19, 33
 Modestus, Domitius, Prefect of the East
 (371) 122
 monks 22
 Moses 145
 Myronous (Ptolema) 181–2
 Munatius Felix, curator 75
 murder, *see* homicide, parricide
 Mysia 83
 Narbonne 7
narratio, in court hearings 107
 Natalis, dux 155
navicularii 28
 Nebridius, quaestor 45 n. 31
 Nectarius of Calama 89, 91
 negligence, *see* judges
 negotiation, of disputes 73, 80–1, 172–4,
 187–90, 205
 Nemesis, *see* Adrastia
 Nicaea, Council of 68
 Nicomedia, Constantine at 154
 Nicopolis 145
 Nola 67 n. 42
nomikos, advocate 107
notarii 68, 73, 109, 179, 207
Notitia Dignitatum 43, 45
novellae 24–5, 61, 213
 Numa Popilius 25
 Numidia 74, 100
 Nundinarius, deacon 74–5
 oaths, 176, 179, 207
 obedience to laws, *see* laws
 objections, legal 106, 111
 officials, of governors 112–13, 121
 Olybrius, Q. Clodius Hermogenianus,
 land-grabbing of 116–17
 Olympius, minister of Honorius 89
 Olympius, *praeses* of Cappadocia Secunda
 164, 206–7
oratio, of emperor to senate 19, 20, 36–7,
 46 n. 40, 50–1, 63–4
 Orcistus, in Phrygia 44
 Orosius, historian 7
 Oxyrhynchus 27, 56–7, 69 n. 50, 102, 180,
 198
 Paestum 67
 pagans 88–91, 95–6, 193, 198, 214
paideia 58
 pain 123–34, 151
 Palestine 146
 Palladius of Ratiara 75
 Paphlagonia 48
 Papinian, Severan jurist 11, 16–19, 33, 103,
 159
parabalani 52
 parricide 136, 138
 Pasios, of Karamis 185
 Pasiphilus, philosopher 128
 Paterius, praetorian prefect 49
 patronage 5, 9, 20, 26, 36–7, 39, 67, 70,
 77–9, 97, 99, 117, 165–6, 189, 214–16
 Patruinus 166
 Paulinus, of Nola 67
 Paulus, Severan jurist 11, 16–19, 32–4, 176,
 178; *Sententiae*, ascribed to 19, 125
 Paul 'the Chain' 146
 Paulus, Fl. Prefect of Rome (438) 66
 Pavia 29
 peculation (*peculatus*) 129, 154, 168, 171
 Pentapolis, of Cyrene 156
 Perpetua, martyr 151

- Persians 102–3, 146
 Pesuas 179
 Peter of Nicomedia 131
 petitions 5, 9, 30, 46–7, 66, 82–3, 142,
 184–7, 198, 214–15
 Petronius, father-in-law to Valens 128
 Petronius Maximus 49
 Petronius Probus, Sex. 27, 54 n. 84, 116
 Petronius, *vicarius* of Spain 166
 Phasganius, uncle of Libanius 166
 Phrygia Salutaris 48
 Pinianus, Valerius 67, 208 n. 61
 Placida, deceased, *see* Marciana
 Placidianus, deceased, *see* Marciana
 plaintiffs 2, 94, 161, *see also* accusations,
inscriptio
plebiscita 11
 plebeians at Rome 94–5; as lower classes
 125–6; torture of 129; entertainment of
 139; punishment of 140–1
 pledges 159
 Plusianon, bishop 197–8
 Plutarch, *vir egregius* (3rd C.) 27
poena (penalty) 81; in arbitration 178, 209
 Pomponius, jurist 1, 15–17, 158–9
 Porphyrius, alleged son of Zibberinus
 188–9
 Possidius of Calama 89–91, 92 n. 51, 205
populus, sovereignty of 20, 33, 83, 97
postulatio simplex 104
 power, abuse of 5–7, 26, 54–5, 62, 78–9,
 92–3, 97, 116, 121–2, 143–4, 153, 167,
 171, 182–3, 200, 203; definition of 77;
 love and 91
praeiudicium 111–12, 115, 208
 Praeneste, council of 116
