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PETITION AND PERFORMANCE IN THE APOLOGIES OF JUSTIN MARTYR

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BRANDON DUANE CLINE

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For Mom:

Your boundless faith in me

has been and forever will be

bread for the journey.

For Dad:

Your grit and inquiring mind

are most treasured gifts.

Without these,

this and much else would never have been possible.

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ABSTRACT

This study advances a suggestive reading of Justin Martyr's *Apologies* as a subjective appropriation of the forms and practices of the Roman system of petition and response. It offers an historical contextualization of the *Apologies* within both contemporary administrative culture and the wider literary environment. It compares the *Apologies* with extant Roman-era petitions, using this comparison to shed light on Justin's transformations of generic codes and their communicative significance. Using the heuristic metaphor of performance, it suggests that Justin performs in the *Apologies* the genre of the administrative petition, but he performs it multiply, as an integral part of a hybridized literary composition that weaves together apologetic and protreptic discourses in a way that finds resource and precedent in the genre-bending literary strategies of the Second Sophistic. Justin's hybridization of the administrative petition is a uniquely stylized performance by a Christian philosopher and literary aspirant, one that both activates the form's potential for administrative redress and exploits it as a daring enactment of voiced injustice and Christian disclosure.

Introduction: Petition and Performance

Mise-en-scène

Lollianus had a problem. A public teacher of rhetoric in a market town in third century Egypt, he was being defrauded of his salary by the city, receiving only meager pay in the form of cheap wine and infested grain. Making little progress with the city council, and unable to feed his children, he decided on a well-trodden course of redress open to nearly all subjects of the empire: he would submit a petition to the emperors in Rome.[1] With a touch of panache expected of a teacher of rhetoric—"for education itself sits beside you on the throne," he pleaded—Lollianus asked the emperors to command that the city give him an orchard to lease, so that he might live off its rent. Unable to journey to Rome himself, Lollianus entrusted his petition to a certain Heraclammon, who traveled to Rome and submitted it personally on his behalf.[2] In hopes of greasing the wheels of imperial bureaucracy, Lollianus sent a letter to another acquaintance, apparently of some influence and physically proximate to the court, enclosing a copy of the petition and entreating him to do what he could to ensure a favorable response. Unfortunately, our trail of evidence ends there, and the outcome of Lollianus's request is lost to us. We can, however, make an educated guess about what might have happened next. Once submitted, Lollianus's petition would have been reviewed, an imperial response written underneath, and the

[1] Fragmentary copies of two versions of Lollianus's petition survive, along with a draft of a letter written to an acquaintance about the matter (P.Coll.Youtie II 66 = P.Oxy. XLVII 3366). See P. J. Parsons, "Petitions and a Letter: The Grammarian's Complaint," in *Collectanea Papyrologica: Texts Published in Honor of H. C. Youtie*, ed. Ann Ellis Hanson, Papyrologische Texte und Abhandlungen Bd. 19 (Bonn: Habelt, 1976), 409–46.

[2] Parsons argues for the plausible possibility that the petition was submitted while the imperial court was traveling in Syria. Whether in Rome or temporarily present in the provinces, petitions to the emperor had to be submitted in person to the imperial court. For the present narrative, we are reconstructing the process as it might have been carried out in Rome.

subscribed document posted in the porticos of the Baths of Trajan for a period of public viewing. There Lollianus's representatives would have looked for the answered petition, which would have been pasted together and hung in long rolls along with hundreds of similar supplications from the empire's inhabitants, a veritable public billboard of fluttering papyrus filled with the personal grievances of wronged litigants, complaints of abuse from far-flung provincial communities, and sundry hopes of private individuals, like that of Lollianus.

Though the physical location of public posting had been different a century before (it was then at the Temple of Apollo on the Palatine), it is in this procedural and performative space in the heart of the empire that a teacher of another sort, a self-styled Christian philosopher, intersects—notionally, at least—with Lollianus's story. Justin, son of Priscus, was a second century Greek Samaritan from Flavia Neapolis (ancient Shechem), a pagan Platonist turned Christian philosopher. His *First* and *Second Apology* summon with sometimes palpable immediacy the bureaucratic world of Lollianus's complaint, for even as they argue passionately about deceitful demons and proofs from prophecy, they take shape as a self-described petition to the Roman emperor and the imperial Senate. Of course, Justin's particular complaint concerned not his municipal salary (he didn't have one), but the injustice of the Romans' conduct of trials involving delated Christians, and the grievance he composed is a fascinatingly self-conscious intervention by a Christian philosopher into the cut and thrust of his political and intellectual world.

Justin expressly represents the *First* and *Second Apology*—hereafter, simply the *Apologies*[3]—as participating in the forms and practices of this administrative culture of petition

[3] I have assumed in this study the original unity of the two *Apologies*. Thus, when I refer to the *Apologies,* I refer to both the *First* and *Second Apology* as a unitary composition spanning

1 Apol. 1-*2 Apol*. 15 (reversing, of course, the incorrect order of the works in our only independent manuscript witness, *Parisinus gr.* 450, conventionally known as A). I use the plural "*Apologies*" in recognition of their transmission history as two texts, while referring to them as a collective singular in order to underscore their original compositional unity. Although I favor literary unity, the essential elements of my argument regarding Justin's manipulation and hybridization of petitionary discourse hold regardless of whether one shares this judgment. Those who have a different view may find reason for disagreement in particular details of my analysis, but this need not preclude learnings applicable to other composition hypotheses.

The hypothesis of literary unity is, I believe, where scholarship is heading on the question, and my own considered assessment of the evidence follows in this direction. The unity hypothesis was first championed by F. C. Boll in 1842 ("Über das Verhältnis der beiden Apologien Justins des Märtyrers zu einander," *Zeitschrift für die historische Theologie* 3 [1842]: 3–47), followed by a not inconsiderable number of scholars, including Eduard Schwartz (*Die Kirchengeschichte,* ed. Eduard Schwartz, 3 vols., Eusebius Werke 2 [Leipzig: J. C. Hinrichs, 1903-09], esp. vol. 3, pp. clv f.), Heinrich Veil (*Justinus des Philosophen und Märtyrers Rechtfertigung des Christentums* [Strassburg: J.H.E. Heitz, 1894]), and A. W. F. Blunt (*The Apologies of Justin Martyr* [Cambridge Patristic Texts; Cambridge: Cambridge University Press, 1911]). Among contemporary interpreters, unity has been endorsed by scholars such as: Wolfgang Schmid ("Ein Inversionsphänomen und seine Bedeutung im Text der Apologie des Justin," in *Forma futuri: studi in onore del cardinale Michele Pellegrino,* ed. Michele Pellegrino [Torino: Bottega d'Erasmo, 1975], 253-81); Hans Hermann Holfelder ("Εὐσέβεια καὶ φιλοσοφία. Literarische Einheit und politischer Kontext von Justins Apologie (Teil I)," *Zeitschrift für die Neutestamentliche Wissenschaft* 68, no. 1-2 [1977]: 48–66; idem, "Εὐσέβεια καὶ φιλοσοφία. Literarische Einheit und politischer Kontext von Justins Apologie (Teil II)," *Zeitschrift für die Neutestamentliche Wissenschaft* 68, no. 3-4 [1977]: 231–51); Robert Grant (with caution, in his last statement on the issue in *Greek Apologists of the Second Century* [Philadelphia: Westminster Press, 1988]); P. Lorraine Buck ("Justin Martyr's Apologies: Their Number, Destination and Form," *Journal of Theological Studies* 54, no. 1 [2003]: 45–59); Charles Munier (*Apologie pour les chrétiens: introduction, texte critique, traduction et notes,* Sources chrétiennes 507 [Paris: Cerf, 2006]); Bernard Pouderon ("Une oeuvre fantôme: la question de l'unicité de l'Apologie reconsidérée," *Rivista di storia del cristianesimo,* no. 2 [2008]: 451–72); and Denis Minns and Paul Parvis (*Justin, Philosopher and Martyr: Apologies,* Oxford Early Christian Texts [Oxford: Oxford University Press, 2009], 21-31; Paul Parvis, "Justin, Philosopher, Martyr: The Posthumous Creation of the Second Apology," in *Justin Martyr and His Worlds,* ed. Sara Parvis and Paul Foster [Minneapolis: Fortress Press, 2007], 22–37). The latter advocate original unity in a particular way: they suggest there was originally only one apology—properly, a petition—consisting of our *First Apology* and much of the *Second*; the *Second,* as we now have it, is an assortment of discarded pieces from that original petition, along with other fragments.

Briefly, concerning the evidence of Eusebius, the reading of Buck and Pouderon of the references to the *Apologies* in the *Ecclesiastical History* is compellingly elegant: all references to our *First* and *Second Apology* (*Hist. eccl*. 2.13.2; 3.26.3; 4.8.3-5; 4.8.6-9.3; 4.11.8-11; 4.11.11; 4.16.1-2; 4.17.1; 4.18.2) correspond to what Eusebius calls the "apology to Antoninus" (e.g., *Hist. eccl*. 2.13.2); his references to a "second apology" refer to a lost apology to Marcus Aurelius that he knows about but does not quote (and perhaps does not possess). As for the

and response. Using several Greek synonyms for petition, Justin calls his document an ἔντευξις (*1 Apol*. 1.1), later speaks of "this ἀξίωσις of ours" (ταύτης ἡμῶν τῆς ἀξιώσεως; *1 Apol*. 56.3) and references "this βιβλίδιον" (τουτὶ τὸ βιβλίδιον) at the end of the work (*2 Apol*. 14.1), using perhaps the most common technical term for the genre. He invokes the bureaucratic materialities of workaday petitioning, bidding his text be processed according to the practices of subscription and public posting expected of documents of the kind (*2 Apol.* 14.1). In the manner of a documentary instrument citing legal precedent, Justin even encloses an imperial rescript from a former emperor (*1 Apol*. 68.1-10). Moreover, he writes at a time of innovation and popularity for the system of petition and response, when new administrative protocols were revolutionizing the way petitions were being handled and promulgated by Roman authorities. Justin clearly associates the *Apologies* with the same system of redress used by Lollianus.

Yet Justin's *Apologies* is also demonstrably *unlike* any extant petitions. If a routine petition, it is one bloated nearly beyond recognition with literary pretension. Justin himself also calls his text—among other descriptors—a προσφώνησις ("address"; *1 Apol*. 1.1; 68.3) and an ἐξήγησις ("exposition"; *1 Apol*. 61.1; 68.3). He interweaves petitionary, apologetic, and protreptic discourses. The enormous size of the *Apologies*—nearly forty times the length of our most complete imperial petition—and the scope of its intellectual affectation jars the highly

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internal evidence, I judge most of the arguments advanced against unity to be capable of rebuttal. On the whole, I find the evidence slightly to favor unity, although like Grant I do so guardedly.

The reader should also note that when quoting from the *Second Apology* I will follow the editions of Blunt (*The Apologies of Justin Martyr*), Munier (*Apologie pour les chrétiens*), and Minns and Parvis (*Justin, Philosopher and Martyr*) in retaining the manuscript order of the chapters. Maran was the first editor to transplant *2 Apol*. 8 to follow *2 Apol*. 2.20, based largely on Eusebius's sequence of quotations in *Hist. eccl*. 4.16-17, which have led many interpreters to believe that his exemplar contained a different chapter order than A. However, along with Schwartz, Harnack, Blunt, Munier, Minns and Parvis, and others, I am unconvinced of the need to emend A's ordering and will cite Maran's chapter numbers—which are followed by many editors and translators—in parentheses when applicable. Thus, *2 Apol*. 8(3) will indicate chapter 8 of the *Second Apology* according to A's text and chapter 3 according to Maran's ordering.

economical conventions of the petition genre, and from the very beginning its comparatively fulsome prose jettisons a bureaucratic register to encompass the reader in a wide world of demons, philosophers, and consummating judgment. What is the reader to make of Justin's representation of the *Apologies* as a petition alongside such obvious incongruities?

Scope and Contributions of this Study

This dissertation is an analysis of the *Apologies* in light of Justin's subjective appropriation of the forms and practices of the administrative system of petition and response, of which Lollianus and countless others availed themselves. I argue that in the *Apologies* Justin "performs" the genre of an administrative petition, but performs it multiply, crafting a complex and many-faceted literary composition, manipulating generic conventions and weaving together multiple discourses in a way that both points to and transcends the conventions of administrative petitions. While Justin's petition may give the impression of an author wavering between generic categories, his hybridization and manipulation of petitionary discourse is integral to the significative value of his work and evidence of his participation in wider currents of the Greek literary world. Cumulatively, we offer in this study a suggestive reading of the *Apologies* as a literary performance that deliberately enacts petitionary, apologetic, and protreptic discourses in a demonstrative statement of voiced injustice and Christian transparency.

To advance this reading, I take up and develop several lines of inquiry in existing scholarship on the *Apologies* that I regard as especially promising. To understand a text that describes itself in petitionary terms, it is important both to contextualize it deeply within the administrative culture of imperial Rome and to compare it literarily with extant Roman-era

petitions. While their taxonomic descriptions may vary, scholars have generally recognized that the shape and content of the *Apologies* are in some measure indebted to and participate in petitionary forms and practices.[4] Apart from Justin's descriptions of the work as an ἔντευξις (*1*

[4] Many early scholars simply adopted the traditional generic designation of "apology" (ἀπολογία), while noting the technical resonances of Justin's use of ἔντευξις in *1 Apol*. 1.1 (e.g., W. S. Trollope, *Iustini Philosophi et Martyris Apologia Prima* [Cambridge: MacMillen, 1851]; A. W. F. Blunt, *The Apologies of Justin Martyr*; more recently, Leslie W. Barnard, *The First and Second Apologies*, Ancient Christian Writers 56 [New York: Paulist Press, 1997]). Others have ventured more precise descriptions. For example, Arnold Ehrhardt described the *First Apology* as a letter (*epistula*) that "contains a petition" and the *Second Apology* is a *libellus* in the strict sense of private petition ("Justin Martyr's Two Apologies," *Journal of Ecclesiastical History* 4, no. 1 [1953]: 1–12 [quote from p.7]). For Paul Keresztes, both the *First* and *Second Apology* are "applications" written as deliberative works to be delivered to the imperial court on separate occasions ("The 'So-Called' Second Apology of Justin," *Latomus* 24, no. 4 [1965]: 858–69; "The Literary Genre of Justin's First Apology," *Vigiliae Christianae* 19, no. 2 [1965]: 99–110). Hermann Holfelder stresses that Justin expects in *2 Apol*. 14-15 a very specific form of procedural treatment to his document, in the manner of a petition of a private individual (Holfelder, "Εὐσέβεια καὶ φιλοσοφία. Literarische Einheit und politischer Kontext von Justins Apologie (Teil II)," 249). According to Robert Grant, the "whole work [both the *First* and *Second Apology*] is a *syntaxis* or 'composition', more specifically a *biblidion* or 'petition'" (*Greek Apologists of the Second Century* [Philadelphia: Westminster Press, 1988], 55). For Charles Munier, the *Apologies* formally constitute a petition ("requête") addressed to the emperor by a private individual and executed according to the canons of judicial rhetoric (Charles Munier, *Apologie pour les Chrétiens: introduction, texte critique, traduction et notes* [Sources chrétiennes 507; Paris: Cerf, 2006], 22-23); however, petitions do not figure into his discussion of literary models for Justin's work (ibid., 38-43). For Jean Claude Fredouille, the *Second Apology* is a petition in the strict procedural sense, while the *First* constitutes an open letter ("lettre ouverte") of an apologetic and requesting type ("De l'apologie de Socrate aux Apologies de Justin," in *Hommage à René Braun*, vol. 2 [Nice, 1990], 1–22 [esp. 17-18]). According to P. Lorraine Buck, the *Apologies* is a fictional address in the form of a "Hellenistic Jewish epistle," a term she takes with hesitation from E. R. Goodenough ("Justin Martyr's Apologies: Their Number, Destination and Form," *Journal of Theological Studies* 54, no. 1 [2003]: 45–59 [esp. pp. 58-59]). Runar Thorsteinsson reads the *Second Apology* as a "private petition (βιβλίδιον; *libellus*) submitted to the imperial office *a libellis*" displaying "some formal epistolary characteristics" ("The Literary Genre and Purpose of Justin's *Second Apology*: A Critical Review with Insights from Ancient Epistolography," *Harvard Theological Review* 105, no. 1 [2012]: 91–114 [quotes from pp. 114 and 106, respectively]). Denis Minns and Paul Parvis suggest that the *Apologies* "packages itself as a petition," but one that is greatly expanded (*Justin, Philosopher and Martyr*, 24-25). Thus, there is a general recognition of what Fergus Millar—whose *Emperor in the Roman World* is often cited by Justin scholars—observes: "... since [Justin] himself calls [the *Apologies*] a *libellus* (*biblidion* in Greek) it must owe something to the *libelli* which ordinarily were presented to the emperors" (*Emperor in the Roman World (31 BC - AD 337)*, 2nd

Apol. 1.1) and βιβλίδιον (*2 Apol*. 14.2), the administrative background of the *Apologies* has received attention mostly with respect to the protocols of subscription and public posting mentioned in *2 Apol.* 14.1.[5] This is a critically important connection, but it is only one point of interest in a thicker description of the *Apologies* within the culture of petitioning. A wider contextualization should situate the work both as an instrument of Roman bureaucracy and justice—and there are further administrative echoes to observe in this vein—and as a performance of a social practice. Petitioning in the Roman Empire was a complex and ritualized communicative act with powerful resonances. As a cultural praxis, it was a vital mode of sanctioned political communication between center and periphery, freighted with messages of disclosure, publicness, and political loyalty. Reading the *Apologies* attuned to this administrative culture can reveal how the manipulation of such symbolic valences is integral to Justin's persuasive program. Moreover, such a historical contextualization should seek to embed Justin's

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ed. [Duckworth Publishing, 1992], 563). However, the interpretative implications of this recognition remain to be fully explored and developed.

[5] E.g., Ekhardt ("Justin Martyr's Two Apologies"); Holfelder ("Εὐσέβεια καὶ φιλοσοφία (Teil II)," 248-50); Minns and Parvis, *Justin, Philosopher and Martyr*, 24-25. The most thorough attempt to contextualize the early Christian apologists within the history of private rescripts and posting practices is that of Wolfram Kinzig ("Der 'Sitz im Leben' der Apologie in der Alten Kirche," *Zeitschrift für Kirchengeschichte* 100 [1989]: 291–317). Kinzig sees the floruit of the apologies in the mid-second century as a direct response to changes in administrative practices, particularly public posting, a suggestion to which we will add additional evidence in chapter one. More recently, Antonie Wlosok, while not commenting on Justin specifically, briefly rehearses the subject, valuably updating Kinzig's bibliography ("Die christliche Apologetik griechischer und lateinischer Sprache bis zum konstantinischen Ephoche: Fragen, Probleme, Kontroversen," in *L'apologétique chrétienne gréco-latine à l'époque prénicénienne*, ed. Antonie Wlosok and François Paschoud, Entretiens sur l'Antiquité classique 51 [Genève: Fondation Hardt, 2005], 13-20 [esp. 14-15]). Public posting also plays a particularly important role in Thorsteinsson's reading of the *Second Apology*, which he sees as an attempt to publish a public defense aimed specifically at Crescens ("The Literary Genre and Purpose of Justin's *Second Apology*"). As I argue in chapters three and four, Justin's aim in his public posting is much wider than Crescens, as already suggested by Kinzig. My contribution to this research is not simply to add additional evidence, but to highlight the symbolic values attached to the practice that Justin exploits to rhetorical and persuasive effect.

performance within still wider circles to uncover literary strategies he shares with contemporary writers of the Second Sophistic.

This task of historical contextualization necessarily requires literary comparison with extant Roman-era petitions. Scholars such as William Schoedel, Denis Minns, and Paul Parvis have helpfully introduced into their work comparisons with two extant imperial petitions. Minns and Parvis, for instance, mention that of the villagers of **Skaptopara**[6] to Gordian III in 238 CE, our most complete surviving imperial petition,[7] and Schoedel refers both to **Skaptopara** and to the opening address of **Aragua**, a petition on behalf of a village in Phrygia to Emperor Phillip and his son.[8] This kind of comparative study is critical for understanding how Justin situates his performance within the conventions of petition and response and the effects this positioning achieves. Building on the work of Schoedel, Minns, and Parvis, the next step in this line of inquiry is to adopt a more systematic approach to the comparative task, analyzing relations in terms of a wider array of recurring structures, semantic codes, rhetorical conventions, and argumentative strategies that mark documents as petitions and that thereby activate a set of readerly expectations and potentiate a certain authoritative response. Therefore, in this study I seek both to expand the work of comparison among a greater number of *comparanda* and to

[6] Tor Hauken has edited a nearly complete collection of epigraphically attested imperial petitions (i.e., petitions to Roman emperors) in his foundational study, *Petition and Response: An Epigraphic Study of Petitions to Roman Emperors, 181-249* (Monographs from the Norwegian Institute at Athens vol. 2 [Bergen: Jonsered, Sweden: Norwegian Institute at Athens ; Distributor, P. Åstrøms förlag, 1998]). For ease of reference, when citing petitions edited by Hauken, I will use his system of reference, which is by location. All other petitions—imperial or otherwise—will be cited using normal epigraphic or papyrological conventions. To easily distinguish imperial petitions from those to other officials, I reference them in bold throughout this study.

[7] *Justin, Philosopher and Martyr*, 24.

[8] William R. Schoedel, "Apologetic Literature and Ambassadorial Activities," *Harvard Theological Review* 82, no. 1 (1989): 55–78 (esp. pp.70, 75).

undertake a more finely grained literary analysis. The goal is to identify both shared features and significant incongruities in order to understand the ends served and meanings signified by Justin's selective deployment of the markers and structures of the petitionary form. How interpreters account for formal differences is an important aspect of this comparative work. For Buck (who does not cite extant petitions but relies on Fergus Millar's descriptions of them), when placed beside documents that are well-organized and deferential, the *Apologies* appears rambling and impertinent, a sure sign that it was never intended to function as an actual petition.[9] For Minns and Parvis, certain formal differences between the *Apologies* and extant petitions justify significant text-critical interventions, including the excision of "the Senate and People of Rome" from the opening address (*1 Apol*. 1.1) and the transposition of *2 Apol*. 14-15 to the end of *1 Apol*. 68; congruence with petitionary forms, then, as they understand it, is a recurring principle of their text-critical work. Although I disagree with many of their decisions made on this basis (because it discounts Justin's deliberate reworking), their heightened attention to petitionary conventions is an important step forward. Moreover, they hint at the expressive potential of Justin's manipulations of form when they suggest that he "hijacked" and greatly expanded an administrative device to get his message, "literally and symbolically, to the heart of the Roman world."[10] Implied in this insightful characterization, which is ripe for further development, is an attempt to deal with differences and similarities as rich sites of interpretative significance. This is a foundational aspect of my own reading, which I hope will give a detailed analysis of the nature and meaning of Justin's "hijacking" as a performative act.

[9] "Justin Martyr's Apologies," 50-54.

[10] *Justin, Philosopher and Martyr*, 25.

Finally, I argue that reading the *Apologies* requires the interpreter to recognize and to integrate with the petitionary the other discourses Justin invokes. Even as it reproduces the conventions of petition and response, the *Apologies* resists static classification. This resistance and the interpretative possibilities it raises derive from the apparently hybrid quality of the work itself, which seems not only to defy petitionary conventions—even as it calls upon them—but also to mix generic categories. Scholars have often recognized that the *Apologies* contains in some way a composite of various discourses, but they differ in the degree of emphasis on one or another ingredient of that admixture.[11] In this study, I give special attention to Justin's use of petitionary discourse, because I regard it as the governing pretext of the work; but I also offer my own account of how he integrates that discourse with those of apologetic and philosophical

[11] For instance, Pellegrino's reading of the protreptic aims of the *Apologies* acknowledges its apologetic aspects, as well ("L'elemento propaganistico e protrettico negli Apologeti greci del ii secolo," in *Studi su l'antica apologetica*, Storia e letteratura 14 [Roma: Edizioni di storia e letteratura, 1947], 1–66). For Keresztes both the *First* and *Second Apology* are overwhelmingly deliberative or protreptic in nature, such that their apologetic aspects recede from view ("The 'So-Called' Second Apology of Justin"; "The Literary Genre of Justin's First Apology"). Schoedel explains the *Apologies* as a petition that is "apologetically grounded," a form without precedent "in the Greco-Roman tradition" ("Apologetic Literature and Ambassadorial Activities," 78). Munier understands the Apologies to be a "requête" of the rhetorical *genus judiciale*, suggesting Plato's *Apology* and Aristotle's *Protreptikos* as further literary models (*Apologie pour les Chrétiens*, 29-43). Fredouille's reading of the *First Apology* as a "lettre ouverte" is his attempt to unite its literary affinity with the *Apologia* of Socrates (which he sees as paramount) with its institutional affinity with petition and response (which is limited in Fredouille's analysis to Justin's address of the emperor as addressee) ("De l'apologie de Socrate," esp. 16-17). Pouderon observes that the *Apologies* may be an imperial "petition" on the level of addressee (similarly to Fredouille), but on the level of form it is juridical speech (cf. Munier) or a προσφωνητικὸς λόγος; in fact, Pouderon himself prefers to speak not of literary forms but of aims, of which he identifies four: defense; polemic; protreptic; and exhortation. ("La première apologétique chrétienne : définitions, thèmes et visées," *Kentron* 24 [2008]: 227–51). Note that Pouderon does not treat among these Justin's petitionary aims. For Minns and Parvis, Justin's aim is above all petitionary, but the bulk of the work is protreptic in nature (*Justin, Philosopher and Martyr*, 45-45). I agree with the former claim concerning the overarching petitionary aim, but would emphasize more than Minns and Parvis the contribution of apologetic to the overall communicative event of the *Apologies*. See chapter four for my analysis of these constituent discourses.

protreptic, particularly as he performs them as a self-styled Christian philosopher and within a literary context that values generic innovation.

Petition and Performance

Thus, I seek to build on the best insights of previous scholarship on the *Apologies* with an approach that is thoroughly contextual, rigorously comparative, and sensitive to Justin's multiple discourses. However, my principal interpretative innovation is to use the concept of performance as a hermeneutical framework for understanding Justin's work as an author. As a heuristic metaphor, I suggest that the idea of performance will help us better appreciate the full import and nuances of his arrogation and manipulation of administrative culture and its forms.

At a basic level, as literary creations the *Apologies* is *performative* because it seeks to *perform* some work in the world. Justin does not simply relate or describe a state of affairs but seeks to act upon it by specifically requesting an administrative intervention from imperial authorities (e.g, *1 Apol*. 3.1; 7.4-5; 12.11; 23.1; 56.3; 68.3; *2 Apol*. 14.1). In this Justin shares the same instrumental purpose that characterizes the work of all petitioners. But the idea of performativity illuminates other, less obvious, kinds of work the *Apologies* is doing. The performance metaphor helpfully turns our attention to its strategies, its staging, its qualities as actions in a social, political, and intellectual context. Thinking of the *Apologies* as a *performance* has implications for its relationship to genre and generic codes, its embodiment of scripted roles and identities, its demonstrative nature as public enactments, and its engagement—both deliberate and unconscious—with imperial ideologies.

The metaphor of performance is not new to humanistic and social scientific scholarship. Its wide application in the last half century led historian Peter Burke to speak of a "performative turn" in cultural studies.[12] Having reached far beyond its original source, the concept of performativity first appeared in the 1950s in the speech act theory of philosopher J. L. Austin.[13] Austin's basic insight was that certain speech acts are *performative* in the sense that they enact, or perform, that which is spoken. Rather than simply describing or representing something, Austin observed that some utterances actually bring about the action to which they refer. For instance, when in a wedding ceremony someone responds, "I do", or an official announces, "I now pronounce you husband and wife," neither are describing the world, but acting upon it by bringing about through their words a new personal and social reality. After initially identifying a separate class of such performative utterances, Austin concluded that all speech acts are in some sense performative, since even descriptive utterances *do* such work as describing, stating, affirming, etc. Specifically, Austin theorized that speech acts have locutionary, illocutionary, and perlocutionary dimensions: the locutionary dimension indicates their immediate referential function, while the illocutionary and perlocutionary dimensions indicate "the kinds of work [they] are able to accomplish in the very process of...referring."[14] The distinction made is between the act of speaking words and the acts we accomplish *by speaking* words. The call to attend not simply to what an utterance *says* but to what it *does* in and to the world has had a

[12] Peter Burke, *What Is Cultural History?* (2nd ed.; What is History?; Cambridge, UK ; Malden, MA: Polity Press, 2008), 93. Peter Gillgren and Mårten Snickare, eds., *Performativity and Performance in Baroque Rome* (Farnham: Ashgate, 2012).

[13] J. L. Austin, *How to Do Things with Words* (2d ed.; William James lectures; Cambridge: Harvard University Press, 1975). A book length treatment of the history of performativity from Austin onward is available in James Loxley, *Performativity,* The New Critical Idiom (London: Routledge, 2007).

[14] Loxley, *Performativity*, 18.

lasting impact far beyond speech act theory.[15] Not surprisingly, the concept of performativity has subsequently been applied to a wide range of literary and cultural phenomena, including literature, ritual, gender, art, and theater.[16]

The work of Judith Butler has been particularly important for popularizing performativity in the humanities, and her work contributes several concepts that are helpful for our use of the performance metaphor. Drawing upon continental philosophy and other influences, Butler generalizes from the discrete linguistic performances of speech act theory to the everyday enactments of language, gesture, and other social signs that constitute our way of being in the world, particularly our enactments of gender. For Butler, gender identities, like all personal and collective identities, do not represent ontologically or biologically existent categories but are the result of the continually repeated actions of individuals embedded in particular social contexts. Gender itself is generated by these repeated acts, constituting a kind of performance, constantly enacted to produce the illusion of substance and naturalness. In their character as performative, the acts that constitute identities are both iterative and reflexive. They are iterative in that they repeat and trade in pre-existing cultural codes; to this extent they are already imposed by society.

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[15] Ibid.

[16] A good overview of the idea in literary studies can be found in Jonathan D. Culler, "Philosophy and Literature: The Fortunes of the Performative," *Poetics Today* 21, no. 3 (2000): 503–19; idem, *Literary Theory : A Very Short Introduction* (Oxford: Oxford University Press, 1997), 94-107. For a summary account in anthropology, see Kira Hall, "Performativity," *Journal of Linguistic Anthropology* 9, no. 1-2 (2000): 184–87. Fundamental to its extension to gender studies is the work of Judith Butler. For a convenient starting point, see Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (1988): 519–31. In art history, see the recent collection of essays in Gillgren and Snickare, *Performativity and Performance in Baroque Rome*. In theater and performance studies, see Erika Fischer-Lichte, *The Transformative Power of Performance: A New Aesthetics* (Routledge: New York, 2008). In classical studies, see Simon Goldhill and Robin Osborne, *Performance Culture and Athenian Democracy* (Cambridge: Cambridge University Press, 1999).

But they are also reflexive, constituting *stylized* repetitions, meaning that there is the possibility, in any given instance, for a "different sort of repeating, in the breaking or subversive repetition of that style."[17] While differently inflected, Butler's idea of performance shares with Austin's at least two insights. First, speech and other social acts have an illocutionary force, *doing* something rather than merely representing something. For Butler especially, that illocutionary work exceeds the deliberate ends of any given enactment. Second, recognizable enactments (and the possibility for meaningful departures) depend upon the scripted conventions of the performance context. They are, in other words, socially embedded actions.

The performance metaphor can be adopted from theorists like Austin and Butler and profitably applied to our reading of Justin's *Apologies*. One important implication for our analysis is a more nuanced understanding of genre, specifically the relationship between genres and texts. As literary performances, texts have both an iterative and reflexive relationship to genre. Like Butler's identities, texts are best thought of not as reproductions of static generic forms but as performative elaborations or "stylized repetitions" of conventional codes. Conceiving of texts as "acts or performances which work upon a set of generic raw materials," the performance metaphor lifts up for critical reflection the nature of this "working upon."[18] It opens a space for considering the many possible relations of texts to genre, including use, transformation, and subversion, as well as reification.

This insight is important for understanding the relationship of the *Apologies* to petition and response, which is not one of simple reiteration. To speak of the *Apologies* as a performance

[17] Butler, "Performative Acts and Gender Constitution," 520.

[18] John Frow, *Genre*, 2nd ed., New Critical Idiom (New York: Routledge, 2015), 25.

is to recognize both congruence and incongruence to the script. It allows us to hold in creative tension that it bears crucial formal and contextual similarities to extant petitions while also departing from generic expectations in significant ways. I argue that the concept of performativity, because it encompasses both iteration and reflexivity, helpfully expresses the *Apologies'* relationship to petitionary forms and practices, which are subjectively appropriated in Justin's uniquely stylized repetition. The *Apologies* works upon as much as it is formed by the generic conventions to which it alludes, and we can recognize in such transformations sites for the production of meaning.

What applies to the formal conventions of literature also applies to the social roles and political ideologies reproduced and constructed in and through those forms. In Butler's analysis, because the performative acts that constitute gender identities are both iterative and reflexive, they are "dramatically" repeated from a repertoire of scripted codes, but individual actors can interpret and stage their performances of these codes differently within this framework.[19] Similarly, the presentation of author and imperial addressees in the *Apologies* is a creative reiteration of the conventional suppliant-supplicandus relationship. It performs a particular configuration of that relationship. The same is also true of its presentation of the ideologies of Roman rule and procedure. But Butler's work also reminds us that participation in these social processes always exceeds the deliberate use of conventions. However self-conscious a performance may be, it is always implicated in and constituted by the codes in which it trades, so that the social agent is simultaneously the subject and *object* of its actions.[20] Applied to the *Apologies*, for instance, the very act of petitioning is scripted by a hegemonic political ideology,

[19] Fischer-Lichte, *Transformative Power*, 28.

[20] Butler, "Performative Acts and Gender Constitution," 519.

and as much as Justin manipulates that ideology he is also the object of it in ways that might even exceed his conscious awareness. Performativity is a useful concept for naming and analyzing these kinds of illocutionary effects.

A final aspect of performance is its implied public dimension. Theorists from Austin to Butler use the performance metaphor to underscore the ritualized, *public* nature of the enacted phenomena they discuss. Whether applied to speech acts or social gestures, the idea of performativity draws attention to them as socially embedded actions that trade in shared conventions. All such enactments, including texts, may be conceived in an expansive sense as forms of "scripted public display."[21] But this is true of petitions in a very concrete way, because their pragmatic aims were tied to a material context in which literal public display was an integral feature. Petitions were not simply interpersonal correspondence between individual parties and bureaucrats but publicly submitted documents destined for public display.

Both the collection and return of petitions produce their own kind of theater. We know, for instance, that at the turn of the third century the Prefect of Egypt could routinely receive over a thousand petitions at a single stop on his assize tour, and, since most petitions had to be submitted in person, the crowds that assembled from across the district to draw up and submit their complaints, as well as to report for judicial hearings, must have been enormous. Once submitted, petitions were subscribed by administrative authorities and, probably from the late first-century, pasted together into long rolls and placarded in civic spaces for a period of public viewing. In these *fora*, members of the public could peruse posted petitions, and interested parties could have certified copies made of any personally relevant documents and rescripts. Just

[21] Frow, *Genre*, 23.

such a scene is portrayed in a series of frescoes from the Praedia of Julia Felix in Pompeii depicting everyday life in a Roman town.[22] Alongside representations of crowded markets, open air legal proceedings, and public punishments, one scene depicts passers-by reading a pasted papyrus roll mounted to the bases of equestrian statues in what is likely the Pompeian (or perhaps an idealized) forum (Figure 1 below).[23] The public act of submitting and placarding petitions was reproduced in civic spaces throughout the empire, lending to the praxis and genre of petition and response a kind of theatricality, an aspect of "being on stage," complete with a performance space and audience of spectators. Justin, too, at the end of the *Apologies* explicitly asks that his work be publicly posted in the manner depicted in the Pompeian fresco scene (*2 Apol*. 14.1; cf. 15.2). But even apart from this request, the public nature of the genre was well-suited for a literary project that functioned in part as a symbolic disclosure of Christian transparency. Whether or not Justin's petition was actually submitted, or he himself harbored hopes for its public posting, the symbolic values latent in petition and response nevertheless provided a ready "stage" for a performance of disclosive transparency. The performance metaphor aptly captures these public and demonstrative dimensions of the *Apologies* as a literary enactment. While scholarship has often debated the question of whether the *Apologies* constitutes a real petition, this study emphasizes that, whether real or unreal, in actuality the *Apologies* self-consciously participates in a cultural form that combines the real and the fictive in nuanced and complex ways. Emphasizing its performative nature may bridge the impasse over

[22] Giovanni Pugliese Carratelli and Ida Baldassarre, eds., *Pompei: pitture e mosaici*, vol. 3, 10 vols. (Roma: Istituto della Enciclopedia italiana, 1990), 251-7. Salvatore Ciro Nappo, "Fregio dipinto dal <<praedium>> di Guilia Felice con rappresentazione del foro di Pompeii," *Rivista di Studi Pompeiani* 3 (1989): 79–96 (with color plates). See also the line drawings in Salomon Reinach, *Répertoire de peintures grecques et romaines* (Paris: Ernest Leroux, 1922), 249 nos. 2-5; 253 no. 1.

[23] *Pompei: pitture e mosaici,* iii.256; Nappo, "Fregio dipinto," 87 (fig. 10).

the authenticity of its petitionary language: in any case it performatively elaborates the strategems of Justin's literary conceit.

By these means the concept of performance attunes us as much to what literary acts *do* (in the various senses of that doing) as to what they *say*. We invoke performativity in the end not as a philosophical account of language but as an analytical metaphor to think historically about the various kinds of work the *Apologies* is doing and how it goes about doing it. Thinking of it as a *performance* embedded in a particular social, political, and literary context illuminates its relationship to genre, its embodiment of scripted roles and identities, its demonstrative quality as public enactments, and its subjective and selective appropriation of imperial ideologies.

These various aspects of the performativity of the *Apologies* order our interpretative work and correspond to the subjects of chapters two to four. After an initial chapter that introduces the reader to the administrative culture of petition and response and to the literary and contextual features of extant documentary petitions, chapters two and three examine, particularly through lexical study and comparative analysis, the relationship of the *Apologies* to the forms and practices of petitioning. They together contribute a detailed account of the shape and texture of Justin's performance of administrative discourse. Chapter four expands our analysis to show how Justin interweaves petition discourse with other literary modes, particularly apologetic and philosophical protreptic, enacting his petition in the role of a philosopher and in a generically promiscuous way characteristic of his contemporary literary culture. We conclude our analysis of the *Apologies* by highlighting important aspects of its performative nature, focusing especially on Justin's literary aspiration, his enactment of the suppliant-supplicandus relationship, and his performance of philosophical παρρησία. By the end of this dissertation, we will have offered not only a fuller account of Justin's invocation of administrative discourse, but a suggestive and

synthetic reading of the *Apologies* as a hybridizing and uniquely stylized performance of a bureaucratic form, one that enacted and communicated to imperial authorities and the Roman public a bold statement of religious legitimacy and political transparency.

Figure 1: Fresco detail from Praedia of Julia Felix, Pompeii

SOURCE: Giovanni Pugliese Carratelli and Ida Baldassarre, eds., *Pompei: pitture e mosaici*, vol. 3, 10 vols. (Roma: Istituto della Enciclopedia italiana, 1990), 256.

Chapter One

Justin's Performance Context: Petition and Response in the Roman Empire

Having laid the groundwork for a fresh reading of the *Apologies*, one with a particular focus on Justin's multifaceted performance of the forms and practices of imperial petition and response, this first chapter will seek to accomplish two important tasks. First, it will situate Justin's performance within the administrative context of the second century. This work of contextualization will demonstrate both the significance and sheer volume of petitioning in the Roman Empire, as well as a heightened interest during the Hadrianic and Antonine periods in the public display and viewing of petitions and their subscriptions. This historical work situates Justin's performance of the form in a particularly vigorous and formative moment in the development of petitionary protocols. Second, we will examine more closely the genre of documentary petitions. To advance our understanding of the *Apologies*, we will undertake a literary comparison with extant Roman-era petitions based on generic conventions common to administrative petitions. To this end, we will set out in the second half of this chapter an inventory of characteristic features using four extant petitions as illustrations. It is to this inventory that we will later compare the *Apologies* in chapter three.

The Administrative Context of the *Apologies*

Petition and response were part and parcel of life in the Roman Empire. The very nature of Roman governance contributed to this fact. Taken as a whole, the Roman Empire was under-administered, functioning with a relatively small bureaucracy. According to the estimates of

Keith Hopkins, in the second century there were approximately 150 senatorial and equestrian administrators in the Roman provinces to govern a population of some 50-60 million, equating to roughly one elite administrator per 350,000-400,000 people.[1] By comparison, the Chinese empire of the twelfth century employed an estimated twenty times more functionaries, with on average an administrator for every 15,000 inhabitants.[2] Moreover, Roman governance was largely reactive rather than proactive. According to Fergus Millar's classic model, the emperor sat atop a passive bureaucracy that mostly made governing pronouncements in response to initiatives from below; it was largely government by reply, initiated in response to visiting embassies, private petitioners, disputing litigants, and written inquiries from administrators such as provincial governors (of which Pliny the Younger's published letters to Trajan are one prominent example).[3] Within such a framework, petitioning by ordinary provincials and the inhabitants of Rome was an important engine of government and vital to the maintenance of public order at all levels.

Our evidence for petitioning in the empire comes from a variety of sources, including papyri, inscriptions, later legal compilations, and scattered literary references. Papyri, mostly from Roman Egypt (although some very notable and interesting papyrus petitions are extant

[1] Keith Hopkins, "Taxes and Trade in the Roman Empire (200 B.C.-A.D. 400)," *Journal of Roman Studies* 70 (1980): 101–25.

[2] Ibid.

[3] The classic statement of evidence for this model, particularly with respect to the policies of the Roman emperor, is Millar's *The Emperor in the Roman Empire*. See especially his 1991 afterword that addresses subsequent criticisms. More recently, this perspective has been applied to the provincial administration in the Greek East by Eckhard Meyer-Zwiffelhoffer, *Politikōs archein: zum Regierungsstil der senatorischen Statthalter in den kaiserzeitlichen griechischen Provinzen*, vol. 165, Historia Einzelschriften (Stuttgart: Steiner, 2002).

from Judea and Syria),[4] preserve the bulk of our surviving specimens and provide invaluable clues about the composition and handling of petitions. Petition and response occurred at multiple levels of government, and while extant papyrus documents do preserve petitions (or fragments of petitions) directed to emperors, by and large they reveal the system as it operated at the local level, addressing concerns to authorities ranging from perfects to *epistrategoi* to *basilikoi grammateis* to soldiers.[5] Inscriptions, on the other hand, preserve evidence of petitionary practices in much lesser volume but are particularly important for understanding petitions to the Roman emperor, since almost half of the extant fragments of imperial petitions are epigraphic, including some of the most complete examples, and provide precious data about the procedure in the city of Rome. Later legal collections, especially the *Codex Justinianus*, preserve imperial rescripts issued in response to petitions that later legal authorities deemed important or constitutionally interesting enough to add to their compilations.[6] These rescripts

[4] Namely, those of Babatha (P.Babatha 13; 33; 34) and of the villagers of Beth Phouria (P.Euph. 1; 2; 3), respectively.

[5] See Benjamin Kelly's *Petitions, Litigations, and Social Control in Roman Egypt* for the range of officials addressed in his database of dispute petitions ([New York: Oxford University Press, 2011], 78-86). Kelly's study, focused on dispute petitions as a source for the social history of litigation in Roman Egypt, is one of a handful of book-length studies of papyrus petitions. See also Ari Bryen's *Violence in Roman Egypt: A Study in Legal Interpretation* (Philadelphia: University of Pennsylvania Press, 2013). Prior to Kelly and Bryen's studies were the unpublished dissertations of Robert R. I. Harper ("The Forensic Saviour: Petitions and Power in Greco-Roman Egypt" [Ph.D. diss., University of Sydney, 1997]) and P. Bureth, ("Recherches sur la plainte écrite en Égypte romaine" [Ph.D. diss., Université de Strasbourg, 1979]), the latter of which was unavailable to me. For Ptolemaic petitions, see the foundational study of Octave Guéraud (*Enteuxeis: requètes et plaintes adréssées au roi d'Égypte au IIIè siècle avant J.-C.*, vol. 1, Publications de la Société Fouad I de papyrologie. [Hildesheim: G. Olms, 1988]).

[6] For a full treatment of this evidence, particularly concerning the rescripts preserved in the *Codex Hermogenianus*, see Serena Connolly, *Lives Behind the Laws: The World of the* Codex Hermogenianus (Bloomington: Indiana UP, 2010).

had been extracted from archived petitions, and, with one possible exception,[7] nothing of the suppliants' original petitions were retained. Finally, literary evidence, particularly anecdotal references to various emperors' execution of their judicial and petitionary duties, provide additional, albeit often biased, glimpses of the system at work at the imperial level.[8]

To get a sense of the importance and volume of petitioning in the Roman Empire, the most revealing evidence comes from the papyri. Based simply on the survival rates of document types, one might well conclude that taxes and petitions made the Roman world go round; indeed, bested only by tax receipts, petitions are the second most attested form of document among the papyri of Roman Egypt.[9] An oft-cited but still remarkable document (P.Yale I 61) paints a vivid picture of how all that papyrus was generated: it notes—rather routinely, in fact—that sometime between 208-210 CE, during an assize tour of his province, the Prefect of Egypt, at a single two and a half day *conventus* in Arsinoe, received an astounding 1,804 petitions. To be sure, the local inhabitants had been saving up their petitions for the Prefect's arrival on his circuit, and this mass of petitions was answered over the course of the following two months, but nevertheless the sheer quantity of petitions is striking. That such a volume was regularly submitted to the Prefect is confirmed by an authenticated copy of a petition and rescript dating to 207 CE that states that it appeared in column 1009 "from the roll of pasted petitions submitted...and displayed in the Temple of Antinoüs in Arsinoe" (ἐκ τεύχους συνκολλησίμων βιβλειδίων ἐπιδοθέντων Σουβατιανῷ Ἀκύλᾳ τῷ λαμπρο(τάτῳ) ἡγεμόνι προτεθέντων ἐν Ἀντινόου πόλ(ει) ἐν τῷ

[7] *Dig*.14.2.9.

[8] E.g., Pliny, *Ep*. 10.47-48, 83-84, 92-93. See Michael Peachin, *Iudex Vice Caesaris: Deputy Emperors and the Administration of Justice During the Principate*, Heidelberger althistorische Beiträge und epigraphische Studien Bd. 21 (Stuttgart: F. Steiner, 1996).

[9] Bernhard Palme, "The Range of Documentary Texts: Types and Categories," in *Oxford Handbook of Papyrology* (Oxford: Oxford University Press, 2009), 358–94.377.

Ἀντινοείῳ).[10] The practice assumed in this reference to "column 1009" is this: at this time in the administrative history of Egypt (207 CE), after the prefect held court, subscribed petitions were pasted together into long rolls to be publicly posted for a short period of public viewing and then archived. Assuming petitions averaged about one papyrus sheet or column in length (some more, some less), that the authenticated copy appeared on "column 1009" of the roll means that that particular batch consisted of *at least* one thousand petitions.[11] Similarly, P.Mich. IX 530 (III CE) contains reference numbers for "column 50, volume 3" (κό(λλημα) ν τό(μος) γ); if τόμος is understood like τεῦχος, the notation might indicate a batch of petitions that took up as many as three rolls, which could have totaled thousands of petitions.[12] Another petition from 209 CE records that it was copied from column 466 of a pasted roll.[13]

Nearly a century and a half earlier, we find the Prefect Tiberius Julius Alexander giving rather public testimony to the significance of petition and response in his government. In the opening preamble to his edict of 68 CE, Julius Alexander situates his edict as a direct response to the abuses reported in the many petitions he has received since becoming governor: "Almost from the moment I set foot in this city, I have been loudly entreated by petitioners, both a few at a time and in large numbers, both nobility here in the city and farmers in the *chora*, complaining

[10] P.Oxy. XVII.2131.

[11] See the list of contents preserved in P.Hamb. I.18; cf. Willy Clarysse, "Tomoi Synkollēsimoi," in *Ancient Archives and Archival Traditions: Concepts of Record-Keeping in the Ancient World*, ed. Maria Brosius (Oxford: Oxford University Press, 2003), 344–59.

[12] J. D. Thomas, "Subscriptiones to Petitions to Officials in Roman Egypt," in *Egypt and the Hellenistic World: Proceedings of the International Colloquium, Leuven, 24-26 May 1982*, ed. E. van 't Dack, P. van Dessel, and W. van Gucht, Studia Hellenistica 27 (Lovanii: [Orientaliste], 1983), 381-2.

[13] P.Oxy. XLVII 3364.44; Kelly, *Petitions, Litigation, and Social Control*, 112 n.152.

about recent abuses that have occurred."[14] In Lucian's satirical *Double Indictment*, Zeus as emperor complains of the overwhelming administrative duties that come with governing the cosmos, particularly the incessant complaints that reach his court.[15] In fact, the system of petition and response was such a notable feature of Roman administration that a third century Chinese description of the Roman east (probably Syria) highlights the receipt and processing of petitions by imperial authorities as characteristic of their governance: "When the king [i.e., the Roman governor] goes out he usually gets one of his suite to follow him with a leather bag, into which petitioners throw a statement of their cases; on arrival at the palace, the king [governor] examines into the merits of each case."[16]

At the top of the administrative hierarchy, of course, sat the emperor. It has been estimated—and an estimation is all it can be, given the indirect nature of the evidence—that

[14] OGIS 669.6-10: σχεδὸν δὲ ἐξ οὗ τῆς πόλεως ἐπέβην καταβοώμενος ὑπο τῶν ἐντυγχανόντων καὶ κατ᾽ ὀλίγους καὶ κατὰ πλήθη<ι> τῶν τε ἐνθάδε εὐσχημονεστάτων καὶ τῶν γεωργούντων τὴν χώραν μεμφομένων τὰς ἔγγιστα γενομένας ἐπηρείας. Alternatively, A. J. Johnson translates καὶ κατ᾽ ὀλίγους καὶ κατὰ πλήθη<ι> as "not only in small delegations but also in large groups" (*Roman Egypt to the Reign of Diocletian* [ed. Tenney Frank; vol. 2, 5 vols.; *An Economic Survey of Ancient Rome*; Baltimore: Johns Hopkins Press, 1933]), 705.

[15] Lucian, *Bis accusatus*, 2-3.

[16] The context deserves fuller quotation:"[33] They have several times ten small kings. [34] The residence of their king is over a hundred *li* in circuit. They have official archives. [36] The king has five palaces, ten *li* apart from each other. The king hears the cases of one palace in the morning till being tired at night; the next morning he goes to another palace; in five days he has completed his round. [37] Thirty-six generals [*chiang*] always consult upon public matters; if one general does not go [to the meeting] they do not consult. [38] When the king goes out he usually gets one of his suite to follow him with a leather bag, into which petitioners throw a statement of their cases; on arrival at the palace, the king examines into the merits of each case." The text is that of *Wei-lio*, compiled before 429 CE, and relating events of the mid-third century. Translation in Friedrich Hirth, *China and the Roman Orient* (Leipzig & Munich: G. Hirth, 1885). For the reference, see Keith Hopkins, "Conquest by Book," in *Literacy in the Roman World*, Journal of Roman Archaeology 3 (Ann Arbor, MI: Dept. of Classical Studies, University of Michigan, 1991), 133–58.137 n. 9.

Roman emperors answered hundreds if not thousands of petitions each year.[17] For instance, the *Codex Hermogenianus* (a collection of rescripts of Diocletian published by Hermogenianus, his *magister libellorum* ["master of petitions"]) preserves nearly one thousand imperial responses to petitions from a period of just two years, and it should be remembered that these thousand represent only a selective fraction that happened to be deemed legally useful or interesting to the later compiler of the collection.[18] While anecdotal evidence suggests some variation in the scrupulousness of emperors' attention to such matters, on average a large portion of the emperors' workload—both in perception and in fact—must have consisted in hearing cases and answering petitions.[19] Emperors had in their employ an official to receive and perhaps also to respond to petitions: the *a libellis* (secretary of petitions), later known as the *magister libellorum* (master of petitions) by the end of the third century. Certainly by then, this office entailed considerable legal expertise, and it has been argued on the basis of stylistic variation among extant *rescripta* that this position had a significant hand in the composition of imperial responses.[20]

The subject matter of imperial petitions varies, largely corresponding to the different categories of evidence discussed above.[21] Epigraphic petitions tend to preserve appeals by locals for the emperor to curtail abuses suffered at the hands of provincial administrators and soldiers. This type is especially represented among extant inscriptions probably because the subject matter

[17] So Peachin, *Iudex vice Caesaris*, 82 n.329, citing similar estimates from Ramsey MacMullen, Fergus Millar, and Tony Honoré.

[18] Connolly, *Lives Behind the Laws*, 24-5.

[19] Peachin estimates some 4.5-6.5 hours per day spent conducting legal business, including the receipt and answering of petitions (*Iudex vice Caesaris,* 84).

[20] Tony Honoré, *Emperors and Lawyers*, 2nd ed. (Oxford: Oxford University Press, 1994).

[21] As usefully observed by Connolly, *Lives Behind the Laws*, 22-23.

lent itself to public commemoration in stone as a means of warding off further abuse. Rescripts in the legal codes by and large answer petitions for legal aid, petitions that would have represented the facts of the situation and requested an imperial opinion on the proper course of action in a dispute. Finally, imperial petitions may contain any manner of special requests and favors, from legal dispensations to exemptions from taxation to permission for senators to marry outside their social station.[22] While one might assume that petitioners would reserve only their most weighty requests for the empire's highest authority, there seems to have been no concern too trivial for the emperor's attention. A certain Anicetus complained to Diocletian about his neighbor's home renovation project, which happened to involve a unwanted new window in their shared wall.[23] A veteran named Aper petitioned Severus Alexander about the roots of his neighbor's trees compromising the foundations of his house.[24] A certain Paulina petitioned Valerian and Gallienus for advice on whether her daughter, whose fiancé had not returned from a trip after three years, could marry another man.[25] The variety of requests to the emperor, and their at times astonishingly quotidian nature, underscore the willingness of the empire's inhabitants to approach his tribunal to air even their most parochial affairs and grievances.[26]

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[22] For examples of actions requiring imperial permission, see the list from the *Digest* in Peachin, *Iudex vice Caesaris*, 84-5.

[23] *CJ* 3.34.8; Connolly, *Lives Behind the Laws*, 118-19.

[24] *CJ* 8.1.1; Peachin, *Iudex vice Caesaris*, 86 n.340.

[25] *CJ* 5.17.2; ibid., 87 n.344.

[26] Peachin, *Iudex vice Caesaris*, 86. As Millar concludes: "It is indeed precisely the triviality of the issues concerned which is the most important fact about many of the *libelli* which his subjects presented to the emperor, and the subscriptiones which were issued in response to them" (*Emperor in the Roman World*, 549). Citing Millar, Thorsteinsson identifies triviality as a feature that the *Second Apology* shares with other petitions ("Literary Genre and Purpose," 105). In my judgment, such a comparison is strained; Millar's point about the petty nature of some

Such testimony evidences to a remarkable degree the perceived accessibility of the emperor and the willingness of even lower status inhabitants of the empire to approach his court.

Let us return for a moment to the papyrological evidence to examine in greater detail Justin's mid-second century administrative context. Two trends in the data deserve comment. The first is the apparent upturn in the number of petitions that survive from the second century. Naphtali Lewis's compilation of petitions protesting the imposition of liturgies in Roman Egypt collected two petitions from the first century, forty-one from the second, and sixteen from the third.[27] Similarly, Benjamin Kelly's recent and more expansive collection of 586 dispute petitions dating from 30 BCE to 284 CE also evinces a similarly sharp uptick in the second century in terms of chronological distribution:[28]

Table 1: Chronological Distribution of Dispute Petitions and Documentary Papyri[29]

	Number of Petitions	*% Adjusting for Archival Distortion*	*All Documentary Papyri*
30 BCE-1 BCE	18 (3.35%)	3.6%	401 (2.7%)
First century	131 (24.35%)	19.1%	2296 (15.4%)
Second century	261 (48.5%)	51.9%	7582 (50.8%)
201-84 CE	128 (23.8%)	25.4%	4645 (31.1%)
Total	538		14924

imperial petitions points to their ubiquitous importance and the perceived approachability of the emperor. It does not apply to the scope and ambitions of Justin's text.

[27] Naphtali Lewis, *The Compulsory Public Services of Roman Egypt*, 2nd ed., Papyrologica Florentina v. 28 (Firenze: Edizioni Gonnelli, 1997).

[28] Kelly, *Petitions, Litigation, and Social Control* (Appendix I).

[29] Adapted from ibid., 64 (Table 2.1). The column for the adjustment for archival distortion indicates the removal from the first century totals of the Euhemeria archive, which contains the largest single cache of petitions from the entire Roman era, thus possibly skewing the results (ibid., 66).

At first glance, these numbers are very intriguing. But before we see in this apparent proliferation of petitions in the second century a certain golden age of petition and response—contemporaneous with Justin and other early Christian apologists[30]—we must note that the distribution of papyrus petitions follows closely the chronological distribution for all extant documentary papyri.[31] While over half of our Roman-era petitions come from the second century, so does the bulk of our extant papyri, which means that the appearance of such a large number of petitions need not indicate that petitionary practice was more common in the second century, only that a larger sample of all papyri is available due to the accidents of survival or to systemic changes in documentary practices that affected all document types equally. For this reason, it is problematic to advance claims about the second century based solely on survival rates. Our most important source for surviving petitions to Roman emperors—inscriptions that all fall between 129-249 CE—presents similar interpretive difficulties. The attested distribution may simply reflect changes in the overall epigraphic habit or in regional practices or needs for public commemoration. Certainly petition and response were ubiquitous in the Roman Empire of the second century, but the raw chronological distribution of surviving petitions cannot alone sustain a claim of a sudden increase in the practice contemporaneous with Justin.

[30] Among early Christian scholars, Kinzig ("Der 'Sitz im Leben' der Apologie") makes the strongest connection between petitionary practices under Hadrian and the proliferation of Christian apologetic literature (cf. Wlosok, " Die christliche Apologetik griechischer," 14-15, although he does not emphasize opportuneness as Kinzig does). The following discussion advances this possible connection with new evidence.

[31] This is clearly seen in the distribution of the number of petitions expressed as a percentage of total papyri. The numbers align even more precisely after the first-century petition total is adjusted for the possible distortion introduced by the 35 petitions found of the Euhemeria archive, the largest single cache of petitions so far discovered from the Roman period. On the distribution of papyrus documentation, see Wolfgang Habermann, "Zur chronologischen Verteilung der papyrologischen Zeugnisse" *ZPE* 122 (1998): 144-60.

But a second observation may be more directly relevant to our inquiry, and that has to do with the way petitions were subscribed and returned to petitioners. As mentioned above, in most cases responses to petitions were made available to the petitioner via a period of public display (*propositio*). During this time of public notification, the petitioners could peruse the mass of subscribed petitions and have authenticated copies made. Only in very exceptional circumstances might a rescript be delivered directly to the petitioner, as in the case of a centurion who received a rescript from Trajan via Pliny and the imperial post (*Ep*. 10.107). But this was highly exceptional, and the regular practice was to glue into long sheets the original petitions, with responses subscribed below each, and post them in a prominent location for public viewing.[32]

Our earliest reference to both the practice and location of public posting of imperial petitions is a long-known but only recently published Hadrianic inscription from Phrygia in Asia Minor.[33] Hadrian was traveling at the time and holding court in Apamea. There Hadrian heard a dispute involving a certain Hermogenes, who subsequently petitioned the emperor for a copy of the decision. The inscription, which records the petition, Hadrian's reply, and the relevant extract from the imperial *commentarii*, begins with an authentication notice that states the document had been "copied and checked from the volume of petitions displayed [in...Ly]cia (?) in the New Stoa" (ἐ[κ] τεῦχος λιβέλλων τῶν προκειμένω[ν ἐν...τῆς Λυ]κίας ἐν τῇ στοᾷ τῇ

[32] For basic bibliography, see the edition by J. D. Thomas of P.Oxy. LXV 4481 and Hauken, *Petition and Response*, 296-317, with the addition of Patrick Sänger, "Überlegungen zur Semantik von τεῦχος in der Verwaltungssprache der Papyri und Inschriften," *Archiv für Papyrusforschung und verwandte Gebiete* 53, no. 1 (2007), 15-30, who argues that τεῦχος, with the exception of its use as "archive" in the Delphi manumission inscriptions, in every other occurrence up to the fourth century CE indicates a "bundle of acts" (Aktenbündel). On the posting of originals rather than copies, see my further footnote below.

[33] C. P. Jones, "A Petition of Hadrian of 129 CE", *Chiron* 39 (2009): 445-61.

καινῇ).[34] Thus, Hermogenes had submitted the petition, waited until its public display with subscription, and had an authenticated copy made from the displayed original for his own records.[35] For posting practices in Rome, our earliest reference comes two decades later from a very fragmentary inscription apparently containing a petition and imperial subscript concerning the Dionysiac Artists of Smyrna (**I.Smyrna II.2 598** [150 CE]**)**. It preserves another authentication formula that includes a reference to the Temple of Apollo on the Palatine, and so it is reasonable to conclude that this was the site for the public posting of petitions in Rome in 150 CE.[36] By the time of Septimius Severus and Caracalla, as a recently published rescript to the *coloni* of Tymion and Simoe indicates, the place of publication at Rome had changed to the περίστοον of the Baths of Trajan.[37] That this location was used in Rome at least since the time of Gordian III in the early third century had long been known from the **Skaptopara** petition,

[34] Jones's translation.

[35] For contrasting positions on whether originals or copies were posted, see Alvaro D'Ors and Fernando Martin, "Propositio Libellorum," *The American Journal of Philology* 100, no. 1 (1979): 111–24, and Wynne Williams, "The Publication of Imperial Subscripts," *ZPE* 40 (1980): 283–94. Tony Honoré cautiously equivocates (*Emperors and Lawyers,* 46-7). One might note that Willy Clarysse's study of τόμοι συγκολλήσιμοι revealed that the practice of producing pasted rolls was generally used on original documents, not copies ("Tomoi Synkollēsimoi," 344–59). Inasmuch as one can extrapolate from general archival practice, additional weight might be given to Williams's arguments in favor of posting original petitions. At the same time, Clarysse found curiously few instances of pasted rolls of petitions—only four of the 230 confirmed rolls he had identified so far—leading him to conclude that "within the regular system of the first two centuries AD [assumedly referring to pre-Hadrianic practice of handing back petitions; see his p. 346], petitions were apparently not grouped in *tomoi*" [355]. Notably, three of the four petition rolls were from the early second century or later, and his findings might further confirm a change in petition protocols in the second century.

[36] Wynne Williams, "Two Imperial Pronouncements Reclassified," *Zeitschrift für Papyrologie und Epigraphik* 22 (1976): 235–45.

[37] For the text, see Peter Lampe and William Tabbernee, "Das Reskript von Septimius Severus und Caracalla an die Kolonen der kaiserlichen Domäne von Tymion und Simoe", *Epigraphica Anatolica* 37 (2004): 169–178.

which named the place of publication as *in porticu thermarum Traianarum* (I, l.5).[38] Again outside Rome, in Egypt the gymnasium of Alexandria is attested in the famous Columbia *apokrimata* as a place of publication for imperial rescripts at the time of Severus.[39] Places of publication for petitions to other provincial officials include the *porticus Iuniae ba()ae* in Caesarea, the baths of Trajan in Syrian Antioch, and various temples, gymnasia, and a treasury in Egypt.[40] P.Yale I 61 indicates that petitions submitted to the Prefect at an assize in Arsinoe were first posted in Alexandria and subsequently published for a period of three days in Arsinoe. As these notices of publication attested in Egypt, Judea, Syria, and Rome indicate, the intention was clearly to make petitions and their subscriptions accessible to large numbers of an interested public.

But perhaps still more can be learned. As indicated above, our first evidence for the practice of public posting of petitions occurs during the reign of Hadrian. Around this time, the first appearances of the abbreviation *PP* (*proposita*) occur in rescripts of Antoninus Pius dated 150 CE and 155 CE, among those preserved in the *Codex Justinianus*.[41] In the years before, Hadrian had also transformed the office of *a libellis*, not only restructuring the position to include responsibility for both petitions and tax assessment, an arrangement that continued under

[38] One can only speculate on the reasons for the change. Hauken surmises a diminution in the status of petitions as the reason for moving the site away from the Palatine, but perhaps it occurred in connection with moving the headquarters of the Urban Prefect (Lawrence Richardson, *A New Topographical Dictionary of Ancient Rome* [Baltimore: John Hopkins University Press, 1992], s.v. "Porticus Thermarum Traianarum," "Praefectura Urbana").

[39] P.Col. VI 123.1-2; P.Flor. III 382.15-16.

[40] Caesarea: PSI 9 1026; Antioch: P.Euphrates 1, ll.1-2 (245 CE). See Kelly, *Petitions, Litigation, and Social Control*, 176 nn.44-48, for Egyptian references.

[41] *CJ* 2.12.1; 2.1.1. See Fergus Millar, *Emperor in the Roman World*, 244.

Antoninus Pius, but also appointing to an office previously occupied by freedmen an equestrian at a handsome pay grade of HS 200,000 annually.[42] Such reforms may well be indicative of a significant change in the number and prominence of imperial petitions. For instance, a change from the personal delivery of answered petitions to their public posting may very well reflect a need to lighten an increasing load on administrative personnel, as well as a concern to make imperial decisions more readily known to a wider public.[43] Indeed, Hadrian's private rescripts are the first to be referred to in the legal sources, and the number of rescripts found there under Hadrian constitutes a five-fold increase over all of his predecessors combined, a trend that continued to escalate under Antoninus Pius.[44] Moreover, these mid-century tremors in Rome soon registered elsewhere in the provinces. Whereas during the first and early second centuries the Prefect of Egypt had largely relied upon letters to respond to petitions, in the mid-second century the Prefect and his staff began to use *subscriptiones* instead; and the publication of subscribed petitions in Egypt is also attested as early as 161 CE, both innovations presumably occurring in response to the popularization of the practice under Hadrian and Antoninus Pius.[45]

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[42] For an account of the changes in the administration of justice under Hadrian see Honoré, *Emperors and Lawyers*, 11-14.

[43] Burden: Clarysse, "Tomoi Synkollēsimoi", 346. Another possible motive for a change from personal delivery to a process of display and archiving that required the production of authenticated copies might have been to protect the integrity of administrative documents and reduce the risk of fabrication (cf. Kelly, *Petitions, Litigation, and Social Control*, 89). The posting of other imperial communiqués had been a long-standing practice, but subscribed petitions were "among the last imperial communication to be posted" (Elizabeth A. Meyer, *Legitimacy and Law in the Roman World: Tabulae in Roman Belief and Practice* [Cambridge: Cambridge University Press, 2008] 200 n.128).

