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Citizenships and Jurisdictions

The Greek City Perspective

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Problems of Method: Multiple Citizenships and Legal Pluralism

This chapter is concerned with the role that local citizenships in "Greek" cities played in the legal sphere alongside Roman citizenship in the long second century CE, trying to adopt a provincial rather than a Roman perspective. A proper understanding of that role must form one of the key issues in an analysis of either the provincial legal regimes in this period or the significance of the spread of Roman citizenship. This much is, of course, common ground. To quote the introduction to the volume that is now the most comprehensive survey of Roman provincial legal history, "People were not made citizens to promote a Roman legal order, but the possible recourse to that order was part and parcel of their elevated status. Quite without provident planning, they did become carriers of the Roman legal system; by exercising their privilege of recourse to it, they therefore helped propagate the idea of Rome as the ultimate guarantor of justice."[1] The mechanics of this process and of any countervailing tendencies, however, remain a matter of dispute and, as far as the high empire is concerned, are still understudied. To put the crucial questions simply, in what ways was the spread of Roman law in provincial legal practice and of resort to Roman (as opposed to civic) courts by provincial litigants connected with the spread of Roman citizenship? And in what ways would being a citizen of a particular polis matter when appearing in front of Roman authorities? The answers to these questions are also crucial for the interpretation of the *Constitutio Antoniniana*. Assuming the commonly accepted restoration of some form of preservation of local rights in lines 7–9 of *P.Giss.* 40, based on the wording of the *Tabula Banasitana*, an analysis of what this meant in the context of 212 CE can only proceed from the understanding of the preceding period.[2]

1. Czajkowski and Eckhardt 2020, 9.
2. See most recently Alonso 2020, 50–52. For recent reconstructions of this clause of the *Constitutio Antoniniana*, see also note 17.

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In discussing these issues, I shall focus primarily on the evidence (mostly epigraphic) from the Greek civic world, particularly the cities of the peninsular Greece, Asia Minor, and the west coast of the Black Sea, rather than on the papyrological evidence from Egypt and the Levant. The boundary between the two is inevitably fuzzy: in important respects, every province was unique, and it is not proposed here to go back to isolating Egypt (let alone Egypt together with the desert fringes of the Fertile Crescent, hardly similar cases) as somehow uniquely unrepresentative.[3] Still, there were undeniable common features in the pre-Roman roots and Roman treatment of local citizenships and civic institutions in the Greek polis world as distinct from the whole of the eastern Mediterranean, which require a separate treatment. As would be obvious, it was not everywhere in the empire that Roman jurisdiction came across a concept of citizenship that predated the conquest and was distinct from the Roman understanding of *civitas* but, at the same time, could still be used as a meaningful category alongside it in legal contexts.[4] Moreover, whatever view one takes on the nature of Greek citizenships, it is clear that their continued legal existence remained crucial for the institutional survival of a polis throughout the period we are dealing with, in a manner that would not necessarily be true in the same way of personal statuses outside the polis world, including here the *chora* of Egypt before the Severan municipal reforms. No less significantly, the polis world was distinguished by the survival of local jurisdictions not yet fully incorporated into, let alone delegated from, the institutions of imperial jurisdiction: the difference with Egypt on one hand and with the Latin *municipia* of Spain on the other was, as we shall see, an important one in this respect.[5]

The long second century was, of course, not quite the end of the road for local Greek citizenships (or jurisdictions, for that matter), and some of the more striking evidence for their continued significance comes from the period after

3. For instance, the status of the *Bithyni* and *Pontici* in the countryside of northern Asia Minor (A. H. M. Jones 1971, 160–161) may have been in important respects parallel to the status of Egyptians in the *chora*. On the unique πολιτευόμενος καὶ ἐν ταῖς κατὰ Λυκίαν πόλεσι πάσαις formula in Lycia, see Kokkinia 2012; Baker and Thériault 2018, 306–307; and on the connected Ῥωμαῖος καὶ formula, see Kantor 2020b.
4. A contrast can be made here with the Roman understanding of the status of the diaspora Jews, which could be recognized as a communal status with legal consequences but at the same time was distinct from a citizenship (Roman or local) and could be held alongside it. Note in particular the letter of L. Antonius to Sardis of 49 BCE, quoted by Flavius Josephus (*AJ* 14.234, where the manuscript reading Ἰουδαῖοι πολῖται ὑμέτεροι, "Jewish citizens of yours," is preferable to the ἡμέτεροι, "ours," of modern editions). On the evolution of the Greek concepts of citizenship and their comparison with the *civitas Romana*, Gauthier 1981, Heller and Pont 2012b, Müller 2015, and Fröhlich 2016 provide crucial entry points into the discussion joined here. For the spread of Roman citizenship in Greece and Asia Minor in the second century CE, see now the contributions to Frija 2020.
5. Alonso 2013, 352, stresses that there was "no alternative to the Roman jurisdiction" in Egypt, which he rightly sees as the key difference with "the rest of the *poleis* in the Eastern Empire." For the Severan municipalization of Egypt, which did not change this particular aspect of the situation, Bowman 1971 remains fundamental (note esp. 113–115 for the absence of a role for the metropolitan *boulai* in appeals and complaints). Note, however, for some Egyptian parallels with the treatment of citizenships in Greece and Asia Minor, Girdvainyte 2018, 126n395 and esp. 316 (*P.Oxy.* XVIII 2199 is a crucial piece of evidence in this regard, to which I shall return).

Caracalla. For instance, in 251 CE, a Christian martyr could allegedly foreground his citizenship of Thyatira when questioned by the proconsul of Asia;[6] in the privileged city of Aphrodisias in Caria, insistence on privileges pertaining to local citizenship seems to have continued into the reign of Gordian III and perhaps beyond;[7] at Intercisa in Lower Pannonia, a verse epitaph for a certain Aurelia Pia (a Roman citizen with nothing visibly Greek to her nomenclature) presented her as "a citizen from Nicaea, born of Bithynian origin."[8] Even as late as 298 CE, Aurelius Sarapammon, a traveling athlete from Oxyrhynchos, a person of some standing and obviously a Roman citizen, could be presented in a document appointing his legal representative as an Ὀξυρυνχεί|[της- - -] καὶ Ἀθηναῖος, "citizen of Oxyrhynchos and Athens" (*P.Oxy.* XIV 1643, ll. 1–2).[9]

With the growing recognition in recent scholarship of the still rather limited spread of Roman citizenship across the empire pre-212, the implications of the significance of local rights and privileges in the decades following Caracalla's grant can be a fortiori extrapolated to the preceding century.[10] It has been increasingly recognized in recent discussions that individual citizenships and rights connected to them retained their vitality in the legal sphere both before and after the *Constitutio Antoniniana* and were not fully supplanted by the distinction between *honestiores* and *humiliores*.[11] The practical specifics of the interplay of citizenships in Greek cities under Rome in the period between Vespasian and Caracalla, when there was little outward change in the status of these communities, however, remain elusive both methodologically and evidentially, as is the model of citizenship implied by its juridical consequences in this period.

These difficulties need to be admitted from the outset. While it will be argued here that local citizenships remained crucially important for the legal landscape of Greek-speaking provinces in this period, the evidence is admittedly patchy,

6. *Mart. Carpi* 24–27. The date of 241 CE in Kantor 2016a, 52n35, is a misprint.
7. See esp. *A&R* nos. 22 and 25 = *I.Aphrodisias 2007* 8.100 and 8.114. Cf. Kantor 2016a, 47–49; for the second-century status of Aphrodisias, compare Reynolds 2000, 10–15; Fournier 2010, 470–474, discussed further in "Privileged Citizenships," this chapter. The arrangement and purpose of the "archive wall" dossier, to which these documents belong, have been brilliantly analyzed by Kokkinia 2015–2016. Contrast *I.Eph.* II 217, where the focus is not on the citizen rights but on the privileges of "the blessed and devoted metropolis of Ephesus," and the more ancient sources of such privileges are viewed through the lens of Ulpian's treatises *De officio* (for a full discussion and an improved text, see now Filippini 2019).
8. *CIL* III 3337, l. 2: *<e>x N<i>cia ciues Byth(inicae) orig<i>nis orta*. Compare *CIL* III 7335 with Nörr 1963, 578.
9. The lacuna is about seven letters long; I wonder whether πολίτης might be an alternative to another short ethnic. For the implications of his epithet κράτιστος at that date, see *P.Oxy.* ad loc.
10. Lavan 2016b, and for the parallel onomastic approach, Blanco-Pérez 2016 and chapter 5 in this volume; for regional variability in Asia Minor, see Feissel 2016 and Frija 2018.
11. The seminal contribution of Buraselis (2007) is now entering the mainstream in this respect. The argument for the centrality of the *honestiores*/*humiliores* distinction is made in Garnsey 1970. The most recent broad discussion of the post-212 legal landscape, Karambelas 2016, however, is in important ways going back to downplaying the role of Greek law even before 212 and casting the possible tensions as a conflict between "Greek rhetoric" and "Roman law." As will become apparent, our approaches are significantly different regarding this period.

and it can be superficially tempting to argue the opposite case, particularly insofar as it concerns the less privileged communities without the status of a "free" city-state (*civitas libera*) or one united to Rome by a "treaty" (*civitas foederata*). Potentially relevant Roman legal sources have mostly lost whatever they said about peregrine citizenships at the hands of the late antique compilers, and even the *Institutes* of Gaius, who lived in the Antonine age, commented on the provincial edict, and might have taught at Alexandria Troas, have only a couple of occasional glimpses into the world of local laws and jurisdictions. Epigraphic sources are inevitably biased toward the more spectacular privileges of the *civitates foederatae* rather than the routine of the law courts.