praescriptio fori 27–8, 106, 120
praescriptio longi temporis 110
 Praetextatus, Vettius Agorius 40, 95
 Praetor/ Praetorian Edict 3, 11, 14–15, 18,
 84, 99, 101–2, 172, 175–6; praetor
 under Republic 16
 praetorian prefecture 16, 38, 47, 49, 54–5,
 65, 114, 167–9, 202
 precedents 20, 36, 53, 63–4, 67–8, 85
 Prefect (Praefectus Augustalis) of Egypt
 13, 26–7, 52, 101, 84–6, 201 n. 35
 Prefects of the City 55, 114; of
 Constantinople 48, 55, 111; of Rome
 18, 48, 50–1, 55, 65, 94–5, 105–6, 111,
 116–17
 Prisca, will of 114
 Priscus, Neratius, jurist 16
 Priscus of Panium, historian 6–8
 prisoners, rights of 121–2, 214
 prisons, *see* imprisonment
 proconsuls 55
 procurators 127, 158–9
 property, lawsuits over 70–1, 158–9
 proposal, *see suggestio*
protectores 39
 provincial councils 49, 169, *see also*
 embassies
 Pseudo-Quintilian 136
 public entertainments 51, 118, 139, 151
 public post (*cursus publicus*) 48, 50
 punishment, function of 73, 81, 135–7; and
 predestination 139; as reform 136, 144,
 148–50, 151–2; as retribution 12, 53;
 Christians and 136, 139, 146–52
quaestio, as court 12, 101; as interrogation
 54, 72, 75, 122–34, 148
quaestor candidatus 43
 quaestor, imperial 2, 23, 31, 38, 40–7, 49
querelae 114–15
 quinqueviral court 101 n. 12

ratio 10, 34
 Ravenna 23, 37, 45, 89
 reading aloud 65–6, 73–4, 110
receptum arbitri 179
 reconciliation, *see* mediation
 records, court 57 n. 3, 72, 99, 107, 112,
 167; public 57, 68–9, 70–6; *see also acta*
consistorii
 recruits 51, 79, 141
 referrals (*relationes*) 36, 53, 88, 197
 reform, punishment and, *see* punishment
Relationes (state papers) of Symmachus 50,
 114, 117
 relegation, *see* exile
 Remigius, *magister officiorum* 168
repetundae, *see* extortion
 Republic, Roman 10, 11, 38, 83, 101, 124,
 126, 175; jurists under 15–16
res iudicata 159–60
res privata, Counts of 38, 49, 123, 166
 rescripts 21, 26–31, 64, 84, 104, 110, 112,
 124–5, 184, 213
responsa of jurists 17
restitutio in integrum 163
 rhetoric, *see eloquentia*; law, language of
 riots 88–9, 94–5
 robbers 132, 136, 138, 140, 151, 194
 Roberts, Simon 79
 Romanus, Christian martyr 156
 Romanus, *comes Africae* 168
 Rome, city of 23, 25–6, 64–5, 69, 87, 105
see also Prefects of the City

234 *Index*

- Rufinus, *comes Orientis* 166 n. 74
 rules, law as 2, 4, 8, 77–9
 rustics 96, 100; *see also* plebeians
- Sabinus, arbiter at Lycopolis 182
 Sabinus, jurist 19
 Sabinus, of Antioch 39
sacrae largitiones, Counts of 38, 48–9
 sacrilege 138, 151
 Sakaon, 198; archive of 172 n. 2
 Salvius, African landowner 188
 Salvius Julianus, jurist 14, 16–19, 33, 159, 177
 sanctuary 151–2, 156
 Saturninus Secundus Salutius 45
 Scaevola, P. Mucius, jurist 15
 Scaevola, Q. Mucius, jurist, son of preceding 15–16
 Scaevola, Cervidius, jurist 16–17, 19, 159 n. 37
scholastici, legal scribes 100
 Scirtius, litigant at Rome 116
 Seleukos, advocate in Egypt 85–6
