

Dionysia's Complaint: Finding Emotions in the Courtroom

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THE LAST FIFTEEN YEARS of scholarship on 'The Emotions' in antiquity has produced an important body of work, and one of great consequence for ancient historians.¹ The stakes are clear enough: if we can find methodologically responsible ways to link the numerous recent studies on emotions in ancient literature and philosophy to the ways

¹ The relevant bibliography is vast. See William V. Harris, *Restraining Rage: The Ideology of Anger Control in Classical Antiquity* (Cambridge 2001); R. A. Kaster, *Emotion, Restraint, and Community in Ancient Rome* (Oxford 2005); M. Harbsmeier and S. Möckel (eds.), *Pathos, Affekt, Emotion: Transformationen der Antike* (Frankfurt am Main 2009); A. Chaniotis (ed.), *Unveiling Emotions: Sources and Methods for the Study of Emotions in the Greek World* (Stuttgart 2012), and A. Chaniotis and P. Ducrey (eds.), *Unveiling Emotions II. Emotions in Greece and Rome: Texts, Images, Material Culture* (Stuttgart 2013) [hereafter *Unveiling Emotions I and II*]; David Konstan, *The Emotions of the Ancient Greeks: Studies in Aristotle and Classical Literature* (Toronto 2006). The social history of emotion has been more extensively explored in later historical periods: e.g., Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca 2003); Barbara H. Rosenwein, *Emotional Communities in the Early Middle Ages* (Ithaca 2006); William M. Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge 2001). Much of the current discussion seems bogged down in an argument over the respective contributions of biology/psychology (which posit emotions as relatively universal) or anthropology (which posits emotions as socially constructed); for this debate see Jan Plamper, *The History of Emotions: An Introduction* (Oxford 2015 [2012]). For an attempt to integrate material culture see Oliver J. T. Harris and Tim Flohr Sørensen, "Rethinking Emotion and Material Culture," *Archaeological Dialogues* 17 (2010) 145–163, and Jane Masségliia, "Emotions and Archaeological Sources: A Methodological Introduction," in *Unveiling Emotions I* 131–150.

that these emotions inflect the actions of social actors across the landscape more generally, then we will have cracked a methodological nut that has been foreclosing multiple avenues of research—into questions of individual perception, decision-making, and rationality, or into the internalization and reproduction of social structures. Such an account, even if written in bare outlines, would be properly anthropological. Yet the methodological challenges of such a reconstruction remain substantial.

This project of recovering the social history of ancient emotions is adequately complex even for scholars working with literary texts that elaborate upon the content and control of emotions and claim to evaluate the ‘emotional man’ as a moral being. For the papyrologist, epigraphist, or archaeologist concerned with reconstructing the emotional world of the non-elite figures in the ancient landscape the situation would seem acutely dismal. There is no Egyptian papyrus that claims to write a local version of a Senecan *De ira*. Our informants speak to us through the fragmentary shorthand of account books and across the cracks of ostraca, through stilted and formulaic honorific inscriptions bearing interchangeable praises for men who certainly did not measure up in life to the claims made by stones, and through lacunose and worm-eaten personal archives. While these sources have been key for reconstructing many elements of life in the Greco-Roman world—legal structures, bureaucratic careers, the world of taxation, and the extraction of raw labor—it is rare to find a papyrus or a stone that presents a distinct, theoretically elaborated account of *anything*, much less of an emotion, still less of a complete emotional world. We work at the level of words and sentences, not of outlines and arguments. In the context of these fragments, any attempt to write history “closer to the bone”—in Carlin Barton’s remarkable phrase—may easily appear a fool’s errand.²

Historical work on emotions in the epigraphic and papyro-

² Carlin A. Barton, *Roman Honor: The Fire in the Bones* (Berkeley 2001) xi.

logical documentation is in its earliest stages, spearheaded by the work of Angelos Chaniotis and those associated with his project “The Social and Cultural Construction of Emotions: The Greek Paradigm.”³ The Emotions project seeks to avoid the difficulties of what we might call the philological-ontological gap. We might frame the problem as follows. It is possible, when using powerful search engines, to identify particular ‘emotion words’, to arrange them in clusters and taxonomies, and to attempt to map their semantic range. While in many respects a valuable exercise, this branch of philological inquiry raises a significant problem of historical method—namely, it has trouble explaining what historians should do with this data. Does the proper understanding of ancient emotions simply turn upon correct acts of translation? How does one distinguish between rhetoric and reality? For example: one could perform an act of translation to find the relevant examples of envy. Assuming that the proper translation of envy would be *phthonos*, the published documentary papyri yield 113 examples of the root *phthon-* (including compounds and roots including an alpha-privative—*a-phthonos*, “un-envied”). With the results of this computer search in hand—a process completed in fractions of a second—the resulting material could then be arranged chronologically or geographically or generically (*phthonos* in petitions, *phthonos* in letters, and so on). But even assuming that the work was done skillfully and conscientiously, would that get us any closer to how people acted upon their (or other people’s) *phthonos*?⁴ By the same token, could we pinpoint a moment—or even a transitional horizon—where a ‘real’ feeling of *phthonos*

³ See n.1 above. For an important earlier attempt at using epigraphic evidence to model affect see Richard P. Saller and Brent D. Shaw, “Tombstones and Roman Family Relations in the Principate: Civilians, Soldiers and Slaves,” *JRS* 74 (1984) 124–156.

