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CHRYSI KOTSIFOU

A Glimpse into the World of Petitions

The Case of Aurelia Artemis  
and her Orphaned Children

# A GLIMPSE INTO THE WORLD OF PETITIONS

## Aurelia Artemis and her Orphaned Children

*Chrysi Kotsifou*

### 1 INTRODUCTION

Petitions were documents that sought redress for abuses or help against injustice, and they often inaugurated a lawsuit. They survive from the Hellenistic, Roman, and Late Antique periods.<sup>1</sup> This chapter will examine one petition by a woman from the end of the third century CE. It will analyze how expressions of emotion are employed in order to enhance the rhetoric of the document, and will explore the ways in which the theories of contemporary legal narratology<sup>2</sup> can illuminate the reasons why emotions were so heavily used in such documents. According to Ari Bryen, ancient petitioners

create ‘fictions’ – that is, they take care to shape individual instances of violence into narratives. Through retelling the events in question, petitioners present the information that they see as relevant to their case, as well as what they think will be convincing to legal authorities.<sup>3</sup>

As legal narratology theorists claim, narrative in law is a form of discourse that accommodates the desire to express emotion and emotion-laden thoughts.<sup>4</sup> Lucinda Finley explains that these theorists react to the long-standing idea and practice that

Law is a language firmly committed to the ‘reason’ side of the reason/emotion dichotomy. ... The inability to hear the voice of emotion, to respond to thinking from the emotions, is one of the limitations of the legal voice. ... Rage, pain, elation, the aching, thirsting, hungering for freedom on one’s own terms, love and its joys and terrors, fear, utter frustration at being contained and constrained by legal language – all are diffused by legal language.<sup>5</sup>

- 1 Palme 2009, 377. He adds that petitions to officials are the most common type of record other than tax receipts. More than a thousand petitions survive from the entire papyrological millennium.
- 2 Legal narratology is concerned with the story elements in law and legal scholarship. Cf. Gewirtz 1996, 135–137; Posner 1997, 737. On how language can be the primary tool in the manipulation of a narration of a story in order to achieve the desired outcome in a court case, see Ferguson 1994.
- 3 Bryen 2008, 182.
- 4 Cook 1994/1995, 101.
- 5 Finley 1989, 903. Cf. Henderson 1987, 1575f.; Gewirtz 1996, 145f.

Furthermore, since the case study of this chapter is a legal document composed by a woman (or at least meant to protect the interests of a woman), the importance that feminist legal narrative places on the notion of *context* is also applicable to this petition.<sup>6</sup>

## 2 ARTEMIS' PETITION

In 280 CE at Theadelphia in the oasis of Fayum, Artemis lodged the following complaint to the prefect of Egypt:<sup>7</sup>

To Hadrianus Sallustius the most eminent prefect, from Aurelia Artemis, daughter of Paësios, from the village of Thraso of the Arsinoite nome: Perceiving your love of moderation, my lord governor, and your care for all, especially for women and widows, I approach you, thinking myself worthy to receive aid from you. The matter is like this: Syrion, having become a *dekaprotos* [see note 14] from the same village, Thraso, persuaded my husband, Kaet by name, to shepherd his flocks – who unjustly took off with my aforementioned

6 By understanding context, they mean looking at the intricate details of complex human situations that give rise to conflicts; and by considering these, finding solutions that are tailored to the particularities of the situation. Cf. Cook 1994/1995, 114. On the value of emotional discourse, context and one's subjective circumstances and law procedures, also see Heilbrun and Resnik 1989/1990, 1950; Cook 1994/1995, 145–147. These theorists also note that some members of marginalized groups such as **women, by virtue of their marginal status, are able to tell stories different from the ones legal scholars usually hear**. Cf. Delgado 1990, 95.