 Sempronius Liberalis, prefect of Egypt (155) 86
Senatusconsulta, decrees of the Senate 11; SC Claudianum and SC Tertullianum 12
 Senate, at Constantinople 1; at Rome 40, 48, 50–1, 64–6, 168, 213
 senators, trials of 40, 106, 120
 Seneca 174–5
 Sennius Solemnis (at Thorigny) 169 n. 82
sententia, of arbiter 175 n. 12, 178; of Ambrose 209; of Constantius II 87; of judge 110–11
 Septimius Severus, emperor 13, 34, 85–6, 125, 173
severitas 99 n. 1, 145, 147–8
 Severus Alexander, emperor 13, 137
 sheep 108, 186–7
 Sidonius Apollinaris 46
 Silvanus, Frankish general of Constantius II 128
 Silvanus, of Donatists 74–5
 simplification 59–62, 76
 Sitifis 83
 slaves 27, 159; as arbiters 177; punishment of 138, 140–1, 143; torture of 118, 122–3, 126, 129
 Smyrna 146
 Sodom, *see* Gomorrah
 soldiers 68, 93–5, 125; as police, 93–4
 soothsayers 140
 sorcery, *see* magic
- sordes*, *see* corruption
 Sozomen, church historian 196–7
 Spes, priest at Hippo 207
sportulae (tips) 100–1
stationarii 90, 94
 status (*condicio*) 74, 109, 125–6, 130, 140–3, 183
 statutes, *see* *leges*
 Stilicho, minister of Honorius 51, 89, 91, 154, 208 n. 61
 Sufetana, massacre at 91–2, 145
suffragium, *see* patronage
suggestio (proposal) 41, 47–53, 67, 88, 213
 Sulla, L. Cornelius (dictator 81–80 BCE) 12, 162
 Sun, The (British tabloid) 3 n. 7
supplicium, *see* punishment
 Symmachus (the elder), L. Aurelius Avianus 48, 94
 Symmachus (the younger), Q. Aurelius 50–1, 105–6, 111, 113–17, 145, 165–6, 201 n. 34
 Synesius, of Cyrene, bishop 154, 156, 170–1
 Syria 192
 Syrion, defendant in Egypt 108
- tabellarii* 126
 Taësis, of Karanis 185–7
 Tarpeius, procurator 116
 Tarsus 146
 Tatianus, Fl. Eutolmius 56, 205
 Taurus, Fl., quaestor 45 n. 31
 taxation 27, 49, 70, 88, 94, 106, 126, 154, 185
 terror 92, 118–20, 144–5, 147, 150
 Tertullus, prefect of Rome, 94 n. 58
 Thæsis, nun of Hermopolis 197
 Theadelphia, in Egypt 179, 198
 Theodosius, the Count (*comes*) 168
 Theodosius I, on succession to estates of the condemned 11; on the Twelve Tables 11; and consistory 39–40; jurisdiction of prefects under 48; on widows as guardians 71; period of grace for accused 72, 121; on decurions 83, 86; as father of Honorius 89; on informers and heretics 94; on prisoners' rights 121; Libanius and 121–2; and homosexuals 137; on harbourers of robbers 140; text of *Apocalypse of Paul* and 146; and corrupt judges 154; on forced marriages with governors 168; on provincial councils 169; and episcopal

- hearings 201
- Theodosius II and his Code, 2, 212–13, 216; imperial power and, 9; and 'Law of Citations' 19; *oratio* of, in 426, 36–7; and bureaucracy 42; and system of law, 45; and Alexandria 52; and Emesa, 167.; Theodosian Code, compilation of 21–4, 52; launch of 9, 23, 42, 59–66
- Theon, husband of Myronous 181
- Theophilus, deacon of Lycopolis 181–3
- Theseus, estate-owner, deceased 116
