Cyrene Edicts of Augustus: I and III

Augustus sets new rules on the way Greek and Roman citizens shall chose their tribunals and juries (I). Roman citizens without immunity in the Cyrenaica shall contribute to the local liturgies (III)

Typology (Honorific / Funerary / etc.): Dossier of edicts and one senatus consultum

Original Location/Place: Agora of Cyrene

Actual Location (Collection/Museum): Cyrene Sculpture Museum at Shahat (Libya)

Date: 7 BCE to 6 BCE

Physical Characteristics: The large stele preserves completely 5 different documents which are distributed across 144 lines. At the time of its discovery, the condition of the stone was excellent and the letters could be read without much difficulty; except for some chips in the middle section and at the bottom of the left side. The shape of the letters is fairly irregular and the text contains several scribal errors. Each of the documents is separated by either a vacat or/and a new paragraph.

Material: Marble

Measurements: 205 centimetres in height, between 70 (bottom) and 61 (top) centimetres in width, and 38 centimetres thick. The letters are between 6 and 10 centimetres

Language: Greek

Category: Roman, Greek

Publications: De Visscher, Les Édits d'Auguste, p. 16-26 (SEG 9.8; FIRA I 68)

Commentary:

By 7/8 B.C.E., Augustus had successfully managed to establish the regime of the Principate. Now, it was time to solve wide-ranging issues that the turbulent period of the Late Republic brought. Some of such pressing matters derived from the growing number of provincials granted Roman citizenship during the Civil Wars. Two of the documents inscribed on this stele from Cyrene deal with this process.

The first document opens with Augustus’s set of titles, making it possible to establish an exact date. The last word (dicit) indicates that the following words constituted an edict. Augustus’s tone, however, is polite rather than imposing and this is due to the fact that Cyrene belonged to a province not under his direct command. This example illustrates how he tried to keep a balance between his superior auctoritas (RGDA 34) and respect for senatorial control. Since the document is not a letter addressed to local institutions, greeting formulas are not displayed and Augustus goes straight into the subject. The content of the edict can be split into three related parts:

a. Description of the problem and proposal to solve it (l. 3-13) b. Instructions to implement the proposal (l. 13-21) c. Further dispositions and limits of the solution.

The presence of these permanent Roman citizens – i.e. not officials or soldiers on duty, nor travelling traders – needs to be understood in the historical framework depicted by other documents in our collection; particularly the Letters concerning Seleukos of Rhosos and the S.C. de Asclepiade. From the middle of the 1st century B.C.E., Roman generals increasingly started to enfranchise provincials as a reward for their loyal services. Such grants of citizenship entailed a series of rights and benefits that put these individuals in a very advantageous position. Two aspects were particularly important: fiscal immunity – which is the subject of Edict III – and judicial privileges. Edict I deals with the latter. New Roman citizens could, for instance, choose which courts would try their cases. The Latin term for this advantage is privilegium fori and appears in both of the aforementioned documents. Furthermore, cases of capital punishment (thanatêphoroi dikai) could only be judged in Roman courts, which were obviously composed of Roman citizens. This system was used and abused by the privileged group to target local enemies who suffered (epibarountes) their interested accusations (martyrountes). Augustus was aware that such conspiracies had affected innocent people (l. 10-12), and proposed an urgent solution which the Senate had not yet officially sanctioned; hence the appearance of the less authoritative expression in line 13.
Augustus’s proposal is addressed to the governors of the joint province of Crete and Cyrenaica to which the cities sending the embassy belonged. He wanted to modify the way juries were selected in order to provide more fair treatment to the disadvantaged Greeks. While Romans shall always be present in the court, Greek defendants could now request that half of the jury was composed of other Greeks if they wished to choose this option (l. 15-24). Nevertheless, it is interesting to note the unequal property qualifications set for both groups in order to be eligible; significantly higher for the Greeks. So, Augustus wanted to favour particularly the richest among the native population of the region, who were members of the poleis and, as such, are always referred to as ????????. We must therefore infer that this elite class was that mostly targeted by the Romans looking for potential economic gains. The detailed description of how members of the jury should be selected (l. 24-32) using “weighted pellets”, distinctive “sortition vases”, and vetos (?????????? = reiectio) seeks to prevent any corruption of the new system; and it is analogous to the procedure found in other Roman legal texts such as the Tabula Hebana (Crawford, Roman Statutes, no. 37). The magistrate presiding (??????????/stratêgos; normally the provincial governor) shall declare the verdict (l. 33).