7 Translation of Evans Grubbs 2002, 258 (modified). *P.Sakaon* 36: Ἀδριανίῳ Σαλλουστίῳ τῷ διασημοτάτῳ ἡγεμόνι παρὰ Αὐρηλίας Ἀρτέμιτος Παησίου ἀπὸ κώμης Θρασῶ τοῦ Ἀρσινοΐτου νομοῦ. τὸ μετριοφιλές σου αἰσθημένη, δέσποτά μου ἡγεμών, καὶ περὶ πάντα κηδεμονίαν, μάλιστα περὶ γυναίκας καὶ χήρας, τὴν προσέλευσιν ποιουμαί σοι ἀξιοῦσα τῆς ἀπὸ σοῦ βοηθείας τυχεῖν. τὸ δὲ πρᾶγμα οὕτως ἔχει· Συρίων γενόμενος δεκάπρωτος ἀπὸ τῆς αὐτῆς κώμης Θρασῶ ἀναπεισας μου τὸν ἄνδρα Καῆτ ὀνόματι ποιμαίνειν αὐτοῦ τὰ πρόβατα — ὅστις ἀδίκως τὰς τοῦ προκειμένου ἀνδρὸς αἴγας καὶ πρόβατα τὸν ἀριθμὸν ἐξήκοντα συναπέσπασεν αὐτῷ. καὶ ἐφ' ὅσον μὲν περιῆν ὁ προκειμένος μου ἀνήρ, ἕκαστος τὰ ἑαυτοῦ ἕκαρποῦτο, ὃ τε ἐμὸς ἀνήρ τὰ ἴδια καὶ ὁ προκειμένος τὰ ἑαυτοῦ. ἐπεὶ οὖν κατὰ τρόπον ἀνθρώπων ἐγένετο ὁ προκειμένος μου ἀνήρ, εἰσεπήδησε βουλόμενος ὁ Συρίων καὶ ἀφαρπάξειν τὰ τῶν νηπίων μου τέκνων τῇ τοπικῇ δυναστείᾳ χρώμενος παρὰ αὐτῆς τῆς κοίτης τοῦ ἀνδρὸς μου καὶ τοῦ σώματος κιμένου ἐπεὶ δὲ ἐσπούδασα τὰ ἡμέτερα ἀπολαβεῖν καὶ περιστεῖλαι τὸν ἄνδρα μου, μετ' ἀπειλῆς με ἀπέπεμψεν καὶ μέχρι τῆς σήμερον κατέχων τυγχάνει τὰ ἡμέτερα ποίμνια. διὸ παρακαλῶ σε, δέσποτα, πέμψαι μοι βοηθὸν ἐκ τῆς σῆς προστάξεως, ὅπως τὰ τε τῶν νηπίων μου τέκνων καὶ τὰ ἐμοῦ τῆς χήρας ἀπολάβω καὶ δυνηθῶ εὐμαρῶς ὑπακούειν τῷ ἀποτάκτῳ — οὐ γὰρ ἐν περιγραφαῖς κατελήμφθη ὁ προκειμένος μου ἀνήρ ὑπὲρ τῶν διαφερόντων τῷ ταμείῳ, οἰκείωται δὲ τῷ προκειμένῳ Συρίωνι ἐμὲ τὴν χήραν μετὰ νηπίων τέκνων ἀεὶ ἀποστερεῖν, ὥστε τὸν τοῦ τετελευτηκότος μου ἀνδρὸς σίτον λαβόντα διὰ τοῦ βοηθοῦ ὑπὲρ τῶν ἐπιβαλλόντων μετρημάτων σύμβολον μὴ ἐκδοῦναι — ὅπως τὰ ἴδια ἐκ τῆς σῆς, τοῦ κυρίου καὶ πάντων εὐεργέτου, φιλανθρώπου ὑπογραφῆς ἀπολάβω καὶ δυνηθῶ μετὰ νηπίων τέκνων ἐν τῇ ἰδίᾳ συνμενεῖν καὶ ἀεὶ τῇ τύχῃ σου χάριτας ὁμολογεῖν δυνηθῶ [- -] διευτύχει. (hand 2) [c. 11]θ. πρὸς τὸ τοῖς φόροις χρήσιμον [c. 11] κατὰ τὸ δικαιοτάτον δοκιμάσει ὁ κράτιστος [ἐπιστράτηγος] κό(λλημα) ξθ' τόμ(ου) α'. All abbreviations of papyri are according to the *Checklist of Editions of Greek, Latin, Demotic and Coptic Papyri, Ostraca and Tablets* at [http://scriptorium.lib.duke.edu/papyrus/texts/clist\\_papyri.html](http://scriptorium.lib.duke.edu/papyrus/texts/clist_papyri.html).