Moreover, survival of institutions is not always a sign of their great vitality, let alone frequent use: a member of the University of Oxford may be allowed to think of the Convocation, of the appeal to the college Visitor, or of the criminal jurisdiction of the High Steward of the University.[12] It has accordingly been tempting to explain away some of the attestations of more independent local jurisdiction in the long second century as simply antiquarian.[13] The same question needs to be asked about local citizenships: they obviously continued to exist and could be significant for self-representation, but to what extent and in what ways were they more legally meaningful than (to continue with quaint English examples) being a freeman of an English borough in modern Britain?[14] An interesting example comes from the late-second-century inscription from Rome listing agonistic achievements of a M. Aur. Asclepiades, who was "Alexandrian, Hermopolitan, Puteolan, Neapolitan, Eleian and Athenian city councilor, and citizen and city councilor of many other cities."[15] Being a city councilor would certainly have meaning everywhere, even if he could not have been an assiduous attendee, but citizenship of Puteoli or Naples could not have had much legal impact outside its political and fiscal implications. The question we need to address is in what respects would Elis or Athens be different?

Besides, spread of Roman legal forms beyond the confines of Roman citizenship is now well attested, not only in contract law but also (as in the famous case of Babatha in the new Trajanic province of Arabia) in the law of persons. To the extent to which, as will be argued further, the Roman approach to "legal pluralism" was one of competing authorities rather than of competing systems of laws, what was the salience of citizenship in the sphere of jurisdiction?[16] Tellingly,

12. Compare Jones 1972, 96, for the *iudices decuriarum* as an honorific in the third century.
13. E.g., Karambelas 2016, 267, on capital jurisdiction at Smyrna, a somewhat strained explanation in that particular case.
14. For local hierarchies taking precedence over the citizenship status at Stratonikeia in Caria, see Frija 2018, 137–138.
15. Ἀλεξανδρεύς, Ἑρμοπολείτης, Ποτιολανός, Νεαπολείτης [καὶ] | Ἠλεῖος καὶ Ἀθηναῖος βουλευτὴς καὶ ἄλλων πόλεων πολλ[ῶν] | πολείτης καὶ βουλευτής (*IGUR* I 240, ll. 8–10).
16. Alonso 2013 is central to this debate; see note 38 for a survey of recent discussions.

it is somewhat unclear (at least in the Greek translation) whether the *Constitutio Antoniniana* referred to local citizenships in unambiguous terms: as recognized by Peter van Minnen in his important recent discussion of the text, the term πολίτευμα, which is relatively securely restored in the "reservation clause" for the rights of local communities, is otherwise untypical for the legal terminology of the imperial period and seems to be contrasted here with πολιτεία used for the Roman citizenship, putting them on a different level.[17]

As was stressed already by François Jacques and John Scheid in their classic overview of the structures of the Roman imperial state, "la constitution de 212 concernait les personnes, non les cités,"[18] but might it be that in the sphere of jurisdiction (perhaps by contrast with the political, religious, or fiscal spheres), we are in fact dealing with "cities rather than citizenships," with a principle of territoriality rather than personality? This, on the parallel of the restrictions on local jurisdiction better attested for the Flavian *municipia* in Baetica, is essentially the solution toward which the comprehensive study of Julien Fournier has inclined, if with considerable caveats.[19] It will be argued here that such an approach would glide over significant differences between different regions of the empire and, crucially for our topic, between Latin citizenship in *municipia* and local citizenships of different origins in the Greek East. A more complex picture, in which territorial and personal rights could be and indeed needed to be resolved via hierarchies of authority, would reflect our evidence for the latter more closely.

I shall start from a detailed case study of an important and so far understudied document from the province of Macedonia, which illustrates the problems at stake for a small and non-privileged civic community, and try to bring it together with the evidence of the *Digest* for similar regulation elsewhere. I shall then consider our evidence for the ways in which citizenship and jurisdiction could be regulated by Rome in more privileged poleis, which provides an important corrective to this picture, and for the extent to which the ability to use Roman or local law corresponded with citizenship status in Greek cities. In conclusion, I shall return to the model of "competing authorities" as offering a possible solution to the conundrum presented by our evidence.

17. *P.Giss.* 40, col. I, ll. 8–9, with van Minnen 2016, 218n61. His own tentative restoration is μένοντος | [κυρίου τοῦ δικαίου πάντων τῶν ἐθνῶν καὶ πολιτευμ]άτου, "preserving [the rights of all the peoples (*gentes*) and communities (*cuitatates*)]." It may gather some support from a recently published honorific inscription to Caracalla from Cnidus, presenting him as [τὸ]γ γᾶς καὶ θαλάσσας καὶ παν|τὸς ἔθνους δεσπόταν, "the lord of land and sea and all the peoples" (Blümel 2017, 55–57, no. 37, ll. 1–2). For other recent attempts at reconstruction (assuming shorter lines), see Marotta 2009, 118; Purpura 2012a. Myles Lavan and I hope to address the textual issues elsewhere. (I fail to understand van Minnen's arguments for the wording κυρίου τοῦ δικαίου; *BGU* VIII 1824, l. 27, adduced by him in support, does not provide a parallel.) For official translations of imperial constitutions in the Severan period, see Mitchell 2016; it is, however, doubtful that the distinction could be expressed in the original Latin, where *civitas* must have stood both for πολιτεία and for πολίτευμα.
18. Jacques and Scheid 1990, 281; cf. now Marotta 2009, 154.
19. Fournier 2010, esp. 348–353.

Jurisdiction over Non-citizen Residents: The Case of Parthicopolis

A crucial piece of evidence, already discussed briefly in this context by Fournier, comes from the letter of Antoninus Pius, dating to 158 CE, to a new city in the Strymon valley in Macedonia, at the modern site of Sandanski.[20] The letter deals with three main issues: limits on local jurisdiction in pecuniary cases, with which we shall be concerned here; the permission for local authorities to impose a surcharge of one denarius on the poll tax; and the size of the local council and of the *summae honorariae* of its members. It will be particularly useful for our discussion, since there is no reason to assume that the city had any kind of a privileged status, and names of the local offices make it sufficiently clear that it was a Macedonian polis rather than a Roman colony or a *municipium*.

While a full discussion of the local circumstances cannot be entered into here, two aspects seem central to the understanding of this document. First, although this is clearly not the beginning of the story and the city already has a board of politarchs, the "setting up" of the polis was visibly incomplete at the time the letter was issued (notably, the council is being set up rather than expanded), and all of the measures seem connected to establishing the city's rights and indeed providing it with initial financial stability. Second, despite the incompleteness of the foundation, not everyone settling in the new community is its citizen, and some non-citizens already have a right to purchase land in its territory (l. 12: οἱ ἐνκεκτημένοι παρ' ὑμ[ῖ]ν), and it is the jurisdiction over them that is at issue. Citizenship distinctions are important and play a role in the rights both of the city authorities and of the individuals living within the community. In fact, the situation may have been a long time in the making; the name of the city is lost, but it is most probably to be identified with a Parthicopolis known to exist in this area. If that is the case, it was probably founded in premature celebration of Trajan's victories in the East and then left incomplete for a while, as an embarrassing reminder of a short-lived attempt to emulate Alexander.[21] If that

20. *SEG* XIV 479; *SEG* XVI 408; *IGBulg* IV 2263; *IGBulg* V 5895; Oliver, *Greek Constitutions* 156. See on it esp. J. and L. Robert, *BE* (1956) no. 159; Fournier 2010, 350–351; Sharankov 2016, 341–342 (who offers some important new restorations and discusses the context of relations with Heraclea Sintica; his article, which I have only seen at the final stage of my own work, offers a different set of arguments for the foundation date of Parthicopolis accepted here). Both Mihailov in *IGBulg* and Oliver provide useful notes.
21. The identification of Sandanski with Parthicopolis was first proposed by J. and L. Robert, *BE* (1948) no. 112; (1956) no. 159 (with fuller argumentation), followed by Papazoglou 1988, 371–375, and G. Mihailov, *IGBulg* IV, 243–245; cf. now Mitrev 2017 for a survey of other possibilities. The name of Παροικόπολις in Ptolemy's *Geography* and in one of the manuscripts of Hierocles's *Synecdemos* is likely to be a scribal corruption of Παρθικόπολις, as suggested already by K. Müller (for the opposite view, see Papazoglou 1988, 371). Pace Mitrev, it could hardly be identical with the Parthenopolis mentioned between Callatis and Tomis by Eutropius 6.10, as one of the cities captured by Marcus Lucullus (see Danoff 1962): Eutropius's sequence is geographical, and all the other cities mentioned belong to the West Pontic coast. The Roberts suggested that Parthicopolis was founded in place of the vanished Alexandropolis in Thrace, allegedly a foundation of Alexander in 342 BCE, as a "fondation en l'honneur du vanquer des Perses," evidently in the Roman period. This is plausible, and justified doubts about the historicity of Alexander's foundation

suggestion is correct, we are dealing here with the consequences of four decades of institutional deadlock, and it is even more noteworthy that the exclusivity of local citizenship is maintained and the ἐνκεκτημένοι are not incorporated into the citizen body.

It has been argued by Fanoula Papazoglou in her fundamental study of Macedonian cities in the Roman period that the category of the ἐνκεκτημένοι here is just another name for the resident Romans, whom she distinguishes from the payers of the poll tax, viewed by her as village *paroikoi* without political rights.[22] However, both the internal evidence of the document and comparative evidence from the town itself and elsewhere in the Greek East seem to speak against this suggestion. The beginning of the imperial letter, unfortunately surviving only in part, seems to be concerned with the ξέν[ο]ι, "foreigners" (l. 1), not accepting their fair share of burdens, while the citizens overpay. It would be logical to take the reference to the ability to impose a surcharge on "the free persons who traditionally pay the poll tax" (ll. 6–7: τοῖς σώμασι τοῖς ἐλεύθεροις, ἃ [δι]ὰ χρό|νου φόρον διδόασιν), which follows immediately from that, as covering both the citizens and the "foreigners" (particularly as there is no reason to assume that full citizens of Parthicolis would have been immune from direct Roman taxation), and the jurisdiction clause as zooming in on the "foreigners with property rights" in particular.[23] Another notable inscription from the same town, a foundation by a certain Flaviana Philocratia in honor of her husband Iulianus son of Alexander (*IGBulg* IV 2265), provides for distributions to "citizens and resident foreigners and slaves" during the festival, showing regular presence of the second category in the city.[24]

(Fraser 1996, 26, 29) are irrelevant, as it clearly could be accepted as historical in the second century CE (Plut. *Alex.* 9). At any rate, the campaign of Trajan is the most convincing candidate for a commemorative occasion at any date prior to the issuing of Pius's letter (the only other contender worth any consideration would be the eastern expedition of Gaius Caesar, which would impose an even longer and scarcely credible chronology). Trajan's foundations in that part of the world (of which Ulpia Nicopolis was the nearest) are, of course, well known.

