

# Augustan Procedure and Legal Documents in *RDGE* 70

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FACED WITH A DISPUTE between certain Roman residents of Chios and a Chian embassy, a governor of Asia during the principate of Augustus fixed his attention on legal points of precedent that in the modern era have occupied scholars of Roman law and provincial administration. But whereas the legal issue involved has received considerable attention, the procedure and documents attested in the extant portion of the governor's inscribed response have not.<sup>1</sup> The aim of this study is to re-examine the text of *RDGE* 70 for the glimpses it offers of legal process and documents in a governor's assize court, related in this case to the issue of the confirmation of civic rights and privileges.<sup>2</sup>

Wide-ranging evidence for such pursuits of confirmation of status exists, from Asia Minor to Egypt to Greece. From the time of Caesar and Augustus there appears to have been an increase in attempts to safeguard or augment such confirmations. Many of these involved embassies to the *princeps* and/or the

<sup>1</sup> Recent treatment of legal issues in J. Fournier, *Entre tutelle romaine et autonomie civique, L'administration judiciaire dans les provinces hellénophones de l'Empire romain* (Athens 2010) 432–434, 450, 464–465.

<sup>2</sup> First published by C. Vidua, *Inscriptiones Antiquae* (Paris 1826) 41–42, Tab. XXXIX. R. Sherk, *Roman Documents from the Greek East* (Baltimore 1969) no. 70, 351–353, provides full bibliography of editions. A. J. Marshall, “Romans under Chian Law,” *GRBS* 10 (1969) 255–271, supplies much secondary literature. A. Lintott, *Imperium Romanum: Politics and Administration* (London 1993) 39–40, 62–63, adduces evidence from Claros and Lycia.

Senate in Rome.<sup>3</sup> Only a few sources, however, record embassies for such purposes appearing before governors in the provinces. Windows into the provincial assize open not infrequently in the papyri,<sup>4</sup> but are relatively rare in the inscriptions of the Greek East. The epistolary response from the governor preserved in *RDGE* 70, inscribed and displayed after the decision was rendered, provides therefore a valuable, albeit incomplete, glimpse into such an assize. Through it we are privy to the way in which one Greek community in the time of Augustus accessed, understood, and utilized Roman legal documents related to civic rights and privileges. Furthermore, this inscription demonstrates the keen awareness in at least one provincial community of the value of Roman legal documents and decisions in the Julio-Claudian era and portrays the seriousness with which one governor received and acted upon such duly presented and authenticated documents.<sup>5</sup>

G. P. Burton has insisted that the social and historical *realia* of the assize are essential considerations for any study of Roman provincial jurisdiction.<sup>6</sup> Accordingly, we shall focus less on points of law and more on the procedural aspects of the assize court and the characteristics of the documents and archival possibilities suggested by the inscription. Examining the text of the inscription clause by clause, we note first the historical contexts in which the inscription is situated, second the

<sup>3</sup> F. Millar, *The Emperor in the Roman World* (London 1977) 410–434. More recently see e.g. C. Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Berkeley 2003), esp. 73–130, and the essays in R. Haensch (ed.), *Selbstdarstellung und Kommunikation: Die Veröffentlichung staatlicher Urkunden auf Stein und Bronze in der römischen Welt* (Munich 2009).

<sup>4</sup> E.g. *P.Flor.* I 61 (A.D. 85); *P.Oxy.* II 237 (186); *P.Stras.* I 5 (262).

<sup>5</sup> Marshall, *GRBS* 10 (1969) 256: “the document has remained something of a puzzle, and it would seem that the Romans who were attracted to the free island of Chios ... could hardly have left us a more effective and intriguing memorial.” In fact, it is almost certainly the Chian party in the dispute whom we have to thank for the fact of the inscription.

<sup>6</sup> “Proconsuls, Assizes and the Administration of Justice under the Empire,” *JRS* 65 (1975) 92–106.

procedure followed by the governor, and finally the documents involved. A. J. Marshall, whose treatment of the legal issue at stake is still fundamental, built his argument on a close analysis of one key term in the inscription.<sup>7</sup> Similarly, we shall argue that the terminology of the inscription preserves important and previously unremarked aspects of procedure and documents in an early Julio-Claudian provincial assize context.

### I. Text, Translation, and Context

Vidua first published the text in 1826, offering a basic transcription and very little in the way of context.<sup>8</sup> Latronne called this inscription “la plus importante du recueil,” providing a French translation and concluding, “Ce fragment précieux pourrait fournir la matière d’un commentaire intéressant.”<sup>9</sup> Commentary from Mommsen and Mitteis onward has focused on the historical and legal context of Chios and the Greek East under Roman rule.<sup>10</sup> In order to re-examine the Chian inscription and its implications, we offer a photograph,<sup>11</sup> the text,<sup>12</sup>

<sup>7</sup> *GRBS* 10 (1969) 255–271; on τύπος, 257–261.

<sup>8</sup> Vidua, *Inscriptiones Antiquae* 41–43, includes it as one of six inscriptions in the Palaiokastro area that he noted and chose to transcribe. It is clear even from his laconic descriptions that like many early epigraphists he was essentially conducting a surface survey along existing footpaths, searching for notable stones with significant textual remains. Of *RDGE* 70 he says only “jacet in eminentiori cujusdam acclivis viae parte.”

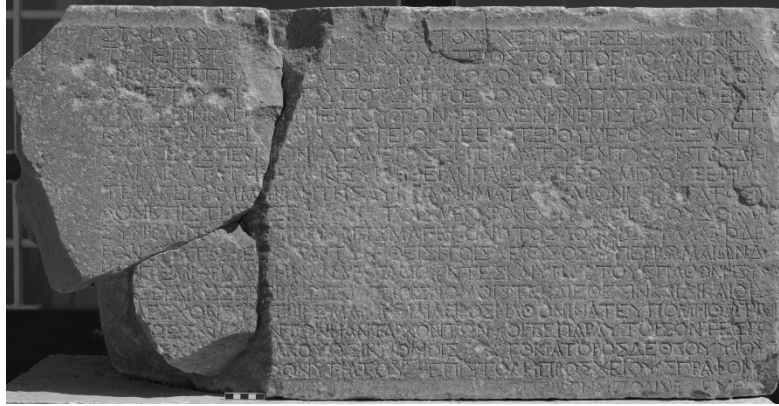
<sup>9</sup> M. Latronne, *Analyse critique du recueil d’inscriptions grecques et latines de M. le Comte de Vidua* (Paris 1828) 37–41.

<sup>10</sup> Th. Mommsen, *Römisches Staatsrecht* III.1 (Leipzig 1887) 702 n.2; *Römisches Strafrecht* (Leipzig 1899) 111 n.1; L. Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs* (Leipzig 1891) 76 n.5.

<sup>11</sup> I am indebted to Dr. Charles Crowther for the use of his recent photographs and general measurements of the stone, which were taken as part of his preparation of *IG* XII.6.3 and which show modern deterioration. For interpuncts and *vacats* (apparently intentional ‘double spaces’ between words) the reader is referred to the image presented here.

<sup>12</sup> Text of W. G. Forrest in *SEG* XXII 507, whose underlining of letters no longer readable in 1967 is reproduced here with minor alterations. Forrest’s text was checked by Sherk against the Berlin squeeze. I do not

and a new translation.<sup>13</sup>



*RDGE 70*

Chios Archeological Museum, inv. 164. Fractured marble block, h. 0.512 m., max. w. 1.01, max. th. 0.35. Letters h. 0.016–.017, interv. 0.007.

Photo courtesy of C. Crowther.