[44] Tony Honoré's count for the period from Tiberius to Hadrian (based on the texts listed in Giovanni Gualandi, *Legislazione Imperiale e Giurisprudenza* [2 vols; Milano: Giuffrè, 1963], 1:7-57).: Tiberius 1; Claudius 1; Vespasian 1; Domitian 1; Trajan 20; Hadrian 126 (Honoré, *Emperors and Lawyers*, 14 n.80). My count for Pius, also based on Gualandi, totals 186.

So far we have observed that petition and response was ubiquitous in the Roman Empire of the second century and perhaps one of the most important means of communication between the emperor and his people. Moreover, in Justin's time petitions came to be publicly available for anyone to read and copy. Therefore, if our sources do not mislead us, we may be justified in linking Justin's decision to write a petition to the Roman emperor with a particularly fertile moment in the development of petitionary practices. In particular, the administrative history of the genre may invite us to see in Justin's petition a certain opportunism to seize upon new practices to disseminate his ideas.

But what, then, did petitions look like? Are Justin's *Apologies* at all recognizable as a petition? As we indicated above, robust and detailed comparison with actual petitions is critical for understanding Justin's possible arrogation of petition and response. A formal, literary analysis of four representative petitions demonstrates that extant petitions share characteristic features analyzable in terms of a common purpose, administrative context, form and structure, length, and rhetorical and argumentative strategy. These features constitute a generic inventory according to which we are able to consider Justin's *Apologies*. It is to the task of setting forth this inventory that we now turn.

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[45] Kelly, *Petitions, Litigation, and Social Control*, 88-89; Meyer, *Legitimacy and Law*, 199-200. 161 CE: P. Oxy. VII 1032 (ll. 46, 48), referring to the posting of a "collective subscription" delivered in response to ten petitions. This particular form of subscription was a short-lived phenomenon of Egypt in the 150's-170's CE (Kelly, *Petitions, Litigation, and Social Control*, 88-9), but perhaps it again underscores this period as one of innovation in administrative practices.

A Generic Inventory for Administrative Petitions

Whether metaphorized as contracts, biological species, or family relationships, genres share recurring codes, characteristics, or features that are crucial for the identification and interpretation of their exemplars. While it is ultimately more fruitful to think of texts not so much as *reproducing* a genre as *performing* it[46]—as stylized repetitions of generic forms rather than as simple reiterations of them—the task of analyzing their performative nature must begin with some preliminary assessment of their iterative quality. In other words, if Justin is in some fashion 'using' the petition genre, the *Apologies* must in some measure be recognizable as 'belonging' to that genre. To what extent is this the case with Justin's *Apologies* and the genre of the bureaucratic petition? To answer this question, we have assembled a generic inventory.[47] By delineating the constellation of formal and contextual characteristics commonly observed among extant petitions, we can develop criteria by which to assess Justin's performative invocation and elaboration of them in the *Apologies*..

In analyzing the ancient genre of petition, I have assumed two essential qualities of generic indicators. First, any given feature said to be characteristic of a genre may be more or less specifically linked to that genre; that means that while some features may be so linked to a genre as to act as a readily identifiable "field mark,"[48] others may be shared among multiple

[46] As we argued in the introduction.

[47] For inventories of the genre of ancient letters, see Michael B. Trapp, *Greek and Latin Letters: An Anthology with Translation* (Cambridge Greek and Latin Classics; Cambridge: Cambridge University Press, 2003): 1-5, 34-46; Roy K. Gibson and A. D Morrison, "Introduction: What Is a Letter," in *Ancient Letters: Classical and Late Antique Epistolography*, ed. A. D Morrison and Ruth Morello (Oxford: Oxford University Press, 2007), 1–16.

[48] Alastair Fowler, *Kinds of Literature: An Introduction to the Theory of Genres and Modes* (Cambridge: Harvard University Press, 1982), 59.

genres. The latter, while still characteristic of the genre, cannot be determinative of genre except in conjunction with other features. Second, generic indicators also differ in their degree of particularity: some, such as conventional formulae, are highly localized in the text, while others, such as tone or style, are more diffuse. These observations will become important when we turn to comparing the inventory for petitions with what we find in the *Apologies*.

As a matter of method, we cannot be content to substitute secondary formulations of genres for their actual instantiations. As Alistair Fowler reminds us, "even the best descriptions cannot be identified with the genres themselves."[49] It will be instructive, therefore, to begin our reading of Justin's *Apologies* with the reproduction of four fully or near-fully preserved petitions. These four documents will serve as reference points throughout the following discussion, although we will additionally document our claims with reference to many other petitions. With respect to scholarship on petitions, our inventory consolidates and at moments supplements the work of Robert Harper and Tor Hauken;[50] among scholarship on Justin, it expands our comparanda beyond **Skaptopara** and **Aragua**, which have been invoked principally by Schoedel and by Minns and Parvis.[51]

I have selected the following four samples because they represent a mix of media (two epigraphically- and two papyrologically-preserved petitions), are addressed to high-level

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[49] Ibid., 25.

[50] Harper, "Forensic Saviour" (esp. pp. 137-91); Tor Hauken, "Structure and Themes in Petitions to Roman Emperors," in *La Pétition à Byzance*, ed. Denis Feissel and Jean Gascou, Monographies / Centre de recherche d'histoire et civilisation de Byzance 14 (Paris: Association des amis du Centre d'histoire et civilisation de Byzance, 2004), 11–22.

[51] Schoedel, "Apologetic Literature and Ambassadorial Activities," 70, 75; Minns and Parvis, *Justin, Philosopher and Martyr*, 24-25.

imperial officials (either emperors or provincial governors), are nearly entirely preserved, and originate from different parts of the empire (Asia, Egypt, Thrace, and Mesopotamia). They are presented in approximate chronological order and range in date from the late first to the mid-third centuries. These criteria are important because 1) they select for petitions that are close in date to the *Apologies*,[52] 2) represent—like the *Apologies*—grievances addressed to the highest levels of administration, and 3) account for potential biases due to survival mode or geographical distribution. Moreover, I have specifically included **Skaptopara** not only because it is our longest complete petition to a Roman emperor, but also because of its citation in previous work on the *Apologies*.

SIG^3 820: Petition to the Proconsul of Asia (88/9 CE)[53]

This petition, preserved on a marble statue base, is directed to Lucius Mestrius Florus, proconsul of Asia, from a certain Lucius Pompeius Apollonius, identified by C. P. Jones with the famous Apollonius of Tyana.[54] It requests permission for the annual performance in Ephesus of joint mysteries in honor of Demeter and the divine Augustus:

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[52] While none is strictly contemporary with the *Apologies* (i.e., datable to the 150s), this is not a serious concern, since scholarship on petitions—including our survey below—demonstrates a remarkable durability and constancy of the genre across time and location.

[53] *SIG*^{3} 820 = I.Eph. II 213 = *New Docs* 4.22.

[54] Jones included this petition as Letter 67a in his Loeb edition of Apollonius's letters (Christopher P. Jones, ed., *Philostratus: Apollonius of Tyana* [vol. 3, 3 vols.; Loeb Classical Library 458; Harvard University Press,, 2006], 63.). Jones does not spell out his reasons for doing so, but in a review Adam Kemezis mentions several possibilities: "One can infer that J[ones] bases his identification on the subject matter: the Letters, VA and Cassius Dio all agree that Apollonius was active in Ephesus, and that he was concerned with its religious institutions, and the date of Mestrius' term there, in the 80s, works well with Apollonius. However,

Λουκίῳ Μεστρίῳ Φλώρῳ ἀνθυπάτῳ παρὰ
Λουκίου Πομπηΐου Ἀπολλωνίου Ἐφεσίου·
μυστήρια καὶ θυσίαι, κύριε, καθ᾽ ἕκαστον
[4] ἐνιαυτὸν ἐπιτελοῦνται ἐν Ἐφέσῳ Δήμητρι
Καρποφόρῳ καὶ Θεσμοφόρῳ καὶ θεοῖς
Σεβαστοῖς ὑπὸ μυστῶν μετὰ πολλῆς
ἁγνείας καὶ νομίμων ἐθῶν σὺν ταῖς
[8] ἱερίαις ἀπὸ πλείστων ἐτῶν συντετηρημένα
ἀπὸ βασιλέων καὶ Σεβαστῶν καὶ τῶν
κατ᾽ ἐνιαυτὸν ἀνθυπάτων, καθὼς αἱ
παρακείμεναι ἐπιστολαὶ αὐτῶν περιέχουσιν·
[12] ὅθεν, ἐπειγόντων καὶ ἐπὶ σοῦ τῶν μυστηρίων,
ἀναγκαίως, κύριε, ἐντυγχάνουσί σοι δι᾽
ἐμοῦ οἱ ὠφείλοντες τὰ μυστήρια ἐπιτελεῖν,
ἵνα ἐπιγνοὺς αὐτῶν τὰ δίκαια [—

Translation:[55]

> To Lucius Mestrius Florus, pronconsul, from Lucius Pompeius Apollonius of Ephesus. Mysteries and sacrifices, sir, are performed every year in Ephesus for Demeter Karpophorus and Thesmophoros and for the *Divi Augusti* by initiates with great propriety and lawful customs, along with the priestesses, strictly observed for many years by kings and emperors and annual proconsuls, just as their appended letters contain. Wherefore, since the mysteries are coming up also under your proconsulship, by necessity, sir, those obliged to perform the mysteries petition you through me so that you, recognizing their rights ...

Apollonius is a common name, and there is no evidence elsewhere for the man from Tyana being a Roman citizen: more elaboration by J would have been very welcome" (Adam Kemezis, "Review of: *Philostratus. Apollonius of Tyana: Letters of Apollonius; Ancient Testimonia; Eusebius's Reply to Hierocles*. Loeb Classical Library, *Bryn Mawr Classical Review* (July 16, 2007), n.p. [cited 28 May 2016]. Online: http://bmcr.brynmawr.edu/2007/2007-07-16.html).

[55] Modified slightly from that of G. H. R. Horsley in *New Docs* 4.22.

SB XVI 12678: Petition to an *epistrategos*, containing an earlier petition to the Prefect of Egypt (179 CE)[56]

This petition, complaining against the collection of a land tax, was submitted to the *epistrategos* after referral from the prefect.[57] The original petition to the prefect, including his *subscriptio* instructing the petitioner to submit the matter to the *epistrategos*, is reproduced within the petition (ll. 17-34).

[Τιβερίωι(?) Κλα]υδίωι Ξενοφῶντι τῶι
[κρατίστωι] ἐπιστρατήγωι
[παρὰ Ἰουλίας Ἡρ]αίδος Ἀντινοίτιδος διὰ τοῦ
[υἱοῦ Γαίου Ἰουλίου] Πρείσκου. ο[ὗ] ἐπέδωκα
[5] [Τίτωι Πακτουμ]ηίωι Μά[γνωι τῶι] ἡγε-
[μονεύσαντι βιβ]λιδίου κ[αὶ ἧς ἔτυχο]ν
[αὐτοῦ ἱερᾶς ὑπογρ]αφῆς α[-8-9-]εισαν
[-10-15-]ν ἀντίγρ[αφον ὑπόκ]ειται.
[ἀξιῶ, ἐάν σου] τῇ τύχῃ δόξ[ῃ], ἀκοῦσαί
[10] [μου πρὸς Ἡρ]ακλείδην ἕνεκα οὗ
[ἀπαιτεῖ με ο]ὐ δεόντως τέλους
[-8-12-]υτω μῃ[δ]ὲ διὰ τοῦ
[-7-11- πρ]οσκειμένου ὑπὲ[ρ]
[-9-13-]υ ἀλλὰ τῇ περὶ αὐτ[ὸν]
[15] [δυναστείᾳ] ἐξυβρίζοντα καὶ
[-5-10- πα]ραπρᾶξαι. ἔστι δέ·
[Τίτωι Πακτουμηί]ωι Μάγνωι ἐπάρχῳ Αἰγύπ(του)
[παρὰ Ἰουλίας Ἡ]ραίδος Ἀντινοίτιδος
[καὶ ὡς χρηματίζω]ι. προσφέρ[ω] σοι ἡγεμὼν
[20] [κύριε πρᾶγμα τῆσ] ῥῆς ἐκδικίας δεόμενον.
[ἐπειδὴ] Ἡρακλείδης Ἀμμωνίου
μισθωτ[ὴς] καταλοχισμῶν Ἀρσιν[ο-]
ῥείτου καὶ ἄλλων νομῶν αὐθάδη τρ[ό]ποῥ
κεκτημέ[ν]ος ἐβιάσατό με βουλη-
[25] θεὶς ἀπαιτ[ῆ]σαί με οὐ δεόντως τέλος
μὴ ὀφειλ[ό]μενον βασιλικοῦ ὑπολ[όγου]

[56] See Louise C. Youtie, "Petition to an Epistrategos," *Zeitschrift für Papyrologie und Epigraphik* 42 (1981): 81–88.

[57] On petitions made to the *epistrategos* as a result of referral from the governor, see J. D. Thomas, *The Epistrategos in Ptolemaic and Roman Egypt* (vol. 2, 2 vols.; Papyrologica Coloniensia v. 6; Opladen: Westdeutscher Verlag, 1975), 122-27.

ὑπὲρ τοῦ τοι[ού]του μηδεπώποτε τ̣έλους
καταβληθ[έν]τος ἀναγκαίως ἐπὶ σὲ τὸν
σωτῆρα κατέφυγον καὶ ἀξιῶ κελεῦσαι
[30] γρ[α]φῆνα[ι τ]ῷ τ̣ῶν Ἐ̣πτὰ Νομῶν ἐ̣π̣ι[στρ]α(τήγῳ)
ἀ[κ]οῦσαί μου πρὸς αὐτὸν ὅπως μηδὲν
βί[αι]όν μοι ὑπὸ τοῦ Ἡρακλείδου γείνηθαι
κ̣α̣ὶ [ὦ] ε̣ὐεργετημένη. διευτύχει. Ἰουλία Ἡραὶς
δι(ὰ) [τ]οῦ υἱοῦ Γα[ί]ου Ἰουλίου Πρείσκου ἐπιδέδωκα.
[35] ἀντίγρα(φον) ὑπογρα(φῆς)· (ἔτους) ιθ Μεσορ[ὴ] γ τῷ
ἔ̣τ̣ο̣υ̣ς κρατίστωι ἐ[π]ιστρατήγῳ ἔντυχε. ἀντεγράφη
[κ] Θ̣ὼ̣θ̣ κ̣δ. (hand 2) [Ἰ]ουλία Ἡρα̣ὶς διὰ τ[οῦ] υ̣ἱοῦ
[Ἰουλίου] Πρείσκου ἐπιδέδωκα.
[-ca.?-]. [. . . .]. [-ca.?-]

Translation:[58]

[To his excellency Tiberius(?)] Claudius Xenophon, *epistrategos*, [from Iulia] Herais, Antinoite, through [her son, Gaius Iulius] Priscus. Of the petition which I submitted to [Titus Pactumeius] Magnus, the [former] prefect, and [of the sacred] subscription [which I obtained from him, . . .] a copy is below. [I request, if] it seems good to your fortune, that you hear [my complaint against] Herakleides on account of his unjust [demands] for payment of a tax by me [. . .] not through the [. . .] but using the [power] accruing to him to commit outrages [. . .] and to exact money illegally. It is as follows: [To Titus Pactumeius] Magnus, prefect of Egypt, [from Iulia] Herais, Antinoite, [and however I am styled.] I am submitting to you, my [lord] prefect, [a case] which requires your adjudication. [Since] Herakleides, son of Ammonios, farmer of the tax on catoecic land [i.e., land granted to military settlers] for the Arsinoite and other nomes, possessing a brutal character, has threatened me with violence, wishing to demand payment unjustly of a tax which I do not owe on unproductive royal land, the tax never having been paid on land of such a kind, I have necessarily fled to you, my savior, and I request that you order that a letter be written to the *epistrategos* of the Seven Nomes to hear my complaint against him, so that nothing violent may happen to me at the instigation of Herakleides and I may receive this benefaction from you. Farewell. I, Julia Herais, submitted (this) through my son Gaius Julius.

Copy of the subscription (of prefect): Year 19, Mesore 3: Petition his excellency the *epistrategos*. The copy was made on Thoth 24 of year 20. (2nd hand) I, Iulia Herais, through my son [Iulius] Priscus, have submitted this petition.

[58] From Youtie, "Petition to an Epistrategos," 87-88, with minor modifications.

Skaptopara: Petition to Emperor Gordianus III (238 CE)

This petition was submitted by the villagers of Skaptopara in Thrace to the emperor Gordianus III concerning the excessive exactions suffered by the community at the hands of soldiers and provincial officials. This is both the longest and only completely extant petition to a Roman emperor. Part of a dossier of documents preserved in a commemorative inscription, the presentation of the petition itself on stone is prefaced by authentication and delivery formulae and followed by what appears to be an excerpt from proceedings before the provincial governor and, finally, Gordianus's *subscriptio*. Only the petition proper has been reproduced below.

Col. I Αὐτοκράτορι Καίσαρι Μ(άρκῳ) Ἀντωνίῳ
Γορδιανῷ Εὐσεβεῖ Εὐτυχεῖ Σεβ(αστῷ) δέησις
[10] παρὰ κωμητῶν Σκαπτοπαρηνων τῶν καὶ
Γρησείτων· ἐν τοῖς εὐτυχεστάτοις καὶ
αἰωνίοις σου καιροῖς κατοικεῖσθαι καὶ
βελτιοῦσθαι τὰς κώμας ἥπερ ἀναστά-
τους γίγνεσθαι τοὺς ἐνοικοῦντας πολ-
[15] λάκ(ις) ἀντέγραψας · ἔστιν γ<ὰρ> καὶ ἐπὶ τῇ τῶν
ἀνθρώπων σωτηρίᾳ τὸ τοιοῦτο καὶ ἐπὶ
τοῦ ἱερωτάτου σου ταμείου ὠφελείᾳ·
ὅπερ καὶ αὐτοὶ ἔννομον ἱκεσίαν
τῇ θειότητί σου προσκομί<ζ>ομεν εὐ-
[20] χόμενοι ἱλέως ἐπινεῦσαι ἡμεῖν
δεομένοις τὸν τρόπον τοῦτον· οἰκοῦ-
μεν καὶ κεκτήμεθα ἐν τῇ προγεγραμ-
μένῃ κώμῃ οὔσῃ εὐεπεράστῳ διὰ τὸ
ἔχειν ὑδάτων θερμῶν χρῆσιν καὶ κεῖ-
[25] σθαι μέσον δύο στρατοπέδων τῶν ὄν-
των ἐν τῇ σῇ Θρᾴκῃ, καὶ ἐφ᾽ οὗ μὲν τὸ
πάλλαι οἱ κατοικοῦντες ἀόχλητοι
καὶ ἀδειάσειστοι ἔμενον, ἀνενδεῶσ
τούς τε φόρους καὶ τὰ λοιπὰ ἐπιτάγματα
[30] συνετέλουν· ἐπεὶ δὲ κατὰ καιροὺς εἰς
<ὕ>β<ρ>ι<ν> προχωρεῖν τινες καὶ βιάζεσθαι
ἤρξαντο, τηνικαῦτα ἐλαττοῦσθαι
καὶ ἡ κώμη ἤρξατο· ἀπὸ γὰρ μειλίων δύ-
ο τῆς κώμης ἡμῶν πανηγύρεως
[35] ἐπιτελουμένης διαβοήτου οἱ ἐκεῖσε
τῆς πανηγύρεως εἵνεκεν ἐπιδημοῦν-

τες ἡμέρ̣αις π̣εντεκ̣αίδ̣εκα ἐ̣ν τῷ̣
τόπῳ τῆς πανηγύρεως οὐ κ̣ατ̣αμέ-
νουσιν, ἀλλὰ ἀπολιμπάνον̣τες ἐ̣πέρ-
[40] χον̣ται εἰς τὴν ἡμετέραν κώμην
καὶ ἀναγκάζουσιν ἡμᾶς ξ̣ενίας α̣ὐ̣-
τοῖς παρέχειν καὶ ἕ̣τερα πλεῖστα εἰς ἀ̣-
νάλημψιν αὐτῶν ἄνευ ἀ̣ρ̣γυρίου χο-
ρηγεῖν· πρὸς δὲ τ̣ο̣ύ̣τοις καὶ στρατιῶ̣τ̣αι
[45] ἀλλαχοῦ πεμπόμενοι καταλιμπά-
νοντες τὰς ἰδίας ὁδοὺς πρὸς ἡμᾶς π̣α̣-
ραγείνο̣νται καὶ ὁμοίως κ̣ατ̣επείγουσιν
παρέχειν αὐτοῖς τ̣ὰ̣ς̣ ξ̣ε̣νίας κ̣αὶ τὰ ἐπι-
τήδια μη̣δεμίαν τ̣ειμὴν καταβ̣αλόντες ·
[50] ἐπιδημ̣οῦσιν δὲ ὡς ἐπὶ τ̣ὸ πλεῖστον
διὰ τὴν τῶν ὑδ̣άτων χρῆσιν οἵ τε ἡγού-
μενο̣ι τῆς ἐπαρχείας, ἀ̣λ̣λὰ κ̣αὶ οἱ ἐπί-
τροποί σου· καὶ τ̣ὰς μὲν ἐξουσ̣ί̣ας <ε>ὐ<ξ>ε̣-
νώτατα δεχόμ̣ε̣θα κατὰ τ̣ὸ ἀναγκ̣αῖον,
[55] τοὺς λοιποὺς ὑποφ̣έρ̣ειν μὴ δυνάμε-
νοι ἐνετύχομεν πλειστάκισ̣ τοῖς ἡγε-
μόσι τ̣ῆ̣ς Θρ̣ᾴκης, οἵτινες ἀκολούθως
ταῖς θείαις ἐντολαῖς ἐκέλευσαν ἀοχλή-
τους ἡμᾶς εἶναι· ἐ̣δ̣ηλώσαμεν γὰρ μη-
[60] κέ̣τι ἡμ̣ᾶ̣ς δύνασθαι ὑπομέν̣ειν, ἀλ̣-
λὰ καὶ νοῦν ἔχειν συνλ̣ε̣ίπ̣ειν καὶ τοὺς
πατρῴους θεμελίους διὰ τὴν τ̣ῶν
ἐπερχομένων ἡμεῖν βίαν· καὶ γὰρ
ὡς ἀληθῶς ἀπὸ πολλῶν οἰκοδεσπο-
[65] τῶν εἰς ἐλαχίστ̣ο̣υς κατεληλύθα-
μ̣εν· καὶ χρόνῳ μέν τινι ἴ̣σχ̣υσεν
τὰ προστάγματα τ̣ῶ̣ν ἡγο̣υμένων
col. II καὶ οὐδεὶς ἡμεῖν ἐνόχλησεν οὔτε
ξενίας <αἰτή>ματι οὔτε παροχῆς ἐπι-
[70] τηδείων, προϊόντων δὲ τῶν χρόνων
πάλιν ἐτόλμησαν ἐπιφύεσθαι ἡ-
μεῖν πλεῖστοι ὅσοι <τ>ῆς ἰδιωτίας
ἡμῶν καταφρονοῦντεσ· ἐπεὶ οὖν οὐ-
κέτι δυνάμεθα φέρειν τὰ βάρη
[75] καὶ ὡς ἀληθῶς κινδυνεύομεν ὅπερ
οἱ λοιποὶ τόδε καὶ ἡμεῖς προλιπεῖν
τοὺς προγονικοὺς θεμελίους, τού-
του χάριν δεόμεθά σου, ἀνίκητε
Σεβαστέ, <ὅ>πως διὰ θείας σου ἀντιγρα-
[80] φῆς κελεύσῃ<ς> ἕκαστον τὴν ἰδίαν πο-
ρεύεσθαι ὁ̣δὸν καὶ μὴ ἀπολιμπάνοντας
αὐτοὺς τὰς ἄλλας κώμ̣α̣ς ἐφ᾽ ἡμᾶς

ἔρχεσθαι μήτε δὲ κατανα̣γκάζειν
ἡμᾶ̣ς χορηγε̣ῖν α̣ὐτο<ῖ>ς προῖκα τὰ
ἐπιτήδια· ἀ̣λλὰ μηδὲ ξενίαν αὐτοῖς
παρέχειν, οἷς μή ἐστιν ἀ̣νάγκη, - ὅτι
γὰρ οἱ ἡγούμενοι πλεο̣νάκις ἐκέ-
λευσαν μὴ ἄ̣λλῳ παρέχεσθαι ξε-
νίαν εἰ μὴ τοῖς ὑπὸ τῶν ἡ̣γουμέ-
νων καὶ ἐπιτρόπων ἐκπεμ-
πομένοις εἰς ὑ̣πηρεσίαν· ἐὰν δὲ
βαρο̣ύμεθα, φευξ̣όμε̣θα ἀ̣πὸ τ̣ῶν
ο̣ἰκ̣είων καὶ μεγίστ̣ην ζημίαν τ̣ὸ
ταμεῖον περιβληθήσεται - ἵ̣να
ἐ̣λεηθέντες διὰ τὴν θείαν σου
πρόνοιαν καὶ μείνα̣ντες ἐν
τοῖς ἰδίο̣ις τούς τε ἱεροὺς φόρους
κ̣αὶ τὰ λοιπὰ τελέ̣σματα π̣αρασχεῖν
δυνησόμεθα· συμβήσεται δὲ
τοῦ̣το ἡμεῖν ἐν τ̣οῖς εὐτ̣υχεστά-
τοις σοῦ καιροῖς, ἐὰ̣ν κε̣λεύσῃς
τ̣ὰ θεῖά σου γράμματα ἐν σ̣τή-
λῃ ἀναγραφέ̣ντα δ̣ημοσίᾳ προ-
φ[α]νεῖσθαι, ἵ̣να τούτ̣ου τυχόντ̣ες
τῇ̣ Τύχῃ σου χάριν ὁμολο̣γεῖν
δυνησόμεθα, ὡς καὶ νῦν καθ̣ο̣[ς]-
[ι]ωμένοι σου ποιοῦμεν.

Translation:[59]

(ll. 8-11) To Emperor Caesar Marcus Antonius Gordianus Pius Felix Augustus. Petition from the villagers of Skaptopara, also called the Greseitai.

(ll. 11-21) You have often, in replying to petitions, announced that in this most fortunate and eternal time of your reign villages should be settled and improved, rather than their inhabitants be ruined. This is both for the security of humankind and benefit of your most holy treasury. Consequently we bring a lawful petition to your divinity, praying that you will graciously give your approval to us as we make our appeal in this way.

(ll. 21-77) We inhabit and have our living in the aforementioned village, which is very attractive: it has the use of thermal springs and lies between two of the army camps in Thrace. Because of this the inhabitants remained for a long time undisturbed and without the slightest worry. Wanting for nothing, they fulfilled their taxes and other duties. But

[59] With modifications from Olivier Hekster and Nicholas Zair, *Rome and Its Empire, AD 193-284* (Debates and Documents in Ancient History; Edinburgh: Edinburgh University Press, 2008), 119-21.

when, in time, certain men began to inflict violence and to use force, the village declined. Two miles from our village there is an official, well-publicised market. People go there to attend the market, which lasts for fifteen days, but they do not stay near the market; they leave it and come through to our village and force us to give them accommodation and much else to support them, without paying any money. In addition to these, soldiers who are being sent elsewhere abandon their own routes and come to us, forcing us to provide them with accommodation and provisions, without paying any sort of price. Governors with proconsular authority stay with us, largely to use the springs, but also your procurators. We receive the authorities with the greatest hospitality as we must, but since we cannot put up with the others, we have made entreaties frequently to the governors of Thrace, who have ordered, in accordance with your divine commands, that we must remain unharassed. This is because we have demonstrated that we are no longer able to endure this behavior, and instead we have it in mind to leave our family farms because of the violence of those who come to us. We tell you truly that the number of householders has decreased from many to very few. For some time the ordinances of the governors prevailed and we were not troubled by requests for accommodation or the supply of provisions, but as time went by many people again dared to avail themselves of our produce, despising our privacy.

(ll. 73-107) And so, since we really cannot bear these burdens, and since we truly are at great risk, like the others, of abandoning our family farms, we beg your favor, unconquered Augustus: that you order, by means of a divine reply in writing, everyone to keep to his own route, and tell them not to leave the other villages and come to ours, nor to compel us to furnish them with provisions without charge or to provide accommodation for anyone we don't have to; because the governors frequently ordered that accommodation not be given to anyone unless they had been sent on the service of the governors or procurators. If we do keep being oppressed, we will flee our lands, and the treasury will incur a great loss. So pity us in your divine wisdom and let us remain in our own homes, so that we will be able to pay the holy taxes and other duties. And this will happen for us during your most felicitous reign, if you order your divine words to be written up on a stele and to be displayed publicly. And after we have received this as a result of your Fortune we will be able to express our gratitude, which, holding you in reverence, we feel already.

P.Euphrates 1: Petition to the Prefect of Mesopotamia (III CE)

Finally, the following is one of only a few completely preserved petitions to a Roman governor outside Egypt:

(1st hand) Ἐπὶ ὑπά(των) Αὐτοκρά(τοροσ) Καίσαρος Μάρκου Ἰουλίου Φιλίππου
Σεβ(αστοῦ) καὶ Μεσσίου Τιττιανοῦ πρὸ πέντε καλ(ανσῶν) Σεπτεμβρ(ίων)
ἔτους τρίτου υσ μηνὸς Λῴου ηκ ἐν Ἀντιοχ(είᾳ) κολ(ωνίᾳ) μητροπόλει ἐν

ταῖς Ἀδριαναῖς Θερμεῖς.
(2nd hand) Ἰουλίῳ Πρείσκῳ τῷ διασημοτάτῳ ἐπάρχῳ Μεσοποταμίας διέποντι τὴν ὑπατείαν παρὰ Ἀρχώδου
Φαλλαίου καὶ Φιλώτα Νισραϊάβου καὶ Οὐορώδου Συμισβαράχου καὶ Ἀβεδσαυτᾶ Ἀβεδιαρδὰ ὄντων ἀπὸ κώμης Βηφ-
[5] φούρης κυριακῆς τῆς περὶ Ἀππάδαναν. *ca. 15 vac.* ἔχοντες, κύριε, ἀμφισβήτησιν μεταξὺ τῶν συν-
κωμητῶν ἡμῶν περὶ χώρας καὶ ἑτέρων, ἀνήλθομεν ἐνταῦθα δικαιολογήσασθαι παρὰ τῇ σῇ χρηστό-
τητι καὶ σχολάσαντες τῷ σῷ δικαστηρίῳ μῆνας ὀκτὼ προσήχθη τὸ πρᾶγμα, καθὰ διαμνημονεύ-
ει σου τὸ μέγεθος, τῇ πρὸ ἐννέα καλ(ανδῶν) Σεπτεμβρ(ίων) τῶν πρόσφατον διελθουσῶν καὶ σὺ ὁ εὐεργέ-
της ἀκούσας μέρους τοῦ πράγματος ἐκέλευσας ὥστε ἐπὰν εὐτυχῶς ἐν τοῖς τόποις ἔσῃ ὅρον δοῦ-
[10] ναι. *vac.* ἐπεὶ οὖν *vac.* ἕως τῆς δεῦρο τὸ πρᾶγμα κρίσιν οὐκ ἔλαβεν, ἐπιχειροῦσιν δὲ οἱ συνκω-
μῆται ἐκβάλλειν ἡμᾶς τῆς χώρας ἐν ᾗ τυνχάνομεν καὶ βιάζεσθαι πρὸ δίκης, κελεύουσιν
δὲ αἱ θεῖαι διατάξεις, ἃς γε πρὸ πάντων γνωρίζων προσκυνεῖς, τοὺς καταλαμβ<αν>ομένους ἐν τῇ
νομῇ μέχρι δίκης ἐκείνους ἐν αὐτῇ εἶναι, *vacat* διὰ τοῦτο κατεφύγομεν ἐπὶ σὲ καὶ δεόμε-
θά σου κελεῦσαι δι᾽ ὑπογραφῆς σου Κλαυδίῳ Ἀρί<σ>τωνι τῷ κρατίστῳ ἐπιτρόπῳ τῷ ἐν Ἀππα-
[15] δάνᾳ, ὑφ᾽ ὃν ἡ διοίκησίς ἐστιν, ἐν ἀκεραίῳ πάντα τηρηθῆναι καὶ βίαν κωλυθῆναι μέχρι
τῆς σῆς εἰς τοὺς τόπους ἐσομ[έ]νης σου εὐτυχῶς ἐπιδημίας ὅπως, τούτου ἐπιτυχόν-
τες, ἔξωμέν σου τῇ τύχῃ διὰ παντὸς εὐχαριστεῖν. Αὐρ(ήλιος) Ἀρχώδης Φαλλαίου ἐπέδωκα
καὶ εἰς τὸν τῶν ἑτέρων λόγον.
(3rd hand) ὑπογραφὴ Ἰουλίου Πρείσκου τοῦ διασημο(τάτου) ἐπάρχου Με(σοποταμίας) διέποντος
[20] τὴν ὑπατείαν· *vac.* ὁ Ἀρίστων ὁ κράτιστος τὴν ἀξίωσίν
σου δοκιμάσει.
(4th hand) Legi σθ
(5th hand) λ(ί)β(ελλος) Ἀρχώδ[ου] Φαλλαιου καὶ Φιλώ[τα]
Νισραιαβου.

Translation:[60]

> In the consulship of Imperator Caesar Marcus Iulius Philippus Augustus and Messius Tittianus, five days before the Calends of September, in Antioch, colony and metropolis, in the baths of Trajan:
>
> To Iulius Priscus, the *perfectissimus* prefect of Mesopotamia, acting with proconsular power, from Archodes son of Phallaios, and Philotas son of Nisraibos, and Ourodes son of Symisbarakhos, and Adebsautas son of Abediardas, being from the imperial village of Beth Phouraia, near Appadana.
>
> Having, Lord, a dispute with our fellow villagers concerning land and other matters, we came up here to plead our cause before your Goodness and, after attending your tribunal for eight months, the case was introduced, just as your Greatness recalls, on the ninth day before the Calends of September, just lately passed. And you, our benefactor, having heard a portion of the case, ordered that you would give a decision when you come auspiciously to the region. Since, therefore, our case has not yet received a ruling, and since our fellow villagers are attempting to expel us from the land in which we live and to apply pressure on us before a judgment is made, and since the divine constitutions, which you above all know and venerate, order that those who are in possession remain in possession until a decision is made, for this reason, we have fled to you and ask that by your subscription you order Claudius Ariston, *vir egregius*, procurator in Appadana, who oversees the conventus, to keep everything inviolate and to prevent any violence until your fortunate coming visit to the region, so that, having obtained this, we will be able to give thanks to your Fortune forever.
>
> I, Aurelius Archodes son of Phallaius, submitted also on behalf of the others.
>
> Subscription of Iulius Priscus, the *perfectissimus* prefect of Mesopotamis, acting with proconsular power: Ariston *vir egregius,* will examine your petition. I have read. No. 209.
>
> Petition of Archodes son of Phallaius and Philotas son of Nisraiabos.

Administrative petitions such as the four reproduced above share the same basic shape and recurring features, including: 1) the presence of a request; 2) a presumed institutional context with attendant protocols; 3) stereotyped form and structures; 4) a largely limited length; and 5) recurring argumentative and rhetorical tropes. These features are generally recognized in existing

[60] Modified slightly from Clifford Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire*, Classics and Contemporary Thought 6 (Berkeley: University of California Press, 2000), 73-74.

scholarship on petitions, although not consolidated and presented in precisely the same terms as below. Our analysis will examine each of these in turn.

Request

The most important marker that one is, in fact, reading a petition is the presence of a request. The "essence" of a petition is found in its explicit petitionary intent.[61] In extant petitions, this purpose is most succinctly and clearly expressed in a formalized statement of request. In the documents reproduced above, the central request is readily identifiable: ὅθεν...κύριε, ἐντυγχάνουσί σοι δι᾽ ἐμοῦ οἱ ὠφείλοντες τὰ μυστήρια ἐπιτελεῖν... (*SIG*^{3} 820 ll.12-14); [ἀξιῶ, ἐάν σου] τῇ τύχῃ δόξ[ῃ], ἀκοῦσαί [μου πρὸς Ἡρ]ακλείδην... (SB XVI 12678 ll.9-10 [petition to the epistrategos]); [ἐπειδὴ] ἀξιῶ κελεῦσαι γρ[α]φῆναι τ]ῷ τῶν Ἐπτὰ Νομῶν ἐπι[στρ]α(τήγῳ) ἀ[κ]οῦσαί μου πρὸς αὐτὸν... (SB XVI 12678 ll. 29-31 [petition to the prefect]); τούτου χάριν δεόμεθά σου, ἀνίκητε Σεβαστέ, <ὅ>πως διὰ θείας σου ἀντιγραφῆς κελεύσῃ<ς> ἕκαστον τὴν ἰδίαν πορεύεσθαι ὁδὸν... (**Skaptopara** ll.77-81); διὰ τοῦτο κατεφύγομεν ἐπὶ σὲ καὶ δεόμεθά σου κελεῦσαι δι᾽ ὑπογραφῆς σου Κλαυδίῳ Ἀρί<σ>τωνι...ἐν ἀκεραίῳ πάντα τηρηθῆναι καὶ βίαν κωλυθῆναι... (P.Euphrates 1 ll.13-15). The full request period almost always consists of four basic elements, which sometimes results in a syntactically overloaded sentence.[62] These four elements include: 1) a causal or inferential connector linking the grounds for the petition to

[61] As Harper notes, "Most fundamentally, we can see that the essence of a petition and a court room argument can be found in the concept of the request" (“Forensic Saviour”, 141).

[62] On the request period, see Hauken, *Petition and Response*, 272-74; John L. White, *The Form and Structure of the Official Petition: A Study in Greek Epistolography,* Society of Biblical Literature. Dissertation series no. 5 (Missoula, MT: Society of Biblical Literature, 1972), 16-18, 41-61.

the request itself;[63] 2) one or more verbs of request;[64] 3) an object clause spelling out the content of the request, usually that the addressee "command" (κελεύειν) something to be done (SB XVI 12678 ll.29; **Skaptopara** l.80; P.Euphrates 1 l.13); and 4) one or more conditional or purpose clauses stating the anticipated result of a favorable response, as this will accrue to the petitioner, the petitioned, or both (*SIG*^{3} 820 ll.31-3; **Skaptopara** ll.91-107; P.Euphrates 1 ll.16-17).[65] It is important to note that the presence of a request period is not unique to administrative petitions; private letters of recommendation often contain request periods with the same four elements we observe in petitions, an overlap probably born of an almost universal grammar of request.[66] But,

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[63] *SIG*^{3} 820 l.12: ὅθεν; SB XVI 12678 ll. 29: τούτου χάριν; **Skaptopara** ll.77: διὰ τοῦτο; *P.Euphrates* 1 l.13:διὰ τοῦτο.

[64] *SIG*^{3} 820 l.12: ἐντυγχάνουσί; SB XVI 12678 l. 9: ἀξιῶ; SB XVI 12678 l. 29: ἀξιῶ; **Skaptopara** l.78: δεόμεθα; P.Euphrates 1 ll.13-14: δεόμεθα.

[65] *SIG*^{3} 820 ll.31-3: ὅπως μηδὲν βί[αι]όν μοι ὑπὸ τοῦ Ἡρακλείδου γείνηθαι κ̣αὶ [ᾧ] ε̣ὐεργετημένη ("so that nothing violent may happen to me at the instigation of Herakleides and I may receive this benefaction from you"); **Skaptopara** ll.91-107: ἐὰν δὲ β̣αρ̣ο̣ύμεθα, φευξ̣ό̣μεθ̣α ἀ̣πὸ τ̣ῶν ο̣ἰκ̣είων καὶ μεγίσ̣τ̣η̣ν ζημίαν τ̣ὸ ταμεῖον περιβληθήσεται - ἵ̣ν̣α ἐ̣λεηθέντες διὰ τὴν θείαν σου πρόνοιαν καὶ μείνα̣ντες ἐν τοῖς ἰδίο̣ις τούς τε ἱεροὺς φόρους κ̣αὶ τὰ λοιπὰ τελέ̣σ̣ματα π̣αρασχεῖν δυνησόμεθα· συμβήσεται δὲ τοῦ̣τ̣ο ἡμεῖν ἐν τ̣οῖς εὐτ̣υχεστάτοις σοῦ καιροῖς, ἐὰ̣ν̣ κελεύσ̣η̣ς τ̣ὰ θεῖά σου γράμματα ἐν σ̣τ̣ήλ̣η̣ ἀναγραφέντα δ̣ημοσίᾳ προφ[α]νεῖσθ̣αι, ἵ̣ν̣α τούτ̣ου τυχόντ̣ες τ̣ῇ Τύχ̣η σου χάριν ὁμολο̣γεῖν δυνησόμεθα, ὡς καὶ νῦν καθ̣ο̣[ς] [ι]ωμένοι σου ποιοῦμεν ("If we do keep being oppressed, we will flee our lands, and the treasury will incur a great loss. So pity us in your divine wisdom and let us remain in our own homes, so that we will be able to pay the holy taxes and other duties. And this will happen for us during your most felicitous reign, if you order your divine words to be written up on a stele and to be displayed publicly. And after we have received this as a result of your Fortune we will be able to express our gratitude, which, holding you in reverence, we feel already"); P.Euphrates 1 ll.16-17: ὅπως, τούτου ἐπιτυχόντες, ἔξωμέν σου τῇ τύχῃ διὰ παντὸς εὐχαριστεῖν ("so that, having obtained this, we will be able to give thanks to your Fortune forever").

[66] See, for instance, Pliny, *Ep*. 10.4. After giving the background of his request of Trajan, including his relationship to the recommendee and a commendation his character and pedigree, Pliny concludes his letter with a request period containing all four of the elements we identified in those of our example petitions: *rogo* [2: verb of request] *ergo* [1: inferential connector], *domine, ut me exoptatissimae mihi gratulationis compotem facias et honestis, ut spero, adfectibus meis praestes* [3: object of request], *ut non in me tantum verum et in amico gloriari*

as we noted above, just because a feature is not unique to administrative petitions does not mean that it is not constitutive of the genre. The existence of a request—usually expressed in a four-fold period—is a *sine qua non* of petitions, as it carries the *raison d'être* of the document.

Administrative Context

The well-springs of genres, as specialized speech-acts, are often found in recurrent, real-life situations. Even when social function is only vestigially present within textual codes and structures removed from their originating source, in some cases the demonstrable presence of some underlying social custom is compelling evidence for the integrity of a generic category.[67] In the case of administrative genres such a petitions, their social function is conspicuously present, and the evidence of their interaction with the social institution in which they were embedded is concretely encoded in references to practices such as submission, subscription, posting, and copying, as well as in technical or quasi-technical terminology that would have aided administrative processing and potentiated a favorable governmental response. These appear both within petitions themselves, as well as in additional apparatus included in their

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iudiciis tuis possim [4: benefit accrued]. Cf. also the request period in Cicero, *Ad fam*. 13.5.3. On letters of recommendation, see Chan-Hie Kim, *Form and Structure of the Familiar Greek Letter of Recommendation* (SBL Dissertation Series 4; Missoula, Mont.: Society of Biblical Literature, 1972); Hans-Josef Klauck, *Ancient Letters and the New Testament: A Guide to Context and Exegesis* (trans. Daniel P. Bailey; Waco, Tex: Baylor University Press, 2006), 72-77.

[67] This is not to posit a simply functionalist explanation of genre. As Fowler explains: "This need not be a crudely reductive notion explaining literature in terms of practical 'causes.' Better expressed, it posits an original perlocutionary setting. So Francis Cairnes writes that 'every genre has a "function," which is often to convey a communication of a certain character.' This is certainly true of such genres as the *proemptikon* or farewell..." (Fowler, *Kinds of Literature*, 152; cf. also 67). We intend here only to recognize that certain kinds of writing are associated with and influenced by characteristic occasions.

archival copies. In the documents cited above, there are references to submission (SB XVI 12678 ll. 33-34: Ἰουλία Ἡραὶς δι(ὰ) [τ]οῦ υἱοῦ Γα[ί]ου Ἰουλίου Πρείσκου ἐπιδέδωκα), subscription (SB XVI 12678 l. 7: [αὐτοῦ ἱερᾶς ὑπογρ]αφῆς); **Skaptopara** l. 79-80: διὰ θείας σου ἀντιγραφῆς; P.Euphrates 1 l. 14: δι' ὑπογραφῆς σου) and subsequent handling, including posting, copying, and archiving. The latter procedures are presupposed in notes of reception and authentication formulae that mark copies as having been processed and answered by imperial officials. For instance, the Skaptopara inscription records, in Latin, above the petition proper: "Copied and examined from the roll of petitions answered by our Lord Imperator Caesar Marcus Antonius Gordianus Pius Felix Augustus, and publicly posted in Rome at the baths of Trajan in the words that are written below."[68] The commemoration of such metadata by petitioners serves to enhance the truth value and authority of the petition as a document having actually and successfully navigated the imperial bureaucracy, and the same inscription also includes a note of reception by the imperial office, which would not have been a part of the original petition but added upon its receipt by the chancellery and subsequently copied by the petitioner as part of the subscribed and posted document.[69] In these ways, due to the pragmatic function of the form,

[68] *<F>ulvio Pio et <P>o<n>tio Proculo cons(ulibus) XVII kal(endis) Ian(uariis) descriptum <e>t reco<g>nitum factum <e>x <l>ibro bellorum rescript<o>rum a domino n(ostro) Imp(eratore) Ca<e>s(are) M(arco) Antonio Gordiano Pio Felice Aug(usto) <e>t propo<s>it-<o>rum <R>oma<e> in portico <th>ermarum Tr<a>ianar<u>m in ve<r>ba<q>(uae) i(nfra) s(cripta) s(unt).* (**Skaptopara**, ll. 1-5).

[69] "Presented by Aurelius Pyrrus, soldier of the tenth praetorian cohort pia fidelis Gordiana, of Proclus's century, fellow villager and owner" (*dat(um) p<e>r Aur(elium) Purrum mil(item) coh(ortis) X <pr>(aetoriae) <p>(iae) <f>(idelis) <G>ordiana<e> <c>(enturiae) Proculi con<vi>canu<m> et conp{p}ossess<o>rem*). See Hauken, *Petition and Response*, 105-6. **Şapçılar**, an imperial petition presented to Hadrian in 129 CE, preserves a similar notice of reception: "Received ten days before the Kalends of August at Apamea in Asia" (*Acc(ceptus) X kal(endas) Aug(ustas) Apam(eae) in Asia*) (**Şapçılar**, l. 19 = Hauken, *Petition and Response*, 328; for the latest edition, see Christopher P. Jones, "A Petition to Hadrian of 129 CE," *Chiron* 39 (2009): 445–61).

petitions, like other administrative genres, remain embedded in a concrete material context, and references to that context help define the genre and aid in its readerly identification.

Form and Structure

Extant petitions evince a remarkably durable form and structure, with particular modes of address, clearly delineated and sequenced sections, and commonly invoked formulae. Such features of texts' framing and internal organization are especially indicative of genre, such that the kind of text one is reading is often most quickly and easily recognizable by the characteristics of its formal structure.[70] Particularly indicative are a text's opening and closing elements. Written requests to Roman officials could be carried by two different forms: epistolary (ἐπιστολή) and the much more ubiquitous hypomnematic (ὑπόμνημα). The difference between the two lies primarily in their mode of address. Whereas petitions in the form of letters used the standard epistolary convention of ὁ δεῖνα τῷ δεῖνι χαίρειν, ὑπομνήματα were written in "memorandum style," initiated with τῷ δεῖνι παρὰ δεῖνος.[71] It is commonly stated that these two forms constituted different means of approach for two types of suppliants, namely, corporate entities and private individuals, respectively. But the use of epistolary forms for petitions is also

[70] Fowler, *Kinds of Literature*, 60-61; Trapp, *Greek and Latin Letters*, 34.

[71] On the history of the ὑπόμνημα as a document type, see Alain Martin, "Τῷ δεῖνι παρὰ τοῦ δεῖνος: Réflexions à propos d'un type documentaire," *Commentationes Humanarum Litterarum* 122, no. 2 (2004): 661–75. Also helpful is Ferdinandus Ziemann, *De Epistularum Graecarum Formulis Sollemnibus Quaestiones Selectae* (Halle: Formis descripsit Ehrhardt Karras, 1910), 259-66.

a function of addressee: in Roman Egypt it was apparently an option only for addressing Roman governors or emperors and not lower level officials.[72]

Among extant petitions, the opening address may be amplified in several ways. Most frequently, the addressee was elaborated with official title and an honorific superlative, and the sender with domicile, patronymic, and, less frequently, vocation (e.g., P.Euphrates 1 ll. 3-4: Ἰουλίῳ Πρείσκῳ τῷ διασημοτάτῳ ἐπάρχῳ Μεσοποταμίας διέποντι τὴν ὑπατείαν παρὰ Ἀρχώδου Φαλλαιου καὶ Φιλώτα Νισραιαβου καὶ Ουορωδου Συμισβαραχου καὶ Αβεδσαυτα Αβεδιαρδα ὄντων ἀπὸ κώμης Βηφφούρης κυριακῆς τῆς περὶ Ἀππάδαναν.)[73] Occasionally more fulsome honorifics are attested, particularly in later petitions.[74] Sometimes petitions were submitted through an intermediary or written on others' behalf, as was the case in all four of our examples above, and this relationship was expressed in a variety of ways. In private petitions, a representative could be used if an individual petitioner was unable to present the document in person or was somehow legally restricted from doing so. In such instances, the relationship is expressed in Greek with the preposition δία (in Latin, *per*), as in SB XVI 12678: [παρὰ Ἰουλίας Ἡρ]αίδος Ἀντινοίτιδος διὰ τοῦ [υἱοῦ Γαίου Ἰουλίου] Πρείσκου.[75] In other cases, a

[72] For instance, Thomas notes that epistolarly conventions are not attested among petitions to *epistrategoi* in Roman Egypt (*The Epistrategos in Ptolemaic and Roman Egypt*, 114).

[73] Among the 71 Ptolemaic and Roman-era papyri in White's study, 56 included domicile, 53 lineage, and 37 vocation (*Form and Structure*, 13 n. 15). Among imperial petitions, vocation is indicated only by Lollianus in **P.Coll.Youtie II.66** (ll. i.4-5: δημοσίου [γρ]αμματικοῦ; but absent in the draft of col. iii); it is, however, also attested in the delivery note of **Skaptopara** (ll. 5-7).

[74] E.g., "To the masters of earth and sea..." in Lollianus's petition (**P.Coll.Youtie II 66** ll. i.1-4): [τ]οῖς [γῆς κ]αὶ θαλάτ[τ]ης δε[σπό]ται[ς] αὐτ[οκ]ράτ[ορσι] [κ]αίσα[ρσι Πο]υπ[λίωι Λι]κιν[νίωι] Οὐα[λερια]νῶι [κ]αὶ Π[ουπλίωι] Λ[ικιννί]ωι Οὐ[αλεριανῶι Γα]λλιη[νῶι] εὐσε[βέσι ε]ὐ[τυχέ]σι σεβ[αστοῖ]ς.

representative might petition on behalf of either a group of private individuals or a formally recognized collective. In P.Euphrates 1, four individuals are listed as petitioners in the opening address (ll. 3-4), but the note of submission names only one acting as a representative: Αὐρ(ήλιος) Ἀρχώδης Φαλλαιου ἐπέδωκα καὶ εἰς τὸν τῶν ἑτέρων λόγον (ll. 17-18). **Skaptopara** represents a similar case: whereas the petition proper is said to come simply "from the villagers of Skaptopara," without mention of Aurelius Pyrrus, the note of reception added by the office of the *a libellis* describes the petition as *dat(um) per Aur(elium) Purrum* (l. 6), and further specifies him as *con<vi>canu<m> et con{p}possess<o>rem* ("fellow villager and owner"), as does the concluding imperial subscript (ll.165-6).[76] Somewhat different is *SIG*^{3} 820, where, although the petition is addressed from Apollonius, the formal statement of request is made by "those obligated to perform the mysteries though me [Apollonius] (δι᾽ ἐμοῦ)" (*SIG*^{3} 820). Finally, as in the *Apologies*, in the address of **Aragua**, an imperial petition from the peasants of an imperial estate in Phrygia (244-46 CE), both representative and community are named: "from (παρά) Aurelius Eglectus [for the community] of Araguanians."

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[75] See also the case of another Roman female petitioner, listed as one of the recipients of a rescript in **Şapçılar** l.21 (*[A]ristomeniae per Flabium Tatia[num*), who apparently lacked the *ius trium liberorum* and was in need of a male representative. See Jones, "A Petition to Hadrian of 129 CE," 454.

[76] Another example is PSI IX 1026 (150 CE), a petition submitted by 22 veterans to the *legatus Augusti* Vilius Cadus. The address simply reads *ab veteranis leg X Fr. n. XXII* (ll.3-4), but the individual names are appended below the petition, while a single representative is named in the submission formula: *L. Petronius Saturninus edidi pro me et conveteranis meis* (l.21). Also worth mentioning is a fragmentary petition to Severus from the "lord-loving" Paeanistae at Rome (***IGUR* I 35**). Although its introductory address is not preserved, that petition appears to have been written as if from the group as a whole, without a named representative, and Severus's reply is likewise addressed to the whole group. Nevertheless, this petition could have been officially submitted by a single individual, as in the case of P.Euphrates 1 and **Skaptopara**, even if we lack a note of deposit that would have so indicated.

The last variation in hypomnematic address to be mentioned is the addition of a word for "petition" in the nominative as a kind of announcement of the nature of the forthcoming document. This is well attested among imperial petitions, either as the initial word of the opening address (**Skaptopara** l.9**:** δέησις παρά...; **Şapçılar** l.11: ~δέησις~ παρά...)[77] or as the second element between recipient and petitioner (**Aphrodisias and Rome 52** ll.1-3: [Αὐ]τοκράτορι Νέρβᾳ Τραϊαν[ῷ Σεβαστῷ Γ]ερμανικῷ Δακικῷ ἔντευ[ξις Γαΐου Ἰουλ]ίου Γαΐου; **Aragua** ll. 6: Αὐτοκράτορι... δέησις παρὰ Αὐρηλιου Ἐγκλέκτ[ου). The word quickly clues the reader to the document type.

The most frequent closing in Roman-era petitions is a simple διευτύχει. Among the Roman-era petitions in White's study, approximately half contained διευτύχει, and all lacked the closing greetings or health wishes characteristic of private letters.[78] The most common elaborations in closings were literacy formulae, date, or delivery notations. SB XVI 12678 above has διευτύχει (set apart on the papyrus by both underlining and overlining) followed by a note of delivery; among imperial petitions the same occurs in ***New Docs* 6.18** (l. 6), a petition from a group of priests to Hadrian dated to 130 CE. But διευτύχει is also frequently absent, and its absence would probably not have been felt as unusual.[79] P.Euphrates 1, for instance, has only

[77] Cf., too, IGLSkythia I 378 (= Hauken, *Petition and Response*, 170-78), a petition to an imperial legate from the eastern Black Sea: ἔντευξις τῷ κρ[ατίσ]τῳ ὑπατικῷ Ἰουλ[ίῳ Σ]εουήρῳ παρὰ κ[ω]μητῶν χόρα Δάγει (ll. 6-9).

[78] White, *Form and Structure*, 18.

[79] Might the presence or absence of διευτύχει correlate to the status of the addressees? More certainty about such matters of reception might be gained with a far more comprehensive study of the form of Roma-era petitions than is available in White. Not only would a larger database be required, but more attention would have to be paid to such variables as the status of the petitioner or the rank of the recipient.

a note of delivery (ll. 17-18), written in the same hand as the petition proper and set off by vacats. **Skaptopara** contains no closing element.

In terms of structure, the internal organization of petitions "was built around a request to legitimate power."[80] It depended on a deep-seated petitionary logic in which suppliants approach the supplicandus, advance a request, and bolster it with reasons showing that they and their case merit attention and remedy.[81] Since, as we noted above, the essential function of a petition was this "request to power," a discrete request section is central to the composition, and the structure of petitions is constructed around and culminates in this request. In the logic of request-making, the request itself should be preceded by a description of what precipitated it, in order for the addressee to understand the circumstances of and grounds for the request. This ends up yielding a durable four-part structure for petitions evidenced in sources as diverse as Ptolemaic-era papyri, provincial inscriptions of the High Empire, and late antique papyrus petitions:[82]

[80] Harper, "Forensic Saviour," 141.

[81] On ancient petitionary logic in general, of which adminsitrative petitions are a particular legal and literary formalization, see F. S. Naiden, *Ancient Supplication* (New York: Oxford University Press, 2006).

[82] This exposition of four-fold structure follows that of Harper, "Forensic Saviour," 147. For a convenient synopsis of previous studies on the structure of Ptolelmaic and Roman petitions, including those of Paul Collomp, Octave Guéraud, Anna Di Bitonto, Paul Bureth, and John L. White, see ibid., 142-48. To this one must add Tor Hauken's structural and rhetorical analyses of epigraphic petitions in *Petition and Response*, 258-95, and "Structure and Themes", 13-22. Hauken (*Petition and Response*, 261-62) leaves out a concluding element and introduces rhetorical terms to describe 2a (*exordium*) and 3 (*narratio*). See also Terence Y. Mullins, "Petition as a Literary Form," *Novum Testamentum* 5, no. 1 (1962): 46–54; and, briefly, Thomas, *The Epistrategos in Ptolemaic and Roman Egypt*, 114. The following section draws especially upon the work of White, Harper, and Hauken, who all include Roman-era petitions among their data.

1) Opening address, indicating the names of the official addressed and the petitioner, either in hypomnematic or epistolary form;

2) Background, stating the circumstances and reasons for the request, often introduced with a brief exordium (2a);

3) The request proper for administration intervention, in turn consisting of four basic elements as described above;

4) Closing element(s)

This structure is readily discernible in extant petitions, often variously marked by the use of inferential particles and adverbs, transitional sentences, or indications in the material layout of a text, such as paragraphing and vacats. Looking at our examples, this four-fold organization is easily recognizable, both from the content of the sense units and from some of the syntactical and material markers just listed. In *SIG*^{3} 820, (1) the opening address (ll. 1-2) leads to (2) the background (ll. 3-11), initiated with a vocative address (κύριε), which gives way via a causal conjunction (ὅθεν) to (3) the request formula (ll.12ff). A concluding element, if there was one, is not extant. In the petition to the prefect in SB XVI 12678, after (1) the opening address (ll.17-18), (2a) a short exordial sentence forms a transition to (2) the background, introduced with ἐπειδή, which culminates in (3) the request (ll.28-33) and (4) a concluding farewell (διευτύχει; l.33). In **Skaptorara**, (1) the opening address (ll.8-11) gives way to (2a) the longest extant exordium among imperial petitions (ll.11-21) leading to (2) a statement of background (ll. 21-27) and (3) an extensive request section (ll. 73-107), demarcated from the background by a causal conjunction and adverb (ἐπεὶ οὖν). P.Euphrates 1 begins with (1) a standard opening address (ll. 3-5), followed by (2) the background (ll.5-10) marked off both by a vacat of some 15 letters and

a circumstantial participle with vocatival address (ἔχοντες, κύριε, ἀμφισβήτησιν). (3) The request (ll.13-17) is marked off with a vacat of 3 letters and an inferential prepositional phrase (διὰ τοῦτο κατεφύγομεν ἐπὶ σὲ καὶ δεόμεθα), and (4) the note of delivery is also set off by vacats. Although not evinced in our examples, transitional sentences, particularly introducing the background statement, are very common and also reinforce these divisions. For instance, **Aragua** introduces the background in the following way: τὴνδε τὴν ἱκετείαν [ὑ]μεῖν προσάγομεν. ἔχε[ι δὲ τὸ τῆς διηγ]ήσεως ἐν τούτοις (ll.12-13); similarly, **P.Coll.Youtie II.66**: ἔστιν δὲ αὕτη (l.11, 50).[83] Moreover, the marking of rhetorical divisions by the physical layout of the inscribed text is also apparent in **Saltus Burunitanus** and **Aragua**.[84] This four-fold structure is remarkably durable, and the use of vacats, inferential particles, and other indicators to demarcate sections would have allowed a reader to recognize instantly the nature and purpose of a received document and easily navigate its logic and constituent parts. The pressure to ensure that one's petition would smoothly navigate the administrative bureaucracy—a pressure mediated also by the use of professional scribes—surely exerted a significant conservative influence on the form and length of petitions, resulting in considerable uniformity. If one wanted to give one's petition the best possible chance for success, as Ari Bryen puts it, the "form had to be gotten right."[85]

[83] Additional examples from petitions to prefects include: τὸ δὲ πρᾶγμα οὕτως ἔχει (PSI XII 1245 [207 CE]) and ἔχει δὲ οὕτως (P.Oxy XVII 2131 [207 CE]; BGU IX 2061 [207 CE]).

[84] See Hauken, *Petition and Response*, 261.

[85] Bryen, *Violence in Roman Egypt*, 64. Bryen helpfully notes: "As scholars have recently cautioned, papyri must be imagined not only as texts, but as artifacts. As such, we must imagine how the document would have been read. It was necessary to make it look like a petition, so that the strategos or the relevant members of his staff would know exactly what they were looking at the instant they unfolded it - as Traianos Gagos points out, it is probably no accident that the physical shape of petitions in the Roman period remains so constant" (idem).

Length

Like form and structure, length is a critical expectation of genre. As Alastair Fowler argues, "as every kind has a formal structure, so it must have a *size*."[86] The specifics of the occasion or performance context often imposes a certain size, as Aristotle's discussion of the appropriate "magnitude" (τὸ μέγεθος) of a tragedy or Pseudo-Menander's references to the length appropriate to different kinds of epideictic speeches illustrate.[87] This is particularly so in the case of petitions. In an administrative context, officials and their staff would have expected content of "a narrowly defined and predictable sort,"[88] and economy of length would have been an especially critical factor in processing the volume of petitions Roman administrators received. As already noted, the basic shape and layout of petitions were determined in large part by the demands of bureaucratic efficiency, and petitioners and scribes surely felt pressure to conform to such expectations to ensure the proper handling of their complaints. No doubt length was influenced by the same concerns. Like *SIG*^{3} 820, *SB* XVI 12678, and P.Euphrates 1 reproduced above, most extant papyrus petitions would have fit on a single column of a papyrus roll.[89] Judging from the available evidence, imperial petitions tended to be longer, perhaps by a factor of two or three, although our sample size is admittedly small.[90] Still, **Skaptopara**, the most completely extant petition to a Roman emperor, comprises just 477 words of text. Moreover,

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[86] Fowler, *Kinds of Literature*, 62.

[87] Aritstotle, *Poetics*, 1450b21-1451a15; Ps. Menander, II.423; 434; 437.

[88] To borrow a phrase from Fowler, *Kinds of Literature*, 21.

[89] Perusing the petitions gathered in White's *Form and Structure* or Bryen's *Violence in Roman Egypt* (213-80), although limited collections, will give one a good impression of the relatively short length of the average papyrus petition.

[90] Hauken, *Petition and Response*, 284-5.

Tor Hauken's word counts for the individual parts of imperial petitions reveal a high degree of uniformity, suggestive of a "standard" size, so the length of **Skaptopara** may be representative of imperial petitions, particularly those submitted on behalf of provincial communities.[91]

Rhetorical and Argumentative Strategies

An important aspect of our survey of the petition genre is the argumentative strategies that petitioners typically employ. Reading widely among extant petitions, one soon discovers a host of recurring motifs and tropes. There are conventional ways in which petitioners argued their causes, and many of these stereotyped features relate to petitioners' presentation of the suppliant-supplicandus relationship and to their manipulation of that relationship to effect a favorable response. Petitions—by nature supplications and invocations of power—rhetorically construct the suppliant-supplicandus relationship in a particular way, with petitioners portraying themselves largely as loyal, deferential subjects and the addressees as benefactors and protectors of the weak. Petitioners are represented as victims of harassment or wrongdoing, with the necessity of their present circumstances compelling their approach to authority, whose power is often likened to that of a benefactor exercising his influence on behalf of the suppliant. The official's role as protector is also embodied in petitioners' requests for retribution against their harassers. Such retribution requests are especially common in cases of physical abuse, where the

[91] For instance, Hauken's word totals for *exordia* are (numbers in parantheses indicate : 53 (**Skaptopara**); 42 (**Aragua**); (39) (**Kavacik**); 39 (**P.Coll.Youtie II 66**). For *narrationes*: (145) (**Saltus Burunitanus**); (178) (**Ağabey Köyü**); (62) (**Kemaliye**) 253 (**Skaptopara**); (203) (**Aragua**). For *preces*: 162 (**Saltus Burunitanus**); 167 (**Ağabey Köyü**); (132) (**Kemaliye**); 156 (**Skaptopara**) (Hauken, "Structure and Themes," 14; *Petition and Response*, 282-4). Such totals indicate a high degree of coherence, evidencing informal or formal pressures toward conformity.

petitioner has no other means of vengeance against their opponent, since there was no property to recover.[92] In sum, the relationship that is constructed in petitions is one of a powerful and good official acting on behalf of a weak and humble petitioner. To be sure, that putative relationship, as we will see, can be exploited by the petitioner in nuanced ways, not only by using appeals to pity but also by leveraging any potential disadvantage the situation may pose to the state, such as the petitioners' inability to pay their taxes. Nevertheless, "the core relationship is that between the powerful official and the pitiful petitioner or complainant."[93]

Petitioners adopt some common rhetorical strategies and tropes that both embody and manipulate this basic power relationship. First, petitioners portray themselves as "harassed"—expressed most often with ἐνοχλέω, ἐπηρεάζω, διασείω, or, in instances of physical violence, βιάζω—and it is the urgency of this molestation that compels their approach. The language of harassment is used by petitioners to describe both the behavior of perpetrators and, in the passive voice, the pitiable state of the petitioner.[94] This commonplace is not only invoked by petitioners to communicate their victimization, it also appears in the promises of Roman rulers to protect their subjects from vexation. For instance, a ὑπογραφή of T. Flavius Sulpicianus, proconsul of Asia during the reign of Commodus, promised that "the most worthy Lygus will take care (φ[ρον]τίσει) that your estates are not in any way harassed (μὴ ἐπηρεάζεσθαι... κατὰ [μη]δένα

[92] For examples, see Kelly, *Petitions, Litigation, and Social Control*, 188-93.

[93] Harper, "Forensic Saviour," 139.

[94] E.g., Chr.Wilck.325 = P.Lond. 3.846 (l.6; 140 CE); BGU XI.2061 (l.6; 210 CE); P.Köln VI.279 (l.4; II-II CE); cf., too, BGU I.15 = Sel.Pap. II.246 (194 CE), an excerpt from judicial proceedings before the *epistrategos*, where the advocate prefaces his verbal request on behalf of his client (ἀξιοῖ...μὴ ἀφέλκεσθαι ἀπὸ τῆς ἰδίας εἰς ἀλλοτρίαν) with a statement about his harassment (ὅτι νῦν κωμογραμματεὺς ἐπηρεάζει τῷ συνηγορουμ[έ]νῳ). For a different set of examples, see Harper, "Forensic Saviour," 336-38.