⁴ For a different way into the content and dynamics of *phthonos* see Ari Z. Bryen and Andrzej Wypustek, “Gemellus’ Evil Eyes (*P.Mich.* VI 423–424),” *GRBS* 49 (2009) 525–555, and, in the classical Athenian context, Ed Sanders, *Envy and Jealousy in Classical Athens: A Socio-Psychological Approach* (Oxford 2014).

calcified into a generic term to be included in a complaint, a letter, or some other type of document? And if we could, should we then assume that it became somehow inauthentic or scripted? And if it is inauthentic or scripted, then with what degree of epistemological distance should we deal with it?⁵ These questions have particularly high stakes for the papyrological record, where we know that we face a problem of linguistic and scribal mediation. Yet the philological/typological method fails to produce methodologically defensible answers to these questions. While proficient at ordering, labeling, and translating emotions, it offers little by way of an epistemological or ontological framework for what historians ought to do with such data.

The Emotions project seeks to avoid this problem by shifting the emphasis: rather than excavating emotions themselves (albeit within their contexts), we can instead focus on emotions as communicative devices that constitute a social world—on their portrayal, their normative expression, and, if one likes, their rhetorical force. The distinction is subtle but important. With attention shifted from emotions themselves to repertoires of emotion or regimes of emotions (in William Reddy's sense of "emotives") we can then begin to chart them historically, for instance by mapping their use diachronically in inscriptions and papyri. Their strategic deployment can be understood as moves in creating emotional communities (thus following a path blazed in late antique history by Barbara Rosenwein). Similarly, the ways in which the display of emotions was used to legitimate or authorize other claims gives us unique insight

⁵ For an example of this method see Klaas A. Worp, "Letters of Condolence in the Greek Papyri: Some Observations," *Analecta Papyrologica* 7 (1995) 149–154; Juan Chapa, *Letters of Condolence in the Greek Papyri* (Florence 1998) 28–44. That something may be a 'scripted' behavior does not mean that it is uninteresting—scripts provide blueprints for negotiating social action. The problem, though, is to identify the script, with all of its interlocking parts. This is where Kaster, *Emotion, Restraint, and Community*, esp. 28–65, is especially successful, though he works with a more robust evidentiary record.

into broader patterns of community values, or at the very least, community rhetoric.⁶ This development is salutary and important. It allows the integration of large amounts of data. Perhaps more importantly, it allows for an interface between theories and representations of emotions in philosophical and literary texts and the practice of historical actors in their material contexts. By privileging representation and rhetoric it sidesteps the complex problem of reconstructing internal emotional worlds.⁷

This paper builds on the work of the Emotions project, but hopes to direct attention to the link between emotional display, on the one hand, and the epistemological consequences of that display, on the other. To do so, I ask how emotions (and their related displays) authorized certain ways of knowing—about one's own status, and about the status of one's opponents. My specific test-case is a piece of complex litigation. The document on which I will focus is the petition of Dionysia to the prefect of Egypt, composed in A.D. 186 (*P.Oxy.* II 237). The petition details a dispute between Dionysia and her father, Chairemon, concerning property over which Dionysia claimed to have rights, since, she claims, she was given it as part of her dowry. When she and her father locked horns over this piece of property, he tried to force her, over her objections, to divorce

⁶ See William V. Harris, "The Rage of Women," in S. Braund and G. W. Most (eds.), *Ancient Anger: Perspectives from Homer to Galen* (New Haven 2009) 121–143.

⁷ Though it is true that some of the papers in *Unveiling Emotions I* and *II* elide this distinction, I take the programmatic essay of Chaniotis ("Unveiling Emotions in the Greek World: Introduction," in *Unveiling Emotions I* 11–36) as the best articulation of this method. The exception to the more general tendency to excavate 'real' emotions is the study of ancient religion, a field well represented within the Emotions project, but also independently. The work of Henk Versnel may be taken as exemplary in this regard: see, e.g., "Beyond Cursing: The Appeal to Justice in Judicial Prayers," in C. A. Faraone and D. Obbink (ed.), *Magika Hiera* (Oxford 1991) 60–106; and "Κόλασαι τοὺς ἡμᾶς τοιοῦτους ἠδέως βλέποντες, 'Punish those who rejoice in our misery': On Curse Texts and Schadenfreude," in D. R. Jordan et al. (eds.), *The World of Ancient Magic* (Bergen 1999) 125–162.

her husband, in order to reclaim her dowry and extinguish her claim. The legal issues raised by this petition are interesting and important, but have largely been dealt with elsewhere.⁸ I focus instead on how Dionysia frames the dramatic action of her case as a way of showing how emotions—and more importantly, how the control of emotions—were affected by and generated within the legal sphere; that is, how law interfaces with the emotional world of litigants.⁹

The role of emotions in litigation is important, for a series of reasons. First, courts (both ancient and modern) are not simply sites of adjudication and dispute-processing—they are institutional frameworks that purport to operate according to a particular epistemology, one that claims to separate truth from falsehood. That is, they are sites of knowledge production. As modern studies have emphasized, the production of knowledge is itself deeply interconnected with emotions, feelings, and sentiments.¹⁰ Legal knowledge—in the sense here of ‘knowledge produced in a courtroom’—is no exception.¹¹ Second, Roman courts themselves relied on presumptions about proper emotional states in finding verdicts—whether the emotional

⁸ In general, see Uri Yiftach-Firanko, *Marriage and Marital Arrangements: A History of the Greek Marriage Document in Egypt* (Munich 2003). On Dionysia’s legal situation specifically see C. Kreuzaler and J. Urbanik, “Humanity and Inhumanity of the Law: The Case of Dionysia,” *JJP* 38 (2008) 119–155; Johannes Platschek, “‘My Lord, save me from my father!’: Paternal Power and Roman Imperial State,” in Boudewijn Sirks (ed.), *Nova Ratione: Change of Paradigms in Roman Law* (Wiesbaden 2014) 53–61.