- METAME ... ΚΛ[ <sup>ca. 8</sup> ἐντ]ευχθεῖς ὑπ' Ἄ[ <sup>ca. 12</sup> ]ΚΩ[...]  
 Σταφύλου ὑπαρχόντων· πρὸς τοὺς Χείων πρέσβεις,  
 ἀναγεινωσ[κόν]-  
 των ἐπιστολήν Ἀντιστίου Οὔτερος τοῦ πρὸ ἐμοῦ  
 ἀνθυπάτ[ου,]  
 4 ἀνδρὸς ἐπιφανεστάτου· κατακολουθῶν τῇ καθολικῇ  
 μου [προ]-  
 θέσει τοῦ τη[ρ]εῖν τὰ ὑπὸ τῶν πρὸ ἐμοῦ ἀνθυπάτων

offer an *apparatus criticus* (for which see *SEG* and *RDGE*) but note that the stone at 11 clearly reads ἀρχαιοτάτου and not ἀρχαιότατον.

<sup>13</sup> Four earlier translations: Latronne 40–41; A. C. Johnson, P. R. Coleman-Norton, F. C. Bourne, *Ancient Roman Statutes* (Austin 1961) 129, no. 153; N. Lewis, *The Roman Principate* (Toronto 1974) 22, no. 5D; R. Sherk, *Rome and the Greek East to the Death of Augustus* (Cambridge 1984) 138–139, no. 108. Excerpts of these are noted in the footnotes below where they either highlight variant approaches to difficult words and phrases or point to places where my translation diverges from previous ones.

- γραφέντα [φυ]-  
 λάττειν καὶ τῆς ὑπὲρ τούτων φερομένην ἐπιστολὴν  
 Ούτετε[ρος]  
 εὐλογον ἠγησάμην ὕστερον δὲ ἑκατέρου μέρους  
 ἐξ ἀντικα[τα]-  
 8 στάσεως περὶ τῶν κατὰ μέρος ζητημάτων ἐντυχόντος  
 διήκ[ου]-  
 σα καὶ κατὰ τὴν ἐμὴν συνήθειαν παρ' ἑκατέρου  
 μέρους ἐπιμελ[έσ]-  
 τερα γεγραμμένα ἤτησα ὑπομνήματα· [ἄ λ]αβὼν καὶ  
 κατὰ τὸ ἐπιβ[άλ]-  
 λον ἐπιστήσας εὗρον τοῖς μὲν χρόνοις ἀρχαιοτάτου  
 δόγμα[τος]  
 12 συνκλήτου ἀντισφράγισμα γεγονότος Λουκίῳ Σύλλῳ  
 τὸ δε[ύτε]-  
 ρον ὑπάτῳ ἐν ᾧ μαρτυρηθεῖσι τοῖς Χείοις, ὅσα ὑπὲρ  
 Ῥωμαίων διέ[θη]-  
 κᾶν τε Μιθριδάτην ἀνδραγαθοῦντες καὶ ὑπ' αὐτοῦ ἔπαθον  
 ἢ σύγκ[λη]-  
 τος εἰδικῶς ἐβεβαίωσεν ὅπως νόμοις τε καὶ ἔθεσιν καὶ  
 δικαίοις χρῶν]-  
 16 ται ἂ ἔσχον ὅτε τῇ Ῥωμαίων φιλίᾳ προσῆλθον, ἵνα τε ὑπὸ  
 μηθ' ᾧτινι[οῦν]  
 τύπῳ ᾧσιν ἀρχόντων ἢ ἀνταρχόντων· οἱ τε παρ' αὐτοῖς  
 ὄντες Ῥωμ[αῖ]-  
 οὶ τοῖς Χείων ὑπακούωσιν νόμοις ὡς ἄτοκράτορος δὲ θεοῦ  
 υἱοῦ Σ[ε]-  
 βαστοῦ τὸ ὄγδοον ὑπάτου ὡς ἐπιστολὴ πρὸς Χείους,  
 γραφοντ ---  
 20 [ <sup>ca. 11</sup> ]P . EΙΝ ἄμφι[ <sup>ca. 7</sup> ] τῆς περὶ τὴν πόλιν  
 ἐλευθ[ερίας]

... after being petitioned by A- - of Staphylos<sup>14</sup> when the assistants read out in reply to the Chian ambassadors<sup>15</sup> a letter of

<sup>14</sup> Evidently a common name on Chios: W. G. Forrest, "The Tribal Or-

Antistius Vetus, proconsul before me, a most illustrious man, following my general procedure of maintaining<sup>16</sup> the written decisions of the proconsuls before me, I thought it sensible also to confirm<sup>17</sup> the cited letter<sup>18</sup> of Vetus concerning these matters.<sup>19</sup> And later, after I heard each party presenting counter-arguments concerning the particulars of their claims<sup>20</sup> and according to my customary procedure, from each party I asked for more carefully written documents which, after I received them, and when I came to understand them according to my duty,<sup>21</sup> I found with regard to time<sup>22</sup> a sealed copy of a very old<sup>23</sup> decree

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ganization of Chios,” *BSA* 55 (1960) 189 n.76. I have not examined T. S. Sarikakis, *Χιακή Προσωπογραφία* (Athens 1989), on which see *SEG XXXIX* 879.

<sup>15</sup> Johnson et al.: *in a suit concerning the property of Staphylus with the envoys of Chios, after they had read out...*; Lewis: *to the envoys of Chios, reading...*; Sherk: *to the Chian envoys and read aloud...* See further below for reasons behind this and other translation decisions I have made.

<sup>16</sup> Latronne: *me conformer*; Johnson et al.: *to maintain*; Lewis: *of observing*; Sherk: *of preserving*.

<sup>17</sup> Latronne: *observer*; Johnson et al.: *observe*; Lewis: *confirm*; Sherk: *keep safe*.

<sup>18</sup> Johnson et al.: *the letter ... which was cited*; Lewis: *the letter ... adduced*; Sherk: *the letter ... produced*.

<sup>19</sup> Latronne: *en faveur des Chiotes*; Johnson et al.: *on these matters*; Lewis: *in behalf of them*; Sherk: *concerning this case*. For ὑπὲρ τούτων as “concerning these things” in a similar petition setting see *Milet* I.3 150.15–16.

<sup>20</sup> Latronne: *chacune des deux parties m’ayant exposé l’objet de ses réclamations en détail*; Johnson et al.: *each party in the dispute concerning the matters at issue*; Lewis: *both sides pleading their claims in confrontation*; Sherk: *each party in opposition concerning their claims met with me separately*.

<sup>21</sup> Latronne (with 39 n.2): *les ayant ... examinés avec l’attention que je devais*; Johnson et al.: *When I ... had stopped at the appropriate place*; Lewis: *giving them due attention*; Sherk: *I appropriately fixed my attention on them*. For κατὰ τὸ ἐπιβάλλον expressing the duty incumbent on a Roman magistrate according to established custom see Cass. Dio 53.1.1, καὶ τοὺς φακέλους τῶν ῥάβδων τῷ Ἀγρίππᾳ συνάροντί οἱ κατὰ τὸ ἐπιβάλλον παρέδωκεν.

<sup>22</sup> Johnson et al.: *I discovered ... a very old (by its date)*; Lewis: *I discovered in time ... a very old*; Sherk: *the oldest (document) I found, in order of time*. The closest *comparandum* for the construction τοῖς μὲν χρόνοις + genitive appears to be Plut. *Quaest. Plat.* 1011D2, ἐσαπτομένη τοῖς μὲν χρόνοις τῶν ῥημάτων ταῖς δὲ

of the Senate passed in the second consulship of Lucius Sulla in which it was testified to the Chians<sup>24</sup> that so far as they set forth their brave conduct on behalf of the Romans against Mithridates and suffered under him, the Senate specifically confirmed that they might enjoy their laws and customs and rights which they had when they entered into friendship with the Romans, in order that they might be subject to no written directive whatsoever of Roman magistrates or promagistrates<sup>25</sup> and that the Romans resident among them may be subject to the laws of the Chians. And of Imperator Augustus, son of a god, in his eighth consulship, a letter to the Chians, written ... dispute(?)<sup>26</sup> over the freedom concerning the city ...

