

HERODES ATTICUS AND THE RHETORIC OF TYRANNY

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IN THE MIDDLE OF THE 170s, the emperor Marcus Aurelius sent a lengthy official communication from his field headquarters at Sirmium to the people of Athens. They subsequently erected an inscribed copy of the massive document that filled at least two plaques of Pentelic marble, each measuring a ponderous 2.3 m by 1.8 m. Published by James Oliver in 1970, the surviving portions, apart from some more or less disjointed fragments, preserve almost the entire text of the second, concluding plaque.¹ On it are recorded the emperor's judgments in a number of appeals on cases originating in various courts at Athens, as well as general rules he set forth regarding admission to the Areopagus, Boule, and Panhellenium. At several points during the course of the letter, and especially in the conclusion, a section whose importance for comprehending the document as a whole has hitherto been unrecognized, the name of that paragon of late rhetoric, Herodes Atticus, appears. Although Oliver acknowledged the connection between this document and the famous trial before Marcus Aurelius at Sirmium involving Herodes and an Athenian faction that Philostratus describes in the second book of his *Lives of the Sophists*, Oliver devoted most of his energy to elucidating the document's constitutional and social implications.² In the quarter-century since then, other studies have improved on his text, notably those of C. P. Jones and S. Follet, whereas our understanding of the letter's historical context has failed to advance appreciably.³ In particular, there has been a lack of attention to the document as a unity, with scholars seeing it as an ancient equivalent of the "omnibus" bills so popular among lawmakers in the United States. This approach has meant that the document's potential for illuminating the so-called feud between Herodes and the Athenians remains underappreciated, as does its significance in imparting concrete reality to a phenomenon long thought to be merely the stuff of rhetoric in the Roman Empire—Greek tyranny.⁴

1. Oliver 1970, 1–42. This article is an expanded version of a paper delivered at the 1995 American Philological Association meetings in San Diego. I would like to thank C. P. Jones for his help with the translation of the letter and the referees of *CP* for their helpful comments.

2. Oliver 1970, 71–72; Philostr. *VS* 2.1 pp. 67–69 (Kayser).

3. Jones 1971, 161–83; Follet 1979, 29–43. The text of Ameling 1983, 2: 182–205, no. 189, relies on the readings of Oliver 1970, Jones 1971, and Follet 1979. A revised text in Oliver 1989, 366–88, no. 184. Minor changes and corrections in Follet 1991, no. 265.

4. On this feud, see Graindor 1930, 111–36; Ameling 1983, 1: 136–41.

Before investigating the letter's implications for our understanding of urban culture in the Greek East, however, it is vital that its nature and purpose be clarified. First, then, an overview of the contents of Plaque 2, the better-preserved part of the document.⁵ Following ancient practice, the surviving appeals are grouped according to the courts in which the cases were originally heard. The first decisions Marcus rendered were on appeals from the Athenian public court and the *ἄρχων βασιλεύς* relating to the qualifications of officials having to do with the Eleusinian mysteries (ll. 1–15); then come cases from the Panhellenium, the congress of Greek and quasi-Greek cities established by Hadrian (ll. 15–27); these are followed by two appeals on eligibility to the Boule of the Areopagus first heard by that body (ll. 27–35) and finally, an appeal in the matter of codicils, presumably forged, from the court of a mysterious Roman official named Gavinius Saturninus (ll. 35–47).⁶ After a short section in which the emperor directs repayment of sureties for all those who attended the session in which he heard the appeals, and commands the settlement of any outstanding cases (ll. 47–57), he spends the next twenty-four lines establishing rules for eligibility to the Areopagus, Panhellenium, and Boule (ll. 57–81).⁷ A series of short “house-keeping” clauses winds up this section (ll. 81–87); the document as a whole then concludes with the emperor's appeal to the Athenians that they desist from their enmity towards Herodes Atticus (ll. 87–94). The inscription itself actually terminates with a supplementary rider, in which Marcus endeavors to clarify the qualifications for entry into the Boule.

The prevailing attitude to the letter's contents is well exemplified by W. Ameling, the author of the most important recent treatment of Herodes' career, who characterized most of the legal cases covered in the surviving portion as “quite surely [having] nothing to do with Herodes.”⁸ Before proceeding further, then, Ameling's dismissive remark needs to be addressed. Far from having nothing to do with Herodes, a clear majority of the cases in Plaque 2 do implicate him in some way. If each individual appeal is counted separately, since that better represents the disposition of the cases as first heard at Athens, the following totals emerge. Out of fourteen cases, Herodes Atticus' involvement is implied in nine, either through the presence of his managers, as in Appeals 9, 12, and 14, or through the participation of his known enemies Demonstratus, Praxagoras, and Mamertinus, in Appeals 1–6.⁹ There are only five cases with no apparent connection with Herodes: Appeals 7, 8, 10, 11, 13, made by Ladicus, Epigonus, Nostimus, Pius, and Euphras respectively. Accordingly, cases pertaining to Herodes comprise sixty-four percent of the total number of surviving appeals. This ratio is, in fact, rather a conservative one, since any or all of the second set of cases might have had something to do with Herodes as well.

5. A translation of Plaque 2 appears as Appendix 2 to this article; see below, pp. 358–62.

6. For a will forged in a similar way, see Champlin 1991, 84–85.

7. On sureties in imperial legal contexts, see Millar 1977, 512.

8. “Die ganz sicher nichts mit Herodes zu tun hatten.” Ameling 1983, I: 149.

9. Philostr. *VS* 2.1 p. 67 (Kayser): μετ' ἐκείνην γὰρ τὴν ἐκκλησίαν Δημόστρατοι ἀνέφυσαν καὶ Πραξαγόρα καὶ Μαρμερτίνοι καὶ ἕτεροι πλείους ἐς τὸ ἀντίβουν τῷ Ἡρώδῃ πολυτεύοντες.

Of course, Plaque 2 comprised only the second half of the original document. What about the first half? Five fragments of varying sizes survive from the first plaque, but they represent such a small portion of the full text that only the most speculative of conclusions may be drawn.¹⁰ Even with this caveat, however, we may reasonably suppose that the letter's first half was taken up by much the same sort of legal business as the preserved part. Marcus refers to two appeals that must have appeared on the first plaque (Appeals 13 and 14), and in a fragment from that plaque (Frag. C, l. 8) there appear the opening words of an appeal by Euodus, son of Onesimus, who received his surety back in line 51 of Plaque 2. Given that the first and second plaques dealt with essentially similar appeals, it is striking to see Herodes appearing more often in the five small fragments of Plaque 1 than in all the appeals in the first forty-seven lines of Plaque 2. He is referred to by name in Fragments A, line 5, and D, line 8, while his title, κράτιστος ἀνὴρ (*clarissimus vir*), occurs three times, in A, line 3, and C, lines 12 and 17, for a total of five references. In the appeals section of Plaque 2, however, he is alluded to only twice, in lines 24 and 42. In the later sections of Plaque 2, apart from the conclusion, in which Marcus directly confronts the crisis surrounding the person of Herodes, Herodes is mentioned only twice more, in lines 49 and 82. One other peculiarity of the letter's references to Herodes Atticus remains to be noted: in all the extant text of both plaques, only in Fragments A, line 3, and C, line 17, does Herodes, referred to here as κράτιστος ἀνὴρ, occur in the nominative case. Only here does Herodes appear as an active participant in events. In the cases in Plaque 2, on the other hand, his name occurs merely to identify his διοικηταί.