The final section of the first edict illustrates even more clearly Augustus’s intentions and sheds light on the dual condition of some of the Roman citizens residing in the Cyrenaica. The first clause explains that, following the local norm, there will be enough non-Roman accusers in case someone is murdered.[CB2] Augustus is quite right, as we can know from previous Greek legal sources that relatives normally had the right (????/dikê) to bring such cases, but it was not a ?????/graphê or public action (see De Visscher, Les Édits, p. 73). As a result of this old tradition, Augustus simply forbids Romans from being admitted as accusers unless they were recently granted citizenship and wanted to avenge a relative or compatriot (l. 39-40).

The last line is a fundamental step in the history of Rome to acknowledge the dual nature of enfranchised Greeks. These men had, on the one hand, been admitted to the employment of certain rights and privileges deriving from their Roman citizenship. On the other, they also originated from local communities normally constituted as poleis, which had their own set of traditions, institutions, and obligations. If we are to believe Cicero (Pro Balbo 28.1), a Roman citizen had to somehow give up this local origin because only one civitas was possible according to the law. Until the mid-1st century, this condition did not have much impact on the eastern Mediterranean, because Greeks seem to be interested in more tangible benefits rather than Roman citizenship as illustrated, for example, by the S.C. de Asclepiade. The scenario changed considerably as a result of the aforementioned Civil Wars, when Roman generals started to enfranchise loyal companions and serviceable personnel such as Seleukos of Rhosos (see Sherwin-White, Roman Citizenship, p. 306-311; Ferrary, “Les Grecs”). Even if the volume of these new Roman citizens in the Greek East was not massive as proved by the Cyrenaic census, this privileged bunch did not only alter the provincial judicial system but also hampered the local finances of the poleis. One of the most important privileges that could derive – albeit not exclusively – from the grant of Roman citizenship was immunity from all kinds of taxes. This meant that, when newly enfranchised Greeks decided to return home, they had the right to escape the fiscal duties set by local institutions. These obligations were generally referred to as ???????????/leitourgiai and were fundamental to the good functioning of cities (see Gauthier, Les cités grecques). Then, if there was a group exempted from paying them, a higher burden would naturally fall on the non-privileged rest. Moreover, some of these new Roman citizens may have accumulated considerable wealth; for instance through the court conspiracies described above.

The brief Edict III seeks to tackle the issue of newly enfranchised Greeks who escaped the contributions needed by their homelands. In this case, the titulature of Augustus is abbreviated indicating only the tribunician powers that unequivocally date the document – he held this position uninterruptedly since 23 B.C.E. – and could also emphasise his charitable attention for the population. As in Edict I, Augustus is trying to benefit the provincial communities in the Cyrenaica. The point is clear: new Roman citizens had to start meeting their local obligations (??????????/leitourgein), unless their grant of enfranchisement also explicitly included immunity (??????????/aneisphoria). Furthermore, even the property of the previously immune (??????????/ateleis) was to be subject to taxation in the future (l. 50-52). Augustus’s tone is much more imposing with the use of the verb ???????/keleuô (“to order”), because he is addressing people who mostly owed to either him or Julius Caesar their privileged status. And yet, the wording of his message has caused considerable problems of interpretation to modern scholars. Above all, the exact meaning of the sequence ?? ????? ?? ??? ??????? ??????? (l. 57-58) is still open to discussion. As Oliver, Greek Constitutions, p. 52-54 notes, the major change of interpretation was provided by De Visscher, Les Édits, p. 98-102. He proposed that ??????/sômati referred to the munera corporalia attested from other Roman legal sources. Consequently, ??? ???????/tôn Hellênôn would be a genitive of ?? ??????/em merei, which might render the Latin in numero Graecorum. In other words, new Roman citizens also belonged to the category of the Greeks and, consequently, had a double nature. This is the clearest attestation of a crucial step
for the survival of local institutions in the Greek East. Rome had accepted that people could be both her citizens and, simultaneously, engage with the political environment of their places of origin or residence. The ultimate consequence of this paradigmatic shift was that newly enfranchised Greeks, as full and contributing members of their poleis, shall also enjoy their local citizenships. Thus, Cicero’s Republican laws on the exclusivity of the Roman civitas were broken; and this led to a period of flourishing activity in the Empire where wealthy individuals could be both committed to the development of their fatherlands without having to renounce the superior advantages provided by Rome.

Keywords in the original language:

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- ?????? [4]
- ??????? [5]
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- dual-citizenship [32]
- Greek citizenship [33]
- Roman law [34]
- court [35]
- jury [36]
- trial [37]
- conspiracy [38]
- oppression [39]
- governor [40]
- province [41]
- Cyrene [42]

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Oliverio, Gaspare, *La stele di Augusto rinvenuta nell Agorà di Cirene* [48], Notiziario Archeologico del Ministero delle Colonie 4 (1927) : 1927  
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