The dating of the extant text of the inscription hinges on the identification of the proconsul Antistius Vetus (3, 6). Forrest advocated the minority view that this was L. Antistius Vetus who held office ca. A.D. 64/5.<sup>27</sup> Indeed, the presence of an Augustan letter (18–20) in the dossier represented by the inscription might suggest a *terminus post quem* of A.D. 14 if we were to assume that the Chians, unable to appeal by embassy

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πτώσεσι τῶν ὀνομάτων, “in construction [the participle] is put with others *in regard of tenses* belonging to verbs, in regard of cases to nouns.”

<sup>23</sup> ἀρχαιοτάτου 11 modifies the genitival δόγματος συνκλήτου and not the accusative ἀντισφάγισμα.

<sup>24</sup> Latronne: *rendant témoignage aux Chioles*; Johnson et al.: *when the Chians had witnessed to*; Lewis: *in response to their [the Chians’] representations*; Sher: *after the Chians had testified*. As Latronne understood, the aorist passive μαρτυρηθεῖσι indicates the Roman Senate’s testimonial *to* the loyal actions of the Chians in the campaign against Mithridates (as opposed to the testimony rendered *by* Chian ambassadors to the Senate that elicited the *senatus consultum*).

<sup>25</sup> Cf. Marshall, *GRBS* 10 (1969) 257–259.

<sup>26</sup> Forrest (*SEG XXII 507*) points to the probable restoration of something like ἀμφισβήτησις (“dispute/controversy”) in 20. Cf. *SEG LVII 1432.A.3* (dispute between the Lycian League and Termessus with reference to a Claudian governor of Lycia and an Augustan proconsul of Asia).

<sup>27</sup> The editors of *SEG XXII 507* note Forrest’s attribution but not his reasons. Boeckh (*CIG 2222*) and D. Magie, *Roman Rule in Asia Minor II* (Princeton 1950) 1581, also opt for L. Antistius Vetus (*PIR*<sup>2</sup> A 776). It is unclear who succeeded him as *proconsul Asiae*.

directly to a deceased Augustus himself, produced instead his letter in support of their case sometime during Nero's reign. Far more likely, however, is the majority position<sup>28</sup> that the "proconsul before me" (3) should be identified with C. Antistius Vetus, proconsul ca. A.D. 2–4.<sup>29</sup> The strongest argument in support of this identification, already noted by Marshall,<sup>30</sup> is the honorific reference in 4, ἀνδρὸς ἐπιφανεστάτου, demonstrating that the Vetus in question was still in favor at the time his successor composed our text.<sup>31</sup> Such a stance squares much better with the Augustan Vetus than with the Neronian figure who fell out of favor and committed suicide shortly after his proconsulship.<sup>32</sup> It is hardly conceivable that the disgraced Vetus of Nero's time would be referred to in such honorific terms by his successor in office. Accordingly, given the likelihood of an Augustan date, we may assume that what occasioned the conflict provoking this proconsular decision was the precise nature and extent of the civic freedom (τῆς περὶ τὴν πόλιν ἐλευθ[ερίας], 20) presumably confirmed by the letter of 26 B.C. that we glimpse in lines 18–20.<sup>33</sup>

<sup>28</sup> E.g., Latronne, *Analyse critique* 40 n.5, and Sherk, *RDGE* p.353. The latter proposes, without argument, that Augustus was still living, apparently on the basis of the titulature of 18–19. Cf. also Marshall, *GRBS* 10 (1969) 255 n.2. But the titulature appears remarkable only in its elision of the Κάισαρος that usually follows Ἀυτοκράτορος in such introductory *formulae* across a wide date range (but see *SEG* XXVI 958 from Augustan Paros).

<sup>29</sup> *PIR*<sup>2</sup> A 771. Possibly succeeded ca. 4/5 by M. Plautius M. f. Silvanus. For both, see K. M. T. Atkinson, "The Governors of the Province of Asia in the Reign of Augustus," *Historia* 7 (1958) 300–330, at 328.

<sup>30</sup> *GRBS* 10 (1969) 255 n.2.

<sup>31</sup> Vell. Pat. 2.43.4. On the Antistii Veteres and their involvement in Julio-Claudian politics see E. Badian, *CQ* 19 (1969) 198–204, and G. Camodeca, "I console del 43 e gli Antistii Veteres d'età Claudia della riedizione delle Tabulae Herculanaenses," *ZPE* 140 (2002) 227–236, who offers a *stemma* at 236. I am grateful to Dr. T. W. Hillard who focused my attention on the Velleius reference.

<sup>32</sup> Tacitus *Ann.* 16.10–11.

<sup>33</sup> Status as a free city required "constant [diplomatic] reaffirmation" and



Two historical contexts, therefore, are evoked and conjoined in the inscription—one Sullan and one Augustan. Respectively they bracket a dynamic phase in the application of and access to Roman law in the provinces and point to the legal issue being contested. In the time of Sulla (80 B.C.), the Chians had been loyal to the Roman cause by setting themselves, at great cost, against Mithridates. The reward for their loyalty was the bestowal of civic freedom and extraordinary legal privileges by a decree of the Senate (13–14).<sup>34</sup> By the time of Augustus, however, conflict had arisen between a group of Romans resident in Chios and the Chians themselves. Marshall has convincingly argued that this conflict probably involved a land dispute.<sup>35</sup>

The dispute prompted the Chians to approach two successive provincial governors for legal remedy. We have no record of the first appeal to C. Antistius Vetus other than the bare reference in 3 ff. That appeal's failure is evident from the fact that a Chian embassy petitioned his successor. They ap-

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clarification during our period: F. Millar, "Civitates liberae, coloniae, and Provincial Governors under the Empire," *MediterrAnt* 2 (1999) 95–113, at 109. For proconsular intervention in such cases see Fournier, *Entre tutelle romaine* 467–468 and 501.

<sup>34</sup> Appian *Mith.* 9.61. On Sulla and Chios see also F. Santangelo, *Sulla, the Elites, and the Empire: A Study of Roman Policies in Italy and the Greek East* (Leiden 2007) 108. Apart from other privileges that may have been mentioned, those preserved on the stone are significant: the Sullan *s.c.* provided a triple confirmation (15–18) of general autonomy, some kind of exemption from Roman magisterial or promagisterial rulings, and a puzzling and remarkable right to impose Chian laws on the Romans among them. For discussion of the legal points, see especially Marshall, *GRBS* 10 (1969) 258 ff., and now Fournier, *Entre tutelle romaine* 432–434.

<sup>35</sup> *GRBS* 10 (1969) 262–269. Cf. G. P. Burton, "The Resolution of Territorial Disputes in the Provinces of the Roman Empire," *Chiron* 30 (2000) 195–215, as well as the comments of S. Mitchell, *P.Schoyen* I (2005) 25, p.204, relating our text to the recently published bronze treaty between Lycia and Rome (*SEG* LV 1452).

proached him, probably during his *conventus*,<sup>36</sup> and likely ca. A.D. 4–5.<sup>37</sup> Armed with new documents in support of their case, they produced evidence that led to the illuminating record of procedure and related documentation preserved in the inscription.