Finally, there is the list of names in Plaque 2, lines 48–53, which seems to have something odd about it. If both plaques of the inscription were originally the same size and carried approximately the same amount of text, that is, 102 lines, with more than eighty characters each, then it is strange that of the fourteen names here, all but three were parties in cases preserved on the second plaque. Two of those three, Herodes' administrators and Aelius Ameinias (l. 49), were involved in the same case, while the third is Euodus, son of Onesimus; no other names of persons involved in cases dealt with on the first plaque occur. Marcus himself supplies one more in Appeal 10 (ll. 27–30), when he mentions an appeal against Euphras, son of Nikon. This is, however, still far short of the number that might be expected. The discrepancy is all the more disconcerting in view of the circumstance that appeals take up only the first forty-seven lines of Plaque 2; in the remainder of the document, Marcus returns sureties, promulgates general regulations, and tries to reconcile the feuding parties. The first plaque, on the other hand, was presumably dedicated almost totally to the emperor's decisions on appeals, after his titulare and the requisite salutations were dispensed with. Thus, although more of Plaque 1's text must have been devoted to appeals than the second, virtually all the appellants named in lines 48–53 actually come from the second plaque.

10. The texts of these fragments appear as Appendix 1; see below, pp. 357–58.

The solution is apparent once it is realized that no names are actually missing from the list. No other names appear because the lost lawsuits on Plaque 1 were almost completely concerned with one man and his affairs—Herodes Atticus. The involvement of his managers in one case on the first plaque has already been mentioned, while the surviving references to Herodes in his own right indicate his participation in several others. From all these clues, it can be argued that the cases covered in the first plaque were concerned more immediately with Herodes' own dealings than those on the surviving plaque, which represent a "mopping up," as it were, of less acute points of friction between the Athenian factions. Marcus Aurelius' main and indeed probably only motive in sending this letter was to settle suits involving Herodes, either directly or indirectly, and thus end the stasis that had racked Athens for so long.

As he dominated the cases in Marcus Aurelius' letter, so Herodes Atticus dominated Athenian life in the second century A.D. Powerful, arrogant, and talented, he was by far the wealthiest man in Greece, consorting with kings and emperors. According to Philostratus, whose lengthy biography of him overwhelms those of the Second Sophistic's lesser practitioners, Herodes' relations with his compatriots were hardly harmonious.¹¹ Decades of factional strife led to a tumultuous meeting of the assembly at which Athenians protested that their city was living under a tyranny.¹² The subsequent political storm at Athens culminated in a trial before Marcus Aurelius at Sirmium, when Herodes accused his opponents of conspiracy as they made charges of their own. Although the precise nature of these counter-charges is unknown, Philostratus states that the indictment included the freedmen of Herodes; when his enemies won their case, those freedmen bore the brunt of the imperial anger, paying a penalty the emperor later called "as mild a punishment as possible."¹³

Oliver, followed by Ameling, identified the freedmen with people who appear in the letter as the administrators (διοικηταί/προνοοούμενοι) of Herodes' estates in Appeals 9 and 14, as well as in line 82. Certainly, *procuratores* were often of servile birth, but there is no reason to believe that they were the same as the freedmen punished by Marcus.¹⁴ On the contrary, he shows no animosity in the letter to these administrators, who even recovered their security deposits for a case that was recorded in the lost portion of the document (Appeal 14). The other cases involving them, especially suits in which they themselves were the plaintiffs, were merely referred to the court of Ofellius Ingenuus without judgment being made (Il. 81–83). Clearly, if the emperor's hostility is any gauge, we must look elsewhere for Herodes' infamous freedmen.

11. Philostr. *VS* 2.1 p. 549 (Kayser).

12. Philostr. *VS* 2.1 p. 67 (Kayser): τὸ ἄνδρε τούτῳ (sc. the Quintilii), ὁπότε ἄμφω τῆς Ἑλλάδος ἡρχέτην, καλέσαντες ἐς ἐκκλησίαν Ἀθηναῖοι φωνὰς ἀφῆκαν τυραννευομένων πρὸς τὸν Ἡρόδην ἀποσημαίνοντες καὶ δεόμενοι ἐπὶ πᾶσιν ἐς τὰ βασιλεία ὅτα παραπεμφθῇναι τὰ εἰρημένα.

13. Philostr. *VS* 2.1 p. 69 (Kayser): τῆς δὲ τῶν Ἀθηναίων ἀπολογίας ἐχούσης κατηγορίαν τοῦ τε Ἡρόδου καὶ τῶν ἀπελευθέρων τὴν ὀργὴν ὁ Μάρκος ἐς τοὺς ἀπελευθέρους ἔτρεψε κολάσει χρησάμενος ὡς οἷον τε ἐπιεικεῖ, οὕτω γὰρ αὐτὸς χαρακτηρίζει τὴν ἑαυτοῦ κρίσιν.

14. On estates (in Asia Minor) and their administration, see now Mitchell 1993, 1: 146–64.

Toward the end of Marcus' letter, however, freedmen do figure explicitly, when the emperor establishes rules disqualifying them from the Boule and barring their sons and grandsons from the Areopagus and Panhellenium respectively (ll. 57–81, 96–102). Coming as they do at the conclusion of the document, these regulations surely reflect issues that arose in the appeals Marcus heard involving these very bodies. Apart from those suits expressly regarding Herodes' managers or partisans, all the other cases preserved in the letter were concerned with either citizenship or membership in the Areopagus and the Boule, so it is more than merely plausible that accusations of servile origin lay behind these cases. One case in particular seems to have turned on precisely this point, and Marcus' decision on the appeal is explicable in terms of the rules he promulgated in the letter on the eligibility of freedmen and their descendants for these two august councils.

In lines 27–30 of the letter's surviving portion, Appeal 10, "On eligibility to the Areopagus and Panhellenium," the emperor says the following: "Nostimus son of Dionysius did not show that he had become an Areopagite legally, but the Quintilii will judge whether he is in such a position that he can be added to the Boule of the Areopagus; the reason why he might be expelled from membership in the συνέδριον of the Panhellenes I think I have made clear in my judgment on the appeal against Euphras son of Nicon." Marcus' ruling that Nostimus had a fighting chance to return to the Areopagus but was definitely ineligible for the Panhellenium conforms to his later regulations, according to which sons of freedmen, with a number of exceptions, were ineligible for the Areopagus, whereas grandsons of freedmen, though eligible for the Areopagus, were to be excluded from the Panhellenium (ll. 76–81).

