

# 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 ἐπιτίμιον ὃ ἂν [τάξῃσι ὁ - - - κ]ατασταθεῖς ἑπαρχος. What kind of an office was that of the ἑπαρχος?

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:

[A]ὐτοκράτωρ Καῖσαρ Θεοῦ υἱὸς Σεβαστὸς [ ]  
[M]ᾶρκος Ἀγρίππας Λευκίου υἱὸς ὕπατοι ν ε[ - - - ]·  
[Eἶ] τινες δημόσιοι τόποι ἢ ἱεροὶ ἐν πόλει[ι - - - ]  
[π]όλεως ἐκάστης ἐπαρχείας εἰσὶν εἴτε τι[νὰ ἀναθή]-  
5 ματα τούτων τῶν τόπων εἰσὶν ἔσσονται τ[ε, μηδεῖς]  
[τ]αῦτα αἰρέτω μηδὲ ἀγοραζέτω μηδὲ ἀπο[τίμημα]  
[ἦ] δῶρον λαμβανέτω. ὃ ἂν ἐκεῖθεν ἀπενη[νεγμένον]  
[ἦ ἦ]γορασμένον ἔν τε δῶρω δεδομένον ἦ, [ὃς ἂν ἐπὶ τῆς]  
[ε]παρχείας ἦ ἀποκατασταθῆναι εἰς τὸν δημ[όσιον λόγον]  
10 ἦ ἱερὸν τῆς πόλεως φροντιζέτω, καὶ ὃ ἂν χρ[ῆμα ἐνεχύρι]-  
[ο]ν δοθῆ, τοῦτο μὴ δικαιοδοτεῖτω {ι} vacat

- [.] Vinicius proc(onsul) s(alutem) d(at) mag(istratibus) Cumas.  
 Apollonides L. f. No[race(us)]
- [c(ivis) v(ester)] me adeit et demonstravit Liberei Patris fanum  
 nom[ine]
- [ven]ditiones (*sic*) possideri ab Lusia Diogenis f. Tucalleus (*sic*)  
 c(ive) [v(estro)],
- 15 [et c]um vellent thiaseitae sacra deo restituere iussu Au[gu]-  
 [s]ti Caesaris pretio soluto quod est inscriptum fano,  
 [ha]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 πρυτάνεως Φανίτου vacat*  
 [ - - -os] *Οὐνίκιος χαίρειν λέγει ἄρχουσι Κυμαίων. Ἄ[πολ]-*  
*[λωνίδ]ης Λευκίου Νωρακεῖος πολεΐτης ὑμέτερό[ς μοι]*
- 25 [προσῆλ]θεν καὶ ὑπέδειξεν Διονύσου ἱερὸν ὀνόμ[ατι]  
 [πράσεως κ]ατέχεσθαι ὑπὸ Λυσίου τοῦ Διογένους [Τυκάλ]-  
 [λεως πολεΐτου ὑμετέρο]υ, καὶ ὅτε ἠβού[λοντο οἱ θιασεῖ]-  
 [ται - - - - - ]

### 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 [dedica]tions 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[ἴπον] or ε[τάξαν] or ε[γνώσαν] or, if from the *acta*, ε[πραξάν],<sup>1</sup> or even ε[δοσαν].

LINES 3–4: Pleket restored ἐν πόλεσ[ιν ἢ ἐν χώρᾳ | π]όλεως ἐκάστης ἐπαρχείας. Though he recognized that ἐκάστης went with πόλεως, 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 ἐν πόλεσ[ιν ἢ κατὰ τῆς] | πόλεως 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

<sup>1</sup> 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," *Studia 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 *ἐνπολεσ[τοί]* (i.e. with analogical spread of sigma from *ἀγοραστός*), but the restoration, as Pleket saw, must be based on *πόλεσ[ι]* and *π|όλεως*. Thirdly, the phrase, when complete, cannot have left room for doubt as to which noun *ἐκάστης* modified. Under these austere conditions the lacuna seems to me too short for any restoration except *ἐν πόλεσ[ι τῆς ὑπέρ|π|όλεως ἐκάστης ἐπαρχείας εἰσίν*, where the preposition *ὑπέρ* has the meaning “in defense of” (each city’s rights) or “for the benefit.” An Abderite decree of 166 B.C., SIG<sup>3</sup> 656, contains a parallel: *καταστησάμενοι δὲ τοὺς πατέρωνας τῆς [πατρὶ]δος εἰς τὴν ὑπὲρ τοῦ ἡμετέρου δήμου βοήθειαν*, where in *βοήθειαν*, as probably in *ἐπαρχείας*, lies the thought *προσσηναὶ ὑπὲρ δικαίων* (to borrow a phrase from SIG<sup>3</sup> 679, line 15). Another argument, less satisfactory but worth mentioning, would rest on the analogy of the phrase *τοὺς ἄλλου[ς] ἄρχοντας ὅποσοι ὑπέ[ρ] τοῦ κοινοῦ τοῦ Θετταλῶν ἄρχουσ[ι]ν* of Tod, GHI 147, lines 25–26. Thus from two points of view the preposition *ὑπέρ* appears to be needed in this lacuna; but for the time being, at least, we hesitate to insert the restoration *τῆς ὑπέρ* 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 6: *ἀπο[τίμημα]* Arangio-Ruiz, reworking Kunkel’s suggestion (*ἀπο[τίμησιν]*).

