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Iudex Vice Caesaris: Deputy Emperors and the Administration of Justice during the Principate by M. Peachin

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M. PEACHIN, *IUDEX VICE CAESARIS: DEPUTY EMPERORS AND THE ADMINISTRATION OF JUSTICE DURING THE PRINCIPATE*. (Heidelberger althistorische Beiträge und epigraphische Studien 21). Stuttgart: Steiner, 1996. Pp. x + 267. ISBN 3-515-06772-8. DM 88.

Michael Peachin examines the phenomenon of private individuals delegated to hear cases in the emperor's stead, from its first appearance under Septimius Severus until its regularization as one of the duties of high officials under Constantine. P. begins by demonstrating the imperial justice system's inherent tendency to generate appeals. P. argues that the hierarchy of courts, with the emperor at its head, increasingly based on *cognitio extra ordinem*, combined with the presiding officials' lack of legal expertise, allowed more scope for appeal than the traditional formulary procedure, thus inevitably increasing the emperor's judicial burden. P. adds an impressive list of legal matters for which the emperor's personal decision was essential (84-6). Delegation of the imperial *cognitio* (hearing of cases in person) thus appears a rational response.

Our knowledge of the function of the substitutes derives solely from their (variable) titlature; e.g. *electus ad cognoscendum vice Caesaris cognitiones* (ILS 1186). P. collates the thirteen known *iudices*, amongst whom predominate 'Italians, patricians, sons or grandsons of consuls', of consular rank themselves, and hence appropriately distinguished to substitute for the emperor (140-53). None exhibits evidence of specific legal training, simply ample experience of general administration, naturally involving copious amounts of dispute resolution. P. argues convincingly that most were appointed to deal with judicial business still being focused on Rome despite the emperor's absence. *Pace* P., the same circumstance may underlie the rarer provincial examples, since all but one of these were appointed in the wake of an imperial presence. P. also ascribes to some *iudices* the additional power to issue rescripts to *libelli* from private individuals, examples of which he detects in the *CJ* (227-8), and to others even a wider-ranging supra-provincial authority in their capacity as *iudices*

*vice Caesaris* (172–82). This stretches the evidence too far. Nevertheless, P. has formulated a thesis that must be considered by any serious historian of the imperial administration.

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