Nostimus' status or, more precisely, his family history, as well as that of the other appellants in cases concerning citizenship, the Areopagus, and the Panhellenium pose unanswerable questions. Even so, it is worth noting that of the four men who made these appeals—Ladicus (Appeal 7), Epigonus (Appeal 8), Nostimus (Appeal 10), and Publius Pius (Appeal 11)—only the last may have been a Roman citizen. In contrast, nearly all the parties in appeals over priesthoods and against the interests of Herodes himself held Roman citizenship. While Nostimus and the others cannot definitively be said to be descended from slaves, they were, by the same token, certainly of somewhat lesser station than their fellow appellants.

Marcus ends by rationalizing the document's length on the grounds that he has hereby settled the dispute between Herodes and the Athenians, so allowing them to renew their former amity (ll. 87–94). As he is surely referring here to the entire document rather than sections of it, the regulations just announced must be intended to remedy this strife. Marcus puts it thus: "For what could be lurking still in anyone's mind after the memory of the causes has been expunged, when effort has been expended on all matters (τῆς θεραπείας ἐπὶ πᾶσιν ἐκπεπονημένης) so that it might be possible for the Athenians to love my—and their very own—Herodes, since no yet further obstacle hinders their goodwill afterwards?" (ll. 92–94). The quarrel accordingly involved the illegal assumption of civic privileges by freedmen and their descendants, and it is these people, not the διοικηταί of Herodes,

who should be identified as the freedmen Philostratus mentions. The mild punishment they suffered, without undergoing any other sanction, was disqualification from membership in these prestigious councils. The emperor enunciates this principle in the regulations for eligibility to the Areopagus (Il. 57–76).

If these freedmen are understood to be the freedmen upon whom Marcus is said to have vented his anger, the reasons behind the accusations made against Herodes by the faction Philostratus called the “Athenians” become much easier to discover. As Graindor realized years ago, the counter-charges must have developed out of the complaints of tyranny voiced earlier in Athens.¹⁵ Demostratus’ bitter denunciation of Herodes’ poisonous eloquence and his characterization of life in Herodes’ Athens as worse than death in the plague would not have been out of place in a diatribe against a tyrant.¹⁶ Moreover, charges of tyranny were nothing new for Herodes’ family; in the previous century, the estates of Herodes’ grandfather Hipparchus had been confiscated “for tyrannical causes.”¹⁷ But what precisely did Herodes do to deserve being branded a tyrant? For an answer, the murky depths of post-classical tyranny must be plumbed.

Unlikely though it may seem at first, the threat of local tyrannies was a real incitement to fear in Greek cities of the Roman Empire, a fear that was not completely without foundation. Many historians nowadays tend to associate tyranny with the upheavals of the archaic period—a necessary phase in the development of many Greek states, as de Ste. Croix put it.¹⁸ But Athenian democracy was a far more ephemeral thing than tyranny, and the great age of tyrants actually came after Alexander. The Hellenistic and early Roman periods saw many more tyrants than did the seventh and sixth centuries B.C. During this later period of tyranny, cities on the mainland of Greece, in Asia Minor, and on the islands of the Aegean, as well as those further distant, all fell under autocratic rule at one time or another. Unsettled times brought forth “strongmen.”¹⁹ The phenomenon was much longer-lived than we might expect: Strabo writes of a tyrant named Nicias who wielded power in Cos until 30 B.C., while on the Greek mainland, the family of C. Julius Eurycles ran Sparta, with some interruptions, until the reign of Nero.²⁰ The confiscation of Hipparchus’ estates in Attica occurred only a few years later.

Under the Empire, tyranny’s memory was kept green by the exercises and speeches decried today as typical of later rhetoric’s anachronistic irrelevance. Indeed, tyranny provided the orators of the Empire with a fundamental theme. To Philostratus, the typifying of rich and poor, tyrant and hero

15. Graindor 1930, 121–22 (with an outdated chronology).

16. Philostr. VS 2.1 p. 69 (Kayser).

17. Philostr. VS 2.1 p. 56 (Kayser): ὁ μὲν γὰρ πάππος αὐτοῦ Ἰππάρχος ἐδημεύθη τὴν οὐσίαν ἐπὶ τυραννικαῖς αἰτίαις.

18. de Ste. Croix 1981, 281. Cf. McGlew 1993, 15: “In Quintilian’s day, tyrants were fleshless creatures that came out only in the dim light of classrooms.” A notable exception to this view is Russell 1983, 32.

19. On this phenomenon, see Plass 1859, 2: 189. For a more up-to-date examination of later tyranny, see Berve 1967, I: 383–509, esp. 498–507.

20. Strab. 14.2.19: καὶ καθ’ ἡμᾶς Νικίας ὁ τυραννήσας Κώων; see also Bowersock 1961, 114–18; 1965, 45–46; Cartledge and Spawforth 1989, 98–99.

was one of the Second Sophistic's defining characteristics, while Lucian summed up the abandonment of his rhetorical career as "flight from the accusation of tyrants and the praise of heroes."²¹ Some idea of the fanciful treatment of this subject can be obtained from several surviving handbooks and set pieces, of which the following three examples may be thought representative. A man claims the reward for tyrannicide because he induced the tyrant to commit suicide by killing his only son; an orator calls for the restoration of a sword to the statue of a tyrannicide, which had been removed by oligarchs because they felt the statue's stance was hostile to them; and a youth defends himself against charges of aspiring to a tyranny because he continually looked on the Acropolis with tears in his eyes. These hypotheses, like so many others of their ilk, seem to betray what Graham Anderson has recently termed the school themes' "fantastic ingenuity."²²

At this point, however, a slight deception must be acknowledged. Not all the scenarios summarized above are authentic fakes. The first and third situations are indeed drawn from the rhetorical literature—from Lucian's *On the Tyrannicide* and the oratorical handbook, *De Statibus*, respectively.²³ The second, in contrast, is based on an actual event, epigraphically attested by the inscription SIG³ 284, probably from Erythrae in the third century B.C. It records a decree authorizing the restoration of the statue of a certain Philitus, "who slew the tyrant," "since the oligarchs took the sword away from the statue . . . thinking that its pose was completely against them."²⁴ In this particular document, the worlds of the schoolroom and the assembly hall can scarcely be distinguished from each other.

