The Main Problem of the Augustus Inscription from Cyme

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The author has long been puzzled by a sentence in the edict of Vespasian published by R. Herzog, "Urkunden zur Hochschulpolitik der römischen Kaiser," Sitzungsb. Berlin 1935, p. 971 (= AE 1936, No. 128). For violation of privileges granted to teachers at the Asclepieum of Pergamum there would be a penalty, τὸ ἐπιτήμιον δὲ ἐν [τάξιν δὲ -- -- κατασταθεὶς ἐσπαρχὸς. What kind of an office was that of the ἐσπαρχὸς?

Perhaps the inscription published by H. W. Pleket as No. 57 on pp. 49–66 of his impressive first book, The Greek Inscriptions in the Rijksmuseum van Oudheden at Leyden (Diss. Leyden 1958), will throw some light on the subject. This inscription from Cyme in Asia contains an order of the consuls Augustus and Agrippa (27 B.C.), a Latin letter of an Augustan proconsul (not yet dated with precision) to the magistrates of Cyme, and a Greek translation of the proconsul’s letter. No Roman inscription of the last ten years has aroused so much interest, but, even so, the text as late as 1962 seemed in several places wrongly punctuated or inadequately restored. Here is a corrected version of the inscription:

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\begin{align*}
[A] & \text{δοκράτωρ Καίσαρ Θεοῦ νήσος Σεβαστὸς [ ]} \\
[M] & \text{άρκος Ἀγρίππας Λευκίῳ νήσος ὑπατοὶ ν e[ — — — — —]}. \\
[E] & \text{τινες δημόσιοι τόποι η ἱεροὶ ἐν πόλεωσ[i — — — — —]}. \\
[π] & \text{δέλως ἐκάστης ἐπαρχείας εἰσὶν εἰτε τι[νά ἀναθή].} \\
5 & \text{ματα τούτων τῶν τόπων εἰσὶν ἐσονταί τε[κ, μηδείς].} \\
[τ] & \text{ἀνταίρετω μὴ δὲ ἀγοραζέτω μηδὲ ἀπο[τύμμα].} \\
[η] & \text{δῶρον λαμβανέω. δὲ ἄν ἐκείθεν ἀπενη[νεγμένον]} \\
[η η] & \text{γορασμένον ἐν τε δῶρῳ δεδομένον ἦ, [διὶ ἄν ἐπὶ τῆς]} \\
[ε] & \text{τοὐ ἐπαρχείας ἦ ἀποκατασταθήναι εἰς τὸν δημ[όσιον λόγον].} \\
10 & \text{η ἱερὸν τῆς πόλεως φροντιζέτω, καὶ δὲ ἄν χρ[ήμα ἐνεχύρι].} \\
& \text{ν δοθῇ, τούτῳ μὴ δικαιοδοτεῖτω {i} vacat}
\end{align*}
\]
Vinicius proc(onsul) s(alutem) d(at) mag(istratibus) Curnas. Apollonides L. f. No[race(us)]
[c(avis) v(ester)] me adeit et demonstravit Liberei Patris fanum
nom[ine]
[ven]ditiones (sic) possiderei ab Lusia Diogenis f. Tucalleus (sic)
c(ive) [v(estro)],
15 [et c]um vellent thiasitae sacra deo restituere iussu Au[gu­]
[s]ti Caesaris pretio soluto quod est inscriptum fano,
[h]berei ab Lusia. E(go) v(olo) v(os) c(urare), sei ita sunt, utei
Lusias quod
[est] positum pretium fano recipiat et resituat deo fa­
[num e]t in eo inscribatur "Imp. Caesar Deivei f. Augustu[s]
re[sti]­
20 [tuit." Sei autem Lusia contradeicit quae Apollonides pos[tu­]
[lat, vadi]monium ei satisdato ubi ego ero. Lusiam prom[it­]
[tere magi]s probo. Ἐπὶ πρωτάνεως Φανίτου νακατ
[ - - - -os] οὐ νίκιος χαῖρειν λέγει ἀρχουσι Κυμίων. Ἄ[πολ­]
[λωνίδ]ης Λευκίων Νωρακείων πολείτης ὑμέτερο[ς μοι]
25 [προσθ]εν καὶ ὑπέδειξεν Διονύσου ἱερὸν ὀνόμ[ατι]
[πράσεως κ]ατέχεσθαι ὕπὸ Λυσίον τοῦ Διογένους [Τυκάλ­]
[λεως πολείτου ὑμετέρου], καὶ ἦβου[λοντο οἱ θιασεί­]
[σαι - - - - - - - - - - - - - - - - - - - - - - - ]