τρόπον). And of the same the most worthy military tribune will also take forethought (πρόνο[ιαν] ποιήσεται)."[95] Marcus Agrippa, in his letter to the Cyreneans in response to a petition made by local Jews over their harassment (ἐνέτυχόν μοι νῦν ὡς ὑπό τινων συκοφαντῶν ἐπηρεαζόμενοι), ordered the restitution of wrongfully exacted taxes, adding that the Jews would no longer in any way be harassed (οἷς...κατὰ μηδένα τρόπον ἐνοχλουμένοις).[96] Thus we see in the discourse of petition and response an expectation of freedom from harassment shared by both ruler and ruled alike, such that, with a single word, the idea of the supplicandus as the good and powerful protector against unjust suffering could be efficiently summoned. Moreover, petitioners' harassment could be specifically inflected as an experience of *unreasonable* (ἄλογος) suffering, which tapped into an important vein of imperial discourse about the rationality of Roman rule and jurisprudence.[97]

Harassment experienced by the petitioner is connected to other prominent commonplaces: the petitioner's "flight" to the official, their "physical" presence before him, and the "necessity" of their approach. Petitioners routinely describe their approach to the official as a flight (καταφεύγειν) of refuge; among our samples, P.Euphrates 1 (l.13: διὰ τοῦτο κατεφύγομεν ἐπὶ σέ) and SB XVI 12678 (ll.28-29: ἀναγκαίως ἐπὶ σὲ τὸν σωτῆρα κατέφυγον) provide ready illustrations.[98] The flight theme powerfully underscored petitioners' needs and communicated their reliance upon the official as the only means of redress and as the only figure powerful

[95] Hauken, *Petition and Response*, 189 (ll. 8-11).

[96] Oliver, App. 1 = Josephus, *Ant*.16.169-70

[97] E.g., **Kavacık**: [πάσχ]οντες ἄλογ[ο]ν κ[αί...ἐν τοῖς εὐτυχε[στ]άτ[οις ὑμῶν καιροῖς ("since we suffer unreasonably even in these most fortuitous times of yours"; ll.3-4).

[98] Among petitions to the emperor, the motif occurs in **Skaptopara**, not in the petition proper but in the advocate's description of the petition recorded in later proceedings: διὰ τοῦτο ἀναγκαίως κατέφυγον ἐπὶ τὸν Σεβαστόν (ll.163-4).

enough to rectify their victimization. Its presence brings to the language of request reminisces of long-standing traditions of asylum-seeking at temples or altars, giving the approach to the official quasi-religious overtones.[99] The petition itself then becomes a ritual act of supplication in written form, with the document standing as a textual surrogate for the personal presence of the petitioner before the supplicandus. But even without an explicit flight reference, a verb communicating the physical approach of the petitioner is frequently added to the expression of request, sometimes making explicit that the approach occurs through the petition (διὰ βιβλιδίων).[100] Thus, submission of a written petition is intended to achieve the effect of a virtual personal audience with the official so addressed.[101] Moreover, it is almost obligatory to state that this recourse to the official is born of "necessity." The compulsion under which the petitioner approaches is most commonly signified in the request period with adverbial expressions like κατὰ τὸ ἀναγκαῖον or ἀναγκαίως, as in *SIG*^{3} 820 (l.13: ἀναγκαίως, κύριε, ἐντυγχάνουσί σοι) and

[99] For a full treatment of this theme, see Harper, *Forensic Saviour*, 249-306.

[100] Examples: PSI XII 1245 ll.28-9 (207 CE): πρόσειμί σοι [καὶ] ἀξιῶ; BGU II 614 ll.12-13 (217 CE): προσελήλυθα διὰ βιβλιδίων τῷ λαμπροτάτῳ ἡγεμόνι Οὐαλερίῳ Δάτ[ῳ; P.Oxy VIII 1119 ll. 8, 19 (254 CE): προσῆλθον ἡμεῖν διὰ βιβλειδίων αἰτιώμενοι.

[101] On the dynamic (and potentially endlessly frustrating) relationship between personal encounter and submission of a petition as distinct but complementary means of approach, consider the plight of the unfortunate *eirenarchos* Septimius Heracleides (P.Oxy. XXII 2343 [287 CE]). The whole affair began, according to Heracleides's account, when he appealed to the prefect to contest his appointment to the office of *dekaprotos*, receiving a reply from the prefect instructing him to approach his court in person. This he happened to accomplish when the prefect was entering the council chamber, but the prefect said he was too busy with embassies and other matters to attend to the issue. So Heracleides approached him again in person the next day, this time in the laurel grove, and again the prefect was too busy and told Heracleides instead to submit another written petition to him (βιβλία...ἐπιδοῦναι). This he did, now for the second time, only to once again receive the instruction to approach the prefect's court in person! Revel Coles, "P.Oxy. XXII 2343 Revised," *Zeitschrift für Papyrologie und Epigraphik* 61 (1985): 110–14.

SB XVI 12678 (ll. 28-9: ἀναγκαίως ἐπὶ σὲ τὸν σωτῆρα κατέφυγον καὶ ἀξιῶ).[102] In other cases the compulsion is more fully elaborated, as in SB XX 15036 (= CPR I 232), ll. 5-8: προήχθ[ημεν ἔγ]γρ[α]φ[ο]ν ταύτην διαμαρτυρίαν παρ᾽ ὑμῖν [π]οιῆσαι π[άλ]ιν ἡμας αὐτοὺς ἀσφαλισάμενοι πρὸς τὸ μὴ ἐκκεῖσθ[α]ι ἐπηρείᾳ δευτέρᾳ ("We were impelled to make this written testimony to safeguard ourselves again against exposure to a second abuse"). As with the language of harassment, we have evidence of a discourse shared also by imperial authorities: *RECAM* III.112, an imperial response to a procurator, recapitulates the compulsion theme from the point of view of the administration, speaking of provincials who were driven to them to seek redress (πρὸς ἡμᾶς ἠπειχθησαν ἐξ αὐτῶν τινές). These themes of flight, physical approach, and compulsion are not, of course, only found in administrative petitions. By virtue of their being components of a natural grammar of request, they are readily evidenced in requests of the jury in classical Greek oratory and statements of request in private letters.[103] But, of course, this makes them no less characteristic of the petition genre.

A further strategy evidenced in petitions is the contrast between the petitioner's plight and the general prosperity of the empire. To underscore the injustice of their suffering, petitioners often contrapose the virtues, principles, or stated policies of imperial administration with their own non-participation in these boons of government. Such overt or implied σύγκρισις is a strategy especially adopted in the *exordia* of imperial petitions. The exordium of **Skaptopara** provides a salient example: "You have often, in replying to petitions, announced that in this most fortunate and eternal time of your reign villages should be settled and improved, rather than their

[102] For additional references, see White, *Form and Structure*, 36 n.40; Harper, "Forensic Saviour," 338-40.

[103] On precedents from classical forensic oratory, see the examples in Harper, "Forensic Saviour," 261-66. For the theme in private letters of request, see, e.g., P.Harr. I 63 (l.4) (II CE).

inhabitants be ruined. This is both for the security of humankind and benefit of your most holy treasury. Consequently we bring a lawful petition to your divinity ..." (ll.11-18).[104] This policy is then contrasted in the background section with the decline of the petitioners' village: "But when, in time, certain men began to inflict violence and to use force, the village declined " (ll.30-33). The *exordium* of **Aragua** adopts a similar strategy: "Whereas in your most blessed times, most pious and faultless of emperors ever, everybody leads an undisturbed and tranquil life, because every kind of wickedness and harassment has been brought to an end, we are the only ones suffering (tribulations) alien to these most happy times, and bring this supplication to you."[105] By contrasting the prosperity of the empire with their present plight, petitioners return imperial propaganda to the emperor or other imperial officials in order to leverage the former's public claims to better secure a favorable response. This is an important strategy whereby petitioners signal in shorthand form their trust in the administration, while at the same time using the grounds for that trust to pressure the administration to take action on their behalf.[106]

A final aspect of the argumentative strategy of petitions is the use of documentary support to argue their cases. Citing published legal instruments or, where applicable, the results of previous administrative approaches not only had the practical benefit of laying important

[104] **Skaptopara** ll. 11-18: ἐν τοῖς εὐτυχεστάτοις καὶ αἰωνίοις σου καιροῖς κατοικεῖσθαι καὶ βελτιοῦσθαι τὰς κώμας ἥπερ ἀναστάτους γίγνεσθαι τοὺς ἐνοικοῦντας πολλάκ(ις) ἀντέγραψας · ἔστιν γ<ὰρ> καὶ ἐπὶ τῇ τῶν ἀνθρώπων σωτηρίᾳ τὸ τοιοῦτο καὶ ἐπὶ τοῦ ἱερωτάτου σου ταμείου ὠφελείᾳ· ὅπερ καὶ αὐτοὶ ἔννομον ἱκεσίαν τῇ θειότητί σου προσκομί<ζ>ομεν.

[105] Transl. Hauken; **Aragua** ll. 9-12: πάντων ἐν τοῖς μακαριωτάτοις ὑμῶν καίροις εὐσεβέσ[τατοι κὲ ἀλυ]πότατοι τῶν πώποτε βασιλέων, ἤρεμον καὶ γαληνὸν τὸν βίον διαγ[όντων πάσης πο]νηρίας κὲ διασεισμῶν πε[π]αυμένων, μόνοι ἡμεῖς ἀλλότρια τῶν ε[ὐτυχεστάτων] καιρῶν πάσχοντες τήνδε τὴν ἱκετείαν [ὑ]μεῖν προσάγομεν. Cf., too, **Kavacık**: [πάσχ]οντες ἄλογ[ο]ν κ[αί...ἐν τοῖς εὐτυχε[στ]άτ[οις ὑμῶν καιροῖς (ll.3-4).

[106] Hauken, "Structure and Themes", 17; Ando, *Imperial Ideology*, 380-81.

information before the official, but also signaled trust in the administration and leveraged its public claims on behalf of the petitioner's cause.[107] Relevant (or sometimes not so relevant) documents were regularly appended or excerpted by inscribing them within the text of the petition itself.[108] Examples abound, but the practice is easily demonstrated from our sample petitions. For instance, in the background section of *SIG*^{3} 820, Apollonius refers to past precedents for the protection of the Ephesians' annual rites, citing as proof letters that he has appended to the petition (παρακείμεναι ἐπιστολαί) that no longer survive. In the case of SB XVI 12678, the character of the whole petition is defined by this practice, with the bulk of it carrying a previous petition and rescript from the prefect forwarded to the *epistrategos* per the prefect's instructions. Among petitions to the emperor, the extensive request section of **Saltus Burunitanus** refers to a relevant *kaput* of the *lex Hadriana* and certain letters of procurators "in your archive in Carthage" (ll. III.4-5, 8-10, 17), both of which were quoted in an earlier portion of the petition that is no longer extant.[109] This kind of documentary support, including both the citation of legal precedents and the enclosure of previous documents produced as a case

[107] Hauken, *Petition and Response*, 280; "Structure and Themes", 17. Fundamental for understanding this phenomenon is Ando, *Imperial Ideology*, esp. 73-130.

[108] Pliny's correspondence with Trajan once again illustrates both the practice and concerns about the relevance of cited evidence. Forwarding to Trajan a petition from the Apameans, he writes: "I required that they enclose what they were saying and reciting (to me) in a *libellus*, which I am sending just as I received it, although I realize much of it is not relevant to the point being adjudicated" (*Exegi, ut, quae dicebant, quaeque recitabant, libello complecterentur, quem tibi qualem acceperam misi, quamvis intellegerem pleraque ex illo ad id de quo quaeritur non pertinere*) (Pliny *Ep*. 10.47).

[109] For other examples among imperial petitions, see: **I.Smyrna II.1 598**; 150 CE), in which excerpted citations, now very fragmentary but clearly marked off by superscriptions and vacats, serve as evidentiary support; and **P.Coll.Youtie II.66**, in which Lollianus mentions in the accompanying letter to his representative that he is sending along with his own petition a request (αἴτησις) and its grant (συγχώρησις) from a case similar to his, presumably so it can be leveraged as precedent, although it is uncertain whether they were included in the text of the petition itself or sent to his representative as separate documents.

progressed through the legal system, is taken to an extreme in the petition from Dionysia concerning her father's abuses (P.Oxy. II 237; 186 CE). There the citation of numerous precedents is heaped upon an extensive case history to produce the longest known petition of the Roman-era, running nearly 15 times the length of **Skaptopara**.

While imperial statements and other supporting documents may be specifically quoted, either in full or in part, sometimes petitioners simply reference their existence without specific citation, sometimes in a surprisingly vague or cavalier fashion. In P.Euphrates 1, the petitioners advance as grounds for their complaint that "the divine constitutions, which you (the governor) above all know and venerate (κελεύουσιν δὲ αἱ θεῖαι διατάξεις, ἃς γε πρὸ πάντων γνωρίζων προσκυνεῖς), order that those who are in possession remain in possession until a decision is made" (ll.11-13). Similarly, as we have seen, the exordium of **Skaptopara** begins by reminding the emperor that he has often pronounced in his rescripts a desire for the prosperity of villages (ll.13-15), and later, without citing specific precedents, mentions successful appeals to previous governors who had issued their orders according to "the divine mandates" (ἀκολούθως ταῖς θείας ἐντολαῖς; ll.57-8).[110] In another imperial petition, a former athlete asks the emperors to appoint him as herald for the governor, arguing that "formerly it was decided by your divine forebears, Lords, (πάλαι τέ[τ]ᾰκται καὶ ὑπὸ τῶν \θεῶν/ προγόνων ὑμῶν τῶν κυρίων) that no else (other than athletes) occupy the office" (**PSI XIV 1422** ll.26-8). Whether specific or vague, such practices of documentary support and citation of precedent were an important facet of the argumentative

[110] The fact that past governors have many times issued orders against unlawful quartering is mentioned later (ll.86-91). Actually, the rescript that the Scaptopareni themselves received was not exactly a ringing endorsement of their claims. But that such an equivocal rescript was nevertheless inscribed and prominently displayed is itself an important testimony to the social power of imperial documents. On the potential problem that weasel-worded rescripts posed to petitioners, see Lollianus's instructions to his representative to ensure that his imperial rescript is "unambiguous, so as not to be reversed by ill-will" (ἔσται δὲ καὶ ἡ ἀντιγραφὴ ἀ[ν]αμφίβολος πρὸς τὸ μὴ ὑ(πὸ) κακοηθίας...[ἀ]νασκευασθῆναι [**P.Coll.Youtie II.66** ll.36-7]).

strategy of Roman-era petitions. Petitioners referenced or cited previous imperial documents because they had some measure of confidence in the documentary practices of Roman administration. But they also used such instruments as weapons of persuasion against the forces that buffeted them, whether governmental or personal. The Egyptian veterans of the *X Fretensis* anticipated using a *subscriptio* of the *legatus Augusti* in just such a way: "We petition and request that it might be possible for us to use your subscription as a legal instrument should the necessary circumstances arise" (PSI IX 1026; 150 CE).[111]

Conclusion

This chapter has accomplished two tasks. First, it contextualized the *Apologies* within the administrative culture of the second century. We demonstrated both the importance and sheer ubiquity of petition and response in the Roman Empire and argued for a heightened interest on the part of the imperial administration in Justin's time in the public display and viewing of petitions and subscriptions. Justin's performance of the petition genre, then, may be linked to a particularly vigorous and formative moment in the development of petitionary practices. Second, as a first step in our literary comparison between the *Apologies* and Roman-era petitions, we presented a concise overview of the genre of the administrative petition. This analysis of generic conventions will serve as a reference point in our comparative work on the *Apologies* in chapter three. But before that comparative work is undertaken, it is first necessary to study the ways in which Justin describes his literary project in the *Apologies*.

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[111] ll.8-10: [*petimus et rogamus] ut possit rebus neces<s>aris subscriptio tua instrumenti causa nobis prodesse.*

Chapter Two

Performing Petition I: Literary Self-Description in the *Apologies*

This chapter and the next will together examine whether and to what extent Justin performs in the *Apologies* the genre of an administrative petition. They will do so through a literary analysis of the *Apologies*, including a close examination of the way Justin literarily describes his work (the subject of the present chapter) and a comparison to extant petitions (the subject of chapter three). Analyzing the *Apologies* as a performance encourages us to view Justin's relationship to genre as less a passive reproduction of a static form than an active manipulation of shared structures of meaning. This is of fundamental importance to reimagining Justin's arrogation of administrative discourse, and the next two chapters will explore the nature of that subjective appropriation, taking as our starting point Justin's own strategic and performative characterizations of his literary project.

The principal argument advanced in the following two chapters is that Justin in the *Apologies* performs the work of a petition, but he performs it multiply, crafting a complex and many-faceted literary creation, manipulating generic codes and weaving together various discourses in a way that both points to and transcends the conventions of documentary petitions. This simultaneous invocation, manipulation, and, at times, subversion of the petition form lies at the heart of Justin's literary endeavor. To advance this claim, two main points will be argued in detail. First, Justin's performance unequivocally invokes the forms and practices of petition and response. While the prevailing impression carried for much of its length is that of philosophical disputation, at strategic moments in the *Apologies* Justin consistently employs request language and the formalities of petition and response. Justin describes his work in the same terms as documentary petitions, sharing the same fundamental purpose—that of a request to power—and

drawing upon many of the same tropes and protocols. These petitionary features are part and parcel to the composition and communicative significance of the work.

At the same time —and this is the second claim to be argued in these two chapters— Justin's *Apologies* look nothing at all like surviving petitions. Justin's performance of the petition genre is something decidedly more complex and innovative, an interweaving of multiple discourses bound together by that of petition and response. Even as we lay out the evidence for understanding the *Apologies* as a work that plays upon the conventions of imperial petitions, we will explore the limits of that identification, for it is not only in commonalities but in suggestive departures that clues to meaning are to be found. What emerges from the creative tension produced by these two competing but mutually illuminating claims is a nuanced understanding of the performative nature of Justin's invocation of the petition genre.

The present chapter will examine the generic indicators in the *Apologies***,** those occasions when Justin chooses to be overt about the nature and purpose of his work. A key feature of the *Apologies* is that Justin chooses at strategic points to name his authorial purpose. When he does so, he consistently chooses to present his work as a document of the petition system and to call upon that discourse in self-stylized ways. As we analyze the meaning and significance of these generic descriptions, we will discover a varied lexicon that nevertheless coheres in a single performance due to shared and reinforcing administrative resonances. This chapter will thus begin our demonstration of the ways in which Justin is both indebted to and actively transforms the petition genre.

Generic Description in the *Apologies*

Justin frequently describes his purpose in the *Apologies* and, when doing so, chooses to name his performance in differentiated but related ways. I argue that this varied lexicon reveals not hesitation over the exact nature his work, but a highly stylized performance of multiple discourses.[1] That Justin is firmly in control of his deployment of terms is suggested by two preliminary observations. First, Justin is an author who makes ample use of wordplay, frequently choosing vocabulary that is deliberately multivalent or capacious in its meaning. For instance, in *1 Apol*. 17.3-4 ("...[we] profess that you are kings and rulers of people and pray (εὐχόμενοι) that you be found to possess prudent discernment in addition to kingly power. But if you will pay no heed to our praying (εὐχόμενοι) and putting everything in the open, no harm will come to us..."),[2] the first (εὐχόμενοι) speaks of prayer to God, while the second both of prayer to God and, in the context of a petition, of that to his imperial addressees, as is clear from numerous parallels from imperial petitions where εὔχομαι is used for the act of supplication embodied in the petition (**Kavacık** l.31; **Skaptopara** l.19). A similar ambiguity may attend Justin's use of προσεπευξάμενοι at the end of the *Apologies* (*2 Apol*. 15.4). In *1 Apol*. 27.5 (ὡς ἀνατετραμμένου καὶ οὐ παρόντος φωτὸς θείου), Justin characterizes the divine light present in human beings as overturned and extinguished, alluding to the popular charges of orgiastic activities among Christians referenced in *1 Apol*. 26.7 (λυχνίας μὲν ἀνατροπὴν). Such examples

[1] For the characterization of Justin hesitating over the nature of his work, see Fredouille, "De l'apologie de Socrate," 16.

[2] *1 Apol*. 17.3-4: ...βασιλεῖς καὶ ἄρχοντας ἀνθρώπων ὁμολογοῦντες καὶ εὐχόμενοι μετὰ τῆς βασιλικῆς δυνάμεως καὶ σώφρονα τὸν λογισμὸν ἔχοντας ὑμᾶς εὑρεθῆναι. εἰ δὲ καὶ ἡμῶν εὐχομένων καὶ πάντα εἰς φανερὸν τιθέντων ἀφροντιστήσετε, οὐδὲν ἡμεῖς βλαβησόμεθα...

of wordplay may be readily multiplied,[3] revealing that Justin makes linguistic choices that are often intentionally and suggestively polyvalent. He is an author in command of his vocabulary, capable of using generic description tensively and creatively to fashion a hybridized presentation in a single performance.

Second, Justin's statements about the nature of his performance are highly marked by their placement at compositionally significant moments, indicating that Justin deliberately and self-consciously adopts the role of petitioner and draws his readers' attention to that purpose. This claim will be demonstrated by attending to the basic compositional structure of the *Apologies*. Combining lexical with structural analysis will reinforce our the conclusion that some of Justin's generic descriptors are more programmatic than others.

[3] Other examples of wordplay and *double entendre* in the *Apologies* include:1) *1 Apol*. 4.1, 5 (ὅσον τε ἐκ τοῦ κατηγορουμένου ἡμῶν ὀνόματος χρηστότατοι ὑπάρχομεν...Χριστιανοὶ γὰρ εἶναι κατηγορούμεθα· τὸ δὲ χρηστὸν μισεῖσθαι οὐ δίκαιον), where Justin plays on the itacistic homology between ι and η in the two words, a trope already present in Phlm 10-12. One may note that such etymological arguments were not just clever puns but could function as substantive forensic arguments (Quintilian, *Inst*. 7.3.25). 2) *1 Apol*. 46.4 (ὥστε καὶ οἱ προγενόμενοι ἄνευ λόγου βιώσαντες, ἄχρηστοι καὶ ἐχθροὶ τῷ Χριστῷ ἦσαν καὶ φονεῖς τῶν μετὰ λόγου βιούντων· οἱ δὲ μετὰ λόγου βιώσαντες καὶ βιοῦντες Χριστιανοὶ καὶ ἄφοβοι καὶ ἀτάραχοι ὑπάρχουσι), where Justin employs the same wordplay on χρηστός as in *1 Apol*. 4.1, 5. 3) *2 Apol*. 2.4 (παρὰ τὸν τῆς φύσεως νόμον καὶ παρὰ τὸ δίκαιον πόρους ἡδονῆς ἐκ παντὸς...ποιεῖσθαι), where Justin describes the immoral husband's desire to use every "opening" as an "opportunity" for sensual pleasure. 4) *2 Apol*. 8(3).2, where Crescens is characterized not as a φιλόσοφος but as a φιλόψοφος and φιλοκόμπος; see also the play on the φιλο- suffix in *2 Apol*. 8(3).6. 5) There is extensive wordplay with εὐσέβεια and φιλοσοφία throughout, taking its departure from the predications of the imperial addressees as "Pius" and "philosophers" (cf. *1 Apol*. 1.1; 2.1f; 3.2f; 4.1; 12.5; *2 Apol*. 2.16; 15.5).

Petition: ἔντευξις (*1 Apol*. 1.1); ἀξίωσις (*1 Apol.* 56.3; 68.8); and βιβλίδιον (*2 Apol*. 14.1)

We first examine Justin's description of his text as a petition. We will find that Justin not only describes his literary performance in petitionary terms, but he both returns to this language at key structural moments and predicates of his text the same protocols as those associated with the system of petition and response. Before demonstrating this in greater detail, it is helpful to say a word about nomenclature. When I use the word "petition" to refer to a genre, I mean to indicate documents—like those we examined in chapter one—submitted to public authorities, requesting official redress, and attempting to activate protocols of bureaucratic processing, such as submission, subscription, and posting.[4] In Greek there is an assortment of terms that could be used in this sense; English, therefore, may be said to be more parsimonious in describing the documentary phenomenon we are studying. At the same time, our word "petition"—in both its nominal and verbal forms—is capable of technical and non-technical meanings, and this interpretative problem attends to an even greater degree the relevant Greek equivalents. All the terms we will mention—and that Justin uses—can be quite general and non-specialized in their signification, and only in certain contexts might they invoke the sense of "petition" as a formal written request for redress. Moreover, even within the context of the system of petition and response, some of these terms can be applied equally to different communicative *forms*: specifically, they may reference documents written as memoranda or *epistulae*. Therefore, any lexical analysis must remain sensitive to these complexities and pay close attention to the context in which such terms are employed.

[4] For operational definitions of "petition", see Harper, "Forensic Saviour," 68ff.

In ancient petitioning, since suppliants wrote their petitions on one or more sheets of papyrus, a petition was most often called a βιβλίδιον (Latin, *libellus*; or, often βιβλίδια, with a singular meaning), literally "a little book." This appears to be the most common umbrella term for petitions during the second century in which Justin was writing.[5] The locution ἐπιδιδόναι βιβλίδιον is ubiquitous in the ancient sources as a description of the process of submitting a petition;[6] that it approximated something of a technical expression is evidenced by its appearance in authentication formulae attested in both Egypt and Rome.[7] Similarly to βιβλίδιον, ἀναφόριον is a term wide in scope—literally meaning "little report"—but most frequently appearing in the papyri with specific reference to petitions, although it is unattested among our extant imperial petitions.[8] In addition to βιβλίδιον and ἀναφόριον, which reflect the physical form of submitted documents (i.e., "little book" or "little report"), the second way in which petitioners referred to

[5] Harper, "Forensic Saviour", 67-68. According to Ulrich Wilcken, βιβλίδιον as a term for petition ("βιβλίδιον, das immer nur den Klaglibell oder die Bittschrift o. ä. bedeutet" [263]) peaks among the papyri in the second century, afterward giving way to βιβλίον and λίβελλος. See his discussion of P.Strasb. I 41 (= Chr.Mitt 93) in "III. Referate. Papyrus-Urkunden," *Archiv für Papyrusforschung* 5 (1913): 261-64.

[6] For one example from an Antonine-era petition, see IGLSkythia I 378 (= Hauken, *Petition and Response*, 170-78) II, 17-19 (159-60 CE): τῷ τότε χρό[ν]ῳ ἐπεδωκαν βυ[β]λε[ί]διον Ἀ[ν]τωνιῷ Ἰ[β]ήρ[ῳ] ("at that time they submitted a petition to Antonius Hiberus").

[7] For Rome, see the formula used in for the rescript of Severus and Caracalla to the *coloni* of Tymion and Simoe in Phrygia: ἐγγεγραμμένον καὶ ἀντιβεβλημένον ἐκ τεύχους [βιβλιδί]ων ἐπιδοθέντων τοῖς κυρίοις αὐτοκρά[τορσι ("copied and checked from the roll of petitions submitted to the lord emperors") (Lampe and Tabbernee, "Das Reskript von Septimius Severus und Caracalla"). For petitions displayed in the Temple of Antinoüs in Arsinoe in Egypt, see P.Oxy. XVII 2131 [207 CE].

[8] BGU I 168.1 (=Chrest.Mitt. 121; 169/70 CE). To illustrate the interchangeability of terms, the same document describes the submission of an earlier petition as: καὶ ἐκ τούτου ἐδέησέν με τῇ προτέρα [σ]ου [ἐπιδ]ημίᾳ ἐντυχεῖν σοι <u>διὰ βιβλειδίων</u> (ll. 18-19). The term frequently appears in the standard gloss ἀντίγραφον ἀναφορίου that introduces the copy of a petition.

their texts was with respect to content; that is to say, with terms derived from verbs of supplication or request that constituted the *raison d'être* of the document.[9] Here a fairly circumscribed set of words is customarily employed, including ἀξίωσις, ἀξίωμα, δέησις, ἔντευξις, and ἱκετεία, all of which were used both by petitioners and authorities to refer to requests submitted to officials and all are attested in reference to imperial petitions, in particular.[10] Derived from verbs of request, this group of terms may not itself imply a particular

[9] The same two means of referring to petitions—by form and by content—is reflected in Latin, where the petitions were called *libelli* ("little books") and *petitiones* (from *petere*, "to ask") or *preces* (from *precari*, "to entreat"; frequently pl. with sg. meaning [e.g., the rescript in **Skaptopara** l. 166]). *Libellus* became a loanword in Greek as yet another term for petitions, but only after our period. As we will see, Greek used a wider range of terms for petitions than Latin.

[10] **δέησις***:* **PSI XIV 1422** (a III CE petition to the emperor from a former athlete): διὰ ταύτης μου τῆς δεήσεω[ς] ἀξιῶν; Stud.Pal. V 6 l.1 (266-68 CE?; petition to the emperor seeking a concession concerning transport of grain to Rome): τὴν δέησιν ποιούμεθα. Both **Skaptopara** (238 CE) and **Aragua** (244-46 CE), name the document type as a δέησις in the *inscriptio*: Ἀυτοκράτορι...<δ>έησις παρὰ κωμητῶν Σκαπτοπαρηνων (Skaptopara ll. 9-10); Ἀυτοκράτορι...δέησις παρὰ Αὐηελίου Ἐγλέκτου (Aragua l. 6; cf. too l. 28). Cf. too **Ağabey Köyü** (l. 31).

ἀξίωσις: *Digest* 14.2.9: ἀξίωσις Ἐυδαίμονος Νικομηλέως πρὸς Ἀντωνῖνον βασιλέα. This brief text is in Greek and comes from the *Lex Rhodia*, originally a second century work of L. Volusius Maecianus, Roman jurist and member of the *consilium* of Pius to his adopted sons (SHA *Pius* 12.1; Giaro, Tomasz, "Volusius. II,1" in Hubert, Cancik et al., *Brill's New Pauly: Encyclopaedia of the Ancient World*, 16 vols. [Leiden: Brill, 2002-2010]). Only an excerpt of the petition has been included, along with the relevant portion of Antoninus's reply. The tag ἀξίωσις Ἐυδαίμονος Νικομηλέως πρὸς Ἀντωνῖνον βασιλέα is likely from the excerptor Maecianus, along with the glosses Ἀντονῖνυς εἶπεν Ἐυδαίμονι and τοῦτο...ὁ θειότατος Ἀυγουστος ἔκρινεν. Cf., too, P.Euphrates 2 ll. 3-4 (245-48 CE; a petition to the the governor of Coele-Syria: μου τὴν ἀξίωσιν (: "...this my petition")

ἀξίωμα: While ἀξίωμα does not occur in extant petitions to emperors, it is used in imperial pronouncements in reference to such requests. The preface to the earliest extant imperial *subscriptio*, from Augustus to the Samians, refers to what the emperor "wrote beneath the petition" (ὑπὸ τὸ ἀξιώμα ὑπέγραψεν) (*Aphrodisias and Rome* 13 l.1 = Oliver 1). In a letter of reply by Trajan to the Pergamenes dated to 114-116 CE, Trajan begins the letter by acknowledging the receipt of the city's embassy and its request (ἀξίωμα) and communicates his approval of what the ambassadors requested ([ὅσα ἐν αὐ]τοῖς ἠξιώσατε [l. 28]) (Oliver 49, l.27-28). In an imperial constitution written to Ephesus by Caracalla, the young emperor listed the members of his *consilium* before announcing his (now lost) decision. Among them was his *a*

literary form but instead describe content or function; that is to say, they could refer to both physical documents and to a notional request. The evidence shows that they applied to both memoranda and *epistulae*, as well as to the presentations of embassies (in whatever form their requests might appear, whether memorandum and *epistula*) and, in some cases, to oral

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libellis (secretary for petitions), translated in Greek as τὴν ἐξή[γησιν] τῶν ἀξιωμάτων πεπισ[τευμένος] (Oliver 244, l.18).

ἱκετεία: Well attested among imperial petitions: in the *exordium* of **Aragua** (244-46 CE; l.12): τήνδε τὴν ἱκετείαν [ὑ]μεῖν [Philip the Arab and his son Philip the Younger as Caeasar] προσάγομεν "We bring this supplication to you"; restored in **Kemaliye** in a clause at the end of the *narratio* (197-211 CE; ll.8-9): καὶ τὴ[ν ἱκετεί]αν προσενενκεῖν ("[choosing me] to offer this supplication"); **Skaptopara** (238 CE; l. 18): ὅπερ καὶ αὐτοὶ ἔννομον ἱκεσίαν τῇ θειότητί σου προσκομί<ζ>ομεν εὐχόμενοι ("For this reason we too bring a lawful supplication to your divinity, praying..."). Cf., too, Philo, *Legat.*, 28 (179), where Philo describes a document (γραμματεῖον) submitted to Gaius by the Alexandrian Jews as a summary of a longer, previously submitted petition (ἱκετεία μακρότερα).

ἔντευξις: Well known from Ptolemaic papyri as the term for petitions, ἔντευξις is also widely attested in the Roman era, and from various parts of the empire. In an inscription dedicated to Antoninus Pius that preserves a petition of a village in Histria to a *legatus Augusti*, the petitioners announce the nature of the document as an ἔντευξις in the opening word of the address: ἔντευξις τῷ κρ[ατίσ]τῳ ὑπατικῷ Ἰουλ[ίῳ Σ]εουήρῳ παρὰ κ[ωμη]τῶν χόρα Δάγει ("petition to the most excellent consular Julius Severus from villagers in the region of Dagis") (IGLSkythia I 378 [= Hauken, *Petition and Response*, 170-78] I, ll. 6-9; 159-60 CE). In the text of the petition, the petitioners also refer to an earlier petition of 139 CE to the former *legatus Augusti* Antonius Hiberus with the phrase ἐπιδιδόναι βιβλίδιον: τῷ τότε χρό[ν]ῳ ἐπέδωκαν βυ[β]λε[ί]διον Ἀ[ν]τωνιῷ Ἰ[β]ήρ[ῳ] [II, ll. 17-19]. Ἔντευξις also occurs in the opening address of an imperial petition to Trajan from a certain Gaius Julius, inscribed on one side of a molded pilaster in Aphrodisias (*Aphrodisias and Rome* 52 [102-16 CE]: [Ἀυ]τοράτορι Νέρβα Τραιαν[ῷ Σεβαστῷ Γ]ερμανικῷ Δακικῷ ἔντευ[ξις Γαίου Ἰουλ]ίου). These are parallels to *1 Apol*. 1.1, where the same term occurs, also in an opening announcement by the petitioner of the nature of the document. Ἔντευξις is also used of petitions to Roman governors. The use of the noun and its verbal equivalent also occurs in the edict of Tiberius Claudius Alexander in Egypt (OGIS 669 [68 CE]), where it is used to refer to the accumulation of complaints that had been submitted to the Prefect and that prompted the edict. Of related interest is the phrase ἔντευξις ἡγεμονική in declarations on sarcophogi in Asia Minor aimed at guaranteeing the sanctity of burials against interventions by assembly decrees, council acts, or "petitions to the governor;" e.g., CIG 2829 = MAMA VIII 554 ll. 10f: οὔτε δία ψηφίσματος οὔτε δι᾽ ἐντεύξεως ἡγεμονικῆς οὔτε ἄλλῳ τρόπῳ (further examples collected in Angelos Chaniotis, "The Perception of Imperial Power in Aphrodisias: The Epigraphic Evidence," in *Representation and Perception of Roman Imperial Power: Proceedings of the Third Workshop of the International Network Impact of Empire (Roman Empire, C. 200 B.C. - A.D. 476)* [ed. Lukas de Blois; Impact of Empire (Roman Empire) 3; Amsterdam: J.C. Gieben, 2003], 257).

petitioning.[11] Moreover, the terms among this group were frequently interchangeable and apparently not highly differentiated, as evidenced by the famous *cognitio Caracallae*, where within the space of a few lines the two advocates in the proceedings use ἀξίωσις, δέησις, ἔντευξις, and ἱκετεία as synonyms for the villagers' petitions.[12]

Three times in the *Apologies* Justin describes his work with nouns associated with this vocabulary for petitions. In the opening address, Justin calls his work a προσφώνησις καὶ ἔντευξις (1.1). Later, in *1 Apol*. 56.3, he asks that the Senate and People be received (παραλαβεῖν) as "co-adjudicators of this petition of ours" (συνεπιγνώμονας ταύτης ἡμῶν τῆς ἀξιώσεως), in this instance combining a term for petition, ἀξίωσις, with language of conciliar decision-making recognizable from juridical contexts (παραλαβεῖν... συνεπιγνώμονας).[13] Then,

[11] That the terms apply to memoranda can be readily documented; that they also refer to letters in official contexts can be illustrated from the following: δέησις is used in an epistolary rescript of Gallienius to refer to a letter from the procurator Aurelius Plutio that prompted it (l. 11: καὶ ὑπὲρ αὐτοῦ ἐπιστε[ίλ]ας μοι) (Stud.Pal. 5 119 Fr3rp ll.8-16 = Oliver 289). In his letter to Gaius in Philo *Legat*. 276ff., Herod Agrippa expresses his lack of courage for a face-to-face encounter with the emperor, choosing instead to write a letter to communicate his request (γραφὴ δὲ μηνύσει μου τὴν δέησιν). The petition of Aurelius Horion to Severus and Caracalla, requesting imperial protection of his endowments to Oxyrhynchus, uses ἔστιν [δὲ ἡ ἀ]ξί[ωσις ("the petition is [as follows])" to introduce a petition written in letter form, not memorandum style (P.Oxy. IV 705 = Oliver 246-7). Similarly, the identical phrase appears in the report of proceedings in the **Skaptopara** inscription (l.122; cf. also l.113), but there introducing an oral summary given by the advocate during the proceedings, not the written petition itself, which is recorded earlier in the inscription.

[12] SEG XVII 759 ll.12-18.

[13] On the significance of Justin's summoning the Senate and People as co-adjudicators, see chapter three. The noun συνεπιγνώμων is a *hapax* in Greek literature. However, such terminology for judges receiving other adjudicators is familiar from judicial scenes. See, for instance, the description of Clitophon's trial in Achilles Tatius's *Clitophon and Leucippe* (7.12.1): ἦν δὲ τοῦ βασιλικοῦ γένους καὶ τὰς μὲν φονικὰς ἐδίκαζε δίκας, κατὰ δὲ τὸν νόμον συμβούλους ἐκ τῶν γεραιτέρων εἶχεν, οὓς ἐπιγνώμονας ἐλάμβανε τῆς γνώσεως – ἔδοξεν οὖν αὐτῷ διασκοπήσαντι σὺν τοῖς παρέδροις αὐτοῦ θάνατον μὲν ἐμοῦ καταγνῶναι κατὰ τὸν νόμον ("[the chief judge] was of royal descent and judged capital cases, and by law had advisors from among the elders, whom he received as adjudicators of the decision—then, after examining the matter

at the end of the *Apologies* (*2 Apol*. 14.1), Justin references "this very petition" (τουτὶ τὸ βιβλίδιον), using a third term.

Moreover, Justin regularly describes the content and purpose of the *Apologies* with the same verbs of request common among documentary petitions, but already in his selection of terms we see evidence of his particular performative persona. Among extant petitions the most frequently used verbs are ἀξιοῦν and δεῖσθαι, as reflected in the request periods of our four sample documents.[14] Justin, both in his initial formulation of request in *1 Apol.* 3.1 and in his subsequent invocations of it, clearly prefers the more neutral supplicatives ἀξιοῦν (*1 Apol.* 7.4, 5; 12.11; 16.14; 23.1; 68.3; *2 Apol*. 14.1) and—to a lesser degree—αἰτεῖν (*1 Apol.* 4.2; 56.3). Noticeably, he eschews the more deferential δεῖσθαι, suggesting a conscious choice to avoid appearing overly obsequious in his particular performance of supplication. Indeed, Justin twice uses the more emphatic ἀπαιτεῖν ("demand"), a verb rarely found in documentary petitions to authorities, as it surely would have seemed overly bold. Justin, however, deploys it early on in *1 Apol*. 2.3 to insist on a fair hearing and again in *1 Apol*. 68.3 to introduce his appeal to precedent. In the latter, he does not explicitly "demand" a favorable response but speaks of his *ability* to do so, a rhetorical move that underscores both the decisive value of the Hadrianic constitution *and* the evidentiary power of the artificial proofs presented in *1 Apol.* 4-67. Finally, in one instance (*1 Apol*. 17.4) Justin uses the verb εὔχεσθαι, which, as we suggested above, is a *double entendre* referring both to supplication of God and to that of his imperial addressees (cf. also *2 Apol*. 15.4).

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he decided along with his counselors to condemn me to death according to the law ..."). Judicial discourse is an important strand within Justin's hybrid performance, as we will analyze in chapter four.

[14] SB XVI 12678 l. 9: ἀξιῶ; SB XVI 12678 l. 29: ἀξιῶ; **Skaptopara** l.78: δεόμεθα; *P.Euphrates* 1 ll.13-14: δεόμεθα; cf. *SIG*^{3} 820 l.12: ἐντυγχάνουσί.

This overlap between the language of political petitioning and religious prayer bids us to consider further Justin's deployment of this vocabulary. A passage in Origen that explicates the nuances of "Paul's" use of δέησις, προσευχή, ἔντευξις, and εὐχαριστία in 1 Tim 2:1 raises the possibility that Justin's specific choice of ἔντευξις and ἀξίωσις over similar terms like δέησις and ἱκετεία, and his preference for the verb ἀξιοῦν rather than δεῖσθαι, may in some way be informed by his Christian sensibilities and uniquely stylized petitionary role.[15] While it would be unwise to make too much of the parallel, there is nonetheless an intriguing correspondence between Justin's choice of petitionary terms and Origen's later exposition of request language in *de Oratione* 14. In exegeting the differences in petitionary language in 1 Tim 2:1-2a, Origen explains:

> [Paul] thus says, "Therefore I urge first of all that requests (δεήσεις), prayers (προσευχάς), petitions (ἐντεύξεις), and thanksgivings (εὐχαριστίας) be made on behalf of all people," and so on. Now, I take "request" (δέησιν) to be a wish (τὴν εὐχήν) that a person in need of something sends up with supplication (μεθ' ἱκεσίας) for its accomplishment; "prayer" (προσευχήν), that which a person sends up for greater things in loftier fashion with doxology (μετὰ δοξολογίας); "petition" (ἔντευξιν), a request (τὴν ἀξίωσιν) to God for something by a person possessing a certain greater frankness of speech **(**ἔχοντος...παρρησίαν**)**; "thanksgiving" (εὐχαριστίαν), the acknowledgement (ἀνθομολόγησιν) with prayers (μετ' εὐχῶν) of having obtained good things from God (*Or*. 14.2).[16]

[15] E. J. Bickerman refers to this passage in Origen, but does not develop it ("Pliny, Trajan, Hadrian and the Christians," in Studies in Jewish and Christian History [ed. Amram D. Tropper; vol. 68, New ed.; Ancient Judaism and early Christianity = Arbeiten zur Geschichte des antiken Judentums und des Urchristentums; Leiden: Brill, 2007], 814 n.26).

[16] *Or*. 14.2: λέγει δὲ οὕτως· "παρακαλῶ οὖν πρῶτον πάντων ποιεῖσθαι δεήσεις, προσευχὰς, ἐντεύξεις, εὐχαριστίας ὑπὲρ πάντων ἀνθρώπων" καὶ τὰ ἑξῆς. ἡγοῦμαι τοίνυν δέησιν μὲν εἶναι τὴν ἐλλείποντός τινι μεθ' ἱκεσίας περὶ τοῦ ἐκείνου τυχεῖν ἀναπεμπομένην εὐχὴν, τὴν δὲ προσευχὴν τὴν μετὰ δοξολογίας περὶ μειζόνων μεγαλοφυέστερον ἀναπεμπομένην ὑπό του, ἔντευξιν δὲ τὴν ὑπὸ παρρησίαν τινὰ πλείονα ἔχοντος περί τινων ἀξίωσιν πρὸς θεὸν, εὐχαριστίαν δὲ τὴν ἐπὶ τῷ τετευχέναι ἀγαθῶν ἀπὸ θεοῦ μετ' εὐχῶν ἀνθομολόγησιν, ἀντειλημμένου τοῦ ἀνθομολογουμένου τοῦ μεγέθους ἢ τῷ εὐεργετηθέντι μεγέθους φαινομένου τῆς εἰς αὐτὸν γεγενημένης εὐεργεσίας.

Origen defines each form with a synonym (δέησις = εὐχή; ἔντευξις = ἀξίωσις ; εὐχαριστία = ἀνθομολόγησις) and a characteristic mode of expression (δέησις = μεθ' ἱκεσίας ; προσευχή = μετὰ δοξολογίας ; ἔντευξις = ἔχων παρρησίαν; εὐχαριστία = μετ' εὐχῶν) After providing scriptural examples for each category (*Or*. 14.3-5), Origen goes on to explain to whom it is appropriate to address each form: God alone may be addressed by προσευχή (not even Christ should be so addressed, according to Origen);[17] δέησις, ἔντευξις, and εὐχαριστία are appropriately addressed to "the saints" (ἀνθρώποις <ἁγίοις>); but for "other people" (<ἄλλοις> ἀνθρώποις) only ἔντευξις and εὐχαριστία is appropriate (*Or*. 14.6). Because it entails supplication (ἱκεσία), and hence self-abasement, δέησις is permitted toward saintly people alone; only in the case in which someone has wronged a person may they, humbled by the consciousness of their sin, rightly "supplicate" another person (*Or*. 14.6). In Origen's calculus of petitionary language, at least as it is systematized in *de Oratione* 14, only ἔντευξις and ἀξίωσις would be permitted for non-saintly human beings; προσευχή would obviously be off-limits, but so would δέησις and ἱκεσία, both of which, as we have seen, were popular terms among imperial petitioners.[18] Although Origen is of course working from the assumption that "Paul" could only have employed these synonyms purposefully, the alignment between Origen's hierarchy of terms and Justin's choice of ἔντευξις and ἀξίωσις might bid us to see in Justin's choice a certain sensitivity to religious scruples. At the very least, Origen's suggestion that ἔντευξις implies greater boldness than the more supplicatory δέησις, certainly accords with Justin's own display

[17] It is, therefore, *sui generis* and, unlike the other terms in 1 Tim 2:1, has no synonym (cf. *Or*. 15.1)

[18] Harper also notes that, at least in Ptolemaic petitions, ἀξιόω, in contrast to δέομαι, was the more common verb of request made to lower level officials ("Forensic Saviour," 143). This would evince a similar tendency to reserve δέομαι for higher status supplicandi.

of παρρησία in his petition when compared to the rhetorical posture of most of our extant examples.[19] Moreover, it fits with this pattern that Justin's only possible use of εὔχομαι to indicate petitioning occurs in the rather prickly *double entendre* in *1 Apol*. 17.3-4. After professing Christian allegiance to emperors and governors and their praying (εὐχόμενοι) on their behalf, Justin issues a not-so-veiled threat that if those same powers do not take thought for Christians' "praying and putting everything into the open" (ἡμῶν εὐχομένων καὶ πάντα εἰς φανερὸν τιθέντων), they will be judged by God. While his second reference to prayer in 17.4 refers back the first in 17.3, indicating Christian prayer to their god *for* the emperor, at the same time it refers also to Justin's own petition, which is described elsewhere as an act of disclosure — of "putting everything into the open"—thus underscoring the eternal consequences of the emperor's failure to respond favorably to his petition.[20] Justin employs εὔχομαι, a term perhaps to be avoided by a Christian petitioning the emperor, to exploit an ambiguity that makes possible a subtle warning against a disapproving verdict.

In addition to these nominal and verbal characterizations of his petition, Justin chooses to include several instances of petitionary culture as *exempla* within the argument itself. In *1 Apol*. 29.2, he describes a Christian youth's petition to the Egyptian Prefect Munatius Felix, not only calling the document a βιβλίδιον, but also reflecting accurately the concrete procedural protocols. He relates how the youth's βιβλίδιον, containing a request (ἀξιῶν) for permission to seek castration, had been submitted to Felix in Alexandria (ἀνέδωκεν ἐν Ἀλεξανδρείᾳ) —the specific mention of location is suggestive of the personal presence of the petitioner or his

[19] For more on Justin's παρρησία compared to the deferential tone of extant petitions, see chapters three and four.

[20] Recall the use of εὔχομαι in petitions to the emperor in **Kavacık** l.31 and **Skaptopara** l.19-20.

representative—but that Felix refused to subscribe it (ὑπογράψαι), which was, of course, the means of official response to submitted petitions.[21] In *2 Apol*. 2.8, in his famous account of the unnamed Christian *matron* and her dissolute husband, Justin again describes the process in similar and by now familiar terms: the woman had submitted (ἀνέδωκεν) a petition (βιβλίδιον) to Pius requesting (ἀξιοῦσα) a temporary reprieve from the charges of being a Christian brought by her former husband. This request Pius approved (συνεχώρησας τοῦτο), the kind of authoritative approval Justin seeks in response to his own literary effort, as implied in his contrast to the tacit approval given to much less salubrious teaching at the conclusion of the *Apologies* (*2 Apol.* 15.3). Finally, in accordance with practices of evidentiary support common in extant petitions, Justin includes a Hadrianic constitution written to the Procurator of Asia, Minucius Fundanus, which itself makes reference to petitions (εἰς ταύτην τὴν ἀξίωσιν...ἀξιώσεις; *1 Apol*. 68.8), in this case denunciatory petitions aimed at initiating legal proceedings against Christians in Asia. It is of critical importance that Justin uses the same terms as those predicated in these three instances of petition and response to describe his own writing in the *Apologies*. Justin refers to the submission (ἀνεδώκαμεν; *1 Apol*. 67.9), approval (συγκεχώρηται; *2 Apol*. 15.3),[22] subscription (ὑπογράψαντας; *2 Apol*. 14.1) and public posting (προθεῖναι; *2 Apol*. 14.1; cf. προγράψετε, 2 Apol. 15.2) of his work, all in accordance with standard petitionary protocols. He clearly

[21] Justin's use of ἀναδιδόναι differs slightly from the submission formula normally found in documentary texts, which employs ἐπιδιδόναι, as noted above. But ἀναδιδόναι, while mostly used of the handing in of letters and decrees in documentary sources (*OGIS* 437 l.78; Oliver 19 II l.20), can also be used of petitions in some literary texts (e.g., Plutarch, *Demetrius* 42.2: συνέδραμόν τινες ἐγγράφους ἀξιώσεις ἀναδιδόντες).

[22] While συγκεχώρηται in *2 Apol*. 15.3 refers to pagan writers, it is implied that Justin seeks the same approval for his petition.

represents his literary performance as an action within the procedural apparatus of petition and response.

The importance of these petitionary descriptions in the *Apologies* is highlighted by further critical cues from the author himself. That Justin is conspicuously associating his text with petition and response is confirmed by an important observation: not only does the language of request recur throughout the work, but it appears at compositionally significant moments, heightening its prominence as programmatic description. A brief review of the basic compositional structure of the *Apologies* will help demonstrate this claim.

Despite disagreement on finer points and occasional critiques of Justin's literary skill,[23] there is broad consensus that the *Apologies* is structured around readily identifiable dispositional

[23] "In general [Justin's] style is, though fluent, yet careless and diffuse; his reasoning is sometimes rambling and fanciful, abounding in digressions, repetitions, and parentheses, which confuse the argument..." (Blunt, *The Apologies of Justin Martyr*, xi); similarly, Johannes Geffcken (*Zwei Griechische Apologeten* [Sammlung wissenschaftlicher Kommentare zu griechischen und römischen Schriftstellern; Leipzig u. Berlin: Teubner, 1907], 98) and Aimé Puech (*Histoire de la littérature grecque chrétienne depuis les origines jusqu'à la fin du IVe siècle* [vol. 2, 3 vols.; Paris: Société d'édition "Les Belles lettres," 1928], 142). Among contemporary scholars, the assessments of Miroslav Marcovich ("But [Justin's] train of thought is disorganized, repetitious and occasionally rambling; and his expression is often articulate and obscure"; *Iustini Martyris Apologiae pro Christianis*, Patristische Texte und Studien Bd. 38 [Berlin ; New York: W. de Gruyter, 1994], vii) and Buck ("Justin Martyr's Apologies") are particularly critical. But others have come to Justin's defense, and more positive appraisals can be found in the work of scholars such as Thomas Wehofer (*Die Apologie Justins des Philosophen und Märtyrers in literarhistorischer Beziehung zum erstenmal untersucht*, Römische Quartalschrift 6 [Rom, 1897]), Karl Hubík (*Die Apologien des Hl. Justinus des Philosophen und Märtyrers: Literarhistorische Untersuchungen* [Vienna: Mayer & Co., 1912]), Hermann Holfelder ("Εὐσέβεια καὶ φιλοσοφία [Teil II]"), Charles Munier (*Apologie pour les chrétiens*), and Denis Minns and Paul Parvis, the latter of whom affirm that "the *First Apology* exhibits a discernible plan, and a logical progression of the line of thought" (*Justin, Philosopher and Martyr*, 46). Holfelder's work is particularly important for redescribing what had long been taken for lack of clarity as a subtle form of topic development and cyclical progression of thought.

periods and discrete sections of argumentation.[24] Justin begins the *Apologies* with an ἐπιγραφή (*inscriptio*) (*1 Apol*. 1.1) and a προοίμιον (2-3), the latter concluding with a statement of request (3.1; rhetorically equivalent to a πρόθεσις) and a basic διαίρεσις (*partitio*) (3.2-4), which Justin clothes in terms of a πρόκλησις (see below). Since the πρόθεσις states in brief what is to be proved or supported in the argument, its functional equivalent in the *Apologies* is the request, the rationale for which is supported by the ensuing proofs. In extant petitions, unlike the *Apologies*, there was no separate proof section; instead, the rationale for the request was implied in the often lengthy διήγησις, and further reasons were given in the final segment of the request period, which stated the benefits accrued by a favorable response.[25] The body of the work commences in *1 Apol*. 4.1 with a justification for the ἀξίωσις in 3.1, grounded in an argument for the injustice of Roman judicial treatment of Christians, which bases its condemnation on the confession of a name alone. In *1 Apol*. 12.11, Justin marks the end of this section and a major transition point in the text, notably returning again to the language of request:

> ἦν μὲν οὖν καὶ ἐπὶ τούτοις παυσαμένους μηδὲν προστιθέναι, λογισαμένους ὅτι δίκαιά τε καὶ ἀληθῆ ἀξιοῦμεν· ἀλλ' ἐπεὶ γνωρίζομεν οὐ ῥᾷον ἀγνοίᾳ κατεχομένην ψυχὴν συντόμως μεταβάλλειν, ὑπὲρ τοῦ πεῖσαι τοὺς φιλαλήθεις μικρὰ προσθεῖναι προεθυμήθημεν, εἰδότες ὅτι οὐκ ἀδύνατον ἀληθείας παρατεθείσης ἄγνοιαν φυγεῖν.
>
> It might be possible to stop right here and to add nothing, since we reckon that we ask for what is just and true. But since we recognize that is it not easy for the soul held captive by ignorance to change so quickly, we were eager to add a little for the persuasion of

[24] In addition to the comments of editors and translators, foundational treatments of the arrangement of the *Apologies* include: Wehofer, *Die Apologie Justins*; G. Rauschen, "Die Formale Seite der Apologien Justins," *Theologische Quartalschrift* 81 (1899): 187–206; Hubík, *Die Apologien des Hl. Justinus*; Ulrich Hüntemann, "Zum Kompositionstechnik Justins: Analyse seiner ersten Apologie," *Theologie Und Glaube* 25 (1933): 410–28; and Holfelder, "Εὐσέβεια καὶ Φιλοσοφία (Teil II)."

[25] On the structure of petitions, see chapter one. On the rhetorical divisions of documentary petitions, cf. Hauken, *Petition and Response*, 258-76. For more on how these compare to the structure of the *Apologies*, see chapter three.

those who love truth, since we know that it is not impossible to flee ignorance once truth has been presented.[26]

Following this μετάβασις (*transitio*), Justin announces a proof (13.3: ἀποδείξομεν) for the rationality of the Christian worship of a crucified man, but immediately delays it, offering first a προκατάληψις (*praemunitio*) "before the proof" (πρὸ τῆς ἀποδείξεως) that lays bare some of Christ's teachings (*1 Apol*. 14.4).[27] A reminder of this forthcoming proof occurs again in *1 Apol*. 22.4 (ἀλλ', ὡς ὑπεσχόμεθα, προϊόντος τοῦ λόγου καὶ κρείττονα ἀποδείξομεν, μᾶλλον δὲ καὶ ἀποδέδεικται; "But just as I promised, as my argument proceeds we will prove that [Jesus] is even greater [than these 'Sons of Zeus'], or rather it has already been proved ..."),[28] just before

[26] The rhetorical and structural device Justin employs here—of suggesting that enough has been said only to introduce substantial new material and an additional direction for the speech (often with a false promise of brevity)—is a common one in Greek and Latin oratory. Lysias, for instance, in *Or*. 16.9, has Mantitheus, after answering the specific charges against him (περὶ μὲν τοίνυν αὐτῆς τῆς αἰτίας οὐκ οἶδ᾽ ὅ τι δεῖ πλείω λέγειν; "now, concerning the charge itself I don't know what more must be said"), remind the councilors that the rules governing scrutinies allow him to give an account of his *entire* life, which he says he will do "as briefly as possible" (ὡς ἂν δύνωμαι διὰ βραχυτάτων), although it will, in fact, constitute well over half of the entire speech. Justin, too, in good rhetorical fashion, promises brevity he knows he will not deliver (μικρὰ προσθεῖναι). For similar pauses, see Isocrates, *Antid*. 167, which introduces a major account of rhetoric and philosophy in the second half of that speech, and Demosthenes, *Fals. leg*. 177-78, which marks a transition to related themes that also make up more than half of the whole work. On a smaller scale, cf. also Apuleius, *Apol*. 28.

[27] A προκατάληψις or *praemunitio* precedes a main argument, addressing any preliminary issues that the author deems necessary to prepare the reader for the coming proof. For the Greek term, see [Arist.] *Rhet. Alex*. 1432b; Rhetorica Anonyma, *Περὶ τῶν σχημάτων τοῦ λόγου* 3.175.11. Within the Latin tradition, on *praemunitiones* in the works of Tertullian (e.g., *Apol*. 4-6), see Robert D. Sider, *Ancient Rhetoric and the Art of Tertullian* (Oxford Theological Monographs; London: Oxford University Press, 1971), 34-37.

[28] That an anticipated argument has, for the careful reader at least, already been demonstrated seems to be a favorite trope of Justin; cf. *Dial*. 39.8: Κἀγώ· Ἀποδέδεικται μὲν ἤδη, ὦ ἄνδρες, τοῖς ὦτα ἔχουσι καὶ ἐκ τῶν ὁμολογουμένων ὑφ' ὑμῶν· ἀλλ' ὅπως μὴ νομίσητε ἀπορεῖν με καὶ μὴ δύνασθαι καὶ πρὸς ἃ ἀξιοῦτε ἀποδείξεις ποιεῖσθαι, ὡς ὑπεσχόμην, ἐν τῷ προσήκοντι τόπῳ ποιήσομαι, τὰ νῦν δὲ ἐπὶ τὴν συνάφειαν ὧν ἐποιούμην λόγων ἀποτρέχω ("This [that the one whom Christians say was crucified and ascended was the Christ] has already been proved, gentleman, for those with ears, even on the basis of things admitted by you. But lest you think

another elaborately styled dispositional period in 23.1-3 (ἵνα δὲ ἤδη καὶ τοῦτο φανερὸν ὑμῖν γένηται, ὅτι ὁπόσα λέγομεν...μόνα ἀληθῆ ἐστι...κτλ...τοῦτον ἔλεγχον ποιησόμεθα; "in order that now this too might be apparent to you, namely that all that we say ... is alone true ..., the proof that we will make is this"), which in turn is followed by a series of carefully ordered arguments in 24-26 (πρῶτον μὲν [24.1] ... δεύτερον δ' [25.1] ... τρίτον δ' [26.1]). Whether the dispositional information in *1 Apol*. 23 announces the contents of chapters 24-26,[29] 24-29,[30] or the whole of 24-60[31] is a matter of dispute; but for our purposes it is necessary only to recognize that this chapter is an important transition point, and one in which Justin again calls upon the language of petition (ἀξιοῦμεν in *1 Apol*. 23.1). The promised proof then commences in *1 Apol*. 30.1 (τὴν ἀπόδειξιν ἤδη ποιησόμεθα...ἥπερ μεγίστη καὶ ἀληθεστάτη ἀπόδειξις καὶ ὑμῖν, ὡς νομίζομεν, φανήσεται; " We will now perform the proof...which, we think, will appear also to you as the

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that I am at a loss and unable to provide proofs also for what you ask, as promised I will do so in the proper place; but for the moment I depart from this to resume consideration of the arguments I was already making").

[29] For instance, Wehofer (*Die Apologie Justins*, 32-33) understood in *1 Apol*. 23 only an announcement of a proof of the sonship of Christ, carried out in a three-fold demonstration contained in *1 Apol*. 24-26. Holfelder ("Εὐσέβεια καὶ Φιλοσοφία [Teil II]", 238-9), while disagreeing with Wehofer on the subject of the ἔλεγχος, also limits it to 24-26. So, too, Minns and Parvis, *Justin, Philosopher and Martyr*, 141 n.5.

[30] Rauschen ("Die Formale Seite") saw in 23.1-3 a three-fold *dispositio* carried out in *1 Apol*. 24-29.

[31] Hubík (*Die Apologien*, 90-107) identified in the clauses of 23.1-3 a three-fold *partitio*: 1) the unique truth and antiquity of Christianity; 2) the sonship of Jesus; and 3) the demonic responsibility for pagan myths and Christian slanders, carried out in chiastic order in *1 Apol*. 54-60, 30-53, and 24-29, respectively. Hüntemann ("Zum Kompositionstechnik") and a host of commentators, including Trollope (*Apologia Prima*), Otto (*S. Iustini Philosophi et Martyris Opera Quae Feruntur Omnia*, vol. 1.1, 3rd ed., Corpus Apologetarum Christianorum Saeculi Secundi [Jena: prostat apud F. Mauke, 1876]), Gildersleeve (*The Apologies of Justin Martyr: To Which Is Appended the Epistle to Diognetus* [New York: Harper & Brothers, 1877]), Blunt, Barnard, and Munier (with modification), all understand *1 Apol*. 23 to announce three sections of proof corresponding to 24-29, 30-53, and 54-60, but without Hubík's chiasm.

greatest and truest proof") and draws to a close in 53.1 (πολλὰς μὲν οὖν καὶ ἑτέρας προφητείας ἔχοντες εἰπεῖν ἐπαυσάμεθα; "So, then, we have stopped, though we could relate many other prophecies, as well..."). In contrast to Christians, pagan teachers offer no proof (ἀπόδειξις) for what they say (54.1), and in chapters 54-60 Justin sets out in greater detail how the religious and philosophical marketplace is full of nothing but demonic imitations of Christian doctrine, an argument brought to a close in a ἐπίλογος in 60.10-11. A section on the explanation of Christian ritual immediately follows in *1 Apol*. 61.1: ὃν τρόπον δὲ καὶ ἀνεθήκαμεν ἑαυτοὺς τῷ θεῷ καινοποιηθέντες διὰ τοῦ Χριστοῦ, ἐξηγησόμεθα, ὅπως μὴ τοῦτο παραλιπόντες δόξωμεν πονηρεύειν τι ἐν τῇ ἐξηγήσει ("The manner in which we dedicated ourselves to God after were renewed through Christ, this, too, we will explain, lest by leaving this out we seem to do anything underhanded in our explanation"). *First Apology* 68 then contains a brief general ἐπίλογος and a copy of an *epistula* of Hadrian subjoined as a legal precedent, which leads naturally to the episode of recent persecution in Rome related in *2 Apol*. 1-2. A προοίμιον and διήγησις are discernible in *2 Apol*. 1-2, and *2 Apol*. 3-9 are loosely structured around a series of hypothetical objections raised in *2 Apol*. 3(4).1; 4(5).1; 9.1; and 9.3.[32] Justin marks a shift in thought in *2 Apol*. 9.5 (τανῦν δὲ ἐπὶ τὸ προκείμενον ἀνέρχομαι; "now I return to the topic before us") and signposts a new section in *2 Apol*. 10.1,[33] which extends to chapter 12 or 13.[34] In *2*

[32] This "diatribe style" of framing arguments as answers to possible objections is also used earlier to introduce both major and minor argumentative units: *1 Apol*. 7.1; 22.3; 30.1; 43.1; 46.1; cf. 3.1 and the positive formulations in 23.1 and 37.1.

[33] An indication of transition in *2 Apol*. 10.1 is the particle combination μὲν οὖν, which Justin frequently uses to mark transition points in the *Apologies*: see *1 Apol.* 4:1; 12.11-13.1 (*bis*); 15.1; 32.1; and 53.1. Similarly, the proximate uses of μὲν οὖν in *1Apol*. 7.3 and 8.3 might signal a differentiation between *1Apol.* 4-7 and 8-12.

[34] Accounts of the coherence of *2 Apol*. 10-13 differ. For instance, Holfelder ("Εὐσέβεια καὶ Φιλοσοφία [Teil II]", 245 n.115) groups *2 Apol.* 10-13 as a single argumentative unit. Munier

Apol. 14.1, an additional request for subscription and public posting begins a ἐπίλογος that reaches until the end of the text in 15.5. Table 2 summarizes the main divisions of the *Apologies* outlined above.

Table 2: Major Compositional Units in the *Apologies*
[*First Apology*:] A. Ἐπιγραφή (initial address) (1.1) B. Προοίμιον (introduction) (2.1-4) C. Ἀξίωσις / πρόθεσις (3.1), πρόκλησις (challenge) (3.1-5), including διαίρεσις (3.4) D. Argument for judicial investigation of Christians (4-7) with *elaboratio* and ἐπίλογος (8-12) E. Προκατάληψις "before the proof" (13-29)[35] F. Proof from prophecy (30-53) G. Demonic mimesis (54-60) H. Exposition of Christian ritual (61-67) I. Ἐπίλογος and citation of precedent (68-69) [*Second Apology*:] J. Διήγησις (1-2) K. Objections countered (3-9) L. Superiority of Christian teaching (10-13) M. Ἀξίωσις and Ἐπίλογος (14-15)

This rehearsal of the *Apologies'* basic structure throws into relief Justin's placement of petitionary language at dispositionally significant moments. The beginning and ending of a text contain the most important sites for informing readers about the nature of a work, and Justin frames the *Apologies* with pointers to petition and response, both in the climactic τὴν προσφώνησιν καὶ ἔντευξιν πεποίημαι of the opening address of *1 Apol*. 1.1 and in the technical

(*Apologie pour les chrétiens*, 38) sees only *2 Apol.* 10.1-12.6 as a distinct proof, and includes *2 Apol.* 12.6-13.6 as components of a multi-part *peroratio* begun in 12.7 and divided as follows: *prosopopoeia* (12.7-8); *confessio* (13.1-2); *recapitulatio* (13.3-6); request (14.1-15.6); and general conclusion (15.7-8). Pouderon (*Les apologistes grecs du IIe siècle* [Paris: Cerf, 2005], 138) reads *2 Apol*. 10-12 as an argument for the superiority of Christian teaching, with 13 functioning separately as a *recapitulatio*.