⁹ For the purposes of this study, it matters not at all whether Dionysia herself was the primary author of her petition, or whether she employed legal expertise. The latter would not be surprising, given the complex task of excavating relevant decisions from the archives. But ultimately Dionysia alone would be responsible for the story she told, and this is what is of consequence for my arguments.

¹⁰ For an overview of recent literature see Konstan, *Emotions of the Ancient Greeks*, esp. 21–24.

¹¹ Provocative in this regard is Robert P. Burns, *A Theory of the Trial* (Princeton 1999).

displays of litigants, those of judges, or those of onlookers.¹² Hence the particular epistemology of the Roman courtroom was closely anchored in perceptions about the body, and about the body's emotional display (and control).¹³ In other words, this paper will suggest, there is some way to excavate something of the inner worlds of our subjects, though we can do this, perhaps ironically, only by understanding not just their broader social context (e.g., whether our subjects lived in an agonistic or patriarchal society) but also by understanding something of the institutional worlds they inhabited as well.¹⁴

Two emotional states are particularly salient here. The first is fear. Fear is a universal, what an evolutionary psychologist might call a 'basic emotion'—that is, it is shared with animals, and our brains are evolutionarily set to respond biochemically to a perception of danger, even if the stimuli to which people respond with fear are often culturally specific.¹⁵ Perhaps more importantly, terror was a tactic of Roman rule, and integral to

¹² In general, Maud W. Gleason, "Truth Contests and Talking Corpses," in J. I. Porter (ed.), *Constructions of the Classical Body* (Ann Arbor 1999) 287–313, to which a productive analogue is her essay, "Shock and Awe: The Performance Dimension of Galen's Anatomy Demonstrations," in C. Gill et al. (eds.), *Galen and the World of Knowledge* (Cambridge 2012) 85–114.

¹³ On the body language of witnesses see *Dig.* 48.18.10.5 (Arcadius Charisius); on the body language of judges 1.18.19 (Callistratus), Philostr. *VS* 561; on the disposition of onlookers the *locus classicus* is *Pass.Perpetuae* 20. Some of the relevant evidence is gathered in Ari Z. Bryen, "Martyrdom, Rhetoric, and the Politics of Judicial Procedure," *CLAnt* 33 (2014) 243–280, at 246–251.

¹⁴ Here I build on important work on the study of emotions in the context of Greek litigation: Danielle S. Allen, *The World of Prometheus: The Politics of Punishing in Democratic Athens* (Princeton 2000), esp. 50–62; Ed Sanders, "'He is a liar, a bounder, and a cad': The Arousal of Hostile Emotions in Attic Forensic Oratory," in *Unveiling Emotions I* 359–387; Lene Rubinstein, "Evoking Anger through Pity: Portraits of the Vulnerable and Defenceless in Attic Oratory," in *Unveiling Emotions II* 135–165.

¹⁵ Cf. Douglas Cairns, "A Short History of Shudders," in *Unveiling Emotions II* 85–107.

Roman practices of jurisdiction.¹⁶ Defendants in criminal cases were terrified by design, and judges and officials across the provincial landscape used a combination of public punishments, torture, improvised violence, and a general sense of menace to impress upon litigants the force of state power, even while imperial legislation tried to mollify such practices.¹⁷ In other words, fear sat in the background of the operation of justice in the Roman Empire (civil justice included).

Roman litigation thus combined practices of terror with claims to truth.¹⁸ One of the ways such truth might be discovered was through the displays of the litigants themselves: either through their bodies, but also through their emotional dispositions. Of these, the most important, for what follows, might be labeled ‘silence’. Silence is the inability to articulate oneself, the experience of choking on one’s words, the failure of language.¹⁹ Silence is connected to the experience of shame,

¹⁶ See esp. David S. Potter, “Martyrdom as Spectacle,” in R. Scodel (ed.), *Theater and Society in the Classical World* (Ann Arbor 1993) 53–88; Brent D. Shaw, “Judicial Nightmares and Christian Memory,” *J ECS* 11 (2003) 533–563; Michael Peachin, “Attacken und Erniedrigungen als alltägliche Elemente der kaiserzeitlichen Regierungspraxis,” in R. Haensch and J. Heinrichs (eds.), *Herrschen und Verwalten: Der Alltag der römischen Administration in der Hohen Kaiserzeit* (Cologne 2007) 117–125.

¹⁷ In general, Shaw, *J ECS* 11 (2003) 533–563; on torture, Janne Pölonen, “Plebeians and Repression of Crime in the Roman Empire: From Torture of Convicts to Torture of Suspects,” *RIDA* 51 (2004) 218–257. For a defense of the use of violence in governing provinces see Cic. *Verr.* 2.5.22. The violence of the state is called into question in the *Acta Martyrum*, on which see Shaw, and Bryen, *CLAnt* 33 (2014) 243–280, but other onlookers in the provinces might revel in the fact of state violence: see, e.g., the scenes collected in Günter Poethke, Sebastian Prignitz, and Veit Vaelske, *Das Aktenbuch Des Aurelios Philammon: Prozessberichte, Annona Militaris und Magie in BGU IV 1024–1027* (Berlin 2012), and N. Kanavou and A. Papatomas, “An Alexandrian Murder Case Revisited,” *ZPE* 200 (2016) 453–469.