Translation

Imp. Caesar Divi f. Augustus and M. Agrippa L. f. consuls [gave as rules]:

In regard to any public or sacred localities in cities [when] these
localities fall [within the jurisdiction of the] prefecture [protecting]
each city's [interests], and in regard to any [dedication]s which belong
or will belong to these localities, [no one] shall take, buy, or accept
this property as [security] or gift. [Whoever] may be [in charge of the]
prefecture shall see to it that what has been transferred or bought or
received in gift therefrom be restored to the public or sacred [account]
of the city, and whatever of this may be given [as security], he shall
not recognize as legitimately pledged or mortgaged.

[.] Vinicius proconsul sends greetings to the magistrates of Cyme.
Apollonides, son of Lucius, Noracean, your citizen, approached me
and deposed that a sanctuary of Dionysus was by title of sale possessed
by Lysias, son of Diogenes, Tycallean, your citizen, and that when the devotees wished to restore to the god his sacred property, as Augustus Caesar ordered, by payment of the price inscribed on the sanctuary, the property was withheld by Lysias. I want you to see to it, if this is so, that Lysias accept the price assessed for the sanctuary and restore the sanctuary to the god and that there be inscribed thereon "Restored by Imp. Caesar Divi f. Augustus." [If], however, Lysias disputes the demand of Apollonides, let him give the latter security wherever I shall be. I think it is [more] proper for Lysias [to offer] the sanctuary. (Received) when Phanites was prytanis.

Commentary

These two documents were the basis for the recovery of a sanctuary of Dionysus. The end of the first line may have been left blank, but the date is usually given.

Line 2: Perhaps ε[ληνων] or ε[παζαν] or ε[γνωσων] or, if from the acta, ε[πραζαν], or even ε[δοσαν].

Lines 3-4: Pleket restored εν πόλεως [ν ἢ εν χώρας] πολεως ἐκάστης ἐπαρχείας. Though he recognized that ἐκάστης went with πολεως, he thought that ἐπαρχείας meant "of the province" despite the absence of the article. Others extended the coverage of the order to every province. Against this error V. Arangio-Ruiz, "L’iscrizione Leidense di Augusto," BIDR 64 (1961) pp. 323-342, rightly protested; he restored εν πόλεως [ν ἢ κατὰ τῆς] πολεως ἐκάστης ἐπαρχείας and rightly insisted that the last word did not here mean "province." He interpreted it rather freely as "territory." But if this eparcheia were an office like that of the eparchos under whose jurisdiction the Asclepieum of Pergamum fell, the basis of this slightly too long restoration would change. Since the whole order concerns jurisdiction, and since the Latin word praefectura here rendered with eparcheia could imply jurisdiction, the sense seems to be as we have given it in the translation: "[when] these localities fall [within the jurisdiction of the] prefecture [protecting] each city’s [interests]." Three thoughts may lead to the right restoration. First, the meaning of the word eparcheia in line 4 must agree with the meaning of the word eparcheia in line 9, and any interpretation of the lacuna in line 3 that disregards the sense of lines