husband's goats and sheep to the number of sixty. And as long as my aforementioned husband was alive, each man reaped his own profits, my husband his own and the aforementioned (Syrion) his own. But when my aforementioned husband went the way of men, Syrion burst in, exploiting his local power, even wishing to snatch away the property of my infant children from my husband's very bed and with his body lying there. And when I tried to take back our property and to cover up (the body of) my husband, he sent me away with treats, and up until today happens to have hold of our flocks.

Therefore, I ask you, lord, to send help to me by your command, in order that I might get back the property of my infant children and of myself, a widow, and that I might be able to comply with my tax assessment readily. For my aforementioned husband was not caught out regarding property belonging to the Treasure, but it is in the nature of the aforementioned Syrion always to despoil me, a widow with orphan children – so that having taken the grain of my deceased husband through his assistant he did not give a receipt for the payment in kind that was due – in order that I might get back my property by your benevolent decision, lord and benefactor of all, and might be able to stay together with my infant children in my own home and always be able to acknowledge my thanks to your fortune. Farewell.

[- - ] With a view to what is advantageous to the revenues, [- - ] the excellent *epistrategos* will judge the matter according to what is most just.

Sheet 69, Roll 1.

This petition, together with other documents concerning Artemis, belongs to the archive of Sakaon, an Egyptian farmer in the last century of Theadelphia.<sup>8</sup> Normally in an archive of papyrological documents we find items addressed to the owner of the archive, such as letters, or documents that are drawn on his behalf, such as contracts and receipts. At the same time, there are documents composed by the owner himself, such as petitions. This can be explained by the fact that an original completed petition could be returned to the archive owner after a decision was made and could even contain a note by the official who dealt with the case.<sup>9</sup> Sakaon is the most prominent person in the archive from 310 to at least 342 CE. As head of the family he apparently kept in his archive papers for other members, including those of his second wife Kamoution and her mother Artemis.<sup>10</sup> Generally, these petitions come from people who view themselves as victims, and are directed to a variety of legal authorities at both the local and provincial level. In these petitions, the offended individual dictates to a scribe a narrative of the events that caused his or her suffering, and through a variety of formulaic addresses and requests, the individual asks for justice.<sup>11</sup>

8 Discussion of the entire Sakaon archive: <http://www.trismegistos.org/arch/archives/pdf/206.pdf>.

9 Vandorpe 2009, 237.

10 Many interesting papyri involving ancient women derive not from archives women themselves compiled, but from archives collected by their menfolk, for men appear to have been more ready to intersperse personal letters among their business papers. Cf. Hanson 2005, 3.

11 Bryen 2008, 181f. For more on the role of formulas in petitions and their association to emotion, see pp. 60–65 in this volume. It has been noted, though, that an unfamiliar narrative invariably generates resistance; despite our best efforts, counter stories are likely to effect only small, incremental changes in the listener or reader. Cf. Delgado and Stefancic 1990/1991, 1933.

### 3 ARTEMIS, HER FAMILY AND HER TRIBULATIONS

Artemis was a widow, and three papyri from the early 280s CE feature her as a litigant or petitioner on behalf of her underage children.<sup>12</sup> Only in the one quoted above does she name herself as her children's guardian (*kedestria*), but she is clearly acting in that capacity in all three examples.<sup>13</sup> Her troubles started after the death of her husband when a local notable invaded her home and stole some of her property.<sup>14</sup> Almost a year after Artemis submitted her first petition, another document in the archive<sup>15</sup> contains proceedings before an *epistrategos*. From these we learn that the children in question are boys, ἀφήλικες (underage), and that Syrion is still refusing to return the stolen livestock and to appear at court as he has to be away for business. Finally, in 284 CE Artemis petitioned the prefect again, because her sister-in-law was avoiding paying her taxes and Artemis was not able to bear the financial burden.<sup>16</sup> She begs and beseeches the prefect for justice, and in order to provoke his pity, she repeatedly refers to her underage orphaned children and their suffering.