Like the cases in today's moot court, then, the precise details of these rhetorical exercises may be fictitious, or even far-fetched, but their urban environments and socio-cultural assumptions were common to both orators and their audiences. The set pieces in works such as those of the rhetorician Hermogenes draw their situations and circumstantial details from Greek city life in the Hellenistic and Roman periods. Two examples suffice: *De Statibus* 52 p. 166 has as its hypothesis that an evil rich man fixes the property qualification for citizenship at an impossibly high level while his rival, a poor man, is out of town on an embassy; in *De Inventione* 69 p. 180, a rich man, once again hostile to a poor man, undertakes to "nourish the citizens" (θρέψειν τοὺς πολίτας) if the δῆμος should execute his rival; he gets his wish, but in an ensuing famine refuses to feed the dead man's sons, who die in turn. Embassies such as that mentioned in the first example were an integral part of later intercity diplomacy, as evidenced by countless inscriptions, while the second case involves a privately-funded alimentary scheme for poor citizens of a kind found in a great many later Greek cities.²⁵

21. Philostr. *VS* 1 pp. 2–3 (Kayser), cf. Tac. *Dial.* 35.5; Lucian *Bis Acc.* 32.

22. Anderson 1993, 196.

23. Lucian *Tyrann.* proem; Hermog. *Stat.* 23 p. 147.

24. SIG³ 284 ll. 2–6: ἐπειδὴ οἱ ἐν τῇ ὀλιγαρχίᾳ τῆς εἰ/κόνος τῆς Φιλίτου τοῦ ἀποκτείναντος/ τὸν τύραννον τοῦ ἀνδριάντος ἐξέλιον/ τὸ ξίφος, νομιζόντες καθόλου τὴν στάσιν καθ' αὐτῶν εἶναι. For this interpretation of the word στάσις, see Gauthier 1982, 215–20.

25. Jones 1989, 89–91.

Given the affinities with “the real world” exhibited by these examples, Hermogenes’ depiction of the aspiring tyrant grows in interest. He is, of course, invariably rich, but often keeps the sort of company that leads him into trouble. For instance, he carouses into the public prison and shouts, “Have courage, prisoners, you’ll be free before long,” and on another occasion, he supports (τρέφει) all those who have been banished by the city.²⁶ Supposing that the examples in Hermogenes accurately reflect the material studied in the schools of oratory, they indicate that the potential tyrant was sometimes represented as a man who had suspicious dealing with persons outside the traditional body politic. This image, too, was founded on a measure of reality. In the *Strategemata*, Polyaeus tells of the tyrant Archinus’ seizure of power at Argos: “when he had gathered the old weapons of all—by arming foreigners, metics, outlaws (ἄτιμους), and the poor—he obtained the tyranny of the Argives.”²⁷

Outside the schoolroom, in the adult world of the assembly, the accusation of tyranny appears to have been an essential element of contemporary political discourse, particularly invective. Another sophist whose relations with his hometown were sometimes uneasy, Dio Chrysostom, faced accusations of tyranny as a result of his ambitious building program for Prusa: “For now, if I should touch upon the matter and be eager for the project to be realized, some people say I am acting the tyrant and am digging up the city and all its sacred places.”²⁸ A little later in the same speech, he counters the jibe with a tongue-in-cheek reference to the tyrannical paradigm found in school texts like those of Hermogenes:

Whenever I hear someone speaking about me in terms of a tyrant, it seems a ridiculous paradox. For I know the sorts of things tyrants do—debauching other men’s wives, corrupting boys, striking and maltreating free men in public, even torturing some by, say, putting them in a boiling cauldron . . . none of which I do . . . I’ve heard that one of the tyrants did this. . . . But what does it have to do with me? Is it because I built an expensive home? And don’t let it fall down? Or because I wear purple? But not a cheap garment? Or because I have long hair and a beard? But perhaps this is not the mark of a tyrant, but of royalty.²⁹

Dio’s reference to his sumptuous clothing as a lightning-rod for charges of tyranny has its historical corollary in the case of Lysias, the Epicurean philosopher of Tarsus whose tyrannical inclinations were clear, as Athenaeus tells us, “from his dress (ἐξ ἱματίου τύραννος ἦν), since he wore a

26. Hermog. *Stat.* 23 p. 146: οἷον νέος πλούσιος νύκτωρ κοιμάσας ἐπὶ τὸ δεσποτικόν ἐβόησε “θαρρεῖτε, ὃ δεσπῶται· οὐκ εἰς μακρὰν λυθήσεσθε” καὶ φεύγει τυραννίδος ἐπιθέσεως; *Stat.* 22 p. 146: νέος πλούσιος πάντας τοὺς ἀποκρηκτοὺς τρέφει καὶ τυραννίδος ἐπιθέσεως φεύγει.

27. Polyaeus, *Strat.* 2.8.19.

28. Dio Chrys. *Or.* 47.18: νῦν γὰρ ἐὰν ἄπτομαι τοῦ πράγματος καὶ σπουδάζω γίνεσθαι, τυραννεῖν μέ φασί τινες καὶ κατασκάπτειν τὴν πόλιν καὶ τὰ ἱερὰ πάντα.

29. Dio Chrys. *Or.* 47.23–24: ὅταν δὲ ἀκούω λέγειν τινὰ ὡς περὶ τυράννου, παράδοξόν μοι φαίνεται καὶ γελοῖον. ἐγὼ γὰρ ἐπίσταμαι τὸν τυράννον ἔργα τοιαῦτα, μοιγεῖν γυναῖκας ἀλλοτρίας καὶ διαφθεῖρειν παῖδας, ἀνθρώπους ἐλευθέρους τύπτειν (καὶ) αἰκίζεσθαι πάντων ὁρόντων, τοὺς δὲ στρεβλοῦν, οἷον εἰς ζέοντα λέβητα καθέντας, ὧν οὐδὲν ἐγὼ ποιῶ . . . τῶν δὲ τυράννων ἕνα ἀκήκοα ταῦτα ποιοῦντα . . . ὧν τί πρὸς ἐμέ ἐστιν; ἢ ὅτι τὴν οἰκίαν οἰκοδομῶ πολυτελῶς; ἀλλ’ οὐκ ἐγὼ πίπτειν; ἢ ὅτι πορφύραν αὐτὸς ἡμφίεσμαι; ἀλλ’ οὐ φαῦλον τριβώνιον; ἀλλ’ ὅτι κομῶ καὶ γένεια ἔχω; τοῦτο δ’ ἴσως οὐ τυραννικόν ἐστιν, ἀλλὰ βασιλικόν.

purple chiton shot through with white, a luxurious cloak over his shoulders, white Laconian-style sandals on his feet, and was crowned with a wreath of golden laurel. He distributed the possessions of the rich among the poor, killing many who did not give.”³⁰ Here, the rhetoric and reality of local tyranny in the Roman Empire are very closely intertwined, especially since Lysias was in power during the early years of the first century A.D.³¹ Nicias, tyrant of Cos under Marcus Antonius, is another example. According to Aelian, an omen predicted his attainment of a tyranny, while Crinagoras composed an epigram on the desecration of his tomb after he died, calling him τλήμονα δυσθανέα.³²