- time-limits, for cases 105, 115; for arbitration 177 n. 20
- Times, The (British newspaper) 3, n. 7
- Timgad 100
- Tisamenus, *consularis Syriae* 59, 155–6
- tombs, violation of 141, 143, 151, 155, 194
- torture 40, 54, 72, 118, 122–35; of damned 146–7, 156
- Trajan, emperor 30
- treason (*maiestas*) 12, 40, 118, 122–4, 128–9, 140, 151
- Trebatius, jurist 1
- tree, definition of a 1–2, 4
- Tribonian, jurist of Justinian 17, 24, 33, 46, 178
- trials, *see* criminal proceedings, hearings, litigation
- Trier, Valentinian at, 168
- Tripolitania 168
- Troilus, associate of Synesius 170
- Tryphoninus, jurist 159
- tutors (guardians) 52, 163, 197
- Twelve Tables, laws of the (c. 450 BCE) 11, 31 n. 111, 69, 101, 161, 175
- Tyre 16
- Ulpian (Domitius Ulpianus), jurist 1–3, 7, 10, 16–20, 33, 124, 143, 160, 163, 165, 177; *Opiniones*, ascribed to Ulpian, 143
- ultio* (lawful retribution) 136–7, 145–8
- Urbanus, governor of Palestine 130, 146, 157
- Ursinus, anti-pope 95
- Valens, emperor 122–3; and 'philosophers' conspiracy' 128, 131; rescripts of, with Valentinian I 31; law on decurions 86; with Valentinian on extortion, 100; fines of appellants 112; abettors of deserters 141; Austriani and 146; on corrupt judges 164.
- Valens, jurist 18
- Valentinian I laws of, on fugitive slaves 27; in consistory, on treason 40–1, 50, 129; on decurions 83; religious neutrality of 87; and torture of *tabellarii* 127–8; on tax assessments 154; on violation of tombs 155; and Lepcis Magna 168; on bishops' hearings 195, 201; protection of women from clerics 200; *see also* Valens.
- Valentinian II 50–1, 111, 113
- Valentinian III 19, 23, 36–7, 45, 49, 61, 64–5, 79, 83
- Valvomeris, Petrus 95, 122
- Vandals 49
- Varenus Rufus, governor of Bithynia (2nd C.) 169 n. 81
- venality, *see* judges, corruption of
- Vercellae, adultery case at 129
- Verianus, irate father 206
- veterans, *see* soldiers
- vicarii* 48, 55, 167–8; *vicarius Asiae* 49; *vicarius Mesopotamiae* 86; *vicarius Romae* 48, 113
- vice sacra iudicans* 55, 111, 114–15, 202
- victimisation, rhetoric of 166
- Victor, *grammaticus* 75
- Victor, quaestor 46
- Victory, Altar of 50
- vines as trees 1
- violence (*vis*) crime of 88, 140–1, 172
- wards (*pupilli*) 52, 143, 177, 197
- widows 29, 52, 71, 140, 147, 166
- wills 1–2, 13, 114, 163, 165
- witnesses, at arbitration 179; at trials 39, 99, 107–9, 113, 123, 144, 163, 166, 174, 186; liability of 143, 193; of bishops 109, 197, 202; to documents 108
- women, as litigants 106, 180; clerical hangers on of 200 *see also* Didyma, Heracleia, Kyrillous, Myronous, Taësis
- writing, importance of 34, 39, 57, 67–9, 72–6, 108–9, 127; *see also* accusations, custom, *inscriptio*, records
- Zeno of Verona, bishop 153
- Zenophilus, *consularis Numidiae* 74–5
- Zibberinus, African landowner 189
- Zoilus, deacon of Theadelphia 198
- Zosimus, historian 45, 154