### 4 ARTEMIS' PERSUASION STRATEGIES

#### 4.1 Arousal of pity

Aristotle, in his *Rhetoric*, explains:<sup>17</sup>

Let pity, then, be a kind of pain in the case of an apparent destructive or painful harm *of one not deserving to encounter it*, which one might expect oneself, or one of one's own, to suffer, and this when it seems near.

More importantly for the purposes of this paper, we should note that Greek pity was not an instinctive response to another person's pain, but depended on a judgment of whether or not the other's suffering was deserved.<sup>18</sup> Artemis' method of narration is solely designed to justify that she does not deserve her suffering. How can we tell that this petition relates to pity? The evidence comes from both the specific vocabulary it employs and the way it unfolds its case. Regarding the first point, the composer of this document employs various terms that denote 'pity'.

12 The importance of Artemis' case is reflected in the interest it has created in contemporary scholarship. Cf. Parsons 1985; Beaucamp 1990–1992 II; Krause 1995; Arjava 1996; Bagnall 1996; Evans Grubbs 2002; Adams 2006; Kotsifou 2009; Connolly 2010.

13 Evans Grubbs 2002, 257.

14 As *dekaprotos* of that area Syrion was in charge of the crops of the year and for collecting the relevant taxes. For the role of *dekatropos* see Bagnall 1978, 164; Bagnall and Thomas 1978.

15 *P.Sakaon* 31.

16 *P.Sakaon* 37.

17 Aristotle, *Rhetoric* 2.8, 1385b 13–16: ἔστω δὴ ἔλεος λύπη τις ἐπὶ φαινομένῳ κακῷ φθαρτικῷ ἢ λυπηρῷ τοῦ ἀναξίου τυγχάνειν, ὃ κἂν αὐτὸς προσδοκῆσειεν ἂν παθεῖν ἢ τῶν αὐτοῦ τινα, καὶ τοῦτο ὅταν πλησίον φαίνεται (translated by Konstan 2006, 131).

18 Konstan 2001 and Konstan 2006, 201–218.

Widowhood and orphanhood are key ingredients. The latter is mainly, if not exclusively, brought into play by women in their persuasion strategies.

Generally speaking, the way petitioners narrate **their stories chiefly aims at justifying pity**. Petitioners usually commence their petition by stating that they know that the prefect is a just judge and a protector of all. Then they describe the dispute, *usually with great detail*, assuming that the more details they provide the more credibility they lend to their case.<sup>19</sup> They often contrast the virtues of the poor with the vices of the rich and powerful. Furthermore, in order to provoke the pity of the authorities, petitioners employ strong language such as the verb ‘to despise’ (καταφρονέω; cf. p. 74 in this volume) or make **repeated references to their unfortunate children, their weak feminine nature, or to their modest lifestyle if they are men**. At the end of the document, some petitioners mention their **continued gratitude to the prefect, should he help them attain justice**.<sup>20</sup> Admittedly, most of these features are standard formulas in most petitions, but the lengthy narrations combined with the pity-related vocabulary are not.

All in all, petitions in the beginning of Late Antiquity start to become more fulsome and elaborate, and **the petitioners artfully combine the pitiableness of their vulnerability as women or men with references to their wealth and status**.<sup>21</sup> Despite what is stated in these petitions, ultimately many of these women and men came from well-to-do families and may not have been as vulnerable as they claim. **Their weakness is certainly exaggerated to provoke pity**. The fact that most of the people who feature in these documents belonged to the propertied classes should always be kept in mind when their role in their families or in society more broadly is considered. In addition, as Dominic Rathbone has elaborated, **these petitioners were hardly ever alone as they claimed**. There must have always been some close or distant relatives nearby to assist them with the day-to-day business affairs or any legal matters that might have arisen.<sup>22</sup> The same applies to Artemis, of course.