22. Papazoglou 1988, 374–375, summarized in *SEG* XXXVIII 604. It should be noted in passing that, as demonstrated by Gagliardi 2017, the term παροίκοι appears to be used in Achaia and Macedonia in the high empire in the sense of *incolae*, rather than that of the subordinate rural population, λαοί. The equivalence is provided by Pomponius in the *Enchiridion* (*Dig.* 50.16.239.2), showing juristic interest in the issue. In Macedonia itself, Gagliardi notes the translation of *colonarum et incolarum coniuges* by κολώνων καῖ παροίκων αἱ γυναῖκες on a statue base from the Roman colony of Dion (*SEG* XXXIV 631), clearly meaning all inhabitants without the colonial citizenship; the use of τῶν παροικούντων ξένων for "resident foreigners" in a decree of Anthemous (Hatzopoulos and Loukopoulou 1992, 46–48, no. A2, l. 10, ca 46–37 BCE); and οἱ παροικοῦντες at Acanthus at roughly the same date (*SEG* I 282, l. 6; see note 26).
23. For this translation, see J. and L. Robert, *BE* (1956) no. 159; Papazoglou 1988, 374n51.
24. *IGBulg* IV 2265, ll. 16–17: πολεῖται καὶ ξέ|νοι καὶ δοῦλοι. The significance of this is stressed by J. and L. Robert, *BE* (1948) no. 112. Compare, for a similar formula, *I.Stratonikeia* I 203, l. 18 (between 164 and 166 CE), with a recent discussion in Zuiderhoek 2017, 195; notably, *I.Stratonikeia* I 347, ll. 5–9, distinguishes "the Romans" as a separate category from "the foreigners": ἑκά[σ]τωι τῶν | πολι[τ]ῶν καὶ | τῶν Ῥω[μ]αίων | [καὶ] ξέ[νων] καὶ ταῖς | [γυναιξὶ πάσαις].

Besides, though there is no doubt that resident Romans could be an important category of landowners who were not local citizens in Macedonia,[25] the term Ῥωμαῖοι is not used here, while elsewhere in the same region, at least on some occasions, the resident Romans were clearly distinguished from other categories of non-citizens.[26] The term (ἐν)κεκτημένοι, on the contrary, as was pointed out already by Oliver in his collection of imperial constitutions, seems to be used in the general sense of non-citizen landowners in two roughly contemporary documents: a letter of Hadrian to Coronea in Boeotia concerning flood control (Oliver, *Greek Constitutions*, no. 110) and a fragmentary second-century CE proconsular letter from Heraclea Lincestis concerning the financing of roadworks (Oliver, *Greek Constitutions*, no. 56, now republished in *IG* X.2.2 52).[27] The latter, in particular, is striking in its limitation of liturgies of the κεκτημένοι to the obligations on their estates (presumably those in the territory of Heraclea Lincestis); this clearly belongs in the same context as the decision concerning the owners of estates at Parthicopolis. In the Severan period (and after the *Constitutio Antoniniana*), a similar usage and a similar set of problems are attested in a fragementary letter of Caracalla to Apollonia on Salbace in the province of Asia issued in December 215, where a rule is supposed to cover "not only the Heracleotes [but also all] the privileged foreigners with land in [your

25. See esp., from the neighboring area, honors to the proconsul of Macedonia L. Calpurnius Piso at Beroia from the Βεροιαῖοι καὶ οἱ ἐνκεκτημένοι | Ῥωμαῖοι (*I.Beroia* 59, ll. 2–3, 57–55 BCE), and for a general treatment, Eberle and Le Quéré 2017. A detailed discussion for the provinces of Achaia and Macedonia extending into the high empire is offered in the Oxford doctoral thesis of Lina Girdvainyte (2018, chap. 2); a monograph based on it is forthcoming.
26. Note ἡ πόλις καὶ | οἱ συνπραγματευ|όμενοι Ῥωμαῖοι καὶ | οἱ παροικοῦντες at Acanthus (Tod 1918–1919, 84–85 no. 13 = *SEG* I 282, ll. 3–6, age of Augustus); τῶν τε πολειτᾶν | καὶ Ῥωμαίων καὶ μετοίκων on Cos (*IG* XII.4.2 1142, ll. 7–8, age of Augustus); πολείταις καὶ Ῥωμαίοις καὶ ξένοις at Odessus (*IGBulg* I² 58, ll. 2, 5, age of Vespasian). The evidence from Achaia and Macedonia is fully tabulated by Girdvainyte 2018, 143–145. For the distinction of οἱ κατοικοῦντες ἐν Δή|λοι Ἀθηναίων καὶ Ῥωμαίων καὶ | τῶν ἀλλων Ἑλλήνων καὶ ο[ἰ] | καταπλέοντες ἔνποροι κα[ὶ] | ναύκληροι in late republican Delos, see *I.Délos* 1661, ll. 2–6, with Müller 2017. For holders of the Alexandrian citizenship distinguished at Perinthus (no earlier than the reign of Hadrian) as the Ἀλεξανδρεῖς οἱ πραγματευόμενοι ἐν Πειρίνθῳ and acting alongside the council and the assembly in honoring a P. Aelius Harpocration, see *I.Perinthos*. 27 (= *IGR* I 800), ll. 6–7; and 28, ll. 4–5.
27. The obligations imposed by this letter on the community of the Antanoi, located in the neighborhood of Stobi (as attested in *I.Stobi* 12 and in the *Synekdemos* of Hierocles; see Robert 1934; cf. also Robert and Robert 1983, 30–32, for an important parallel from Asia), were limited to those Antanoi "who are in Macedonia" (l. 6: τῶν ἐν Μακεδονίᾳ ὄντων Ἀντανῶν), which makes it more likely that the author of the letter was a proconsul of Macedonia rather than an emperor. There is no evidence apart from this letter that Hadrian (the only possible imperial author) ever visited Dyrrhachium (Halfmann 1986, 192), and a proconsul's stop at Dyrrhachium in late May en route to Italy at the end of his year of office would be in line with the normal proconsular calendar. As Papazoglou points out (*IG* ad loc.), Oliver's key argument for imperial authorship, that Dyrrhachium was transferred to the procuratorial province of Epirus in the second century CE, is incorrect. The hypothesis of Holleaux (1898, 274) that the κοινὸν διάταγμα is the Greek rendering of *edictum prouinciale* (in which case, this is an important piece of evidence about the use of proconsular edicts in the high empire) is also considerably more plausible than the alternative of a general edict from the emperor. While Holleaux's geographical identification was faulty, his basic argument about the community of Antanoi being divided between two provinces (1898, 278, followed by Robert 1934, 36n5) must be correct.

country?]"; again, a focus on the neighboring Heraclea on Salbace shows that the concern is with the mobility of the provincials and the rights of the cities over their territory.[28]

It would be counterintuitive to assume that in an imperial letter, where one would normally expect a greater formality and precision of expression, the unqualified discussion of the ξένοι and the ἐνκεκτημένοι would refer simply and solely to Roman citizens.[29] In fact, it is not altogether obvious that Roman citizens were included in that category at all; were that the case, it would have implied that civic tribunals of a non-privileged and only just established community had been given a measure of unqualified jurisdiction over Roman citizens who did not hold the citizenship of that polis in parallel. While such a measure could have been highly practical and the limit established is a relatively low one, given the absence of anything comparable in the surviving privileges of the *civitates foederatae* from that period, it might be best to be cautious.

Leaving aside this tantalizing possibility, several key features of local jurisdictional authority emerge. They are all the more important since in a new foundation, the emperor was likely to promote what was perceived by the Roman government as a typical arrangement; indeed, the tenor of Pius's remarks at the beginning implies that the town had previously been at a disadvantage compared to a typical situation.

First, and most important, for this is where the rules diverge in the most obvious and significant way from the surviving municipal or colonial charters, there is no suggestion that the town's jurisdiction over its own citizens in pecuniary litigation was in any way restricted.[30] This would imply that even sixty or so years before the *Constitutio Antoniniana* (and there is no strong reason to imagine any change in this respect in the intervening years), the difference in the jurisdictional sphere between Roman and Latin communities on one side and peregrine communities on the other remained substantial. While this might indeed be dealing with "the cities rather than persons" (to reverse the phrase of Jacques and Scheid quoted earlier), it is certainly very much about the *civitates*, in both of the connected senses of the Latin word.[31]

Second, the crucial issue in the legal sphere, and one providing a possibility for interventions by the Roman authorities, appears to be that of jurisdiction over non-citizens in the town's territory (if not quite all of them). They are to "be subject to the jurisdiction of your magistrates, both as plaintiffs and as defendants, in

28. Oliver, *Greek Constitutions* 268, ll. 11/12: [οὐ]χ Ἡρακλεῶται μόν[ον ἀλλὰ | καὶ πάντες] οἱ κεκτημένοι πα[ρ' ὑμεῖν], with his translation.
29. Compare also the convincing reasons advanced by Ferrary and Rousset 1998, 311, for rejecting the restoration τῶν κατο[ικούντων Ῥωμαίων] in *SEG* XLVIII 592, l. 6.
30. For the main views on the jurisdictional limits in Roman and Latin communities, see Rodger 1996; Metzger 2013. See also the brief remarks of Hurlet 2019, 127, and Czajkowski 2019, 120–121.
31. See note 18 for the quotation. On the double meaning of the term *civitas*, see, e.g., Ando 2015, 7–14.

cases up to 250 denarii."[32] The separation of jurisdiction over non-citizens into a separate issue displays significant similarities with our considerably more abundant evidence for the privileged communities of the late republican and Augustan age.[33] The substantial difference, though, is that while the affirmations of local jurisdiction of *civitates liberae* or *foederatae* in the first century BCE usually limited explicit regulation to cases involving Roman citizen litigants and any further imperial interventions involving citizens of other provincial communities should have been based on a conflict of local privileges, Parthicopolis got a more comprehensive set of rules governing the issue. The intervention (though without any doubt still motivated by local concerns and petitions in the first place) is general and preemptive, rather than trying to resolve the circumstances of a particular case. It is notable, however, that this is one of the issues that required an imperial intervention, rather than simply a decision from the proconsul of Macedonia, and that the emperor had to set out a specific sum, rather than refer the town to the *lex provinciae*, proconsular edict, *mandata* of the proconsul, or any other general provincial regulation. Both of these points strongly suggest that, at least in Macedonia and arguably for peregrine communies in the Greek East more generally, there was no universal template even at this relatively late date and that specifics of the rules for particular communities could still vary, presumably in accordance with their size and importance. This may seem to be contradicted by an important passage of seemingly general import in the first book of Gaius's commentary on the provincial edict, preserved in the *Digest*: "An *incola* must obey both the magistrates of the place where he is an *incola* and those of the place where he is a citizen; nor is he subject only to municipal jurisdiction in both municipalities, but he must also perform all public *munera*."[34] It is notable, however, that, unless we posit an interpolation, Gaius is dealing with the *municipia* rather than peregrine communities here, and in any case, the passage need not preclude a specification of limits to such jurisdiction elsewhere.