Dio is not the only witness to the use of tyranny as a charge in later Greek politics. The satirist Lucian maintained that all good slander should contain some truth, as when a doctor was called “poisoner” or a rich man “tyrant”; elsewhere he described, as part of the wealthy man’s unhappy lot, the fear that the δῆμος might credit sycophantic claims that he aspired to tyranny.³³ In fact, Roman authorities, to say nothing of the local elites, apparently regarded with suspicion anyone who curried the favor of the masses too assiduously, as such behavior was the mark of a tyrant. Pliny provides a hint of their thinking when he notes the acquittal from the emperor’s court of Aristion, to whom he gives the suggestive title, *princeps Ephesiorum*.³⁴ Unlike that of a tyrant, though, Aristion’s popularity is harmless; he is *munificus et innoxie popularis*.

The actions of other ambitious men might nevertheless present a danger to the *status quo*. Dio of Prusa claimed that he did not act like those powerful men who used influence to get friends enrolled in the council “so that they have partisans and supporters whenever they want.” On the contrary, he protested he never did anything of the sort, “for it was my overriding conviction that I should introduce no one else in this manner, nor play party politics, nor split the city into factions.”³⁵

Athens later suffered what Dio claimed to have avoided inflicting on Prusa. A city deeply divided by aristocratic faction, Athens saw members of its elite engage in complex tactical maneuvering to gain ascendancy. The tyranny of Herodes Atticus likely had its origin in one such set of maneuvers. When he supported the entry of freedmen into public life who in time rose to high estate, Herodes had, to all intents and purposes, been engaging in the practices condemned by Dio. As these freedmen and their descen-

30. Ath. 5.54.

31. Lysias was last in a series of philosophical tyrants inflicted on Tarsus by Roman authorities. His predecessors included Boethus, the κακὸς ποιητής (Strab. 14.14 [674]), under Antonius; the Stoic Athenodorus, who happened to be Augustus’ former tutor (Lucian *Macr.* 21; Dio Chrys. *Or.* 33.48); and another ex-teacher of the imperial family, Nestor the Academic, tutor of Marcellus (Strab. 14.14 [675]).

32. Ael. *VH* 1.29; *Anth. Pal.* 9.81.

33. Lucian *Calumn.* 13; *Sat.* 26.

34. Plin. *Ep.* 6.31.3.

35. Dio Chrys. *Or.* 45.7–8: ἡ τοῦναντίον οὐκ ἔλαττον ἑκατὸν βουλευτῶν καταλεγέντων ἕτεροι μὲν εἰσήγαγον φίλους αὐτῶν καὶ παρασκεύασαν ὅπως ἔξουσιν τοὺς συναγωνιζομένους καὶ βοηθοῦντας οἷς ἂν ποτε ἐθέλωσιν. ἐγὼ δὲ οὐτ’ ἐποίησα τοιοῦτον οὐδὲν . . . μάλιστα μὲν γὰρ ἤξιουν μὴδὲ ἕτερον μὴδένα τοιοῦτον ἔθος εἰσάγειν μὴδὲ καθ’ ἑταιρείας πολιτεύεσθαι μὴδ’ εἰς μέρη διασπᾶν τὴν πόλιν.

dants undoubtedly owed allegiance to Herodes, his enemies viewed this move as a ploy to get his partisans into positions of responsibility, thereby controlling the state—tyranny of the classic type.³⁶

Lucian's *Assembly of the Gods*, probably written in the middle of the 160s, may well provide an echo of the controversy surrounding Herodes' gambit. In this comic dialogue, Zeus calls an assembly of fully-fledged divinities (τέλειοι θεοί) to consider what must be done about the many unworthy gods now sharing in their feast. The forthright Momus stands up and questions the credentials of several gods, finally proposing a decree to establish a commission of review, which Zeus forces through without debate.³⁷ In 1980, J. H. Oliver linked the problem facing the Olympians with the political crisis at Athens caused by the entry of freedmen into the Areopagus, Boule, and Panhellenium in the years before Marcus Aurelius' letter.³⁸ In particular, Oliver noted that Momus draws attention to the humble, even servile, origins of several gods. Zalmoxis, for example, he calls "a slave" (δοῦλος ὢν), and even Heracles and Asclepius risk implication because "they still have the marks of fire" about them (ἔτι τὰ σημεῖα ἔχουσι τοῦ πυρός)—a *double entendre* intended to call to mind the branding of slaves.³⁹

Oliver's arguments in favor of this association have not gained universal acceptance, with C. P. Jones, for one, pointing out that such disputes over eligibility for the privileges of citizenship and bouleutic rank were not unique to Athens, but rather endemic to Greek cities of the Empire.⁴⁰ This observation is certainly accurate; immediate confirmation can be found in Pliny's letter to Trajan in which the governor seeks advice on dealing with the widespread and long-standing contravention of Bithynia's provincial law, the *lex Pompeia*, which forbade cities from enrolling in their councils citizens of other Bithynian poleis.⁴¹

Despite this justified appeal to caution, there is still reason to believe that Oliver's analysis was fundamentally correct. Because he made no attempt to understand the overall structure of Marcus' letter and misidentified the freedmen whom the emperor punished, however, Oliver also failed to notice evidence that would have lent considerable further support to the thesis that, in the *Assembly*, Lucian was presenting a comic allegory of the social and political tensions caused at Athens by the entry of ineligible people into the city's high councils. Certain of Momus' remarks gain visibly in pertinence when the full sweep of Marcus' letter is kept in mind. At the *Assembly's* beginning, Momus opens his harangue with the statement, "I say that some of us are doing terrible things, those for whom it is not enough to have become gods from men but think that they have

36. Infiltration by freedmen into higher offices was doubtless made easier by the ravages of the plague that afflicted the empire in the 160s and 170s; see now Duncan-Jones 1996, esp. 134.