Looking specifically at Artemis’ petition, we observe that she petitions the prefect because sixty of her deceased husband’s goats and sheep were stolen.<sup>23</sup> In general, she uses exaggeration, repetition of important facts, and a detailed account of events; all of these aspects are deeply immersed in a great deal of

19 Besides credibility, details invite sympathy. Gewirtz 1996, 142, notes that ‘the account of the suffering of the victim’s survivors in individual cases is a particularization of a generally foreseeable harm. Particularization, the theorists of storytelling remind us, invites empathetic concern in a way that abstraction and general rules do not, and encourages appreciation of complexity.’ Cf. also pp. 67 and 107f. in this volume.

20 For example, *P.Col.* VII 173 (Karani, 330–340 CE); *P.Diog.* 17 (Arsinoite nome, second to third century CE); *P.Oxy.* XII 1470 (Oxyrhynchos, 336 CE); *P.Oxy.* XIX 2235 (Oxyrhynchos, ca. 346 CE); *P.Oxy.* XXXIV 2713 (Oxyrhynchos, 297 CE).

21 Kovelman 1991, 135–137. Studies have also shown that the ideal of respecting the rights of the weak, the widow, and the orphan flourished in times of decay or at the beginning of a new period. Cf. Fensham 1962, 132.

22 Rathbone 2006, 103–105.

23 There might seem to be a discrepancy between the high rhetoric of the text and the humble matter of concern, i.e. theft of only sixty sheep; however, that amount of livestock in rural Egypt in the 280s constituted a considerable piece of property. Cf. Bagnall 1996, 142–144.

pathos. She stresses her widowhood and the poor state of her orphaned children. Nonetheless, she is obviously a rich woman who belongs to the upper class of Theadelphia. Her petition starts with the statement:

perceiving of your love of moderation,<sup>24</sup> my lord governor, and your care (κηδεμονία) for all, especially for women and widows, I approach you, thinking myself worthy to receive aid from you.

Artemis does not show up with a *kyrios* (male guardian or legal representative) in any of the documents that regard her, so this is an attempt to cast the prefect in this role and ‘oblige’ him to safeguard her children, interests, and property. She also uses various violent verbs relating to the perpetrator, such as ἀρπάζειν (‘snatch away’), to indicate Syrion’s aggravation and hostility and Artemis’ fear and anxiety. She also claims that ‘Syrion burst in, exploiting his local power’, thus making a direct association between status and emotion. In this case, the high status of the perpetrator induced his violent acts and negative feelings of contempt towards Artemis.

Most importantly, Artemis makes repeated references to her infant children. In the course of this one petition, she mentions her children four times! The term ‘infant’ (νήπιος) is most certainly another exaggeration since in her second petition<sup>25</sup> a year later at the most, Artemis’ children are referred to as ‘minors’ (ἀφήλικες). The former term referred to children aged approximately 3 to 7, while the latter to children or juveniles aged from 13-15 to 25.<sup>26</sup> This change obviously could not have happened in the course of a year. A final possible exaggeration is her indication that if she receives justice, she and her children will not have to abandon Theadelphia. Becoming a fugitive due to unjustly imposed debts was another common theme frequently used in petitions for pity.

Artemis’ lengthy narration also lends itself to the tools of narratology in an additional way. Contemporary studies of ancient Greek literature, narratology, and the role of time have noted that ‘rhythm’ (that is, duration and speed) refers to the amount of time which is devoted to an event in the story as compared to that in the *fabula*. ‘Fabula’ is defined as all events which are recounted in the story, abstracted from their disposition in the text and reconstructed in their chronological order.<sup>27</sup> Since in practice it is very difficult to measure variations in actual time between *fabula* and story, the rhythm of a narrative is usually defined in terms of the amount of *text* devoted to an event. The more lines dedicated to an event, the more importance placed on this event.<sup>28</sup> Therefore in Artemis’ case, to what could have been described in one line (namely, Syrion stole my husband’s animals after his death), Artemis dedicates at least fifteen lines! This is another ploy used to stress the importance of her case, the violent nature of the theft, and her worry and fear.

