Roman Legal Discourse in 5th and 6th Century Coptic Upper Egyptian Hagiography

Since Peter Brown's seminal work on the Late Antique holy man (Brown 1971), it has been customary to regard such figures as individuals who filled the void left by the withdrawal of Roman political and religious institutions by satisfying the public function of a patron and mediator. Brown sees this privileged role as stemming from the personal authority of the holy man and his status as a stranger within the community. This general consensus holds in spite of cogent reassessments by Ariel Lopez (2013) and James Goehring (1996, 1997, and 1999), each of whom takes issue with Brown's characterization of Egyptian holy men as inward-looking and isolated, closed off from village economic and political life. Lopez has convincingly demonstrated that, in contrast with more inward-looking monks like Anthony, Shenoute of Atripe played an active role in society as a rural patron and prosecutor of pagans (Lopez 2013). Furthermore, Goehring has argued using the papyrological evidence of tax receipts that the "urban ascetic" Pachomian monastery was well integrated within the legal and social fabric of village life in Roman Egypt (Goehring 1996).

In this paper, I offer a further suggestion that, even in contexts where Roman institutions had receded dramatically in importance, these figures were not able to insert themselves into the void left by the collapse of the pagan temple and administer justice and mediate disputes as they saw fit. Rather, Roman legal discourse permeated the Egyptian culture of dispute settlement, even among monks. The paper vindicates this claim through a close reading of select passages from the Coptic *Lives* of Shenoute of Atripe, Moses of Abydos, Aaron, and Macarius of Tkow. The examples involving Moses of Abydos and Aaron comprise instances of holy men serving as sponsors of petitions to judicial authorities and as arbiters in a dispute. It is important to establish

that holy men engaged in activities of this sort, but these examples will not require in-depth analysis during my presentation.

Two other hagiographic passages indicate more strongly the ideological staying power of the ideas and structures of Roman law. First, in an episode from Shenoute's *Life*, the holy man, rather than taking justice into his own hands, is portrayed sending a confessed murderer to appear before a secular magistrate, the *dux Thebaidis*, in order to be condemned through the legal procedure of Roman law. This episode illustrates that the secular authorities were seen as enforcing divine justice, even if they did not have an explicit awareness of doing so. Despite the subversive elements of this episode, however, the hagiography does conform to the ideology of Roman law that imperial magistrates had the only legitimate claim on adjudicating and enforcing legal decisions, at least in this sort of capital criminal case. Another passage from the *Panegyric* of Macarius narrates the crimes of a group of pagans in the form of a confession before a group of corrupt magistrates, most likely in order to soften the brutal execution of these pagans later in the text. The presentation of their testimony as if they had gone through a quasi-Roman formal legal process helps to justify what in fact seems to have been a summary execution.

The strong presence of the language and forms of Roman legal discourse within these accounts reveals that Upper Egyptian monastic communities conceptualized or commemorated juridical actions not as a new form of divine justice, divorced from the legal structures that preceded it, but instead justified this behavior on the terms of Roman law and made it acceptable to the Roman legal discourse. Even in cases where the authors may have separated themselves from Roman political institutions, they still retained the vocabulary and structures of Roman law as a discourse that conferred legitimacy and delineated just action.

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