¹⁸ Cf. Thomas Sizgorich, “Reasoned Violence and Shifty Frontiers: Shared Victory in the Late Roman East,” in H. A. Drake (ed.), *Violence in Late Antiquity: Perceptions and Practices* (Aldershot 2006) 157–176.

¹⁹ Silence has deep roots in the classical Greek world: Silvia Montiglio,

but it is also connected to questions of truth. In particular, as scholars have outlined in the case of Apuleius, truth and the ability to speak articulately in front of the arbiters of truth—in our case, provincial judges—are deeply connected; truth and speech are intertwined with questions of law and justice, since only certain kinds of speech are capable of utterance and eventual validation within the legal system.²⁰

Dionysia's complaint, I shall argue, is not only a narrative of the many phases of her dispute with her father or only a claim that her father is in the wrong. It is a strategic retelling of the case that emphasizes that she is already in the right and that her father has no right to have initiated the final phase of litigation; she claims that this is proven by her father's dispositions—fear and silence—which were witnessed already in the courtroom. That is, the evidentiary basis of her case revolves not only on particular actions that have purely legal content, but also emotional dispositions. These labels are, however, modern ones: as I will argue, a contextualized reading of her presentation shows that these elements are inseparable, since both are connected to concepts of truth, and in particular, the relationship of truth to language. To do this, attention needs to be paid to a series of key moments in the text that have largely been overlooked by scholars who devote privileged attention to the juristic regimes that governed the interaction between fathers and daughters.

It would not be a bridge too far to imagine that the relationship between Dionysia and her father had been tense for a number of years before the litigation in question began. The evidence for this is a series of contracts that Dionysia cites in

Silence in the Land of Logos (Princeton 2000), esp. 35, 91, 137–144, on the relationship between silence and the *pathē*, silence and truth, and silence in the courtroom *agōn* respectively.

²⁰ Gleason, in *Constructions of the Classical Body* 287–313; D. Lateiner, “Humiliation and Immobility in Apuleius’ *Metamorphoses*,” *TAPA* 131 (2001) 217–255.

her petition—at least three of them.²¹ These were not made in a single setting, but over the course of time, in a process that Dionysia describes in exasperated tones.²² Presumably, as is true in all families (both happy and not), their finances were in flux. But the emphasis on the contracts is significant, for it introduces the problem of language, and the issue of what language is to count in hashing out the legal details of the case. A ὁμολογία can be taken quite literally, as a shared truth—literally, a common *logos*—within a strained relationship.²³ These truths are guaranteed by institutions, being deposited in the town record office. To move outside the shared language of agreement, according to Dionysia's rhetoric, is to enter into the realm of untruth and unreason. The crossing of the boundary is indicated by the failure of language, and the shame and humiliation that come from having this language fail in the public sphere of litigation.

That this is the case is evident from a crux in Dionysia's narrative of the case. At some point, the multiple financial agreements fell apart and a claim was brought to court by Chairemon. Why he chose to bring these relationships to court, instead of working out yet another set of agreements, is obscure. That is, we cannot reconstruct the series of choices that led to removal of this dispute from the realm of freely-chosen contractual relations to the realm of conflict and judgment. What we can determine, however, is that when it *was* brought, Dionysia succeeded in restricting the case to questions that favored her—that is, to an investigation of the series of contracts made between her and her father. She did this by appealing to the prefect, Longaeus Rufus, immediately after Chairemon had made his petition. Rufus replied to her petition with a subscription instructing the strategos to see to the affair,

²¹ ὁμολόγημα iv.6, iv.13, iv.26, iv.36, v.11; ὁμολογία iv.33; ὁμολογοῦντα iv.15.

²² πάλιν iv.12, 13, 26, 31.

²³ This account builds on Ari Z. Bryen, *Violence in Roman Egypt: A Study in Legal Interpretation* (Philadelphia 2013) 193.

and to forward the complaint back to him if there were issues of law that could not be solved at the local level. A hearing followed with both Dionysia and Chairemon present. Though caution is necessary since the papyrus is fragmentary, an important detail is contained in Dionysia's narrative (v.8–16):

Having received this subscription I delivered the petition in year 26 in the month of Thoth in the presence of my father Chairemon, asking the strategos to write a request to the record-keepers, and having them report to him all the details of the ... of my father ... of the agreements and reports made in common between us over time ... to not be any impediment to the inquiry now taking place by him according to ... He, being present at the reading of the petition, fell silent before the tribunal, capable of saying nothing in reply ... because of the truth of the things that were written in the petition (ὁ δὲ παρῶν ἀναγνωσθέντος τοῦ βιβλιδίου πρὸ βήματος ἐσιώπησεν, οὐδὲν ἀντειπεῖν δυνά[με]νο[ς] ... πρὸς ἀ[ληθ]ῆ ὄντα τὰ τῷ βιβλιδίῳ ἐγγεγραμμένα). Accordingly, the strategos followed the order of the prefect precisely, not allowing the inquiry to be into anything other than the report of the record-keepers.