## II. Procedure

At least three phases of process are visible in the inscription. The text divides into three clauses, each of which we treat with terms drawn from the language of the inscription. Whether these match precisely the categories of the Romanists is another question.<sup>38</sup>

### *Clause 1: petition phase (lines 1–7)*

The opening clause, the petition phase ([ἐντ]ευχθείς, 1), describes the approach to the governor and his initial response. Two standard English translations<sup>39</sup> point to the difficulties in grasping precisely what is happening:

<sup>36</sup> Possibly at Ephesus, the *caput provinciae*, or perhaps at Chios if his assize circuit took him there. For attested districts see S. Mitchell, “The Administration of Roman Asia from 133 BC to AD 250,” in W. Eck and E. Müller-Luckner (eds.), *Lokale Autonomie und römischen Ordnungsmacht in den kaiserzeitlichen Provinzen* (Munich 1999) 22–29.

<sup>37</sup> Sherk, *RDGE* p.352, described the governor here as “cast in the role of an arbitrator”; but what we see is technically jurisdiction proper. I owe this clarification to Prof. H. M. Cotton.

<sup>38</sup> *Dig.* 1.16–22 speaks to the issue of the duties of proconsuls, but not to details of procedure; but apropos of this inscription see 1.3.34 (Ulpian *Duties of Proconsul IV*): *cum de consuetudine civitatis vel provinciae confidere quis videtur, primum quidem illud explorandum arbitror, an etiam contradictio aliquando iudicio consuetudo firmata sit*, “When it appears that somebody is relying upon a custom either of a *civitas* or of a province, the very first issue which ought to be explored, according to my opinion, is whether the custom has ever been upheld in contentious proceedings” (transl. D. N. MacCormick in A. Watson, *The Digest of Justinian I* [Philadelphia 1998]). Most discussions of proconsular procedure are, of necessity, based on the evidence of the papyri and the orators; cf. Burton, *JRS* 65 (1975) 99–102.

<sup>39</sup> See n.15 above.

Johnson et al.: "... in a suit concerning the property of Staphylos with the envoys of Chios, after they had read the letter of Antistitus Vetus, a most illustrious man and my predecessor in the proconsulship..."

Sherk: "... he, having been petitioned by A -- of Staphylos, -- to the Chian envoys (and) read aloud a letter of Antistitus Vetus, my predecessor as proconsul..."

These difficulties are the result of the broken text of line 1 and an ignorance of the details that prior lines had supplied. A central problem is how to understand the genitive plural ὑπαρχόντων in 2, its relation to the preceding (lost) context, and its correlation with the following verb of recitation. Johnson et al. in their primary translation take it as the "property" of Staphylos.<sup>40</sup> For his part, Sherk leaves it untranslated, apparently taking it as part of a genitive absolute now unintelligible to us. Given the broken context, it would be unwise to contend for any single reconstruction on the basis of ὑπαρχόντων. But it is important to note that the word's obscure function in the clause bars us from establishing unequivocally four important matters, three of which relate to documentary and procedural aspects in this assize court.<sup>41</sup>

The first that concerns us here is the identity of the subject of the plural ἀναγεινωσ[κόν]των (2–3). Who read out the letter of Vetus? It is possible that certain individuals from the governor's staff—perhaps *praecones* or other *apparitores*<sup>42</sup>—performed the

<sup>40</sup> But most often, in such a case, ὑπάρχω would not be followed by πρός, but preceded by ἀπό, ἐκ, κατά, or even περί, as seen frequently in the papyri with regard to monetary or property resources; e.g. ἀπό *P.Mich* V 232.8 (A.D. 36); ἐκ *BGU* III 912.28–30 (A.D. 33); κατά *P.Mich* V 347.3 (A.D. 21); περί: *SB* V 7537.4 (5 B.C.). Syntax, context, and space available in 1–2 make it impossible to rule out this interpretation.

<sup>41</sup> Four matters turning on the interpretation of ὑπαρχόντων: (1) does it refer to property or not? (2) has the petition originated from the Chian or the Roman side? (3) who has produced the letter (line 6)? (4) by whom is the letter read out?

<sup>42</sup> If we correlate ὑπαρχόντων with ἀναγεινωσ[κόν]των as a genitive absolute referring to earlier named assistants, subordinate members of the

*recitatio*, not the *proconsul* himself nor the other party.<sup>43</sup> Another possibility is that the Roman party in the dispute (or their advocate[s]) read out the document at the governor's behest.<sup>44</sup> What was read out? In response to a petition—almost certainly by the Chians<sup>45</sup>—the letter of Vetus was read out *in reply to* (πρός)<sup>46</sup> the Chian ambassadors.

governor's staff; cf. H. J. Mason, *Greek Terms for Roman Institutions* (Toronto 1974) s.v. ὑπάρχω (= *legatus esse*). See also Welles, *Royal Corres.* p.371 s.v. ὑπαρχος. Of assistants and officials: e.g. Cass. Dio 36.36.3 and 53.15.1.

<sup>43</sup> See Apuleius *Flor.* 9.10–12: *praeco proconsulis et ipse tribunal ascendit, et ipse togatus illic videtur, et quidem per diu stat aut ambulat aut plerumque contentissime clamitat; enimvero proconsul ipse moderata voce rarenter et sedens loquitur et plerumque de tabella legit; quippe praeconis vox garrula ministerium est, proconsulis autem tabella sententia est, quae semel lecta neque augeri littera una neque autem minui potest, sed utcumque recitata est, ita provinciae instrumento refertur*, “Not only the proconsul, but the herald also ascends the tribunal and appears wearing the toga like his master. But the herald stands upon his feet for hours together, or strides to and fro, or bawls his news with all the strength of his lungs. The proconsul, on the contrary, speaks quietly and with frequent pauses, sits while he speaks, and often reads from a written document. This is only natural. For the garrulous voice of the herald is the voice of a hired servant, the words read by the proconsul from a written document constitute a judgment, which, once read, may not have one letter added to it or taken away, but so soon as it is delivered, is set down in the provincial records.”

<sup>44</sup> Cf. *P.Oxy.* III 471.2–5 (*Acta Maximī*; ca. A.D. 107–109), δι]ὸ [π]ροσθήσω τι, κύριε, περ[ὶ οὗ] θαυμάσεις, οἶμαι, καὶ ἀπι[σθή]εις ἕως ἂν τὰ γράμματα ἀνα]γνώμεν, “Therefore I will hasten to that, lord, concerning which you may marvel, I think, and you will be incredulous until we read out the written documents”; *P.Panop.* 30.31–35 (A.D. 332), Σερῆνος ἐξάκτωρ αὐτῷ εἶπ(εν)· παράθου [κα]ὶ τὸ ἐπίσταλμα ... [καὶ εἶπ(εν)] ἀναγινώσκω, “Serenus the exactor said to him, ‘Touch briefly also on the official letter’ ... and he said, ‘I will read it out.’” Cf. Plin. *Ep.* 10.65–66; E. Weiß, “Recitatio und Responsum im römischen Provizialprozeß, ein Beitrag zum Gerichtsgebrauch,” *ZRG* 33 (1912) 212–239.

<sup>45</sup> ἐντ]ευχθεὶς ὑπό, line 1 and the larger context; interpreters unanimously understand the previous decision to have gone against the Chians.

<sup>46</sup> Often in judicial contexts; LSJ s.v. πρὸς C.I.4; E. Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit* II.2 (Berlin/Leipzig 1934) 501–502. Johnson et al. (129 n.1) supply an alternate translation: “against the envoys.”