1 Is it an article from a set of rules like the Gnomon of the Idios Logos? It does not seem to be a lex dicta, a type studied by G. Tibiletti, "Leges Dictae," Studi giuridici in memoria di Alfredo Passerini (=Studia Ghisleriana II [1954]) pp. 179-190. In the writer’s opinion line 2 ended in a word which announced leges datae.
8–9 should be ruled out. Secondly, there is no possibility of restoring a word like πεντα[π]όλεως or ἐνπολεο[το]ι (i.e. with analogical spread of sigma from ἀγοραστός), but the restoration, as Pleket saw, must be based on πόλεοι[i] and π[π]όλεως. Thirdly, the phrase, when complete, cannot have left room for doubt as to which noun έκαστης modified. Under these austere conditions the lacuna seems to me too short for any restoration except ἐν πόλεοι[τ]ής ὑπὲρ[π]όλεως έκαστης ἐπαρχείας εἰς, where the preposition ὑπὲρ has the meaning “in defense of” (each city’s rights) or “for the benefit.” An Abderite decree of 166 B.C., SIG³ 656, contains a parallel: καταστημάδενοι δὲ τοὺς πάτρωνας τής [πατρί]δος εἰς τὴν ὑπὲρ τοῦ ἡμετέρου δῆμου βοήθειαν, where in βοήθειαν, as probably in ἐπαρχείας, lies the thought προστήματα ὑπὲρ δικαίων (to borrow a phrase from SIG³ 679, line 15). Another argument, less satisfactory but worth mentioning, would rest on the analogy of the phrase τοὺς ἄλλους ἀρχοντας ὀπόσοι ὑπὲρ[π] τοῦ κοινοῦ τοῦ Θετταλῶν ἀρχοντο[ν]ιν of Tod, GHI 147, lines 25–26. Thus from two points of view the preposition ὑπὲρ appears to be needed in this lacuna; but for the time being, at least, we hesitate to insert the restoration τῆς ὑπὲρ into the text as imposed. In any case there is no reason to think that the status of the property was originally determined by Rome; Augustus may have ordered the establishment of prefectures in all or more cities, but, if so, he was merely supporting the cities.


Line 9: λόγον Arangio-Ruiz

Lines 10–11: Kunkel³ proposed δὲν χρί[εους χέρι][ρι]ν δοθῇ, and Father Sokolowski in SEG 18 (1962) 555 proposed ἐνέχυρι[ν]ον, but there is only one letter lost at the beginning of line 11, where syllabic division limits the choice. Furthermore, Kunkel’s restoration is too short for line 10. Hence Oliver restores χρὶ[ήμα]α (so Pleket) ἐνέχυρι[ν]ον, in the belief that both Kunkel and Father Sokolowski have the right sense.

Lines 12–13: Either the letters c.v. or the last two letters of Noraceus were omitted.

Line 14: In defence of Pleket’s [ven]diones (read -is) see Arangio-Ruiz, p. 342.

Lines 16–17: The punctuation is very important. Oliver rejects the restoration [Li]berei and places a comma after fano. A verb on which

the phrase *ab Lusia* (not *Lusiae*) can depend is indispensable. Oliver restores [ha]berei ("was withheld") to supply the verb. A compound like prohiberei would be too long. Furthermore, Oliver puts a period after *Lusia*, where other editors placed a comma. The letters VVC were correctly resolved by Pleket, and the abbreviation was improved by G. Dunst (Gnomon 31 [1959] 677) who read *Lusia EVVC*.

Lines 21–22: Kunkel, who made the restoration *prom[ittere mag]is probo*, placed no punctuation after *ero*; neither did Arangio-Ruiz, who commented: "Perfetto Ku(nkel): e del resto solo un giurista poteva intendere che quel *satisdato* = *cum satisdatione* e riportarsi a Gai(us) IV 185." But is not *satisdato* a third person imperative? Mrs. Atkinson was surely right in this and in placing a period after *ero*. The subject would be *Lusias* understood; the pronoun *ei* refers to Apollonides.

Line 26: Kunkel restored the genitive as *Διογένος* with the consonant at the end.

Line 27: *Τυκώλιας* Kunkel. His objection to the restoration *ηβου[λοντο] (Pleket) or *ηβου[ληθησαν]* seems ill founded.

In view of Pleket’s presentation it should be stated that the phrase *Ἐπὶ προτάνεως Φανίτου* of line 22 has nothing to do with the Greek translation (lines 23ff) but gives the local date at which the Latin epistle was received.

The word *ἐπαρχεῖας* occurs in line 4 and again in line 9. In both places it presumably has the same meaning. As Arangio-Ruiz recognized, the word cannot mean Roman "province" in line 4. Well, then, it cannot mean Roman "province" in line 9 either. Nor would Augustus and Agrippa have referred to a Roman governor as ο ἐπὶ τῆς ἐπαρχεῖας.