Third, the rules as envisaged for Parthicopolis were undoubtedly much more restrictive in this respect than those attested in the case of *civitates liberae* or *foederatae* in the republican and Augustan periods, though perhaps not out of line with the developments in their rights in the long second century, to which

32. Oliver, *Greek Constitutions* 156, ll. 12–14: οἱ ἐνκεκτημένοι παρ' ὑμ[ῖ]ν ὑπακουέ|τωσαν τοῖς ἄρχουσι πρὸς τὰς δίκας καὶ διὼκοντες καὶ φεύ|γοντες μέχρι διακοσίων πεντήκοντα δηναρίων (trans. Oliver).
33. For an attempt to discuss the late republican provincial jurisdiction from this angle, see Kantor 2010. See also the observations of Talamanca 1991, esp. 726 (for the contrast between the *peregrini alicuius civitatis* and *peregrini nullius civitatis*). The prohibition to extend the jurisdiction of local magistrates "beyond the boundaries of their community" (*CTh* 12.1.174 = *CJ* 10.32.53: *extra metas propriae civitatis*) in the province of Africa in 412 CE, rightly adduced by Karambelas 2016, 274, as a piece of evidence for the survival of local jurisdiction in late antiquity, may show a variation of the same concerns even in the fifth century.
34. *Dig.* 50.1.29: *incola et his magistratibus parere debet, apud quos incola est, et illis, apud quos ciuis est: nec tantum municipali iurisdictioni in utroque municipio subiectus est, uerum etiam omnibus publicis muneribus fungi est* (trans. M. Crawford). Cf. Nörr 1963, 537.

I shall turn in the next section. Not only is the local authority over non-citizen landowners restricted by the rather trivial sum of 250 denarii (below the annual salary of a legionary by that date), strikingly both when they are plaintiffs and when they are defendants, the letter offers no guidance on jurisdictional authority over foreigners who did not possess property at Parthicopolis, and it would be tempting to assume that they had to use the *conventus* of the proconsul of Macedonia, or at the very least could resort to it if they so wished.[35] Interestingly, another imperial letter partially surviving from the town may be dealing precisely with the proconsular jurisdiction during the assize circuit.[36]

What remains unclear is whether this relatively restrictive attitude to local jurisdictional authority in a non-privileged peregrine community was a new development here or followed a longer-standing tradition; at any rate, it would be unlikely in the extreme that this was an innovation for the sake of Parthicopolis itself, not tried anywhere else. Remarkably, there is also no explicit indication of the legal system that will govern litigation with resident foreigners here, hardly a trivial concern in a new foundation with no "ancestral" legal tradition of its own, and presumably part of a territory of another polis (with a potentially different set of laws) previously.[37] We seem to be dealing, therefore, not with a rule aimed primarily at resolving a "conflict of laws" but rather with establishing a hierarchy of legal authority but one based at least in part on citizenship and personal status, if not unconnected to the rights of the polis over its territory. There is certainly a scope for "jurisdictional politics" here (a term introduced by Lauren Benton for early modern empires), but they do not seem to be primarily concerned with a systematic choice of substantive law, a situation that finds important parallels in Roman provincial legal practice elsewhere, as has been recently argued on a different set of material.[38]

35. Contrast the fines of 850 denarii (even if including 500 to the *fiscus*) imposed on moneylenders in *I.Mylasa* I 605, or the limitation of the jurisdiction of the *xenokritai* to 2,500 denarii (ten times the Parthicopolis amount) in the *formula tutelae* copied out in the Babatha archive, *P.Yadin* 28–30, with Czajkowski 2017, 97. Cf. also Czajkowski 2017, 137–143, on what little we can say about the jurisdiction of the city council at Petra. It is, however, similar to the limit used in chap. 84 of the *lex Irnitana* (1,000 sesterces). For the jurisdiction of governors in the disputes over whether someone was an *incola* in a community (*de iure omnium incolarum, quos quaeque civitates sibi uindicant*), note the rescript of Hadrian discussed in a fragment of the *De cognitionibus* of Callistratus (*Dig.* 50.1.37 pr).
36. *IGBulg* IV 2264 (= Oliver, *Greek Constitutions* 274), a letter of Caracalla "to the *koinon* of the Macedonians" (τῷ κοινῷ τῶν [Μακεδόνων]), may speak of [δικ]ῶν ἀγορὰν (l. 9): the word order would require explanation, but the interpretation of the agora as a local fair in the letter to the provincial *koinon* appears suspect, and the meaning of an "assize session" seems more natural. Compare for a similar subject matter the letter of Severus Alexander to the *koinon* of the Bithynians concerning criminal appeals (Oliver, *Greek Constitutions* 276; *Dig.* 49.1.25).
37. Compare Naryca in Locris having "the laws of the Opountians" (*IG* IX.1^2.5 2018, l. 5), one of the signs that it was a separate polis from its neighbors for the emperor Hadrian. Contrast also Hadrian's letter to Aphrodisias discussed later (*SEG* L 1096). I shall return to the question of the use of particular laws in this chapter's section on "Substantive Law in Greek Cities."
38. For the argument that the key to explaining the legal situation in Roman provinces was "authority" rather than "normative force" (Alonso's formulation), arrived at from two different perspectives, see Kantor 2012 and Alonso 2013, with a dissenting reaction to Alonso in Jakab 2016, and a review of earlier views in

It is also significant, however, that (be it as it may with the inclusion of Roman citizens in the ἐνκεκτημένοι category), no other jurisdictional privileges seem to be taken into account. Up to 250 denarii, we are dealing with what may be termed a straightforward *forum delicti* (rather than a *forum domicilii*) rule, to use the terminology of the nineteenth-century Romanists: the disputes up to this level are to be resolved locally and not to be remitted to the home cities of the landowners, while beyond it, local jurisdiction simply does not apply at all. There is no safeguarding clause that would protect privileges of being "tried at home in accordance with their own laws" of the type held by privileged communities such as the Lycians or the Aphrodisians (which I shall discuss in the next section), in case the landowners held any such citizenship. While, as argued earlier, the specific rules for Parthicopolis are likely to be tailored to local conditions, the treatment of all non-citizen landowners as a homogenized category should be reflecting a general approach. That would also tend to support for this period the view expressed most prominently by Mario Talamanca, who saw "l'esclusività dell'ordinamento competente per territorio" as the fundamental principle of polis jurisdiction and the application of personal privileges as a function of internal rules of the polis—but complicated by the jurisdictional and regulatory role of provincial and imperial authorities.[39]

While it will be argued in the next section that we should not read into the Parthicopolis case some kind of a systematic abrogation of older privileges elsewhere at that date (and they could at any rate be intact for more serious litigation), this is an important direction of travel. It seems clear that at the individual community level, the *forum domicilii* rules by that point represented an older layer of jurisdictional arrangements, rooted in the messy processes of establishment of Roman rule, while the insistence on the *forum delicti* is being supported by the imperial government, if potentially in line with the wishes of less privileged poleis such as Parthicopolis. This contrasts with the development of the *forum domicilii* rules at the provincial level, where the conventions for remitting cases to someone's province (as opposed to the city) of origin appear to be a relatively short-lived development of the long second century CE.[40] It might, in

Jördens 2016. For the role of local courts within that perspective, see Czajkowski 2017, 133–165. See now also Alonso 2020, exploring "a striking contrast between centre and periphery" (60) after 212 CE. Hurlet 2019, while also proceeding from the principle of a hierarchy of jurisdictions, assumes a neater picture of "the superimposition of Roman jurisdiction on the local jurisdiction" (134), based on sources from both the Augustan and the Severan periods. The term "jurisdictional politics" is used here as defined by Benton 2002, 10.

39. Talamanca 1991, 704–705.

40. For the older debate on the *forum domicilii* and *forum delicti* rules, see Mommsen 1899, 357, who correctly argued for the early origin of the *forum domicilii* rules, and Sherwin-White 1963, 28–31, for developments at the provincial level; the evidence is reviewed anew by Nogrady 2006, 96–100. An important passage, not discussed by Sherwin-White, is the rescript of Antoninus Pius to a certain Pontius Proculus, presumably a provincial governor, summarized by Ulpian in the *De officio proconsulis* (*Dig.* 48.2.7.5), and providing for remittance of cases of sacrilege to the province where the crime was committed (cf. Nogrady 2006, 100).

fact, be argued that it was precisely the decline of the *forum domicilii* rules at the community level that led to its strengthening at the level of the provincial governor: in the absence of the right to return to their hometown for trial, a return to their own province at least might have been seen as desirable by many defendants.