Several details are noteworthy. First, though the process of petition and counter-petition had been initiated by Chairemon, it was Dionysia who managed to get a reply to the strategos first. Accordingly, Chairemon was brought to his court for a preliminary hearing, one that would answer the question of the scope of the inquiry. Second, once both parties were present, the strategos read aloud Dionysia's petition and the prefect's reply. This provoked an emotional reaction in Chairemon, a silence—a failure of language.

It is worth lingering over this detail, since it has few parallels in other legal documents. Though silence (σιωπή) is not uncommon in legal documents, especially petitions, it is usually brought up in the part of the petition that explicitly asks for justice: petitioners claim that they are unwilling to “be silent” about something that has happened, that they need to speak up about an injustice. Thus, in a petition of the fourth century in which a man details a woman's verbal attack on his wife, he claims that since it is “not possible to pass over in silence (οὐ

χρῆ σιωπῆ παραδίδοσθαι) the things said by her contrary to the laws ... I hand over to your excellency this petition.”²⁴ Likewise, in describing a conflict over ownership of a slave, a man claims that his mother, “not being able to be silent about this crime (τ[ῆ]ς κακουργίας ταύτης μὴ σιωπη[σά]ση)” sent a petition to the prefect.²⁵ The assumption here, not without significance, is that the legal sphere gives voice to the injured, and does so by providing them with a public space for speech which results in the dispensing of justice by validating their narratives/petitions—by assenting, in other words, to the truth of the claims written on the βιβλίδια. Furthermore, it is significant that the word is often used in legal contexts and its use restricted primarily to the Roman period—only two Ptolemaic instances are extant, one too fragmentary to yield sense (*P.Köln* X 412), the other part of an official letter (*P.Dryton* I 33). It renders quite well a particularly Roman provincial understanding of law and order, and a peculiarly Roman-period understanding of the role of legal interactions in daily life.²⁶

What is without papyrological parallel is Dionysia’s use of *siōpē* to describe the affective state of a legal opponent. Grenfell and Hunt claimed that Chairemon was merely “unable to offer any objection” (147). Yet it is worth asking, given that such usage is rare in the papyri, if more is not at stake in this description. We may begin by noting that in the classical rhetorical tradition, speechlessness is not a good thing. In a system that prized adversarial tactics, a failure to respond to a challenge indicated more than mere assent. It was an experience of abject defeat. This was a presumption that had deep

²⁴ *P.Flor.* III 309.5 (= *P.Lond.* III 983).

²⁵ *P.Oxy.* XII 1468.27–28 (A.D. 253). Similar usages: *CPR* XIV 48.13 (A.D. 506); *P.Ammon* II 47.5 (A.D. 348); *P.Berl.Frisk* 4.19 (A.D. IV/V); *P.Giss.Univ.* III 27.16–17 (personal letter, a refusal to be silent at a tribunal, A.D. III); *P.Mert.* II 92.18 (A.D. 324); *SB* XX 15036.31 (A.D. II–III). Possibly connected is *P.Mil.Vogl.* VI 287 (A.D. II), part of a trial transcript.

²⁶ Cf. Ari Z. Bryen, “When Law Goes off the Rails, or, *Aggadāh* among the *iusperiti*,” *Critical Analysis of Law* 3 (2016) 9–29, at 21.

historical roots: in Athenian oratory, for instance, the ability to continue speaking under pressure or when intimidated was one of the things that distinguished the orator and characterized his particular power.²⁷

To the Athenian paradigm (silence = emasculating failure) was joined, in the Roman period, the idea that courts were sites for the sifting of truth from falsehood, and, moreover, the idea that truth was located in bodies and bodily dispositions: thus, for example, the elders of the Sanhedrin cannot respond (οὐδὲν εἶχον ἀντειπεῖν) when, while trying the apostles, they are presented with the person of the old beggar whom the apostles had recently healed (Acts 4:13–15). Like a Roman *consilium*, the elders retreat to discuss the situation, but cannot find a reason to punish the apostles. Here, the beggar's body has come to serve as tangible, visible proof of the Apostles' power (a power they possess in spite of their humble appearance). Similarly, in Apuleius' *Metamorphoses*, Lucius—transformed into an ass—is unable to articulate claims against a variety of abusers. The lack of articulate speech is what marks him as being without agency, a person reduced to an animal. Regardless of the literary purpose of the *Metamorphoses* and its value as a source for provincial culture,²⁸ it hardly needs be added that Apuleius knew something of the high stakes surrounding questions of language in the courts of the empire.²⁹ Moreover, the insistence on speech in the courtroom was built into pedagogical traditions: a fifth-century schoolbook describes how a member of the local gentry is acquitted because of the work of the most eloquent men that are in his employ, whereas the local bandit can only muster sputtering denials of guilt—which, paradoxi-

²⁷ Montiglio, *Silence* 140–142.

²⁸ See Fergus Millar, “The World of the Golden Ass,” in *Rome, The Greek World, and the East II* (Chapel Hill 2004 [1981]) 313–335. While seminal, Millar's study tends to take the verisimilitude of the *Metamorphoses* too much at face value. I find more useful the treatment of Gleason, in *Constructions of the Classical Body* 287–313.