24 For the ambiguous use and role of ‘moderation’ in petitions, see Kotsifou forthcoming.

25 *P.Sakaon* 31.

26 Prinzing 2009, 20.

27 De Jong 2007, 10.

28 De Jong 2007, 11.

#### 4.2 Reciprocity and rationality

It is also noteworthy that Artemis is attempting with this petition a combination of emotional display and rationality. Besides all the emotional ‘drama’ she recounts, she also stresses that it is not only out of personal gain that she is petitioning this case but out of her wish to be able to pay her taxes and make good her responsibilities towards the state. She also directly castigates Syrión’s abuse of power, by stressing the fact that he took her property ‘exploiting his local power’. This attitude is even more evident in the way she addresses the authorities that will judge her case. Various epithets are employed in order to remind the judge of his good qualities and that he is and should be acting according to the laws and as a protector for the weak.<sup>29</sup> Similar expressions are found in all of the petitions in the Sakaon archive. While in her second petition<sup>30</sup> the standard official title of the governor, ‘the most eminent prefect’ (διασημότητος ἡγεμών) is used, in the petition we have discussed here the prefect is addressed with praising epithets that appeal to his pride. He is called ‘my lord, prefect’ (δέσποτά μου, ἡγεμών) and ‘the lord and benefactor of all’ (κύριος καὶ πάντων εὐεργέτης). Other petitions in the archive address the governor with expressions such as ‘your revered valor’, ‘your virtue’, and ‘your clemency’.<sup>31</sup> Thus, the petitioner appeals to the governor’s pride, at the same time indirectly reminding him of the importance of reciprocity in the relations between subjects and authorities.

At the end of the document Artemis stresses the fact that if she receives justice, she will always acknowledge her thanks to the prefect. Ultimately, this action can have two-fold benefit for the authorities. Firstly, **it provides publicity for the prefect’s benevolence and justice, and secondly it will increase people’s faith in the effectiveness of the legal system, that is, of the petitions.**

Roger Bagnall further points out that widowhood in fourth century CE petitions simply did not have the central role it held in the later texts, and that even women with living and present husbands would submit petitions. There was a much lesser tendency to cite widowhood as a factor in being a victim or as something the officials should take into consideration. Arguments (however valid and fair) were made more directly on the basis of law and actions.<sup>32</sup>

29 Widows and orphans have been in need of protection since ancient times. Regarding the ancient period, Fensham 1962, 139, notes that the attitude taken against widows, orphans, and the poor is to be looked at from a legal background. These people had no, or in some cases possibly restricted, rights. They were almost outlaws. Anyone could oppress them without danger that legal connections might endanger his position. To restore the balance of society these people had to be protected. Therefore, it was necessary to sanction their protection by direct command of the god and to make it the virtue of kings. For the status of widows and the care of their children in the Roman period, see Evans Grubbs 2002, 48f.

30 *P.Sakaon* 31.

31 *P.Sakaon* 38 and 42: ἀκαταφρόνητος ἀνδρία; *P.Sakaon* 40 and 41: ἀρετή; *P.Sakaon* 46 and 47: φιλανθρωπία.

32 Bagnall 2004, 57.



## 5 GENDER AND STATUS

Papyrological data provide us with the rare opportunity to study emotions, events, people, and their paperwork as they are preserved in archives or dossiers. Thus, the association of emotions with gender or status – although it can still be raised by a single document such as a petition – is further highlighted and clarified if we look at a group of texts from the same collection. Therefore, a comparison between the petitions that were submitted by Artemis and Sakaon during the same era is very fruitful. Artemis and Sakaon petition the same local authorities with similar complaints: the theft of livestock and problems with tax-collectors. It is also very probable that the same scribes composed the respective documents. An examination of the emotional phraseology of the texts reveals, though, that Artemis always requests pity and justice while Sakaon always requests vengeance and justice. This phenomenon could be due to Artemis' gender, her lower social status relative to that of Sakaon, or a combination of both.<sup>33</sup>