37. Lucian *Deor. Conc.* 1–19.

38. Oliver 1980, 304–13.

39. Zalmoxis: Lucian *Deor. Conc.* 9. Heracles and Asclepius: Lucian *Deor. Conc.* 6 p. 531. Cf. Oliver 1980, 306.

40. Jones 1986, 38–39.

41. Plin. *Ep.* 10.114, 115.

accomplished nothing great or splendid unless they cause their followers and servants to have equal rights with us.”⁴² A little later, he makes the same point with a slightly different emphasis: “For many, I say, not being satisfied that they themselves take part in the same councils we do and feast on equal terms, and they being half-mortal at that, still introduce their servants and attendants into heaven and illegally enroll them.”⁴³ Momus is not just complaining about the fact that upstart godlets are receiving privileges they do not deserve but, more specifically, that other, established divinities encourage them in this, entering them on the rolls and sponsoring their ascent to the higher echelons of Olympian society. If the circumstances of Marcus’ letter were as this study as described them, then surely only the most obtuse members of Lucian’s Athenian audience would have failed to grasp the allusion to Herodes and his freedmen.⁴⁴

Greek tyranny in the Roman Empire was not a mere rhetorical fiction. It was a rhetorical and cultural reality. The picture of tyrants handed down in the oratorical tradition shaped people’s perceptions of how members of the civic elite should behave. The charge of tyranny was always available to counter the aspirations of any wealthy man who threatened to upset the delicate balance of prestige and power, although, as has already been argued, this accusation could at times have substance. The tyrannically inclined individuals known from our sources—the Euryclids in Sparta, Lysias in Tarsus, Nicias on Cos, the Attici in Athens—represent no doubt merely the tip of the iceberg.⁴⁵ The evidence suggests that in certain cities, not all of them on the fringes of the Greco-Roman world, the imperial authorities, for sundry reasons, permitted near-monarchies to exist. For the enemies of such local potentates, life in these cities was no doubt at least as difficult as in Huey Long’s Louisiana, Maurice Duplessis’ Quebec or, to use a more recent example, the Tamil Nadu ruled by the former film star, J. Jayalalitha. These individuals wielded their power within the framework of modern nation-states, where power was theoretically centralized and the exchange of information relatively efficient. How much more readily would local tyrannies have arisen in the diffuse and diverse agglomeration of cities and peoples that was the Roman Empire? Viewed against this background and with an awareness of tyranny’s place in the reality as well as the rhetoric of the Greek East, Marcus Aurelius’ letter offers a singular glimpse of a critical moment in a particularly obscure period of Athenian history, when one man was accused of attempting to establish just such a regime.

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42. Lucian *Deor. Conc.* 2: φημί τοίνυν δεινά ποιεῖν ἐνίοις ἡμῶν, οἷς οὐκ ἀπόχρη θεοῦ ἐξ ἀνθρώπων αὐτοῖς γεγενῆσθαι, ἀλλ’ εἰ μὴ καὶ τοὺς ἀκολούθους καὶ θεράποντας αὐτῶν ἰσοτίμους ἡμῖν ἀποφανοῦσιν, οὐδὲν μέγα οὐδὲ νεανικὸν οἶονται εἰργάσθαι.

43. Lucian *Deor. Conc.* 3: πολλοὶ γάρ, φημί, οὐκ ἀγαπῶντες ὅτι αὐτοὶ μετέχουσιν τῶν αὐτῶν ἡμῖν ξυνεδρίων καὶ εὐωχοῦνται ἐπ’ ἱσῆς, καὶ ταῦτα θνητοὶ ἐξ ἡμισείας ὄντες, ἔτι καὶ τοὺς ὑπηρέτας καὶ θιασώτας τοὺς αὐτῶν ἀνῆγαγον ἐς τὸν οὐρανὸν καὶ παρενέγραψαν.

44. On Lucian’s residence at Athens in the mid-second century, see Jones 1986, 17, 38, 84, 90–100.

45. See the sources cited in nn. 20, 30, and 31.

APPENDIX 1

FRAGMENTS OF EM 13366: PLAQUE 1

	Fragment A	Fragment B
	]ον υἰὸ[ν	[]
	]αχθήσεται νν[	]ς ἐφθη[
	ὁ κράτι]στος ἀνὴρ εἰς[	]τηνουκε[
	]σας ὑποτρέφειν [	]ήσυχίας [. . .]υ[
5	]ϛ[.] Ἑρώιδου μετ[	]κοιτῶνα ἐπ' ἀβλαβ[εῖαι?
	]ἀπευθύνεται προσυ[	]νοίας εἰς τὴν ἀσφ[άλειαν
	ἐ?]πέρχωνται διαδοχη[	]όρῳμαι γὰρ μηη[
	]ονο[. . .]ασου[	]δεσπότου τῶ[ν
		ἐνκλ.]ημάτων[
	Fragment C	
	]νευπ[
	] καὶ προς[
	ἐ]ξοικισθῆναι δι[
5	]ατοῖς Ἀθηναίοις ἀλγεῖ ὀλμ[
	]υπέμεινα εἰς νῆσον ἔδοξεν κατα[
	]ον καὶ πολὺπλοκον ὥς βαρὺ τοῖς ἐ[
	]ς ἐτεχνάζετο ἀρι[. . .]ντοι προσγ[
	]ται νν Εὐδοξος Ὀνησίμ[ο]υ ὃς ἄνευ [
	Ἀ]τικῆς ἐπιτεχνησάμενος ἐφ[
10	?ἐ]τε[χνάσ]ατο, ἐπεὶ μὴδὲ ταῖς προτέραι[ς	
	τῆς πατρί]δος καὶ [τ]ῶν νήσων αὐτῆς ἀπε[χ]έσθω [
	τοῦ] κρατίστου ἀνδρὸς ἔτι καὶ δοῦλον Λύσιν οὐκ [
	τοῖ]ς πραχθεῖσιν οὐδὲν ὀρίσαι ἔδοξεν, βουλοίμην [
	πε]ρίεμειναν μέχρι τοῦ ταῦτα ἀποφήνασθαι με συνεχῶς [
15	]ν ἐνκλημάτων ἄννοι καὶ κ[άτ]ωι στρεφομένων. ἐπεὶ δὲ τα[
	]σας ἐπὶ τῆς παρ' ἐμοὶ κ[ρίσεως] καὶ τὰ μάλιστα εἰς αὐτὴν ἐνδ[
	]ο τὰς ἀποδεο[μένας]ι ὁ κράτιστος ἀνὴρ ἴδιον δι[
	]λας ὑπ[δικαστὴν] δίδωμι Ὀφίλλιον Ἰνγ[ένουον	
	]που[]μοι πραχθέντων[
	Fragment D	
	]ν ὁρῶ διαφερομ[
	]μὴ περαιτέρω καὶ το[
	]ν τετυχήκασιν παρὰ τῆς [
	]ν οὕτε ἀπελευθέρους ἀ[
	Fragment F	
	]λα[
	] παραγρα[φ	
	]ολαιου προ[
	τ]ὴν ἐξέτασιν [

5] τοὺς μετὰ ταῦτα οὔτιν[ε]ς] πῶς δὴ σ[χ]
] ἐπὶ τῆς ἀγορᾶς συνηθ[] ψαιμογ[
]ι Ἀθηναίων δίκαιοι σ[
] Ἡρώιδου καὶ [
]αι προσο[

APPENDIX 2

TRANSLATION OF EM 13366: PLAQUE 2 (FRAGMENT E)¹Appeals 1–3 (Il. 1–7) On validity of election to the *δαδουχία*

The appeals that Aelius Praxagoras, Claudius Demostratus, and Aelius Themison made against Aelius Dionysius seem to be justified. Therefore, these actions had to be heard. Knowing that the elections had been held legally was determined to be sufficient. I did not consider it necessary to undertake the selection (?) of these men, as it did not happen at Athens either. As for the time to come, so that no ambiguity be left, those voluntarily seeking a *δαδουχία* or any other priesthood higher than that which they already have must, as legally prescribed, lay aside their fillet in advance. If someone should be called by the people, there will not be any dispute if he does not lay aside the earlier insignia before being appointed; nonetheless, once elected, this man too will set aside his earlier perquisites.