[35] In reading *1 Apol*. 14-29 as a comprehensive unit, I follow Holfelder ("Εὐσέβεια καὶ Φιλοσοφία [Teil II]"), although not without reservation.

protocols at the end of the *Second* (καὶ ὑμᾶς οὖν ἀξιοῦμεν ὑπογράψαντας τὸ ὑμῖν δοκοῦν προθεῖναι τουτὶ τὸ βιβλίδιον; *2 Apol*. 14.1). Of course, he includes at these points other generic descriptors that we will treat below, but for the moment it is enough to note the *inclusio* formed by these performance cues to petition and response. Then in the opening chapters Justin returns to the language of petition, nuancing it according to shifting performative roles. In the προοίμιον in *1 Apol.* 2.3, he demands (ἀπαιτεῖν) of his recipients an unprejudiced hearing, that the verdict they render may be "in accordance with exacting and investigative reason" (κατὰ τὸν ἀκριβῆ καὶ ἐξεταστικὸν λόγον). Such a request for a judicious hearing is a common trope of forensic rhetoric, befitting the introductory address to an adjudicator by one accused. At the same time, Justin's references here to *investigation* forecasts a different request by Justin—his petition proper as an imperial supplicandus—that immediately follows in *1 Apol*. 3.1. Now Justin bookends his request for emphasis (ἀξιοῦμεν...ἀξιοῦτε) and asks that the accusations against Christians be properly investigated (ἀξιοῦμεν τὰ κατηγορούμενα αὐτῶν ἐξετάζεσθαι). This formulation of the request sets the stage for the whole of Justin's "petition-address" (προσφώνησις καὶ ἔντευξις): that is, the authorities are to judge their subjects by investigating their actions, while subjects must in turn render an account of their way of life, which Justin sets out to do in the *Apologies*.[36] After a preliminary argument for the injustice of condemning Christians on the basis of a name, in *1 Apol.* 7.4-5 Justin restates and further refines the initial request of *1 Apol*. 3.1, specifying again the importance of investigation of the *actions* of the accused and adding the negative request that calumnious *delatores* not be punished, a legal option allowed under Roman practice and explicitly stated in Hadrian's letter quoted in *1 Apol*. 68.10. *First Apology* 3.1-7.4, therefore, argues the rationale behind Justin's request for judicial

[36] Justin calls this agreement a πρόκλησις (*1 Apol*. 3.2), invoking the rhetoric of dares and challenges of classical forensic oratory. See more on this below.

examination; these chapters are not simply a refutation of common accusations against Christians, but an argument about proper judicial procedure advanced in support of his request. With this, already the reader is aware that Justin's performance of the petitionary role will transcend that normally found in the documentary petition. He then brings this argument for the absurdity of Christians' judicial treatment to a close with his fullest formulation of his request in *1 Apol*. 7.4-5, augmented to retract the earlier implication in *1 Apol*. 3.1 that malicious *delatores* should be punished—a retraction that again accrues to his ethos as a different sort of petitioner. Thus, in the opening chapters we observe Justin both progressively formulating his request (*1 Apol*. 2.3, 3.1, and 7.4-5) and in the process positioning himself as both suppliant and advocate.

Thereafter, at key transition points Justin recalls this request and underscores the central petitionary thread that gives coherence to his wide-ranging performance. He does so first in the μετάβασις (*transitio*) of *1 Apol*. 12:11, as he draws to a close the first major compositional unit of *1 Apol*. 3-12: ἦν μὲν οὖν καὶ ἐπὶ τούτοις παυσαμένους μηδὲν προστιθέναι, λογισαμένους ὅτι δίκαιά τε καὶ ἀληθῆ ἀξιοῦμεν ("It might be possible to stop right here and to add nothing, since we reckon that we ask for what is just and true"). He recalls it again at the beginning of the long and programmatic period in *1 Apol*. 23 that announces a major proof : Ἵνα δὲ ἤδη καὶ τοῦτο φανερὸν ὑμῖν γένηται, ὅτι ὁπόσα λέγομεν μαθόντες παρὰ τοῦ Χριστοῦ καὶ τῶν προελθόντων αὐτοῦ προφητῶν μόνα ἀληθῆ ἐστι καὶ πρεσβύτερα πάντων γεγενημένων συγγραφέων, καὶ οὐχὶ διὰ τὸ ταὐτὰ λέγειν αὐτοῖς παραδεχθῆναι ἀξιοῦμεν, ἀλλ' ὅτι τὸ ἀληθὲς λέγομεν κτλ. ("But now, in order that this too might become apparent to you, namely, that all that we say — because we learned it from Christ and the prophets who came before him —is alone true and older than all writers who have ever lived, and we ask to be received not because we say the same things as

them, but because we speak the truth... ")[37] This request "to be received" has already been invoked in imperative form in *1 Apol.* 18.6 (οἷς κἂν ὁμοίως ἡμᾶς ἀποδέξασθε). Next, in the proof section on demonic mimesis in *1 Apol*. 54-60, the subject of Simon Magus occasions Justin's additional appeal to include the Senate and Roman people as adjudicators of his petition (56.3), a direct reference to and explanation for their inclusion in the address of *1 Apol*. 1.1. Finally, the ἐπίλογος in *1 Apol*. 68.3 is replete with request language (... ἔχοντες ἀπαιτεῖν ὑμᾶς καθὰ ἠξιώσαμεν κελεῦσαι τὰς κρίσεις γενέσθαι, οὐκ ἐκ τοῦ κεκρίσθαι τοῦτο ὑπὸ Ἀδριανοῦ μᾶλλον ἠξιώσαμεν, ἀλλ' ἐκ τοῦ ἐπίστασθαι δίκαια ἀξιοῦν...).[38] Justin's characterizations of his own work as a petition, then, occur at key moments in the *Apologies*, both in the frame of the composition and throughout the work, particularly at transition points that sign-post his overall argument. However else Justin characterizes the *Apologies*, this density of strategically placed vocabulary clearly demonstrates that he is above all crafting his work in terms of the forms and practices of petition and response.

We have seen thus far in Justin's authorial statements an intention to name and describe his work as a petition: that is, as a written document submitted to public authorities seeking official redress and activating certain customary protocols. But there are other ways in which

[37] The concurrence found here of the language of petition (ἀξιο- roots and related verbs of request) and that of "acceptance" or "reception" (typically ἀποδέχομαι) of represented groups is common in ambassadorial diplomatics. See, for instance, James H. Oliver, "The Ruling Power: A Study of the Roman Empire in the Second Century after Christ through the Roman Oration of Aelius Aristides," *Transactions of the American Philosophical Society*, New Series 43, no. 4 (1953): 979.

[38] "Though we could demand... that you order judgments be made in the manner in which we request, we do not make our request on the grounds that this was judged this way by Hadrian, but [we have made this address and explanation] based on knowing that what we request is just..."

Justin describes his text. We now turn to those other descriptions and to the question of their relationship to the petitionary discourse he performs.

Προσφώνησις (*1 Apol.* 1.1; 68.3)

A significant term that Justin uses to describe the *Apologies* is προσφώνησις. Its critical importance is signaled by its repetition in both the ἐπιγραφή in *1 Apol*. 1.1 and ἐπίλογος of *1 Apol*. 68.3. In each case Justin uses it in a periphrastic construction with the middle ποιέομαι, and in each case it appears as the lead noun of a copulative pair: in *1 Apol*. 1.1 with ἔντευξις and in *1 Apol*. 68.3 with ἐξήγησις. These contextual clues—the highly marked placement and duplicated phraseology—indicate that the term carries descriptive weight for Justin.

In his selection of προσφώνησις, Justin chooses a multivalent term that does important performative work at these moments in his composition. We shall examine these nuances in light of two interpretative contexts: Greek oratory and Roman administration. First, Justin's use of προσφώνησις has been read in relation to its exposition in Greek manuals of rhetoric, particularly that of Menander Rhetor and his treatment of the προσφωνητικὸς λόγος.[39] The

[39] Robert Grant has perhaps done the most to relate this rhetorical tradition to the *Apologies*, particularly *1 Apol*. 1-7. See his *Greek Apologists*, 54; idem., "Forms and Occasions of the Greek Apologists," *Studi e Materiali di Storia delle Religioni* 52 (1986): 215; followed by Francis Young, "Greek Apologists of the Second Century," in *Apologetics in the Roman Empire: Pagans, Jews, and Christians* (Oxford: Oxford University Press, 1999), 83. On the other hand, Justin's use of the term has passed with little or no comment in many commentaries, including those of Gildersleeve, Blunt, Wartelle (*Saint Justin Apologies: introduction, texte critique, traduction, commentaire, et index* [Paris: Etudes augustiniennes, 1987]), Barnard, and Minns and Parvis (although Parvis mentions it briefly in his "Justin, Philosopher, Martyr: The Posthumus Creation of the Second Apology," in *Justin Martyr and His Worlds* [ed. Sara Parvis and Paul Foster; Minneapolis: Fortress Press, 2007], 22–37, at 30-31). William Schoedel judged Menander of limited help in analyzing the *Apologies* ("Apologetic Literature and Ambassadorial Activities," 75).

adjective προσφωνητικός served as a technical term among ancient rhetorical writers to denote one of the many sub-genres of encomiastic rhetoric.[40] Each of these encomiastic types, such as speeches of departure (συντακτικός) and arrival (ἐπιβατήριος), the wedding address (ἐπιθαλάμιος), or the birthday speech (γενεθλιακός), presume a particular rhetorical situation, as their names imply. Menander Rhetor, who provides our fullest discussion of the προσφωνητικός type, defines it as a speech of praise (εὔφημος) addressed to a ruler —a provincial governor is presumed in his treatment —on the occasion of his arrival into a city. It is a "light" version of a speech of praise, only a semblance, as Menander puts it, of a full-scale encomium (ἐγκωμίου εἰκών [417]). It dwells lightly on its encomiastic *topoi* and limits its amplification as much as possible to the actual deeds of the governor. Menander's recommended τάξις includes: one or more *prooemia*; praise of the emperor (but briefly so as to praise the governor better); praise of the governor himself, organized around the four virtues of φρόνησις, δικαιοσύνη, σωφροσύνη, and ἀνδρεία, each appropriately but modestly amplified by comparison and treatment of opposite qualities; an overall comparison with previous governors; and an epilogue (415-418).

In addition to theoretical treatments, a few examples of works labeled προσφωνητικοί survive. Aristides' *Oration* 21 is described in the manuscript tradition as a προσφωνητικός, although the words προσφωνητικός, προσφωνεῖ, and προσφώνησις do not appear in the speech; it is a speech addressed *in absentia* to a governor, identified by Charles Behr as P. Cluvius Maximus Paullinus, on the occasion of his visit to Smyrna shortly after its rebuilding.[41] Aristides

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[40] Men. Rh. 415-18; Ps. Dionysius, *Rhet*. 272-77; Doxopater, *Rhetores Graeci*, II.415 (l.15); Nicolaus, *Progymnasmata*, 47, 49.

[41] Charles A. Behr, ed., *P. Aelius Aristides: The Complete Works* (vol. 2, 2 vols.; Leiden: Brill, 1981), 361 n.1.

devotes much of the address to the city's previous destruction and newly restored splendor, reflecting both the special circumstances of the address — namely, Smyrna's recent recovery[42] — but also Pseudo-Dionysius's interpretation of the genre as a recommendation and praise of the host city.[43] Libanius's *Oration* 13 also comes down to us as a προσφωνητικός, and the occasion reported by Libanius himself —that he had been ordered by the Emperor Julian to speak before him when the latter visited Antioch —accords with the rhetorical situation for a προσφωνητικός presumed in both Menander Rhetor and Pseudo-Dionysius.[44] We may add that Gregory Thaumaturgus's *Oratio Panegyrica*, delivered on the occasion of his leave-taking from Caesarea, and the three works of Cyril of Alexandria *De recte fide*, written to the emperor Theodosius II and his family, are also labeled in their manuscript traditions as προσφωνητικοί, although the rhetorical circumstances of those works either do not strictly match those outlined in Menander Rhetor and Pseudo-Dionysius or, in the case of Cyril, are unspecified.

The theory and practice of προσφωνητικοί are important for determining the degree of insight they bring to Justin's use of προσφώνησις. One of the subjects outlined for praise by Menander is the governor's justice (δικαιοσύνη), and as Robert Grant suggests several of the themes recommended for treatment under that head—philanthropy, gentleness, approachability, and impartiality in meting justice—are invoked in some measure by Justin in *1 Apol.* 1-7.[45] In

[42] On the special circumstances, see Theodore C. Burgess, *Epideictic Literature* (Chicago : Leipzig: University of Chicago Press ; Otto Harrassowitz, 1902), 138-9.

[43] Ps. Dionysius, *Rhet*. 272-77.

[44] Libanius, *Ep*. 736.

[45] Grant, "Forms and Occasions", 215; Men. Rh. 416.5-9: ἐν δὲ τῇ δικαιοσύνῃ πάλιν ἐρεῖς τὴν πρὸς τοὺς ὑπηκόους φιλανθρωπίαν, τὸ ἥμερον τοῦ τρόπου, τὸ ὁμιλητικὸν πρὸς τοὺς προσιόντας, τὸ καθαρὸν ἐν ταῖς δίκαις καὶ ἀδωροδόκητον, τὸ μὴ πρὸς χάριν μηδὲ πρὸς ἀπέχθειαν κρίνειν τὰς δίκας... ("Under justice you should include humanity to subjects,

Justin's scripting, however, this invocation is entirely by way of contrast. Judicial impartiality is invoked precisely that it may hang in the balance (e.g., *1 Apol*. 2.2-3; 3.2, 4), and at times Justin downright criticizes the impartiality of his addressees (*1 Apol*. 5.1). Furthermore, there is commonality between the rhetorical situations implied in Menander's προσφωνητικός and Justin's *Apologies*, but it lies not in the specific occasion of a governor's visit to the speaker's city but in the more generalized situation of addressing an imperial authority who has been made physically present, in Justin's case by the suppliant's "approach" by proxy through his petition (*1 Apol*. 2.3). Thus, in some ways Justin's tactical use of προσφώνησις is intelligible in terms of the rhetorical tradition represented by Menander, and it is important to note that Eusebius would later characterize the *Apologies* as a προσφωνητικὸς λόγος (*Hist. eccl*. 4.18.2).[46] Other aspects of Menander's treatment, however, such as his recommended τάξις and constellation of *topoi* beyond δικαιοσύνη, differ between the rhetorical handbooks and what we find in the *Apologies*. Summarily, then, the exposition we find in Menander suggests that προσφώνησις is a fitting term for Justin to use when approaching an imperial audience. However, if we broaden the base of evidence, we can go further to suggest that Justin's choice was not only appropriate but quite strategic.

The noun προσφώνησις had a much a wider semantic range beyond the particular discussion of προσφωνητικός among the ancient rhetorical theorists, although apart from the

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gentleness of character and approachability, integrity and incorruptibility in matters of justice, freedom from partiality and from prejudice in giving judicial decisions..."; transl. by D. A. Russell and N. G. Wilson, eds., *Menander Rhetor* [Oxford University Press, 1981].)

[46] However, it is possible that Eusebius takes his lead from Justin's own use of the term. Indications of this are that προσφωνητικὸς in *Hist. eccl*. 4.18.2 is the only instance of the adjective in the Eusebian corpus and that Eusesbius himself had previously quoted Justin's use of προσφώνησις in *1 Apol*. 1.1 (*Hist. eccl*. 4.12.1). Eusebius once uses the adverb προσφωνητικῶς in *Comm. Isa*. I.93, l.39.

scholia and ancient grammarians the use of the noun προσφώνησις is surprisingly infrequent in literary texts. In contrast to the treatments of προσφωνητικοί among the rhetors, προσφώνησις describes not a specific type of encomiastic speech but mostly the act of targeting or dedicating a composition to a particular person, or any work so targeted.[47] But this idea of direct personal address, contrasted with speech more diffusely directed,[48] could also naturally overlap with the idea of supplication, when the one being addressed is a deity or other superior. The scholia on *Hippolytus* 114-117, for instance, in which a slave refers to praying in a manner befitting her status, explains that the kind of prayer (τὴν εὐχὴν ποιησόμεθα) that befits a slave is an address of

[47] Onasander, *Tacticus* 1: "I regard as fitting the address of works (λόγων...προσφώνησιν) on horses, hunting, or fishing, or yet again of agricultural treatises (συνταγμάτων), to those who have a passion for such pursuits, but works on military strategy, Quintus Veranius, [should be addressed] to Romans, and especially to Romans who have attained senatorial dignity..." (Ἱππικῶν μὲν λόγων ἢ κυνηγετικῶν ἢ ἁλιευτικῶν τε αὖ καὶ γεωργικῶν συνταγμάτων προσφώνησιν ἡγοῦμαι πρέπειν ἀνθρώποις, οἷς πόθος ἔχεσθαι τοιῶνδε ἔργων, στρατηγικῆς δὲ περὶ θεωρίας, ὦ Κόϊντε Οὐηράνιε, Ῥωμαίοις καὶ μάλιστα Ῥωμαίων τοῖς τὴν συγκλητικὴν ἀριστοκρατίαν λελογχόσι...); Plutarch, *Ti. C. Gracch*., 8.6: "Diophanes was an exile from Mitylene, but Blossius was a native Italian from Cumae, had been an intimate friend of Antipater of Tarsus at Rome, and had been honored by him with the dedications of philosophical treatises (προσφωνήσεσι γραμμάτων φιλοσόφων)" (Loeb transl.; ὧν ὁ μὲν Διοφάνης φυγὰς ἦν Μιτυληναῖος, ὁ δ' αὐτόθεν ἐξ Ἰταλίας Κυμαῖος, Ἀντιπάτρου τοῦ Ταρσέως γεγονὼς ἐν ἄστει συνήθης, καὶ τετιμημένος ὑπ' αὐτοῦ προσφωνήσεσι γραμμάτων φιλοσόφων); Athenaeus, *Deipnosophistae* 4.156d (Letter of Parmeniscus to Molpis): "Parmeniscus to Molpis. Greetings. Since I constantly address you (πλεονάζων ἐν ταῖς προσφωνήσεσι πρός σε) about the noteworthy invitations I receive, I worry that you've had your fill and will start to complain" (Παρμενίσκος Μόλπιδι χαίρειν· πλεονάζων ἐν ταῖς προσφωνήσεσι πρός σε περὶ τῶν ἐπιφανῶν κλήσεων ἀγωνιῶ μή ποτε εἰς πληθώραν ἐμπεσὼν μεμψιμοιρήσῃς). Cf., too, the use of the verb in Plutarch's description of a work of Colotes (*Adv. Col*. 1107e-f): "Colotes...O Saturninus, published a book he entitled, 'On the fact that according to the doctrines of other philosophers it is not even possible to live'; this book had been addressed to King Ptolemy" (Κωλώτης...,ὦ Σατορνῖνε, βιβλίον ἐξέδωκεν, ἐπιγράψας ‘περὶ τοῦ ὅτι κατὰ τὰ τῶν ἄλλων φιλοσόφων δόγματα οὐδὲ ζῆν ἔστιν.’ ἐκεῖνο μὲν οὖν Πτολεμαίῳ τῷ βασιλεῖ προσπεφώνηται).

[48] Longinus, *Subl*. 26 extols the rhetorical benefits of appearing not to address everyone but only the hearer directly in the second person as being better suited for moving the audience, who is thereby "roused by the personal addresses" (ταῖς εἰς ἑαυτὸν προσφωνήσεσιν ἐξεγειρόμενον).

the god (τὴν προσφώνησιν ποιησόμεθα), performed simply and without elaborate sacrifices. Similarly, the scholia on the *Argonautica* describe Hypsipyle's parting prayer on behalf of Jason and his companions as "a very amorous address and prayer" (ἄγαν ἐρωτικὴ <ἡ> προσφώνησις καὶ ἡ εὐχή).[49] This way in which προσφώνησις is capable of connecting with the notion of supplication is suggestive for Justin's own combination of προσφώνησις καὶ ἔντευξις in *1 Apol*. 1.1, nearly implying a hendiadys.[50] Nevertheless, as we will soon see, the individual terms of the couplet, while kin, nevertheless signal distinctive functions of Justin's work.[51]

Another context in which προσφώνησις is frequently used, which has been neglected in scholarship on the *Apologies*, is the administrative discourse of Roman-era papyri, where προσφώνησις describes written declarations of various sorts addressed to government officials.[52] Here the intention of disclosing information to a political superior comes to the fore. Most προσφωνήσεις are statements submitted in reply to official inquiries, presented by subordinate office-holders or private individuals and addressed to government officials. Like most of our documentary petitions, προσφωνήσεις were composed in memorandum style, with the addressee

[49] *Scholia in Apollonium Rhodim vetera*, 888-90a (ed. Wendel, p.75).

[50] Justin's use of the couplet προσφώνησις καὶ ἔντευξις is in this way reminiscent of the later hendiadic doublet δέησις καὶ ἱκεσία that frequents late antique petitions to the emperors. But this expression, a product of the tendency toward *Abundanz* in post-Classical Greek, is only first attested in the early fourth century (P.Ryl. IV 617 [317 CE]; IV 618 [317 CE]). See Denis Feissel and Klaas Worp, "La Requête d'Appion, Évèque de Syène, À Théodoes II: P. Leid Z Révisé," *Oudheidkundige Mededeelingen* 68 (1988): 101. Moreover, that Justin later couples προσφώνησις with ἐξήγησις in *1 Apol*. 68.3 also suggestst that this Late Antique petitionary convention is probably unrelated to Justin's expression in *1 Apol*. 1.1.

[51] For instance, E. R. Hardy's translation of προσφώνησις καὶ ἔντευξις as "plea and petition" implies a connection but fails to capture a distinctive flavor for προσφώνησις (Cyril Richardson, ed., *Early Christian Fathers* [Reprint edition.; New York: Touchstone, 1995], 242).

[52] For an informative survey, see the discussion of Peter Meyer in P.Meyer 4.

in the dative and sender indicated by παρά followed by the genitive, although at least one προσφώνησις in letter-form is attested.[53] These administrative documents are essentially declaratory in nature, and many types are accompanied by an oath to guarantee truth-telling. The following examples illustrate the kinds of documents that the term προσφώνησις and verb προσφωνεῖν are used to describe:

- An account rendered by a municipal official in response to a demand from the *epistrategos*. When commanded by the *epistrategos* to explain (λόγον ὑποσχήσοντα; l. 24) his faulty nomination to municipal office of two exempt Antinoopolites, the offending *amphodogrammateus* submitted a προσφώνησις indicating that he subsequently investigated the matter and determined the two to be free from obligation (P.Oxy. VIII 1119 [254 CE]). This προσφώνησις was in turn preserved in a dossier of documents related to the issue and enclosed in a subsequent petition.

- A report from keepers of the property registration archives (βιβλιοφύλακες τῶν ἐγκτήσεων). In Dionysia's petition, the *strategos* had ordered such a report at Dionysia's request, which she obtained and repeatedly submitted as evidence in her ongoing legal disputes (P.Oxy. II 237 v.10, 16, 20, 29-30, 36, vi.9).

- An expert opinion on a legal matter (*responsum*) written by a lawyer in response to a request from a presiding judge, as also attested in Dionysia's petition (vii.14, viii.2).

- Reports of village officials to a *strategos* concerning criminal investigations. During proceedings in which a κωμωγραμματεύς ("village scribe") suggested a certain party was

[53] P.Oxy. II 237 viii.2-7.

guilty of arson, the *strategos* gave the village scribe, the chief of police, and other local officials five days to submit written declarations laying out everything they knew about the crime (SB XXIV 16257 ii.17-19 [108 CE]): π[ερὶ ὧν σὺ οἶδας, αὐτός μοι] προσφώ[ν]ησον, ὁμοίως δ[ὲ καὶ οἱ δημόσιοι καὶ(?) ὁ ἀρχέφοδος περὶ ὧν ἴσασι πρ[οσφωνησάτωσαν ("concerning what you know, report it to me yourself; and likewise both the officials and the chief of police should report what they know").

As these particular examples illustrate, most προσφωνήσεις came from subordinate officials to their superiors, but προσφωνήσεις from private individuals are also well attested. For instance, a hog farmer, in response to an inquiry (probably from the *strategos*), submitted a declaration concerning the size of his drove (BGU I 92 [187 CE]; ἐπιζητοῦντί σοι...προσφωνῶ [ll.8-10]).[54] In another instance, a woman declared (προσφωνῶ) to a group of officials the eligibility of her fourteen year old son for tax privileges (P.Oxy. VII 1028 [86 CE]).

While necessarily selective, these examples demonstrate a common purpose and rhetorical situation: they all consist of a disclosure or declaration of findings made by subordinates (in most cases) to higher ranking government officials.[55] Formally, προσφωνήσεις resemble petitions, as both are essentially memoranda addressed to higher officials. Moreover, both προσφωνήσεις and petitions may be said to be disclosive by their nature and purpose. But the specific function of solemnly declaring facts or the results of investigations is what makes the προσφώνησις a unique type, different from petitions. Nevertheless, the boundaries between

[54] On the possible addressee of the προσφώνησις, which is not preserved, see the comments in Chrest.Wilck. 427.

[55] For further examples, see Paul Meyer's study of προσφωνήσεις in his edition of P.Meyer 4.

petitions and προσφωνήσεις may have sometimes been blurred. In a petition from 123 CE, two priests accuse a third of stealing and then disappearing to escape settlement (SB XXIV 16257 col. i).[56] Underneath the petition, the κωμωγραμματεύς wrote that he had submitted (ἐπιδέδωκα) "the above προσφώνησις" (τὴν προκειμένην πρ[οσφ]ώνησιν; ll. 17-19). Unfortunately, the precise referent of "the above προσφώνησις" and the role of the κωμωγραμματεύς with respect to the priests' petition is unclear.[57] But if τὴν προκειμένην πρ[οσφ]ώνησιν refers to the priests' petition just above it, we have a case in which the term προσφώνησις applies to a private petition, evincing some overlap in terminology and conception among the two actions or document types.

Nevertheless, inasmuch as Justin is already invoking an administrative frame of reference with his use of petitionary language, we should not dismiss a resonance with bureaucratic discourse in Justin's use of προσφώνησις, as well. Elias Bickerman's seemingly peculiar translation of προσφώνησις in *1 Apol*. 1.1 as "statement of facts" captures this declarative quality, although his reasons for departing from the customary translation of "address" are left unstated, and so it is uncertain to what extent he might have credited possible administrative overtones.[58] But the basic idea of a προσφώνησις as a statement of disclosure addressed to a high

[56] This petition is preserved on the same papyrus document (SB XXIV 16257) as the court proceedings before the strategos involving the κωμωγραμματεύς mentioned above. While the antagonist of the petition and the proceedings share the same name, the documents are separated in date by 15 years, and the relationship between the two is uncertain. See Ann Ellis Hanson, "A Petition and Court Proceedings: P. Michigan Inv. 6060," *Zeitschrift für Papyrologie und Epigraphik* 111 (1996): 175–82.

[57] For instance, does it refer to the petition? If so, what does it mean that Ptolemaeus submitted (ἐπιδέδωκα) it? Or might προσφώνησις refer to another document entirely, not preserved in the extant copy?

[58] E. J. Bickerman, "Pliny, Trajan, Hadrian and the Christians," 814.

ranking official, often made in response to an investigation or inquiry, actually fits well with the stated aims of Justin's *Apologies*. In fact, dual aims of request and declaration lie at the heart of Justin's project. On the one hand, it is clear that Justin is making a request of the emperor through his writing, as we have seen and will further explore below. On the other hand, Justin repeatedly emphasizes that sound government requires the ability of subjects to provide a public account of their actions, and rendering such an account is equally a function of the *Apologies*. This claim forms the basis of the πρόκλησις laid out in *1 Apol*. 3.2, where giving citizens the opportunity to provide an account of their conduct (τὴν εὐθύνην...παρέχειν) is the correlative to wise, judicious rule. There Justin uses a word, εὐθύνη (see also εὐθύνειν in *1 Apol.* 4.6), with deep roots in Greek public life, denoting the process by which ambassadors and office holders submitted themselves to an examination of their conduct at the completion of their terms.[59] Such practices of public scrutiny continue through the imperial period: an Ephesian inscription of possibly Antonine date speaks of local ex-magistrates still owing an account (εὐθύναι) to an imperial official (λογιστής) who had been appointed to investigate the city's finances.[60] Justin maintains that it is his duty to offer such a public account through his writing, just as it is the duty of imperial officials to permit its offering and to listen to it without prejudice, a duty grossly unfulfilled in the present conduct of Christian trials (*1 Apol*. 3.4; 4.6). Then, at the end of *1 Apol*. 3, Justin uses another word to describe his account, ἐπίσκηψις (an inspection or investigation), a word that appears only in the *Apologies* among early Christian apologists. Justin will return to this descriptor, twice describing the purpose of his submission as "for the

[59] For the process as it stood in the fourth century BCE, see Douglas M. MacDowell, *On the False Embassy (Oration 19)* (New York: Oxford University Press, 2000), 15-22 (with additional bibliography in his note 39).

[60] Oliver 160A, 11.

inspection" (εἰς ἐπίσκεψιν) of his addressees (*1 Apol*. 44.13; 67.8). Importantly, in legal and administrative documents there is often a procedural relationship between ἐπίσκηψις and προσφώνησις, with investigations (ἐπισκήψεις) resulting in official reports or declarations (προσφωνήσεις).[61] In this way, Justin's use of εὐθύνη and ἐπίσκηψις is part of his effort to portray his work as a disclosure of Christian teaching and practice to public scrutiny. When read in its administrative context, this idea of a disclosive report is already latent in the term προσφώνησις, so that with προσφώνησις καὶ ἔντευξις in *1 Apol*. 1.1 Justin signals the dual purpose of the forthcoming work as both declaration and request.[62]

To summarize: Justin frames the chapters of what we call the *First Apology* with two descriptive pairs, each united under a single article and each with προσφώνησις as the common term: ἡ προσφώνησις καὶ ἔντευξις (1.1) and ἡ προσφώνησις καὶ ἐξήγησις (68.3). As the rhetorical traditions shows, with προσφώνησις Justin signals an address directed at a targeted addressee and suggestive of personal proximity to a governing official. But his strategic choice bears further significance. As our analysis has shown, the conjunction of προσφώνησις with ἔντευξις and ἐξήγησις gives his address a particular inflection that has not been fully appreciated, connotative of *petition* on the one hand and explanatory *disclosure* on the other (for the nuance of ἐξήγησις in *1 Apol.* 68.3, see the following section). At the same time, the evidence presented above suggests that these two resonances are *already* latent in προσφώνησις alone, which can

[61] In P.Oxy 287 l.7-8 (161-9 CE), for instance, an advocate in a legal hearing, giving a narrative of past events leading to the present trial, describes how the *epistrategos* had ordered the *eklogistes* to investigate (ἐπισκέψασθαι) the nome's tax accounts, who in turn produced a report (προσφωνήσαντες) to the epistrategos.

[62] This two-fold characterization is restated again in *1 Apol.* 17.4, where he warns his imperial addressees to take heed of "our supplicating and putting everything out in the open" (ἡμῶν εὐχομένων καὶ πάντα εἰς φανερὸν τιθέντων), making a summary reference of the present work, even as he plays on the possible object of εὔχομαι.

connote, in the context of a starkly unequal power relationship, the idea of supplication and, in a specifically bureaucratic context, the formal disclosure of information to a political superior. An analogy to Justin's use of προσφώνησις occurs in Eustathius' commentary on the *Iliad*, where the relationship between two speech acts, προσφώνησις and ἐρώτησις, is discussed. Expounding on how neither Athena nor Hera "addressed a word [to Zeus] or asked him anything" (οὐδέ τί μιν προσεφώνεον οὐδ' ἐρέοντο) upon his arrival to the council in *Iliad* 8.444-45, the commentator explains: "One should know about the phrase οὐ προσεφώνεον οὐδ' ἐρέοντο that inasmuch as προσφώνησις and ἐρώτησις both refer to speaking, there is no difference between them. But they do differ inasmuch as someone generally προσφωνεῖ in different forms of speech, whereas ἐρώτησις is unique in being the fifth part of speech among the philosophers" (Van der Valk 722.8-13).[63] Presuming philosophical taxonomies of the different forms of speech (e.g, Protagoras in D-K II.254.11-17 and Diogenes Laertius, VII.66ff), the difference expressed here is that while both προσφώνησις and ἐρώτησις refer to the address of an interlocutor, only ἐρώτησις requires a response from the addressee. Similarly, while Justin does not have such a taxonomy in mind, ἔντευξις and ἐξήγησις are included within but also give added specificity to προσφώνησις, which is the common term between them in *1 Apol*. 1.1 and 68.3. The descriptions of the *Apologies* as προσφώνησις καὶ ἔντευξις (1.1) and προσφώνησις καὶ ἐξήγησις (68.3), then, succinctly and deftly expresses Justin's stated ambition *both* to communicate information *and* to compel an imperial response.

[63] Ἰστέον δὲ ὅτι τοῦ «οὐ προσεφώνεον οὐδ' ἐρέοντο», καθὸ μὲν ὑπὸ τὸ φωνεῖσθαι ἄμφω ἀνάγονται καὶ ἡ προσφώνησις καὶ ἡ ἐρώτησις, οὐκ ἔστι διαφορά. Ἑτέρως δὲ διαφέρουσι, καθότι προσφωνεῖ μέν τις ἁπλῶς κατά τι ἑτεροῖον λόγου σχῆμα. Ἡ δὲ ἐρώτησις ἰδιάζει παρὰ τὰ λοιπά, πέμπτον οὖσα μέρος τοῦ παρὰ φιλοσόφοις λόγου.

Ἐξήγησις (*1 Apol.* 13.4; 61.1; 68.3)

As we have already seen from its conjunction with προσφώνησις in the ἐπίλογος in *1 Apol.* 68.2, ἐξήγησις is another important cue in Justin's performance. Like ἔντευξις and ἀξίωσις, Justin chooses ἐξήγησις and its verbal equivalent at key junctures to draw attention to the function and purpose of his work. In the final clause of a summative passage replete with petitionary language (*1 Apol.* 68.3),[64] Justin characterizes the whole of the preceding argument with two main verbal expressions: ἠξιώσαμεν and τὴν προσφώνησιν καὶ ἐξήγησιν πεποιήμεθα (68.3). As noted above, we find in the latter description a construction closely parallel to the initial characterization of the work as ἡ προσφώνησις καὶ ἔντευξις in *1 Apol.* 1.1, but now with the additional descriptor, ἐξήγησις. By this point Justin has already employed the term in two dispositional formulations in *1 Apol.* 13.4 and 61.1. Most recently in *1 Apol.* 61.1 Justin had introduced the section expositing the Christian initiation rites of baptism and Eucharist (61.1-67.8) in a pleonastic style similar to the proliferation of ἀξιο- roots in 68.3: Ὃν τρόπον δὲ καὶ ἀνεθήκαμεν ἑαυτοὺς τῷ θεῷ καινοποιηθέντες διὰ τοῦ Χριστοῦ, ἐξηγησόμεθα, ὅπως μὴ τοῦτο παραλιπόντες δόξωμεν πονηρεύειν τι ἐν τῇ ἐξηγήσει ("The manner in which we dedicated ourselves to God when we were renewed through Christ, this, too, we will explain, lest by leaving this out we seem to do anything underhanded in our explanation").[65] This, in turn, recalls

[64] ...ἔχοντες ἀπαιτεῖν ὑμᾶς καθὰ ἠξιώσαμεν κελεῦσαι τὰς κρίσεις γενέσθαι, οὐκ ἐκ τοῦ κεκρῖσθαι τοῦτο ὑπὸ Ἀδριανοῦ μᾶλλον ἠξιώσαμεν, ἀλλ' ἐκ τοῦ ἐπίστασθαι δίκαια ἀξιοῦν τὴν προσφώνησιν καὶ ἐξήγησιν πεποιήμεθα ("...although we are able to firmly ask that you command that judgments be made in the manner we have requested, we have not made our request on the basis of Hadrian's decision, but knowing that what we request is just we have made our προσφώνησις and εξήγησις") (*1 Apol.* 68.3).

[65] A similar concern to prevent the appearance of trickery introduces the sub-argument on Christ's teachings starting in *1 Apol.* 14.4: ἵνα δὲ μὴ σοφίζεσθαι ὑμᾶς δόξωμεν, ὀλίγων τινῶν τῶν παρ' αὐτοῦ τοῦ Χριστοῦ διδαγμάτων ἐπιμνησθῆναι καλῶς ἔχειν πρὸ τῆς ἀποδείξεως ἡγησάμεθα ("But in order that we might not seem to deceive you, we consider it expedient to mention before

the first instance of the verb ἐξηγέομαι in *1 Apol.* 13.4, where Justin begins an extended exposition and proof of Christian teaching and practice that will stretch all the way to chapter 67. That extended exposition, with its own constituent argumentative units, is signaled by a clear transition in *1 Apol*. 12.11, followed by two rhetorically florid and grammatically complex periods that function as programmatic statements and culminate in the exhortation to attend to the coming exposition "as we expound it" (ἐξηγουμένων ἡμῶν; 13.4). Thus, it appears that ἐξήγησις especially characterizes for Justin the function of chapters 13-67, as first announced in 13.4, again in the final section in 61.1, and finally in the *peroratio* in 68.3; in the latter, the term comes to describe, alongside προσφώνησις and ἀξίωσις (in verbal form), one of the two essential functions of the work as a whole.

While ἐξήγησις is fundamental to Justin's presentation of the *Apologies*, the Greek term in itself is not associated with, and therefore does not invoke, a particular literary form in the way that ἔντευξις or προσφώνησις might.[66] The term in its widest sense (literally, a "bringing

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the proof some teachings of Christ himself"). Justin then produces a topical selection of sayings of Jesus for the authorities' examination (ὑμέτερον ἔστω ὡς δυνατῶν βασιλέων ἐξετάσαι...).

In their critical text Minns and Parvis have expunged from *1 Apol*. 61.1 the entire phrase ἐξηγησόμεθα, ὅπως μὴ τοῦτο παραλιπόντες δόξωμεν πονηρεύειν τι ἐν τῇ ἐξηγήσει as a later editorial seam. In my judgment, there are insufficient grounds for doing so. Minns and Parvis advance three reasons for their emendation: 1) the phrase is pleonastic; 2) the active form of πονηρεύειν occurs nowhere else in Greek literature; 3) and the usage of ὃν τρόπον at the beginning of 61.1 to introduce the disputed phrase is unusual for Justin. However, the parallel usage of ὃν τρόπον in *Dial.* 43.4 is sufficient to counter (3). Regarding (2), the active πονηρεύειν, while certainly unusual, is not without the company of other hapaxes or singularities in Justin's Greek, and alone is insufficient reason to expunge the whole phrase. Finally, pleonasm should not surprise any reader of Justin; indeed, I would argue that the repetition of cognates is *characteristic* of Justin's prose (e.g., *Apol*. 26.8: ἔστι δὲ ἡμῖν καὶ σύνταγμα κατὰ πασῶν τῶν γεγενημένων αἱρέσεων συντεταγμένον; *Dial*. 72.1: ἀπὸ μὲν οὖν τῶν ἐξηγήσεων, ὧν ἐξηγήσατο Ἔσδρας εἰς τὸν νόμον τὸν περὶ τοῦ πάσχα, τὴν ἐξήγησιν ταύτην ἀφείλοντο ["Thus, from the explanations that Esdras explained on the law of Passover, they removed his explanation..."]; *1 Apol*. 68.1: εἰ δὲ λῆρος ὑμῖν δοκεῖ, ὡς ληρωδῶν πραγμάτων καταφρονήσατε...).

[66] It can, however, occur in the titles of works, but nearly always in the plural. Diogenes Laertius (5.88) lists among the works of Heraclides both "Expositions of Heraclitus, in four

out") applies simply to an explanation or description of something;[67] as it relates to hermeneutical praxis in philosophical, religious, or legal contexts, it often specifies an act of interpretation or translation, and it is frequently employed in this way in the *Dialogue with Trypho* (e.g., *Dial*. 55.1; 68.7; 79.2; 124.3). For our present purposes, two points merit comment. First, the term is not especially prominent in petitions; hence Justin here is not deliberately intersecting with administrative discourse as he is with προσφώνησις and ἐπίσκηψις. That said, the term *does* occur—albeit rarely—in petitions, as one might expect from the fact that petitions naturally require an explanation of the circumstances of the request. For instance, ἐξηγέομαι is used as a summary description of the contents of a petition directed to the Prefect of Egypt, Subatianus Aquila: τὴν ἐπὶ σὲ καταφυγὴν ποι]οῦμαι ἐξηγούμ(ενος) τὴν γεινομένην μοι βίαν ὑπό τινων πολ[...] ("I take refuge in you, as I explain the violence perpetrated against me by certain...") (BGU XI.2061, ll. 2-3; 207 CE). Another early third century petition to an *epistrategos* (P.Flor. I.58) commences after the initial address with the introductory sentence: ἡ ἀξίω[σίς μου, δέσ]ποτα τῆς ἀπό σου ἐπεξελεύσεως δ̣ε̣ο̣[μ]ένη σύντομ[ο]ν̣ ἔχει τ̣[ὴ]ν [ἐξ(?)]ήγησιν(?) ("This petition of mine, sir, requiring your retribution, has this brief

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books" (Ἡρακλείτου ἐξηγήσεις δ΄) and "Expositions in response to Democritus, in one book (Πρὸς τὸν Δημόκριτον ἐξηγήσεις α΄). If Eusebius's title is to be trusted, the early second century Christian Papias of Hierapolis composed a five volume work entitled, Λογίων κυριακῶν ἐξήγησις (Eus., *Hist. eccl*., 3.39.1). For discussion of Papias's title, including word studies of its constituent lexemes, see Ulrich H. J. Körtner, *Papias von Hierapolis: Ein Beitrag zur Geschichte des frühen Christentums* (Forschungen zur Religion und Literatur des Alten und Neuen Testaments 133. Heft; Göttingen: Vandenhoeck & Ruprecht, 1983), 151-72; H. J. Lawlor, "Eusebius on Papias," *Hermathena* 19, no. 43 (1922): 167–222. Since precious little of Papias's work survives, much hinges on the interpretation of the title to divine its content and purpose. There the debate regarding ἐξήγησις surrounds whether it should be understood in a more limited sense of a collection or collation of material or in a more active sense of a coherent literary composition with rhetorical pretensions (and hence sometimes rendered as "account").

[67] E.g., in a literary context, to a promised account of the Roman constitution in Polybius III.118.12.

explanation").[68] On the receiving end, too, petitions surely required "interpretation" (some of them a great deal!). While it is probably of little relevance for Justin's choice of the term, it is interesting to note that at the time of Caracalla the Greek rendering of the Latin title of the office *a libellis* is attested as πεπιστευμένος τὴν ἐξήγησιν ἀξιώματων ("one entrusted with the interpretation of petitions") (Oliver 244 l.18). Thus, ἐξήγησις does sometimes occur in administrative contexts, but not in a specialized sense that would necessarily carry implications for genre or that would lead us to believe Justin is calling on a specific bureaucratic resonance of the term.

Secondly, ἐξήγησις, denoting interpretation or explanation, was often applied to ancient religious practice.[69] As a symbol system, the elements of ancient cult invited instruction and explanation to initiates and outsiders alike. Layers of explanation were particularly associated with mystery cults that attempted to express a reality inaccessible to ordinary experience through participation in strictly controlled rites. This religious dimension of ἐξήγησις as the exposition of divine secrets is likely connoted in Justin's use of the term. In *1 Apol*. 13.4, Justin characterizes the object of his ἐξήγησις as τὸ ἐν τούτῳ μυστήριον, referring to the honors paid to Jesus Christ, whom Christians scandalously honor next to the immortal God. In *1 Apol*. 61.1, Justin again characterizes his present task as one of ἐξήγησις when he introduces a final section that lays bare

[68] Based on the published reading in BL (*Berichtigungsliste der griechischen Papyrusurkunden aus Ägypten*) I 143. Obviously, the reconstruction is uncertain and admits other interpretations. In fact, διήγησις is an equally plausible reading, and finds more extensive parallels among imperial petitions. Wilcken, perhaps less likely, also suggests τ[ὴ]ν γνῶσιν (Ulrich Wilcken, "Zu den Florentiner und den Leipziger Papyri," *Archiv für Papyrusforschung und verwandte Gebiete* 4 (1908): 443.).

[69] Cf., for instance, the use of ἐξήγησις in the *Cebetis Tabula*, or the ἐξηγηταί as interpreters of sacred law and cult in ancient Greek religion (James Henry Oliver, *The Athenian Expounders of the Sacred and Ancestral Law* [Baltimore: Johns Hopkins Press, 1950]).

the Christian initiation rites of baptism and eucharist. That such ἐξήγησις was ordinarily restricted to the participants in the cult underscores the radically disclosive nature of the *Apologies*, which not only describes the rites of Christian cult, often using its technical terminology,[70] but also attempts to render it intelligible through extended exposition (ἐξήγησις). Justin's use of ἐξήγησις, then, not only furthers the characterization of his petition as an act of explanatory disclosure —already latent in προσφώνησις and ἐπίσκηψις —but also does so with a particular emphasis on the exposition of religious content.

Σύνταξις and Other Terms

Justin describes his work with several terms and expressions that are much more capacious and general in their meaning. These include γράμματα (*1 Apol*. 2.3), σύνταξις (*2 Apol.* 1.1; cf. 15.2), λόγος (*1 Apol.* 22.4; 35.2), and λόγοι (*1 Apol*. 45.6; *2 Apol*. 1.1; 12.6; 15.2). While these are rather indeterminate, Justin's occasional use of them is nevertheless consistent with the webwork of resonances he spins with his more denotative terms.

Like all three of these lexemes, γράμματα is not linked with a single genre, but this flexibility allows it to be used in reference to many sorts of written materials, including administrative documents. For instance, it is used of letters, imperial and gubernatorial rescripts, and various other legal instruments, including petitions.[71] In fact, Justin uses γράμματα in an

[70] The "technical" quality of certain locutions is indicated by Justin's use of καλεῖται to explain such terms as φωτισμός (*1 Apol.* 61.12), εὐχαριστία (66.1), and εὐαγγέλια (66.3).

[71] To cite one example: in a decision issued by two *chrematistae*, the officials order that, having examined a petition (ἔντευξις) submitted by a certain Herakleia concerning the execution of a pledge, copies of the petition, along with an accompanying oath, be sent to the heirs of the debtor, referring to both documents as [τῶν γ]ραμμάτων τούτων (P.Fam.Tebt. 29 l.21 [133 CE]).

expression of approach (οὐ κολακεύσοντες ὑμᾶς διὰ τῶνδε τῶν γραμμάτων ...προσεληλύθειμεν; *1 Apol*. 2.3) that is a trope commonly employed by petitioners, whereby the submitted document stands in as a proxy for the petitioner's physical presence before the official. Thus, although the term is less semantically rich than the others we have examined, Justin's use of it is quite at home in his performance of petition.[72]

More revealing, although still not indicative of form, may be Justin's use of σύνταξις. That Justin does not seem to use it to refer to only one kind of text or performance is clear from the fact that he himself applies it and a related term (σύνταγμα) to three very different works: the *Apologies* (*2 Apol*. 1.1), the *Dialogue with Trypho* (*Dial*. 80.3), and a work described as a "σύνταγμα against all heresies" (*1 Apol*. 26.8). Nevertheless, among the less descriptive identifiers presently being considered, it especially repays further explication, not least because of its prominent placement in the *Apologies*. The noun σύνταξις is part of a periphrastic construction in *2 Apol*. 1.1, where Justin indicates that recent events have necessitated "me, too, to compose the following arguments" (τὰ... γενόμενα... καὶ τὰ... πραττόμενα... ἐξηνάγκασέ με... τὴν τῶνδε τῶν λόγων σύνταξιν ποιήσασθαι). The verbal equivalent recurs in *2 Apol*. 15.2 in a summary statement of intention: "for this reason alone [namely, that all might change their mind] we have composed these arguments" (τούτου γε μόνου χάριν τούσδε τοὺς λόγους

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[72] Similarly, Lucian refers to the imperial petition submitted by Peregrinus as a γραμματεῖον (*Peregr*. 16), as does Philo in reference to a document directed to Gaius that epitomized and reiterated the Jewish community's earlier, longer supplication (ἱκετεία) (*Legat*. 28 [178]).

συνετάξαμεν).[73] In each case they govern the plural noun λόγοι, which occurs in both instances with a demonstrative pronoun communicating extra deictic force. As its etymology implies, lexigraphically σύνταξις can denote an orderly arrangement of virtually any sort. Moreover, Justin's specific construction in *2 Apol*. 1.1—namely, the periphrastic use of ποιεῖσθαι with σύνταξις, followed by an articular genitive of material—is particularly well attested, and naturally specifies the action of ordering or classifying material (or the product thereof).[74] For instance, in the fragment of Papias where he famously describes Mark's literary activity, Papias excuses Mark's lack of order (οὐ μέντοι τάξει) with the argument that Mark learned about Jesus from Peter, and Peter used to teach *ex tempore* and not as if he were "composing an orderly account of the Lord's sayings."[75] Polybius describes how the Rhodian ambassador Astymedes later revised and published (ἐξέβαλε...μετὰ ταῦτα) in written form (ἔγγραπτον) an orderly version of the defense speech he made before the Roman Senate (ποιήσας τὴν σύνταξιν τῆς δικαιολογίας).[76] Most tellingly, within the narrative conceit of the *Dialogue with Trypho*, Justin

[73] In addition, as just noted, the verb συντάσσω also occurs with the cognate noun σύνταγμα in *1 Apol*. 26.8 to refer to a heresiological composition (σύνταγμα κατὰ πασῶν τῶν γεγενημένων αἱρέσεων συντεταγμένον).

[74] This idea of ordering or classifying of material is also seen with other constructions. When followed by the preposition περί, for instance, the word comes to designate compositions on a particular subject (e.g., Apollonius Dyscolus, *De conjunctionibus* 213.1: ἡ προκατειλεγμένη σύνταξις περὶ συνδέσμων ὑπὸ πλειόνων γραμματικῶν). When itself governed by the preposition περί, it comes to denote a type of text that deals with the classification of subjects. Witness, for instance, the literary tradition on the classification of speech as evinced by Chrysippus's works Περὶ συντάξεως τῶν λεγομένων (SVF II.214) and Περὶ συντάξεως τῶν τοῦ λόγου μερῶν (SVF II.206); cf. Dionysius of Halicarnassus, *Comp*. 4.126: καὶ τέχνας γέ τινας ἔγραψαν ὑπὲρ τῆς συντάξεως τῶν τοῦ λόγου μορίων.

[75] Eus., *Hist. eccl*. 3.39.15: ὃς πρὸς τὰς χρείας ἐποιεῖτο τὰς διδασκαλίας, ἀλλ’ οὐχ ὥσπερ σύνταξιν τῶν κυριακῶν ποιούμενος λογίων.

[76] Polybius 30.4.1.

himself describes the composition of that work in terms very similar to that of the *Apologies*. In *Dial*. 80.3, Justin assures his interlocutors that his admission that some so-called Christians are in fact godless and impious heretics will not only be confessed before Trypho and his friends but will later be written up for posterity along with everything else in their debate: ὅτι δ' οὐκ ἐφ' ὑμῶν μόνων τοῦτο λέγειν με ἐπίστασθε, τῶν γεγενημένων ἡμῖν λόγων ἁπάντων, ὡς δύναμίς μου, σύνταξιν ποιήσομαι, ἐν οἷς καὶ τοῦτο ὁμολογοῦντά με, ὃ καὶ πρὸς ὑμᾶς ὁμολογῶ, ἐγγράψω ("But that you may know that I say this not just before you alone, to the best of my ability I will write an orderly composition of all our arguments, among which I will also write up this very confession that I am making to you now"). A similar construction occurs also in Pseudo-Justin's *De monarchia* 2, in the introduction of the first proof-text presented in that treatise: πρῶτος μὲν γὰρ Αἰσχύλος, τὴν τῶν καθ' ἑαυτὸν λόγων σύνταξιν ἐκθείς, καὶ τὴν περὶ θεοῦ τοῦ μόνου ἐξήνεγκε φωνήν, ὡς λέγει ("First, then, Aeschylus, after showing the common doctrine of his time, set forth this speech about the only God, speaking as follows...").[77] In its context, the phrase ἡ τῶν καθ' ἑαυτὸν λόγων σύνταξις seems to connote something of a summary representation of contemporary opinion (rather woodenly, "an assemblage of the doctrines of his time"), as this contrasts with the excerpted speech that follows, which articulates what can and cannot be properly predicated (viz., λόγοι) of the true god.[78] In all of the above cases, the same

[77] While some scholars posit the reuse of one or more pre-Christian *testimonia* collections, most hypothesize a late 2nd or mid-3rd century CE date for the final compilation, which would include this editorial seam. See the comments of Bernard Pouderon in *Pseudo-Justin: Ouvrages Apologétiques* (ed. Bernard Pouderon; Sources chrétiennes 528; Paris: Cerf, 2009), 105-9.

[78] Otto translates, I think rightly: "postquam opinionum suo tempore vulgatarum descriptionem exhibuit" (*S. Iustini Philosophi et Martyris*, vol. 2, 126). This is followed by Pouderon who has "après avoir exposé les doctrines qui avaient cours à son epoque, s'est aussi exprimé sur l'unicité de Dieu," although he concedes that "le sens de ce passage est obscur, le mot λόγοι étant susceptible de multiples interprétations" (*Pseudo-Justin*, 325). Cf. Reith's less

periphrastic construction of ποιεῖσθαι (τὴν) σύνταξιν followed by a genitive of material that we find in *2 Apol*. 1.1 is used to indicate the careful re-presentation of component material (in various states of previous disorder), where the act of composition implies bringing order to, arranging, or presenting that material. This is one plausible way to understand the nuance of Justin's meaning in the transitional προοίμιον of *2 Apol*. 1.

Of course, the plural λόγοι that modifies both instances of σύνταξις (and its verbal equivalent συντάσσω) can also function as a collective singular (e.g., "this address", "this discourse"), but the force of Justin's choice of σύνταξις serves to underscore the *collective* nature of the singular text, indicating its character as an ensemble of discrete arguments and counter-arguments (λόγοι), just as it signifies in *Dial*. 80.3. In this sense Justin saw the *Apologies* (or perhaps specifically the later part of the work corresponding to our *Second Apology*) as a kind of aggregation of disparate arguments and demonstrations. Indeed, the discrete quality of those component arguments is readily apparent in the text's structure, which consists of a series of arguments advanced to counter specific objections raised in *2 Apol*. 3(4).1; 4(5).1; 9.1; and 9.3. Thus, ἡ τῶνδε τῶν λόγων σύνταξις is an apt expression for a work or a section of a work that seeks to present an anthology of arguments in answer to the author's cultured despisers.

In this connection it is fitting to touch upon Charles Munier's proposal concerning the meaning of λόγος/λόγοι in the *Apologies*.[79] Munier also reads Justin's plural λόγοι as referring to the ensemble nature of the text, but he goes further to suggest that the segmentation to which it

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adequate "in expounding the arrangement of his work" (*ANF* 1:292). One must do justice to the adverbial καί of the main clause (the one containing τὴν τῶν καθ' ἑαυτὸν λόγων σύνταξιν), which indicates that its action is different from and complementary to that of the previous participial clause.

[79] Charles Munier, "L'apologie de Justin: notes de lecture," *Revue des sciences religieuses* 77 (2003): 287–300.

refers is distinctly a product of Justin's editorial division of the *Apologies* into bookrolls. He proposes that Justin's six references to λόγος/λόγοι specifically indicate four *volumina* into which Justin had divided the *Apologies*.[80] While intriguing, I do not find Munier's argument convincing. Most problematically for Munier, as we saw above, Justin uses the same locution in *Dial*. 80.3 (τῶν γεγενημένων ἡμῖν λόγων ἁπάντων...σύνταξιν ποιήσομαι) that he does in *2 Apol*. 1.1, and in the former the context clearly requires the meaning of constituent "arguments" or "debates," without any hint of the technical sense of *volumina*. Moreover, two of Justin's singular uses of λόγος to refer to his work occur in the repeated absolute expression προϊόντος τοῦ λογοῦ ("as my address proceeds"; *1 Apol*. 22.4; 35.2); that this is something of a stock phrase of Greek oratory certainly rebuts taking them as self-conscious references to the text's bookroll form, as Munier does.[81] In *1 Apol*. 46.6, οὗτος λόγος clearly refers to the argumentative claim advanced in the preceding sentence. The remaining uses of λόγος that refer to the text all occur in the plural and are accompanied by the demonstrative deictic οἵδε (*1 Apol*. 45.6; *2 Apol*. 1.1; 12.6; 15.2). These plural usages of λόγοι refer simultaneously to the work as a whole as it is present before the reader *and* gesture to its character as a collection of arguments and counter-arguments. But giving any more specificity to Justin's use of λόγοι is, I believe, unsupportable.

[80] Munier's divisions are as follows: *1 Apol*. 1-22; 23-45; 46-68; *2 Apol*. 1-15.

[81] E.g., Aeshines, *Tim*. 1; 42; cf. 82; cf. *Fals. leg*. 5 (προϊούσης τῆς ἀπολογίας); Antiphon, *De caede Herodis*, 10; [Demosthenes], *Apat*. 3; *Leoch*. 5; *Poly*. 31; Isocrates, *Trapez.* 19; Libanius, *Or*. 14.6. See, too, Athenagoras, *Leg*. 1.3.

Dial. 120.6: ἐγγράφως Καίσαρι προσομιλῶν

Finally, to complete our analysis of Justin's descriptions of the *Apologies*, we must venture outside the text to an intriguing but allusive reference in *Dial.* 120.6.[82] In this passage, Justin had been arguing that the nation of the Jews would be divided by Christ, with some Jews "sharing in his lot" and others ("a great portion") sharing the fate of other disobedient nations who follow godless teachings. To bolster his vitriol, Justin states that he is anxious for nothing but simply speaking the truth, even in the face of dismemberment by the likes of his Jewish listeners, a strong image no doubt suggested by the fate of Isaiah mentioned shortly before (120.5). In the same way, he continues, he had no fear of his fellow Samaritans when he denounced their belief in Simon Magus when he "conversed in writing with Caesar" (ἐγγράφως Καίσαρι προσομιλῶν). Justin, of course, does denounce Simon Magus several times in the *Apologies* (*1 Apol*. 26; 56.1-2; *2 Apol*. 15.1), so the reference to the *Apologies* is clear. This characterization of his work as a written conversation with the emperor, while fleeting and disclosing little about specific genres, does reveal something important about Justin's authorial persona and his representation of the *Apologies*. In the opening sentences of the *Dialogue*, Trypho explains that he had been taught by Corinthus the Socratic philosopher that what one does when one recognizes philosophers is converse with them (προσομιλεῖν τε αὐτοῖς; *Dial*. 1.2).

[82] *Dial*. 120.6: "I continued: 'And, since I have no concern for anything other than speaking the truth, I would say this, not about to be put to shame by anyone, even if I should be dismembered by you on the spot. For neither did I show any concern about my own people--I mean the Samaritans--when, conversing in writing with Caesar, I said they were deceived by their belief in Simon, that magician among their own people, on whom they call as a god above every principality, authority, and power'" (καὶ ταῦτα, εἶπον, ὅτι οὐδὲν οὐδενὸς φροντίζω ἢ τοῦ τἀληθὲς λέγειν, λέγοιμι, οὐδένα δυσωπήσεσθαι μέλλων, κἂν δέῃ παραυτίκα ὑφ' ὑμῶν μελισθῆναι. οὐδὲ γὰρ ἀπὸ τοῦ γένους τοῦ ἐμοῦ, λέγω δὲ τῶν Σαμαρέων, τινὸς φροντίδα ποιούμενος, ἐγγράφως Καίσαρι προσομιλῶν, εἶπον πλανᾶσθαι αὐτοὺς πειθομένους τῷ ἐν τῷ γένει αὐτῶν μάγῳ Σίμωνι, ὃν θεὸν ὑπεράνω πάσης ἀρχῆς καὶ ἐξουσίας καὶ δυνάμεως εἶναι λέγουσι).

With Justin having been recognized as a philosopher (Φιλόσοφε, χαῖρε; *Dial*. 1.1), the whole of the ensuing *Dialogue* is just such a conversation. The later characterization of the *Apologies* as ἐγγράφως Καίσαρι προσομιλῶν in *Dial*. 120.6 reinforces Justin's philosophical persona and even extends his conversational circles to the emperor himself. Justin's word choice seeks to characterize the *Apologies* in terms of dialectical persuasion suitable to a philosopher, just as Justin's hero Plato had defined a kind of rhetoric that he called προσομιλητικὴ τέχνη.[83] As Quintilian later comments: "Plato in the *Sophist* added to the juridical and the demegoric a third kind [of oratory], προσομιλητική, that we can reasonably translate 'conversational'. This differs in mode from forensic and is suitable for private discussion, and its meaning is the same as dialectic."[84] The mode of discourse Justin invokes with προσομιλεῖν is, then, a particularly philosophical one, and is tied to his self-presentation as a philosopher, which is integral both to the *Dialogue* and to the *Apologies*, a point we will explore at greater length in chapter four. On the one hand, his characterization of the *Apologies* in *Dial*. 120.6 serves the philosophical persona he develops in the *Dialogue*; on the other hand, that authorial persona is already present in the *Apologies*, and his description in *Dial.* 120 can reasonably be taken to reflect his aims when composing the former.

[83] *Sophist* 222C. Plato's use of προσομιλητική here is a hapax in Greek literature.

[84] Quintilian 3.4.1: *Plato in Sophiste iudiciali et contionali tertiam adiecit* προσομιλητικήν, *quam sane permittamus nobis dicere sermocinatricem; quae a forensi ratione diiungitur et est accommodata privatis disputationibus, cuius vis eadem profecto est quae dialecticae*.

Conclusion

In his literary self-description Justin signals his performance of petition through a self-consciously diverse and multivalent lexicon. Within this diversity of terms, above all Justin characterizes the *Apologies* as a performance of petition. That this association is paramount and gives coherence to the overall textual event is evident by: 1) the number and nature of such references that describe his work in petitionary terms and predicate of it the same protocols of the petition system; and 2) the programmatic placement of these characterizations at compositionally significant moments. Moreover, as his fancy for *double entendre* shows, Justin's linguistic choices are often deliberately shrewd, and already in his selection of less deferential vocabulary we observe a performer actively interpreting his script.

Thus, Justin cues his performance as a petitionary enactment, and it is within this particular performance context that the complexity and richness of the administrative resonance inherent in Justin's other descriptors can be fully appreciated. Προσφώνησις, while generally indicative of a work directed to a targeted addressee, comprehends within it the idea both of supplication and, when read against administrative discourse, of official disclosure. This two-fold purpose of request and declaration is signaled in the couplets προσφώνησις καὶ ἔντευξις (1.1) and προσφώνησις καὶ ἐξήγησις (68.3) that bracket *1 Apol.* 1-68. The character of the work as an expository account is further underscored by Justin's use of ἐξήγησις (*1 Apol*. 61.1; 68.3; cf. *1 Apol.* 13.4), a word especially appropriate to the explanations of cultic matters that Justin discloses. Both εὐθύνη and ἐπίσκηψις further posture Justin's performance as an act of disclosure in response to authority. In this way, these associated terms support and strategically inflect the work's central petitionary thread. Rather than diminishing the technical quality of the petitionary language, this range of terms throws into relief and renders more striking the key instances of

procedural language that nuance the meanings of these other descriptors. It also puts a spotlight on Justin's performance *as a performance*—as a *stylized* repetition of petitionary protocols and a careful *negotiation* of given petitionary roles. Far from an author who hesitates over the nature of his work, Justin's authorial statements reveal through an integrated and mutually reinforcing deployment of terms a performer in control of the hybridity of his performance.

Chapter Three

Performing Petition II:

Literary Comparison of the *Apologies* with Administrative Petitions

Chapter two examined how the literary self-descriptors in the *Apologies*—the authorial statements that Justin chooses to name or describe his work—clearly present the text as a document of the petition system and draw upon terms that both reinforce and modulate these administrative resonances. However, Justin's performance of the genre and his adoption of a petitionary role are not cued by terminology alone. Therefore, the next step in our argument is to progress from a lexical analysis to a literary examination of the internal and contextual features that the *Apologies* might—or might not—share with extant petitions. Only through a literary comparison can we fully understand the nature and extent of Justin's indebtedness to the forms and practices of petition and response. If Justin calls on the petition genre, the *Apologies* must in some measure be recognizable as sharing its recurring codes, characteristics, or features. But to what extent does Justin conform to or work upon the expectations of the genre that he himself has invoked? Does the *Apologies* share any family resemblance to a 500-word imperial petition? And what might be the meaning and interpretative significance of departures from expected conventions? These are the tasks of the present chapter.

To answer these questions, we will use the generic inventory presented in chapter one to order our comparison of the *Apologies* with the formal and contextual characteristics commonly observed in extant petitions. The points of our comparison will follow the five categories used in that inventory: 1) request; 2) administrative context; 3) form and structure; 4) length; and 5) rhetorical and argumentative strategies. These features provide useful criteria by which to

analyze the degree of fit between the *Apologies* and documentary petitions. In this comparison we will see, on the one hand, more evidence of Justin deliberating shaping his work as a procedural instrument of Roman administration. On the other hand, we will see evidence of glaring incongruities between it and extant petitions. But in this tension between congruity and incongruity lies the possibility for greater appreciation for the complexity and innovation of Justin's literary performance, one that uses the petition system while manipulating it and interweaving multiple discourses. When seen in relation to commonalities, instances of taxonomic nonconformity may be understood as subjective appropriations and original instantiations by Justin of the petition form. In this way, a comparative analysis that illuminates similarities and differences is important for understanding Justin's unique and self-consciously genre-bending performance of the petition genre.

Request

We begin with the presence of a request. The petitions we are comparing to the *Apologies* are in their first instance administrative instruments: their explicit aim is *to seek an official remedy from a public authority*. Whatever other ends they may be pursuing—and they may have various illocutionary aims, such as self-promotion of the sender or making life difficult for an opponent—petitions qualify as such and are recognizable as such on the basis of the petitioner's pursuit of and explicit request for an administrative remedy, succinctly stated in a request period.