Privileged Citizenships: Jurisdiction and Roman Regulation

A number of texts from the late second century CE, spread over the Greek world, commemorate a successful athlete and official of the athletic *synodos*, M. Aur. Demostratos Damas, "a citizen of Sardis, Alexandria, Antinoopolis, Athens, Ephesus, Smyrna, Pergamum, Nicomedia, Miletus, and Sparta," a list to which he kept adding.[41] Like his contemporary Marcus Aurelius Asclepiades, mentioned earlier, he was a city councilor in some of these cities, but clearly not in all of them, and, unlike in the late antique usage, the mention of his citizenships cannot be reduced to council memberships.[42] What did this mean for him in legal terms, then, beyond the honor of being recognized as a citizen of famous, and in some cases privileged, cities?

What is observed by William Mack in respect to the use of multiple Greek citizenships by their recipients in the classical and Hellenistic periods still no doubt held true under the Antonines: "The extent to which they made use of these additional citizen identities seems to have depended on how far they were interested in a relationship with the citizens of that *polis* and the relevance of grants to particular contexts of interaction." But was the other half of his summary—that "granting communities . . . seem generally to have been formally committed to

The specificity and straightforwardness of the strongly worded rule implies an exception to otherwise more complex rules.

41. M. Αὐρήλιον Δημόστρατον Δαμᾶν | Σαρδιανόν, Ἀλεξανδρέα, Ἀντινοέα, Ἀθηναῖον, Ἐφέσιον, Σμυρναῖον, Περγαμενόν, | Νεικομηδέα, Μιλήσιον, Λακεδαιμόνιον (*IGUR* I 243, ll. 4–6). A date is provided by his mention as the chief priest and ξυστάρχης in *P.Lond.* III 1178, ll. 51–53, issued on September 22, 194 (partly restored from the previous text but adding Tralles to the list of his citizenships). Two inscriptions from Delphi (*FD III* 1 556; Daux 1944–1945, 125–126, no. 37), attesting him only as such, and a statue base from Sardis itself (*IGR* IV 1519) show that he was originally a Sardian citizen, but the order of his other citizenships appears random; the Sardis text and another inscription from Delphi add Corinth, Argos, Delphi, Neapolis, and Elis to the list. The fullest study remains Robert 1930.

42. For his council memberships at Ephesus and another city, *FD III* 1 557, l. 7, with Robert 1930, 48n4, on the abbreviation β(ουλευτής). For the sense of the terms πολιτευόμενος and προπολιτευόμενος in the late third and fourth centuries CE, compare Bowman 1971, 155–158; note also *I.Heraclea Pontica* 10, ll. 2–3 (with Pont 2020, 196n54), where a local councilor, Aur. Heracleides (mid-third century CE), is described as πᾶσαν | πολειτίαν πολιτευσάμενος. For Asclepiades (*IGUR* I 240), see note 15. The increased visibility of multiple Greek citizenships in the imperial period is stressed by Müller 2015, 365. The puzzling mentions of διπολῖται in Egyptian astrological texts (*CCAG* VIII.1, 258; Ps.-Manetho *Apotelesmatica* 4.375), which I owe to Jane Lightfoot, probably refer to the combination of Alexandrian (or another Greek) citizenship with the Roman in the pre-212 period, rather than to local double citizenship, otherwise unattested as a distinct category among multiple citizenships.

treating the recipients of citizenship grants . . . as citizens"—still holding, and if so, what did that entail in the legal sphere?[43] In what ways might the answer have differed between the citizenship of a privileged city, a *civitas libera* or *foederata*, such as Sparta or Athens, and that of an ordinary city in the *formula provinciae*? The attention in modern scholarship has, unsurprisingly, focused more on the abundant evidence from the late second and first centuries BCE, notably the decrees for Polemaius and Menippus from Claros, the privileges granted to Chios by the Senate in 80 BCE, the treaty of 46 BCE with the Lycian League, and the senatorial decree of 39 BCE on Aphrodisias.[44]

Unfortunately, we do not get a comparable set of regulations to the one we discussed for Parthicopolis (let alone anything more comprehensive) for any other non-privileged polis in that period. Evidence for more privileged poleis, however, scattered as it is, also suggests that citizenship remained important in the sphere of jurisdiction, even beyond tax privileges or local political rights, though the latter were no doubt significant both for the imperial power and locally.[45] The tangible benefits of local citizenship in privileged communities and the regulation by imperial authorities of their extension to new citizens are well illustrated toward the end of the Julio-Claudian period by the (admittedly heavily restored) edict of Claudius from 52 CE, permitting Delphi to admit new citizens with the same privileges ([τὰ] πρεσ[βεῖα]) as the current citizenry, and by the development of the two degrees of Delphian citizenship, the "common" one (κοινὴ πολιτεία), given in honorific grants, and a fuller version with membership in the *damiourgoi*, a pattern that continues throughout the period discussed in this volume.[46] While the regulation of access to local citizenships at Tyras by Severus and Caracalla in 201 CE focuses on the issue of "not diminishing the profits of Illyricum through personal ambition" (ll. 23–24: *cum Illyrici fructum per ambitionem deminui non oporteat*) and thus on tax privileges connected to local citizenship,[47] and in a wide-ranging set of legal cases in 174/5 CE, Marcus

43. Mack 2019, 78.
44. See Ferrary 1991 (with some revision of his arguments in Ferrary 2017, 180); Laffi 2010; Kantor 2010; Fournier 2010, 403–468.
45. For a late example, important for understanding the maintenance of local claims in the *Constitutio Antoniniana* itself, note the rescript of Severus and Caracalla on behalf of the Smyrnaean sophist Claudius Rufinus (Oliver, *Greek Constitutions* 255, 202 CE). Notably, while the question of his immunity is resolved by the emperors, and "according to the divine constitutions of our predecessors (κατὰ τὰς θείας τῶν πρόγονων | ἡμῶν διατάξεις)" (ll. 4–5), and not according to any local regulations, the rescript speaks of Rufinus as "your fellow citizen (ὁ πολείτης ὑμῶν)" (l. 2), and of Smyrna as "his ancestral city (τὴν πατρίδα)" (l. 7), rather than stress his Roman citizenship.
46. Edict of Claudius: *FD III* 4 286 = *Syll.*[3] 801d = Oliver, *Greek Constitutions* 31, with the generally accepted restoration in l. 9 printed here. Two degrees of Delphian citizenship: Ferrary and Rousset 1998, 297–299; Girdvainyte 2018, 161. The crucial text for this distinction is *FD III* 4 442, ll. 9–11 (ca 25–50 CE).
47. *IOSPE* I[2] 4 (whence *ILS* 423 and *FIRA* I[2] 86) = *IOSPE*[3] I 12, ll. 23–28, with Jacques 1984, 654–655. For the regulation of local citizenships in this period, see most recently Bryen 2019, 135; compare also Dolganov, chapter 6 in this volume, for the imperial control over colonial and municipal citizenships, particularly in the "double communities" such as Apamea, where a Roman colony was established on the basis of a Greek city.

Aurelius appears to be concerned primarily about the political rights and cultural prestige of Athens, undoubtedly a unique city in Roman imagination,[48] the well-attested case of Aphrodisias remains a locus classicus for showing that citizenship remained crucial in determining jurisdiction.

The crucial document is now a letter of Hadrian of 119 CE on the judicial autonomy of Aphrodisias, published with an exemplary commentary by Joyce Reynolds in 2000 and representing our fullest statement of the development of jurisdictional privileges of the privileged communities from their state under Augustus.[49] It prescribes that in the χρηματικαὶ δίκαι (*I.Aphrodisias 2007*, no. 11.412, ll. 5–6), *causae pecuniariae*, between two citizens of Aphrodisias, the Aphrodisian court is a proper judicial authority "according to your own laws" (ll. 7–8: κατὰ τοὺς ὑμετέρους | [νόμους]), while a lawsuit brought by an Aphrodisian citizen against a Greek from another city is to be heard "under Roman law and in the province" (l. 9: [κατὰ Ῥωμ]αίων νόμους καὶ ἐν τῇ ἐπαρχίᾳ), unless a defendant owes money to the city of Aphrodisias or (on a plausible restoration) "stands surety for such a debt," in which case the jurisdiction still rests with Aphrodisias. Interestingly, Hadrian distinguishes between Aphrodisian citizens "by birth" (l. 6: φύσει) and the newly enfranchised ones, even though they are to be governed by the same rules in this particular instance, putting this document in the context of regulations concerning access to citizenship as at Tyras or Delphi, and not just of jurisdictional rights.

A potentially significant omission—by comparison with earlier privileges—is the situation in which an Aphrodisian is sued not by a fellow citizen but by a Greek from another city. The later remittance by Gordian III of a case against an Aphrodisian citizen Polydorus in the city of Rome to his "home" (or "appropriate," depending on one's translation) court makes it clear, however, that privileges of this kind could still be asserted.[50] It would, of course, be methodologically dubious to assume from a confirmation by an emperor how easy the exercise of these rights would be, particularly beyond the boundaries of one's province, and it is not difficult to envisage a situation in which they would clash with privileges of another city (what of an Aphrodisian who owed money to the public treasury of, say, Amisus?). At a minimum, however, they would not occasion too much surprise and could still be practically operative, at least in some cases.

48. Oliver, *Greek Constitutions* 184, esp. plaque II, ll. 30–35, notably stressing the principle of the security of status, on the basis of which the emperor maintains the Athenian citizen status of a certain Popilius Pius. For the discussion from the point of view of the double citizenship, see Talamanca 1991, 723–725; cf. also Marotta 2009, 95.
49. Reynolds 2000, 10–15 (ll. 1–13 of a stele with at least four letters of Hadrian to Aphrodisias), whence *SEG* L 1096; *AE* 2000, no. 1441; *I.Aphrodisias 2007* 11.412. On legal points, see now also Thornton 2008, esp. 924–929; Kantor 2010, 198; Fournier 2010, 470–474.
50. *I.Aphrodisias 2007* 8.100, l. 13: τῷ οἰκείῳ δικαστηρίῳ. Cf. Reynolds 1982, 138, on this expression. See in general Kantor 2016a, 47–49, with earlier bibliography.