Appeals 4–6 (Il. 7–15) On validity of election to the sacred heraldship

The appeals that Sentius Attalus, Clemens son of Clemens, and Claudius Chrysippus made from the public court and from the king archon, Claudius Eupraxides, against Valerius Mamertinus will be set aside. Therefore, since Mamertinus, being a Eumolpid, had neither of his parents from the clan of the Kerykes, he is at a disadvantage as to the only way it is allowed for people from either of these two clans to transfer to the other. He will desist from seeking the sacred heraldship.

On the other hand, the elections will be held again between those who have now appealed and those who now wish to announce their candidacy according to the laws of the Athenians.

Mamertinus will not be removed from the number of the Eumolpids and will recover his priesthood.

The solution on this basis that came to me as I was formulating my judgment on the present case should not in the future overturn established precedent.

Appeal 7 (Il. 15–20) On eligibility to the Panhellenium

Ladicus son of Polyaenus, who appealed against Sophanes son of Sophanes from Julius Damostratus, archon of the Panhellenes, has been clearly called to court within the time established for legal challenges against Panhellenes-elect and, though the election took place after the customary period, since he was convicted of not yet being of legal age and of having held no public office either at that time or earlier, as my divine grandfather determined, has made an unjustified appeal, in our judgment.

Appeal 8 (Il. 20–23) On eligibility to the Panhellenium

Epigonus son of Epictetus, who appealed from Julius Damostratus against Eudemus son of Aphrodisius, will appear before my Quintilii in the matter of his membership in the Panhellenium, for both the appellant himself thought it right that he be sent to

1. Except where noted, the text used is that of Ameling 1983, 2: 185–205, no. 189. Every paragraph break in the translation is in accordance with each *vacat* and interpunct on the stone.

judgment in their court, and it is clear that many of the tasks falling under my jurisdiction will be brought to a conclusion by them in regard to matters in Greece.

Appeal 9 (Il. 23–27) Against the managers of Herodes' affairs

Since Athenodorus son of Agrippa, who has appealed from Papius Rufus, archon of the Panhellenium in the previous penteterid, against the managers of the affairs of the *clarissimus* Claudius Herodes, provided neither the minutes of the Panhellenes nor their published decision, he will plead his case before my Quintilii, so that after so long he will not be forced to await the opportunities when it will be possible for me to render a decision on matters requiring legal judgment just at the time of military campaigns.

Appeal 10 (Il. 27–30) On eligibility to the Areopagus and Panhellenium

Nostimus son of Dionysius did not show that he had become an Areopagite legally, but the Quintilii will judge whether he is in such a position that he can be added to the Boule of the Areopagus; the reason why he might be expelled from membership in the συνέδριον of the Panhellenes I think I have made clear in my judgment on the appeal against Euphras son of Nikon (Appeal 13).

Appeal 11 (Il. 30–35) On eligibility for citizenship

Publius Pius stays with the right of Athenian citizenship, just as the Areopagites judged; for there must be stability of status for him and for as many others who, in pursuing the permission granted by Fulvius(?) Titianus,² submitted their claims to the Areopagites. But for the future, in accordance with the laws and ancestral customs, there will be precautions taken and tests carried out as to whether someone is Athenian by descent.

Appeal 12 (Il. 35–47) On codicils to a will

The appeal that Aelius Praxagoras made from Gavinius Saturninus in respect to the lawsuit in which there was an investigation of the so-called codicils produced in the name of Stratolaus appears to be justified.

If, however, within two months after the reading of this letter at Athens anyone should wish, either publicly or privately, to bring suit concerning the gift that they proposed be owed to the city, let it be allowed to him, with a deadline for my Quintilii to make their judgment within the following two months being strictly observed. If he should fail (sc. to bring suit) in this interval, he should not undertake to resume the case later. Praxagoras will regain the use of the lands and will obtain from the *clarissimi* Quintilii an arbitrator concerning the crops.³ And he shall forthwith return to the lands that were alleged to have been left to the *clarissimus* Herodes.

Ingenuus will render judgment concerning the crops.

If Praxagoras finds fault with the slowness of the transfer, he shall be brought back by the governors of the province.

I could accede to the request of the Athenians, which they substantiated by both the age of the father and the fact that he alone is left to the family, that Pheidimus be recalled from the island to which he was exiled⁴ for the period of the matter's investigation, but that he keep away from the borders of Attica for the future.

2. Following a suggestion of C. P. Jones (pers. comm.), I read here (Il. 32–33) τῇ δοθείσῃ ἐξουσίᾳ ὑπὸ Φο[υλουίου?]/ Τιτ[ιάν]ου ἐπακολουθοῦντες. For earlier readings, see Ameling 1983, 2: 191.

3. Oliver 1970, 6, l. 42 saw a *vacat* between καρπῶν and ἐπὶ. However, the space on the stone is significantly narrower than all the other *vacats* on the stone.

4. For εἰσεφυγάδεύετο (Oliver 1970, 6, l. 46), read ἐ[π]εφυγάδευτο (C. P. Jones, pers. comm.).

Repayment of deposits and disposition of other cases (Il. 47–57)

To Agathocles, son of Agathocles, the petition (submitted) by means of the embassy he carried out before me (will be granted).⁵

It will be granted also to his city and to the συνέδριον of the Areopagites.

Also, the sureties for the appealed cases that the administrators of the affairs of the *clarissimus* Herodes brought against Aelius Ameinias (Appeal 14)⁶ and, similarly, sureties for appeals on cases pleaded before me, which Aelius Praxagoras, Claudius Demostratus, Aelius Themison, Sentius Attalus, Clemens son of Clemens, Valerius Mamertinus, Ladicus son of Polyaenus, Euodus son of Onesimus, Nostimus son of Dionysius, Publius Pius made, will be repaid. I have already stated that the appeals of Epigonus and Athenodorus must be set aside.

If there should be any other appeals relating to this session about which I have revealed nothing in the way of a decision, they shall be set aside, to be examined by the judge on the same terms as they were going to be judged if there had been no appeal. Ingenuus will write to me as to which cases they are. If any appeals are lodged after the session, he himself will hear them in the proper order.