Justin's *Apologies* is strongly evocative of extant petitions because, as already noted, they contain frequent request language (*1 Apol*. 3.1; 7.4, 5; 12.11; 16.14; 23.1; 68.3; *2 Apol*. 14.1; cf.

also *1 Apol*. 2:3; 4.2; 17.4; 56.3). Of course, the mere presence of request language is not itself determinative of a petition. After all, letters of request to private individuals contain the same language and even a similarly structured request period, and judicial speeches ranging from the classical orators to Roman-era advocates are rife with requests of their addressees, most commonly for a fair hearing or a favorable verdict.[1] But Justin's requests are different, going beyond such appeals typical of judicial rhetoric to express, like documentary petitions, an appeal to public authority pursuant of a particular administrative intervention. At the same time, Justin's request language departs from the stereotyped forms we find in extant petitions, and he sometimes blends it with other discursive registers. These are important subtleties we will analyze below.

Examining Justin's requests reveals much about the nature of his adherence to petitionary expectations. In the *exordium* in *1 Apol*. 2, Justin describes the purpose of his "approach" (a common petitionary trope) as not to flatter the recipients nor to curry favor but "to ask that judgment be made according to exacting and investigative reason" (ἀπαιτήσοντες κατὰ τὸν ἀκριβῆ καὶ ἐξεταστικὸν λόγον τὴν κρίσιν ποιήσασθαι; 2.3), simultaneously referring to the judgment (κρίσις) of the present request and that rendered more generally by the Romans in their conduct of Christian trials. The statement of approach in *1 Apol*. 2.3 thus functions both as a request for a favorable hearing common in judicial rhetoric and as an anticipation of the specific request that immediately follows in 3.1, which we may regard as the main petitionary formulation: "we ask that the charges against them be investigated" (ἀξιοῦμεν τὰ κατηγορούμενα αὐτῶν ἐξετάζεσθαι). The passage is worth quoting in full:

[1] Among innumerable examples: Isocrates, *Antid*., 32; Lysias *Or*. 16.3, 9. On requests in advocate speeches from Roman-era legal proceedings, see Harper, "Forensic Saviour," 189.

Ἀλλ' ἵνα μὴ ἄλογον φωνὴν καὶ τολμηρὰν δόξῃ τις ταῦτα εἶναι, ἀξιοῦμεν τὰ κατηγορούμενα αὐτῶν ἐξετάζεσθαι, καὶ, ἐὰν οὕτως ἔχοντα ἀποδεικνύωνται, κολάζεσθαι ὡς πρέπον ἐστί [μᾶλλον δὲ κολάζειν] · εἰ δὲ μηδὲν ἔχοι τις ἐλέγχειν, οὐχ ὑπαγορεύει ὁ ἀληθὴς λόγος διὰ φήμην πονηρὰν ἀναιτίους ἀνθρώπους ἀδικεῖν, μᾶλλον δὲ ἑαυτούς, οἳ οὐ κρίσει ἀλλὰ πάθει τὰ πράγματα ἐπάγειν ἀξιοῦτε.

But lest someone consider these remarks (in the προοίμιον) as unreasonable and daring speech, we ask that the charges against them be investigated, and, if demonstrated to be true, that they be punished as is fitting [or rather that you punish them].[2] But if no one can prove anything, true reason does not counsel that innocent people be treated unjustly on the basis of wicked rumor, but rather you yourselves [should suffer injustice], who ask to bring charges not on the basis of judgment but on the basis of passion.[3]

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[2] Nearly every editor marks μᾶλλον δὲ κολάζειν as text critically problematic, since it is difficult to account for its sense in the manuscript reading. Thirlby, Otto, Marcovich, Blunt, Munier, and Minns and Parvis delete the phrase; Minns and Parvis additionally emend κολάζεσθαι to read κολαζέσθωσαν. Maran, Beckmann, and Gildersleeve favor reading ὡς πρέπον ἐστί ἄλλον δὲ (or δὴ or γε) κολάζειν ("as it is fitting to punish any other"). Wartelle, following Bellios and a second suggestion of Otto, reads ὡς πρέπον ἐστὶν ἁλοντας κολάζειν ("as is fitting to punish those convicted"). Sylburg retains the phase, although adding the adverb πικρότερον. If one were to read the manuscript as it stands, the μᾶλλον δέ might function as Justin's correction to the previous clause requesting that "the charges be punished," supplying "charges" as the nearest available subject of the ellipsis. However, this formulation—that the charges be punished—would be improper usage, since in Greek *persons* are punished, not accusations (cf. *1 Apol*. 16.14). But perhaps the unusual formulation serves to draw attention to Justin's claim that it is the truth or falsity of the *charges* that must be made the basis of procedure. After making this point, he then adds a minor correction to bring the terminology into alignment with customary usage. But this admittedly speculative interpretation would require either retaining "accusations" as the subject of μᾶλλον δὲ κολάζειν, which would introduce yet another tortuous expression, or introducing "you" as the new implied subject of the verb κολάζειν. The text is certainly problematic and perhaps in the end requires emendation.

[3] The final clause (μᾶλλον δὲ ἑαυτούς, οἳ οὐ κρίσει ἀλλὰ πάθει τὰ πράγματα ἐπάγειν ἀξιοῦτε) also presents an interpretive and text critical conundrum. I have reproduced A's text. The difficulties revolve around the subject of ἀξιοῦν, the meaning of this instance of the verb, and the referent of the reflexive pronoun ἑαυτούς. In my translation of A, ἑαυτούς is understood as equivalent to ὑμᾶς αὐτούς, a case of the third person reflexive being used for the second person, as in *1 Apol*. 2.3 (Gildersleeve, *Apologies*, 108). But does Justin use ἀξιοῦτε here in the same sense as ἀξιοῦμεν immediate before it? There ἀξιοῦμεν is the verb of his main petitionary formulation and used in its more technical sense. Such an understanding of ἀξιοῦτε with τὰ πράγματα ἐπάγειν accords nicely with the use of denunciatory petitions to initiate legal proceedings. (For an example of a denunciatory petition, see Stud.Pal. XXII 55r [167 CE]. Cf., too, the ἀξίωμα received by Serenius Granianus from the provincials of Asia mentioned in Hadrian's rescript in *1 Apol*. 68.6-10, as well as the anonymous *libellus* publicly posted in Bithynia [Pliny, *Ep*. 10.96].) The problem, however, is that it would be imprecise at best for Justin to say that the authorities "ask to bring charges," since properly speaking this is the role of

Most modern commentators identify 3.1-4 as the formal request section of the *First Apology* or of the *Apologies* as a whole, usually indicating that ἀξιοῦμεν is a common verb of request employed in petitions.[4] While this characterization is correct, we need to attend carefully to context, since lexical terms alone cannot determine intent or self-styling. Consequently, two additional observations are of critical importance. First, as it is formulated in 3.1, Justin's request

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private *delatores*. I see four possible responses to this difficulty. The first is to suggest that Justin, prone to *double entendre*, is trying to be cheeky by ending *1 Apol*. 3.2 with the same verb with which he began when stating his own request, in a conscious effort to predicate of his supplicandi the role normally assumed by the "lowly" petitioner. Indeed, as we will examine below, an important tactic in Justin's performative use of petitionary conventions is to reverse to dramatic effect the roles of suppliant and supplicandus. Yet it is not entirely clear that is what Justin is up to here; indeed, if it is, one might accuse him of overreaching or in danger of misrecognition in this attempt at wordplay. A second suggestion would be to render ἀξιοῦτε not as a verb of request but in the sense of "think fit," "resolve," or "allow" (LSJ s.v. ἀξιόω II.2; e.g., Otto, Wartelle, Barnard, and Munier): the authorities may be said to err by effectively *consenting* to such legal actions against Christians. However, in this case one would prefer a passive rather than active formulation of τὰ πράγματα ἐπάγειν. Third, one might understand that Justin has in view with his second person address a wider audience beyond the imperial court, one that includes the neighbors, spouses, and other private inhabitants who instigate proceedings against Christians (cf. *2 Apol.* 2). This "you" would then indicate the general public and not the imperial authorities petitioned in his preceding request (ἀξιοῦμεν). However, this would be a unique instance in the *Apologies* of direct address to someone other than the imperial authorities and a rather sudden change of address given that the authorities are the ones addressed both immediately before and in *1 Apol*. 3.2, which directly follows. Finally, a fourth suggestion is to emend the text *ad sensum*, as Minns and Parvis have done. They clearly see the difficulties raised by A's text and read τοὺς οἵ...ἀξιοῦσι for ἑαυτούς, οἵ...ἀξιοῦτε. This reading is appealing because it makes perfect sense of the text. Nevetheless, I am reticent to endorse fully their suggestive. Not only does it require a double emendation (although the change to ἑαυτούς may be unnecessary if the reflexive pronoun is meant to refer back to the indefinite τις), but I read Justin with a greater tolerance for the possibility of double meaning and wordplay, even in cases like this where we might censure him for solecism and less-than-successful execution. I think it is possible that Justin here *is* manipulating the roles of suppliant and supplicandus. I also think it is possible that—even while keeping his eyes firmly on the emperor—Justin implicates in the "you" of ἀξιοῦτε the entire system for which the emperor metonymically stands. To be sure, this admits a bit of imprecision in Justin's language, but it is exactly this system of *delatores*, wicked governors, and evil demons that Justin blames in *2 Apol*. 1.2. Thus, as I presently read the text, I cautiously choose to retain A's reading.

[4] E.g., Munier: "Requête" (*Apologie pour les chrétiens*, 34); Minns and Parvis: "The Petition" (*Justin, Philosopher and Martyr*, 49). Elswhere Minns and Parvis call *1 Apol*. 3 "the *narratio* or statement of fact, in this case, the burden of the petition" (47).

actually bears little resemblance to the highly stereotyped request form we find in extant petitions. As demonstrated in chapter one, extant petitions contain a formalized request with an economical, four-fold structure consisting of: 1) an inferential connector; 2) a verb of request; 3) a request statement; and 4) an indication of anticipated benefit. Nowhere in the *Apologies*, even in this formulation in *1 Apol.* 3.1, do we find a discrete request period displaying the same set of features. Moreover, in extant petitions the request period appears near the end of the petition after the statement of background. The placement of a request statement near the outset of the work in *1 Apol*. 3.1 is, therefore, unusual for a petition. It more closely corresponds to the placement of a πρόθεσις in a judicial speech.

Second, the characterization of *1 Apol*. 3.1-4 as the request section obscures how Justin skillfully clothes his request in *1 Apol*. 3.1 in the rhetoric of dares and challenges of classical forensic oratory. Here we see Justin's creative performance of multiple discourses clearly at work. In the sentence that follows in 3.2, Justin reformulates the request of 3.1 and the rationale behind it as a πρόκλησις:

> καλὴν δὲ καὶ μόνην δικαίαν πρόκλησιν ταύτην πᾶς ὁ σωφρονῶν ἀποφανεῖται, τὸ τοὺς ἀρχομένους τὴν εὐθύνην τοῦ ἑαυτῶν βίου καὶ λόγου ἄληπτον παρέχειν, ὁμοίως δ' αὖ καὶ τοὺς ἄρχοντας μὴ βίᾳ μηδὲ τυραννίδι ἀλλ' εὐσεβείᾳ καὶ φιλοσοφίᾳ ἀκολουθοῦντας τὴν ψῆφον τίθεσθαι.
>
> Every wise person will declare that this challenge is alone just and good: that the ruled provide an irreproachable account of their own life and thought, just as in turn those who rule render judgment in accordance with neither violence nor tyranny but piety and philosophy.

The word πρόκλησις has long puzzled editors, leading many to emend the text to πρόσκλησις (a summons to court).[5] But when the forensic resonances of πρόκλησις are understood, its use here

[5] First proposed by Thirlby and followed by Otto, Marcovich, Wartelle, and Barnard (apparent from his translation).

can be seen not only as especially fitting but as highly performative. In classical judicial oratory, a πρόκλησις, or challenge, was a formal request (often made using ἀξιοῦν) directed at one's opponents to produce a document, swear an oath, or offer a slave for examination (i.e., for torture), or, alternatively, to offer to do such things oneself, thereby exposing oneself to the prosecution in a gesture that could carry evidentiary value in the event that the offer was declined.[6] The πρόκλησις thus invites the parties into a contract in which both sides assume certain obligations. For instance, the defendant might offer her slaves for torture, showing that she has nothing to hide, while the opponent in turn must assume the obligation of accepting the truth of the resulting testimony, no matter what it may be. Like Justin's formulation in *1 Apol.* 3, προκλήσεις were issued with a verb of request (ἀξιοῦν), explicated in a series of conditional sentences, and stereotypically praised by the proposer for their justice (δικαίος).[7] In the *Antidosis* (98-99) Isocrates argues that he cannot justly be harmed (ὁ λόγος δικαίως ἄν με βλάψειεν; cf. *1 Apol*. 2.4: βλάψαι δ᾽ οὔ) by the claim that he has corrupted his close associates. As proof, he offers a proposal (ἀξιῶ γάρ): if (εἰ μέν) any of his associates are found to be good, then praise them and deny him credit; but if (εἰ δὲ) any are found to be bad, then he alone will accept punishment on their behalf. What proposal (πρόκλησις), he adds, could be more just

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[6] For general treatments of challenges in classical oratory, see *inter alia* Robert J. Bonner, *Evidence in Athenian Courts* (Chicago: University of Chicago Press, 1905), 67-9; Stephen Todd, "The Purpose of Evidence in Athenian Courts," in *Nomos: Essays in Athenian Law, Politics and Society*, ed. Paul Cartledge, Paul Millett, and Stephen Todd (Cambridge: Cambridge University Press, 1990), 19–40 (esp. 33-6).

[7] See, for example, Antiphon, *On the Choreutes* (6), 23 (cf. 26); Demosthenes, *Contra Pantaenetum* (37), 40-41; [Demosthenes], *In Neaeram* (59), 60, 120-25 (note both the formal written challenge in 124 and the various ways the author talks about it in 120-25); Isocrates, *Antidosis*, 98-101 (cf. also 51, 75); Aelius Aristides, *To Capito* (IV), 20; Achilles Tatius, *Leucippe et Clitophon*, 7.10.1-2.

(δικαιότερα)? Thus, Isocrates accepts for himself the obligation of punishment (and lack of credit), while his opponents and jurists must accept the resulting testimony, particularly in the event that no one comes forth to produce any malevolent associates, as Isocrates portrays happened. Not only are the verbal echoes of this rhetoric of dares and challenges apparent in *1 Apol*. 3, but the underlying logic of Justin's proposal is also similar: he will, for his part, furnish a fully disclosive account (described in 3.2 as an εὐθύνη, another word with forensic resonances, as noted in chapter two, and then in 3.4 as an ἐπίσκεψις); but for their part, his addressees must receive the resulting testimony without prejudice, ready to accept the full implications of its truth. Who could deny the reasonableness and justice of such a proposal? In this way, Justin's *exordium*, which ends with a sting in 2.4, is neither irrational nor unduly daring (3.1: ἵνα μὴ ἄλογον φωνὴν καὶ τολμηρὰν δόξῃ τις ταῦτα εἶναι), he claims, since in the forthcoming πρόκλησις he exposes himself and his co-religionists to examination and, if need be, punishment.[8] The introductory ἵνα clause in 3.1, then, makes a suitable transition to Justin's request, for it is not the request for investigation alone that mollifies the apparent rashness of his *exordium*, but its participation in the πρόκλησις that follows, which includes not only a request but a willingness on Justin's part to submit himself to investigation as a political subject, just as his Roman rulers are in turn called upon to govern their subjects with piety and philosophy. The

[8] Justin's acknowledgment of the rashness of his exordial comments, seeking to mollify them in the proceeding πρόκλησις without completely erasing their forceful effect, would find favor among the ancient rhetorical theorists. Hermogenes, *Method* 6 [419]: "There are two remedies and excuses of presumptuous and rash thoughts (τῶν δὲ αυθαδῶν καὶ τολμηρῶν θεραπεῖαι καὶ παραμυθίαι δύο), either by a short addition or by an acknowledgement of their rashness" (transl. George Kennedy, *Invention and Method: Two Rhetorical Treatises from the Hermogenic Corpus* [Writings from the Greco-Roman World; Society of Biblical Literature, 2005], 213). In fact, acknowledgment of the boldness of one's speech can add to its truth value, "since the orator is obviously aware of what he is doing" (Arist., *Rhet*., 3.7.9; transl. Freese [Loeb]). Cf. Longinus, *On Sumblime* 32.1-4.

πρόκλησις in *1 Apol*. 3 attempts to bind his addressees to a fair hearing, while also providing a functional *partitio* for the forthcoming work, reflecting as it does its two basic aims of request, on the one hand, and disclosure, on the other.[9]

Thus, what appears at first glance in *1 Apol*. 3.1 to be a request period akin to those found in imperial petitions turns out to be a creative adaptation on Justin's part, both departing from stereotyped constructions and casting it in the conventions of judicial discourse. This shows not only Justin's fluency in judicial procedures and rhetoric, but his conscious adoption of different conventions to suggest different performative roles. In this request period, Justin performs the role of the petitioner, but by adopting the apologetic convention of the πρόκλησις he joins this role with that of the aggrieved advocate calling for equity in judgment.

Having crafted this uniquely styled request period, Justin returns again and again to the language of petition. As we examined in chapter two, after the request is progressively formulated in *1 Apol*. 2.3, 3.1, and 7.4-5, at key transition points Justin recalls the text's petitionary framework: in the *transitio* of *1 Apol*. 12:11; in the announcement of a major proof

[9] Aelius Aristides also uses a πρόκλησις to appeal for a fair hearing. In his so-called third Platonic discourse *To Capito* (IV), in which he responds to criticism about the sharpness (πικρός) of his earlier *In Defense of Oratory* (II), Aristides reminds his readers that he had appealed in the *exordium* of that previous work for a fair and reasonable hearing, referring to this appeal summarily as a πρόκλησις in which he had asked (ἀξιοῦν) his listeners to remain attentive until the end (καὶ ὅπως αὖ μή με φήσεις πικρότερα τοῦ δέοντος λέγειν. οὐ γὰρ ἔγωγέ τις τούτων αἴτιος, ἀλλ' ἔδει δέχεσθαι <u>τὴν πρόκλησιν</u>. αὕτη δὲ τίς ἦν; τολμᾶν ἀκροᾶσθαι, ὥσπερ ἐν δικαστηρίῳ ἴσους καὶ κοινοὺς ἀμφοῖν...διὰ ταῦτα <u>ἠξίουν</u> ἀκροᾶσθαι διὰ τέλους ὅστις μέλλει τὸ ἀγώνισμα πᾶν ὄψεσθαι καὶ ψῆφον ὀρθὴν καὶ δικαίαν ἐποίσειν ["And take care not to say that I spoke more sharply than necessary. For I am not at all responsible for this. But my <u>challenge</u> should have been taken up. What was this? To dare to listen to both sides equally and impartially just as in a courtroom...Therefore I <u>requested</u> that whoever intends to grasp the whole contest and to cast a right and just vote, should listen up to the end" (transl. modifed from Behr)]; IV.20). On *1 Apol*. 3 (particularly 3.2, 4) as the *partitio* of the work, see also Munier (*Apologie pour les chrétiens*, 22), although this observation goes back through Fredouille at least as far as Hubik (Fredouille, "De l'apologie de Socrate," 11 n.35).

section in *1 Apol*. 23; in the proof section on demonic mimesis in *1 Apol*. 56.3, which recalls the initial address of the Senate in *1 Apol*. 1.1. Justin frequently brings the essential petitionary nature of his performance to the fore, weaving throughout a thread that unifies the multiple discourses he employs. This may be said to be not only characteristic of Justin's style of progressive and cyclical argumentative development,[10] but also consonant with Menander Rhetor's advice to return to the chief theme of one's chosen speech-type, lest the purpose of the address get lost in the proliferation of encomiastic topoi. As he advises for a speech of arrival: "Under all these heads, since we have undertaken a speech of arrival, you should repeat the following frequently, in order that the speech might not wander from its subject: 'these things attracted me, these I longed for, for this reason I seemed to be at peace neither day nor night, inflamed with love for them...', after which you should continue on to the next topics for encomium."[11]

Next, the critical transition in *1 Apol.* 68.3 features a climactic period emphatically thick with the language of petition, where verbs of request are repeated four times: ...ἔχοντες ἀπαιτεῖν ὑμᾶς καθὰ ἠξιώσαμεν κελεῦσαι τὰς κρίσεις γενέσθαι, οὐκ ἐκ τοῦ κεκρῖσθαι τοῦτο ὑπὸ Ἀδριανοῦ μᾶλλον ἠξιώσαμεν, ἀλλ' ἐκ τοῦ ἐπίστασθαι δίκαια ἀξιοῦν ("...although we able to demand that you command judgments be made according to what we have requested, we have preferred to make our request not on the grounds that Hadrian had so judged but on the grounds that what we

[10] On this aspect of Justin's argumentation, see Holfelder ("Εὐσέβεια καὶ φιλοσοφία [Teil II]"), who argues that Justin leads the reader from one topic to another by means of veiled glimpses of themes that are repeated and developed throughout the argument.

[11] Ἐφ' ἅπασι δὲ τούτοις τοῖς κεφαλαίοις, ἐπειδήπερ ἐπιβατήριον ὑπεθέμεθα, προσθήσεις ἐκεῖνα συχνότερον, ἵνα μὴ ἀπάδῃ τῆς ἐπαγγελίας ὁ λόγος· ταῦτά με ἦν τὰ ἐφελκόμενα, ταῦτα ἐπόθουν, διὰ τοῦτο οὔτε νύκτωρ οὔτε μεθ' ἡμέραν ἐδόκουν ἡσυχάζειν φλεγόμενος τοῖς περὶ ταῦτα ἔρωσι... οἷς συνάψεις τὰ ἑξῆς ἐγκώμια (384.25-30; transl. D. A. Russell and N. G. Wilson).

have requested is just"). But there is something crucially important about this pivotal iteration. Whereas the substance of Justin's request about the proper conduct of Christian trials is set out in *1 Apol*. 3.1, and variously repeated at strategic points (*1 Apol*. 2.3, 3.1; 7.4-5; 12:11; 23.1; 56.3), the request for the kind of *specific administrative intervention* that petitions typically seek is not made until *1 Apol*. 68.3. Here Justin writes that although he can insist, on the basis of Hadrian's letter, that trials be conducted in this way, he has instead written the kind of document he has (i.e., combining ἠξιώσαμεν and τὴν προσφώνησιν καὶ ἐξήγησιν πεποιήμεθα) because he is confident in the justice of his case. The object of Justin's insistence—and the ultimate *telos* of his request—is Pius's "command" (ἀπαιτεῖν ὑμᾶς...κελεῦσαι): the material intervention of the emperor to remedy the judicial injustice against Christians. This request for administrative intervention is fittingly made as Justin effects a transition to the final portion of the work (our present *Second Apology*); in this it is closer to the placement of request periods at the end of extant petitions, although this will be more closely paralleled in a final request for subscription and posting in *2 Apol*. 14.1. Moreover, the request in *1 Apol*. 68.3 is underscored by the subsequent citation of Hadrian's *epistula* cited in *1 Apol*. 68.5-10, which shows by example and precedent the kind of imperial response and intervention that Justin presently seeks. Like the specific request for administrative processing in *2 Apol*.14.1, the coincidence of request and command in *1 Apol*. 68.3 is significant, because it reveals that the language of request that Justin employs goes beyond that for an unprejudiced hearing for a favorable verdict typical in judicial oratory; rather, it participates in the administrative discourse specific to the system of petition and response. The request for subscription and public posting in *2 Apol*. 14.1 is also clearly keyed to this discourse. But so is the request for the supplicandus "to command" (κελεύειν) in response to the petition, a fact that must be stressed with respect to *1 Apol*. 68.3.

Seeking an administrative intervention by leveraging power on behalf of one's cause is precisely the work petitions seek to perform. This is readily evinced among our sample petitions from chapter one: *SB* XVI 12678 ll.29-31: καὶ ἀξιῶ κελεῦσαι γρ[α]φῆνα[ι τ]ῷ τῶν Ἑπτὰ Νομῶν ἐπι[στρ]α(τήγῳ) ἀ[κ]οῦσαί μου πρὸς αὐτὸν ("and I request that you command that a letter be written to the *epistrategos* of the Seven Nomes to hear my complaint against him"); **Skaptopara** l.80: δεόμεθά σου, ἀνίκητε Σεβαστέ, <ὅ>πως διὰ θείας σου ἀντιγραφῆς κελεύσῃ<ς> ("We ask you, invincible Augustus, that you command by your sacred rescript..."); *P.Euphrates* 1 l.13: δεόμεθά σου κελεῦσαι δι᾽ ὑπογραφῆς σου ("We ask that you command by your subscript...").[12] Petitions seek to activate the system's protocols, disseminating power to petitioners through the procurement of rescripts. Similarly, Justin is not merely addressing or dedicating his work to the emperor. He does not simply ask that the emperor hear his arguments fairly or even find in his favor. He does these things, but he also expects the emperor to act on the basis of his document to effect an administrative remedy. In this way, even if the *Apologies* lacks a stereotyped request period or any number of other resemblances to extant petitions, it does share their *raison d'être*. Like the petitioners whose documents we are comparing to the *Apologies*, Justin is conspicuously performing the work of an administrative instrument, seeking an official remedy from a public authority.

[12] See also **Kemaliye** (l. 18) and **I.Smyrna II 597**. The latter reproduces a private petition from a certain Sextilius Acutianus to Antoninus Pius; its request period is as follows (ll.5-7): διό...φιλόθεε καὶ φιλάνθρωπε Καῖσαρ, κελεῦσαι δοθῆναί μοι τὰ ἀντίγραφα τῶν ὑπομνημάτων, ὡς καὶ ὁ θεὸς πατὴρ συνεχώρησεν ("Therefore...god-loving and human-loving Caesar, [I ask] that you command that copies of the *commentarii* be given to me, just like also your divine father permitted"). Cf. Lucian, *De morti Peregrini* 16: καὶ γραμματεῖον ἐπιδοὺς ἠξίου ταῦτα κομίσασθαι κελεύσαντος βασιλέως. εἶτα τῆς πόλεως ἀντιπρεσβευσαμένης οὐδὲν ἐπράχθη, ἀλλ' ἐμμένειν ἐκελεύσθη οἷς ἅπαξ διέγνω μηδενὸς καταναγκάσαντος ("...and [Peregrinus] submitted a document petitioning to recover his things [from the city] by command of the emperor. But then, after the city sent a counter-embassy, no action was taken, and he was commanded to abide by what he had at one time decided under his own free will.")

Administrative Context

Another important aspect of petitions is their reference to material interactions with their administrative context. These include references to the practices of submission (ἐπιδίδωμι), subscription (ὑπογράφω), public posting (προτίθημι), copying, and archiving, as well as to other technical or quasi-technical terminology aimed at aiding bureaucratic processing and potentiating a favorable response.[13] Similar ties to this bureaucratic context are also present in the *Apologies*, establishing a strong link between Justin and the authors of documentary petitions who present themselves as navigating an administrative apparatus and its conventions. In accordance with customary protocols, at the end of the *Apologies* Justin specifically refers to the bureaucratic processing of his petition, asking for its subscription (ὑπογράψαντας; *2 Apol*. 14.1) and public posting (προθεῖναι; *2 Apol*. 14.1; cf. προγράψετε, *2 Apol*. 15.2). Elsewhere he refers to the submission (ἀνεδώκαμεν; *1 Apol*. 67.9) and approval (συγκεχώρηται; *2 Apol*. 15.3) of his request, and encloses an imperial constitution relevant to his case (*1Apol*. 68.4). He similarly invokes the same practices in his descriptions of the petitions of the Egyptian youth (*1 Apol*. 29.2) and the Roman *matrona* (*2 Apol*. 2.8), which were submitted (*1 Apol*. 29.2; *2 Apol*. 2.8),[14] potentially subscribed (*1 Apol*. 29.2), and, in the Roman woman's case, approved (*2 Apol*. 2.8). That Justin represents the *Apologies* as participating, or potentially participating, in the expected procedures of administrative processing is one of the texts' most powerful signals of their association with petition and response. It establishes a unique connection to documentary

[13] See chapter two.

[14] In accordance with common practice, in each case the personal presence of the petitioner is apparently presumed. On submission in person, see Wynne Williams, "The Publication of Imperial Subscripts," *ZPE* 40 (1980): 283–94 (esp. 284-87). In *1 Apol*. 29.2, Justin specifically mentions that the Christian youth submitted his petition to the governor in Alexandria; in *2 Apol*. 2.8, the presence of the *matrona* in Rome is taken for granted.

petitions not shared by other literary parallels to the *Apologies*. This is the case even for diplomatic parallels like Agrippa's letter to Gaius in Philo's *Legatio* (276-329) and Nicolaus's speech before Marcus Agrippa on behalf of the Jews of Ionia in Josephus's *Antiquitates* (16.4.31-57).[15] Agrippa's letter is described by Philo as an ἔντευξις, and Nicolaus's speech bears similarities in argumentation to the *Apologies*; but both instance alternative forms of imperial approach and neither contains the administrative protocols for written petitions shared between the *Apologies* and extant petitions. Justin's invocation of this shared material context represents the *Apologies* as a document substantively engaged with the *realia* of petition and response.

Among these invocations of procedure, the request for subscription and public posting at the end of the *Apologies* deserves special attention, because it contains both heretofore unnoticed administrative resonances and an extraordinary preoccupation with the protocols of the administrative context. As we have observed, petitioners sought to leverage the power of public authorities by soliciting their "command," which was to be executed and made materially manifest by a subscription written at the bottom of the petition. In their request formulae petitioners often drew attention to the subscript as the concrete object of their entreaty, asking that the emperor or governor issue an order "by your subscription" (δι᾽ ὑπογραφῆς σου).[16] The

[15] Most fully brought into conversation with Justin and Athenagoras by Schoedel ("Apologetic Literature and Ambassadorial Activities").

[16] E.g., P.Euphrates 1 l.13: δεόμεθά σου κελεῦσαι δι᾽ ὑπογραφῆς σου ("We ask that you command by your subscript..."); *P.Euphrates* 2 l.14: διὰ τοῦτο κατεφύγομεν ἐπὶ σὲ καὶ δεόμεθά σου κελεῦσαι δι᾽ ὑπογραφῆς σου ("For this reason we flee to you and ask that you command by your subscription..."); **Skaptopara** l.80: δεόμεθά σου, ἀνίκητε Σεβαστέ, <ὅ>πως διὰ θείας σου ἀντιγραφῆς κελεύσῃ<ς> ("We ask you, invincible Augustus, that you command by your sacred rescript..."). The importance of the hoped-for subscription as a future legal instrument is well illustrated in the petition of the Egyptian veterans of the X Fretensis (PSI IX 1026): "We petition and request that it might be possible for us to use your subscription as a legal instrument should the necessary circumstances arise" ([*petimus et rogamus] ut possit rebus neces<s>aris subscriptio tua instrumenti causa nobis prodesse*) (ll.8-10).

importance of the subscript itself as the goal of the petition is further underscored by the anxiety sometimes expressed by petitioners that the rescript obtained might be overly ambiguous, thus limiting its value for the petitioner and nullifying her hard work.[17] In *2 Apol*. 14.1, Justin, too, highlights the obtaining of an imperial subscription as a principal object of his writing. Justin asks that the emperor subscribe "what seems good to you" (τὸ ὑμῖν δοκοῦν), a request that seems to lack any specific content, a fact that has troubled some interpreters.[18] But even the seemingly vacuous nature of Justin's request is in fact another link to the genre. Extant petitions often terminate in generalized pleas that are given content by the circumstances related elsewhere in the petition,[19] and in Justin's case the appeal for subscription receives its content from the requests already advanced in *1 Apol*. 3.1 and 68.3 (cf. also 2.3; 56.3). More importantly, Justin's request to subscribe "what seems good" (τὸ ὑμῖν δοκοῦν) actually draws from language commonly found in imperial discourse. In rescripts, the substantive participle τὰ δόξαντα refers to decisions or judgments issued by the emperor or other governing officials. For instance, in a letter to the Cyreneans, Hadrian uses it to describe an earlier reply to a petitionary letter from the archon of the Panhellenion: ὁ ἄρχων τοῦ Πανελληνίου ἐφθάκει ἐπιστεῖλαι μοι π[ερὶ τῆς

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[17] See, for instance, **P.Coll.Youtie II 66** (l. B 36ff), who instructs his representative to make sure that "the rescript...will be unambiguous, so that it cannot be reversed by malignity" (ἔσται δὲ καὶ ἡ ἀντιγραφὴ ἀ̣[ν]αμφίβολος πρὸς τὸ μὴ ὑ(πὸ) κακοηθίας...[ἀ]̣νασκευασθῆναι; transl. modified from Parsons).

[18] "Not only does [the *Second Apology*] not begin with the normal address, but, even more importantly, it asks absolutely nothing. The only request in the whole document is that it be answered" (Minns and Parvis, *Justin, Philosopher and Martyr*, 25). To be precise, the principal request in the *Second Apology* is for public posting, which goes hand in hand with subscription (ἀξιοῦμεν...προθεῖναι τουτὶ τὸ βιβλίδιον; 14.1). For similar claims about the lack of a request in the *Second Apology*, see also Parvis, "Justin, Philosopher, Martyr: The Posthumus Creation of the Second Apology," 26; Wolfgang Schmid, "Ein Inversionsphänomen" 347 [263]).

[19] Kelly, *Petitions, Litigation, and Social Control*, 48.

ἀ]ξιώσεως ὑμῶ[ν...] τὰ δόξαντά μοι ἀντέγραψα καὶ ὑμεῖν ἔπεμψα τὴν προ[κειμένη]ν ἀπό[κρισιν... ("The archon of the Panhellenion has already written to me concerning your request...I replied what seemed good to me and to you I have sent [a copy] of the pertinent answer...").[20] As is well known, in many cases τὰ δόξαντα may be translated simply as "decision(s)" or "judgment(s)," as when Claudius promises the Thasians to uphold the imperial decisions (τὰ δόξαντα) of his predecessor Augustus (Oliver 23 l.7), or when Septimius Severus and Caracalla rule that certain petitioners delayed too long in bringing a complaint against a prior judgment (τὰ δόξαντα) (Oliver 227 l.10 = P.Col. VI 123 l.11).[21] Justin's request for his addressees to subscribe "what seems good to you" (τὸ ὑμῖν δοκοῦν), amounting to a shorthand request for a favorable decision, is quite at home in the conventions of administrative discourse.

But Justin's aim in the final two chapters of the *Apologies* goes beyond subscription to emphasize the contemporary practice of public posting. In fact, they constitute an unusually pronounced and carefully integrated appeal for public display that adds to and reinforces Justin's request for the proper judicial examination of Christians initially set out in *1 Apol*. 3. In *2 Apol.* 14-15, Justin draws special attention to public posting as the expected form of delivery. Justin's

[20] Oliver 120 l.7 (= Joyce Reynolds, "Hadrian, Antoninus Pius and the Cyrenaican Cities," *The Journal of Roman Studies* 68 (1978): 111–21).

[21] Cf. P.Tebt. II 286, where a court advocate refers to an earlier judgment (τὰ δόξαντα) made in response to a petition (l.12). The use of τὰ δόξαντα as shorthand for a judicial or administrative decision probably derives from the language of conciliar decrees (e.g., ἔδοξεν τῇ βουλῇ καὶ τῷ δήμῳ); also related is the courtesy formula ἐάν σοι δόξῃ and related expressions commonly found in the request periods of private letters and public petitions. A joke involving a petition in Ps. Plutarch also trades on this language (*Reg. imp. apophth.* [Mor. 207B]): Ἐν δὲ Σικελίᾳ Ἄρειον ἀντὶ Θεοδώρου κατέστησε διοικητήν· ἐπιδόντος δέ τινος αὐτῷ βιβλίον, ἐν ᾧ γεγραμμένον ἦν ‘φαλακρὸς ἢ κλέπτης Θεόδωρος ὁ Ταρσεύς · τί σοι δοκεῖ;’ ἀναγνοὺς Καῖσαρ ὑπέγραψε ‘δοκεῖ’ ("In Sicily, [Caesar] appointed Areius as procurator in place of Theodorus; when someone submitted a petition to him on which was written, 'Theodorus of Tarsus: a baldhead or a thief? What seems good to you?', Caesar read it and subscribed, 'It seems so.'")

request is unique among extant petitions in that public display is the main object of his request in *2 Apol*. 14.1 (καὶ ὑμᾶς οὖν ἀξιοῦμεν ὑπογράψαντας τὸ ὑμῖν δοκοῦν προθεῖναι τουτὶ τὸ βιβλίδιον; "Therefore, we ask that you, having subscribed what seems good to you [or: your decision], publicly post this very petition."). Whereas most petitioners *presume* public display as a part of the regular processing of petitions, Justin expressly requests such posting and specifies—again in accordance with the customs of public delivery—the display not simply of the imperial reply but of the petition itself (τουτὶ τὸ βιβλίδιον).[22] It is true that at the end of their petition the Skaptoparans ask, in addition to their request for specific protections against government molestation, for further imperial permission for the anticipated rescript to be inscribed on stone and displayed (**Skaptopara** ll. 101-6: συμβήσεται δὲ τοῦτο ἡμεῖν ἐν τοῖς εὐτυχεστάτοις σου καιροῖς, ἐὰν κελεύσῃς τὰ θεῖά σου γράμματα ἐν στήλῃ ἀναγραφέντα δημοσίᾳ προφ<α>νεῖσθαι; "This [aforementioned benefit] will accrue to us in your most fortunate times if you order that your divine rescript be inscribed on a stele and displayed in public").[23] But the Skaptoparans'

[22] Justin's use of the deictic suffix—the only instance among his authentic writings—may serve to underscore his point.

[23] While **Skaptopara** contains the only surviving example among imperial petitions of a request from petitioners to inscribe and broadcast an imperial response, the evidence suggests that such commemoration and public notification was a live concern shared by both imperial officials and petitioners, particularly in matters like liturgies and requisition that tended to affect the general population and were prone to exploitation. There are many examples of rescripts from imperial officials granting permission for and even encouraging permanent publication of rescripts. In most cases it appears the onus of executing this promulgation fell on the recipients. Examples of such instructions from imperial officials include: *OGIS* 609 ll.29-40 (a letter from imperial legate Iulius Saturninus to the village of Phaina; = Hauken, *Petition and Response*, 179-87); SEG XXXVIII 1244 ll.25-6 (a letter from the proconsul Aemilius Iuncus to the town of Tabala; = Hauken, *Petition and Response,* 203-11); *SEG* XXXVII 1186 ll.24-29 (a letter from the proconsul Gauius Tranquillus to the town of Takina); cf. also ll. 46-53 (fragmentary) (= Hauken, *Petition and Response,* 217-43); cf. also Sherk, *RDGE* 49 ll.9-15 (letter of Sulla to Cos concerning privileges of the Dionysian Artists). Further bibliography in Hauken, *Petition and Response*, 186-7. In the case of the Skaptoparans, it is interesting to note that while the imperial

intention to publicize and memorialize the response back home is very different from Justin's request in *2 Apol*. 14.1 that the imperial authorities post his petition in Rome as part of its regular bureaucratic processing. The importance of this public posting for Justin is given further expression in the purpose clause that immediately follows: ὅπως καὶ τοῖς ἄλλοις τὰ ἡμέτερα γνωσθῇ καὶ δύνωνται τῆς ψευδοδοξίας καὶ ἀγνοίας τῶν καλῶν ἀπαλλαγῆναι ("so that our teachings might be made known also to others and so that [they] might be set free from their false opinion and ignorance of the good"). The purpose clause makes Justin's aim abundantly clear: he requests his petition be posted so that Christian teachings (τὰ ἡμέτερα) might be known *also* to others—that is, in addition to the official addressees of the petition.[24] If authentic, this is again expressed in the infinitival expression at the end of the relative clause in 14.1: εἰς τὸ γνωσθῆναι τοῖς ἀνθρώποις ταῦτα ("in order that these things might be made known to humanity").[25] The breathless succession of clauses in 14.2 then describe at length "the rest" (the καὶ τοῖς ἄλλοις in 14.1), whose false opinion and ignorance result in the wrongful condemnation of Christians and effect the accusers' self-condemnation. That the masses who act as sycophants

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rescript did not explicitly grant such permission, the petition and rescript were nevertheless publicly inscribed.

[24] On τὰ ἡμέτερα, recall the challenge in *1 Apol.* 3.4, where Justin's furnishing an account of Christian βίος καὶ μαθήματα answers pagan ignorance of τὰ ἡμέτερα.

[25] This clause is widely regarded as secondary. Otto approvingly cited Schnitzerus, who expressed what would become the judgment of nearly all of Justin's editors: "Denn sie stehen nicht blos ganz unpassend und störend da, sondern sind auch die blosse Tautologie zu ὅπως καὶ τοῖς ἄλλοις τὰ ἡμέτερα γνωσθῇ, und wahrscheinlich aus einer Randglosse entstanden, durch die der Inhalt der beiden Schlusscapitel [sic] angegeben werden sollte, die Aufforderung an die beiden Kaiser, diese Schrift zu veröffentlichen" (quoted in Otto, *S. Iustini Philosophi et Martyris Opera Quae Feruntur Omnia*, I.1, 203). As it stands, the phrase is awkward, but pleonastic repetition is not foreign to Justin (see chapter two, n.69), and the articular infinitive with preposition fits with the constructions of the successive clauses in 15.3. However, if emendation is required, the explanation of its introduction into the text from a secondary marginal gloss is a sensible one.

"need no other judges" recalls Justin's earlier amended request not to seek the punishment of their *delatores* (*1 Apol*. 7.5). Justin, then, in developing the rationale for public display in these concluding chapters, has in mind the wider public beyond the imperial authorities targeted in his petition. In *2 Apol*. 15.2,[26] he again reiterates the desire for posting, this time suggesting the possibility of further dissemination beyond the period of public display in Rome: ἐὰν δὲ ὑμεῖς τοῦτο προγράψητε, ἡμεῖς τοῖς πᾶσι φανερὸν ποιήσαιμεν, ἵνα εἰ δύναιντο μεταθῶνται· τούτου γε μόνου χάριν τούσδε τοὺς λόγους συνετάξαμεν ("If you publish this, we would make it manifest to everyone, in order that, if possible, they might change their minds: it is for this reason alone we have composed these arguments").[27] The phrase "manifest to everyone" echoes disclosure

[26] *2 Apol.* 15.1 ("And the impious and erroneous teaching of Simon from among my own people I have despised" [καὶ τοῦ ἐν τῷ ἐμῷ ἔθνει, ἀσεβοῦς καὶ πλάνου Σιμωνιανοῦ διδάγματος κατεφρόνησα]) has been regarded by many editors as a misplaced fragment or a later interpolation. Minns and Parvis, for instance, regard it as a "dislocated fragment" (*Justin, Philosopher and Martyr*, 269 n. 3; Munier accepts it as authentic and probably in its original position (*Apologie pour les chrétiens*, 366 n.3). I would only observe that, given Justin's repeated concern that "even now" many in Rome are deceived by Simonian teaching and must be freed (1 *Apol*. 26; 56; 58.1-2), it would seem appropriate to return to this concern in the final section that deals with dissipating false opinion by public dissemination of his petition. Flaming conflict with his social rivals is, after all, a major component of how Justin anticipated his own work functioning in the world (*Dial*. 120.6). The well-attested use of petitions to pursue social feuds might shed light on Justin's pointed attacks in the *Apologies* on his Christian and pagan rivals, as well as his concern to return to Simon and his followers at the end of his petition (on petitions and feuds, see Kelly, *Petitions, Litigation, and Social Control*, 304ff.).

[27] Note that the protasis with ἐάν + subjective indicates that Justin considers the fulfillment of the condition fully possible (Albert Rijksbaron, *The Syntax and Semantics of the Verb in Classical Greek*, 3rd ed. [Chicago: University of Chicago Press, 2006], 69; cf. e.g., **Skaptopara** ll. 101-4). The change from second person ("if *you* publish this") to first person ("*we* would make it known") perhaps reflects an offer to aid in the subsequent transmission of the petition and rescript. Promulgation of imperial documents often relied heavily on private or informal networks of transmission (see n. 23 above). To cite just one example, in his letter to the town of Takina the proconsul Gauius Tranquillus encouraged the inhabitants—vexed by illegal requisitions—to publish as conspicuously as possible a relevant imperial rescript "in order that what has been published might be known by all" (πρὸς τὸ [καὶ τὰ προγεγραμμέ]να ὑπὸ πάντων [γνωριεῖσθαι]) (SEG XXXVII 1186 ll.27-8 [= Hauken, *Petition and Response*, 222]).

formulae found in imperial proclamations.[28] This is immediately followed in 15.3 with a kind of *a fortiori* argument in which Justin implies that if the patently disgraceful teachings of the likes of Epicurus and others are publicly accessible, then Christian teaching should be, too; the argument here concerns the public availability and dissemination of Christian doctrine. Finally, Justin can draw his petition-address to a close (καὶ παυσόμεθα λοιπόν), "having made the *further* prayer that all people everywhere may be deemed worthy of the truth" (καὶ προσεπευξάμενοι τῆς ἀληθείας καταξιωθῆναι τοὺς πάντη πάντας ἀνθρώπους), again exploiting the ambiguity between petition and prayer (cf. *1 Apol*. 17.3-4). Justin indicates with προσεπευξάμενοι that his explicit request for wider proclamation—which he has highlighted and defended at length in *2 Apol*. 14-15—is an *additional* request, supplemental to his main petitionary aim concerning the just conduct of Christian trials (set forth especially in *1 Apol*. 3-7), but fully integrated with his larger manipulation of the protocols of petition and response.[29] Thus, in the final two chapters of the *Apologies*, Justin concludes his performance with an integrated appeal for public access to Christian teaching, beginning first with the posting of his petition.

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[28] See, e.g., the fifth of Augustus's Cyrene edicts that disseminates a *senatus consultum*. There he describes the purpose of its promulgation as "that it might be known to all" (ἵνα πᾶσιν ᾖ γνωστόν) and again stating that "from it, it will be clear to all" (ἐξ οὗ δῆλον ἔσται πᾶσιν) (Oliver 12). Cf. also SEG XXXVII 1186 ll.27-8 quoted in the previous note.

[29] For the meaning "pray in addition" of the rare compound προσεπεύχομαι, cf. Eustathius, *Commentarii ad Homeri Iliadem* (vol. 1, p. 44, l. 9): διὸ οὐ μόνον ἐκπορθῆσαι αὐτοὺς εὔχεται τὴν τοῦ Πριάμου πόλιν, ἀλλὰ προσεπεύχεται καὶ εὖ οἴκαδε ἱκέσθαι αὐτούς, οἷα μαντικῶς εἰδὼς ὡς κακὰ ἐν τῷ νόστῳ πείσονται ("Thus, not only does he pray that they sack the city of Priam, but he prays in addition that they also arrive home again safely, having seen prophetically the sorts of evils that will befall them on their return"); Cassius Dio, *Rom. Hist*, 74(73).4.2: τῶν οὖν στασιωτῶν αὐτοῦ μέγα ἀναβοησάντων, καὶ εἰπόντων αὐτὸ τοῦτο, 'Περτίναξ ἐστίν', οἱ ἕτεροι οἱ ἀντιστασιωταί σφων, οἷά που ἀχθόμενοι τῷ Κομμόδῳ, προσεπεύξαντο, εἰπόντες οὐ πρὸς τὸν ἵππον ἀλλὰ πρὸς τὸν ἄνδρα 'εἰ γὰρ ὤφειλεν εἶναι' ("Therefore, when it's [i.e, the horse's] partisans let out a great shout, saying "It is Pertinax!", the others—their opponents—likewise vexed by Commodus, prayed additionally, saying not to the horse but to the man, 'Would indeed that it were so!'").

Justin's unusual emphasis on public display coincides with an important moment under Hadrian and Antoninus Pius when the practice of publishing subscribed petitions in large numbers apparently began to flourish. As described in chapter one, the evidence suggests that by the early to mid-second century it had become common practice to publish subscribed petitions in their entirety for a period of public review and copying. This represented a change from the personal delivery of answered petitions directly to the petitioner, which would have been a much less public means of administrative response, and suggests that Justin's request for public display seeks to exploit these protocols in an effort to make his performance available to all. Through the process of submission and *propositio*, petitioning was a performative act in the literal sense of taking place in the public gaze, with petitioners submitting their complaints at public assizes and authorities displaying their responses before curious onlookers in civic *fora*. In this way, the cultural praxis of petition and response involved public rituals and social performances centered on collection, subscription, and public notification, as well as on government archiving, personal copying and storage, and future use as legal instruments. This constituted a kind of performance space in which the inscribed voices of plaintiffs and imperial authorities performed their petitions and responses before a reading public. Such a scene is vividly depicted in a fresco from the Praedia of Julia Felix, in which passers-by peruse a papyrus scroll mounted to statuary in the forum of a Roman town (Figure 1).

Moreover, this performance space hosted a public discourse that extended far beyond the posting of subscribed petitions. The average inhabitant of a Roman-era city was confronted with an enormous volume of writing of all sorts, both in permanent media like stone or bronze and in more numerous ephemeral media like papyrus or linen. In addition to the potentially hundreds of petitions placarded to colonnades or temple walls, public places were festooned with countless

lampoons, pamphlets, and public notices that constituted a media environment in which Justin's request for public display should be understood. Examples of this richly attested discourse abound:[30] after Vitellius issued an edict banishing the astrologers from Rome, Dio reports that they publicly counter-posted a document in protest (ἀντιπρόθεντες γράμματα).[31] A much later text, the *Chronicle of Joshua the Stylite*, relates how certain residents of Edessa, upset at the conduct of billeted troops in their city, wrote their complaints on papyrus rolls (the Syriac text uses the Greek χάρτης) and secretly posted them "in the customary places of the city."[32] There is, of course, the anonymous *libellus* mentioned by Pliny the Younger containing the names of many alleged Christians and posted (*propositus est*) in a town in Bithynia-Pontus, as well as the painted board of a half-ass, toga-clad, book-bearing philosopher posted (*publicata est*; *proposuit*) in Tertullian's Carthage.[33] Finally—and perhaps most demonstrably—is the public posting of the Emperor Julian's *Misopogon* ("Beard-hater"), a complex and lengthy satirical treatment on the subject of his own beard.[34] This unusual work is all the more remarkable for having been originally published, as the chronicler John Malalas informs us, by being prominently posted in

[30] For a nice collection of anecdotes, richly documenting the phenomenon, see J. F. Matthews, "Eternity in Perishable Materials: Law-Making and Literate Communication in the Roman Empire," *Ancient History in a Modern University* (T. W. Hillard et al, eds.; Grand Rapids, MI: Eerdmans, 1998), 253-65.

[31] Cassius Dio, *Rom. Hist*, 65(64).1.1; *libellus propositus est* in Seutonius's account (*Vit* 14.1).

[32] Maud W. Gleason, "Festive Satire: Julian's Misopogon and the New Year at Antioch," *The Journal of Roman Studies* 76 (1986): 116; translation that of William Wright, *Chronicle of Joshua the Stylite* (Cambridge: Cambridge University Press, 1882), 96.

[33] Pliny, *Ep*. 10.96-7; Tertullian, *Apol*. 12.

[34] Gleason, "Festive Satire," 106–19; Jacqueline Long, "Structures of Irony in Julian's Misopogon," *The Ancient World* 24, no. 1 (1993): 15–23.

Antioch "outside the Palace, near the so-called Tetrapylon of the Elephants, next to the Regia."[35] With a bit of historical imagination, one can picture its public reception on the occasion of a New Year's festival known for masquerade and role-reversal: straining crowds swarming long rolls of papyrus pinned to notice boards or along the walls of a colonnaded portico, all abuzz with the emperor's words. The chance survival of the circumstances of its publication reveals for us a crucial performative dimension to the text, transforming it from a solitary exercise to a public performance enacted in an ancient city littered with the written word.[36]

Such episodes remind us of the material context of public discourse in which Justin wrote his petition. By virtue of their display, petitions participated in this forest of gossip, propaganda, and official communiqués in the empire's public spaces. The communicative channels of petitioning emptied into the civic centers where public perusal was not only possible but

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[35] *Chron*. 328.3-4: καὶ προέθηκε τὸν κατ' αὐτῶν ῥηθέντα παρ' αὐτοῦ λόγον ἔξω τοῦ παλατίου τῆς αὐτῆς πόλεως εἰς τὸ λεγόμενον Τετράπυλον τῶν ἐλεφάντων πλησίον τῆς Ῥηγίας.

[36] The example of Julian's *Misopogon*, which is roughly two-thirds the size of the *First Apology*, raises an interesting question: simply in terms of technical feasibility, is it even possible for an ancient reader to imagine the public display of a text the length of Justin's *Apologies*? In its original condition, the longest extant Roman petition (P.Oxy. II 237; 186 CE) probably consisted of ten columns, and would have run to a length of just over two meters. If written in a similar hand and in the same manner, the *Apologies* would have run to slightly under five meters, just exceeding the size of the standard 20-sheet papyrus roll sold in markets (William A. Johnson, *Bookrolls and Scribes in Oxyrhynchus* [Studies in Book and Print Culture; Toronto: University of Toronto Press, 2004], 87). However, fragments of extant pasted rolls, the use of which was a standard Roman archival practice that extended beyond their use with petitions, show that these typically ran much longer (Willy Clarysse, "Tomoi Synkollēsimoi," 344-59). One of our best preserved examples, P.Brussels 1, is preserved to a length of 1.15 meters and contains 18 census declarations; however, the numbering system shows that it originally contained at least 107 documents in a roll at least 7 meters long. Rolls of over 100 sheets were quite common, and some containing hundreds more are attested. Thus, while the size of Justin's document would have dwarfed that of any normal petition—a point to which we return later—the length of its text in bookroll form would in fact have been smaller than the typical pasted rolls used in posting bureaucratic documents. Simply in terms of technical feasibility, the Romans were quite adept at posting and archiving large volumes of papyrus.

encouraged. By their nature, petitions sought to bring some abuse to the awareness of imperial authorities, and with the changes in posting practices in the second century the disclosive potential inherent in the system was most fully actualized, bringing private affairs to the notice not only of governing officials but to the assembled throngs of Rome and other cities. The form itself, therefore, is invested with performative significance that could be readily exploited, which is perhaps why petitioning was regarded as an act of public redemption or a means of pursuing social feuds.[37] Whatever we make of the earnestness of Justin's posting request—that he "actually" submitted the *Apologies* in hopes of finding it emblazoned on the walls of the Temple of Apollo[38]—an element of publicness and theatricality inhere in the very forms and practices of petition and response, and Justin seeks in his performance to exploit this symbolic value. As we demonstrated in the previous chapter, Justin underscores the disclosive quality of his performance by further describing his petition as a προσφώνησις (*1 Apol*. 1; 68.3), εὐθύνη (*1 Apol*. 3.2; 4.6), ἐπίσκηψις (*1 Apol*. 3.4; 44.13; 67.8), and ἐξήγησις (*1 Apol*. 61.1; 68.3), a carefully chosen group of terms evocative of explanatory exposition, laying information before an authority, and exposing oneself to public scrutiny. For Justin, the medium is the message, and

[37] "The act of making a legal complaint—and the documentary record that we have as a result of this—was a ritual of redemption through which individuals could save face in the community in which they lived" (Ari Bryen, "Visibility and Violence in Petitions from Roman Egypt," *Greek, Roman, and Byzantine Studies* 48, no. 2 [2010]: 182). On feuds, see n. 26 above.

[38] Such a reading strikes many modern readers as hopelessly naive. It is sometimes missed in this debate, however, that inhabitants of the empire put a great deal of trust in Roman procedures and documentary practices. Elsewhere, Justin apparently assumes that to verify his account of the miracles and crucifixion of Jesus, the emperor could simply consult archived court proceedings or other imperial documents related to the events (ἐκ τῶν ἐπὶ Ποντίου Πιλάτου γενομένων ἄκτων; *1 Apol*. 35.9; 48.3) Other Christians display a similar degree of trust or naiveté in writing about Roman administration. "Tertullian, for example, insisted that *cognitiones* before Pontius Pilate—that is, oral proceedings conducted in rapid-fire exchange (*stipulatio*) and recorded verbatim—had rendered a truthful account of the missionary work of Christ to Tiberius and the Senate at Rome" (Ando, *Imperial Ideology*, 129). For further examples, see ibid., 129-30.

his very choice to represent himself via the petition form embodies and signifies a transparent act of public disclosure, a performative enactment of his claim that true Christians have nothing to hide.

At this point, we have argued that Justin represents himself as navigating and exploiting the same administrative apparatus as extant petitions. His precise references to the procedures of the petition system constitute a strong performative act. This judgment is supported also by the history of reception, inasmuch as Justin's earliest Christian readers read and recognized the *Apologies*, and certain other early Christian apologetic works, as engaged in the concrete realities of imperial administration. How did Justin's earliest readers read and describe the *Apologies*, and in what material context did they imagine it to have operated?

We get precious few references to Justin's *Apologies* in early Christian writings, but what we do have suggests that it, as well as other works of early apologists, was treated not as in-group literature or an open letter for general consumption, but largely as Justin himself presented it: in the first instance as a literary instrument with targeted addressees and potentially actionable within the customary institutions for accessing the emperor's favor. Our earliest and fullest comments come from Eusebius, who in the *Ecclesiastical History* paints a vivid picture of distinguished second-century Christians repeatedly approaching the imperial court, addressing themselves to sitting emperors or submitting documents for their attention, often with positive results. In one of his descriptions of Justin's activity, he write of the *Apologies* in this way:

> Ὁ δ' αὐτὸς οὗτος Ἰουστῖνος καὶ πρὸς Ἕλληνας ἱκανώτατα πονήσας, καὶ ἑτέρους λόγους ὑπὲρ τῆς ἡμετέρας πίστεως ἀπολογίαν ἔχοντας βασιλεῖ Ἀντωνίνῳ τῷ δὴ ἐπικληθέντι Εὐσεβεῖ καὶ τῇ Ῥωμαίων συγκλήτῳ βουλῇ προσφωνεῖ· καὶ γὰρ ἐπὶ τῆς Ῥώμης τὰς διατριβὰς ἐποιεῖτο.[39]

[39] *Hist. eccl.* 4.11.11.

> This same Justin labored very capably also against Greeks, and addressed other arguments containing a defense on behalf of our faith to the Emperor Antoninus, surnamed Pius, and to the Roman Senate; for indeed he was living in Rome.

At first glance we might regard Eusebius's use of προσφωνεῖν ("to address") as the most revealing description in this statement. But Eusebius uses προσφωνεῖν to predicate many kinds of texts in the *Ecclesiastical History*,[40] and his application of it to the *Apologies* might take its lead from Justin himself (cf. *1 Apol* 1.1). Instead, what is most important for our present argument is the final clause. By introducing it with καὶ γάρ, Eusebius indicates that he is explaining for his readers the reason why Justin was able with this text to address Pius and the Senate: namely, because he was present in Rome at the time. In other words, Eusebius assumes that Justin's physical presence in Rome was required, because he was imagining a scenario in which Justin materially deposited his text with the emperor. Such an administrative context is further confirmed in his other references to Justin. Immediately following the above citation of the *Apologies*, Eusebius goes on to write that "the same emperor [Pius] was petitioned (ἐντευχθείς) also by others" concerning Christian harassment in Asia, in response to which Pius issued a decree to the *koinon* of Asia that Eusebius proceeds to quote.[41] It is uncertain whether Eusebius means to imply that Justin's *Apologies* directly contributed to the imperial decree, but he nevertheless classifies it as the kind of document that did the same sort of work as the others

[40] For instance, letters (*Hist. eccl.* 4.23.9; 7.9.6), συγγράματα (compositions) (5.13.8), λόγοι (books) (6.19.1), λόγοι in the form of a letter (7.26.2), and ἀπολογίαι are all predicated by προσφωνεῖν. The term denotes for Eusebius any work that is "addressed" to a targeted audience.

[41] Ἐντευχθεὶς δὲ καὶ ὑφ' ἑτέρων ὁ αὐτὸς βασιλεὺς ἐπὶ τῆς Ἀσίας ἀδελφῶν παντοίαις ὕβρεσιν πρὸς τῶν ἐπιχωρίων δήμων καταπονουμένων, τοιαύτης ἠξίωσεν τὸ κοινὸν τῆς Ἀσίας διατάξεως ("When the same emperor [Pius] was petitioned (ἐντευχθείς) also by other Christians in Asia who had been oppressed by abuses of all sorts at the hands of the local people, he deemed the *koinon* of Asia deserving of the following decree...") (*Hist. eccl.* 4.12.1). The decree subsequently quoted by Eusebius purports to be from Marcus Aurelius, not Pius, the one referred to as "the same emperor" just before.

(ἐντευχθεὶς δὲ καὶ ὑφ' ἑτέρων) and that might by its nature activate an official response from the emperor. Moreover, elsewhere Eusebius describes Justin "submitting a second book [or, petition][42] to the aforementioned rulers" (Ἰουστῖνος δεύτερον ὑπὲρ τῶν καθ' ἡμᾶς δογμάτων βιβλίον ἀναδοὺς τοῖς δεδηλωμένοις ἄρχουσιν; *Hist. eccl.* 4.16.1). While this likely refers to a lost book and not to our present *Second Apology*,[43] it is worth noting that, like Justin's use of procedural language, Eusebius's choice of terms here is precise, as evidenced by its selective deployment. The verb for "submitting" or "delivering" (ἀναδίδωμι) occurs only three other times in the *Ecclesiastical History*: once quoting the *Apologies* in reference to the Christian woman's petition submitted to Antoninus (*Hist. eccl.* 4.17.7; cf. *2 Apol*. 2.8); once referring to Quadratus's work that he submitted to Hadrian in response to recent Christian mistreatment (*Hist. eccl.* 4.3.1);[44] and once referring to the delivery by means of a soldier of a letter, requesting an audience with Origen, sent from the governor of Arabia to the bishop of Alexandria and the Prefect of Egypt (*Hist. eccl.* 6.19.15).[45] In each case the language is concretely transactional, not

[42] In Eusebius, βιβλίον, the diminutive of βίβλος, can refer to all manner of written documents, including petitions. For instance, compare *Hist. eccl.* 4.26.2, where Eusebius lists a "petition to Antoninus" (τὸ πρὸς Ἀντωνῖνον βιβλίδιον) among the works of Melito, with *Hist. eccl.* 4.26.5, where he refers to the same work as τὸ πρὸς τὸν αὐτοκράτορα βιβλίον.

[43] See Pouderon, " Une oeuvre fantôme," 465-69.

[44] τούτῳ Κοδρᾶτος λόγον προσφωνήσας ἀναδίδωσιν, ἀπολογίαν συντάξας ὑπὲρ τῆς καθ' ἡμᾶς θεοσεβείας, ὅτι δή τινες πονηροὶ ἄνδρες τοὺς ἡμετέρους ἐνοχλεῖν ἐπειρῶντο ("To this one [Hadrian] Quadratus addressed and submitted a work, having composed it as a defense on behalf of our religion because some wicked men were trying to harass our people") (*Hist. eccl.* 4.3.1).

[45] κατὰ τοῦτον δὲ τὸν χρόνον ἐπ' Ἀλεξανδρείας αὐτῷ τὰς διατριβὰς ποιουμένῳ ἐπιστάς τις τῶν στρατιωτικῶν ἀνεδίδου γράμματα Δημητρίῳ τε τῷ τῆς παροικίας ἐπισκόπῳ καὶ τῷ τότε τῆς Αἰγύπτου ἐπάρχῳ παρὰ τοῦ τῆς Ἀραβίας ἡγουμένου ("But at this time, while he was living in Alexandria, one of the soldiers delivered a letter to Demetrius, who was both bishop of the community of sojourners and at the time Prefect of Egypt, sent from the governor of Arabia") (*Hist. eccl.* 6.19.15).

descriptive of general literary circulation. Eusebius does note that copies of Quadratus's work remained extant among some Christians in his day, including himself (*Hist. eccl.* 4.3.1), thus acknowledging an afterlife for such works even as he affirms their transactional nature. Nevertheless, in his brief descriptions Eusebius emphasizes their procedural context in their first instance.

The same is true of other early descriptions of Justin's *Apologies*. Jerome's *Chronicon*, translating and augmenting the previous *Chronicon* of Eusebius, relates that Justin submitted (*tradidit*) a book to Antoninus; the same is later predicated of Melito's apology to Marcus Aurelius in the only other use of the verb *tradere* to predicate a literary work in the *Chronicon*.[46] In his *Letter to Magnus* (*Ep*. 70), Jerome defends his practice of drawing from pagan writers by citing predecessors from Quadratus to the Cappadocians who did the same. In his whirlwind description of early Christian literary activity in that letter, only Quadratus, Aristides, and Justin are said to have presented (*obferre*) or delivered (*tradere*) their works. The 7th century *Chronicon Paschale*, relying on earlier Christian sources (certainly Eusebius is one of its authorities), also preserves the procedural language for Justin and other early apologists. That they "submitted" (ἐπιδίδωμι, ἀναδίδωμι, δίδωμι) apologetic works to reigning emperors is

[46] Of Justin, he writes, *librum pro nostra religione conscriptum Antonino tradidit* ("he submitted a book to Antoninus written on behalf of our religion"), although dating the work rather early to the fourth year of Antoninus' reign (141 CE) (Helm, *Eusebius Werke*, vol. 7, p.202; see p. 206 for Melito). In the entry for 125 CE (ibid., p.199), the *Chronicon* relates that Quadratus and Aristides composed books to give to Hadrian (*libros pro Christiana religione Hadriano dedere compositos*) and then describes a letter from Serenius Granius, proconsul of Asia, denouncing the unjust persecution of Christians in Asia, along with the subsequent constitution issued by Hadrian in response (the latter, of course, is cited by Justin in *1 Apol*. 68.5-10). The *Chronicon*'s close association of the apologies of Quadratus and Aristides with the letter of Granius and imperial constitution of Hadrian implies that the compiler understood there to be causal link between them.

predicated of Apelles, Aristo, Justin, Melito, Apollonaris, and "many others."[47] In fact, ἐπιδίδωμι occurs only five times in the whole of the *Chronicon Paschale*, three of which are reserved for the actions of the second century apologists, while the remaining two refer to other cases of personal delivery of a document.[48] Photius's 9th century *Bibliotheca* and the 10th century *Suda*, both drawing on earlier sources, reproduce the same concretely transactional language for these texts, which they also apply to other *libelli* elsewhere in their work.[49]

Throughout this rehearsal of the early references to Justin's *Apologies*, we have noted the use of terminology that communicates their perceived instrumental and intercessory quality, emphasizing their direct engagement with the imperial court and its institutions. Of course, this evidence does not allow us to conclude that Justin's *Apologies* was "actually submitted" or ever made it to the desk of their named addressees. But it is an important witness as a demonstration of how Justin's early readers took seriously and echoed his procedural language and generic claims. That his early readers perceived the *Apologies* to be engaged with the full apparatus of Roman administration serves as further confirmation of our lexical and comparative analysis. Together they show how Justin seeks to present the *Apologies* as concretely and pragmatically related to an administrative context.

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[47] *Patrologia graeca* 92.620A; 629A-B; 632A-B

[48] Here the *Chronicon* is not borrowing the terminology of Eusebius, who does not use ἐπιδίδωμι of literary works in the *Hist. eccl.*, except in a quotation from Josephus (who uses the term to denote the personal delivery of his *Antiquities* to the emperors and King Agrippa; *Hist. eccl.* 3.10.10; cf. Josephus, *Vita* 361-4). In this case, the chronicler is probably either drawing from another early Christian source or freely composing.