Who produced the previous proconsul's letter? Because the second procedural aspect is entangled in textual obscurities, certainty here is also precluded. The letter may have been produced by the governor and his staff or by the Roman party in the suit.<sup>47</sup> The former seems more likely if the governor was responding to the Chian petition by offering what seemed to him to be evidence that would result in a prompt dismissal. In any case, the Chian petition seems initially to have been met with what must have seemed an unfortunate repetition of the details of Vetus' decision.<sup>48</sup>

The first clause closes with an explanation of the proconsul's *modus operandi* with regard to such petition phases. In what he calls his "general procedure," τῆ καθολικῆ μου [προ]θέσει (4–5), he had the letter of Vetus read out because he customarily upheld his predecessor's written decisions. Although standard translations conceive this last part of the clause (τοῦ τη[ρ]εῖν ... [φυ]λάττειν, 5–6) to be referring to the preservation and safekeeping of the letter of Vetus, the verbs τηρεῖν and φυλάττειν in such a legal context must refer instead to the confirmation of the decision issued in the letter.<sup>49</sup> On this view, the

<sup>47</sup> R. Haensch, "Das Statthalterarchiv," *ZRG* 109 (1992) 209–317, esp. 295–297. Governor's staff and files: N. J. E. Austin and N. B. Rankov, *Exploratio: Military and Political Intelligence in the Roman World* (London 1995) 142–169; governor's consilium: P. Weaver, "Consilium Praesidis: Advising Governors," in P. McKechnie, *Thinking like a Lawyer: Essays on Legal History & General History for John Crook* (Leiden 2002) 43–62.

<sup>48</sup> Marshall, *GRBS* 10 (1969) 259.

<sup>49</sup> N. Lewis, "Imperial Largess in the Papyri," *JJP* 29 (1999) 47: "It is worth taking note ... of the clear distinction between ἐχαρίσθη for the making of grant (χαρίζομαι = *dono*) and βέβαια εἶναι/ἐβεβαίωσε (βεβαιῶ = *confirmo*) to express the confirmation of a previous grant. Similarly ... we find συγχωρῶ (= *concedo*) and δίδωμι (= *do*) for initial grants, τηρῶ and φυλάσσω (= *seruo*) for confirmations. These distinctions in the technical terminology are consistently maintained in the documents throughout the Principate." While Lewis deals primarily with 'non-legislative' instances, the verbal consistency holds true from the Late Republic onward in inscribed

governor is not explaining his routine practice in *record-keeping* but rather his general *stance towards* and *use of* the written legal decisions (τὰ γραφέντα, 5) of his predecessors.<sup>50</sup> This Augustan proconsul, like most of his contemporaries, was a legal conservative—inclined to uphold precedent, especially with documents before him. For these reasons we have offered a new rendering of the first clause in our translation above.

To summarize the procedure of the petition phase, the Chian party appealed the recent decision of Vetus against them by petitioning the governor in a preliminary hearing. He then followed his standard procedure and had read out to the Chians the decision recorded in his predecessor's letter. It was that decision against their interests that he upheld.<sup>51</sup>

*Clause 2: arguments (lines 7–10)*

The second clause finds the parties back in court at some later date (ὔστερον δέ, 7).<sup>52</sup> The governor hears arguments and counter-arguments (ἀντικα[τα]στάσεως) from both parties in turn (ἐκατέρου μέρους).<sup>53</sup> Once again, he describes his re-

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legal texts as well, e.g. *P.Schoyen* I 25 (Caesarian treaty of 46 B.C. with the Lycian federation). Cf. *Jos. AJ* 14.185–267; *Philo In Flacc.* 49–50.

<sup>50</sup> See n.17 above. Cf. Haensch, *ZRG* 109 (1992) 232 n.60.

<sup>51</sup> Alternatively one party in the suit produced the letter and the unknown proconsul then added it to his files. It seems unlikely that he would *not* have in his files such an important document from his immediate predecessor; but see *Pliny Ep.* 10.58–60, 65–66. Burton, *JRS* 65 (1975) 103, notes of a fourth-century case in Ephesus, “Patently the proconsul himself could not easily lay his hands on the requisite documents.”

<sup>52</sup> Time inefficiencies at assize hearings could vary greatly; see the famous eight-month wait of the villagers from Beth Phouraia at the assize court of Antioch (*P.Euphrates* 1.7, A.D. 245).

<sup>53</sup> Cf. *Jos. AJ* 14.246, letter of a governor who in an assize at Tralles was hearing a case concerning attacks on the Jews: he heard arguments from the opposing sides before reaching a decision, διακούσας ἐγὼ λόγων ἐξ ἀντικαταστάσεως γενομένων ἐπέκρινα. *IG IX.1* 61, discussed by G. I. Luzzatto, “Processo provinciale e autonomie cittadine,” *JJP* 15 (1965) 49–64. Latin phraseology preserved e.g. in a private civil suit of A.D. 37–43: (*audita ex utraque parte*, *P.Mich.* III 159.9).

sponse to the opposing arguments as his usual practice (κατὰ τὴν ἐμὴν συνήθειαν). This involves requesting from each party “more carefully written memoranda” (ἐπιμελέστερα γεγραμμένα ... ὑπομνήματα). The phrase “according to my usual practice” would seem to imply that this was his customary procedure in every trial after the arguments phase. But the governor’s actions may also have been a targeted response to the claims made in this case—perhaps, for example, the reference on the part of the Chians to significant documentary evidence previously unknown to him.<sup>54</sup>

How are we to envision the process in this arguments stage? Somehow the Chians succeeded during the petition phase in challenging the decision registered in the letter of Vetus. The current governor then agreed to a proper trial at which the parties, perhaps with advocates, argued their respective cases before the tribunal. We do not know how long arguments continued.<sup>55</sup> The governor did not retire with his *consilium* immediately to decide the case at the end of arguments. Rather, he requested revised written court briefs from each party, *memoranda* that manifestly were to contain legal documents. Some of these must have been appealed to by the Chian party and were to be critical in the final verdict. Two documents made their way into the written decision of the governor preserved in the third section of the inscription.

<sup>54</sup> Although many other legal texts refer to *memoranda* and various court records (ὑπομνήματα, ὑπομνηματισμοί), these are usually documents held by the magistrate and the court. Documents submitted by parties at law go by various names in the sources (γράμματα, ἐπιστολαί) but the term ὑπομνήματα seems not to be used in this way elsewhere. See n.67 below as well as the use of *commentarium* in the *s.c.* from Larinum (line 4), B. Levick, “The *Senatus Consultum* from Larinum,” *JRS* 73 (1983) 97–113, at 100.

<sup>55</sup> Advocates: Menogenes, a contemporary advocate (ἔκδικος) from Sardis ca. 5 B.C., was honored repeatedly for representing the interests of communities in the *koinon* of Asia: *I.Sardis* 8.40, with W. H. Buckler and D. M. Robinson, “Greek Inscriptions from Sardes,” *AJA* 18 (1914) 350. Might the Chians have enjoyed the services of such an advocate as Menogenes?

*Section 3: documentary findings (lines 10–20)*

This third section comprises two clauses, one complete and one breaking off at the bottom of the stone. In 10–11 the governor receives the memoranda ([ἄ λ]αβών) from each party, carefully reviews the documentary evidence they contain (κατὰ τὸ ἐπιβ[άλ]λον ἐπιστήσας), and based on his findings (εὔρον) renders a decision. That judgment, given the publication of this text on stone at Chios, appears to have been in favor of the Chian side.<sup>56</sup> The relevant sections of the first two documents he found most important are summarized for us. One is the *senatus consultum* of 80 B.C. discussed above.<sup>57</sup> The other is the letter of Augustus of 26 B.C. We might speculate that other documents were appended or summarized as well. In fact, it is entirely possible that what remains of the proconsul's letter was only one, and perhaps not even the main one, of many texts inscribed together on a public or honorific monument. The utter lack of an archaeological context, however, frustrates any attempt to visualize a context of display.<sup>58</sup>

To reprise this brief examination of procedure we note the following points: The Chians were able to appeal by petition a previous unfavorable proconsular decision. Although that written decision was read out to them again, and confirmed, they were nonetheless allowed to re-open the case and to enter into arguments before the assize court. In the course of these argu-

<sup>56</sup> Although we lack absolute textual or archaeological/monumental proof, we may assume that the Chians—victorious in their suit—set up the inscription.