Two technical expressions in Hadrian's letter are particularly interesting for us here. First, the meaning of κατὰ Ῥωμαίων νόμους καὶ ἐν τῇ ἐπαρχίᾳ, an expression thus far unattested elsewhere, needs to be explored further. Does this necessarily mean that the decisions would have been taken in accordance with Roman substantive law? Another, and at least no less likely, possibility would be that this refers simply to approaching the governor for the *in iure* stage following the Roman procedure and then the governor appointing the judge in accordance with the general principles of his edict, which would still leave open the possibility for appointment of a judge mandated to judge in accordance with local laws and customs relevant to the case.[51] The parallelism with the "own laws" of Aphrodisias that are to govern internal litigation (presumably meaning a particular set of local legislation), while significant, does not seem to fully preclude this possibility.

Second, it is important that both Aphrodisian citizens and citizens of other Greek cities are here designated as "Greeks": Ἕλλην Ἀφροδεισιεὺς (ll. 6, 7) or Ἕλλην πα|[ρ' ἄλλης πόλεως] (ll. 8–9). While this undoubtedly reflects the established practice of subsuming citizens of local communities in Greek-speaking provinces under the designations such as "the Greeks in the province of Asia" or similar, this raises a question: does Hadrian's pronouncement exclude even those Roman citizens who hold a local citizenship (i.e., is a "Greek Aphrodisian" only an Aphrodisian who has not been granted *civitas Romana*?) and those provincials who would not count as "Greeks," such as members of the Jewish diaspora who did not hold a local citizenship in Asia?[52] The answer should arguably be in the affirmative in both cases in the absence of evidence to the contrary. At the very least, the emperor's wording left such possibilities open. The consequence of that would be twofold: keeping the jurisdictional privileges of Roman citizens intact in private law cases and retaining the possibility of arbitrating, at the provincial and imperial levels, between the claims of different privileges.

Furthermore, to make an obvious point, a trial at some place like Parthicopolis as a court of first instance would only with considerable difficulty qualify as

51. Compare Reynolds 1982, 82–83, for the distinction between the *in iure* and *apud iudicem* stages in the *senatus consultum de Aphrodisiensibus* of 39 BCE. For a possibility of endorsing local regulations in a provincial Roman formula in the principate of Hadrian, compare, above all, the *lex rivi Hiberiensis* in Hispania Tarraconensis (*AE* 2006, no. 676).

52. For the "Greeks of such-and-such province," Ferrary 2001 is fundamental; on potential exclusions, see Kantor 2010, 189–192. A different reconstruction of the text, making a Roman citizen the defendant in this clause, has been proposed by Thornton (2008, 925–926) and more fully developed by Laffi (2013, 57–59), on the basis of parallels with the Lycian treaty of 46 BCE (*SEG* LV 1452, ll. 37–42). Laffi reads in lines 7–9 ([χρήματα ἀπαιτῇ παρ' Ἕ]λληνος Ἀφροδισιέως, κατὰ τοὺς ὑμετέρους | [νόμους καὶ παρ' ὑμεῖν καθί]στασθαι τὰς δίκας·εἰ δὲ τοὐναντίονἝλλην πα|[ρὰ Ῥωμαίου ἀπαιτῇ, κατὰ Ῥωμ]αίων νόμους καὶ ἐν τῇ ἐπαρχίᾳ) if an Aphrodisian Greek "demands money from an Aphrodisian Greek, the case is to be heard under your laws and among yourselves, but if, on the contrary, from a Roman, under Roman law and in the province." This would have substantially simplified matters (even if ignoring the category of Greeks from other cities altogether, which is not without its own problems), but is about six letters too long for the lacuna in line 7 and arguably a couple of letters too long for the lacuna at the beginning of line 9.

happening "under Roman law and in the province." Consequently, while the homogenization of Greek citizens of whatever other city into a single category regarding jurisdiction is observable at Aphrodisias as it is at Parthicopolis, the Aphrodisian privileges themselves, which continued to exist and be reaffirmed beyond 212 CE, provide an example of a countervailing tendency at least regarding private law, and while Aphrodisian claims to a unique status create a certain bias in our evidence, they need not be taken entirely at face value. There is no reason to assume that the jurisdictional privileges of (for instance) Lycia, with its unique federal institutions still in charge of maintaining security throughout the Antonine period, or of Mylasa, with its abundant evidence for the activities of "foreign judges" in the late first and early second centuries CE, were necessarily any less extensive than those of Aphrodisias.[53]

The existence of local penal regulations, which will be discussed in more detail in the next section, would suggest that the same conflict of privileges based on the territorial (as at Parthicopolis) and civic (as at Aphrodisias) principles remained a possibility in noncapital cases more generally. Capital jurisdiction is a more complicated case. The advice of the sophist Polemo to the city of Smyrna, where he was a citizen by naturalization, to carry out (ἐξάγειν) capital cases from the city (Philostr. *VS* 1.25.532) may imply that at least a theoretical possibility of local capital jurisdiction in a free city remained, as it would otherwise be rather meaningless.[54] It would be risky to assume, however, that this remained a serious practical possibility.[55]Another story in Philostratus may be more illustrative of the usual mode of operation: the sophist Hadrian of Tyre, active in Athens in the 170s CE, was, according to his biographer, prosecuted before the proconsul of Achaia on a charge of murder, after a pupil of a fellow sophist was beaten

53. Peace maintenance in Lycia: Brélaz 2005, 213–225; Lycian federal courts in the second century CE: *I. Opramoas* bl. 2D, ll. 10–12 (113–115 CE); *TAM* II 915, l. 6 (137 CE); *F.Xanthos* VII 86, bl. H l. 5 (130s–140s CE, litigation between Calynda and Caunus); Mylasa: Kantor 2016b.

54. The opposite view is expressed, among others, by Fournier 2010, 331–333, and Karambelas 2016, 267. The latter's argument that Polemo's advice was "a defensive denial of reality" is no doubt true on a certain level. There is, however, a difference between prudential and legal reasons, and I remain unpersuaded that the long explanatory parenthesis in Philostratus, emphasizing the difference between capital and monetary cases, would have been meaningful for his readers if a possibility of local capital jurisdiction could not be entertained even theoretically. For parallels drawn between this passage and Hadrian's letter to Aphrodisias, see Campanile 2001; Thornton 2008, 925n54; Laffi 2013, 58. Note, however, for a citizen of Smyrna facing a capital trial in a Roman court already under Nero, Philostr. *VS* 1.19.512 (with a Roman magistrate as his accuser, making it difficult to generalize).

55. An interesting, but isolated, possibility is raised by Plutarch's essay *On Exile*, addressed to an exile from Sardis (*Mor.* 600A, 601B), sometimes identified with Menemachus, the addressee of the *Precepts on Statecraft* (the argument goes back to Siefert 1896, 74–75n1). It is clear from the whole tone of Plutarch's address that the exile has not lost his property and is not restricted to a particular place (though *Mor.* 602D may suggest that he was now resident on Naxos, and praise of islands is conspicuous throughout; 604A shows that he was free to come to Eleusis, Athens, Delphi, or Corinth, admittedly all outside his home province): the crucial passage is *Mor.* 604B, seemingly defining his sentence as "the exclusion from one city" (πασῶν ἐστιν ἐξουσία πόλεων ἡ μιᾶς κώλυσις). This does not fit the standard descriptions of a sentence of exile pronounced by a Roman governor and raises a possibility that we are dealing with a local sentence. At any rate, the sentence is clearly connected to his city of origin in some way.

up by slaves of Hadrian's pupils (Philostr. *VS* 2.10.588).[56] Crucially, Hadrian was brought to court "as an Athenian citizen" (ὡς ἕνα Ἀθηναίων), with his membership in an Athenian phyle and deme used as evidence of his status. It seems clear both that capital jurisdiction of the proconsul now covered the free city of Athens and that one possible line of defense for Hadrian was to try to get the case remitted to Tyre; at any rate, Philostratus feels that the trial in Achaia deserves an explanation for his readers. Tyre, prior to the grant of a colonial status by Septimius Severus in 198 CE, appears to have been a *civitas foederata*.[57] It is a question worth asking whether what was at stake here was not a general rule that would have allowed anyone coming from Syria to avoid the proconsular jurisdiction in Achaia but rather a privilege of a citizen of a "treaty community." At the very least, however, the grant of Athenian citizenship to Hadrian (rather than simply the place where the crime was committed) appears to be central in determining jurisdiction.

It would seem, then, that while in the majority of provincial communities, homogenizing tendencies develop more visibly in this period than before, there was still considerable purchase both in the jurisdictional sphere and in the application of one's community's "own laws" in asserting one's rights as a citizen of a privileged community while confronting Roman or local courts elsewhere. This, in its turn, attracted both Roman regulation of grants of such citizenship and (as in the earlier period) possibilities for the intervention of Roman authorities in resolving the conflicting claims of privileges.[58] It is worth stressing that the claim I am making here is thus a narrow one. All we know about the practices of Roman jurisdiction would speak against the suggestion that such rights could be asserted without an explicit claim from the interested party, which for a variety of practical reasons would not be forthcoming in every case. Moreover, as we shall see in the next section, the relation of the claims made for local substantive law in this period to jurisdictional privileges accepted by the Roman power was (despite the explicit connection made by Hadrian in the case of Aphrodisias) far from a straightforward one. Rather than just reduce this to a "partial" or "selective" judicial autonomy (as has been argued by Fournier), however, it seems to me more attractive to speak of another dimension of "jurisdictional politics," in which the

56. Mommsen 1899, 357; Sherwin-White 1963, 30–31 (with an incorrect reference); Fournier 2010, 499–500. For the career of Hadrian of Tyre (and the possibility that he was a Roman citizen), see K. Stebnicka in Janiszewski et al. 2015, 151–152, no. 434. I am unconvinced that a reference to the consular Cn. Claudius Severus as his προστάτης in a statue dedication (*I.Eph.* V 1539) should be seen as evidence of a grant of Roman citizenship negotiated by Severus (a view going back to Groag 1902), in the light of Hadrian's conspicuous failure to use the *tria nomina* for himself there. A further dimension of interest in this case is the use of expert medical evidence to acquit Hadrian, which I hope to discuss elsewhere.