[49] On the complicated source history of the Photius's *Bibliotheca* and the *Suda*, with special reference to their biographical sketches of Justin, see Warren T. Treadgold, *The Nature of the Bibliotheca of Photius*, Dumbarton Oaks studies 18 (Washington, D.C.: Dumbarton Oaks Center for Byzantine Studies, 1980).

Form and Structure

With literary form and structure, differences—both large-scale and subtle—again emerge. As we saw in the first chapter, documentary petitions exhibit a high degree of uniformity of structure. Due to their pragmatic function and the demands of administrative processing, the hard edges of the form are both well-defined and durable across time. Documentary petitions directed to all levels of government contain four basic elements: 1) an opening address, either in hypomnematic (most commonly) or epistolary style (in limited circumstances); 2) a statement of background, often preceded by a brief exordium; 3) the request proper; and 4) optional closing elements.

A summary look at the compositional structure of the *Apologies* reveals that it does not bear any strict resemblance to the simple four-fold structure we find in petitions, particularly in the clearly distinguishable background section and request period that constitute the better part of extant petitions. The *Apologies* is a much more compositionally sophisticated text, drawing upon multiple discourses and models that account for its complex shape. Even as it shares the purpose and invokes the terms and procedures of petitions, the *Apologies* does not share with them a demarcated four-fold structure.[50]

While the internal structure of the *Apologies* clearly exceeds the economical progression of opening-background-request-closing that we find in extant petitions, its opening address may

[50] Minns and Parvis's statement that the "well-set pattern" of address, narration, request, and citation of legal precedent is "just what we find in the *First Apology*" is inaccurate, because it glosses over significant incongruities (*Justin, Philosopher and Martyr*, 26). However, they seem to acknowledge as much when they subsequently refer only to the *Apologies*' petitionary "frame" (46). As we will see when we examine the opening address of the *Apologies*, even the claim of a petitionary frame repays careful scrutiny.

at first glance bear an important resemblance to the structures found in petition openings. Since in any text the opening constructions encode significant readerly clues about the nature of the document, we must examine this apparent parallel in greater detail. Justin addresses the *Apologies* in this way (*1 Apol.* 1.1):

> Αὐτοκράτορι Τίτῳ Αἰλίῳ Ἀδριανῷ Ἀντωνίνῳ Εὐσεβεῖ Σεβαστῷ Καίσαρι, καὶ Οὐηρισσίμῳ υἱῷ Φιλοσόφῳ, καὶ Λουκίῳ Φιλοσόφῳ, Καίσαρος φύσει υἱῷ καὶ Εὐσεβοῦς εἰσποιητῷ, ἐραστῇ παιδείας, ἱερᾷ τε συγκλήτῳ καὶ δήμῳ παντὶ Ῥωμαίων, ὑπὲρ τῶν ἐκ παντὸς γένους ἀνθρώπων ἀδίκως μισουμένων καὶ ἐπηρεαζομένων, Ἰουστῖνος Πρίσκου τοῦ Βακχείου, τῶν ἀπὸ Φλαουΐας Νέας πόλεως τῆς Συρίας Παλαιστίνης, εἷς αὐτῶν, τὴν προσφώνησιν καὶ ἔντευξιν πεποίημαι.
>
> To the emperor Titus Aelius Hadrianus Antoninus Pius Augustus Caesar, and to Verissimus his son, a philosopher, and to Lucius, a philosopher, son of [Lucius Aelius] Caesar by nature and of Pius by adoption, a lover of culture, and to the Sacred Senate and to the entire people of the Romans, on behalf of the people from every race who are unjustly hated and harassed, I, Justin, son of Priscus and grandson of Bacchius, both from Flavia Neapolis in Syria Palestina—myself one of them—have made this address and petition.

William Schoedel points to this opening as the first "point of influence" from petitions.[51] As evidence, he cites the *inscriptio* of a petition to the imperial legate Ilius Severus from a group of inhabitants on the eastern Black Sea (ll.6-9: ἔντευξις τῷ κρ[ατίσ]τῳ ὑπατικῷ Ἰουλ[ίῳ Σ]εουήρῳ παρὰ κ[ω]μητῶν χόρα Δάγει; "Petition to the most distinguished consular Julius Severus from the villagers of *chora* Dagis")[52] and that of the imperial petition **Aragua** (ll. 5-9):

> Αὐτοκράτορι Κέσαρι Μ. Ἰουλίῳ Φιλίππῳ Εὐσεβεῖ Εὐτυχεῖ Σεβ(αστῷ) κὲ Μ. Ἰουλίῳ φιλίππῳ ἐπιφανεστάτῳ Κέσαρι δέησις παρὰ Αὐρηλίου Ἐγκλέκτ[ου... περὶ τοῦ κοί]νοῦ τῶν Ἀραγουηνῶν παροίκων κὲ γεωργῶν τῶν ὑμετέρων [τοῦ ἐν τῇ Ἀππι]ανῇ δήμου κοινο<ῦ> Μοιτεανῶν Σοηνῶν τῶν κατὰ Φρυγίαν τόπων διὰ Τ. Οὐ[λπίου Διδύ στρατιώτου.

[51] Schoedel, "Apologetic Literature and Ambassadorial Activities," 75.

[52] IGLSkythia I 378 (= Hauken, *Petition and Response*, 170-78). For the difficulties in rendering the expression χόρα Δάγει, see Hauken, *Petition and Response*, 154-5.

> To the emperor Caesar Marcus Iulius Philippus Pius *felix* Augustus and to Marcus Iulius Philippus most manifest Caesar: petition from Aurelius Eglectus on behalf of the community of the Araguanian residents and your peasants in the district of Appia, belonging to the community of Moiteaneas and Soans, all places in Phrygia, through Titus Ulpius Didymus, a soldier.[53]

Similarly, although not citing specific parallels, Minns and Parvis observe that the beginning of the *Apologies* is one of two formulaic features that Justin shares with petitions.[54] Yet we should not overstate the commonalities between Justin's opening and extant petitions. **Aragua** and IGLSkythia I 378 cited by Schoedel are examples of petitions written in memorandum-style (τῷ δεῖνι παρὰ δεῖνος), which as we have rehearsed is the much more common of two possible frames for petitions, the other being a letter (ὁ δεῖνα τῷ δεῖνι χαίρειν). Justin's address in *1 Apol*. 1.1 shares with these examples of hypomnematic petitions an initial address of the recipient in the dative and, with **Aragua**, an indication of the status of the sender as a representative. But the similarities end there. To be precise, Justin's opening adheres strictly to the conventions of neither hypomnematic nor epistolary address: it displays none of the salient epistolary features that would mark it as a letter, and it departs from memorandum style by naming the author in the nominative and employing a final verb of composition (τὴν προσφώνησιν καὶ ἔντευξιν πεποίημαι). However, as in both examples cited above, imperial petitions often included a word

[53] Transl. modified from Hauken.

[54] Minns and Parvis, *Justin, Philosopher and Martyr*, 46. The claim that part of the form of petitions was "an address of the petitioner in the nominative to the recipient in the dative" is also misleading (ibid., 24). Instead, the overwhelming majority of extant petitions were written in memorandum style with the petitioner in the genitive. If a petition was written in letter form, it would state the petitioner in the nominative, but, being a letter, would also include other epistolary conventions, such as an initial greeting. P. Lorraine Buck, partially following the lead of Robert Grant, also draws attention to the address of the *First Apology*. She regards it as highly problematic, calling it "careless" for its "inexcusable errors," but only in relation to its deployment of imperial titulature and not for reasons of form that I am presently examining ("Justin Martyr's *Apologies*," 51).

for "petition" in the nominative as a kind of announcement of the document type, which might be seen as parallel to Justin's climactic verbal construction at the end of 1.1. Nevertheless, strictly speaking Justin's mixed *inscriptio* finds no precise parallel among extant petitions.

In fact, as far I can observe, Justin's unusual address—with its combination of initial dative of address, nominative naming of the author, and first person periphrastic of πεποίημαι—is unparalleled in Greek literature of any kind as an opening construction. It differs from the conventional incipits found in letters, memoranda, and oratorical works. While a precise parallel is lacking, either in literary or documentary texts, the expression "... I, Justin son of Priscus son of Bacchius... have made this προσφώνησις and ἔντευξις" (Ἰουστῖνος Πρίσκου τοῦ Βακχείου...τὴν προσφώνησιν καὶ ἔντευξιν πεποίημαι) brings to mind a kind of "administrative speak," striking a declaratory tone evocative of bureaucratic documents. For instance, Justin's unusual initial form τῷ δεῖνι ὁ δεῖνα resembles declarations on oath and other official announcements;[55] moreover, his use of the nominative and first person verb is evocative of the ubiquitous submission and signature formulae found in administrative texts that were added at the end of documents and often in the hand of the client: e.g., Ταστράτων Ψενοσ[ί]ριος τοῦ Ἀτρέω[ς πεπο]ίημαι τὴν διαθή[κην ("I, Tastraton Psenosirius, son of Atreus, have made this testament"; P.Oxy. III 490 l.8; 124 CE); Ἰουλία Ἡραὶς δι(ὰ) [τ]οῦ υἱοῦ Γα[ί]ου Ἰουλίου Πρείσκου ἐπιδέδωκα ("I, Iulia Herais, through my son [Iulius] Priscus, have submitted this petition"; SB XVI 12678 ll.33-34). The use of the periphrastic πεποίημαι, such as in P.Oxy. III 490 just cited, was particularly common in testaments and used in other documents of public

[55] E.g., P.Oxy. II 239 (66 CE); P.Oxy. I 100 (= CPJ III 454; 133 CE); P.Oxy. I 106 (= Sel.Pap. II 424; a revocation of 135 CE); P.Grenf. II 62 (211 CE); P.Oxy. I 80 (238 CE). See Ferdinandus Ziemann, *Quaestiones Selectae*, 265-66.

acknowledgement, such as deeds of sale, manumissions, and land divisions.[56] I do not wish to argue for a strict imitation of such formulae by Justin in *1 Apol*. 1.1; however, I would suggest that his peculiar introductory formulation has about it an air of "legalese"—an echo of a bureaucratic register—that helps account for its singularity and that further signals how his performance of petition will function as an act of disclosure.

Another crucial aspect of Justin's formulation is that, unlike most petitions written in memorandum style, Justin names himself in the nominative and draws attention to himself as author with a first-person verb of composition. Justin shares this emphasis on himself as author with petitions written in epistolary style, even as he does not conform to that style in other ways, such as the use of an opening greeting. To understand this choice of self-presentation, it is important to note that epistolary petitions are a means of approach available mostly to higher status petitioners; the sanctioned use of letters to supplicate imperial authority is largely a function of social proximity and insider status.[57] Hence, petitionary letters are sent by cities, magistrates, and high-ranking individuals and assume different power relations between petitioner and petitioned. Through his emphasis on himself as author and his choice not to cast his work simply as an application from one of low standing, Justin may be asserting a certain

[56] Testaments: P.Oxy. III 489 (117 CE); P.Sijp. 43 (119-20 CE); P.Oxy. III 491 (126 CE); III 494 (164 CE); LXVI 4533 (I-II CE); P.Wisc. I 13 (II CE). Other kinds of documents:P.Ryl II 156 (I CE); P.Tebt. Wall 12 (101 CE); P.Mil.Vogl. I 23 (108 CE); P.Turner 26 (195-98 CE); P.Oxy. IX 1208 (291 CE).

[57] For the classic treatment of this distinction between letters and memoranda, see Ulrich Wilcken, "Zu den Kaiserreskripten," *Hermes* 55 (1920): 1–42. Cf. the examples named in chapter two, n. 11: a letter from the procurator Aurelius Plutio (Stud.Pal. 5 119 Fr3rp ll. 8-16 = Oliver 289); Herod Agrippa's letter to Gaius in Philo *Legat*. 276ff; and the petition of Aurelius Horion to Severus and Caracalla, requesting imperial protection of his local endowments to Oxyrhynchus (P.Oxy. IV 705 = Oliver 246-7). Aurelius Horion is a private individual, but he is a wealthy and prominent Alexandrian, a "former *strategos* and *archidikastes*" of that city who is a major benefactor in Oxyrhynchus.

stature enjoyed only by political entities and individuals with sufficient status to be deemed a political and social peer. Private individuals and groups lacking such standing must "apply" to the administration as outsiders, and Justin's departure in form may constitute a conspicuous refusal to cast his performance as a humble hypomnematic appeal to authority.

The opening in *1 Apol*. 1.1 departs in other ways from the protocols of administrative petitions. Compared to other examples, there is a certain fulsome quality to Justin's address in *1 Apol*. 1.1. Justin gives the title φιλόσοφος ("philosopher") to Lucius Verus and Marcus Aurelius, describes Lucius as ἐραστὴς παιδείας ("lover of culture"), characterizes his fellow petitioners as οἳ ἐκ παντὸς γένους ἀνθρώπων ἀδίκως μισουμένοι καὶ ἐπηρεαζόμενοι ("the people from every race who are unjustly hated and harassed"), declaring himself εἷς αὐτῶν ("one of them"). To be sure, rhetorical flourishes in an opening address, while rare, are not without parallel in extant petitions. For instance, Lollianus adds to the imperial titulature the appellation [τ]οῖς [γῆς κ]αὶ θ̣αλάτ[τ]ης δε[σπό]̣ται[ς] ("to the masters of land and sea") (**P.Coll. Youtie II 66** l.1).[58] But Justin's rhetorical embellishments are more pronounced in comparison to extant petitions and from the beginning position Justin not only as a petitioner but as a cultured philosopher and advocate for a beleaguered community.

A final aspect of Justin's opening address is his execution of the imperial titulature compared to extant petitions.[59] Some editors have seen Justin's address of his sons, especially of Lucius, and of the Senate and People of Rome as especially problematic for an imperial petition.

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[58] Justin also extends his patronymic to include his grandfather. This is exceptional among petitions, but is possibly paralleled in the imperial **Şapçılar** ll. 11-12.

[59] Many scholars have noted such problems; see, e.g., André Wartelle, *Saint Justin Apologies*, 31; Grant, *Greek Apologists*, 52; Buck, "Justin Martyr's *Apologies*," 51.

Marcovich, following Volkmar and Schwartz, regards the inclusion of Lucius as spurious, although not on the grounds of comparison with petitionary protocols.[60] Minns and Parvis, on the other hand, do cite such practices. While retaining the reference to Lucius, they regard as an early editorial addition the address of the Senate and People of Rome for the reason that "neither Senate nor People is at home in the address of a petition, for, as we have seen, these were a way of approaching emperors or governors."[61] While commentators are quite right to draw attention to these features as peculiarities, Justin displays in the opening address greater familiarity with political and constitutional niceties than he is often given credit for. We may note that the petitioners of Aragua, nearly a century later, would address their supplication to both Philip the Arab, as Augustus, and Marcus Iulius Philippus, as Caesar (**Aragua** ll. 5-6); but unlike the Araguans, Justin does not address Marcus in his capacity as Caesar, although he had been known as such from as early as 138 CE. Moreover, I regard Justin's address of the imperial sons, including of the overshadowed Lucius, as historically plausible. One important piece of evidence unnoticed among Justin's interpreters is an imperial constitution of Pius found in Oxyrhynchus that reveals that at least by 154 CE both Marcus *and* Lucius were publicized as members of their adoptive father's *consilium principis*, rendering more intelligible Justin's inclusion of Lucius, who is often considered a background figure in Pius's reign.[62] In fact, the more conspicuous difference with imperial petitions is not Justin's address of Lucius, but, as Minns and Parvis

[60] *Iustini Maryris Apologiae*, 31

[61] *Justin, Martyr and Philosopher*, 35

[62] J. David Thomas, "An Imperial *Constitutio* on Papyrus," *Bulletin of the Institute of Classical Studies* 19, no. 1 (1972): 103–12 (= Oliver 163). Thomas favors a date close to 154 CE, but offers that anytime after Lucius's assumption of the *toga virilis* in 145 CE is possible (p. 109).

rightly note, that of the Senate and People of Rome, which is without parallel in administrative petitions.[63] I would suggest that Justin is aware of this unusual choice of addressees. In describing the Christian woman's petition in *2 Apol*. 2.8, he explicitly says that she submitted her petition to Pius alone (καὶ ἡ μὲν βιβλίδιόν σοι τῷ αὐτοκράτορι ἀνέδωκεν...καὶ συνεχώρησας τοῦτο; "Then she submitted a petition to you the emperor...and you approved it"), one of only two instances in the *Apologies* where Justin explicitly singles out the emperor apart from the other named recipients. His precision in *2 Apol*. 2.8 is less a slip indicating his true addressee and more an indication that he is aware of the customary protocols for addressing imperial petitions to the emperor alone.[64] Even more compellingly, in *1 Apol*. 56.3, which Minns and Parvis reference as the source of the interpolation in *1 Apol*. 1.1, Justin draws *special attention* to his inclusion of the Senate and People, providing a particular reason (their deception by Simon and dedication of a statue in his honor) and even asking permission for their inclusion (παραλαβεῖν), as if aware of its unusual nature.[65] Justin's choice of παραλαβεῖν is precise. The Antonine constitution mentioned above, which named Marcus and Lucius as members of the imperial *consilium*, employs παραλαμβάνω as the Greek equivalent of *adhibeo*, a technical term for "taking into consultation" as a member of a *consilium*.[66] Justin uses the same word in *1 Apol.*

[63] *Justin, Martyr and Philosopher*, 35.

[64] Contra Thorsteinsson, "The Literary Genre," 100.

[65] *1 Apol*. 56.3: ὅθεν τήν τε ἱερὰν σύγκλητον καὶ τὸν δῆμον τὸν ὑμέτερον συνεπιγνώμονας ταύτης ἡμῶν τῆς ἀξιώσεως παραλαβεῖν αἰτοῦμεν, ἵν', εἴ τις εἴη τοῖς ἀπ᾽ ἐκείνου διδάγμασι κατεχόμενος, τἀληθὲς μαθὼν τὴν πλάνην φυγεῖν δυνηθῇ ("Therefore, we ask that you take into consultation as co-adjudicators of this our petition both the sacred Senate and your people, in order that, if anyone is held captive by the teachings of [Simon], by learning the truth they might be able to flee their error").

[66] Thomas, "An Imperial *Constitutio*," 105-106; Oliver 163 (p.335).

56.3 when he asks the emperor "to take into consultation" (παραλαβεῖν αἰτοῦμεν) the Senate and People as co-adjudicators of his petition. Moreover, Justin's choice of the Senate as co-adjudicators probably reflects popular perceptions of the role of the Senate in Roman government more generally and in matters of religion, diplomacy, and public commemoration, particularly.[67] Whatever the motivation, both *2 Apol.* 2.8 and *1 Apol*. 56.3 indicate that Justin is aware of what is customary for imperial petitions and that his expansive address in *1 Apol.* 1.1 is deliberately unconventional. Yet precisely in its unconventionality it evidences a good deal of political savvy.

The opening address is thus another example of how Justin's performance of the petition genre manipulates the form, representing his own subjective appropriation of its protocols and expectations. It strictly conforms neither to the memorandum nor to the epistolary style found in extant petitions. But even as it is unconventional, his conscious departure betrays an astute attunement to finer points of imperial administration. His peculiar formulation in *1 Apol*. 1.1 is evocative of the language of administrative texts. The unusual address τῷ δεῖνι ὁ δεῖνα effects a declaratory tone reminiscent of official forms such as disclosure oaths and formulae for signature and submission. In this way, Justin's announces his performance of petition as an instance of explanatory disclosure, which, as we argued in chapter two, is an aim already present in his use of προσφώνησις and ἐξήγησις. Moreover, his naming of himself in the nominative and his use of a first-person verb of composition at the same time cue a claim to stature, an elevation and

[67] See Munier, *Apologie pour les Chrétiens*, 278 n. 4. Like Minns and Parvis (*Justin, Martyr and Philosopher*, 36), I do not think it necessary to appeal to specific regulations for the annulment of cults, as Munier suggests. Rather, it is enough that Justin shares popular perceptions about the Senate's role in public religion, relations with foreign groups, and the erection of statuary. See Richard J. A. Talbert, *The Senate of Imperial Rome* (Princeton, N.J.: Princeton University Press, 1987), esp. 364-6; 386-91; 408-30. See also chapter four below (n.100) on the clustering of recorded mentions of embassies to the Senate in the mid-second century.

transformation of his role as petitioner that he will strategically develop throughout his work. Already in the opening address Justin indicates that his reiteration of the petition form will be a complex and self-stylized one.

Length

As we observed in the previous section, compared to extant petitions the overall form and structure of Justin's composition represents a significant departure from the tidy and efficient disposition of administrative petitions. The administrative context of petitions imposed on them a uniformity of scale, their relatively short length largely determined by the demands of processing the huge volume of petitions submitted by imperial subjects. In the first chapter we noted that most extant petitions are short enough to fit on a single sheet of papyrus; the most complete petition preserved in epigraphic form to a Roman emperor is that of the village of Skaptopara in Thrace to Gordian III, comprising just 477 words of text. The size of Justin's *Apologies* is, of course, of a completely different magnitude. Compared to all other papyrologically and epigraphically attested petitions directed at any level of government, Justin's text is simply enormous. The longest known Roman-era petition of any kind is that of a young woman named Dionysia to the Prefect of Egypt (P.Oxy. II 237; 186 CE), which reaches its length with an extensive case history and citation of numerous precedents. By my estimation, Dionysia's petition may have originally run some 6,600-7,300 words.[68] By comparison, the *First Apology*

[68] Much of the petition is very fragmentary. From the best preserved columns, I approximate an average line length 16 words, an average column height of 46 lines (including three lines conjectured missing at the top), and either 9 or 10 columns (9 are extant, but the editor admits the possibility of another missing column).

consists of over 15,500 words; the *Second*, over 3,500, totaling some 19,000 between the two. Thus, Justin's *Apologies* is almost three times as long as our longest known documentary petition, which is already very much an outlier in comparison to the overwhelming majority of the hundreds—perhaps thousands—of extant petitions, nearly all of which would fit on a single column of a papyrus roll.[69]

This anomalous length is an important site of interpretative significance in Justin's performance.[70] As we have seen thus far in our comparison, a text's relationship to a genre can be multiple, imitating some aspects while actively manipulating others. There are rhetorical effects to be gained from such genre-bending, as departures from expected norms attract attention and communicate meaning. Cicero, in an unusual letter of recommendation to Julius Caesar, marked with Homeric quotations and a disarming style, brings these effects to conscious attention: "I have written an unconventional letter to you to impress upon you this is no everyday

[69] For instance, simply perusing the collections assembled in Ari Bryen's *Violence in Roman Egypt* or John L. White's *Form and Structure* will give one a convenient impression of the relatively short length of our average surviving petitions.

[70] The length of the *Apologies* has been treated variously by Justin's interpreters. In some cases, it has played little part in its analysis; to cite a few studies from among those that attend especially to the *Apologies'* literary genre and milieu: Fredouille, "De l'apologie de Socrate"; Keresztes, "Literary Genre"; idem, "So-Called Second Apology"; and Munier, *Apologie pour les chrétiens*. In his treatment of the *Second Apology*, Runar Thorsteinsson recognizes that its length is far longer than "most" extant petitions, but his subsequent qualification that "*libelli* could in fact be of considerable length" seems to understate the degree of difference ("Literary Genre," 105). On the other hand, William Schoedel ("Apologetic Literature and Ambassadorial Activities") and P. Lorraine Buck ("Justin Martyr's Apologies") both recognize the extraordinary size of the *Apologies*, but advance different explanations of its significance. Buck argues that its endless repetitions and long and unnecessary digressions would have been unacceptable in an imperial petition, sure evidence for her that Justin's adoption of the petition form was a satirical conceit. Schoedel argues that the *Apologies* owe their unusual length to a forensic model, a suggestion with which I concur, as far as it goes. Minns and Parvis also recognize that the *First Apology* is "abnormally long," and their reference to Justin "*hijack[ing*] a normal piece of Roman administrative procedure" (*Justin, Philosopher and Martyr*, 25 [emphasis mine]) suggests an argument for interpretative significance. But their insight remains largely unelaborated concerning the significance of the *Apologies'* unusual length.

recommendation" (*Fam*. 3.15.3; g*enere novo sum litterarum ad te usus, ut intellegeres non vulgarem esse commendationem*).[71] Scale is one such site for departure from generic expectations: both individual *topoi* and whole generic instances can be amplified or reduced for rhetorical and communicative effect. Alastair Fowler applies the rhetorical terms *macrologia* and *brachylogia* to these transformations of genre, citing as an instance of *macrologia* Dante's enlargement of the death-journey genre in his *Divine Comedy*.[72] An example closer to Justin is Pliny the Younger's *Panegyricus*, which "put[s] a full scale encomium in a new context where a short speech of thanks [*actio oratiarum*] was expected," earning Pliny a reputation "as an innovator in late antiquity."[73] Generic expectations, including that of scale, are available for manipulation by an author who wishes to make formal transgressions yet another vehicle of communication. Such manipulation of genre, however, is a high risk-high reward venture, and *macrologia* runs the risk of offending sensibilities or bending a manipulated form beyond recognition. Demetrius's *On Style*, for instance, warns against excessive length in letters: those that are too long and inflated are no longer letters (ἐπιστολαί) but treatises (συγγράμματα) with a greeting attached, like the letters of Plato or Thucydides (228). But for Justin, such dramatic

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[71] Translation modified from Michael B. Trapp, *Greek and Latin Letters*, 93.

[72] "During the ages of rhetoric, writers often planned the scale of *dispositio* at a very early stage. In such circumstances, change of scale was a means of generic originality—something that ancient theorists partly recognized when they attempted to describe it....Change of scale may be by *macrologia* or *brachylogia*. *Macrologia* magnifies, as when the Divina Comedia enlarges the epic nekuia, or descent into hell, to form a third of the work. Shaw's stage directions exhibit macrologia. So do individual letters in epistolarly novels, by comparison with nonliterary letters" (*Kinds of Literature*, 172). Cf. Francis Cairns, *Generic Composition in Greek and Roman Poetry* (Edinburgh: Edinburgh University Press, 1972), 119-23 and *passim*.

[73] Harry Sidebottom, "Studies in Dio Chrysostom On Kingship" (Ph.D. diss; Cambridge University, 1991), 60.

macrologia is precisely the point. The extraordinary physical form of the *Apologies* is itself a performative gesture.

That administrative petitions were of a uniformly small scale was an opportunity for Justin to exploit. In the case of ordinary petitioners, compliance with generic norms would help ensure bureaucratic processing; but for a self-described Christian philosopher seeking to make a statement, departures from expectations would attract attention and pursue multiple rhetorical and argumentative ends. First, we have already analyzed the *Apologies* as an act of public disclosure, and with his use of *macrologia* Justin advances that claim on a colossal scale. The sheer size of Justin's petition would have carried performative value in its own right as "an unmistakable demonstration"[74] of Christian transparency—a monumental gesture, on behalf of a group unfairly maligned, of "putting everything into the open" (πάντα εἰς φανερὸν τιθέντων; *1 Apol*. 17.4) Second, its size is an aspirational statement. By necessity, the limited canvas of the petition genre inhibited expressions of literary and philosophical sophistication; Justin, therefore, dilates his own performance of petition with a style and argumentative mode suitable to his literary and philosophical aspirations. Third, his *macrologia* carries a critique of an administrative and judicial procedure that gave little room for extended public speech. This is especially clear in light of his account of the irrationality of Roman proceedings in *2 Apol*. 2. There Justin pointedly protests the truncated procedure used in the interrogation of Christians, in which Christians are condemned in response to a single question—"Are you a Christian?"—without further examination or opportunity for public defense. Before the arrest of Ptolemy, this

[74] To borrow an apt phrase from Ari Bryen's characterization of Dionysia's petition ("Tradition, Precedent, and Power in Roman Egypt," in *Official Epistolography and the Language(s) of Power. Proceedings of the 1st International Conference of the NFN Imperium and Officium* [ed. Lucian Reinfandt and Sven Tost; Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2012], 249–65).

question—"and this alone" (αὐτὸ τοῦτο μόνον)—is asked by the centurion (*2 Apol*. 2.10). When Ptolemy stands before the urban prefect Urbicus, his examination is limited "similarly to this alone" (ὁμοίως αὐτὸ τοῦτο μόνον; *2 Apol*. 2.11). The bystander Lucius, who protests the "irrationality" of these proceedings and tries to open a space for denying any crimes (2.15), is summarily sentenced in the same way (2.17), quickly followed by a third (2.20). Such is how proceedings against Christians are carried out throughout the empire, as Justin asserts (*2 Apol*. 1.1). The scale of Justin's petition—greatly expanded with judicial and philosophical discourse—can be seen, then, as a demonstrative protest against a system that allows no opportunity for extended defense.[75] Within this procedural context, Justin chooses a genre that offers an opportunity for voiced complaint—albeit one normally of limited scope and expression—and transforms it via *macrologia* into a monumental claim to a public hearing.

In these ways the unusual physical form of the *Apologies* is a critical aspect of its communicative significance. To understand better how its monumental quality might function as a performative gesture, Justin's performance may be compared to the equally audacious act of a philosophical contemporary: Flavius Diogenes of Oinoanda. Justin's remaking of an

[75] Justin's comments might be seen as participating in wider protests against *cognitio* procedure per se, which gave broad latitude to an examining official to expedite proceedings. Under such a system, opportunities for formal oratory and extended advocacy were quite limited, available only in exceptional circumstances that were probably a function of the stature of the litigant or the gravity of the case. See Malcolm Heath, "Practical Advocacy in Roman Egypt," in *Oratory in Action*, ed. M. Edwards and Christopher Reid (Manchester: Manchester University Press, 2004), 62–82 (esp. 79; 82 n. 31). On Tacitus's concerns about the detrimental effects of *cognitio extra ordinem* on courtroom advocacy, see Bruce Frier, "Finding a Place for Law in the High Empire: Tacitus, Dialogus 39.1-4," in *Spaces of Justice in the Roman World*, Columbia Studies in the Classical Tradition 35 (Leiden: Brill, 2010), 67–87. Philostratus's conceit of Apollonius's undelivered address before Domitian—replaced instead by the idiosyncratic questioning of the emperor (*Vita Apollonii* 8.6)—may also be a comment on the inadequacies of *cognitio* procedure. On other aspects of the interpretation of Roman judicial proceedings in early Christian apologies and martyr acts, including *2 Apol*. 2, see Ari Bryen, "Martyrdom, Rhetoric, and the Politics of Procedure," *Classical Antiquity* 33, no. 2 (2014): 243–80.

administrative genre for his own ends, his missionary zeal toward his contemporaries, and his extraordinary effort to give a public exposition to his school all find parallels in the feat of this Epicurean philosopher.

In the early- to mid-second century, Diogenes inscribed on a public stoa in Oinoanda of Lycia a collection of Epicurean writings, including three original philosophical treatises, several letters to friends, and the author's will, together with selected texts of Epicurus himself.[76] Though very fragmentary, this extraordinary collection represents a veritable "limestone handbook" of Epicureanism,[77] inscribed in seven courses on an area roughly eighty meters long by three meters high and estimated to contain in full no fewer than 25,000 words.[78] The monumental nature of Diogenes's undertaking is remarkable: the stoa in which it was displayed would have run two-thirds the length of the Stoa of Attalos in Athens, making it the longest Greek inscription known from the ancient world and the equivalent of inscribing the entire text of the *First* and *Second Apologies*—plus the *Second* again. Diogenes' unusual inscription was laid out in the manner of a papyrus bookroll, with the text sectioned into discrete narrow columns sequenced in long rows.[79]

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[76] The latest editions of the text—successively updated with new finds—are available in: Martin Ferguson Smith, ed., *Diogenes of Oenoanda. The Epicurean Inscription: Edited with Introduction, Translation, and Notes*, vol. 1, La Scuola di Epicuro. Supplementi (Naples: Bibliopolis, 1993); Martin Ferguson Smith, ed., *Supplements to Diogenes of Oenoanda, The Epicurean Inscription*, vol. 3, La Scuola di Epicuro. Supplementi (Naples: Bibliopolis, 2003); and Martin Ferguson Smith and Jürgen Hammerstaedt, *The Epicurean Inscription of Diogenes of Oinoanda: Ten Years of New Discoveries and Research* (Bonn: Rudolf Habelt Verlag, 2014). For a date in the first half of the second century, see Smith, *Epicurean Inscription*, 35-48.

[77] Pamela Gordon, *Epicurus in Lycia: The Second-Century World of Diogenes of Oenoanda* (Ann Arbor: University of Michigan Press, 1996), 2.

[78] Smith, *Epicurean Inscription*, 83; 86; 92.

[79] H. Gregory Snyder, *Teachers and Texts in the Ancient World: Philosophers, Jews, and Christians*, Religion in the First Christian Centuries (London: Routledge, 2000), 61-63.

In this way, it would very much have resembled the unrolled *volumina* of pasted petitions and other ephemeral communications placarded throughout the city's *agora*, against which it would have competed admirably for the public's attention.

The similarities between Diogenes and Justin are striking: both considered themselves philosophers; both regarded the world as plagued with false opinions; both sought to publicize to all the doctrines of their respective schools; and both used media and monumentality to performative ends. Diogenes describes the nature of his undertaking in this way in the introduction to his treatise on *Physics* (fr. 3, col. III.5-IV.4):

> Now, if only one person or two or three or four or five or six or any larger number you choose, sir, provided that is not very large, were in a bad predicament, I should address them individually and do all in my power to give them the best advice. But, as a I have said before, the masses suffer from a common disease, as in a plague, with their false notions about things (τῇ περὶ τῶν πραγμάτων ψευδοδοξίᾳ), and their number is getting bigger (for in mutual emulation they catch the disease from one another, like sheep)... Since, then, the remedies of this inscription (τὰ βοηθήματα τοῦ συνγράμματος) reach a large number of people (εἰς πλείονας διαβέβηκε), I wanted to use this stoa to publish publicly the [medicines] that bring salvation (ἠθέλησα τῇ στοᾷ ταύτῃ καταχρησάμενος ἐν κοινῷ τὰ τῆς σωτηρίας προθεῖν[αι φάρμακα])...[80]

Both authors are conscious of their efforts at public display as the very instruments that effect salvation of the deluded masses. For Diogenes, his inscription stands in lieu of small-group therapy, the voice of the published text now carrying to all the drug that brings salvation. This is his primary purpose in making such a public monument: that the Epicurean teachings may be accessible to as many people as possible (fr. 3, col. III.12-IV.4; fr. 29, col. III.3-12; cf. *2 Apol.* 14.1; 15.2). Moreover, like Justin, his choice of medium is integral to his message. Its monumentality underscores the urgency and earnestness of his concern, and its sheer scale was

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[80] Translation from Smith (*Epicurean Inscription*), with minor modifications.

surely intended for maximal performative impact.[81] In doing so, he broadcasts his φάρμακα in an elite medium usually reserved for political aggrandizement or conspicuous self-promotion; but Diogenes subversively denounces such posturing (fr. 2, col. III) and assures his readers that as a true Epicurean *his* public inscription is made while not engaging in politics (οὐ πολειτευόμενος; fr. 3, col. I.4-5).[82] His very public expression is a gesture of openness and accessibility for a school historically maligned as esoteric and privately-focused. That Diogenes inscribed his work—which is highly polemical against Stoics—*on a stoa* is an irony that was probably not lost on his audience.[83] In such ways the inscription's striking size and embodied incongruities were part and parcel of its communicative aims.

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[81] H. Gregory Snyder observes: "One wonders to what degree the message of his 'document' was effective at the level of understanding, or whether most of its impact was made on account of its sheer size. Without even reading any of the text, an observer could hardly fail to be impressed" (*Teachers and Texts*, 62). Diogenes, of course, clearly intends passers-by to read his work in its entirety and to attend closely to it (fr. 30, col. III).

[82] James Warren, "Diogenes Epikourios: Keep Taking the Tablets," *The Journal of Hellenic Studies* 120 (2000): 147.

[83] As Martin Smith writes, "The fact that Diogenes, an Epicurean, decided to have his work inscribed in a *stoa* must have greatly amused his contemporaries. But, although Diogenes, whose work is not without touches of humour, no doubt shared their amusement, he may have had a serious propagandist motive in choosing the stoa; for, although he must have decided upon it primarily because it just happened to contain the wall (or walls) best suited for the carving of the inscription, being spacious and in a public place, it is possible that his choice was influenced partly by a desire to emphasise the anti-Stoic character of his work by having it inscribed in a building of the same kind as that in which Zeno and his successors taught and from which their school derived its name: his verbal attacks on his chief philosophical opponents might seem all the more stinging and effective for being made almost literally on the Stoics' own ground. Moreover, he must have foreseen that news of an Epicurean stoa would spread far and wide, and that many ξένοι would thus be attracted to Oenoanda to see and read his work" ("Two New Fragments of Diogenes of Oenoanda," *Journal of Hellenic Studies* 92 [1972]: 147–55). Cf. also Warren, "Diogenes Epikourios," 144.

Both Diogenes's stone handbook and Justin's monumental petition instance forms of public philosophical disputation in a second-century context in which "intellectual activity was meant to be a public event."[84] Both sought to broadcast their teachings by means of texts engaged in philosophical repartee—advancing demonstrations, meeting objections, attacking rival schools, engaging in frank criticism—all in a effort to persuade their diseased contemporaries and unburden them of their prejudices. Diogenes displays his philosophical competence in a range of canonical genres, from epitomes to letters to a philosopher's testament. Justin constructs his philosophical persona by remaking a bureaucratic form with apologetic and protreptic discourses. Both take a genre or a medium and employ it for an unconventional purpose, exemplifying a sophistic tendency toward experimentation and hybridity. Alongside that of Diogenes, Justin's audacious effort to give a public and very demonstrative exposition of his school appears less idiosyncratic. In its light, we understand better the various ways in which the extraordinary form of the *Apologies* might function as a performative gesture: in Justin's case, as a monumental attempt at public persuasion; as an act of radical transparency; as a demonstration of voiced injustice; and an aspirational claim to intellectual acceptance.

Rhetorical and Argumentative Strategies

As supplications to imperial authorities, petitions employed a number of recurring tropes and motifs, many of which were concerned with the rhetorical construction of the relationship between suppliant and supplicandus. We set out in chapter one some of the most common themes invoked by petitioners: their harassment at the hands of malefactors; their flight to authority; their implied physical presence through the petition; the urgent necessity of their

[84] Gordon, *Epicurus of Lycia*, 37

appeal; the contrast between their present plight and the prosperity of the empire; and their tactical use of the empire's public documents and claims. There were conventional ways in which petitioners presented and argued their appeals, and these *topoi* represent some of their most common rhetorical and persuasive strategies.

Most of these themes are also evidenced in the *Apologies*. In the opening address of *1 Apol*. 1.1, Justin states that he is petitioning "on behalf of the people from every race who are unjustly hated and *harassed*" (ὑπὲρ τῶν ἐκ παντὸς γένους ἀνθρώπων ἀδίκως μισουμένων καὶ ἐπηρεαζομένων), replicating the standard way of articulating the oppressed condition of the suppliant in extant petitions. In fact, among imperial petitions in particular, the harassment of a local community is the quintessential occasion for the appeal to public authority. As we saw in chapter one, the authorities promised in their public proclamations the protection of subjects from such vexation, and petitioners, using a customary set of terms including ἐπηρεάζω (as Justin in *1 Apol.* 1.1), ἐνοχλέω, and διασείω, portrayed themselves as victims of harassment and their perpetrators as harassers.[85] The idea of harassment was therefore used to create and develop the relationship between petitioner, opponent, and petitioned. With a word like ἐπηρεάζω, petitioners could access a potent discourse about freedom from vexation that was widely shared among subject and ruler, both underscoring the urgency and pitiable nature of their request and summoning the petitioned as protector against injustice. As we have come to expect, Justin both invokes this motif with precision and bends it to suit his own performative aims and literary sensibilities. For instance, ἐπηρεάζω is a word closely associated in petitions with sycophancy

[85] For examples, see chapter one.

and vexatious accusations,[86] making Justin's use of it in *1 Apol.* 1.1 a particularly apt description of the legal harassment experienced by Christians. In extant petitions, however, the harassment theme, as a description of petitioners' plights, usually appears in the διήγησις and again in the benefits clause of the request period. But Justin conspicuously forefronts it in the ἐπιγραφή and arguably renders it more pronounced by making it the only identifying characteristic of the community he represents, even delaying the explicit naming of his people as "Christians" until *1 Apol*. 4.5. Furthermore, the opening address is one of only two instances of ἐπηρεάζω in the *Apologies*, the other being a quotation of Jesus's saying on the love of enemies in Matt 5:44 (*1 Apol*. 15.9); elsewhere Justin prefers to describe Christians as victims of "hatred" and "murder."[87] This isolated use of ἐπηρεάζω, evocative of the vexation theme in petitions, is thus especially pointed in an ἐπιγραφή that describes the forthcoming work as an ἔντευξις. Finally, whereas petitioners commonly request retribution against their harassers,[88] Justin specifically requests that punishment not be revisited upon their accusers (*1 Apol*. 7.5). Of course, this is not simply a magnanimous subversion of a theme; rather, confident that the Christian deity will mete out justice in the end, Justin can delay their comeuppance for another day.

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[86] See, for example, the opening of SB XX 15036 (= CPR I 232), a petition requesting that certain persons accused of theft have their testimony (διαμαρτυρία) placed on record: τοῖς [συκοφαντουμ]ένοις [περ]ὶ πλείστο[υ ἐ]στὶν μὴ [ἀφησυχάσαι] ἐπὶ τ[ῶν τ]ε ἐπηρεά[ζ]ειν βου[λομένων καὶ] συκοφαν[τεῖ]ν. ὅθεν προήχθη[μεν ἔγ]γρ[α]φ[ο]ν ταύτην διαμαρτυρίαν παρ' ὑμῖν [π]οιῆσαι π[άλ]ιν ἡμᾶς αὐτοὺς ἀσφαλισάμενοι πρὸς τὸ μὴ ἐκκεῖσθ[α]ι ἐπηρείᾳ δευτέρᾳ. ("For those who are falsely accused, it is extremely important not to rest quietly in the face of those who wish both to harass and to slander. For this reason, we are compelled to make this written testimony for you to safeguard ourselves again against exposure to another instance of harassment.") For the reconstruction of this sentence, see John R. Rea, "On κηρυκίνη: P.Heid. IV 334, P.Köln VI 279, and CPR I 232," *Zeitschrift für Papyrologie und Epigraphik* 79 (1989): 201–6.

[87] *1 Apol*. 4.5; 20.3; 24.1; 31.5; 57.1; *2 Apol.* 1.2; 7(8).1; 11.1.

[88] Kelly, *Petitions, Litigation, and Social Control*, 188-93.

Closely related to the harassment theme and to the rhetorically constructed relationship between suppliant and supplicandus are the motifs of the petitioners' "flight," their personal presence before the authority, and the "necessity" of their approach. Justin does not describe his approach as a flight; given the pervasiveness of this theme in extant petitions,[89] its absence is noticeable and may be explained as a conscious subversion of the typically deferential suppliant-supplicandus relationship. But Justin does employ the petitionary trope of physically approaching an authority through the written petition. A petition from a certain athlete requesting a privilege from the emperor exemplifies the trope: "I approach, through this petition of mine, asking, if it seems good to your heavenly fortune, that you grant to me as a service the office of herald..." (πρόσειμι διὰ ταύτης μου τῆς δεήσεω[ς] ἀξιῶν, ἐὰν δοκῇ τῇ οὐρανίῳ ὑῶν τύχῃ, χαρίσα[σ]θαί μοι ὑπηρεσίας τάξιν κήρυκος...; **PSI XIV 1422** ll.21-23). Justin, too, speaks of approaching (προσέρχεσθαι) and requesting "through this petition" (*1 Apol.* 2.3).[90] His retrospective characterization of the *Apologies* in *Dial*. 120.6 as a written conversation with the emperor similarly evokes the conceit of a personal audience achieved through the written petition—and, of course, one between relative equals.

Also connected to the theme of approach is that of necessity. Not only are petitioners harassed, but it is the urgency of their present circumstances that has compelled their present approach.[91] Justin, too, explains in the *exordium* in *2 Apol.* 1.1 that he has been compelled to

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[89] See Harper, "Forensic Saviour," 249-306 and chapter one above. For the theme in Ptolemaic petitions, see Paul Collomp, *Recherches sur la chancellerie et la diplomatique des lagides* (Paris: Les Belles Lettres, 1926), 127-28.

[90] οὐ γὰρ κολακεύσοντες ὑμᾶς διὰ τῶνδε τῶν γραμμάτων οὐδὲ πρὸς χάριν ὁμιλήσοντες, ἀλλ᾽ ἀπαιτήσοντες... προσεληλύθειμεν ("For we have approached not to flatter you through this document nor to curry favor with it, but to ask...").

[91] For illustrations, see chapter one.

write by the necessity of recent events in Rome (τὰ γενόμενα ἐξηνάγκασέ με), and throughout the *Apologies* the recurrence of temporal expressions underscoring the recency of events further communicates a sense of urgency and immediacy. The affair in Rome under Urbicus happened "just the other day" (*2 Apol*. 1.1: καὶ τὰ χθὲς δὲ καὶ πρώην ἐν τῇ πόλει ὑμῶν γενόμενα), and it was "just recently" (καὶ ἤδη) that a Christian youth petitioned Lucius Munatius Felix, the Prefect of Egypt (150-4 CE) (*1 Apol*. 29.2). Even Antinous is characterized as "that recent phenomenon" (*1 Apol*. 29.4: τοῦ νῦν γεγενημένου), and the events of the Bar Kochba revolt are similarly current (*1 Apol.* 31.6: ἐν τῷ νῦν γεγενημένῳ Ἰουδαϊκῷ πολέμῳ). That Justin uses νῦν in reference to these latter two events that happened some twenty years before is noteworthy. While his use of νῦν can be loose at times, in these cases it may evince his straining toward the rhetoric of urgency that is characteristic of petitions.[92]

Two further argumentative strategies employed in petitions are present in the *Apologies*. The first is the contrast between the petitioner's plight and the prosperity of the empire. Petitioners, particularly in the *exordia* to their petitions, often draw special attention both to the stated principles and boons of imperial administration and to the contrasted state of their own

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[92] For instance, in *1 Apol*. 63.10 Justin uses νῦν, in contrast with πρότερον, to describe the epochal shift that took place with the incarnation of the Logos. The same combination of νῦν and γίγνομαι that Justin uses in *1 Apol*. 29.4, 31.6, and *2 Apol*. 1.1 occurs in *Dial* 1.3, where Trypho introduces himself as "having fled the recent war" in Judea (φυγὼν τὸν νῦν γενόμενον πόλεμον). Here either Justin uses νῦν in a rather loose sense, referring to an event that happened decades ago, or he intends the *Dialogue's* narrative setting to be some time prior to its date of composition, which we know to postdate the *Apologies* (*Dial*. 120.6), in which case νῦν would describe an event removed by perhaps only a few years. If Timothy Horner (*Listening to Trypho: Justin Martyr's Dialogue Reconsidered* [Contributions to Biblical Exegesis and Theology; Peeters, 2001]) is right about the existence of an earlier Trypho Text within the *Dialogue*, which he dates to ca. 135 CE and to which he assigns *Dial*. 1.3, then one would indeed read νῦν as immediate or even, as Horner takes it, contemporaneous in its reference. Nevertheless, I regard Horner's hypothesis of a Trypho Text to be lacking sufficient proof.

exclusion from these benefits of government.[93] This is a subtle way for petitioners to return propaganda to imperial officials in order to leverage the latter's public claims and effect a favorable outcome. Interestingly, such introductory statements of confidence that intend to use the government's claims for the petitioner's benefit, though widespread in imperial petitions, are only first attested in the middle of the second century, precisely at the time when Justin is writing.[94] Justin adopts a similar strategy in his *exordium*, taking as his starting point the virtues of φιλοσοφία, εὐσέβεια, δικαιοσύνη, and παιδεία publicly predicated of the emperor and his sons (*1 Apol*. 2.2). But what is usually implied in petitioners' praise of public authorities Justin makes explicit, namely that the very qualities that make the emperor worthy of approach will only be demonstrated by a favorable decision: "*You*, then—that you are called pious and philosophers and guardians of justice and lovers of culture, you hear everywhere; but whether you really are, remains to be seen" (ὑμεῖς μὲν οὖν ὅτι λέγεσθε εὐσεβεῖς καὶ φιλόσοφοι καὶ φύλακες δικαιοσύνης καὶ ἐρασταὶ παιδείας, ἀκούετε πανταχοῦ· εἰ δὲ καὶ ὑπάρχετε, δειχθήσεται; *1 Apol*. 2.2). Justin's particular attention to popular praise of the emperors is nicely paralleled in the *exordium* of **Kavacık**, where the petitioners contrast the popular adulation of the emperors with their own "unreasonable" suffering (ἄλογος; cf. *1 Apol*. 2.3; 12.5; *2 Apol*. 1.1; 2.15).[95] But even as they

[93] For examples, see chapter one.

[94] Hjalmar Frisk, who wrote the standard treatment on these introductory statements, begins his catalogue of examples with petitions dating to the reign of Pius, roughly contemporary with the *Apologies* (Hjalmar Frisk, *Bankakten aus dem Faijûm, nebst anderen Berliner Papyri.* [Göteborgs kungl. vetenskaps-och vitterhets-samhälles handlingar, 5. följden, ser. A; Göteborg: Elanders boktr., 1931], 81-91). Frisk even posits the influence of the Second Sophistic on their second century appearance. They eventually become a standing feature in Late Antique petitions to officials of all ranks. On *exordia* and their themes in imperial petitions, see Hauken, *Petition and Response*, 264-68.

[95] Although fragmentary, the sense is clear: [...] αἰνουμενους τ[...] πάσχοντες ἄλογ[ον] κ[αί...ἐν] τοῖς εὐτυχε[στ]άτ[οις ὑμῶν καιροῖς...] (**Kavacık**, ll. 2-4).

share the leveraging of public claims, Justin's use of the *topos* in *1 Apol.* 2 is unusually bold, frankly spelling out how such claims predicated of the imperial court hang in the balance of its response to Justin's petition.

A second aspect of petitioners' strategic use of the empire's public claims is their invocation of its public documents in support of their requests. The citation of published legal instruments or the replies to previous approaches not only laid important information before adjudicating officials, but it also signaled the petitioner's trust in the administration while further leveraging its public claims. As illustrated in chapter one, relevant documents were regularly appended or excerpted by inscribing them within the text of the petition itself. Justin, of course, encloses at *1 Apol.* 68.5-10 an *epistula* from Pius's predecessor Hadrian, addressing Minucius Fundanus, procurator of Asia, and stipulating that the accusations against Christians be proved in person before the governor's court. Such citation of imperial constitutions and other public claims carried not only a legal value (however ill-defined) but also a powerful argumentative and rhetorical effect. Like countless other petitioners, Justin displays "an intuitive sense of the natural consequences of imperial dynastic ideology," [96] and he seeks to use that ideology to his advantage.

Conclusion

This chapter has undertaken a comparative analysis of the *Apologies* with Roman-era petitions according to five categories: 1) request; 2) administrative context; 3) form and

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[96] Ando, *Imperial Ideology*, 380. See also his pp. 73-130.

structure; 4) length; and 5) rhetorical and argumentative strategy. The *Apologies* shares with extant petitions a specific appeal for an administration remedy, which is the *sine qua non* of the genre. Justin's request that charges against Christians be judicially examined is first formulated in *1 Apol*. 3.1, and in *1 Apol*. 68.3 he seeks its accomplishment by imperial "command"—the administrative intervention of the emperor universally sought by petitioners. But Justin's request does not take the stereotyped form one would expect in a petition. Instead, he fashions his request in the rhetoric of dares and challenges of forensic oratory, modulating his role as petitioner with that of advocate. In terms of administrative context, Justin represents the *Apologies* as a document materially engaged in the *realia* of petition and response. His request for subscription and public posting in *2 Apol*. 14-15 is an unusually pronounced and carefully argued appeal for public display that supplements his request for judicial examination. But beyond his efforts at public dissemination, Justin exploits the very publicness and theatricality inherent in the form and its protocols in order to make a performative statement about Christian transparency. With regard to form and structure, Justin composes a far more sophisticated text than the highly economical arrangement evidenced in documentary petitions. At its beginning, Justin crafts a uniquely hybridized *inscriptio* that evokes a declaratory tone and asserts—over against that implied in memorandum style—an authorial position more akin to higher status petitioners. The extraordinary length of his petition is an instance of *macrologia*, of manipulating scale for rhetorical and argumentative effect. In Justin's case, it effects a monumental demonstration of radical transparency and voiced injustice, and again claims for its author a certain literary and philosophical stature. Finally, Justin appropriates many of the same tropes and argumentative strategies common in petitions, but often manipulates them to render less deferential the suppliant-supplicandus relationship they construct.

What is clear from our analysis is that Justin represents his work as a petition, but he creatively and subjective appropriates the protocols and expectations of the form. We have now reached the point in our overall argument where we have demonstrated that Justin is performing the genre of the administrative petition, but he is performing it multiply, as part of a complex and multi-faceted literary performance. The heart of Justin's literary endeavor is the simultaneous invocation, hybridization, and manipulation of petitionary conventions. In the final chapter we will continue to explore Justin's appropriation of the petition system, examining his performance of the genre as a philosopher and literary aspirant, paying special attention to his intergration of apologetic and protreptic discourses.

Chapter Four

Performing Petition III: Generic Hybridity in the *Apologies*

In this chapter, we demonstrate in detail how in the *Apologies* Justin performs its multiple discourses and explore the significative value of his literary eclecticism. In the previous chapters, we examined the nature and extent of Justin's invocation of petition and response, which, we argued, is fundamental to the aims, composition, and communicative significance of the work. At the same time, we observed how the *Apologies* differs markedly from extant petitions, revealing how Justin, though adopting a genre made available by the administrative culture, is nevertheless doing something decidedly more complex and innovative by producing a text with multiple interwoven registers. Justin's simultaneous invocation, hybridization, and, at times, subversion of the petition form is the heart of his performance.

Taking its start from the eclectic nature of the *Apologies*, this final chapter focuses specifically on *hybridity* as a crucially important aspect of Justin's persuasive program, and one that situates him within the wider currents of Greek literary culture in the second century. Justin's eclecticism is less a personal idiosyncrasy or a sign of inferior style than a key to his literary self-fashioning, which performatively seeks to elaborate cultural and literary codes in a way recognizable to his contemporaries. Specifically, in his re-presentation of the petition genre, Justin especially draws upon apologetic and protreptic modes of discourse. Rather than hesitating over the nature of his work, I argue that Justin is in control of the hybridity of his performance, fashioning as a self-styled Christian philosopher his own elevated iteration of an administrative form.

This argument will proceed in two parts. First, we will closely examine how Justin in the *Apologies* draws upon apologetic and protreptic strategies. Second, we will situate his eclecticism in its literary context and understand it as an intentional strategy to compose a document that is above all an actionable instrument of petition and response, but one performed in a mode suitable to a philosopher with literary pretensions. The aims and effects of Justin's genre-bending performance include at once a claim of literary ambition, a bold reshaping of the suppliant-supplicandus relationship inherent in petitions, and an expression of philosophical παρρησία ("frank speech") as a means of self-authorization. These aspects will be discussed in turn in the final third of the chapter.

The *Apologies* as ἀπολογητικὸς λόγος

As scholars have recognized, Justin clearly constructs the rhetorical situation of the *Apologies* in terms of the ἀπολογητικὸς λόγος of judicial oratory. But before we explicate the forensic aspect of his performance, it is important to understand the relationship between petitions and forensic speeches in actual judicial practice. The system of petition and response was comprehended by and intertwined within the wider Roman legal system. In other words, petitions were not simply "bureaucratic" documents, if one means by that documents somehow separable from the legal system and its execution of justice.[1] Rather, petitions and rescripts were

[1] This is especially the case in the imperial period with the development of *cognitio* procedure. As J. A. Crook argues, "... there is a 'soft shoulder' rather than a sharp division between legal, political, and administrative orders... *Cognitio extra ordinem* had no need to maintain such boundaries between law, administration and politics as had existed in the previous procedural system. And when, in the emperor, the whole Roman world had a final decision-maker in every field, whether public policy or administration or law, whose relation to the total society was that delineated by Millar, so much the less reason was there for keeping those spheres apart, or likelihood that they would be kept apart" (J. A. Crook, *Legal Advocacy in the Roman World* [Ithaca, N.Y.: Cornell University Press, 1995], 56-7). Crook goes on to add:

themselves forensic documents, often initiatory of courtroom proceedings and invoked within them, sharing with courtroom oratory a larger institutional context and shared legal rhetoric.[2] In their essence, both legal speeches and petitions constituted appeals to public authorities who possessed the adjudicative powers necessary to address violations of laws or social norms.[3] Both, therefore, construct a symbolic relationship of supplication vis-à-vis authority, one mediated by a courtroom advocate and the other by a written document.[4] Petitions and courtroom speeches—the latter preserved in transcripts of proceedings—share similar tropes of harassment, compulsory approach, refuge, and appeals to justice, with those of approach and refuge

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"Some may prefer to analyze all provincial jurisdiction—and all *cognitio*—as 'administrative'" (ibid., 68 n.46). Kelly, in his study of dispute petitions in Roman Egypt, similarly underscores the aggregative nature of the Roman judicial system, which encompassed the practices of petition and response, although he emphasizes less *cognitio* procedure and the influence of the person of the emperor: "Although we talk about legal 'systems' as a kind of shorthand, the fact is that legal 'systems' are not single organisms or institutions designed by an omniscient mind. They are ramshackle collections of institutions, practices, and discourses, used by large numbers of individuals and groups to enact their strategies" (Kelly, *Petitions, Litigation, and Social Control*, 37).

[2] As Robert Harper explains, "[In the Roman period] there was a close connection between petitions and legal proceedings and it appears that the petition to the prefect was a prerequisite to taking legal proceedings against the wrongdoer. The prefect relied upon the content of the petition in deciding that the strategos, for example, should be instructed to summon a defendant to appear at court. Petitions continued to fill the function of laying necessary information for a trial before the relevant official, usually the prefect. Clearly the information in the petition was integral to the presentation of the petitioner's side of the dispute and its appearance in the transcript of a proceeding is quite logical. Further petitions sometimes, at least in the Roman period, incorporated the transcripts of earlier proceedings. Indeed some petitions incorporate the transcript of proceedings, which itself incorporates another earlier petition. So petitions were intimately linked with the articulation of the oral argument which they often preceded. As a result, the language of petitions and the language recorded in transcripts is sufficiently close to enable one to say that they record the same type of discourse governed by many of the same factors" ("Forensic Saviour," 79-80).

[3] Ibid., 141.

[4] Ibid., 196. Cf. Justin's approach to authority through his document in *1 Apol*. 2.3 (see chapter three above).

recognizable as evocations of the physical gestures of courtroom ritual.[5] In fact, the kinship between advocates' speeches and petitions can sometimes make it difficult for editors to assign highly fragmentary texts to one or the other category.[6] Petitions were, therefore, forensic documents as native to the judicial system as the speeches of courtroom advocates, and their language shared in aspects of this larger legal-administrative framework.

Thus, that Justin's *Apologies*—which represents itself as a petition—exhibits affinities with forensic discourse should come as no surprise. Nevertheless, within this system, petitions and courtroom speeches constituted distinct avenues of redress with their own forms and protocols. Even as both judicial and administrative powers—that is to say, the powers to hear cases and to subscribe petitions—were, particularly at high levels of administration, invested in the same official, each was activated by different sorts of appeals advanced in different genres. Petitions were written applications for direct intervention by an official (seeking particularly the official's "command"; cf. *1 Apol*. 68.3); advocates' speeches were oral communications delivered

[5] Ibid., 187-90; cf. 292. For instance, the trope of approach (προσέρχομαι), widely used in petitions, is a standard element in records of judicial proceedings to denote physical presence before the court and to introduce an opening statement. P.Mich. VI.365 ll.4-6 (194 CE): προσελθόντος Γαίου Ἰουλίου Πτολεμαίου, Ἰουλιανὸς ῥήτωρ εἶπαν· οὗτος Ἀντινοεύς ἐστιν... ("When Gaius Julius Ptolemaius appeared [before the court], Julianus the rhetor said: 'This man is a Antinoite...'").

[6] See the comments of Crook in *Legal Advocacy*, 68-9; 113-14. Cf. also Bruce Winter's treatment of the advocates' speeches in Acts 21 in light of papyrus petitions ("The Importance of *Captatio Benevolentiae* in the Speeches of Tertullus and Paul in Acts 24:1-21," *Journal of Theological Studies* 42, no. 2 (1991): 505–31.). However, Winter's assumption that the petitions he examines are the work of specially trained rhetors is unnecessary; the features he analyzes, particularly τάξις and *captationes benevolentiae,* are more broadly conventional than he indicates and would have been available to a wider group of literate scribes. On the influence of classical oratory on Ptolemaic petitions, see Paul Collomp, *Recherches sur la chancellerie et la diplomatique des lagides* (Société d'Édition : Les Belles Lettres, 1926). On classical rhetoric in advocates' speeches in the papyri, see H. Schmidt, "Einfluss der Rhetorik auf die Gestaltung der richterlichen Entscheidungen in den Papyri," *Journal of Juristic Papyrology* 4 (1950): 167–77; Malcolm Heath, "Practical Advocacy," 62-82.

in a court of law in the presence of a judge and competing party. In the *Apologies* Justin exploits the former to draw attention to the lack of the latter in the case of Christians, as we have already suggested. It is important to bear in mind then, when we examine Justin's hybridization, that his petitionary performance *both* participates in a common framework with forensic speech *and* acts as distinct genre within it, consolidating and giving immediate purpose to the various discourses—both apologetic and protreptic—he invokes.

In order to demonstrate Justin's performance of apologetic discourse, we must identify elements of the *Apologies* that are fundamentally constitutive of judicial rhetoric and of ἀπολογητικὸς λόγος, in particular.[7] By what markers may the *Apologies* be considered an ἀπολογητικὸς λόγος? The employment of ἀπολογία or ἀπολογέομαι by a speaker or writer is an obvious starting place for assessing the extent to which a composition presents itself as a work of defense. However, neither ἀπολογία nor ἀπολογέομαι occur among Justin's descriptions of his work.[8] As far as our evidence goes, ἀπολογία first appears as a description of Justin's *Apologies* in Eusebius (*Hist. eccl*. 2.3.2; 4.8.3; 4.11.11; 4.16.2; 4.17.1; 4.18.2), who also applies it to works

[7] The apologetic character of Justin's *Apologies* has, of course, been widely recognized. Munier, for instance, asserts that from the point of view of ancient rhetoric, the *Apologies* belong to the judicial genre (*Apologie pour les chrétiens*, 23). Pouderon prefers to speak in terms of purpose, and identifies apologetic, which he defines as defense of a community against opponents, as one of its four functions (“La première apologétique chrétienne”). William Schoedel has described the apologies of both Athenagoras and Justin as "apologetically grounded petitions" and understands them to be drawing upon "forensic models," particularly with respect to their length ("Apologetic Literature and Ambassadorial Activities," 76-78). Fredouille, reads Justin as literarily dependent upon Plato's *Apology*. For him, the *Apologies* are apologetic in content but petitionary (βιβλίδιον) in function ("De l'Apologie de Socrate"), a somewhat helpful distinction that yet runs the risk of obscuring its petitionary *content* (see chapter three). I affirm with these interpreters the apologetic character of the *Apologies*, but in this study stress the occasioning primacy of the petitionary thread. In the argument below I seek to ground more deeply Justin invocation of apologetic within rhetorical tradition and to attend in new ways to its performative effects.

[8] For a full treatment of Justin's authorial descriptions of the *Apologies*, see chapter two.

by Quadratus (4.3.1), Aristides (4.3.3), Melito (4.13.8; 4.26.1), Miltiades (5.17.5), and Tertullian (2.2.4; 3.33.3; 5.5.5). *Parisinus gr.* 450, our earliest manuscript witness to the *Apologies*, separately entitles the *First* and *Second Apologies* as ἀπολογίαι, but it is impossible to determine when the *inscriptiones* of this 14th century manuscript originated.[9] The term ἀπολογία and related vocabulary (ἀπολογέομαι; ἀναπολόγητος) do occur in the *Apologies* (*1 Apol*. 3.5; 28.3; 42.1; *2 Apol*. 2.8; 12.5; cf. *Dial*. 10.4), but never to characterize Justin's own compositional task.[10] However, Justin does refer to his purpose as παρέχειν τὴν εὐθύνην ("to furnish one's account"; *1 Apol*. 3.2), using vocabulary evocative of the Athenian institution of public examination of officials at the conclusion of public service, which was an inherently forensic activity.[11]

Nevertheless, although the term ἀπολογία is not present, Justin clearly shapes the *Apologies* in terms of an ἀπολογητικὸς λόγος. I will demonstrate Justin's invocation of judicial discourse under two heads: first, his construction of a forensic situational context, which includes his portrayal of author and addressee, the rhetorical occasion, and his stated purpose and criterion of adjudication; second, his employment of content appropriate to forensic rhetoric, including

[9] The *Second* is entitled τοῦ αὐτοῦ ἁγίου Ἰουστίνου φιλοσόφου καὶ μάρτυρος ἀπολογία ὑπερ Χριστιανῶν πρὸς τὴν Ῥωμαίων σύγκλητον; the *First:* τοῦ αὐτοῦ ἁγίου Ἰουστίνου ἀπολογία ὑπερ Χριστιανῶν πρὸς Ἀντονῖνον τὸν εὐσεβῆ. These were surely added later, probably influenced by Eusebius and their later use. So Bernard Pouderon, "La première apologétique," 228-9, although his distinction between ἀπολογία as "une réalité judiciare" and "l'acte civique qui consiste à déposer un libellum auprès de la chancellerie impériale" is not so clear in ancient practice, as we suggested above.

[10] Contrast Athenagoras, who four times describes the purpose of his *Legatio* in such terms (*Leg*. 2.6; 11.3; 17.1; 31.3; cf. 22.10.

[11] On this term, see chapter two.

both issue theory and rhetorical and argumentative commonplaces characteristic of apologetic discourse.

Forensic Situational Context

First, Justin's strongest association with apologetic rhetoric is the forensic situational context he constructs in the *Apologies*. In forensic discourse, the implied rhetorical situation arises in response to alleged past misconduct and presumes a recognizable judicial setting, including such principals as judges, litigants (defendant and accuser), and advocates. It is predicated on accusation and defense, and its paramount concern and signature principle of adjudication is that of justice. These characteristics of forensic discourse are present in Aristotle's classic division of rhetorical species. According to Aristotle's formulation, persuasive discourse is essentially of three kinds (εἴδη) or genres (γένη)—deliberative (συμβουλευτικόν), judicial (δικανικόν), and epideictic (ἐπιδεικτικόν)—each of which is distinguished by a characteristic audience, time frame, ultimate concern (τέλος), and traditional *Sitz im Leben*.[12] As Aristotle described it, judicial rhetoric is argumentation found in the law-courts directed at a judge (as opposed to a spectator) who is asked to adjudicate a matter in the past on the basis of justice or equity. It necessarily consists of two opposing stances: accusation and defense. In contrast, deliberative rhetoric, characteristic of the public assembly, is directed to judges who will decide a future course of action principally on the basis of expediency; its dialectic is one of exhortation and dissuasion. Epideictic rhetoric, as ceremonial speech, is aimed at spectators concerned especially with the ability of the speaker; its dialectical modes are praise and blame on the basis of the honorable.

