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**Writing a History from Below: The Evidence of the *Codex Hermogenianus***

The *Codex Hermogenianus* (*CH*), a Diocletianic collection of 922 answers to petitions (rescripts) written in the name of the emperors is partially preserved in edited form in the *Codex Justinianus* and other collections. I show how the rescripts in the *CH*, though overlooked by historians, can provide insightful evidence of the activities and legal concerns of non-elite people, evidence that is incomparable outside Egypt. My examination of the status and location of the petitioners in the *CH* gives the most detailed analysis heretofore offered of the social groups that petitioned and the process they used to do so.

The results of my analysis show that the petitioners' names offer valuable data that are time and place-specific to onomastics experts, who have hitherto used only inscriptions as their source material. Looking at the status of the petitioners, I have found that they were astonishingly diverse: there are no entries to senators, and only nine entries are obviously to members of the curial class. The rest are to non-elite individuals. While most rescripts were to male civilians, a number were to members of other unexpected social groups. There were rescripts to soldiers, but far fewer than Brian Campbell (1984) has found for an earlier period. Rescripts to women number 29% of the total; they concern non-familial more often than familial issues, and offer insights into the activities and concerns of non-elite women, about whom little is known from other types of evidence. Slaves are the most unexpected petitioners in the *CH*, and their rescripts offer our most direct evidence for slaves using law. Rescripts to groups are addressed not to communities, but rather to families. This discovery calls into question the exemplarity of rescripts to communities such as that at Skaptopara (*CIL* 3.12336), which are preserved in inscriptions and have until now been one of our fullest sources of information for the rescript system.

I use the *CH* as a tool for understanding how the rescript system functioned and can now add details and corrections to existing schemata. I describe how petitions were written using notaries' services. From my calculation of the number and frequency of the answers to those petitions, I propose not only that Diocletian did not reply to petitions, but also that the *magister a libellis*, Hermogenian, who did compose the answers, had helpers. My proposition casts doubt on strongly-held assertions about the relative involvement of emperors and *magistri* in the rescript system. This reconstruction of the rescript system on the basis of the *CH* shows that the administration of the late Roman Empire was a more collaborative enterprise than social historians have previously proposed.