Regulations for eligibility to the Areopagus (Il. 57–76)

How much zeal I bring for the glory of Athens, that it achieve its ancient majesty, I think I have shown sufficiently also when I attempted to lead their select council back to the ancient custom according to which they accepted into the Areopagus only those who had been scrutinized for the three-generation rule; and would that there were an abundance of noble families so that it were possible for me even now still to maintain our decision, but since, taking into account the accidents of fortune, because of which I know many other cities have presented very urgent claims for assistance, they must loosen some restrictions in deference to the past and establish other measures self-sufficiently in deference to the future. I will grant the Athenians that for the time past they look to this alone, whether someone has a freeborn father, and should someone appear to have been expelled from the Areopagus because of the three-generation rule, he will receive his rank back. After this, it will be sufficient that someone be born from freeborn parents on both sides. As regards those who were born of a freedman father and insinuated themselves into the Areopagus after our letter, it is time for them to desist from their folly.

If, however, someone who was born of a freedman father was not expelled before the letter by any court of those who could be assigned for these matters, he stays.

All those who, after our letter, either were removed from the Boule of the Areopagus or voluntarily gave up the honor because of their grandfather's status as a freedman are still ineligible. Certainly, those who will withdraw from the council because of the aforesaid must not, from this sort of business, suffer any hindrance to their partaking of other honors and positions.

5. Lines 47–48 read Ἀγαθοκλεῖ Ἀγαθοκλέους ἡ διὰ τῆς πρεσβείας ἀξίωσις[ς, ἦν πα]/ρ' ἐμοί[ς] συντελεῖ ν ἀποδοθήσεται δὴ καὶ τῇ πατρίδι καὶ τοῖς τῶν Ἀρεοπαγαιτῶν συνεδρίοι. Oliver 1970, 18, 30, held ἀξίωσις[ς] to be a claim for expenses incurred while on an embassy, adducing parallels from other inscriptions. However, in none of these “parallels” is ἀξίωσις used. It is better, then, to understand the word as the equivalent of the Latin *petitio*: cf. Oliver 1989, 275–78, no. 120 (letter of Hadrian to Cyrene): ὁ ἄρχων τοῦ Πανελληνίου ἐφθάκει ἐπιστεῖλαι μοι π[ερὶ] τῆς ἀξιώσεως ὑμῶν σπουδάζων[?]; Oliver 1989, 398–401, no. 192 (letter of Marcus Aurelius and Commodus to Miletus): αὐτοῦ τοῦ ῥηθέντος λόγου τὸ συντεῖνον μέρος πρὸς τὴν ὑμέτεραν ἀξίωσιν; SEG 32 (1982) 1149 (letter of a governor) Il. 29–30: ἐπανγυλιαμένων/ τὴν τοιαύτην ἀξίωσιν μηδενὶ βλάβην φέρειν. For the phrase ἡ διὰ τῆς πρεσβείας ἀξίωσις[ς], see Epiphanius *Ancoratus* 1.4: κατὰ τὴν ὑμῶν διὰ γραμμάτων ἀξίωσιν.

6. The blank space in l. 48 that Follet 1991, no. 265 noted between συνεδρίῳ and καὶ and the other in l. 49 between Ἀμεινίαν and εἰ τινας were inserted for the sake of emphasis and not, apparently, to mark a break in syntax.

If any people were enrolled in contravention of the instructions sent by us for whom it is impossible to sit in the Areopagus after the judgment that has now been rendered, let them resign within a year.

Whoever continues in his seat even after the prohibitions or, if you will, surreptitiously enters contrary to the written instructions will be considered in a position equal to those who were expelled through court action and, because of this, be disadvantaged as a result also in seeking the lower positions and honors.

Regulations for eligibility to the Panhellenium and Boule (Il. 76–81)

If any Panhellenes who are from the Areopagus should be found to be unable to provide proof of their three-generation status, they will not be expelled from the council because of this. But in the future no one else from the Areopagus will be enrolled among the Panhellenes except those who can come to the elections with proof of their three-generation status. It is sufficient that the situation relating to the Boule of the Five Hundred be ordered in this way: that those enrolled be of free birth.

Settlement of lawsuits between the two factions (Il. 81–83)

Ingenuus will himself be the judge in the disputes brought by each of the two parties, he will also be the judge for the caretakers of the affairs of the *vir clarissimus* in their suits against those who make no counterclaims themselves.

Implications for public finances (Il. 83–84)

The managers of the city's public finances who are bound to render accounts have as judges my Quintilii, before whom the Athenian state advocates will take care to perform their duties.⁷

Lawsuits outside Athens proper (Il. 85–87)

For those Athenians needing a ruling, Ingenuus will act as judge in Eleusis and in the Piraeus at whatever time he wishes in both places.

For those from Sparta he will determine a place in the neighboring cities according to what is most suitable in his own scrutiny.

Conclusion (Il. 87–94)

I consider that I have made clear through my pronouncements that I did not take every precaution from prolixity rather than from thoughtfulness, so that for the future it would be possible for Herodes, in the presence of the Athenians, to engage joyfully in both divine and human affairs with his renowned zeal for culture, and that the Athenians, remembering the previously acknowledged beneficence towards them of the *clarissimus* Herodes, might renew their confidence in the formerly close relationship between them, for which they do not need me as a mediator. For what could be lurking still in anyone's mind after the memory of the causes has been expunged, when effort has been expended on all matters so that it might be possible for the Athenians to love my—and their very own—Herodes, since no yet further obstacle hinders their goodwill afterwards?⁸

Rider (Il. 94–102)

After all this had been written out in the Greek tongue concerning the lawsuits, I made the further consideration that, because there was some inexactitude in what I

7. C. P. Jones (pers. comm.) informs me that the last visible letter in I. 84 is a mu, which can be restored as μ[έρη], "duties." Earlier editors read π[λήθη], "amounts."

8. The end of this section is the only one in the inscription marked by an interpunct.

proclaimed, which, though it could be divined from my intention if not from the words of my decision, still needed some explanation lest it provoke some new controversy,⁹ I decided it was fitting to prescribe this explicitly as well.

If any men born of freedmen fathers resigned from the Boule of the Five Hundred, let them be permitted to resubmit to scrutiny on the same conditions as those from the Areopagus; let those from the Boule of the Five Hundred show that they themselves were born in freedom; for not those from freedmen fathers but only those who were themselves freed are ineligible, which rule has been precisely formulated for the future as well.

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9. Lines 96–97 are to be restored ἵνα μὴ τι[να νέαν]/ἀμφισβήτην παράσχοι (C. P. Jones, pers. comm.). Earlier editors read ἵνα μὴ τι[ς νέαν]/ἀμφισβήτην παράσχοι.