<sup>57</sup> Marshall, *GRBS* 10 (1969) 263 ff.

<sup>58</sup> See C. Kokkina, “The Role of Individuals in Inscribing Roman State Documents: Governor’s Letters and Edicts,” in *Selbstdarstellung* 191–206, who notes selective quotation from governors’ letters on monuments honoring local dignitaries. Neither Vidua nor Forrest offers any archaeological or monumental context for the Chian inscription. On Chian epigraphy and the frequent lack of such contexts see W. G. Forrest, “Epigraphy in Chios—Cyriac of Ancona to Stephanou,” in J. Boardman and C. E. Vaphopoulou-Richardson (eds.), *Chios: A Conference at the Homereion in Chios* (Oxford 1986) 133–138.



ments the governor became convinced of the need to examine carefully prepared documentary evidence, which each party then submitted. His findings led him to overturn the decision of his predecessor and to rule in favor of the Chians, at least in part, if not solely, on the basis of the two documents he summarized in his own written decision. This decision was subsequently published, most likely by the Chians (and/or by some other individual who stood to benefit from association with the text) in inscribed form as an advertisement of victory and a guarantee of what its contents confirmed. Given this governor's repeated claims to customary procedure, and to attentive consideration of documentary evidence, his self-representation as a conscientious reviewer of relevant facts in his letter of decision constitutes the standard practice of at least one Augustan proconsul.

### III. Documents

When we come to the documents it preserves, the inscription is like a Russian doll, one document nested within another. There are four documents plus two overlapping documentary categories that appear in the text.

#### *Petition phase documents (lines 1–7)*

In clause 1 there are two terms with documentary reference: the first a document proper, the ἐπιστολή of lines 3, 6; the second a documentary category, the γραφέντα of line 5. The decision of Vetus was probably a decree passed on by letter, a judgment rendered in writing without formally holding court.<sup>59</sup> In line 6 it is described as τὴν ... φερομένην ἐπιστολήν. In context, this most probably means that the letter was "cited."<sup>60</sup> It identifies the letter of line 6 with that read out in 2–3, and thus

<sup>59</sup> Proconsular responses of this nature are not numerous. Cf. the bilingual mid-second century A.D. example from Corinth: D. J. Geagan, "The Isthmian Dossier of P. Licinius Priscus Iuventianus," *Hesperia* 58 (1989) 349–360 (= *Corinth* VIII.3 306).

<sup>60</sup> See n.18 above.

as an instance of the category γραφέντα, or “written legal decisions” in 5. Less likely, but possible, is that φερομένην has here the meaning of “extant” or “circulated.”<sup>61</sup> If this is so, the connotation may be that one or both of the parties had access to a copy of the letter. In either case the presence of the letter in court, as with the following documents, raises the question of diplomatics as well as of archival practice. One or more of the parties had access to archived documents. Perhaps the governor had received and retained a copy of the letter in his own *commentarii* or procured it from the provincial *officium*.<sup>62</sup> Alternatively one or both of the parties had accessed copies from local or personal archives. The options are not mutually exclusive.<sup>63</sup>

*Documents mentioned in clause 2 (lines 7–10)*

At the end of argument and counter-argument in clause 2, the governor requires each party to submit updated court briefs. The term used for these more carefully written court records (ὑπομνήματα) occurs commonly in legal papyri, but almost always in reference to records of proceedings and decisions kept by the court.<sup>64</sup> Here, however, it is clearly used of documentary evidence to be submitted by the parties themselves. A ruling of the third-century jurist Modestinus recorded

<sup>61</sup> *Produced* or *cited*: Heb 9:16, “where there is a testament, the death of the testator needs to be produced/announced” (φέρεισθαι, legal documents implied). *Extant* or *circulated*: Eus. *HE* 3.25.2, “the former extant epistle (τὴν φερομένην ... ἐπιστολήν) of John and likewise of Peter must be maintained”; Diog. Laert. 1.42.11, “here follow the extant letters (φέρονται δὲ ... ἐπιστολαί) of Thales”; cf. Plut. *Lyc.* 19.4.4, *Ages.* 13.4.1.

<sup>62</sup> Austin and Rankov, *Exploratio* 155–159.

<sup>63</sup> See Haensch, *ZRG* 109 (1992) 209–317, and *Capita Provinciarum, Stathaltersitze und Provinzialverwaltung in der römischen Kaiserzeit* (Mainz 1997). Cf. Mommsen, *Römisches Strafrecht* 512–520, and A. von Premerstein, “Commentarii,” *RE* 4 (1901) 726–759.

<sup>64</sup> E.g. *P.Oxy.* I 37.1 (A.D. 49); see also the string of court documents in the protracted dispute over archives and liability in *P.Fam.Tebt.* 24.73, 97 (A.D. 124).

in the *Digest* is perhaps relevant: “It is necessary for the woman to give testimony before the tribunal or otherwise ἐπὶ ὑπομνημάτων; it is possible also to hand in βιβλίδια extrajudicially, as the emperors themselves say.”<sup>65</sup> Modestinus’ third evidentiary possibility—βιβλίδια, or extrajudicial “affidavits”—appears to be a later imperial development.<sup>66</sup> If we take the second option (testimony ἐπὶ ὑπομνημάτων) as “in/by memoranda” rather than “into court records,” then the allowance of Modestinus may be analogous to the submission of evidence requested in line 10 of our text. In any case, although we have many litigants, especially in the papyri, handing in documentary evidence to the court in the early Imperial period, such evidence appears to be rarely referred to elsewhere as ὑπομνήματα.<sup>67</sup>

What physical form did these court briefs take? Papyrus documents are likely; whether that fits comfortably, however, with the documents that follow in the final clause of the inscription remains to be seen.<sup>68</sup> Unfortunately, we catch no glimpse

<sup>65</sup> *Dig.* 27.1.13.10, χρῆ δὲ μᾶ μάρτυρασθαι πρὸ βήματος ἢ ἄλλως ἐπὶ ὑπομνημάτων· δύναται δὲ καὶ βιβλίδια ἐπιδοῦναι χαμᾶθεν, ὡς οἱ αὐτοὶ φασιν αὐτοκράτορες. Cf. transl. of A. Lewis in Watson, *Digest*: “Evidence should be given in court or recorded officially in another way; it can also be given extrajudicially by affidavit, as the emperors themselves provide.”

<sup>66</sup> *P.Oxy.* XVIII 2177 (*Acta Athenodori*; Hadrianic?) equates an ἐπιστο[λήν] (60) with a βιβλίδ[ι]ον (66) sent by embassy.

<sup>67</sup> See Weiß, *ZRG* 33 (1912) 228–229, who refers to the ὑπομνήματα in our inscription as “vorbereitende Schriftsätze” (229 n.1) Of later imperial official court records: E. A. Meyer, *Legitimacy and Law in the Roman World: Tabulae in Roman Belief and Practice* (Cambridge 2004) 246–247. See also the note by J. and L. Robert in *Bull.épigr.* 1965, 142, on the use of the term. The editors of the *Acta Heracliti* (ca. A.D. 215) offer the tantalizing restorations ἀναγε[ι]νώσκω τὰ ὑπομνήμ[ατα] (line 1), “Ἡρ]αρχος ἀνέγνοι τ[ὰ ὑπομνήμα-τα?] / τ[ὸ ὑπόμνημα] (25); H. A. Musurillo, *The Acts of the Pagan Martyrs* (Oxford 1954) 77, no. XVIII / his Teubner ed. (1961).