[12] Arist. *Rhet*., 1.3.1-6.

Of course, even in Aristotle's presentation the dividing lines of these rhetorical γένη are sometimes permeable, but this archetypal formulation is deeply embedded in the ancient rhetorical tradition and conveniently sets out some of the essential qualities of the *Apologies* that mark it as forensic speech.[13] The elements of this forensic framework to be examined below are Justin's construction of the addressee as judge and the speaker as advocate, the situation of standing accused of past misconduct, and an appeal to justice as the principal criterion of adjudication.

Forensic speeches were addressed to individuals and bodies that exercised judicial competence, and in the imperial period the emperor exercised supreme judicial authority as guarantor of the empire's justice (cf. Justin's φύλακες δικαιοσύνης in *1 Apol*. 2.2).[14] Petition and response was indeed one context in which the emperor exercised such judgment, and Justin directs his composition in the first instance to the emperor himself (*1 Apol.* 1.1). As we noted in the last chapter, unlike extant imperial petitions, Justin's initial address includes not only Antoninus, but his sons, the Senate, and the Roman people. We argued there, however, that Justin betrays knowledge of the customary procedure of directing imperial petitions to the emperor(s) alone, and the more inclusive address in *1 Apol.* 1.1 evinces his own subjective appropriation of the form. Moreover, regarding judicial capacities it is also relevant that the inclusion of the emperor's sons may reflect their membership in his judicial *consilium*, and that

[13] Cf. *Rhet. ad Herr*. 1.2; Cic., *Inv*., 1.7; Quint., *Inst*., 3.4; Anax. (*Rhet Alex.*) 4.1.

[14] On the emperor's judicial role, both real and perceived, see Millar, *Emperor in the Roman World*, 228ff and 507ff; ibid., "L'empereur Romain comme décideur," in *Du pouvoir dans l'antiquité: mots et réalités*, ed. Claude Nicolet, Hautes études du monde gréco-romain 16 (Genève: Droz, 1990), 207–20; Jean-Pierre Coriat, *Le prince législateur: la technique législative des Sévères et les méthodes de création du droit Impérial à la fin du principat*, Bibliothèque des écoles françaises d'Athènes et de Rome fasc. 294 (Rome: Ecole française de Rome, 1997), 176-78.

of the Senate may reflect popular conceptions of its role in matters of diplomacy, jurisprudence, and religious policy, to which Justin draws attention in *1 Apol*. 56.2-4. Thus, Justin's address of the emperor, and even that of his sons and the Roman Senate, is an address to them in their judicial capacity.

But the formal or informal judicial capacities of the named addressee(s) are not the only marker of forensic discourse, and the imperial family and the Roman Senate might, of course, be addressed in other rhetorical contexts, including deliberative and epideictic. To underscore the specifically apologetic shape of the *Apologies*, it is important, then, that their recipients are explicitly constructed by Justin as judges and that their readerly task is defined in juridical terms. The purpose of his approach before their virtual βῆμα is precisely to ask that they "render judgment" (*1 Apol*. 2.3: ἀπαιτήσοντες κατὰ τὸν ἀκριβῆ καὶ ἐξεταστικὸν λόγον τὴν κρίσιν ποιήσασθαι προσεληλύθειμεν), describing their verdict as a casting of votes (ψῆφον φέρειν) reminiscent of the jury trials of classical forensics (*1 Apol*. 2.3; 3.2).[15] The addressees are presumed to have the capacity to mete out punishment (*1 Apol.* 7.5; 12.4) . As "guardians of justice" (*1 Apol*. 2.2)—a conditioned appellation contingent upon their favorable response to his petition—the addressees are to listen to Justin's argument and, in the end, to be found good judges (*1 Apol*. 3.4: ἀγαθοὺς εὑρίσκεσθαι κριτάς), using "finding" (εὑρίσκεσθαι) in the legal sense of the determining and declaring of guilt or innocence to the judges themselves. The task of judgment is again underscored in the final charge in *2 Apol*. 15.5: εἴη οὖν καὶ ὑμᾶς ἀξίως

[15] To cite but one example: [Demosthenes], *Neaer.* 114*:* Ὥστε εἷς ἕκαστος ὑμῶν νομιζέτω....τὴν ψῆφον φέρειν... ("Therefore, let each and every one of you consider that he is casting his vote..."). The references to rendering judgment in *1 Apol.* 2.3 and 3.2 work on two levels: with respect both to the immediate instance of adjudicating Justin's petition and, by implication, to every subsequent case of delation involving Christians. The trope of the physical approach of judicial authority is, as we have noted, a common one in both advocates' speeches and petitions; moreover, the importance of arguing charges in person before the judicial βῆμα is underscored in Hadrian's rescript cited by Justin in *1 Apol*. 68.8.

εὐσεβείας καὶ φιλοσοφίας τὰ δίκαια ὑπὲρ ἑαυτῶν κρῖναι ("May it be, then, that you, for your own sakes, judge our just claims in a manner worthy of piety and philosophy").

The nature of a work as an ἀπολογητικὸς λόγος is also prominently signaled in its language of judicial advocacy. This comes to the fore in the general situation of "standing accused" presumed in the work and to which it responds, as well as in the self-presentation of the author as an intercessory representative writing on the behalf of the accused. Both are prominent in the *Apologies*. Taking the latter first, while Justin does not use the terms ἀπολογία or ἀπολογέομαι in reference to his work, he does characterizes himself as an advocate "on behalf of those from every race who are unjustly hated and harassed" (ὑπὲρ τῶν ἐκ παντὸς γένους ἀνθρώπων ἀδίκως μισουμένων καὶ ἐπηρεαζομένων; *1 Apol*. 1.1). Moreover, in a trope common in judicial rhetoric, he repeatedly plays on the language of advocacy to suggest that his true defendants are not the accused but the judges themselves who risk self-condemnation (*1 Apol*. 8.1; *2 Apol*. 1.1; 15.5; cf. *1 Apol*. 2.3; 3.5; 4.2; 17.4; 45.6; 68.2). In the course of his advocacy, he liberally invokes the forensic vocabulary of witness and evidence, particularly to decry the lack of both among Christian accusers (e.g., *1 Apol*. 4.4 [ἔλεγχος]; 23.3 [μάρτυς]; 27.5 [ψευδομαρτυρεῖν]; *2 Apol*. 8(3).2 [καταμαρτυρεῖν]; 13.1 [ψευδομαρτυρεῖν]).

More extensive is his presentation of the work as a response to alleged wrongdoing, which is not only pronounced at the beginning of the composition but also pervades the whole. As indicated above, one of the defining features of judicial rhetoric—both in its accusatory and defensive modes—is the presence, real or implied, of a charge of past misconduct. An accusation purporting to connect past deed(s) and actor(s) and a defense responding to the charge with denial or qualification gives judicial rhetoric its specially prescribed duties of persuasion and

dissuasion.[16] Although Justin himself is not on trial for actual charges, the situation of standing accused—extrapolated by Justin from prior instances of Christian delation—is presumed throughout the *Apologies* and is described using the appropriate legal terminology (κατηγορίαι, αἰτίαι). Although this legal language of κατηγορία and αἰτία is clearly related to non-legal language of slander and insult (e.g., βλασφημία, λοιδορία, διαβολή), Justin prefers the legal terminology. Only in *2 Apol*. 12.1, recounting his personal observations, does he speak more generally of slander. In *2 Apol*. 2.7-8, κατηγορία is used of the legal charge a husband brought against his Christian wife (κατηγορίαν πεποίηται), against which she petitions the emperor for permission to order her affairs in preparation for defending herself against it (ἀπολογήσασθαι περὶ τοῦ κατηγορήματος). See also the protest of Lucius in *2 Apol*. 2.16, where the legal connotation of αἰτία is clear: "What is the charge (τίς ἡ αἰτία) for which you have punished this man [Ptolemy], who has been proven to be neither an adulterer, nor a pervert, nor a murderer, nor a clothes-stealer, nor a robber, nor a perpetrator of any wrong at all, other than admitting that he is called by the name Christian?"[17]

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[16] Cf. the definition of Anaximenes (*Rhet. Alex*., 4.1): "The accusatory [species] is, to speak summarily, the exposition of unjust deeds and wrongs; the defense [species] is the refutation of charges or suspicions of unjust deeds and wrongs" (ἔστι δὲ τὸ μὲν κατηγορικὸν συλλήβδην εἰπεῖν ἀδικημάτων καὶ ἁμαρτημάτων ἐξήγησις, τὸ δ' ἀπολογικὸν ἀδικημάτων καὶ ἁμαρτημάτων κατηγορηθέντων ἢ ὑποπτευθέντων διάλυσις). Indeed, that the contradiction of charges of past wrongdoing is the *sine qua non* of apologetic discourse is underscored in Pseudo-Demetrius's definition of the apologetic letter type (*Tupoi epistolikoi* 18): "The apologetic type is that which, in response to charges made, introduces opposing arguments with proof" (<Ἀπολογητικὸς > δέ ἐστιν ὁ πρὸς τὰ κατηγορούμενα τοὺς ἐναντίους λόγους μετ' ἀποδείξεως εἰσφέρων).

[17] Τίς ἡ αἰτία τοῦ μήτε μοιχὸν μήτε πόρνον μήτε ἀνδροφόνον μήτε λωποδύτην μήτε ἅρπαγα μήτε ἁπλῶς ἀδίκημά τι πράξαντα ἐλεγχόμενον, ὀνόματος δὲ Χριστιανοῦ προσωνυμίαν ὁμολογοῦντα τὸν ἄνθρωπον τοῦτον ἐκολάσω; As it stands, τίς ἡ αἰτία τοῦ... ἐκολάσω is anacoluthonic; I favor Gildersleeve's suggestion of understanding τοῦ as τίνος (χάριν) (*The Apologies of Justin Martyr*, 212). In any case, the legal meaning of αἰτία should be highlighted.

The *Apologies*, however, is not a work written in direct response to specific charges laid by an informant against Justin himself. Rather, Justin takes as his subject other Christians' experiences of prejudicial treatment and procedural injustice and lays via petition and response an ideal ἀπολογητικὸς λόγος before the imperial authorities. Given his request for the proper judicial examination of Christians, the *charges* against them are his central concern, particularly in *1 Apol*. 3-12. Justin's request in *1 Apol.* 3.1 makes this clear: ἀξιοῦμεν τὰ κατηγορούμενα αὐτῶν ἐξετάζεσθαι, καὶ, ἐὰν οὕτως ἔχοντα ἀποδεικνύωνται, κολάζεσθαι ὡς πρέπον ἐστί [μᾶλλον δὲ κολάζειν] ("we ask that the charges against them be investigated, and, if demonstrated to be true, that they be punished as fitting [or rather that you punish them]"). In *1 Apol*. 4, Justin specifically addresses the "name charged against us" (4.1; τὸ κατηγορούμενον ἡμῶν ὄνομα), offering a procedural (4.4, 6) and definitional (4.1, 5) rejoinder to the unjust fact that Christians are charged with a name alone (4.5: Χριστιανοὶ γὰρ εἶναι κατηγορούμεθα; "For we are charged with being Christians"). After a brief explanation of the role of evil demons in Roman legal proceedings against Christians—a claim that Justin knows will be hard for his judges to hear[18]—he reaches one of the associated accusations that stand behind the Roman prosecution of "the name:" Christian atheism. Again, the accusation is laid in juridical terms: "Whence, we are

[18] Justin introduces his discussion of the δαίμονες φαῦλοι in *1 Apol.* 5 with εἰρήσεται γὰρ τἀληθές (5.2; "for the truth will speak"), an oratorical stock phrase indicating something that may be hard for the hearer to receive (e.g., Isocrates, *Panathen*. (*Or*. 12) 16, 225; *Antidosis* (*Or*. 15) 243; *Areop*. (*Or*. 7) 76; Demosthenes, *Cor*. 4; *Zenoth*. 26; [*In Epistulam Philippi*] 17). The fullest expression seems to be πάντα γὰρ εἰρήσεται τἀληθῆ πρὸς ὑμᾶς, but it can often be abbreviated to εἰρήσεται, enough to summon the idea that it is the truth that is speaking, not the orator. Ἐιρήσεται also appears in Euripides "as an emphatic word to denote unpleasant or dangerous revelations" (Godfrey W. Bond, *Hypsipyle* [London: Oxford University Press, 1963], 85, citing *Med*. 625, *Ion* 760, *Phoen*. 928, *Bacch*. 776).

summoned [to court] as atheists" (*1 Apol.* 6.1; Ἔνθεν δὲ καὶ ἄθεοι κεκλήμεθα).[19] From beginning to end, what is at stake in the *Apologies* is the legal standing and punishment of the defendants (e.g., *1 Apol.*3.1; 68.1),[20] and in *1 Apol.* 7.5, Justin's advocacy knowingly stops short of the punishment of calumnious accusers that defendants can presume in Roman procedure (cf. *1 Apol.* 68.10). Throughout, then, we observe a forensic frame of reference—specifically, the circumstance of standing accused of alleged misconduct—as the agonistic context, characteristic of ἀπολογετικοὶ λόγοι, by which Justin shapes his petition-address.

A final point about this judicial framework is that forensic rhetoric above all concerns justice (δίκη or τὸ δίκαιον). In Aristotle's terms, justice is its end (τέλος): "For forensic speakers, [the end is] the just and the unjust, and they include all other matters as supplementary to these" (τοῖς δὲ δικαζομένοις τὸ δίκαιον καὶ τὸ ἄδικον, τὰ δ' ἄλλα καὶ οὗτοι συμπαραλαμβάνουσι πρὸς ταῦτα; *Rhet*., I.3.5). In the *Apologies*, too, justice is Justin's predominant basis of appeal and integral to the technical vocabulary of his argument. Already in the opening address the need for imperial adjudication is predicated on the violation of justice. Justin presents himself and his constituents as its victims (ὑπὲρ τῶν ἐκ παντὸς γένους ἀνθρώπων ἀδίκως μισουμένων καὶ ἐπηρεαζομένων; *1 Apol*. 1.1),[21] and the addressees, whose compass includes the guardianship of

[19] On the juridical resonance of κεκλήμεθα, see LSJ, "καλέω", A.I.4. See, e.g., SB V.7558 ll.13-15 (a copy of a court proceeding from 148 CE, copied into a petition of 173 CE): κληθέντος ἐκ βιβλιδίου Εὐδαίμονος Ἑρμαίου, προσελθόντος Διονυσίου, καὶ ἀναγνωσθέντος τοῦ ἐπιδοθέντο[ς] ὑπὸ αὐτοῦ βιβλιδίου, Φιλώτας εἶπεν· ("After Eudaimon, son of Hermaios, had been summoned by a petition, and after Dionysios had come forward and the petition submitted by him had been read aloud, Philotas said: κτλ."). Note the role of Dionysios's petition in initiating proceedings against Eudaimon.

[20] *1 Apol*. 68.1: "...by no means decree death against those who have committed no wrongs, as if against enemies" (καὶ μὴ ὡς κατ' ἐχθρῶν κατὰ τῶν μηδὲν ἀδικούντων θάνατον ὁρίζετε). Cf. also 44.12; 45.5.

[21] For similar expressions of unjust hatred toward Christians, see *1 Apol*. 20.3; 24.1; 45.6.

justice (*1 Apol*. 2.2), are to ensure in accordance with true reason (ὁ ἀληθὴς λόγος) that the innocent are not wrongfully punished (e.g., *1 Apol*. 3.1; 7.4). It is the injustice of the Roman treatment of Christians—manifest especially in judicial hearings—that is the primary issue at stake. Thus, Justin repeatedly underscores justice as the criterion of adjudication, both of his present petition and of judicial examinations of Christians more generally. He marks the *transitio* in *1 Apol*. 12.11 by rhetorically announcing that he has accomplished his task, having effectively established the justice of his request (λογισαμένους ὅτι δίκαιά τε καὶ ἀληθῆ ἀξιοῦμεν; "[we may stop], considering that we ask for is just and true"). In *1 Apol.* 68.3, he introduces Hadrian's rescript by underscoring that the real basis of his appeal lies not in procedural precedent but in the fundamental justice of his appeal (ἐκ τοῦ ἐπίστασθαι δίκαια ἀξιοῦν; "on the basis of knowing that we ask for what is just"). He exhorts his judges "to do what is just" (τὰ δίκαια ποιήσητε; 3.5), warning of eschatological consequences for them "if they remain in injustice" (ἐὰν ἐπιμένητε τῇ ἀδικίᾳ; 68.2). For Justin, of course, justice is an attribute of God, who is its ultimate arbiter and to whom earthly judges, including emperors, are ultimately accountable (*1Apol.* 6.1; 10.1; 12.7 [of the Logos]; 68.2; *2 Apol*. 12.6). This bolsters Justin's rather bold inversion of the normally deferential suppliant-supplicandus relationship, which for him plays out in this alternate legal metaverse. We will return to this point below, but for now we note that throughout his argument Justin upholds justice as the decisive measure of speech and conduct and is concerned to assert the judicial innocence of Christians (*1 Apol*. 2,1; 3.2; 4.2, 5; 8.5; 28.4; 43.6; 68.1; *2 Apol*. 2. 16; 3(4).4). In a way exemplary of judicial discourse, the appeal to justice pervades Justin's *Apologies* as its τέλος.

Apologetic Content: Argumentative Strategy and Rhetorical Commonplaces

In addition to the rhetorical situation he constructs, there are further aspects of Justin's association of the *Apologies* with apologetic discourse. Justin employs numerous interrelated argumentative strategies and themes characteristic of the theory and practice of judicial rhetoric. In particular, I will demonstrate that Justin's argumentation is analyzable in terms of the *stasis* theory of judicial rhetoric and that it employs commonplaces appropriate to it. Comparisons with other defense speeches will further illuminate Justin's shaping of his performance in terms of an ἀπολογητικὸς λόγος.

First, Justin in his argument draws on the resources of forensic *inventio* and *stasis* theory. Theories of issue (στάσις; *status* or *constitutio* in Latin) were that part of rhetoric concerned with the identification and classification of themes according to the kinds of disputes involved.[22] Largely theorized in relation to judicial oratory, *stasis* theory systematized the argumentative strategies available to orators for responding to claims brought by an antagonist, effectively providing the speaker with an analytical framework and cache of arguments for his work of *inventio*.[23] For instance, an orator representing someone charged with a misdeed had several

[22] On issue theory, see Malcolm Heath, *Hermogenes On Issues: Strategies of Argument in Later Greek Rhetoric* (Oxford: Clarendon Press, 1995), 8-23; D. A. Russell, *Greek Declamation* (Cambridge: Cambridge University Press, 1983), 40-73; George A. Kennedy, *Greek Rhetoric Under Christian Emperors*, vol. 3, A History of Rhetoric (Princeton: Princeton University Press, 1983), 73-86; Heinrich. Lausberg, *Handbook of Literary Rhetoric: A Foundation for Literary Study* (Leiden: Brill, 1998), 42-111. In what follows I draw especially on theories of legal defense as represented in the extant handbooks. Of course, it is important to recognize that handbook treatments are abstractions from actual practice and that the formal courtroom context and court procedure presumed in Quintilian and Hermogenes differ from the circumstances of Justin's hybridized petition. Nevertheless, as we will see, Justin's argument is helpfully elucidated by their theoretical treatments.

[23] Heath, *Hermogenes*, 24. In Quintilian's and Hermogenes's treatments of *stasis* the emphasis is mostly juridical. Heath sets up *stasis* theory in this way: "It is relatively easy to

options by which to defend the accused: he might outright deny the defendant's commission of the crime; he might argue that, while the defendant did execute the alleged action, that action does not constitute a "crime" as the prosecution has defined it; or he might admit that his client committed a crime but attempt to mitigate the client's culpability in various ways. These choices represent the traditional division of "issues" into conjecture, definition, and quality, to which is sometimes added a procedural challenge to the judicial validity or jurisdiction of the charge.[24] *Stasis* can also be expressed in the form of the question (ζήτημα; *quaestio*) upon which a legal situation turns, namely, in the case of conjecture, whether one, in fact, *has done* a thing; in the case of definition, whether it is *this thing* that one has done; or in the case of quality, given that one has indeed done a thing, whether one did it *with some justification*.

Justin argues predominantly on the basis of conjecture, while incorporating various defenses under the heads of quality and definition, as well. In the *Apologies*, the basic question is whether Christians have done or presently do anything criminal. However, as Justin assesses the problem, Roman procedure is incapable of adjudicating that question, since it proceeds on the basis of another and—in Justin's assessment—irrelevant question. In Roman procedure the question is simply, "Are you a Christian?" (*2 Apol.* 2; see esp. 2.7, 10, 12, 16, 17); it proceeds, in other words, on the basis of the name "Christian." When the issue is so posed, Justin affirms repeatedly that true Christians are incapable of denying the charge as brought (*1 Apol.* 8.1-2;

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classify the situations in which an epideictic speech might be required, and to specify the set of heads appropriate to each—what topic one should cover when, for example, welcoming a visiting dignitary or celebrating a wedding [cf. the works of Menander Rhetor]. Judicial and deliberative oratory pose more complex problems. The situations which they actually or (in declamation) hypothetically address are infinitely diverse... The theory of issue... was developed to meet this need" (ibid., 18-19).

[24] Within these traditional issues many subdivisions are possible; these are later systematized into a canonical thirteen (see ibid., 20).

11.1-2; *2 Apol.* 2.14; 3(4).4; cf. Matt 10:33; Luke 12:9). Moreover, when Christians admit the charge of the name, they do so because it is *honorable,* a kind of appeal to qualitative *stasis*. It is an honorable act because it is based on truth-telling and the subordination of one's desire for present safety to "the eternal and pure life with God" (*1 Apol.* 8.2). But Justin's dominant strategy in the *Apologies* is to redefine fundamentally the legal issue. Justin changes the question from a person's identification as a Christian to the logically prior one of whether the accused has committed any actual misdeed. This is precisely the work of the opening salvo in *1 Apol*. 4, where Justin argues that Christians cannot possibly be condemned (or acquitted) on the basis of a *name* but only on the basis of the *character* of the deeds performed (*1 Apol*. 4.1, 3).[25] If deeds and not names are the basis of adjudication, then one can proceed to an examination of the alleged wrongs that give Christians their bad name and that are ultimately responsible for their delation and execution.

Justin presents the allegations associated with the name as the paired charges of impiety (ἀσέβεια) and wrongful conduct (ἀδικία) (*1 Apol*. 4.7; 5.1; 23.3; 27.1; cf. 28.4; 43.6). Together these accusations encompass malicious action vis-a-vis divinity, on the one hand, and human beings, on the other.[26] Broadly speaking, Justin's strategy is to deny the charges, particularly

[25] A similar appeal is made in the defense speech of the Senator Cassius Clemens in Dio Cassius 74(75).9.3. On trial before Septimius Severus himself for his allegiance to Pescennius Niger, Dio has him assert that he did nothing wrong by refusing to desert Niger and, in order to overcome the prejudice against him for that association, has him further enjoin the emperor: "Investigate, therefore, not our persons or our names, but the deeds themselves" (ἐξέταζε οὖν μὴ τὰ σώματα ἡμῶν μηδὲ τὰ ὀνόματα, ἀλλ' αὐτὰ τὰ πράγματα).

[26] While notionally separable in this way, these charges are also naturally connected for both Justin and his audience. For his pagan audience, atheism—defined as non-participation in traditional cult—disrupted the proper maintenance of divine-human relations and readily implied a propensity to malefaction. Likewise, for Justin, "true" atheism—teaching that leads one away from the one true god—is due to demonic influence and inseparable from impious behavior (e.g., *1 Apol*. 58).

those of ἀδικία. Characterizations of Christians as evil-doers (κακοῦργοι; *1 Apol.* 7.1), enemies of the state (ἔχθροι; *1 Apol*. 11.1-12.8; 68.1), perpetrators of shameful acts (δύσφημα ἔργα: 23.3; 26.7; αἰσχρά: *2 Apol*. 14.2), and lovers of pleasure (φιλήδονοι; *2 Apol*. 12.1-8) are unequivocally denied and countered with examples throughout (e.g., *1 Apol*. 14.2; 27-29; *2 Apol* 2). In terms of *stasis* theory, therefore, Justin's dominant mode of response is *conjectural*: the truth of the alleged misdeeds is denied outright. Justin buttresses this denial by underscoring both the lack of evidence for and the disreputable sources behind the allegations.[27] He even suggests that the charges have as their ultimate source the wicked demons, who seize upon people's evil natures to insinuate false allegations against Christians (*1 Apol*. 10.6; see also *1 Apol*. 5.3; 23.3; *2 Apol*. 12.3-4).

But much of Justin's denial of Christian wrongdoing is predicated on what is essentially a probability defense under the conjectural head. The unspeakable acts of which Christians are accused are so out of line with the character of their teaching and conduct—particularly their

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[27] The final chapters of the *Apologies* contain several characterizations of disreputable delators and false witnesses. The narrative of *2 Apol.* 2.1-10 is a richly prejudicial account of a dissolute husband who brings an accusation of Christianity against his wife as an act of revenge. In *2 Apol.* 8(3).2, Crescens is described as an inept philosopher "who publicly witnesses against us things of which he has no knowledge, namely, that Christians are atheists and impious" (ὅς γε περὶ ἡμῶν ἃ μὴ ἐπίσταται δημοσίᾳ καταμαρτυρεῖ, ὡς ἀθέων καὶ ἀσεβῶν Χριστιανῶν ὄντων). In *2 Apol*. 12.4, Justin describes authorities "drag[ging] away our household slaves—either children or weak women—and by means of terrible tortures compel[ling] them to accuse us of these fabled deeds" (εἵλκυσαν οἰκέτας τῶν ἡμετέρων ἢ παῖδας ἢ γύναια, καὶ δι' αἰκισμῶν φοβερῶν ἐξαναγκάζουσι κατειπεῖν ταῦτα τὰ μυθολογούμενα, ἃ αὐτοὶ φανερῶς πράττουσιν). See also: *1 Apol*. 4.4 ("...but in our cases you take the name as proof" [ἐφ' ἡμῶν δὲ τὸ ὄνομα ὡς ἔλεγχον λαμβάνετε]); 23.3 ("...shameful and impious deeds of which there is neither witness nor proof" [ὧν οὐδεὶς μάρτυς οὐδὲ ἀπόδειξίς ἐστι]); 27.5 ("[alleging shameful misdeeds] brings harm not to us, who have ceased from doing any of these things, but rather to those who do them and give false testimony [against us]" [ἀπηλλαγμένοις ἡμῖν τοῦ πράττειν τι τούτων οὐ βλάβην φέρει, ἀλλὰ τοῖς πράττουσι καὶ ψευδομαρτυροῦσι μᾶλλον]); *2 Apol.* 13.1 ("I laughed at those making these false reports" [ψευδολογουμένων ταῦτα...κατεγέλασα]).

demonstrated willingness to die for their confession—as to render the accusations incredible. In other words, Justin asks whether those who teach what is true and willingly die for their confession are likely to commit such unspeakable acts. In the division of conjectural sub-arguments in *stasis* theory, probability is addressed under the twin issues of motive (βούλησις) and capacity (δύναμις); under these heads the question of whether a defendant would or could have perpetrated a misdeed is argued.[28] While Justin's use of probability does not follow the neat lines of Hermogenes's presentation, he clearly employs its logic, particularly with respect to Christians' willingness to suffer execution. This was, indeed, his own conclusion after observing Christian persecution: "For, in fact, I myself...hearing Christians slandered and seeing how they remain fearless in the face of death and of everything else considered terrible, realized that *it was impossible* (ἀδύνατον) for them to have any share of evil and the love of pleasure" (*2 Apol.* 12.1).[29] Just as their willingness to die for their confession makes their innocence more likely, so, too, do the just nature of their doctrine and the general character of their conduct further prove them incapable of committing shameful acts. For this reason, Justin gives considerable attention in *1 Apol*. 14-17 to the substance of Christ's ethical teaching, assuming that its profession renders unlikely any suspicions of criminal behavior, an assumption confirmed by the ethical reform experienced by Christian converts (14.2-3; 15.5-7; 16.4, 8; cf. also 12.1-8; 21.6). While the mere profession of ethical teaching might appear to be a rather weak argument for innocence, the presumed link between doctrine and conduct that runs throughout the *Apologies* was widely shared in antiquity. Epicureans, for instance, were much maligned for the presumed moral

[28] E.g., Hermog., *Stat*. 46-47.

[29] καὶ γὰρ αὐτὸς ἐγώ...διαβαλλομένους ἀκούων Χριστιανούς, ὁρῶν δὲ ἀφόβους πρὸς θάνατον καὶ πάντα τὰ ἄλλα νομιζόμενα φοβερά, ἐνενόουν ἀδύνατον εἶναι ἐν κακίᾳ καὶ φιληδονίᾳ ὑπάρχειν αὐτούς. Cf. *1 Apol*. 11.1.

consequences of their teaching.[30] The virtuous nature of Christian teaching and the reformed character of Christians is further demonstrated by their abhorrence to infant exposure (*1 Apol*. 27-29.1) and the example of the Egyptian youth who, in pursuit of chastity, requested special permission from the Prefect to castrate himself (29.2-3). The implication of these demonstrations is clear: if Christians go to such measures to avoid wrongdoing and impiety (*1 Apol*. 27.1: "that we might commit no injustice or impiety" [ἵνα μηδὲν ἀδικῶμεν μηδὲ ἀσεβῶμε]), then any allegations of wrongdoing are clearly baseless. Thus, a major strategy of Justin's conjectural defense is to lay bare the improbable discrepancy between their teaching and conduct (including their willingness to die), on the one hand, and the shameful deeds they are accused of committing, on the other.

But Justin's defense is not simply to deny the charges; his *inventio* also incorporates aspects of the *stasis* of *quality*. It is a notable feature of the *Apologies* that Justin admits that there are some who are called Christians who may, in fact, be culpable of ἀδικία (*1 Apol.* 4.7; 7.1-4; 16.14; 26.7). These so-called Christians are partially responsible for the ἀδικία imputed to "true" Christians who are innocent of wrongdoing. This defense maneuver combines transference (μετάστασις)—a head under the qualitative *stasis*—and definition (ὅρος). Transference acknowledges an act but shifts the blame to another party; definition, which can be theorized as its own *stasis* or as a head under conjecture or quality, is also present inasmuch as the apparent conviction of "Christians" in the past requires Justin to argue that such persons should not be defined as true Christians (*1 Apol.* 4.8; 7.3; 26.6).[31] In fact, as a claim about definition, Justin's

[30] Himerius's *Oration* 3, for instance, is a prosecution of Epicurus based on the ethical effects of his doctrines (λόγοι καὶ δόγματα [3.4]). This negative view of Epicurus was, of course, shared by Justin (*2 Apol*. 6.3; 12.5; 15.3).

[31] On transference, see, e.g., Hermog., *Stat*. 72; 75. On definition, see 59ff; 66.

etymological play on words between χρηστότατοι and Χριστιανοί in *1 Apol.* 4.1 assumes the status of a substantial forensic argument.[32] Definition also applies to the accusation of atheism. While Christians do not acknowledge the traditional gods (6.1) and do not participate in sacrificial cult (9.1), no one can rightfully claim that they are atheists since they do, in fact, worship the creator god (13.1). This argument is essentially definitional: although negligence of certain actions is admitted, the word "atheist" does not properly apply to the actions described.

Beyond these, Justin employs a range of additional tactics related to quality. One of the most prominent is the strategy of counteraccusation (ἀντέγκλημα) (*1 Apol*. 27.5; *2 Apol*. 12.4, 7). While the handbook descriptions treat counteraccusations against alleged victims, Justin employs them against those who bring charges against Christians, intending to undermine their credibility and to malign the validity of the proceedings themselves. He also repeatedly insists that Christians teach doctrines similar to others who are not despised and prosecuted in the same way (*1 Apol*. 20.3; *2 Apol*. 15.3). Elsewhere he attempts to mitigate the harm of the alleged misdeed by making it appear harmless; that is, if Christians are considered delusional, the harm is against themselves alone and not others (*1 Apol*. 8.5; cf. 68.1; *2 Apol*. 15.3).[33] Finally, while not related to quality, Justin's citation of Hadrian's rescript in *1 Apol*. 68.3—an invocation of precedent familiar in petitions—also functions to contest the validity of the charges and the associated procedure.[34]

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[32] On the use of etymology in juridical argumentation, see Quintilian, *Inst*. 7.3.25.

[33] Quintilian regards this as one of the weakest defense strategies (*Inst*. 7.4.15-16). Indeed, it appears in Justin as supplemental to his other strategies.

[34] Heath, *Hermogenes*, 1995, 73: "If all else fails, I might challenge the procedural validity of the charge."

As the preceding discussion demonstrates, the argument of the *Apologies* is in large measure predicated on forensic argumentation. His defense against the specific charges of malefaction and atheism is multifaceted. In Justin's *inventio,* the dispute centers not only on questions of alleged fact (as in conjecture), but also on a more complex description and evaluation of the charges (as in quality). Justin's use of issue theory evinces an important aspect of his performance of apologetic discourse.

A final demonstration of his invocation of apologetic discourse is Justin's use of themes and commonplaces popular in forensic rhetoric. In particular, Justin makes full use of a set of contentious tropes sometimes used by defendants to express three related themes: the defendant's ultimate invulnerability, the judge's true state of jeopardy, and the defendant's ironic advocacy on the judge's behalf. Together these tropes rather boldly question the real nature of the judge's power by asserting the invulnerability of the defendant in the face of a negative verdict: the judge may have the *power* to kill the defendant, but since justice is on the latter's side, no harm—in any ultimate sense—can come upon him. The real harm is not the physical punishment threatened against the defendant but the moral injury wrought upon the judge or the social order by the conviction of an innocent person. In this way, punishment will be visited upon the judge and accusers in the event of a conviction. These ideas figure prominently, for instance, in the προοίμιον and ἐπίλογος of Gorgias's famous *Defense of Palamedes*:

> (1) The accusation and defense are a dispute not about death. For by an open vote nature condemns to death all mortal creatures, on the day they are born. What is at stake is dishonor or honor, whether I should die justly or with the greatest reproaches and the most shameful guilt I should be put to death by violence. (2) There are two issues, one of which is completely in your power, one in mine; justice is in my power, while force is in yours. For you will be able to put me to death easily at will; for you have the power over these things, which I completely lack. (36) If you put me to death unjustly, it will become evident to many. For I am <not> unknown, and your wrongdoing will be well known and evident to all the Greeks. And it will be evident to all that you are responsible for the

> injustice, not the accuser; for the outcome of the trial is in your hands. And no wrong could be greater than this. For not only against me and my parents will you be doing this wrong in judging unjustly, but you will be conscious of having committed a terrible, ungodly, unjust, unlawful act, having put to death a fellow Greek, without having established any evident injustice or credible guilt.[35]

Since such a strategy calls into question which party in a case—judge, prosecution, or defendant—is truly in jeopardy, the defendant can cleverly reverse the language of advocacy. The defense speaks not on behalf of the accused but on behalf of the judges whose welfare is ultimately at stake.[36] That Justin invokes in his performance this potentially impertinent set of apologetic themes underscores the boldness of his self-presentation as a petitioner.

This rhetoric of inversion is invoked by Justin throughout the *Apologies*. Justin punctuates his προοίμιον in this way:

> For we have approached not to flatter you through this document nor to curry favor with it, but to ask that you render judgment according to exacting and investigative reason, neither swayed by prejudice or a desire to please superstitious people nor, because of irrational impulse and long-held ill-repute, rendering a verdict against yourselves. For we reckon that no one can do us any harm, if we are not proven to be evil-doers or judged to be wicked. You can kill us, but you cannot hurt us. (*1 Apol*. 2.3-4)

The sentiment behind the pithy final clause is present in Gorgias, but its precise wording here recalls a dictum especially popular among Justin's Stoic contemporaries, probably influenced by an intermediary formulation found in Plato's *Apology* (30c-d).[37] The unassailability of the just is

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[35] Gorgias, *Pal*. 1-2; 36 (translation from Daniel W. Graham, *Texts of Early Greek Philosophy: The Complete Fragments and Selected Testimonies of the Major Presocratics* [Cambridge: Cambridge University Press, 2010], 2:763, 775).

[36] Examples of these motifs are numerous: e.g., Dio Chrysostom, *De tumultu* (*Or*. 46) 1-2, 14; Philostratus, *Vit. Apoll*. 8.1.2.

[37] Justin's formulation ὑμεῖς δ' ἀποκτεῖναι μὲν δύνασθε, βλάψαι δ' οὔ approximates that found in contemporary Stoic writers, although all were certainly influenced by Plato, *Apology* 30c. In this instance, Justin's wording does not evidence direct borrowing from Plato's *Apology* but a repetition of its popular Stoic reformulation (so M. Spanneut, "Epiktet", RAC 5.633). Among the echoes in Stoic and other writers, see: Plutarch, *Tranc. an*., 475e; Epictetus., *Diatr*.

further emphasized in *1Apol.* 17.4 and 45.6, and Justin's caustic appeal in *1 Apol.* 12.6 for his addressees to "do what you have the power to do"(πράττετε ὃ δύνασθε) underscores that the princely and judicial power to condemn the defendant is finally a limited one (cf. 45.6). The complement to the unassailability of Christian defendants, therefore, is the potential jeopardy in which unjust judges place themselves: "... your task is to worry that you do not become liable for just punishment by unjustly punishing those not proven [to have done anything wrong]" (*1 Apol*. 4.2 [ὑμέτερον ἀγωνιᾶσαί ἐστι μὴ ἀδίκως κολάζοντες τοὺς μὴ ἐλεγχομένους τῇ δίκῃ κόλασιν ὀφλήσητε]; cf. *1 Apol*. 3.5; 17.4; 45.6; 68.2; *2 Apol*. 14.2; 15.5). For Justin, this punishment has a decidedly eschatological dimension, rendering the legal jurisdiction as one in which God will act as final arbiter. Justin's defense is thus ultimately delivered on behalf of his Roman addressees, who stand to condemn themselves with a wrongful verdict (*2 Apol*. 1.1 [ὦ Ῥωμαῖοι...ὑπὲρ ὑμῶν]; cf. 15.5; *1 Apol*. 8.1).[38]

Finally, in terms of formal similarities to ἀπολογητικοὶ λόγοι, it is important to recall two features of the *Apologies* that we noted earlier in our study. First, as we argued in chapter three, Justin deftly clothes the request section of *1 Apol*. 3.1-4 in the rhetoric of dares and challenges of

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1.29.18; 2.2.15; 3.23.21; *Ench*., 53.4; Dio Cassius 62(61).15.4; Max. Tyre *Diss*. 12.8; Clement of Alexandria, *Strom*. 4.80.4; Origen, *Cels*. 8.8. Of course, the general notion of the unassailability of the just is a widespread one and a popular rhetorical tactic (cf. Luke 12:4-5).

[38] A fine example of a warning against self-condemnation addressed to an emperor is found in the defense speech of the Cassius Clemens before Septimius Severus. In the telling of Cassius Dio, the senator, on trial for his allegiance to Pescennius Niger, concluded his ἀπολογία to the emperor with the following: "For in every point in which you condemn us you will be passing sentence against both yourself and your associates; since, however secure you may be from conviction in any suit or verdict, nevertheless, in your reputation among people, the memory of which will last forever, you will be represented as bringing against others the very charges to which you yourself are liable" (Cass. Dio 74(75).3; modified from Loeb translation). The counteraccusation of bringing charges against others to which oneself is liable is also a tactic of Justin (*2 Apol*. 14.2). Cassius Clemens was praised by Severus for his frank speech (παρρησία), on which see below.

classical forensic discourse. There he describes his request as a πρόκλησις, which in judicial oratory was a formal challenge directed at one's opponent to assume the risk of producing certain evidence for the court, such as swearing an oath, submitting a slave for examination, or producing a document. Justin's language specifically echoes that found in such challenges, including a verb of request, one or more conditional sentences, and self-praise for the justice of the proposal. Moreover, the logic of such challenges serves Justin's aims both to furnish a fully disclosive account and to bind his judges to act according to the reasonableness of the resulting testimony. In this way, he reworks the request period of imperial petitions in terms of a classic convention of apologetic discourse.

Second, as noted in our dispositional analysis in chapter two, Justin employs in *1 Apol.* 12.1 a rhetorical and structural device commonly found in well-known defense speeches. At this early point in the *Apologies*, Justin suggests that enough has already been said to justify his appeal, but then launches—with a false promise of brevity—a major argumentative unit that extends nearly to the end of our *First Apology*. The same trope of an apparent conclusion to introduce another extended defense is seen in such speeches as Lysias's defense for Mantitheus (Or. 16.9), Isocrates's *Antidosis* (167), and Demosthenes's *De falsa legatione* (177-78).[39]

Thus, even as Justin composes an imperial petition, the analysis above highlights the role that apologetic discourse plays in his performance of the genre. The opening chapters set his petition in an agonistic framework, and his argumentation throughout employs issue theory and tropes of apologetic speech. He creatively draws upon the theory and practice of legal defense represented in the handbooks and courtroom speeches.

[39] Cf. Apuleius, *Apol*. 28.

But how does this invocation of apologetic relate to Justin's overall performance of the petition form? Justin's performance is not strictly speaking one of an advocate in a court of law; the *Apologies* is not a defense speech made in direct response to actual charges laid by an informant against Justin as defendant. Instead, Justin composes a hybridized petition to imperial authorities, the apologetic aspects of which work by taking the sum of Christians' experiences of prejudicial treatment and procedural injustice and laying, via petition and response, an ideal *apologia* before its imperial addressees. Justin constructs a forensic situation and performs its discourse in service of his petitionary aim—for proper judicial procedures in cases involving Christians (*1 Apol*. 3.1)—which in Justin's diagnosis requires and calls for a full-throated answer to imperial prejudice. By virtue of its character as a βιβλίδιον, the quasi-judicial framework of the *Apologies* is not simply a fictive metaphor for Justin. The *Apologies* functions in an apologetic mode within a wider context of legal action against Christians, but it does so *as a petition:* as a document that is legally actionable within the procedures of imperial administration. From a legal and administrative standpoint, any imperial response is potentiated by its nature as a petition, not by its extensive employment of apologetic discourse, however critical that discourse is for Justin's particular performance of the petition genre. In this way, the petitionary form—with its material engagement with Roman administration—provides Justin a *concrete* opportunity for performing a *paradigmatic* defense.

The *Apologies* as προτρεπτικὸς λόγος

Even as Justin performs in an apologetic mode, he also shapes his performance of petition in terms of deliberative discourse. According to Aristotle's classic definition of rhetorical genres, deliberative rhetoric turns on the dialectic of persuasion (προτροπή) and dissuasion

(ἀποτροπή) directed to a future course of action (1.3.3 [1358b]). As a specimen of deliberative rhetoric, protreptic literature and the προτρεπτικὸς λόγος aim at affecting a change in behavior in the addressee or—in philosophical contexts—a commitment to the pursuit of philosophy *per se* or to a particular school of thought or philosophical virtue.[40] Justin engages in a *mode* of literary and argumentative discourse that not only would have been understood as *protreptic* in nature but also draws upon specific themes and topoi of philosophical protreptic. My use of the term "mode" here is important. In antiquity, "protreptic" and other cognate terms were used to refer to texts of many different literary forms, to both whole texts and parts of texts, and to texts from diverse fields of study.[41] For this reason, I use the term "philosophical protreptic" to indicate not a specific literary genre but a mode of literary discourse prevalent in the field of philosophy.

[40] The definition of protreptic literature has been a matter of considerable debate. The label is notoriously difficult to define, both in terms of ancient usage and modern operational definitions. The understanding of philosophical protreptic adopted here draws on the approach of S. R. Slings in his work on Plato's *Clitophon* (*Plato: Clitophon*, Cambridge classical texts and commentaries 37 [Cambridge: Cambridge University Press, 1999], esp. 59-63; see also his "Protreptic in Ancient Theories of Philosophical Literature," in *Greek Literary Theory after Aristotle: A Collection of Papers in Honour of D. M. Schenkeveld* [Amsterdam: VU University Press, 1995], 173–92.). For other treatments of philosophical protreptic, see *inter alia*: Mark D. Jordan, "Ancient Philosophic Protreptic and the Problem of Persuasive Genres," *Rhetorica* 4, no. 4 (1996): 309–33; D. M. Swancutt, "Pax Christi: Romans as Protrepsis to Live as Kings" (Ph.D. diss., Duke University, 2001); and David Aune, "Romans as a Logos Protreptikos," in *The Romans Debate*, ed. Donfried (Peabody, MA: Hendrickson, 1991). For a clear-headed treatment of the ancient distinctions between protreptic and paraenetic, see Burgess, *Epideictic Literature*, 229 n.2. The classic work of Paul Hartlich is still a necessary prolegomenon to the study of protreptic (*Exhortationum (Protreptikōn) a Graecis Romanisque Scriptarum Historia et Indoles* [Leipzig, 1889]).

[41] See, for example, the lists of protreptic texts in Burgess, *Epideictic Literature*, 234; Jordan, "Protreptic", 309-14; Swancutt, "Pax Christi," 390-96; and Slings, *Plato: Clitophon,* 69-73.

While related to genre, mode speaks to a more diffuse relationship of a composition to a wider range of texts and textual possibilities.[42]

Justin's self-understanding as a philosopher greatly shapes his invocation of protreptic within his petitionary performance. Much like Dio's eclecticism in his kingship orations was "the conscious adoption of a viable position for a philosopher,"[43] Justin's unique appropriation of the petition genre and its readerly expectations is in answer to the question of how a Christian intellectual and self-styled philosopher should properly address a grievance to the Roman emperor. In both his extant works, Justin casts himself in a philosophical mold, and his early readers readily embraced this identity.[44] In the opening of the *Dialogue with Trypho*, Justin confidently declares himself a philosopher (*Dial*. 8.2), still donning the proverbial cloak following his tour of schools that led eventually to his embrace of Christianity (*Dial.* 1.2).[45] A

[42] As Alistair Fowler and, more recently, John Frow explain, mode indicates a kind of abstraction of a genre or kind, one that implies, invokes, and samples from a repertoire of features that are considered characteristic of a genre. In this way, modes bear an adjectival relationship to a genre or to exemplary historical texts. A literary work formally exemplary of one genre may bear a modal relationship to another by signaling that relationship through textual codes, while also subtracting generic features, particularly structural ones, or invoking genre through more attenuated allusions. See Fowler, *Kinds of Literature*, 55-56; 106-129; Frow, *Genre*, 69-74.

[43] Sidebottom, "Studies in Dio Chrysostom," 54.

[44] Tertullian, *Adversus Valentinianos* 5.1; Eusebius, *Hist. eccl*. 4.11.7.

[45] Among Justin's contemporaries, the external signs of one's commitment to philosophy were capable of misuse, producing a pervasive anxiety over philosophical fakery that Justin shares. Even as the philosopher was expected to manifest the appropriate symbols, he could not be judged by those externals alone, since their susceptibility to dissimulation made it difficult to distinguish true philosophers from false (see, for instance, Harry Sidebottom, "Philostratus and the Symbolic Roles of the Sophist and Philosopher," in *Philostratus*, ed. Ewen Bowie and Jaś Elsner, Greek Culture in the Roman World [Cambridge: Cambridge University Press, 2009], 86-7). As Herodes Atticus is said to have quipped to a panhandling Cynic in philosophical garb, "I see a beard and a cloak, but a philosopher I do not yet see. Now I beg you, be so good as to tell me what evidence you think we could use to know that you are a philosopher?" (Aulus Gellius,

one-time Platonist (*2 Apol*. 12.1), Justin is both indebted to Platonism and subsumes it, convinced of the ultimate unity of philosophy and that it has found its consummation in the teachings of Jesus Christ. As bearers of the one wisdom, Justin and his co-religionists are under the same threat of death at the hands of their enemies as was Socrates, who was executed for living according to the λόγος (*1 Apol*. 5.3; 46.4; *2 Apol*. 6(7).3; 10.4-6). Justin bases his appeal to his imperial addressees on philosophy (*1 Apol*. 1.1; 12.5), meeting them as philosophical equals (see especially the πρόκλησις in *1 Apol*. 3.3) and making the public claims about their learning contingent upon a favorable response to his petition (*1 Apol.* 2.3; *2 Apol*. 2.16; 15.5). Justin's denial of sophistry (*1 Apol*. 14.4-5) and his unmasking of philosophical pretenders (*2 Apol*. 8(3)) evokes—in his own person—their antithesis: the true philosopher engaging in the pursuit and proclamation of truth. Moreover, we have noted how in the *Dialogue with Trypho* Justin characterizes the *Apologies* as a written conversation with the emperor (120.6: ἐγγράφως Καίσαρι προσομιλῶν), using the same word in the opening of the *Dialogue* to describe that work as a philosophical conversation (1.1-2: προσομιλεῖν), just as Plato himself had defined a kind of rhetoric that he called προσομιλητικὴ τέχνη. Justin thus portrays himself as engaging in dialectical persuasion characteristic of a philosopher, an important aspect of which is his employment in the *Apologies* of techniques of philosophical exhortation. In the argument that

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Noct. att., 9.2.4-5: *Video, inquit Herodes, barbam et pallium, philosophum nondum video. Quaeso autem te, cum bona venia dicas mihi quibus nos uti posse argumentis existimas, ut esse te philosophum noscitemus?* Cf. also the discussion in Epictetus, *Diss*. 4.8). The *Apologies*, too, exhibit this concern for disambiguating true philosophers from those in name only. In fact, not only does Justin apply this concern for external signifiers analogically to the persecution of Christians (*1 Apol*. 4.8: "For indeed some claim for themselves the name and outward appearance of philosophy without acting in any way worthy of their profession" [καὶ γάρ τοι φιλοσοφίας ὄνομα καὶ σχῆμα ἐπιγράφονταί τινες, οἳ οὐδὲν ἄξιον τῆς ὑποσχέσεως πράττουσι]), but he participates in these acts of boundary drawing *as a philosopher*, discrediting the veracity of other philosophical claimants. He describes his public enemy Crescens with a host of etymologically-near enemies—a list of fraudulent descriptors that look and sound like a φιλόσοφος (*2 Apol*. 8.1-2).

follows, we will treat three aspects of his performance of protreptic: his description of the *Apologies* as a protreptic piece, his propagandistic aims, and his use of *topoi* characteristic of protreptic literature.[46]

Self-Description as a Protreptic Text

First, Justin explicitly describes his text in protreptic terms. Justin is the first Greek apologist before Clement of Alexandria's Προτρεπτικὸς πρὸς Ἕλληνας (*Exhortation to the Greeks*) to identify explicitly his work with the technical terminology of philosophical protreptic. Two such descriptions occur at important moments. First, in *1 Apol*. 13, Justin announces the major proof that will constitute the bulk of our present *First Apology* (ἀποδείξομεν; 13.3). At the end of this announcement he explicitly exhorts his addressees to attend carefully to his demonstration (13.5: ᾧ [μυστήριον] προσέχειν ὑμᾶς ἐξηγουμένων ἡμῶν προτρεπόμεθα; "to

[46] Several scholars have described the *Apologies* as protreptic. Bernard Pouderon, for instance, defines the *Apologies* as a judicial work or speech of address but argues that its functions include both protreptic to outsiders and exhortation to insiders (Pouderon, "La première apologétique chrétienne"). He does not treat possible literary features or topoi the *Apologies* shares with works of philosophical protreptic but largely limits protreptic to Justin's translation of Christian thought into philosophical categories more broadly. Minns and Parvis gloss Justin's use of προτρεψάμενοι in *1 Apol*. 56.1 as an allusion "to the philosophical genre of *protreptic*," and in their literary plan of the *Apologies* label the majority of the work (*1 Apol.* 12.11-67.8) as "*protreptic*" (*Justin, Philosopher and Martyr*, 49-54; 227 n.6). While their descriptions are fitting, they do not further define the protreptic "genre" nor explicate its relevance to the *Apologies*. Keresztes sees both the *First* and *Second Apology* as almost exclusively deliberative or protreptic in nature, but does so at the expense of their apologetic aspects ("The 'So-Called' Second Apology of Justin;" "The Literary Genre of Justin's First Apology"). Both Munier (*Apologie pour les chrétiens*, 40) and Anthony Guerra ("The Conversion of Marcus Aurelius and Justin Martyr: The Purpose, Genre, and Content of the First Apology," *The Second Century* 9, no. 3 [1992], 176) specifically identify Aristotle's *Protreptikos* as a primary model for the *Apologies*. While I concur that Justin invokes philosophical protreptic, I do not find the evidence for the direct influence of Aristotle's *Protreptikos* on Justin's *Apologies* convincing. Rather than arguing for any particular exemplar, I seek to demonstrate that various aspects of Justin's performance would have been recognizable as protreptic in mode.

which [mystery] we exhort you to pay attention as we explain it"). Here, as elsewhere, Justin describes the protreptic encounter between author and audience as one fraught with struggle, even involving demons on the opposing side who will try to dissuade (ἀποτρέπειν) his readers from attending to the proof he presents (14.1). With language typical of protreptic, Justin describes this struggle for his readers' attention as an ἀγών in which he, his audience, and the demons are all engaged (14.1 [*bis*]; *2 Apol.* 12.6; 13.2; cf. 58.3), and he must overcome the objections of opponents who might try to dissuade (εἰς ἀποτροπὴν) his reader from Christian teaching (*1 Apol*. 46.1). Then, in a pause near the end of this central demonstration (*1 Apol*. 55.8), Justin returns to the language of protreptic to describe his purpose, this time invoking the work's programmatic summary of the duties of author and audience set out in *1 Apol*. 3.4: "Having exhorted you (προτρεψάμενοι ὑμᾶς) to the best of our ability by reason and the pattern of what is visible, we know at last that we are no longer accountable, even if you don't believe, for our duty has been carried out and fulfilled."

The terminology of protreptic is likewise used to describe the philosophical activity of Socrates (*2 Apol*. 10.6: πρὸς θεοῦ...ἐπίγνωσιν προὐτρέπετο), the ethical teaching of Christ (*1 Apol*. 16.3: ἐξ αἰσχύνης καὶ ἐπιθυμίας τῶν κακῶν ἄγειν πάντας προετρέψατο), the work of the prophetic spirit (40.5: προτρέπεται ζῆν τοὺς ἀνθρώπους), and the deleterious ethical effects of pagan myth (21.4: εἰς διαφορὰν καὶ προτροπὴν τῶν ἐκπαιδευομένων). In contrast to the latter, Justin argues that it would be in the best interest of his imperial addressees to see to it that everyone be exhorted (προτρέπεσθαι) to the eschatologically-motivated ethic of the Christians (*1 Apol.* 10.5).[47]

[47] Cf. also *1 Apol.* 10.5, where it is asserted that just as Christians have been taught (προσειλήφαμεν; δεδιδάγμεθα), persuaded (πεπείσμεθα), and have come to believe (πιστεύομεν) Christian teachings (10.1-2), so all people ought to be similarly exhorted to them (προτρέπεσθαι

The *Apologies'* Protreptic Aims

A second defining characteristic of philosophical protreptic present in the *Apologies* is Justin's propagandistic aim to win adherents. As Michele Pellegrino observes, Justin's intent to win adherents to Christian teaching is already implied in the sheer extent of his airing of Christian doctrine and ritual.[48] Large sections of the *Apologies* reproduce the teachings of Jesus (*1 Apol*. 13-29), prophetic oracles from the Hebrew scriptures (*1 Apol.* 30-53), and details of Christian ritual practices (*1 Apol.* 61-67). Of course, these treatments of Christian thought and practice also clearly serve Justin's apologetic aims, seeking to remedy pagan ignorance about Christians and to neutralize prejudice against them. But the hope that such exposure in response to challenge might also produce conviction among outsiders is evident, for instance, in Justin's conclusion to his proof from prophecy: "So then, when such things are seen, they can reasonably produce persuasion (πειθώ) and conviction (πίστις) in those who welcome truth and who neither are lovers of opinion nor are ruled by passions" (*1 Apol*. 53.12).[49] The persuasion which Justin hopes to effect will not only change the procedural conduct of Christian trials but will seek to reform and exalt the conduct of the entire human race (*1 Apol.* 23.2), just as it changed that of Justin and his coreligionists (cf. *1 Apol.* 25.1-3; 53.3; *2 Apol.* 12.1; 13.1-2). References to

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ἐπὶ ταῦτα). However, this is a more general statement of purpose, not referring explicitly to the immediate function of the present text, which in its first instance aims to open the way to opportunities for such public exhortation.

[48] Michele Pellegrino, "L'elemento propaganistico e protrettico," 13. Although he is most interested in exploring Justin's "missionary intent," Pellegrino's treatment is exemplary for its balanced treatment of Justin's mutual propagandistic and apologetic aims. See also V. Monachino, "Intento pratico e propagandistico nell'apologetica greca del II secolo," *Gregorianum* 32 (1951): 5–49.

[49] Taking ἐμφορῆσαι as an "odd expression for ἐμποιῆσαι" (with Gildersleeve, *The Apologies of Justin Martyr*, 184).

Christian conversion serve not only an apologetic function in the argument—as *2 Apol*. 12.1 makes clear—but also as models and implicit invitations to his pagan readers.

But this implicit protreptic is rendered explicit at many points. Consider the very personal appeal at *1 Apol*. 18.1-2, where Justin supports a claim made in 17.4 concerning the eschatological penalty owed by all human beings, including rulers (βασιλεῖς; 18.1). In language recalling the care of self tradition (ἐπιμέλεια) central to philosophical protreptic,[50] Justin exhorts his addressees not to neglect (μὴ ἀμελήσητε) the truth about eternal punishment, asking them "to be persuaded and believe" (πεισθῆναι τε καὶ πιστεῦσαι), a formulaic designation predicated of Christian converts throughout the *Apologies.* The horizon in view concerns not just proper governance but the eternal fate of the rulers' souls. Yet even here Justin does not lose sight of his main petitionary objective; the acceptance of Christians and their fair treatment is still not far from his mind (18.6).

Additional passages illustrate how Justin's persuasive agenda extends beyond ἔντευξις and ἀπολογία to encompass the winning of adherents. In *2 Apol*. 12.6, Justin describes Christians' efforts in exhorting others to flee pagan teachings and practices and matches these to his present literary aims.[51] At *1 Apol*. 56.3, Justin justifies addressing his petition to the Senate and People of Rome with the hope that some who follow Simon might learn the truth and flee their error (τἀληθὲς μαθὼν τὴν πλάνην φυγεῖν). In *1 Apol*. 55.8, while drawing to a close his major prophetic proof, Justin not only describes his efforts as unequivocally protreptic (προτρεψάμενοι ὑμᾶς) but also speaks of thereby resolving a debt (ἀνεύθυνοι), revealing an

[50] Slings, *Plato: Clitophon*, 90.

[51] *2 Apol*. 12.6: "...just as we have striven to do through this treatise" (ὡς καὶ νῦν διὰ τῶνδε τῶν λόγων ἠγωνίσμεθα).

important aspect of Justin's deeply felt aim to gain adherents. Justin feels a powerful obligation to share widely the divine teachings, convinced as he is that if he does not, he himself will be liable at the judgment (*Dial*. 58.1; *1 Apol*. 3.4; cf. 4.3). By bringing the truth before the inspection of all, even if he convinces only a few, Justin believes that he will earn recompense from God (*1 Apol*. 44.13).

Moreover, Justin's invitations to his readers to continue in examination and additional learning on the subject, sometimes offering to supply the relevant texts (*1 Apol*. 26.8; 28.1; 35.9; 48.3; 62.4; 63.9; 66.4; *2Apol*. 8(3).5), is a further protreptic strategy. Similar calls to investigate matters on one's own, using the present text as a point of departure, are found in extant protreptic works across philosophy, theosophy, and medicine.[52]

Most revealing of Justin's protreptic aims and how those aims relate to his central petitionary and attendant apologetic purposes, are his statements of purpose at highly marked moments. In the course of setting forth his main petitionary request in *1 Apol.* 3.1-5 (namely, that the charges against Christians to be investigated and acquitted or punished as appropriate), Justin gestures at his propagandistic intent to furnish his account for all people (πᾶσι), motivated as he is by his profound sense of duty to disseminate the divine teachings (3.4). Then, at the close of the first section of the work (*1 Apol*. 4-12), Justin signals his forthcoming demonstration from prophecy (12.9-10) with a dramatic pause familiar in forensic oratory (12.11).[53] In that pausal cue, Justin recalls the central request made in *1 Apol*. 3.1 (δίκαιά τε καὶ ἀληθῆ ἀξιοῦμεν) and justifies the remaining chapters as "for the persuasion (ὑπὲρ τοῦ πεῖσαι) of those who love truth."

[52] See, for example, the conclusion of the *Handbook on Platonism* (38) by the Middle Platonist Alcinous. Other examples include Galen, *Script. Min*. 1.81.17-18 (Marquardt); 2.8.20-3 (Müller); *Corpus Hermeticum* 2.22; Iamblichus, *De myst*. 10.8.293.14-14 (Des Places) (citations from John M. Dillon, ed., *The Handbook of Platonism* [Oxford: Clarendon Press, 1993], 211).

[53] See chapter two for references.

Here Justin expressly announces that his literary program must go beyond a simple request and answer to the prevailing charges to address the underlying prejudice that makes opposition to Christian teaching so intractable. This intractability is underscored again in *2 Apol.* 1.2, where it is characterized as resistance to "urging on toward the good" (πρὸς τὸ καλὸν ὁρμῆσαι), again employing language familiar in philosophical protreptic.[54] Justin presents himself as confident that once the truth is presented, flight from error is possible (*1 Apol*. 12.11; 56.3; *2 Apol*. 12.6), and true happiness (εὐδαιμονία)—the traditional τέλος of philosophical protreptic—awaits (*2 Apol*. 11.6).

Next, in the transitional moment of *1 Apol.* 68, just before the reproduction of Hadrian's letter, Justin employs two parallel conditionals, both with imperatival apodoses that are reminiscent of Socrates's closing exhortation to Crito in Plato's *Euthydemus* (307c-d).[55] The first demands that if what Justin has submitted for his addressees' inspection (see *1 Apol.* 67.8) seems to them reasonable and true, then they must honor them (τιμήσατε αὐτά). This command to honor finds a parallel in the final exhortation to Trypho and his friends in *Dialogue with Trypho* 142.2. There Justin writes: "'For my sake,' I said, 'if I had remained here, I would have liked to do this [i.e., dialogue] everyday. But since I expect—with God as my protector and my help—to

[54] Clement of Alexandria, for instance, says that the Logos was given the name "protreptic" (προτρεπτικός) because he "urges on" (παρορμητικός) (*Paed.,* 1.3). On ὁρμάω and its derivatives, see the comment in Burgess, *Epideictic Literature,* 229 n.2.

[55] There, Socrates presents Crito with a choice. If, after examining the practice of philosophy for himself, it seems to him a base affair (φαῦλον), then he must turn everyone away from it (ἀπότρεπε), not just his sons. But if it seems good to him as Socrates has argued, then he must pursue it (δίωκε), along with his sons. Similarly, Justin presents his imperial addressees with a choice: if seemingly reasonable and true, then honor Christian teaching (τιμήσατε αὐτά); but if ridiculous, then disdain them, but don't kill innocent people. While the metaphors employed differ (flight and pursuit versus honor and shame), both conclude with conditionals that highlight the contrasting choice between acceptance or rejection fundamental to protreptic exhortation.

set sail immediately, I exhort you (ὑμᾶς προτρέπομαι), having begun this great struggle for your salvation, to earnestly honor (σπουδάσαι προτιμῆσαι) more than your teachers the Christ of almighty God.'"[56] While τιμάω can predicate truth in general (*1 Apol*. 2.1; 12.6), as well as the works and persons of poets and philosophers (*1 Apol.* 20.3; *2 Apol.* 6(7).8; 8(3).6), it is more frequently used in the *Apologies* of cultic practice, both pagan (*1 Apol.* 9.1; 24.1; 26.2; 27.4; 56.2; *2 Apol.* 12.5) and Christian (*1 Apol*. 6.2; 13.3; cf. *Dial*. 142.2); its meaning in *1Apol*. 68.1 is certainly capable of including the latter. But if the first conditional implies Justin's desire to win imperial adherents, the second conditional returns to the matter of judicial treatment and the grounds for his petition: if Christian teaching seems ridiculous, then disdain them as ridiculous; only don't decree death against those Christians who commit no actual misdeeds (68.1). True to form, Justin sharpens his request for just judgment with his own threat of judgment of an eschatological kind: "For we warn you that you will not escape the coming judgment of God if you remain in wrongdoing" (1 *Apol*. 68.2). At that final assize—as if an inversion of a scene right out of the martyr acts—it will be Christians in the crowd shouting for God to do what he will (68.2).[57]

Justin's propagandistic aim reaches its fullest expression in the final chapters of the *Apologies*, where he asks the emperor to subscribe and publicly post his petition (*2 Apol.* 14-15). As we have already observed, Justin uses the technical terms for the subscription (ὑπογράφω) and publication (προτίθημι) of petitions, a process by which petitions were submitted,

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[56] Ἐμοῦ δὲ χάριν, ἔφην, εἰ ἐπέμενον, καθ' ἡμέραν ἐβουλόμην ταὐτὸ γίνεσθαι· ἀναχθήσεσθαι δὲ ἤδη προσδοκῶν, ἐπιτρέποντος τοῦ θεοῦ καὶ συνεργοῦντος, ὑμᾶς προτρέπομαι, ἐνστησαμένους ὑπὲρ τῆς ἑαυτῶν σωτηρίας μέγιστον τοῦτον ἀγῶνα, τῶν διδασκάλων ὑμῶν σπουδάσαι προτιμῆσαι μᾶλλον τὸν τοῦ παντοκράτορος θεοῦ Χριστόν (*Dial*. 142.2).

[57] E.g., see the role of the crowds in *Mart. Poly*. 12.3 and passim; *Martydom of Perpetua and Felicitas*, 18.19 and passim.

subscribed, and posted for public viewing.[58] But compared to extant petitions, Justin's usage in *2 Apol.* 14-15 draws special attention to the act of public posting. In fact, his request, while presuming the regular means of processing, is unusual among extant petitions in that public display is the main object of his appeal in *2 Apol.* 14.1. Justin uniquely requests public display and specifies the posting not simply of the imperial reply but of the petition itself (τουτὶ τὸ βιβλίδιον). The emphasis on public posting is further expressed in the clause that immediately follows, which extends the audience of Justin's petition beyond its official addressees.[59] If authentic, the same desire is expressed again in the infinitival expression at the end of *2 Apol.* 14.[60] *Second Apology* 15.2-3 reiterates the desire for public posting with a kind of *a fortiori* argument in which Justin implies that if the shameful teachings of Epicurus and others are publicly accessible, then Christian teaching should be, too.