LINE 9: *λόγον* Arangio-Ruiz.

LINES 10–11: Kunkel<sup>2</sup> proposed *δ ἄν χρ[έους χά|ρι]ν δοθῆῃ*, and Father Sokolowski in SEG 18 (1962) 555 proposed *ἐνέχυ|ρο]ν*, 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 *χρ[ῆμα* (so Pleket) *ἐνεχύρι]ο]ν*, 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*]ditiones (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

<sup>2</sup> W. Kunkel, “Über die Leidener Augustus-Inschrift aus Kyme (zugleich ein Beitrag zur *aestimatio possessionis*),” *Studi in onore di Emilio Betti* II (Rome 1962) 591–620.

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 magi]s 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<sup>3</sup> 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 *Διογένους* with the consonant at the end.

LINE 27: *Τυκάλ|λεως* Kunkel. His objection to the restoration *ἡβού[λοντο]* (Pleket) or *ἡβου[λήθησαν]* seems ill founded.

In view of Pleket’s presentation it should be stated that the phrase *Ἐπὶ πρυτάνεως 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 *ἐπαρχείας* 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 *ὁ ἐπὶ τῆς ἐπαρχείας*.

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 *politēs* 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*;<sup>4</sup> for Greeks it was anything traditional

<sup>3</sup> K. M. T. Atkinson, “*Restitutio in integrum* and *iussum Augusti Caesaris* in an inscription at Leyden,” *RIDA* 7 (1960) 227–272.

<sup>4</sup> A. N. Sherwin-White, *The Roman Citizenship* (Oxford 1939) 41; E. Manni, *Per la storia dei municipii alla Guerra Sociale* (Rome 1947) Ch. III; E. Sachers, *RE* 22 (1954) coll. 2349–51 and 2387–90, s.vv. “*Praefectura*” and “*Praefectus iure dicundo*.”

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

In the Pergamene Astynomic Law,<sup>5</sup> 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.<sup>6</sup> 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;<sup>7</sup> another is the hierophant<sup>8</sup> Tib. Claudius Oenophilus, who had connections with a senatorial family of Italy and Gaul.<sup>9</sup> Another has his name prominently engraved below an epistle of Hadrian fixing market prices,<sup>10</sup> because this copy

<sup>5</sup> 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 *ἀεί*. Another disagreement exists about the proper treatment of the phrase which Klaffenbach in line 17 edits as *τὸ δὲ {λοιπὸν} διάφορον*. Oliver will not accept this solution, nor will Klaffenbach accept Oliver's solution *τὸ δ' ἔλ<λ>οιπον διάφορον*. Since epsilon was carved for omicron in line 91, Oliver would cheerfully admit a reading *τὸ δ' ἔλ<λε>ιπον διάφορον* in line 17. Since 1955 a third change has come to seem necessary. In line 192 Oliver would read *<μῆ> στερέσθω*. 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.

<sup>6</sup> 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 *ἐπιμελητῆς 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 *ἐπιμελητῆς 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 *epimelēteia* 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.

<sup>7</sup> IG II<sup>2</sup>, 1990. On this man see J. H. Oliver, *The Athenian Expounders* (Baltimore 1950) 94f.

<sup>8</sup> The man's whole remarkable *cursus honorum* may be found in IG II<sup>2</sup>, 3546.

<sup>9</sup> J. H. Oliver, *AJA* 55 (1951) 347-349.

<sup>10</sup> IG II<sup>2</sup>, 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 *διορθωτῆς τῶν ἐλευθέρων πόλεων* begins to appear at about the same time. The one institution perhaps gradually drove out the other.<sup>11</sup> Line 11 of our text suggests the unofficial title *δικαιοδότης* which Aemilius Juncus bears in IG V.1, 485 Sparta.<sup>12</sup>

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 proconsul.

### *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

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

<sup>12</sup> A mutilated inscription from the Acropolis at Athens, IG II<sup>2</sup>, 3194 in the Old Attic alphabet, contains a decision by the *dikaiodotēs* Aemilius Juncus. The decision begins *Ἰοῦγκ[ος λαλέσα]ς μ[ετ]ὰ τὸν συνεδρευόντο[ν] ἀνέγ[ν]ο [ἀπόφασιν]* 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 *logistēs* instead of a *diorthōtēs*. According to two inscriptions of Ancyra (*IGR III*, 175 and 174=Dessau 8826) C. Julius Severus was sent *quinquefascalis* to Bithynia as *diorthōtēs* 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[ovinci]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.<sup>13</sup>

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<sup>13</sup> The author thanks Professors Naphtali Lewis and James W. Poultney for criticism.