²⁹ E.g. Apul. *Apol.* 26.6.

cally, only serve to further mark him as a guilty man.³⁰

By far the most striking parallel comes from the genre of martyrology that was just beginning to emerge in the Greek-speaking world at the time that Dionysia wrote her petition. I will return, in another paper, to this material and its value as a source for provincial culture, but in the interim one text emerges as particularly valuable for understanding the dynamics of language and silence in the courtroom, and the relation of these faculties to truth. In the *Martyrium Pionii*, a series of legal contests in which Pionius refuses to sacrifice are framed by his encounters with two men who specialize in the use of persuasive language: one apparently a lawyer (ἀγοραῖος) named Alexander,³¹ the other, named Rufinus, said to excel in rhetoric (ἐν τῇ ῥητορικῇ διαφέρειν). In the first encounter, Alexander confronts Pionius, who has dressed himself in homemade chains as a form of public protest (*Mart.Pion.* 6):

Alexander the *agoraios*, a wicked man, said: “Listen to us, Pionius.” Pionius said, “You should take care to listen to me, for I know what you know, and I understand things that you are ignorant of.” Alexander wanted to laugh at him, but instead said, mockingly, “Why (are you wearing) these (chains)?” Pionius said, “(We are wearing) them so that while passing through your city we aren’t suspected of having come to eat sacrificial meat, and so that you know that we do not consent to be interrogated but that we have decided not to go to the Nemesion but to go straight to the prison, and so that you may not seize us and lead us off by force, but instead leave us alone, since we already wear chains. Indeed, you did not bring us to your idols with chains.”

³⁰ Eleanor Dickey, *The Colloquia of the Hermeneumata Pseudodositheana* II (Cambridge 2015) 190 (C 175a).

³¹ The participation of men who are experts in persuasive language is a stock theme in the martyrdom texts: e.g. *Mart. Apollonii* 33 (Cynic philosopher). A similar character appears in *Sifre Deuteronomy* (ch. 307: R. Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* [New Haven 1986] 312), where either a *philosophos* or a *polysophos* attached to the proconsul’s court objects to the sentence handed down to Hanina b. Teradyion; see S. Lieberman, “The Martyrs of Caesarea,” *AIPhO* 7 (1939) 395–446, at 418.

At this, Alexander was silenced (ἐφιμώθη). When they persisted to demand, Pionius said, "This is what we have decided." And when he continued arguing with them and telling them about the things to come, Alexander said, "What use are all these words of yours, when it's not possible for you to live?"

The text frames the contest here between a man who specializes in using language in the courtroom—and who is therefore wicked—and a man who is the bearer of Christian truth; when they face off, the man who possesses truth wins, and the expert is silenced. Offended and unwilling to be defeated, Alexander is reduced to making a claim about the legitimacy of force over language: it is no use speaking, since death soon will come. Inherent in this attempt to get the last word, however, is the irony that Alexander now is forced to deny the value of the very thing that makes him stand out in society, the very thing (language) that serves to check and channel violence.³²

The interaction with Rufinus, on the other side of the contest over sacrifice, goes largely the same way (17):

A certain Rufinus got up, one of those who was said to excel in rhetoric, and said, "Pionius, stop it: don't be conceited (μὴ κενοδόξει)." Pionius said to him, "So this is your rhetoric? These your books? Socrates didn't suffer this from the Athenians. But now everyone's an Anytus and a Meletus. According to you, were Socrates and Aristides and Anaxarchus conceited (ἐκενοδόξουν) when they practiced philosophy and justice and courage?" At this, Rufinus then fell silent (ἔσιώπησεν).

The parallel with Dionysia's complaint is telling. As in the case of Alexander, the Christian saint uses language as a weapon, here claiming continuity with Rufinus' rhetorical heroes in order to silence Rufinus himself. Rufinus, like Alexander, knows that force will eventually prevail over language and reason, and asks Pionius not to jeopardize his life (for were Pionius be executed, local elites like Rufinus and Alexander

³² P. Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison 1992) 35–70.

would have to admit that their social position was similarly tenuous).³³ But in response Pionius reminds Rufinus, as he does Alexander, that Rufinus can only win the argument by describing his proof-texts as κενοδοξία: pointless, empty, puffed up language; language opposed to “philosophy, justice, and courage,” and also to truth. Rufinus’ response, like Alexander’s, is to concede victory in argumentative combat by falling shamefully silent. Both of these scenes are written into the martyrology to demonstrate the truth of the Christian faith when pressed by the unjust actions of an empire; tellingly, they both ground this truth in the ability to speak properly in an adversarial situation, and the evidence of the victory is that the language of the opponent fails.

With this more precise account of the links between truth and language, on the one hand, and adversarial practice and the shameful silence of a defeated opponent on the other, we can return to Dionysia’s narrative of the preliminary hearing. Chairemon cannot muster a reply, it seems (though here caution is necessary because of the poor preservation of the text), because of the truth of what is written in the petition (πρὸς ἀ[ληθ]ῆ ὄντα τὰ τῷ βιβλιδίῳ ἐνγεγραμμένα). In accepting and subscribing her petition rather than his, the prefect, she claims, assents to and authorizes her particular account of the truth, namely, that it is contained in the contracts that have been deposited in the public archives, and that any attempt to reach beyond these agreements will not be accepted as legally true in court. That Chairemon unwillingly assents to this truth as well is evidenced by his silence. It is worth adding that Dionysia’s language here is by no means innocent. She is not just stating a fact, but describing what would have been understood, by an ancient audience, as being a terrible experience for Chairemon. To stand before the tribunal, often qualified with adjectives that indicate its formidable power—to stand before an official who determines one’s well-being—to stand

³³ Potter, in *Theater and Society* 70.

there in a public place in which power-broker and audience alike judge one by the persuasive elegance of one's speech—to stand there and be *dumb-founded*, without speech, incapable of articulation—must have been a terrible and humiliating experience. Again, the text is highly fragmentary, but this line of reasoning would seem to be confirmed a few lines below: like Alexander the *agoraios*, Chairemon tries to get in a last word, but in vain: all he can do is mutter to himself, because he is aware that his own agreements have undermined his case (v.25: τὸν δὲ πατέρα μηδὲν ἕτερον ἢ πρὸς ἑαυτὸν λέγειν καὶ τὰ ἑαυτοῦ [γρ]άμματα παν[-]).