This unusual concern for public display clearly announces Justin's propagandistic intent. In addition to his specific request about the manner in which Christian trials should be carried out, Justin has another underlying aim that is unambiguously to win adherents, striving for nothing less than dissemination and conversion through administrative proclamation. In this, Justin is firmly within the tradition of philosophical protreptic. As James Collins observes, "Protreptic discourse aims to cause lasting change. To do this, it must have the capacity to

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[58] On the language of *2 Apol.* 14-15, see chapter three.

[59] "...so that our teachings might be made known <u>also to others</u> and so that [they] might be set free from their false opinion and ignorance of the good" (ὅπως <u>καὶ τοῖς ἄλλοις</u> τὰ ἡμέτερα γνωσθῇ καὶ δύνωνται τῆς ψευδοδοξίας καὶ ἀγνοίας τῶν καλῶν ἀπαλλαγῆναι). In Justin's usage, τὰ ἡμέτερα encompasses Christian life and teaching; cf. *1Apol.* 3.4, where furnishing an account of Christian βίος καὶ μαθήματα answers pagan ignorance of τὰ ἡμέτερα.

[60] "...in order that these things might be made known to humanity" (εἰς τὸ γνωσθῆναι τοῖς ἀνθρώποις ταῦτα).

continue to function in some way in the absence of its designer."[61] This capacity is uniquely available in the petition form, through which Justin aims to effect change by making Christian teaching publicly accessible to all.

Finally, it is important to observe how the efforts of the unnamed Christian *matrona* to persuade her husband to repent stand as an apt narrative summary of Justin's own proselytic aims throughout the *Apologies*: "But when she learned about Christ's teachings, she came to her senses [or, took up a life of chastity] (ἐσωφρονίσθη; cf. *2 Apol*.12.8) and tried to persuade (cf. *2 Apol.* 12.6; cf. *1 Apol*. 12.11; 29.2; 53.1) her husband also to come to his senses [or, to live chastely] in the same way, by citing the teachings and announcing the coming punishment in eternal fire that will come to those who do not live sensibly [or, chastely] and with right reason" (*2 Apol*. 2.2). The woman's story of an exposure to Christ's teaching that leads to her behavioral change functions as a kind of narrative example of Justin's own aim for his audience stated elsewhere in the *Apologies*, and her two-fold effort to convert her husband by citing those teachings (cf. *1 Apol*. 14.4-5; 44.13) and warning him of his future punishment by fire (cf. *1 Apol*.8.4; 17.4; 18.2; 45.6) accounts for much of the content of Justin's work. Just as this teaching and warning of eschatological doom changed (ἐσωφρονίσθη) the Roman *matrona*, so too Justin hopes the same for his own addressees (μετάθεσθε, σωφρονίσθητε: *2 Apol*. 12.8).

Protreptic Commonplaces in the *Apologies*

So far we have noted Justin's desire to make known Christian teaching and to exhort his readers to embrace it, and how those aims reinforce and advance his petitionary objective. In this the *Apologies* shares with philosophical protreptic a propagandistic intent and shared purpose to

[61] James Henderson Collins, *Exhortations to Philosophy: The Protreptics of Plato, Isocrates, and Aristotle* (New York: Oxford University Press, 2015), 42.

effect change and win adherents. But we can also observe in Justin's performance an employment of particular commonplaces of protreptic discourse. Below we will briefly examine two: the availability of choice (including the paradigmatic story of the Choice of Heracles) and the traditional image of Socrates at his protreptic moment *par excellence*.

Inherent in philosophical protreptic is the notion of choice. The protreptic ideal of exhorting listeners to a particular way of life is predicated on their ability to choose between competing alternatives.[62] Indeed, this is precisely the rhetorical situation that Lucian exploits in his satirical send-up of protreptic in *Philosophers for Sale*.[63] In such texts, this theme is evident in the pervasive vocabulary of choice, as well as explicitly in occasional arguments concerning free will and the availability of choice. If the aim of protreptic discourse is to produce a choice or effect a conversion, then it is little surprise that the existence of free choice would be a frequent concern.

Although choice is available to all, in protreptic literature it is not easy. It is a contest (ἀγών) in which competing forces are imagined to be vying for the audience's attention. In Iamblichus's *Protrepticus*, the principle opposing force is that part of human nature that adheres to human beings by virtue of their having been "generated" into the material world; this nature

[62] As Mark Jordan writes, "The unity of philosophic protreptic...would seem to lie...in the hearer's moment of choice before ways-of-life" ("Ancient Philosophic Protreptic," 330). He goes on to state: "Protreptics are just those works that aim to bring about the firm choice of a lived way to wisdom—however different the form of those works and their notions of wisdom might be...[T]he evident continuity of protreptic works across the schools is grounded, I think, in a tacit agreement about the situation of radical choice" (330, 333).

[63] Collins, *Exhortations to Philosophy*, 37. It should be noted that Collins, while certainly not discounting the centrality of choice, disagrees with Jordan in his claim that protreptic serves less to arouse a choice than to guide it among those who are already aroused. Collins emphasizes instead protreptic's aim to initiate a moment of choice.

must be overcome in order to pursue the intellectual life necessary to attain perfect happiness (III, 13.23ff). Choice and competition fuel the drama of philosophical protreptic, manifesting itself in the proliferation of athletic, militaristic, and other metaphors in its literature.[64]

In the protreptic tradition, one of the most iconic illustrations of this drama of choice is the so-called "Choice of Heracles," a famous story originating with the Attic Sophist Prodicus, with which Xenophon has Socrates exhort Aristippus to consider his way of life (*Mem*. 2.1.21-34). Consisting of alternating protreptic speeches by the personified figures of Vice and Virtue, the story itself replicates the ideal protreptic situation: a young man, facing a choice in his way of life, is faced with competing notions of how best to attain the end of εὐδαιμονία (2.1.21, 33-34).

This protreptic concern for choice and its attendant argumentative commonplaces is also present in the *Apologies*. Justin engages in several demonstrations of free will and the possibility of virtuous choice (*1 Apol*. 10; 28.1-4; 43.3; *2 Apol.* 6(7).3-9; 14.2).[65] Though freely available, this choice necessarily entails adversity (*1 Apol*. 12.11), with contending forces—including Justin's performance itself—vying as if in a protreptic ἀγών (*1 Apol*. 4.2; 14.1; 58.3; *2 Apol*. 12.6). Central to this drama for Justin are the evil demons, who strive to hold people captive and prevent contemplation of the divine (e.g., *2 Apol*. 4(5).3-6; 7(8).2).

Moreover, in *2 Apol*. 11.3-8 Justin summons the story of Heracles from Xenophon: "Yet, we think it's now right and timely to tell that story from Xenophon (τὸ Ξενοφώντειον ἐκεῖνο) against both Crescens and those similarly foolish. Heracles, Xenophon said, came to a fork in the

[64] Hartlich, *Historia et Indoles*, 322-25.

[65] Cf. also *1 Apol*. 43, although here the argument for free choice is expressly used to answer the difficulty presented by prophetic foreknowledge in the Hebrew scriptures. Justin's defenses of free choice nearly always occur in relation to Christian teaching about eschatological judgment. If god judges justly, then freedom of choice is required (cf. *1 Apol.* 44.8).

road ..." Proceeding to retell in short form the competing appearances and exhortations of Vice and Virtue, Justin demonstrates his knowledge of this important *topos* of philosophical protreptic, but does so in a way not primarily aimed at a protreptic end. Justin adapts the story for more immediate apologetic purposes, telling it *against* Crescens (πρός Κρίσκεντα) *in defense* of Christians' apparent disregard for death (*2 Apol*. 11.1, 8, following on 10.8), and using it to illustrate why, with good reason, they subordinate all external goods to reach eschatological happiness (εὐδαιμονία; 11.6). Yet, as the mention of εὐδαιμονία shows, the story retains its essential protreptic trappings, and it is likely that for Justin its retelling also works as another implicit appeal to his literary addressees to be persuaded and believe.

Finally, in addition to the theme of choice, there is a clear instance in *2 Apol.* 12.7-8 of Justin employing another popular protreptic commonplace. Here, near the end of the *Apologies*, Justin describes the unfair treatment of Christians instigated by demons and carried out by their oppressors. He punctuates this description with an expression of confidence in a divine overseer to guarantee ultimate justice, building to a dramatic crescendo in which he calls on his addressees to repent:

> "Would that just now (καὶ νῦν) someone would ascend some high bema (ἐπί τι βῆμα ὑψηλὸν ἀναβάς) and shout in a tragic voice (εἴθε καὶ νῦν τις ἐν τραγικῇ φωνῇ ἀνεβόησεν): 'Shame! Shame! for ascribing to the blameless what you openly do, and for clothing them with what belongs to both you and your gods, none of which has anything at all to do with them. Change (μετάθεσθε)! Be chastened (σωφρονίσθητε; cf. *2 Apol.* 2.2)!"[66]

[66] εἴθε καὶ νῦν τις ἐν τραγικῇ φωνῇ ἀνεβόησεν ἐπί τι βῆμα ὑψηλὸν ἀναβάς · Αἰδέσθητε, αἰδέσθητε ἃ φανερῶς πράττετε εἰς ἀναιτίους ἀναφέροντες, καὶ τὰ προσόντα καὶ ἑαυτοῖς καὶ τοῖς ὑμετέροις θεοῖς περιβάλλοντες τούτοις ὧν οὐδὲν οὐδ' ἐπὶ ποσὸν μετουσία ἐστί. μετάθεσθε, σωφρονίσθητε (*2 Apol*. 12.7-8). The beginning of *2 Apol.* 12.7 is a difficult text. For my translation, I have emended A's εἰ δὲ καὶ νῦν τις ἦν τραγικῇ φωνῇ ἀνεβόησεν ἐπί τι βῆμα ὑψηλὸν ἀναβάς to Gildersleeve's εἴθε καὶ νῦν τις ἐν τραγικῇ φωνῇ ἀνεβόησεν ἐπί τι βῆμα ὑψηλὸν ἀναβάς. The emendation to εἴθε, first proposed by Maran, is followed among others by Gildersleeve, Goodspeed, Marcovich, and Munier; it is rejected by Veil and, most recently, Minns and Parvis. While εἰ δὲ is certainly possible, εἴθε, expressive of a wishful exclamation,

Using the rhetorical device of *prosopopoeia*, Justin speaks to his addressees in the voice of the overseer mentioned in *2 Apol*. 12.6, but assimilating it to his own voice as a philosopher and, above all, to that of Socrates as paradigmatic philosopher at his quintessential moment of exhortation. What Justin invokes here is the protreptic scene *par excellence*: the image of Socrates censuring (ἐπιτιμῶν) human beings like "a god on a crane in a tragic performance" (ὥσπερ ἐπὶ μηχανῆς τραγικῆς θεός) in Pseudo-Plato's *Clitophon* 407a-b.[67] It is a scene that recurs in the literary tradition of philosophical protreptic. In the satirical *Clitophon*, the comparison of Socrates to the tragic god is ironic, turning on the mortal philosopher's implied presumption of superior knowledge that such boisterous admonition supposedly requires.[68] But in the history of reception, the memorable elements of the scene stand without irony as a paradigmatic instance of philosophical exhortation.[69] It is invoked, for instance, in Dio Chrysostom's telling in *Oration* 13 of how he found his philosophic voice while in exile in Asia Minor (*Or*. 13.14-28). It is invoked

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follows most naturally from the mention of an ἐπόπτης (overseer) in *2 Apol.* 12.6 and suits the exhortative nature of 12.7-8. Gildersleeve's suggestion of ἐν for ἦν (others suggest ἄν, which introduces another grammatical difficulty), is an elegant solution to an untidy sentence. In my view, the change by Minns and Parvis of νῦν τις to μάντις is unnecessary and disrupts the emphatic repetition of καὶ νῦν between 12.6 and 12.7.

[67] Hartlich, *Historia et Indoles*, 231-32, 310f, 314; Slings, *Plato*: *Clitophon*, 89 (with n. 166), 95, 272-73; Michael Trapp, *Philosophy in Roman Empire*: *Ethics, Politics and Society* (Aldershot, England: Ashgate, 2007), 55. Otto was one of the first scholars to connect *2 Apol.* 12.7-8 to this literary tradition. In relation to Justin, see Pellegrino, "L'elemento propaganistico," 23-28, who briefly surveys most of the references. Pellegrino stresses Justin's alteration of the commonplace for use as a brief closing taunt of pagan culpability (28); I differ in arguing for the presence of a tragic overtone in Justin's reiteration and for his deliberate assimilation of the episode as the protreptic moment *par excellence*.

[68] The image might have been suggested to the author of the *Clitophon* by the scene in Aristophanes's *Clouds* where Socrates appears on a μηχανή and acts and is received like a god (213-26). See Slings *Plato: Clitophon*, 272.

[69] Epict., *Diatr*. 3.22.26; Dio Chrys., *Or*. 13.14; Lucian, *Charon* 20; Ps.-Plut. *Lib. ed.*, 4e; Ps-Demetrius, *De eloc*. 232; Themistius, *Or*. 26.320d; Julian, *Or*. 1.2.9-15 [4A].

by Arrian's Epictetus to describe the preaching of the true Cynic to the masses (3.22.26). In its various iterations, the scene is summoned by allusion to its essential elements: the *shouting* of public censure; the delivery of a *vituperative address* (sometimes quoting its iconic opening line: "People, where are you heading? Are you ignorant of..." [ποῖ φέρεσθε, ὦνθρωποι; καὶ ἀγνοεῖτε...])*;* reference to *tragic* performance; and the ascent to a high perch, denoting a position of superiority or authority from which admonition is issued. These allusions may be highly economical, sometimes borne by a single phrase (such as ποῖ φέρεσθε[70] or ἀπὸ μηχανῆς[71]) standing *pars pro toto* for Socrates's speech or for philosophical protreptic in general. In the case of *2 Apol*. 12.7-8, all the basic elements are present: shouting (ἀνεβόησεν); a speech of censure (Αἰδέσθητε, αἰδέσθητε, κτλ.); tragic performance (ἐν τραγικῇ φωνῇ); and ascent to a high level (ἐπί τι βῆμα ὑψηλὸν ἀναβάς).[72]

[70] Ps-Lucian, *Cynic* 18; Philostratus, *Vit. Apoll.* 1.17; *Corp. Herm*. 1.7.1a [Scott, vol. 1:170]); Libanius, *Or*. 18 (*Funeral Oration for Julian*).123.

[71] For instance, Pseudo-Demetrius, *De eloc*. 232. Demetrius advises that more ponderous subjects, particularly those characteristic of philosophy, are not suitable to letter-writing: "The one who speaks in maxims or exhortation no longer seems (to be writing) by a letter but 'from a crane'" (ὁ δὲ γνωμολογῶν καὶ προτρεπόμενος οὐ δι' ἐπιστολῆς ἔτι λαλοῦντι ἔοικεν, ἀλλ᾽ <u>ἀ<πὸ> μηχανῆς</u> [following the emendation of Ruhnkenius-Cobet]). Similarly, in his *Oration* 1, Julian (1.2.11-13 [4A]) uses the phrase ὥσπερ ἔκ τινος τραγικῆς μηχανῆς to describe the style of philosophers who exhort their readers to strive after virtue and flee from wickedness (προαγορεύειν τοῖς ἐντυγχάνουσι σπεύδειν μὲν πρὸς τὴν ἀρετήν, ἀποφεύγειν δὲ τὴν πονηρίαν).

[72] In Justin, the place is notably a βῆμα, suitable for judgment. The place and means of ascent are variously described in the tradition. In the *Clitophon,* it is the crane mechanism in a tragic performance (μηχανὴ τραγική). In subsequent retellings, it is variously described as a crane (μηχανή) (Dio Chrys., *Or*. 13.14; Ps-Demetrius, *De eloc*. 232; Themistius, *Or*. 26.320d, who also calls it a βῆμα; Julian, *Or*. 1.2.9-15 [4A]), scene structure (σκηνή) (Epict., *Diatr*. 3.22.26; Timaeus, *Lexicon Platonicum*, ad loc.), high bema (βῆμα ὑψηλόν) (*2 Apol.* 12.7; Themistius, *Or*. 26.320d), or simply the highest point in the city (Ps.-Plut. *Lib. ed*., 4e; Lucian, *Charon* 20).

As expected, Justin introduces minor variations—the content of the speech is without allusion to the themes of Socrates's speech in the *Clitophon*,[73] and Justin alone ties the theme of *tragedy* specifically to the speaker's *voice*[74]—but the overall reference is strikingly clear, with even the initial expression of wish (εἴθε καὶ νῦν τις) finding parallels in the versions of Pseudo-Plutarch (εἴπερ ἄρα δυνατὸν ἦν) and Epictetus (ἂν οὕτως τύχῃ). In this way, building to a protreptic crescendo, Justin summons the panoptic and just overseer (ὁ ἐπόπτης) of *2 Apol*. 12.6 (cf. *1 Apol*. 12.1-4) and, in imitation of Socrates's famous call, bids his audience to change their minds and mode of conduct.[75] The voice that speaks from on high is at once that of Justin's god,

[73] Wartelle, while citing the *Clitophon* allusion, floats the possibility—mentioned also by Munier—that Justin in 12.7-8 is citing in modified form an unknown tragic fragment (*Saint Justin Apologies*, 312). While Justin is certainly drawing upon the idea of tragic performance, I think it is unlikely that we have here a tragic fragment. To the contrary, the short speech bears too many stamps of Justin's authorship to invite such a hypothesis: 1) the περιβάλλοντες flows seamlessly with the references to περίβλημα running throughout *2 Apol*. 11-13; 2) characteristic of Justin's Greek style, the third person reflexive (ἑαυτοῖς καὶ τοῖς ὑμετέροις θεοῖς) is used as an intensive of the second person; 3) the reference to "your gods" (τοῖς ὑμετέροις θεοῖς) would have surely originated with Justin; and 4) the theme of accusing Christians of what they themselves openly do has already been introduced in the context (*2 Apol*. 12.4; cf. *1 Apol*. 27.5). These distinctive markings leave little else to be quoted from an unknown tragedy.

[74] Justin's addition of a "tragic voice" further underscores his reproof. For in ancient theories of tragedy, it is a function of tragic performance to reveal hypocrisy to the viewer and to confront them with misdeeds done in blindness. As such, it is a mode that elicits self-examination and self-recognition, goals uniquely suited to Justin's protreptic aims. On appeals to tragedy, see Martha Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton, N.J.: Princeton University Press, 1994), 444-45.

[75] Justin's command for his addressees to change (μετάθεσθε) finds interesting parallels in the appeals of Roman magistrates to accused Christians in later martyr acts. In the *Martyrdom of Polycarp*, the proconsul says to Polycarp ("among other things they are accustomed to say") "Change your mind! Say, 'Away with the atheists'!" (μετανόησον, εἶπον· Αἶρε τοὺς ἀθέους; *Mart. Poly*. 9.2). In 11.2, the author uses μετατίθημι to express the same notion of repentance. In the *Martyrdom of Apollonius*, Perennis, after having asked whether Apollonius was a Christian, commands him, "Change your mind! Be persuaded by me, Apollonius!" (μετανόησον, πεισθείς μοι, Ἀπολλώ *Mart. Apoll*. 3). Cf. also *Acts of the Scillitan Martyrs* 1; 7. If the martyr acts reflect here remembrances of Roman judicial practice, perhaps Justin is also playing on a script often overheard at public assizes.

that of Justin himself (as author of the text, discharging his duty of proclamation), and that of Socrates the first philosopher, at his paradigmatic moment of reproof and exhortation.

In all these ways, we observe that Justin's particular performance of the petition genre deliberately adopts traditions of philosophical protreptic. Throughout the *Apologies*, Justin draws upon the language of this discourse, often describing his work in protreptic terms. Justin shares with protreptic literature a propagandistic aim to make known Christian teaching and to exhort his readers to a change of behavior. Finally, he invokes popular protreptic commonplaces, including the quintessential stories of the Choice of Heracles and of Socrates at his paradigmatic moment of exhortation.

The *Apologies* and Generic Hybridity

In previous chapters, we analyzed to what extent Justin's performance of petition and response shares critical formal and contextual similarities to extant petitions. In our comparative analysis we demonstrated both that his invocation of petitionary forms and practices is fundamental to his literary performance, while at the same time differing significantly from extant petitions, revealing a multifaceted persuasive program. In this chapter we have examined how Justin's petition deliberately and extensively draws from apologetic and protreptic traditions, both of which are integral to Justin's appropriation of the petitionary form. In this way, the *Apologies* is a petition, but one that hybridizes multiple discourses, performatively elaborating petition and response with a dramatic interweaving of the apologetic and protreptic.

In the remainder of this study, we will examine how this eclecticism—this generic hybridity—rather than being a personal idiosyncrasy or a sign of literary incompetence is, in fact, an aspirational marker of performative sophistication and a form of scripted self-presentation

readily conceivable within Justin's contemporary literary culture. The *Apologies* is a peculiar text, but its very hybridity places it within the wider currents of the Greek cultural phenomenon known as the Second Sophistic, broadly defined as the renaissance of literary and oratorical culture among Greek elites of the Roman Empire during the first to third centuries.[76] Within a wide compass of concerns about literature, linguistics, and cultural identity, the writers of the Second Sophistic displayed a marked desire to push generic boundaries. This inventiveness and playful subversion of received forms included the mixing and hybridizing of genres.[77] In this sophistic taste for generic promiscuity, Justin identifies both a resource for integrating his own petitionary, apologetic, and protreptic aims and a precedent for their combination.

Several examples of Second Sophistic literature highlight this penchant for performances that call attention to such transgression. The self-conscious manipulation of generic modes is especially a hallmark of the works of Philostratus and Lucian. To cite just two examples from the Philostratan corpus: in the *Gymnastikos*, Philostratus takes the genre of the technical treatise and transforms it into an *apologia* on behalf of athletic training. Even as he invokes workaday manuals of training (consider the wrestling manual preserved in P.Oxy. III 466), Philostratus elevates the genre into a sophisticated cultural product. This "literaturization" of the form raises it to the realm of high culture, becoming, then, a formal embodiment of his lofty defense of

[76] The term, of course, originates with Flavius Philostratus, who in his work *Lives of the Sophists* (481; cf. 507), differentiates between the "first" and "second sophistic," the latter indicating largely a form of display oratory popular in the second and third centuries. The ancient and modern definitional problems are well-rehearsed; for a succinct statement see Tim Whitmarsh, *The Second Sophistic*, Greece & Rome. New Surveys in the Classics 35 (Oxford: Oxford University Press, 2005), 3-22.

[77] Jaś Elsner, "A Protean Corpus," in *Philostratus*, ed. Ewen Bowie and Jaś Elsner, Greek Culture in the Roman World (Cambridge: Cambridge University Press, 2009), 3–18 (esp. 13-15).

athletic training appropriate for learned critics like Galen.[78] A similar interweaving of discourses is found in miniature in Apollonius's *apologia* before Domitian in *Vita Apollonii* 8.7.1-16, which in a manner suitable for a philosopher uses a speech of defense as a vehicle for both advice (e.g., 8.7.1-2) and rebuke (8.7.5) ("I know full well that I am rebuking you rather than giving a defense" [καὶ ξυνίημι μὲν ἐπιτιμῶν μᾶλλον ἢ ἀπολογούμενος]). As Philostratus says in his introduction to the speech, when a philosopher defends himself, he does not accuse but reproves, necessarily speaking in a discourse other than legal, even when using the juridical form of *apologia* (8.6.2).[79]

Lucian's corpus is also replete with generically hybrid compositions. His *Phalaris A* is written as a fictional ambassadorial speech delivered by an embassy from Phalaris, the tyrant of Sicily famously known for his punishment of roasting people alive in a brazen bull. But even as it assumes the form of an ambassadorial speech, its main purpose is playfully apologetic.[80] Lucian's *Saturnalia* is a three-fold juxtaposition of forms, beginning as a dialogue, continuing as

[78] One question that has attended the interpretation of the *Gymnastikos* is whether the *apologia* is meant as an adoxography—an encomium on a trivial subject meant as a rhetorical exercise, like Lucian's *De Saltatione* (On Pantomime) and *De Parasito* (On the Parasite). Jason König thinks this reading is off the mark, and I have favored his interpretation here (see his "Training Athletes and Explaining the Past in Philostratus' Gymnasticus," in *Philostratus*, ed. Ewen Bowie and Jaś Elsner, Greek Culture in the Roman World [Cambridge: Cambridge University Press, 2009], 251–83).

[79] Σοφῷ δὲ ἀνδρὶ ἀπολογουμένῳ (οὐ γὰρ κατηγορήσει γε ὁ σοφός, ἃ ἐπιτιμᾶν ἔρρωται) ἤθους τε δεῖ ἑτέρου παρὰ τοὺς δικανικοὺς ἄνδρας... ("But a wise man, when he speaks in defense of himself—for a wise man will not lay accusations but speaks to reprove—needs a manner different from lawyers...").

[80] As Lucian states at the concluding transition before the presentation of the tyrant's ambassadorial gift: ταῦτα μὲν οὖν ὑπὲρ ἐμαυτοῦ ἀπολελόγημαι ὑμῖν, ἀληθῆ καὶ δίκαια καὶ ἐπαίνου μᾶλλον, ὡς ἐμαυτὸν πείθω, ἢ μίσους ἄξια ("So then, I've spoken these things to you in my defense, since they are true and just and—as I persuade myself!—worthy of praise rather than hatred") (*Phal*. 11).

a legal code, and ending as a collection of letters between Lucian, Cronus, and the Rich. The pseudo-Lucianic *In Praise of Demosthenes* is a complex intermixing of multi-layered dialogues, an encomiastic *synkrisis*, and extended historical memoirs.[81] In this last instance, the excess of literary amalgamation is largely decried by modern critics; but similar assessments are not foreign to ancient readers of hybrid texts.[82]

This hybridity is found in a number of works addressed to Roman emperors. Dio Chrystostom, in his *Orations on Kingship*, extended the genre of the Περὶ βασιλείας to a new context with its address of a Roman emperor and developed what had largely been a tradition of letters of advice into a four-fold set of forms including fictional dialogues and treatises containing philosophical diatribe.[83] Pliny the Younger in his *Panegyric* turned a different genre and oratorical occasion, the consular *actio gratiarum* (the speech of thanks upon entering senatorial office), into a monumental speech of praise addressed to the new emperor Trajan.[84] In the *Periplus Ponti Euxini*, Arrian of Nicomedia, a senatorial governor of Cappadocia, historian,

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[81] Graham Anderson, *The Second Sophistic: A Cultural Phenomenon in the Roman Empire* (London: Routledge, 1993), 117-18.

[82] For instance, a prooemial speech by Philagrus of Cilicia was criticized for being "gimmicky and confused" (ἡ διάλεξις νεαροηχὴς δόξασα καὶ ἐσπασμένη) for its attempt to incorporate into an encomium of Athens a lament for the speaker's wife (Philostratus, *Vit. soph.* 579). Aelius Aristides's *Or.* 28 (*Concerning a Remark in Passing*) was apparently occasioned by a bit of self-praise in an encomium of Athena, although there the criticism might have been raised more in response to self-praise *per se* than an inappropriate intermingling of forms. For the references, see Anderson, *Second Sophistic*, 67.

[83] See the treatment of Sidebottom, "Studies in Dio Chrysostom On Kingship," 54-97. He summarizes: "... Dio, crossing genre boundaries, turned the Περὶ Βασιλείας into a delivered oration, and addressed it to the Roman emperor" (97).

[84] As Sidebottom argues, "Pliny thus puts a full scale encomium in a new context, where a short speech of thanks was expected. He was regarded as an innovator in late antiquity" (ibid., 60.). Later appreciation for the inventiveness and influence of the *Panegyricus* is demonstrated not least by its headlining the *XII Panegyrici Latini*.

and self-styled philosopher, addressed to Hadrian a rather unorthodox travelogue that mixed a host of genres, among them private letter, travel itinerary, geographical treatise, and military report; this inventive combination of first- and second-person narrative achieves the effect of a rather self-congratulatory encomium.[85]

Finally, some of the clearest expressions of transgressive innovation occur in the realm of epistolary literature, especially in novelistic works of the Second Sophistic that seek to capitalize on the narrative potential of the letter form. The novel *Incredible Things beyond Thule* by Antonius Diogenes—known mainly in summary form in Photius—exploited a pseudo-documentary letter frame, and the *Letters of Chion* used a series of fictional letters to tell the story of the Platonic Chion of Heraclea's tyrannicide of Clearchus. Authors such as Plutarch, Achilles Tatius, Chariton, Athenaeus, Lucian, and Alciphron all combined embedded letters into their dialogic compositions, either as framing devices, as pieces "read" into the conversation record, or as an appended continuation of the conversation in a different context.[86]

Of course, one need not—and indeed cannot—argue that such hybridity is a phenomenon exclusive to the Second Sophistic.[87] Generally speaking, transgression among a given ecology of

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[85] Aidan Liddle, *Periplus Ponti Euxini* (Bristol: Bristol Classical, 2003).

[86] See Jason König, "Alciphron and the Sympotic Letter Tradition," in *Epistolary Narratives in Ancient Greek Literature*, ed. Owen Hodkinson, Patricia A. Rosenmeyer, and Evelien. Bracke, Mnemosyne Supplements 359 (Leiden: Brill, 2013), 187–206. Other essays in this volume contain a wealth of examples of generic promiscuity involving epistolary forms.

[87] For instance, Latin poetry of the early empire is one area where hybridity and genre-bending has been much discussed. Ovid's oeuvre provides a surplus of examples: the elegaic epistles of the *Heroides*; *Tristia II*, an epistolary *apologia* in elegiac verse; *Metamorphoses*, often regarded as beyond generic classification; and the *Fasti*, which literaturized a monumental and epigraphic form. Moreover, in Latin poetry there is also a long-observed gap between ancient theory and practice around the purity of forms. See Cairns, *Generic Composition in Greek and Roman Poetry*; Joseph Farrell, "Classical Genre in Theory and Practice," *New Literary History*

literary forms is always a viable option for an author and was characteristic of Greek literature historically. But the hybridity evidenced in classical exemplars is arrogated by and comes to full expression in the Second Sophistic. This retrieval of precedents is made explicit in the rhetorical theory of the period. Even as the "true virtuosi [of the Second Sophistic] were the rule-breakers and paradigm-shifters," there was a necessary interplay between innovation and tradition that is already present in the name *Second* Sophistic.[88]

Many classical theorists cautioned against the mixing of genres, preferring to uphold the ideal purity of forms. An anxiety toward hybridity is expressed, for instance, in Plato, who implies that forms ought to remain unmixed (ἄκρατος),[89] and later by Quintilian, who has a similar preference for distinct generic boundaries.[90] While such prescriptive statements discourage cross-fertilization, in practice literary mixing was widespread before the Second Sophistic, whose writers found precedent in these classical exemplars. Isocrates's *Antidosis*, for instance, is a self-consciously hybrid work. Occasioned by an actual trial that he lost, Isocrates

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34, no. 3 (2003): 383–408; idem, "Dialogue of Genres in Ovid's 'Lovesong of Polyphemus' (Metamorphoses 13.719-897)," *AJP* 113, no. 2 (1992): 235–68.

[88] Quote from Whitmarsh, *Second Sophistic*, 41. As Philastratus wrote, "It must not be called new, since it is old, but rather second" (*Vit. soph*. 481). On the dynamic between innovation and tradition, see Whitmarsh, *Second Sophistic*, 35-7.

[89] Plato, *Resp*. III.397d.

[90] Quint. *Inst*. 10.2.22:"Each genre has its own law, and its own standard of appropriateness. Comedy does not walk tall in tragedy's high boots, nor tragedy amble on in comedy's slippers" (*suo cuique proposito lex, suus decor est: nec comoedia in coturnos adsurgit, nec contra tragoedia socco ingreditur*) (Loeb transl.). Such a view undergirds Quintilian's recommendation elsewhere not to overuse dialectical deductions in juridical speeches, as these are not appropriate to the audience and purpose of dicanic speech (5.14.27-32). The result "would be more like a dialogue or a dialectical debate than a pleading belonging to our art; and these are very different things" (*dialogis enim et dialecticis disputationibus erit similior quam nostri operis actionibus, quae quidem inter se plurimum differunt*) (Loeb transl.).

decides to adopt in the *Antidosis* the fiction of a defense speech, a genre uniquely suited to his need to demonstrate the truth about himself (*Antid*. 8). But in practice it is a "mixed speech" (μικτὸς ὁ λόγος; *Antid*.10), with "some things in my discourse [being] appropriate to be spoken in a courtroom, others [being] out of place amid such controversies, as frank discussions about philosophy and expositions of its power" (10). It is a transgressive work in which its mixed form is intended to serve multiple aims of encomiastic self-disclosure (*Antid*. 7), defense against popular opinion (8), and philosophical exhortation (10), among others. Even so, Isocrates himself is capable of criticizing the crossing of generic and modal boundaries by other orators.[91]

The *Anitdosis* was not Isocrates's only work of generic innovation,[92] and many more classical examples of mixed discourse, including from Plato himself, were summoned by literary critics in the early empire. Longinus, for instance, describes the Marathon oath in Demosthenes's *On the Crown* (208) as artfully fashioned (πεπραγμάτευται), "simultaneously a demonstration of

[91] In his *Helenae encomium*, Isocrates praises Gorgias's *Helena* but faults it for mixing praise and defense of its object, a transgression Isocrates dwells upon at some length: "This is the reason why, of those who have wished to discuss a subject with eloquence, I praise especially him [Gorgias] who chose to write of Helen, because he has recalled to memory so remarkable a woman, one who in birth, and in beauty, and in renown far surpassed all others. Nevertheless, even he committed a slight transgression (οὐ μὴν ἀλλὰ καὶ τοῦτον μικρόν τι παρέλαθεν) —for although he asserts that he has written an encomium (ἐγκώμιον) of Helen, it turns out that he has actually spoken a defense (τυγχάνει δ᾽ ἀπολογίαν εἰρηκώς) of her conduct! But the speech in defense does not draw upon the same topics as the encomium, nor indeed does it deal with actions of the same kind (ἔστι δ᾽ οὐκ ἐκ τῶν αὐτῶν ἰδεῶν οὐδὲ περὶ τῶν αὐτῶν ἔργων ὁ λόγος), but quite the contrary; for a plea in defense is appropriate only when the defendant is charged with a crime, whereas we praise those who excel in some good quality" (10.14-15; modified from Loeb translation).

[92] Isocrates is equally self-conscious of his literary inventiveness in his prose encomium, *Evagoras* (see especially his comments in *Evag*. 8). Moreover, as Ingemar Düring observed, "with his Cyprian discourses, Isocrates created two distinct types of literature, the encomium, a eulogy of recently deceased persons, and the parainesis, a protreptic discourse" (*Aristotle's Protrepticus: An Attempt at Reconstruction*, vol. 12, Studia Graeca et Latina Gothoburgensia [Göteborg: Institute of Classical Studies, 1961], 20).

innocence, example, oath, encomium, and protreptic exhortation" (ἅμα ἀπόδειξίς ἐστι τοῦ μηδὲν ἡμαρτηκέναι, παράδειγμα, ὅρκων πίστις, ἐγκώμιον, προτροπή; *Subl*. 16.3). But the most extensive reflection on hybridity, expressed in terms of multi-purpose speech, appears in chapters VIII and IX of Pseudo-Dionysius's *Art of Rhetoric*.[93] There, *On the Crown* is understood—like in Longinus—as a hybrid of defense, accusation, encomium, and protreptic, and Plato's *Apology* is similarly analyzed as a defense, an accusation against Athens, an encomium of Socrates, and a protreptic to philosophy (305-6; 347). As D. A. Russell points out, we rightfully extend such treatments of multiform speech to imitative works of the Second Sophistic, such as Apuleius's *Apology*, in which they find full expression.[94]

Thus, generic transgression and promiscuity is a fundamental feature of the literary production of the Second Sophistic. When Justin bends and hybridizes the petition form, he is innovating according to a pattern recognizable to his literary and philosophical contemporaries. We now turn to explaining some of the communicative effects of Justin's performance of hybridity.

Hybridity and the Marks of Literary Sophistication

First, hybridity can be a marker of literary sophistication: the challenge of adapting and intermixing genres and discourses to original effect can be a means of putting one's literary skills on full display. In this way, the eclecticism of the *Apologies* is performative and aspirational; it is

[93] D. A. Russell, "Figured Speeches: 'Dionysius,' Art of Rhetoric VIII-IX," in *The Orator in Action and Theory in Greece and Rome*, ed. Cecil W. Wooten, Mnemosyne Supplements 224 (Leiden: Brill, 2001), 156–68.

[94] Russell, "Figured Speeches," 159: "Apuleius' *Apology* is clearly multi-purpose, as much as Plato's was: defense, accusation, praise of and protreptic to Platonic philosophy, *epideixis* of learning, showing what it is to be an educated man." As indicated in our brief survey of generic hybridity in the Second Sophistic, we can readily multiply contemporary examples.

a conscious attempt by Justin to compose an administrative instrument in a literary style and argumentative mode suitable to a philosopher and literary sophisticate of his time. The genre-bending nature of Justin's performance is itself an aspirational claim—the literary equivalent to and embodiment of Justin's demand for political acceptance.

As an administrative genre, petitions offered a limited canvas for the kinds of high culture polemics associated with philosophers and literati. Unlike forms such as the dialogue, the epistle, or the *prolalia*, the petition was not a canonical genre of philosophical prose. Instead, petitions were tied to a concrete administrative apparatus and therefore occupied a different social space. Administrative petitions typically did not come from the centers of culture but from imperial subjects from a range of social levels, including the relatively humble. Moreover, as seen in chapter one, the demands of bureaucratic processing imposed constraints upon the genre, resulting in a remarkably fixed length and formal structure that Justin demonstrably exceeds. For the vast majority of the empire's inhabitants, compliance with these constraints was necessary in order to navigate the administrative *cursus*, and departures risked finding the garbage heap. If Justin had gone to his corner scribe like most petitioners, the resulting document would have looked much different.

In its length, style, and incorporation of apologetic and protreptic discourses, Justin's generically transgressive petition seeks to elevate a documentary genre to a literary level. From the beginning, his much more fulsome prose floats from the workaday world of the bureaucratic to encompass a wide world of disclosive proofs and demonstrations. As examined in chapters two and three, Justin activates many of the critical idioms of petition and response but produces something significantly different. In his literary pretension, Justin takes a pedestrian form and crafts a work that functions both as a practicable petition and as a sophisticated cultural product

with other aims and effects, not unlike the transformation of technical genres instanced in Philastratus's *Gymnastikos* or Arrian's *Periplus*. In its hybridization with apologetic and protreptic modes, the *Apologies* assert a claim to literary status ordinarily inaccessible to an administrative petition.[95] With a combination of administrative and socially-elite discourses, Justin could address both his procedural objections to Christian trials and the popular and philosophical prejudices of his cultured despisers.

Central to Justin's claim to stature is the unorthodox length of the *Apologies*, as we have already suggested. While the bureaucratic processing of petitions prescribed a uniformly small size, the length of the *Apologies*, by contrast, is simply enormous. Justin's modulation of scale is an instance of *macrologia*, employed as an enactment of radical transparency and voiced injustice over against administrative and judicial procedures that denied Christians an occasion for public defense. The extraordinary physical form of the *Apologies* is also itself a statement of literary and philosophical aspiration, made via a genre that offered limited space for cultured expression.

Moreover, as an aspirational marker Justin's comments about his literary style show similarities to the rhetoric of disavowing eloquence found among his contemporaries. Justin likely fancied himself a sophisticated writer; in reality, he has a marked, sometimes breathless Greek style that aspires to literary pretension but that surely would have been regarded as ineloquent by elite writers. But denying eloquence was a common trope of the self-described

[95] Another helpful analogy—*mutatis mutandis*—to Justin's relationship to the petition genre may be the relationship between documentary and literary letters. As Michael Trapp observes, "It is striking...how much more functional papyrus letters are than even the least 'retouched' of the letter-collections surviving in a manuscript tradition. They focus very closely on the business of reporting recent events and issuing commands and requests, with very little space or energy left over for more general reflection or even friendly gossip. This may betray a class difference in familiarity and ease with letters as a medium of communication" (*Greek and Latin Letters*, 11).

philosopher, even though most were highly skilled rhetoricians, and such denials themselves were part of a much-rehearsed rhetorical posture.[96] While Justin never openly denies his own eloquence, he does distance himself from sophistic artifice—as any self-respecting philosopher must—while at the same time attempting to display stylistic flourish. Twice Justin refers to "sophistic style" in the *Apologies*, both instances occurring together at the end of an argumentative unit that introduces the teachings of Christ related in *1 Apol*. 15ff. Preparing his reader for the simple character of his teacher's speech, Justin describes it as brief and to-the-point (βραχεῖς...καὶ σύντομοι; 14.4), adding as justification that Christ was no sophist (σοφιστής), with sophistry connoting artifice and a grandiloquence, and, by extension, an absence of truth-telling; such was usually the case when sophistry was made the foil of philosophy.[97] But this brevity and concision may be contrasted with Justin's own speech, a fact of which Justin himself is conscious in *1 Apol.*14.4: "But in order that we might not seem to deceive you (σοφίζεσθαι ὑμᾶς), we consider it expedient to mention before the proof some teachings of Christ himself; and let it be up to you, as powerful kings, to examine whether we have been taught and do teach truthfully." Why the risk of deception? In the immediate context in 1 *Apol*. 14.2-3, Justin has been describing the changed lifestyles of those who have become Christians. If the possibility of deception lies in the lack of evidence for his claims, the enumeration of Christ's teaching would do little to assuage his readers' fears. Instead, the possibility of deception lies in the self-consciously stylized description of his claims, which, indeed, is composed in an extended period

[96] Harry Sidebottom, "Philostratus and the Symbolic Roles of the Sophist and Philosopher," in *Philostratus* [ed. Ewen Bowie and Jaś Elsner; Greek Culture in the Roman World; Cambridge: Cambridge University Press, 2009], 72.

[97] Cf. *Dial*. 129.2, where sophists are described as incapable of either speaking the truth or understanding it (μηδὲ λέγειν τὴν ἀλήθειαν μηδὲ νοεῖν δυνάμενοι).

with balanced *clausulae*, a rhetorical contrast between old and new, and a climactic ὅπως clause in *1 Apol.* 14.4. By naming the possibility that the reader might be deceived by the craftiness of his words, Justin subtly makes a claim to their artfulness while upholding the values of the philosopher concerned only with speaking the truth.[98]

Genre-Bending, Philosophy, and the Performance of Supplication

The *Apologies'* hybridity is an indication not only of Justin's literary aspiration. By manipulating the scripted codes of petition and response, it is a means of performative self-fashioning. All petitions are performative by virtue of their repetition and fashioning of certain scripted roles. Petitioners reiterate those roles by following or, albeit rarely, departing from the received conventions that script them. The relationship at the center of the petition form is, of course, that between the suppliant and the supplicandus. Justin's presentation of himself and his imperial addressees in the *Apologies* is a creative and even subversive reiteration of the conventional suppliant-supplicandus relationship. He renegotiates this relationship on the basis of his self-understanding as a philosopher, which is integral to his transformation of the petition form. Moreover, this self-understanding and his stance as advocate on behalf of (ὑπέρ) people unjustly treated (*1Apol.* 1.1) places him in a diplomatic tradition of prominent philosophers and

[98] The same back-handed self-compliment is attempted in a much less subtle fashion in *Dial.* 58.1-2: "'I intend to quote scripture to you,' I said, 'without any reliance on mere artistic arrangement of arguments. Indeed, I have no such skill, but this grace alone was given me from God to understand his sciptures ...' 'In doing so,' said Trypho, 'you surely show true piety toward God, but when you say that you have no talent in the rhetorical arts, I suspect you are just dissembling in this matter.' 'If you think so,' I replied, 'we will not argue the point...'" (translation modified from Falls).

sophists who interceded with imperial power.[99] Embassies to the emperor and Roman Senate[100] on behalf of cities and *koina* represented for learned men of Justin's time at once an honor and fulfillment of a duty toward their city, as well as a consummate test of their skills and possible means of lasting fame. Plutarch, in his *Precepts on Statecraft*, remarks that whereas in the old days civic leadership demanded courage in war, now public lawsuits and imperial embassies provide the crucible, demanding as they do fiery men of courage and intellect (805A).

Addressing a petition as a philosopher to the emperor required Justin to remake the scripted codes of the genre. Philosophers don't make servile speeches to emperors;[101] nor can their language be contained by bureaucratese. One is reminded—as perhaps Justin himself was—of Socrates's response to the defense speech that Lysias had composed for him: a fine speech, he said, but unsuitable, for it is patently more lawyer-like than philosophical, akin to swapping a

[99] G. W. Bowersock, *Greek Sophists in the Roman Empire* (Oxford: Clarendon Press, 1969), esp chapter four, "Sophists and Emperors" (pp. 43-58); J. G. F. Powell, "The Embassy of the Three Philosophers to Rome in 155 BC," in *Hellenistic Oratory: Continuity and Change*, ed. Christos Kremmydas and Kathryn Tempest (Oxford: Oxford University Press, 2013), 219–48. Schoedel, "Apologetic Literature and Ambassadorial Activities," treats Athenagoras and Justin in relation to ambassadorial speech. For Schoedel, the *presbeutikos logos* is "basically a petition" (70). While ambassadors' speeches often contain requests, we can better see how Justin remakes and elevates his role as suppliant if we attend closely to the distinctive relationship that is scripted within petitionary discourse.

[100] Mention of embassies specifically to the Roman Senate is meager but interestingly cluster in the middle of the second century at the time of Justin's writing. Five of the eight recorded mentions of embassies to the Roman Senate date from Justin's time—the others are from the first century—and most also mention simultaneous embassies before the emperor (see George A. Souris, "Studies in Provincial Diplomacy under the Principate" [Ph.D. diss., University of Cambridge, 1984]. 80-82). These contemporary diplomatic practices may partially explain Justin's inclusion of the Senate in his address (*1 Apol.* 1.1; 56.3), against the view that it is out of place and must be a later scribal addition (e.g., Minns and Parvis, *Justin, Philosopher and Martyr*, 35).

[101] As Apollonius declares to Domitian: οὔτε ἀνελεύθερόν τι διελέχθην βασιλεῦσιν ("I've never engaged in servile speech with emperors") (Philostratus, *Vita Apoll.* 8.7.33).

philosopher's mantle for a rich man's cloak.[102] The tensions of addressing an emperor as a philosopher, particularly in a court of law, is memorably illustrated by Philostratus in his introduction to Apollonius's defense before Domitian. Apollonius, we are told, approached his day in court not as a contest for his life (ἀγὼν ψυχῆς) but as an opportunity for dialectical discussion (διαλέξεσθαι) with the emperor (8.2.1; cf.), much like Justin presented his petition as a conversation (προσομιλεῖν) with Caesar (*Dial*. 120.6).[103] In Apollonius's *apologia*, philosophy itself was to prove the measure (8.2.1), and even an imperial court is accountable to a higher jurisdiction in which it is judged: as Apollonius asks the clerk, "And who will judge between the emperor and me?" (ibid.). Like Socrates, who did not in fact die as the Athenians had thought (8.2.2), Apollonius is ultimately invulnerable to imperial condemnation or harm (8.5.3; 8.7.50). Moreover, the forms of court cannot contain the fullness of his defense: if he were allowed to freely respond, not even the Tiber itself could count the length of his speech (8.2.2). Nevertheless, such a rhetorically sophisticated wise man is also a master of brevity, and Philostratus puts both on display by reporting his interrogation by Domitian (8.4-5) as well as the full defense speech he had prepared to deliver (8.7). The latter required a discourse different from the judicial norm. Like Socrates's response to Lysias, Philostratus writes that when a wise man defends himself, he needs a manner different from that of men trained in law (ἤθους τε δεῖ ἑτέρου παρὰ τοὺς δικανικοὺς ἄνδρας) (8.6.2), for his speech must be elevated and a bit haughty,

[102] Diogenes Laertius, 2.5.40.

[103] By Justin's report in *Dial*. 120.6, if the *Apologies* represent an ἀγὼν ψυχῆς, it was to be waged not against the emperor but against Justin's own people, the Samaritans.

while avoiding pity (καὶ ὑπόσεμνος ἔστω καὶ μὴ πολὺ ἀποδέων τοῦ ὑπερόπτης εἶναι ἔλεός τε ἀπέστω λέγοντος).[104]

In the same way, even as he is composing an administrative document calling for a procedural response, Justin is constructing his authorial persona on the basis of philosophical traditions that value qualities like frank speak, reason, and avoidance of flattery, which sit uneasily within the relationship expected in petitions between suppliant and official. As demonstrated in chapter one, by their nature as supplications to power, petitions construct that relationship in terms of a powerful, beneficent official acting on behalf of a weak, humble petitioner. Petitioners typically portray themselves as loyal, deferential subjects and the addressees as benefactors and protectors of the weak. The construction of this relationship was reinforced by the petitioner with certain tropes, including themes of harassment of the suppliant, flight to the official, the necessity of supplication, the mutual advantage of a favorable response, and the disparity between the petitioner's plight and the prosperity or virtue enjoyed by the petitioned. As we observed earlier, Justin exploits the themes of harassment and necessity, and like many petitioners he leverages the public claims predicated of his imperial addressees, in this case those of philosophy and piety.[105] But the themes of flight and refuge and attendant appeals to pity—pervasive among extant petitions—are conspicuously absent in Justin's request. This is

[104] Philostratus, *Vita Apoll*. 8.6.2.

[105] The petition of the priests of Soxis to Hadrian (**SB XVI 12509**), for instance, stands in sharp contrast to Justin's construction of the petitionary relationship: "...Savior and Benefactor [we ask you] to pity our god, Soxis, and to permit us to..." For more on this petition, see: Adam Lukaszewicz, "A Petition from Priests to Hadrian with His Subscription," in *Proceedings of the Sixteenth International Congress of Papyrology*, ed. Roger S. Bagnall (Chico, CA: Scholars Press, 1981), 357-61; S. R. Llewelyn, "Petitions, Social History, and the Language of Requests," in *New Documents Illustrating Early Christianity*, ed. S. R. Llewelyn, vol. 6 (Sydney: The Ancient History Documentary Research Centre at Macquarie University, 1997), 140–46.

part of a conscious subversion of the typically deferential relationship between the suppliant and supplicandus.

Justin's mention of the emperor's virtues is less in praise of their reality than a shibboleth for which his petition serves as a test. The leveraging of such praise was a common tactic among petitioners. But whereas most left its implications implicit, Justin announces from the beginning that the merit of imperial praise remains to be seen (*1 Apol.* 2.3), even contrasting the virtues of piety and philosophy with the vices of violence and tyranny that are equally realizable (*1 Apol*. 3.2). By raising the specter of tyranny, Justin summons the traditional opposition between philosopher and tyrant, with himself planted firmly on the side of truth and his imperial interlocutors in jeopardy of fulfilling the role of tyrant, if they do not rule on the side of justice. Similarly, Apollonius's defense before Domitian is a confrontation with tyranny (e.g., 8.3; 8.5.4); as Philostratus maintains, the truest test of a philosopher is his conduct before tyrants (*Vit. Apoll.* 7.1).

As part of his authorial persona, Justin reframes the hierarchies of dependence and deference implied in the suppliant-supplicandus relationship. As we argued above, he draws heavily upon apologetic topoi, including the defendant's ultimate invulnerability, the judge's true state of jeopardy, and the defendant's ironic advocacy on the judge's behalf. In the context of an imperial petition, Justin's repeated threats of eternal punishment against his addressees are startling (*1 Apol*. 2.3; 3.5; 4.2; 12.6; 17.4; 45.6; 68.2; *2 Apol*. 15.5). To be sure, petitions frequently utilized veiled threats of disadvantage to the state; it is not surprising that the inhabitants of the empire were shrewd enough to know that sympathy for their request could be gained if their grievance affected the security of the state, its maintenance of order, or its ability

to collect taxes.[106] But Justin's deployment of these themes evinces a boldness and virulence alien to the deference normally displayed in petitions, constituting an extreme form of the reversal of advocacy themes familiar to apologetic discourse. Just as Apollonius left court having convicted Domitian, rather than himself being convicted (*Vit. Apoll.* 7.1), Justin creates in the *Apologies* an alternative legal reality in which God acts as ultimate judge, the safety of Christians is guaranteed, and the final punishment of imperial hubris is threatened before a vengeful crowd of the faithful (*1 Apol*. 68.2).

Finally, a crucial aspect of Justin's self-presentation—and his re-scripting of his role as suppliant—is his display of philosophical παρρησία (*parrhesia*; "free speech," "frank speech"). Παρρησία is a multi-faceted concept with several interrelated dimensions. From its roots in Athenian democracy, it denotes the *political right* of a free citizen to speak one's mind in the public assembly. But it comes to enjoy an especially close association with *truth* per se, thus denoting the need for or *duty* to speak what is necessary. As such, it also risks *opposition* from its hearers, and thus further insinuates the moral *courage* of the speaker to deliver truth even in the face of negative consequences for herself.[107]

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[106] For examples, see Tor Hauken, *Petition and Response*, 279; Kelly, *Petitions, Litigation, and Social Control*, 58; Harper, "Forensic Saviour," 116-7.

[107] For an historical and philosophical account of παρρησία incorporating the themes of truth, morality, courage, and duty, see Michel Foucault, *Fearless Speech*, ed. Joseph Pearson (Los Angeles: Semiotext(e), 2001). As Foucault summarizes: "... parrhesia is a kind of verbal activity where the speaker has a specific relation to truth through frankness, a certain relationship to his own life through danger, a certain type of relation to himself or other people through criticism (self-criticism or criticism of other people), and a specific relation to moral law through freedom and duty" (*Fearless Speech*, 19). For recent treatments of παρρησία in the Hellenistic and imperial periods, see Evangeline Lyons, "Hellenic Philosophers as Ambassadors to the Roman Empire: Performance, Parrhesia, and Power" (Ph.D. diss.; University of Michigan, 2011); Dana Farah Fields, "The Rhetoric of Parrhesia in Roman Greece" (Ph.D. diss.; Princeton University, 2009).

Among ancient philosophers, παρρησία is thus both the moral right and duty to speak freely the truth, however unpopular or difficult to receive. Of course, the line between παρρησία as morally justified speech and its excess—namely, λοιδορία, or abusive speech—can be a fine one. In philosophical circles there was an important literature and discussion on the nature and proper use of παρρησία, with treatises devoted to the subject (e.g., Philodemus's *De libertate dicendi*) and scattered internal critiques of its abuses.[108] This discussion and the anxiety it expresses demonstrates that παρρησία was a powerful and, therefore, contested marker of philosophical identity, an important means of laying claim to the authority and status of philosopher.

Like the threadbare cloak, the display of an uncompromising commitment to speak truth to power was an essential marker of philosophical performance.[109] As a display of credentials, the more powerful the addressee, the more social capital may be earned. For inasmuch as the danger is intensified when the addressee is of higher status, so is the moral courage of the speaker in exercising boldness precisely when the danger is most threatening.[110] The philosophical biographies of Diogenes Laertius are replete with anecdotes of such confrontations (e.g., 2.102, 130; cf. 6.38). The literary topos of the philosopher and tyrant is animated by the same risks and rewards of boldness before a king.

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[108] For a succinct statement of insolence as the near enemy of boldness of speech, see Philodemus, *Lib*., fr. 60; Plutarch, *Pomp*. 60.4. Cynics, of course, were frequent targets of criticism for crossing this line: e.g., Lucian, *Vit. auct*. 10; *Peregr*. 18.

[109] See Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison, WI: University of Wisconsin Press, 1992), especially pp. 61-70.

[110] On courage and *parrhesia*, see, e.g., Musonius Rufus 9.100-105; Dio Chrysostom, *Or*. 32.11.

Justin intentionally connects his self-presentation with traditional modes of παρρησία. His performance in the *Apologies* can at times be quite bold, but it is nevertheless enacted within traditions of authorized cultural critique and supported by tropes from apologetic and protretpic literature. As we argued above, Justin draws heavily on such apologetic topoi as the defendant's inviolability, the judge's true state of jeopardy, and the threat of self-condemnation in the event of an unfavorable judgment. He summons the protreptic commonplace of Socrates at his paradigmatic moment of reproof. These instances of bold speech are squarely within the respective traditions of juridical and protreptic rhetoric which Justin invokes. Such an observation makes Justin's language no less frank or striking, but it does evince a familiarity and deliberate association with a long tradition of παρρησία.[111]

Justin's persuasive strategy, then, is bold but not artlessly reckless. It is part of a scripted display and calculated strategy of self-authorization. Justin's initial disavowal of flattery in *1 Apol.* 2.3 ("For we have approached not to flatter you through this document nor to curry favor with it, but to ask...")[112] already arrogates truth-telling authority and signals to his reader that a certain kind of register is to be expected. From the beginning of his petition, Justin repeatedly invokes philosophy, reason, and the love of truth (*1 Apol*. 1.1-2.2) to authorize his speech and to provide the criteria by which to judge it. By announcing a no-flattery zone, Justin "collapses the gap between truth and embellishment" and thereby establishes an interpretative context in which

[111] This in turn leads to a more generous assessment of his control over his persuasive strategy, in contrast to more pessimistic appraisals. Buck and Thorsteinsson, for instance, both acknowledge that Justin is familiar with traditions of παρρησία, but find his boldness to be "either ignorant or neglectful" (Buck, "Justin Martyr's Apologies," 53-4, 59) or "quite unsophisticated and, rhetorically speaking, foolishly rude" (Thorsteinsson, "Literary Genre and Purpose," 97, with respect to the *1 Apol.*).

[112] *1 Apol*. 2.3: οὐ γὰρ κολακεύσοντες ὑμᾶς διὰ τῶνδε τῶν γραμμάτων οὐδὲ πρὸς χάριν ὁμιλήσοντες, ἀλλ᾽ ἀπαιτήσοντες... προσεληλύθειμεν

to receive his frank speech.[113] This opening gesture summons the tradition that stands behind philosophers and that sets their speech apart: rhetors praise; ambassadors request (and praise, too); philosopher's warn.[114] In *1 Apol*. 3.1, Justin then acknowledges the boldness of the preceding exordium. There, by issuing what we have identified as a πρόκλησις in which Christians themselves assume the risk of a negative verdict, Justin seeks to mollify his opening without erasing its forceful effect. As Aristotle advises, acknowledgment of the boldness of one's speech is a strategy that can add to its truth value, "since the orator is obviously aware of what he is doing" (Arist., *Rhet*., 3.7.9; Loeb transl.).[115] At *1 Apol*. 5.1, Justin prepares his readers for their unfavorable depiction as driven by wicked demons with the phrase εἰρήσεται γὰρ τἀληθές ("for the truth will speak"). This stock phrase is used by orators to signal that something may be hard for the hearer to take, preparing them for its boldness by insinuating that the truth itself is speaking, not the orator.[116] Justin's παρρησία, then, is not the careless speech of a loose rhetorical cannon, but of one who is aware of the resources of the traditions of bold speech and the warrants they provide. It is a calculated strategy that can win favor or be scorned as hubris;

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[113] Borrowing a phrase from Jaś Elsner, "The Rhetoric of Buildings in the *De Aedificiis* of Procopius" in *Art and Text in Byzantium*, ed. Liz James (Cambridge University Press, 2007), 38.

[114] Elizabeth Rawson, "Roman Rulers and the Philosophic Adviser," in *Philosophia Togata: Essays on Philosophy and Roman Society*, ed. Miriam T. Griffin and Jonathan Barnes (Oxford: Clarendon Press, 1989), 253.

[115] See also Hermogenes, *Method* 6 [419]: "There are two remedies and excuses of presumptuous and rash thoughts (τῶν δὲ αυθαδῶν καὶ τολμηρῶν θεραπεῖαι καὶ παραμυθίαι δύο), either by a short addition or by an acknowledgement of their rashness" (transl. George Kennedy, *Invention and Method: Two Rhetorical Treatises from the Hermogenic Corpus* [Writings from the Greco-Roman World; Society of Biblical Literature, 2005], 213). Cf. Longinus, *On Sumblime* 32.1-4.

[116] See n. 18 above.

its payoff, like its risk, can be significant. As Plutarch writes, such clever boldness, with its display of wisdom and courage, arouses admiration in its audience and dissipates the anger of the powerful, like Sthenno's παρρησία had moved Pompey to stay the mass execution of the Mamartines (*Praec. ger. rei publ.* 815E). For this reason, Plutarch calls παρρησία the sacred anchor to which public figures cling in times of storm (ibid., 815D).

The calculated and performative nature of παρρησία renders problematic its evidentiary value for the specifically *fictional* nature of the *Apologies*. Buck, in particular, argues that Justin's insolence is so extreme that it is certain evidence that he never intended to submit his document to imperial authorities.[117] But understanding Justin's παρρησία as a strategy of self-authorization—and one rooted in a wider discourse of ancient philosophical expression and identity-making—seems to problematize any clear cut sense of truth and fictionality in such a highly performative work.

Finally, such a strategy of self-authorization constructs the philosophical personae of *both* Justin *and* his imperial addressee. Of course, it first of all recasts Justin's role as a deferential suppliant into that of a philosophical advocate and adviser characterized by a courageous commitment to truth and moral duty. But at the same time, frank speech also constructs the addressee in a similar way. Παρρησία is predicated on the confidence that the addressee will share in the speaker's value that "truth exposed is better than truth colored."[118] In this way, a speaker's παρρησία has the potential to flatter the recipient by ascribing this value to him, especially in the case of the emperor whose power over the speaker would otherwise be absolute. It therefore seeks to construct the emperor as one who does, indeed, value the pursuit of truth

[117] "Justin Martyr's Apologies," 59.

[118] Fowler, *Kinds of Literature*, 67.

above deferential and dissimulating platitudes, portraying the speaker as above guile and the hearer as unsusceptible to flattery. Indeed, imperial literature contains many examples of emperors responding favorably to such straight talk. Augustus was praised for not only putting up with the παρρησία of Athenodorus, but delighting in it, taking on the man as a *paedogogus* and father-figure.[119] Dio Cassius reports how Cassius Clemens, on trial before Severus as a partisan of Pescennius Niger, did not restrain his speech (οὐκ ἀπεκρύψατο τὴν ἀλήθειαν, ἀλλ...ἐπαρρησιάσατο ["he did not hide the truth, but...spoke freely"]), even, like Justin, threatening the emperor with self-condemnation if he did not rule in his favor.[120] In response, Severus marveled at Clemens's frank speech (τῆς παρρησίας θαυμάσας) and agreed to let him keep half of this property. Even Gaius was similarly moved by the letter of Herod Agrippa on behalf of the Jews. Philo writes that Gaius "approved of the way he did not disguise or conceal his feelings, and said that this gave proof of a very independent and noble spirit."[121] Important

[119] Julian, *Caesares*, 326A.

[120] Dio Cassius 75(74).9.3: ἐξέταζε οὖν μὴ τὰ σώματα ἡμῶν μηδὲ τὰ ὀνόματα, ἀλλ᾽ αὐτὰ τὰ πράγματα. πᾶν γὰρ ὅ τι ἂν ἡμῶν καταγνῷς, τοῦτο καὶ σεαυτοῦ καὶ τῶν σῶν ἑταίρων καταψηφιῇ· καὶ γὰρ εἰ τὰ μάλιστα μήτε δίκῃ μήτ᾽ ἀποφάσει τινὶ ἁλώσῃ, ἀλλὰ τῇ παρὰ τοῖς ἀνθρώποις φήμῃ, ἧς ἐς ἀΐδιον μνήμη καταλελείψεται, δόξεις ταῦτα ἐφ᾽ οἷς συνέβη ἑτέροις ἐγκαλεῖν ("Do not, then, investigate our persons or our names, but the deeds themselves. For in every point in which you condemn us you will be passing sentence against both yourself and your consilium; since, however secure you may be from conviction in any suit or verdict, nevertheless, in your reputation among people, the memory of which will last forever, you will be represented as bringing against others the very charges to which you yourself are liable" [Loeb transl., with modifications]). As noted earlier, Clemens's demand that "deeds" be investigated, not just "names," constitutes another striking parallel to Justin's argument.

[121] Philo, *Legat*. 42 [332] (Smallwood translation). The fuller context of Gaius's imagined reaction to the letter is instructive: "When Gaius received the letter and read it, he was angered at each of the points, since his purpose was not prospering; but at the same time he was moved at the mixture of arguments and pleas. He partly approved of what Agrippa said, and partly disapproved. He objected to his excessive obsequiousness toward his compatriots...but approved of the way he did not disguise or conceal his feelings, and said that this gave proof of a very independent and noble spirit" (ibid.).

for our purposes is that these authors represent Augustus, Gaius, and Severus (and Pompey before them) as acknowledging boldness as a reason for admiration, perhaps confirming how Justin's petition might have been—or at least was intended—to be received as a bold and freely spoken work.

Conclusion

In this chapter, we have examined Justin's hybridization of the petition genre with apologetic and protreptic discourses. His performance of these multiple discourses intersect especially in his self-creation as a philosopher. It is as a philosopher and literary aspirant that Justin manipulates the generic codes of petition and response, hybridizing their conventions with that of apologetic and protreptic in a manner recognizable to his socially elite contemporaries. We demonstrated that, even as he performs the genre of the imperial petition, Justin invokes and performs judicial discourse, both in his construction of a forensic situational context (including its portrayal of addressee as judge and speaker as advocate, the situation of standing accused, and its appeal to justice as the criterion of adjudication) and in his argumentation according to forensic rhetoric (including issue theory and rhetorical commonplaces characteristic of apologetic discourse). Although the *Apologies* is not a speech written to be delivered in court, in its apologetic aspects it works by taking up the prejudicial treatment of Christians and laying, via petition and response, an idealized *apologia* before its imperial addressees. Moreover, Justin's performance of the petition genre assimilates philosophical protreptic. Justin draws frequently from its language and describes his work and its aims in protreptic terms. It shares with protreptic a propagandistic intent and a common purpose to exhort its readers to change. In the

process, it invokes popular protreptic commonplaces, including the quintessential stories of the Choice of Heracles and of Socrates at his paradigmatic moment of exhortation.

The hybridization of these constituent discourses in the *Apologies* places the work in its wider literary environment, particularly within the cultural phenomenon known as the Second Sophistic. Seen in this context, the *Apologies* appear as a literary performance of a unique but identifiable kind. As a mixture of dicanic argumentation and philosophical exhortation unified by an overarching petitionary aim that shapes and consolidates them, the *Apologies* combines the procedural instrumentality of a petition with decidedly philosophical and literary pretensions. This remaking of the administrative genre is the adoption of a persuasive strategy befitting a philosopher, a deliberate intermix that accomplishes important work: elevating the literary status of the petition form, subverting its relationship between petitioner and petitioned, and re-scripting its authorial self-presentation with philosophical παρρησία. In this way, Justin opportunistically capitalizes on a genre made available by the administrative culture and intentionally elevates and hybridizes it in a way characteristic of the literature of his elite contemporaries.

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