<sup>68</sup> The πιττάκια submitted to C. Caecina Tuscus, prefect of Egypt (A.D. 63), in *P.Yale* inv. 1528 may have been either papyrus documents or wax tablets; see C. B. Welles, “The *Immunitas* of Roman Legionaries in Egypt,” *JRS* 28 (1938) 40; Meyer, *Legitimacy and Law* 184–185 n.68.

of the documents submitted by the Roman party in the suit, but we are in fact given descriptions of the two Chian documents that survived.

*Documents selectively quoted by the proconsul (10–20)*

The first and oldest of the Chian documents is called a δόγμα[τος] συνκλήτου ἀντισφράγισμα. Important questions arise immediately regarding the lexical and physical entailments of the phrase. First, what is meant by the otherwise unattested ἀντισφράγισμα—LSJ, on the sole basis of this inscription, glosses it as *sealed copy*—and what manner of seal(s) ought we to envision? Second, how should we understand the physical features of such a decree of the Senate? Probable answers to these questions lead us further into the scenario attested by our inscription.

At the lexical level, extensive searches in both epigraphical and papyrological databases confirm that ἀντισφράγισμα remains a *hapax*. Sherk and others translate it as “sealed copy,” but since Latronne none have attempted to refine the referent of the term in conjunction with what is now known of the diplomatics of sealed legal documents.<sup>69</sup> Latronne noted early on the puzzle presented by ἀντισφράγισμα and suggested “une copie revêtue de sceau,” more or less synonymous with ἀντίγραφον ἐσφραγισμένον. He adduced evidence from Aphrodisias and Josephus to argue for the deposition of a copy in the local archives, sealed to guarantee its authentic *fidēs*.<sup>70</sup> The term ἐκσφράγισμα, used in funerary inscriptions in the province of Asia, refers to the ‘sealed’ status of certain privileges of the deceased lodged in local archives (i.e. the listed privileges

<sup>69</sup> The term’s meaning in our text remains unremarked by Wenger, “Signum,” *RE* 2A (1923) 2361–2448; O’Brien Moore, “Senatus consultum,” *RE* Suppl. 6 (1935) 800–812; and R. Haensch, “Die Verwendung von Siegeln bei Dokumenten der kaiserzeitlichen Reichsadministration,” in M.-F. Bussac and A. Invernizzi (eds.), *Archives et sceaux du monde hellénistique* (*BCH* Suppl. 29 [1996]) 449–496.

<sup>70</sup> *Analyse critique* 39 n.4. Latronne draws a parallel with ἐκσφράγισμα, though on a more limited textual basis than is presented below.

are recorded accurately on stone, having been copied from a document legally registered elsewhere).<sup>71</sup> Given the semantic overlap of the term with ἀντισφράγισμα, our text probably refers to an authenticated, archived, sealed copy obtained per Chian request. We may account for the ἀντί- prefix by recalling the Latin *ob-* in the word group *obsignare, obsignatus*, terms used generally for the sealing of Roman legal documents of various kinds.<sup>72</sup> This is a reasonable assumption of Latin interference given that the Greek term appears nowhere else in the literary or documentary sources. Its use here implies that our text constitutes either an official translation into Greek of the proconsular letter drafted in Latin or a literal rendering by the governor himself of Latin legal terminology in Greek. It also indicates that we should expansively gloss the term ἀντισφράγισμα as ‘authoritatively sealed with the seals of named figures’.<sup>73</sup>

Our most promising guides as to the manner of sealing and the probable physical features of this sealed decree of the Senate come primarily from Josephus and several inscriptions. In his collection of documents pertaining to the rights and

<sup>71</sup> *I.Smyrna* 190 ff.; *I.Ephesos* 2547B.7–8, 2568.3–4; *JÖAI* 59 (1989) Beibl. 235 no. 69.8–9.

<sup>72</sup> M. Radin, “Obsignatio,” *RE* 17 (1931) 1745–1746. Cf. *OLD* s.vv. “obsignatio,” “obsignator,” “obsigno.” Testament: Suet. *Tib.* 76; financial instruments: Cic. *Verr.* 2.1.137; Gell. *NA* 14.2.7. Cf. Suet. *Nero* 17; G. Camodeca, “Nuovi dati sulla struttura e funzione documentale della *tabulae ceratae* nella prassi campana,” in H. Solin et al. (eds.), *Acta Colloquii Epigraphici Latini* (Helsinki 1995) 59–77, at 68–71.

<sup>73</sup> Cf. O’Brien Moore, *RE* Suppl. 6 (1935) 804–806, who admits, concerning our overall evidence for the material aspects and promulgation of such sealed *senatus consulta*, “die Einzelheiten sind sehr ungewiß.” More recently, see P. Culham, “Archives and Alternatives in Republican Rome,” *CP* 84 (1989) 100–115, esp. 106–107; M. Coudry, “Sénatus-consultes et *actus senatus*: rédaction, conservation et archivage des documents émanant du Sénat,” in S. Démougin (ed.), *La mémoire perdue* (Paris 1994) 65–102, esp. 67–70. M. Crawford, *Roman Statutes I* (*BICS* Suppl. 64 [1996]) 27 n.75, remarks upon Culham’s “excessive” pessimism.

privileges of the Jews, Josephus writes of a *senatus consultum* that confirmed an earlier Caesarian decision (*AJ* 14.219–222). This was never properly archived at Rome nor sent on to Judaea and so, at the behest of ambassadors sent by Hyrcanus (who needed the document to settle a dispute?), the *s.c.* was deposited in the archives in the Temple of Concord by quaestors who put it onto wax tablets in diptych format (εἰς δέλτους ἀναθεῖναι διπτύχους). Subsequently, the *s.c.* was “copied from the public tablets” (ἀντιγεγραμμένον ἐκ τῶν δέλτων τῶν δημοσίων) and sent with the ambassadors. We are not, unfortunately, told the format of the copy sent to Hyrcanus.<sup>74</sup>

Perhaps the best model for the Chian *s.c.* is the epigraphically preserved copy of the *senatus consultum de Nundinis Saltus Beguensis* (A.D. 138).<sup>75</sup> This decree granting market rights explicitly gives information concerning where it was copied (Senatorial archives at Rome),<sup>76</sup> the format of the copy received by the village (wooden waxed tablets in diptych form),<sup>77</sup> and the names of those who authoritatively attached their seals.<sup>78</sup> This

<sup>74</sup> On the authenticity and archiving of documents in Josephus see C. Eilers, “Inscribed Documents, Un-inscribed Documents, and the Place of the City in the Imperium Romanum,” in *Selbstdarstellung* 301–312. 1 Maccabees alleges that Jewish ambassadors returned from Rome at various times bearing bronze tablets that were read out in assembly (8.22.2, 14.8.2, 14.26.4, cf. 14.48.2).

<sup>75</sup> *FIRA I*<sup>7</sup> no. 47 = *CIL VIII* 270.

<sup>76</sup> 2–5, *descriptum et recognitum ex libro sententiarum in senatu dictarum*, “copied and checked out of the book of decisions spoken in the Senate.” See also *CIL X* 7852.2 [*ILS* 5947]: *descriptum et recognitum ex codice ansato*. This was a decision in which the Sardinian *proconsul* in A.D. 69, L. Helvius Agrippa, brought to an end a territorial dispute spanning two centuries. His decision turned on the authentication of bronze *formae*, or surveyor’s maps. Cf. J. Reynolds, *Aphrodisias and Rome* (*JRS* Monographs 1 [1982]) no. 8 with pp. 65–67.

<sup>77</sup> 25, *eodem exemplo de eadem re duae tabella signatae sunt*. For a sealed copy (in Greek) made from local archives see J. Nollé, *Nundinas instituere et habere* (New York 1982) no. 13.20–50 [*SEG XXXII* 1149].