57. Evidence assembled by Guerber 2009, 56. The key passage comes from Ulpian, in *Dig.* 50.15.1.

58. For provincial legal process as a negotiation of claims of rights and precedent made in the situation of imperfect knowledge and without an attempt at systematizing, see, above all, Bryen 2012, esp. 789–807, a central contribution to this debate.

exact scale of local privilege would vary from one case to another depending on the availability and source of legal information, connections of the litigants, relative authority of the judge, and general considerations of political prudence.[59]

Substantive Law in Greek Cities

Generalized statements on the use of "own laws" in Greek cities from the authors of the "long second century CE are contradictory. Possibly as early as 149 CE, Aelius Aristides, addressing the Rhodians on internal concord, asked rhetorically: "is there not one emperor and common laws for all?"[60] This type of rhetoric will certainly become prevalent in the third century, notably in Menander of Laodicea's advice on oratory for formal occasions.[61] In a passage of Philostratus's *Life of Apollonius*, Greek education is contrasted with the study of law as early as ca 220 CE.[62] At the time of Aelius Aristides, however, multiplicity of laws in the Greek East could be assumed as an obvious rhetorical point by authors as diverse as the Smyrna sophist and imperial companion Polemo and the Christian apologist Athenagoras, and while the evidence for continued use of local laws in practice, and particularly issuance of new legislation, is patchy, it certainly continues throughout the period we are dealing with here.[63] Insofar as we speak of the "free cities," in the case of Amisus in Pontus-Bithynia (Plin. *Ep.* 10.92–93), Trajan's reply assumed a less restricted right to legislate compared to other provincial communities based on a *foedus* as late as ca 110 CE, and at Aphrodisias there may have been some significant legislative activity in the second century CE, but examples from elsewhere show at least some new legislation, not all of it on sacral matters, in less privileged communities, too.[64] For Hadrian, foundation of a new

59. Fournier 2010, 501, for "autonomie judiciare 'partielle' ou 'sélective.'" For Apamea choosing not to assert its privileges against Pliny in exchange for their reconfirmation, compare Plin. *Ep.* 10.47–48 with Kantor 2020a, 197; and for the council of Smyrna making only a token appearance against Aelius Aristides once he obtained a testimonial from the emperor, Aristid. *Or.* 50.89–92, with Meyer-Zwiffelhoffer 2002, 117–132. For law courts as "a place . . . to re-instate proper social hierarchies" and play out local politics, see now the penetrating observations of Bryen 2019, 137–138.

60. Aristid. *Or.* 24.31: βασιλεὺς δὲ εἷς, νόμοι δὲ κοινοὶ πᾶσι (trans. C. A. Behr). See on this passage Fontanella 2015, 173–175. Compare also Cortés-Copete 2019, 106–110, on Aristid. *Or.* 26.103.

61. Men. Rhet. 363.11–12; 364.10–14 Spengel. The most recent detailed treatments are Karambelas 2016, 267–279, and Cortés-Copete 2019, 108–109, with earlier bibliography. Karambelas somewhat misrepresents the views expressed by Caroline Humfress and myself. Menander's statement can be taken as evidence of common assumptions of his own time and in that sense be contrasted with the High Empire. It may well be that he dated the disappearance of local laws to before 212 CE, as he does not mention the *Constitutio Antoniniana*, but he does not give any precise chronological indications, and I do not share the certainty of Cortés-Copete 2019, 109, that Menander's account is based on Aristides's *Praise to Rome*; it would, in any case, be difficult to take his statement as a particularly precise description of the situation in the second century.

62. Philostr. *VA* 7.42, with interesting observations by Karambelas 2016, 263–264.

63. Polemo, *Physiogn.* 35; Athenagoras, *Leg.* 1.1, with Kantor 2015 for a broader overview of the available evidence, which has some inevitable overlaps with the discussion here; for assembly decisions in this period in general, see Fernoux 2011, 251–345.

64. Amisus: Kantor 2020a, 203–204, arguing for new legislative activity at Amisus after its (probably Augustan) treaty. Aphrodisias: honors to L. Antonius Claudius Dometinus Diogenes name him as τὸν νομοθέ|την,

Greek city, as in the case of Antinoopolis, or recognition of the city status of an existing one, as in the case of Naryca, already referred to, required determination of the set of laws that was the city's own, and the tiny Naryca, in particular, was hardly in the most favored tier of civic communities.[65]

This is not, I would argue, reducible just to "Greek rhetorical order" or "Greek cultural authority and tradition,"[66] even though the common focus on jurisdiction and hierarchies of authority, as opposed to rules for the conflict of law, discussed earlier, certainly made these considerations far from unimportant in the choice of law to be applied in particular cases, especially when Roman authorities were involved in the case. What, then, is the place for local substantive law in this picture? And to what extent can it be connected to local citizenships?

A remarkable document bearing on this question has been recently discovered at Tralles in the Roman province of Asia and published by Hasan Malay, Marijana Ricl, and Davide Amendola, with an important commentary.[67] It is a popular decree, dated on paleographical grounds to the second century CE and moved by "the secretary of the People," "the secretary of the Council," and the city's archons (whatever the last of these terms means for Tralles in this historical period), restricting males "living a licentious life" from sanctuaries and gymnasia. The text is obviously of considerable interest for the history of attitudes toward sexual behaviors perceived as non-normative in Roman Asia Minor, but what will concern us here are the interconnected questions of the scope for local legislation and the approach to ancestral law taken in the preamble to the document. The decree justifies itself by declaring that (in the editors' translation) "the people have always revered the prudent and decent way of life of our fathers, who ordered the city through pure laws and customs," and it is the reassertion of that way of life that is the avowed purpose of the enactment.[68] It is arguably significant that while "the people," that is, the citizens of Tralles, are the legislative authority here, the remit of the new rules is not explicitly limited to the citizens. Rather, the concern is with the behavior in public places and maintaining "public decency" as understood by the decree's drafters more generally, even though the exclusion from the sanctuaries and gymnasia would certainly affect primarily the local citizens to whom membership in the latter was presumably restricted, at least in the first instance.[69] The authority over the city is the prime consideration, as is the

πατέρα καὶ | πάππον συνκλητι|κῶν (*I.Aphrodisias 2007* 2.11, ll. 5–9). All his other offices, attested elsewhere, are omitted, and as Reynolds (2008, 185) rightly notes, "the stress on the *nomothesia* here indicates unusual importance for it—it was, perhaps, a genuine law-giving."

65. Antinoopolis: *W.Chr.* 27; Naryca: *IG* IX.1^2.5 2018. Compare for the Hellenistic period the letters of Antigonus Monophthalmus on the synoecism of Teos and Lebedos (Welles, *RC* 3, 4).
66. Quotations from Karambelas 2016, 280–281.
67. Malay, Ricl, and Amendola 2018.
68. Lines 6–9: ἐπεὶ τὴν σώφρονα καὶ δικαίαν ἀγωγὴν | ὁ δῆμος ἀεὶ τετείμηκεν τῶν πατέρω[ν] | ἔν τε νόμοις καὶ ἔθεσιν καθαροῖ<ς> δια|κεκοσμηκότων τὴν πόλιν.
69. Malay, Ricl, and Amendola 2018, 96: "the denial of access to (public) sanctuaries and gymnasia basically equals to . . . circumscription of civil rights." For membership in the gymnasia in the Roman period, an

case with the admiration for the "way of life" and "ordering" of it in earlier legislation, expressed in the preamble.

While this is now our most illuminating piece of evidence in this respect, this approach to local authority certainly finds parallels elsewhere in the Greek East. So, for instance, we may note Rhodes, where gladiatorial games, highly untypically for the Greek East in that period, were prohibited by a local law, seemingly effectively, or the regulations for moneychangers at Mylasa, one of the classic texts for the continuing vitality of local legislation.[70] Notably, at Mylasa, on the eve of the *Constitutio Antoniniana*, the only distinction drawn regarding liability was between "free" (ἐλεύθερος) and "slave" (δοῦλος), not between citizens and non-citizens.[71] This is, however, arguably not in contradiction with the evidence from Parthicopolis discussed in detail earlier: Mylasa was a much larger city, with a "free" status, and 850 denarii imposed as a fine could be well within any limits imposed on its jurisdiction over non-citizens. Significantly, though, the concern is with establishing a rule for the city, not for the citizens. Similar dynamics are in place at a considerably earlier date in Hadrian's regulations for the *trapezitai* at Pergamon, establishing a local court to deal with cases arising from their contract with the city, and in the letters of the same emperor to the Artists of Dionysus, which established that "the customary courts concerning punishments shall be set up according to the laws in force in each place [κατὰ | τοὺς παρ' ἑκάστοις νόμους]."[72] Similarly, at Athens, Hadrian (acting at least partly as the local lawgiver but at the same time establishing rules binding on the provincial authorities) established the jurisdiction of the *strategos* over both citizen and non-citizen merchants for the infringements of his oil law, assisted by the *boule* for cases under 50 amphorae and by the assembly for those over this limit, with the right of appeal to the proconsul.[73] Hadrian's measures may be particularly significant as a part of an effort to harmonize some of the local

impressive recent discussion is Dana and Dana 2013, showing integration of non-Greek rural elites in the gymnasia of Dionysopolis and Odessus on the western coast of the Black Sea. In the light of that, one needs to be careful with the gymnasial membership elsewhere; the restrictive practices of Roman Egypt (on which see, e.g., Whitehorne 1982) may not have been universally paralleled.