Two things then become relevant here: first, the battle between competing litigants is not only over the content of law's substantive rules, but also over who can control the courtroom, who can find ways around the fear of judgment and ways to avoid finding oneself speechless. In this sense, the success or failure of the legal interaction is partly about the strength of one's case, but partly also about the management of fear and access to language itself—that is, it is about performance, and care and attention to the proper performance of emotion. Second, legally valid documents can provide a means of controlling these interactions since their validity entails a claim of truthfulness. Law, on this reading, is more than just a tool, or a framework, or a system of power relations external to Dionysia and Chairemon; instead, it provides a means of exposing who is on its side, and giving those on its side the means to speak. Those who are not on its side lose speech, and feel powerful sensations of terror.

Although Dionysia won this first round, this was not the end of the legal struggle between her and her father. The second phase of their dispute dealt with the question of her marriage: Chairemon claimed—this is the petition that Dionysia quotes—that Dionysia sought to attack him and harm his property at the behest of her husband, Horion. As a result of this behavior, Chairemon sought to force Dionysia to divorce her husband and return to his house. Accordingly, he sent another petition to the prefect (vi.13–20):

Chairemon son of Phantias, former gymnasiarch of the city of the Oxyrhynchites (sends greetings). Lord Prefect, my daughter, Dionysia, has, at the instigation of her husband, Horion, often treated me impiously (ἀσεβῶς) and illegally (παρὰ νόμῳ). Accordingly, I sent a letter to his excellency Longaeus Rufus, asking that I be able to lawfully take back (ἀνακομίσασθαι) what I had given her, thinking that by doing this she would stop her violence against me. He wrote to the strategos of the nome on Pachon 27 of year 25, appending copies of what I had written, so that he (the strategos) would examine them and do what is fitting. Therefore, Lord, since through her rebelliousness she continues her violence against me, I ask, since the law gives me the power—and I attach below the section of it so you can see it—to take her, even if she is unwilling, from her husband’s house, and that no harm come to me at the hands of Horion or his agents, since they continually threaten it. I have attached below a few of the many (relevant) cases, for your information. Pachon of year 26.

From the financial dispute, the conflict had escalated to a question of whether or not an aggrieved father could force his daughter to divorce her husband. It was in response to this state of affairs that Dionysia composed her petition, telling not only the stories about how the conflict was generated, but also mustering a series of supporting cases that, in her mind, proved that her father did not in fact have this right.

A father’s pique at his daughter’s behavior is perhaps not surprising, though it is hard to define what precisely the emotional content of his claim is. Claims that opponents act *παρὰ νόμῳ* (illegally, unlawfully) are hardly rare in the papyri, nor are claims that someone acted *ἀσεβῶς* or was otherwise *ἀσεβής*.³⁴ It is unlikely that these are terms that name proper offenses against the law (*contra* Grenfell and Hunt), but rather serve as ways of characterizing the behavior of an adversary (though

³⁴ *παρὰ νόμῳ*: e.g. *Chr.Mitt.* 63.27 (= *P.Grenf.* II 78, A.D. 307, illegal enslavement); *P.Cair.Isid.* 63 (A.D. 297, damage to property and illegal expulsion from land); *ἀσεβεία*: *BGU VII* 1578 (A.D. 212, also concerning a daughter).

this is frequently no less important). Charges of violence to his person (ὑβρις, ὑβρίζειν) as well as threats against his property (βία) are certainly legal in nature, and they are serious charges. What is perhaps more interesting, though, is the way that Dionysia seeks to use the nature of Chairemon's emotions—his silence—to counter his claim.

Dionysia frames her introduction to Chairemon's petition first by noting that the prefect, in his reply, had sought to make Chairemon understand that he was now not to continue on with the case—that he was, in what appears to be direct quotation from the prefect's decision, to keep quiet (ἡσυχίαν ἄγειν, vi.3). Instead, she says, he not only wrote another petition, but in so doing, he “mutilated” (ἠκρωτηρίασεν—a rare and striking word) the case. To describe this mutilation Dionysia returns to the language of silence that described Chairemon's failed performance before the strategos' tribunal. Only in this case, she claims (vi.8–11) that Chairemon “silenced” (σιωπήσας)

the letter of Rufus and the circumstances under which he wrote it, and my complaint, and the subscription of Rufus, and the inquiry of the strategos, and the testimony of the record-keepers, and the letter written to you by the strategos concerning these things, and the subscription which was given by you, lord, at my request, as well as the letters to the record-keepers about this.