<sup>78</sup> 26–27, *signatores: T. Fl(avi) Comini scrib(ae), C. Iuli Fortunati scrib(ae), M. Caesi Helvi Euhelpisti, Q. Metili Onesimi, C. Iuli Perblepti, L. Verati Philerotis, T.*

evidence suggests we would be justified in envisioning an authenticated copy of the *s.c.* for Chios produced for Vetus' successor on waxed tablets in diptych (or possibly triptych) form accompanied by seal impressions and names.<sup>79</sup>

Regardless of the medium, the question remains: why did the Chians point to the existence of such an important document only at this stage in the proceedings?<sup>80</sup> The answer may be that the decision of Vetus, presumably a year or two earlier, had indeed come as a written reply to a petition from the Roman party. In this case, there may never have been an opportunity for the Chians to present any arguments until this moment, let alone to submit documentary evidence. In such a scenario, their mention of the document (and others) as new and weighty evidence may have been what moved proceedings beyond the petition phase and what prompted the governor's request for "more carefully documented court briefs" after oral arguments.

If this is correct, it adds to our understanding of why the governor responded as he did. The document was weighty enough

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*Pl(avi) Crescentis*. Cf. Haensch, in *Archives* 457–460, who refers to it, on the basis of the status of the signatories, as a "semi-official copy," executed perhaps as a favor by the *scribae* to the senator who requested it on behalf of the village.

<sup>79</sup> For diplomatic details and diagrams of private, legal tablets see Meyer, *Legitimacy and Law* 130–131. Another possible medium is bronze, for which (in addition to 1 Macc above), see the bronze treaty of 46 B.C. between Rome and the Lycian koinon: S. Mitchell, *P.Schoyen* I 25, esp. pp.179–185. Note, however, the skepticism of W. Eck concerning bronzes in the Greek East in his keynote address at the 1st International Congress (2011) of the American Society of Greek and Latin Epigraphy, forthcoming in J. Bodet and N. Dmitrova (eds.), *Ancient Documents and their Contexts*.

<sup>80</sup> Cf. Plin. *Ep.* 10.48. Unfortunately, we can conclude nothing as to the *timing* or the *origin* of this authenticated copy of the *s.c.* for Chios. It may have been a copy sent in Sullan times (i.e. immediately after the decree was passed by the Senate) or a copy sent per Chian request after the decision of Vetus against them. Further, the copy may have originated from Roman or from local or regional archives. A lack of evidence obscures these circumstances.

in its contents, form, and *fides* to lead him to overturn the ruling of his predecessor in favor of the Chians. Conservative tendencies clashed in the governor's own person and procedure, and venerable documentary evidence from Rome trumped the recent written decision of Vetus. The possession and use of such sealed tablets by the Chians corroborates recent arguments that provincials in the Greek East understood the symbolic power of Roman legal documents and strategically deployed them.<sup>81</sup>

Apart from the *epistula Augusti* at the end of the inscription, which appears to be a response by decree similar in form to that of Vetus above, there is one more document—or rather one more category of legal document—attested in the governor's summary of the contents of the *s.c.*, the τύπος of magistrates or promagistrates in line 17. A. J. Marshall rightly drew attention to the significance of this word as a *terminus technicus* for a “written document used in a legal procedure.”<sup>82</sup> While Marshall took τύπος to refer to a response of a provincial governor, there is now evidence from Aphrodisias that the term could stand for a *formula* (or *lex*) *provinciae* from which Aphrodisias and her citizens were exempt.<sup>83</sup> Whatever the precise scope of the term, γραφέντα such as the letter of Vetus were obviously included. But as long as the Sullan *s.c.* held by the Chians continued to be valid, it outclassed any legal pronouncement or document of any provincial magistrate.<sup>84</sup> The

<sup>81</sup> Meyer, *Legitimacy and Law* 122, 169–206.

<sup>82</sup> Marshall, *GRBS* 10 (1969) 257–259; see C. B. Welles, *Royal Corresp.* pp. 370–371 s.v. τύπος, and no. 68.10, most likely Imperial rather than Hellenistic, on which redating see L. Robert, *Opera minora* III 1574; K. Rigsby, in E. Schwertheim (ed.), *Forschungen in Lydien* (Bonn 1995) 77–83.

<sup>83</sup> Reynolds, *Aphrodisias and Rome* 14.3 (= *I.Aphrodisias* 8.33), τοῦ τύπου τῆς ἐπαρχείας, commentary at 114–115; 15.14 (*I.Aphrodisias* 8.34); *SEG* L 1096.23 (*I.Aphrodisias* 11.412), τοῦ τῆς ἐπαρχείας τύπου.

<sup>84</sup> On the *lex provinciae* see W.-W. Buckland, “L’edictum provincial,” *RD SER.* IV.13 (1934) 81–96; B. D. Hoyos, “*Lex Provinciae* and Governor’s Edict,” *Antichthon* 7 (1973) 47–53. I thank Mr. G. Rowling for supplying me with a copy of the former essay.



Chians were confirmed in their enjoyment of their civic rights, even insofar as those rights impinged on the interests of Roman citizens in their midst.

The last document mentioned in the inscription is a letter of Augustus himself, written a mere three decades before the current governor's letter. Although the verb does not survive, it is clear that the newly-named Augustus added his confirmation to the privileged status of the Chians by means of his letter. We are ignorant as to what occasioned this,<sup>85</sup> though the wording indicates a selective excerpt rather than a full copy of the letter.<sup>86</sup> Perhaps the Chians' struggle to maintain their rights and status under Vetus and his successor was not their first in the evolving Roman political climate. And although we do not have any further extant documents, if the Chians were like other communities of the Greek East, neither was it likely to be their last struggle.

One final document, unmentioned in the text and so less visible, brings us to our conclusion, namely, the inscription itself. Probably conveyed to the Chians on papyrus, the incomplete text of the proconsular letter and utter lack of archaeological context for the inscribed version prevent us from inferring anything with regard to the Chian reception of the proconsular letter, its inscribing, display, or afterlife.<sup>87</sup>

In conclusion, this oft-mentioned inscription from Chios continues to repay close study. The insights it offers into Augustan praesidial procedure are helpful, given our relatively scanty early evidence outside of Egypt for the jurisdictional practice of governors in either public or imperial provinces. The recorded decision of the successor of Antistius Vetus is an interesting

<sup>85</sup> I am aware of no evidence indicating the reception of a Chian embassy by Augustus.

<sup>86</sup> Millar, *Emperor in the Roman World* 213–228, esp. 221.

<sup>87</sup> See however the case of the *lex portorii Asiae*: G. D. Rowe, "The Elaboration and Diffusion of the Text of the *Monumentum Ephesenum*," in M. Cottier et al. (eds.), *The Customs Law of Asia* (Oxford 2008) 245–248.

case study in the potential conflicts inherent in early imperial legal conservatism. The proconsul found his usual practice of maintaining the decisions of his predecessors to be in tension with his customary procedure of closely examining legal documents presented by parties in the assize court. It was a tension he ultimately resolved in the favor of the older and weightier documents, which he cited selectively and in chronological order. It appears that the Chians understood well the Roman legal and administrative apparatus and strategically produced valid documents in court in support of their case. Already at this early stage in the Principate it is clear that provincial communities realized the need to test the *fides* of their documents and the privileges they embodied with each new administration. This was a key factor contributing to the anxiety over civic status and privilege evident in the rising tide of appeals for confirmation in the first century.<sup>88</sup>

But perhaps most striking, once we take account of the procedural, documentary, and archival realities of the provincial assize, is the fact that the Chians used their knowledge of Roman law and legal documents within a Roman legal setting to gain an advantage sanctioned by the Roman administration over the Romans in their own midst.<sup>89</sup>

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<sup>88</sup> F. Millar, *Emperor in the Roman World* 410–434, 477–506.

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