70. Rhodes: Dio Chrys. *Or.* 31.122, confirmed by the total absence of gladiatorial monuments on the island, cf. Robert 1940, 248; Mylasa: *I.Mylasa* I 605, with Fournier 2010, 237–242; Kantor 2016a, 53. For a general overview of local jurisdiction at Rhodes and Mylasa in the imperial period, see Fournier 2010, 185–243. The free status of Mylasa is attested by Plin. *NH* 5.108.
71. See for this point Fernoux 2011, 342. The earlier case of Cyzicus in 39 CE, discussed by Fernoux as a parallel, is different, as there a distinction is clearly drawn between the citizens of Cyzicus and the rest (*Syll.*[3] 799, ll. 24–25).
72. Pergamon: *OGIS* 515 = Oliver, *Greek Constitutions* 84, esp. ll. 52–56. Hadrian to the Artists of Dionysus: *SEG* LVI 1359, ll. 54–55, with Harter-Uibopuu 2009; cf. also Harter-Uibopuu 2007, assembling epigraphic evidence for the penalties imposed by the *agonothetai* at Sparta. The phrasing δικαστήρια . . . ἀποδιδόσθω should reflect the Latin *iudicium dare*; compare Laffi 2013, 9, 42.
73. *IG* II/III[2] 1100 = Oliver, *Greek Constitutions* 92, ll. 42–57, with Harter-Uibopuu 2008. Importantly, however, the foreign merchants who already got away are to be reported by Athens to their hometown (l. 46: τῇ πατρίδι αὐτοῦ) and to the emperor—a kind of the *forum domicilii* rule but demanding the application of an Athenian rule, backed up by its imperial source and the Roman power here.

legislation, though claims for that need to be made with considerable caution.[74] The one seemingly general juristic pronouncement on the matter preserved in the *Digest*, the classic passage of Salvius Iulianus in Book 84 of his *Digesta* (*Dig.* 1.3.32 pr–1), also appears to assert, in its original context, the primacy of written local laws of each particular place, to be supplemented by local custom (*mores et consuetudo*), and, if neither local law nor custom could be ascertained, "law used in the city of Rome" (*ius quo urbs Roma utitur*).[75]

This does not, however, fully reflect the complexity of the provincial legal order, and substantial evidence conflicting with this neat picture exists in parallel. Salvius Iulianus (as suggested by the order of his fragments in Lenel's *Palingenesia*) appears to be dealing with the rules for civic office here, an area in which local rules would inevitably apply if in existence, and his approach may be contrasted with the continued citizenship-determined application of local rules in other areas of law, not only in the status-bound sphere of manumissions but also notably in the law of inheritance and land ownership.[76] So, for instance, writing to Hadrian in 121 CE on behalf of a Roman citizen who was the head of the Epicurean school at the time, the empress Plotina stated that her protégé could only choose a Roman citizen heir. Since this limited the list of suitable candidates to the post (a problem still familiar to university appointment panels), Plotina asked that he should be allowed "both to draw up a testament in Greek concerning that part of his decisions which pertains to the organisation of the succession and to be able to appoint as successor to himself a man of peregrine status [*peregreinae condicionis*]."[77] Later on, the general exemption from the ban on leaving inheritance to the peregrines granted by Antoninus Pius to children of Roman citizens who retained "Greek status" (τὸ Ἑλληνικόν), so presumably citizenship of a Greek city, was important enough to get lavish praise from Pausanias.[78]

74. The argument for a large-scale effort at "legal harmonization" initiated by Hadrian is made by Cortés-Copete 2019. For later imperial enactments toward this end, limited to particular provinces nonetheless and assuming a considerable degree of variation continuing into the Severan period, note, e.g., *Dig.* 50.5.8 pr (Septimius Severus providing exemption for parents of five children from the high priesthood in the *koinon* of Asia) and 50.6.3 (a rescript to Venidius Rufus, the governor of Cilicia, banning minors from officeholding in the cities of that province; see K. Wachtel and M. Heil, *PIR*^{2} V369, for the date in the 190s—the absence of the emperor's name may further suggest the authorship of Pescennius Niger).
75. Kantor 2016a, 49n21; Alonso 2020, 54n52, for this interpretation. I hope to argue against the interpretation of this passage in a purely Roman context (going back to *CJ* 1.17.1.10) at more length elsewhere. For the opposite view, see, e.g., Jakab 2016, 256–257.
76. For manumissions, note in particular *fragm. Dositheanum* 12: "the praetor does not allow the one who is manumitted to be a slave, unless it is otherwise provided in foreign law [*nisi aliter lege peregrina caueatur*]"; Plin. *Ep.* 10.5: "he is of peregrine status having been manumitted by a peregrine woman [*peregrinae condicionis manumissus a peregrina*]."
77. *IG* II/III^2 1099 (= *Syll.*^{3} 834; Oliver, *Greek Constitutions* 73), ll. 7–9. New edition and translation (followed here) by van Bremen 2005, 525–527. Compare also *P.Oxy.* XVIII 2199 (with the further bibliography in note 5), where citizenship (Alexandrian or Antinopolitan) of a litigant in an inheritance case needs to be established by the *strategos* of her nome in order to find out whether she is entitled to a legal remedy.
78. Paus. 8.43.5, discussed more fully by Lavan, chapter 3 in this volume. This is hardly about the Greeks "as a descent group," as argued by Champion 2004, 77. It might be worth mentioning in this context that

Similarly, but from a Greek perspective, the decree of the city of Delphi concerning the distribution of public land issued ca 129–131 CE, conceivably with the involvement of the Roman *corrector* Aemilius Iuncus (who is mentioned at the start of the document), expressly prohibited leaving land in inheritance to anyone who was not a citizen of Delphi.[79] The same principles appear to have been at play later in this period at Thisbe in Boeotia, where the edict of the otherwise unknown proconsul Marcus Ulpius, conceivably even later than 212 CE, prohibited passing on the rights in public land (χωρίον δημόσιον) to a foreigner (ξένῳ) as security for a loan or through inheritance, clearly a rule based on Thisbean rather than Roman citizenship, while at Battyna in Macedonia in 193 CE, a civic decree approved by the proconsul Iunius Rufinus was concerned with the encroachments of ἐπαρχικοί (clearly, "provincials" rather than "provincial officials") on civic land.[80]

As with jurisdiction, then, claims of territoriality and civic status for the applicability of local (or, for that matter, Roman) substantive law could both be made by litigants or communities and could both get support from the imperial power, which, to complicate matters further, could also endorse royal regulations of the earlier period because of their antiquity or particular connection to the place. Note, to give just one example, a proconsular decision in the boundary controversy between Thyatira and Hierocaesarea in the province of Asia, possibly from the time of Caracalla, referring to "ordinances of the royal period" (*tem[po]ris regiis con[stitutionibus]*) (*TAM* V.ii 859, l. 17). Once again, claims needed to be negotiated, backed up by authorities, and weighed, and one could not rely on their universality. We can glimpse such processes in operation at different levels: in the third-century letter of Thonius from Oxyrhynchus, who in preparation for the prefect's ἐπιδημία was ransacking precedents both in the prefectural court and in that of the "*archiereus* in the Pharbaethites";[81] in the case of the estates of Memmius Antiochus at Daulis in Phocis, where Roman rules of inheritance were affecting the issue alongside local rules governing the boundaries of public land, and which was dealt with both by a Roman *iudex datus* and by a local panel of twelve arbitrators (some of whom were Roman citizens);[82] in the

Artemidorus of Daldis in his treatise on the interpretation of dreams, written arguably just a few years before Caracalla's edict, assumes that much trouble will come from a marriage between a Roman and a Greek woman (Artem. 4.33.1, with Thonemann 2020, 193; for the date of composition, see Thonemann 2020, 9). Artemidorus was familiar with the legal dimension of Roman citizenship, as we can glimpse from the association of the dreams of decapitation with the change of citizen status and acquisition of Roman citizenship by the Greeks (Artem. 1.35.5, 1.35.8), a clear reference to the *capitis deminutio media* of Roman jurists (Gai. *Inst.* 1.161; Paulus, in *Dig.* 4.5.11).

79. *SEG* XLVIII 592, l. 11: μὴ ἐξέστω δὲ μηδεν[ὶ] ξένῳ καταλιπεῖν, with Ferrary and Rousset 1998, 323.
80. Thisbe: *Syll.*[3] 884, ll. 35–54, with Pernin 2014; Girdvainyte 2018, 232–234. Battyna: *SEG* XXX 568, with Girdvainyte 2018, 262–264. See also in general Bryen 2019, 134–136. For the understanding of the ἐπαρχικοί as "provincial officials," see Papazoglou 1979, 363n277, and H. Pleket, in *SEG* XXIX 1529. Contrast Lavan 2013, 58n119, on this alleged meaning of *provinciales*.
81. *P.Oxy.* LXXXII 5321, esp. ll. 9–19.
82. *IG* IX.i 69, with Grenet 2011; and for the legal dimension, see now Girdvainyte 2019.

most widely copied imperial document from this period, the bilingual *sacrae litterae* of Severus and Caracalla from May 31, 204, noting the immunity of senatorial properties from the duty of enforced hospitality, which should be known "if you consult with experts [μετ' ἐμπείρων / *cum peritis*]."[83] Perhaps the most striking example of this attitude comes from the decision of Marcus Aurelius in a case concerning personal status at Athens: "This solution which presented itself as I formed my opinion from the present case would not in the future confuse the traditional rules."[84]

Conclusion

In the absence of detailed evidence for most poleis, our conclusions must necessarily be tentative, and we cannot aim for any great precision. The general contours that emerge from the disparate sources suggest, however, that local jurisdiction, across the whole range of jurisdictional autonomy from Aphrodisias to Parthicopolis, continued to be strongly concerned with the litigants' citizenship, as sometimes was the applicability of particular rules of substantive law. This concern, however, existed in constant competition and negotiation with the claims of the territorial principle, which might have been getting stronger support than before in some of the imperially sponsored local regulations, particularly regarding jurisdiction over minor cases, and with the more interventionist approach of provincial justice, which was now arrogating to itself some of the areas previously reserved to local jurisdiction in more privileged communities, at least in practice. It is, in short, a legal environment in which, in the words of Benton, legal practices "fail to obey the lines separating one legal system or sphere from another," but also one in which one's citizenship—or, frequently, citizenships—remained one of the more important tools in negotiating one's way across those lines.[85]

83. Oliver, *Greek Constitutions* 256, with Jones 1984; Mitchell 2016.
84. Oliver, *Greek Constitutions* 184, plaque II, ll. 14–15: τὸ δὲ ἐπὶ τούτου μοι παραστάν, λαβόντι τὴν γνόμην ἐκ τῆς παρούση[ς δ]ίκης. οὐκ ἂν [πρὸς] | τὸ μέλλον συνχέαι τὰ παραφυλαττόμενα.
85. Quotation from Benton 2002, 8.