Here ‘to silence’ takes the active sense, and a proper translation into English would be ‘to suppress’ or ‘disregard’. It is relevant that the Greek word is the same. It occurs again in one of the citations that Dionysia appends to her petition (vii.24), in which a man named Sempronius took away his daughter from her husband, “ignoring” (ἀποσι[ω]πήσαντα) the decision of the epistrategos that he should allow her to return to her husband. It may well be that this citation formed the basis on which the themes of Dionysia's complaint were built. To be sure, an opponent's silence in the classical Athenian tradition had some evidentiary value, and could normally show that he was weak, foolish, or bad at being an orator; that is, it spoke to questions

of character and believability.³⁵ Dionysia's case, however, is different; it turns not on what is virtuous or persuasive, but on what is speakable in court and what is true. This is a contest over who gets to speak, and in particular over who gets to speak in court: here the attempt to "silence" a set of legally valid documents that are discussed at great length earlier in the petition is described as an illegitimate—and therefore untrue—act.

Although Chairemon claims in his petition that he has attached the section of the relevant law as well as "a few of the many (relevant) cases," Dionysia dismisses them. Again the language of emotion is part of her counter-attack, though in this case it comes filtered through the language of motive (vi.20–25):

He wrote this letter, but he could produce no act of violence nor any other wrongdoing against him for which he could blame me. Because of his envy, he slandered me, saying that he suffered wrongly at my hands, and saying that I turned a deaf ear to him. Concerning the *katochē* of the estate that remains mine, he claimed he could take it from me; and, more worthless still,³⁶ he claimed to suffer *bia* by my husband...

She does claim that the citations that he attached to his petition were already judged by Rufus to be "without legal value as comparanda" (vi.29, ὁ Ρούφος προσέσχεν αὐτὰ[ῖ]ς ἀνομοίαις οὐσαις εἰς παράδειγμα), to my knowledge the only example in which a precedent is claimed to have no legal value (though again we must be aware of the *ex parte* nature of the claim). This notwithstanding, Dionysia's recourse to the language of motive—and therefore also to the language of emotion—is of interest. According to her, Chairemon's petition is not a claim of law—

³⁵ Cf. Montiglio, *Silence* 142–144.

³⁶ There may be yet another parallel with the *Mart.Pion.*: the editors of the papyrus accept καινότερον ("strange"), but given the grapheme in vii.36 (ἀνάγνωται for ἀνάγνωτε) it may also be read as κενότερον, "worthless, empty, without substance." Cf. Maria Patera, "Reflections on the Discourse of Fear in Greek Sources," in *Unveiling Emotions II* 110–112, 126–129.

for no such laws exist—but a claim based in *phthonos* (malicious envy).³⁷ Is this attention to the emotions that motivate Chairemon only a nasty jab of the sort that is common in petitions? Or is something more fundamental at stake?

Up until this point I have been describing a relatively standard set of actions in Roman Egypt—a contest between two litigants which is brought into court with the expectation that the issue be resolved by official judgment. Yet it is worth recalling that the argument that Dionysia presents in the second stage of her complaint is different: normally a petition is a way to bring one's complaint *into* the legal sphere; Dionysia's complaint to the prefect, with its stacked stories and complex narration, is rather an attempt to keep a problem *out of* the legal sphere. By claiming that Chairemon's case was so decisively proven wrong in the first phases, and claiming further that his arguments that she and her husband harassed him have no legal basis—but stem, in her words, from *phthonos*—Dionysia's petition is different from other petitions in that it tries to quash another person's claim, rather than present a plausible but exculpatory counter-narrative. To do this, Dionysia tries to silence Chairemon by defining *his* claim as illegitimate—unspeakable in the courtroom, because it does not fit within a legally valid definition of truth. The evidence for this is to be found in his emotions and their display.

In this article I hope to have contributed to the debate on 'The Emotions' by advancing the following methodological claims. First, we cannot simply 'find' the inner worlds of our subjects in the papyri by an act of translation and organization. Philology, while crucial to this project, is inadequate without context, and without a policy of mistrusting our sources. Yet

³⁷ A claim about both emotions and aesthetics: the ugly *phthoneros* is precisely the person whose arguments ought to be disregarded. See further Katherine M. D. Dunbabin and M. W. Dickie, "Invidia Rumpantur Pectora: The Iconography of Phthonos/Invidia in Greco-Roman Art," *JAC* 26 (1983) 7–37. In this context too we can understand Chairemon's "mutilation" of the case.

this mistrust should not lead to skepticism. We can overcome it by looking at the ways in which differing spheres of practice and authority serve to validate and structure emotions. Institutions such as courts are of especial interest in this regard, not only because litigants came to court to work through issues both legal and emotional, but also because the institutional frameworks themselves provoked, validated, or in some cases suppressed emotions. It is in such institutional scenarios, moreover, that emotions were, in crucial ways, related to the production and evaluation of knowledge. Second, I have tried to show that, once we are aware of the political and legal structures of the worlds that people inhabit, we can, by paying attention to the dramatic action of the documents that these structures generate, begin—but only begin—to make some headway into understanding people’s emotional worlds as they interact with one another in these fields. It is through this kind of highly-contextualized, culturally-situated, and microhistorically-oriented analysis that we can begin to write a history of the emotions in the papyri.³⁸

June, 2017

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³⁸ Earlier versions of this paper were presented at the 26th International Congress of Papyrology (Geneva 2010) and at Vanderbilt University (2016). For assistance and advice I thank Kim Welch, Chrysi Kotsifou, Daniel Boyarin, and Angelos Chaniotis.