It is here suggested that the Roman government proceeded to restore and protect the sacred and public property of Greek cities after the civil wars by reviving something like the ancient Roman institution of the *praefectura municipalis* through the appointment usually perhaps of a local *polītēs* as a *praefectus iure dicundo*. The cautious Augustus surely did not neglect appearances and did not present a remedy unprecedented in republican history. For Romans it was a *praefectura municipalis*; for Greeks it was anything traditional.

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they wanted to call it. The phrase ὅς ἀν ἐπὶ τῆς ἐπαρχείας ή leaves the local title open, although the title in a Roman code or correspondence could be praefectus. This official had iurisdiction but no imperium.

In the Pergamene Astynomic Law, a Hellenistic code engraved in the Trajanic-Hadrianic Period, there occurs an interesting title, ὁ ἐπὶ τῆς πόλεως. If the astynomoi do not see to it that the streets are kept clean, they shall be fined ὑπὸ τῶν στρατηγῶν καὶ τοῦ ἐπὶ τῆς πόλεως (line 69).

At Athens there are ten, at Sparta two inscriptions which mention the office of the epimelete of the city. The Athenian inscriptions run from the Augustan through the Hadrianic Period, and the personages are recognizable as among the most distinguished Athenians. One is the millionaire Tib. Claudius Novius; another is the hierophant Tib. Claudius Oenophilus, who had connections with a senatorial family of Italy and Gaul. Another has his name prominently engraved below an epistle of Hadrian fixing market prices, because this copy

5 The inscription should be consulted in the edition of G. Klaffenbach, "Die Astynomeninschrift von Pergamon," Abh. d. Deutschen Akad. Wiss. zu Berlin (Kl. für Sprachen, Literatur und Kunst) 1953, Nr. 6. See further J. H. Oliver, "The Date of the Pergamene Astynomic Law," Hesperia 24 (1955) 88-92 and G. Klaffenbach, "Varia Epigraphica," Abh. Berlin 1958, Nr. 2, pp. 24f. Oliver believes that Klaffenbach's restoration of line 60 appears three letters too short on the photograph when you place a ruler vertically through the first visible letter of line 60 and compare the restoration of lines 59 and 61; in Oliver's but not in Klaffenbach's opinion one should add the word det. Another disagreement exists about the proper treatment of the phrase which Klaffenbach in line 17 edits as ὅτι δὲ ὅσιος διάφορος. Oliver will not accept this solution, nor will Klaffenbach accept Oliver's solution ὅτι δ' ἐλαχίστον διάφορον. Since epsilon was carved for omicron in line 91, Oliver would cheerfully admit a reading ὅτι δ' ἐλαχίστον διάφορον in line 17. Since 1953 a third change has come to seem necessary. In line 192 Oliver would read μῆτε ὁ στερεῶθω. This is a considerable change; Oliver does not take the space to argue it but reports with gratification that when he wrote to Klaffenbach, the latter agreed that the negative was necessary.

6 Listed in Hesperia 24 (1955) 90 n.8. The title came into brief use at Athens centuries before Augustus, namely in 317/6 B.C. when Demetrius of Phalerum became stratēgos and ἐπιμελητὴς τῆς πόλεως. W. S. Ferguson, Hellenistic Athens (London 1911) p. 47 n.3 has discussed it but not with precise knowledge of what it implied in 317 B.C. Likewise Agathocles in 317/6 became stratēgos autokrator and ἐπιμελητὴς τῆς πόλεως at Syracuse; H. Berve, Die Herrschaft von Agathokles (=SB München 1952, Heft 5) 35-45, has a discussion. Diodorus 20.4.1 mentions that Agathocles, absenting himself, left his brother as epimelete of the city. The official may have filled a somewhat different function in the two cities, but the title was certainly important. To the conservative people of Roman Athens the epimeleitēia of Demetrius of Phalerum may have seemed a very respectable precedent for a new office in the time of Augustus, since it secured foreign protection against local unrest and kept foreign domination at one remove from the city.