Revenge is associated with anger; and anger is mainly – perhaps only – demonstrated by the powerful.<sup>34</sup> Sakaon and his co-workers belonged to the upper crust of village society. For all their complaints, they were relatively well-off landowners with diverse economic interests and the means to pay petition writers and even to travel to the prefect's court on occasion. A survey of other preserved petitions from villagers confirms the impression that they came from the propertied classes.<sup>35</sup> Status was a crucial factor in determining how a person would argue his or her case. As Jill Harries explains, the inadequacies and injustices in Roman law towards the underprivileged made their means of rendering legal redress both unattractive and dangerous. Harries notes that 'the dispossessed, if without power, surely would have minimized the risk to themselves and sought restitution rather than revenge'.<sup>36</sup> It is very possible that the lack of allusions to revenge reflect the real or alleged low status of the petitioner. It would be an exaggeration to claim that everything mentioned in these petitions is sheer rhetoric. The names of our petitioners (mainly Aurelia and Aurelius) indicate their low status, as recipients and descendants of recipients of Roman citizenship with the *Constitutio Antoniniana* of 212 CE.<sup>37</sup> In general, petitions from the fourth century CE – especially ones concerning women – come from a wider social and cultural range than do later ones.

But Artemis does not get discouraged either by her gender or her status. Instead she uses her 'assets' in order to achieve her goals. Finley explains that

33 A notable exception can be found in a petition a few decades later: *P.Amh.* II 141 (350 CE) is a petition to the *praepositus pagus* by a woman complaining of an assault committed on her by her brother and his wife. After she gives a detailed account of the event, the petitioner explains that she, being a weak widow woman, cannot rest or relax any more (due to worry and anger), and requests that the *praepositus* takes revenge on her behalf.

34 Harris 2001, 139f.

35 Bagnall 1996, 167f.; Adams 2006, 106.

36 Harries 2006, 99. Cf. pp. 115–118 in this volume.

37 Keenan 1973.

law is, among other things, a language, a form of discourse and a system through which meanings are reflected and constructed and cultural practices organized. Law is a language of power, a particularly authoritative discourse. ... Legal language reinforces certain world views and understandings of events. ... In light of this power, those who seek to use law to help empower and positively change the status of a group, such as women, must in their theory and practice be concerned with the origins, nature, and structure of legal language and legal reasoning. To tame the beast you must know the beast. Thus, a crucial project for feminist law history must be to ask constantly and critically who has been involved in shaping law, in selecting and defining its terms, and in deciding what is and is not one of those terms.<sup>38</sup>

Therefore Artemis, working within the limitations set for her by society and its laws, uses emotional display and a direct appeal to pity in order to achieve the prefect's empathy.<sup>39</sup> It is relevant that her petition address the civil authorities and not a monarch. She can ultimately expect more empathy from the judge of her case if he is a prefect and not a king or emperor. Therefore, the scribe of her document can afford to use more expressions of emotion.<sup>40</sup>

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38 Finley 1989, 888f.

39 I use 'empathy' here the way it is defined by Henderson: Empathy is 1) feeling the emotion of another; (2) understanding the experience or situation of another, both affectively and cognitively, often achieved by imagining oneself to be in the position of the other; and (3) action brought about by experiencing the distress of another (hence the confusion of empathy with sympathy and compassion). She adds that empathetic experiencing of emotion is probably influenced by cultural messages about which nonverbal and verbal cues manifest particular emotions. Cf. Henderson 1987, 1579 and 1586.

40 On the differences as to how one addresses a king or civil servant in a petition, see White 1972, 25f. Ultimately, empathy cannot necessarily tell someone what to do or how to accomplish something, but it does alert him or her to moral choice and responsibility. It also reminds them of their common humanity and responsibility to one another. Cf. Henderson 1987, 1653.

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