8 The man's whole remarkable cursus honorum may be found in IG II², 3546.

9 J. H. Oliver, AJA 55 (1951) 347-349.

10 IG II², 1103.
was published apparently at his order. Was the prefecture of the city, as the office of the epimelete might be called, another ἐπαρχεία of the type which Augustus and Agrippa specified in the inscription at Leyden? Athens, Sparta and Pergamum were civitates liberae, and it may be that prefectures continued longer in free cities. The local epimelete begins to disappear and the imperial διορθωτής τῶν ἐλευθέρων πόλεων begins to appear at about the same time. The one institution perhaps gradually drove out the other. Line 11 of our text suggests the unofficial title δικαιοδότης which Aemilius Juncus bears in IG V.1, 485 Sparta.

At Cyme who vindicated for the god the sanctuary of Dionysus and assessed how much compensation would have to be paid to the present owner? Surely some prefect (or epimelete) of the city of Cyme, if we have correctly interpreted the meaning of ἐπαρχεία.

In conclusion, the order of the consuls does two things. First, it protects public or sacred property of cities. Secondly, it calls upon the prefect of each city to recover for the city property already lost. Thereby the details or modalities are left in the hands of local authorities, but from the Latin document it would seem that at Cyme in the case of the sanctuary of Dionysus an assessment was made by the prefect of the city, an assessment that the possessor was most reluctant to accept but had to accept under pressure from the pro-consul.

Lex a Consulibus Data

We may go further if the reader accepts our interpretation of eparcheia as a praefectura on the model of occasional judges like praefecti Capuam Cumas. Livy 9.20.4 says the following: Eodem anno (318 B.C.) primum praefecti Capuam creari coepti legibus a L. Furio praetore datis, cum utrumque ipsi pro remedio aegris rebus discordia intestina petissent. That is to say, it was in 318 B.C. that praefecti were first created

11 Much remains to be said about the historical background, but the author defers to Father Sokolowski, who has an article on the subject forthcoming.

12 A mutilated inscription from the Acropolis at Athens, IG II², 3194 in the Old Attic alphabet, contains a decision by the dikaiodotis Aemilius Juncus. The decision begins ίομηκ(ος λαδής] μετά τῶν μυστηρεύωντο[ν] ἄνγυ[ρα [ἀπόφασι] like that in P. Cattaoui III and concerns the sanctuary of Athena. In cities that were not "free" the special agent of the emperor would be a logistés instead of a diorthotēs. According to two inscriptions of Ancyra (IGR III, 175 and 174=Dessau 8826) C. Julius Severus was sent quinquefascalis to Bithynia as diorthotēs and logistēs by Hadrian. A logistēs serving in a single city was of course common in the second century after Christ.
and instructed with leges datae from the praetor L. Furius, on the request of the Campanians. Originally, however, praefecti of any sort were appointed either by the consuls or, more rarely, by the dictator, since we cannot go back to the kingship for republican precedents. Augustus revived the institution on the earliest republican model and had the praefecti instructed with leges a consulibus datae. Various sorts of praefecturae are characteristic of the Augustan system, and the theory here presented provides a simple explanation for the peculiarity of the prescript.

For the iussus Augusti we start, as Pleket recognized, with the Res Gestae Divi Augusti ch. 24: In templis omnium civitatum pr[ovincl]ae Asiae victor ornamenta reposui, quae spoliatis tem[plis is], cum quo bellum gesseram, privatim possederat. Much had passed into private hands. Augustus ordered restitution, and the inscription from Cyme reveals the means, i.e. the lever he used to effect restitution. Attempts at restitution throughout Asia would cause an abnormal amount of litigation for which emergency officials had to be appointed, with precise instructions. Whereas proconsuls were appointed for ordinary business, the iussus Augusti raised all sorts of unusual questions for which close acquaintance with local affairs and both peregrine and Roman law, but chiefly peregrine law, was necessary. The cities lay within the territory where the proconsul had his province, but this business was not properly within his province, i.e. sphere of activity. Of course extraordinary remedies often became ordinary.

Pleket and Arangio have rightly emphasized the importance of Cicero, Phil. IV 9: omnes in consulis iure et imperio debent esse provinciae. But the full significance for the situation revealed by the inscription emerges when this statement is combined with the above cited passage from Livy 9.20.4 about the appointment of praefecti with legibus a... praetore datis. We have the lex pertinent in the case of the sanctuary of Dionysus, one among several leges a consulibus datae. It was composed for prefects chosen in Asia and was drafted in Greek.13

13 The author thanks Professors Naphtali Lewis and James W. Poulney for criticism.