

## THE TRUST FUND OF PHAENIA AROMATION (IG V.1 1208) AND IMPERIAL GYTHEION

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### Abstract

In the small town of Gytheion in southern Laconia two marble blocks were found, containing the regulations for a trust fund from the year 42 AD (IG V.1 1208; SEG 13.258). The text will be presented with new emendations and an English translation. In my commentary I present the general background of the donor, Phaenia Aromation, and concentrate on a discussion of juridical problems that the text poses. A detailed analysis of the procedural prescriptions forms the centre of this paper.

The inscription that I would like to discuss in the following article had been found in a vinery in Gytheion in southern Laconia consisting of two marble blocks. The stones had been copied by P. LeBas and were then edited by P. Foucart.<sup>1</sup> A new edition was provided by W. Kolbe, enriched with comments by U. von Wilamowitz-Moellendorff and presented in IG V.1. The latest emendations of the Greek text were made by A. Wilhelm (SEG 13.258). Unfortunately his article does not state clearly, whether he was able to read the squeezes or to see the stones in original, or whether they had already been lost at his time.<sup>2</sup> The inscription provides interesting information on the administration of imperial Gytheion, especially when you combine the information taken from this stone with SEG 11.923, the famous *hieros nomos* on the imperial cult in Gytheion, stemming from the year 15 AD. Since the text can be taken as a good example of a description of daily life of Romans in a Greek town, I would like to illustrate the general background before concentrating on legal aspects of the text and presenting some new readings.

The inscription clearly stems from imperial times. P. Foucart dated it to the second century AD because of the mentioning of the *Sebastoi* in l. 37, whom he believed to be Marcus Aurelius and Lucius Verus<sup>3</sup>. A. Wilhelm solved the problem differently. The two letters in l. 64, OB, had up to his time been read as the abbreviation of a name Ophellius Bomation, who was a member of the family of the donor Phaenia. Still the identity would not have been clear: the name of the *phrontistēs* is Ophellius Crispus, the name of the freedman Phaenius Primus. The combination of the two letters did not make much sense. A. Wilhelm found out that the name of the donor should be read Aromation instead of Bomation (l. 61). He took the two letters in the last line to be a date, which brought him to the 72nd year to be counted from the battle of Actium — as it is commonly done on the Peloponnesos in imperial times — resolving in the year 41/2 AD as the date of the inscription.<sup>4</sup> Since in l. 36 Livia is called Σεβαστή Θεά, we can restrict the possible date to the year 42 AD, the time after her consecration.<sup>5</sup>

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<sup>1</sup> LeBas – Waddington 1837: 124 (243a); this text was presented with slight alterations by B. Laum (1914: 11–14, Nr. 9).

<sup>2</sup> Wilhelm 1951: 90–100. I was not able to locate neither the stone nor the squeezes myself.

<sup>3</sup> LeBas – Waddington 1837: 125.

<sup>4</sup> Wilhelm 1951: 92. Cf. IG V.1 1529 (Alagonia).

<sup>5</sup> Cf. Grether 1946: 222–252.

## Phaenia Aromation and her family

The small town Gytheion in southern Laconia had not been independent for the greatest part of her history. It was only after Flaminius' attack in 197 BC that she was freed from Spartan dominance like all the other coastal towns in Laconia and put under the protectorate of the Achaean Koinon. After a short period of being Spartan again under Nabis, the perioecic towns were connected in the Κοινὸν τῶν Λακεδαιμονίων, which was transformed into the Κοινὸν τῶν Ἐλευθερολακῶνων by Augustus. He loosened the ties between Sparta and Gytheion even more by giving Kardamyle to Sparta, in order to grant the old city a new access to the sea, and thus leaving Gytheion free.<sup>6</sup> Still the close connections between the two cities did not end, as the inscriptions show. SEG 11.923 demonstrates that — next to the emperors — C. Iulius Eurycles and his son C. Iulius Laco, two famous Spartans, were honoured as *euergetēs* and *kēdemōn* of the Koinon and the Polis. Two days of the week-long festival were celebrated in their memory.<sup>7</sup> Later on the great-grandson of Laco was honoured in an inscription (IG V.1 1172), and we might well conclude that in the meantime there must have been similar decisions. Nevertheless we have to state that the close connections between Gytheion and Sparta were on an economic and personal basis, whereas politically the two towns were independent from each other.

Of great importance for the wealth of the Gytheates — and the foreigners living in their region — were the harbour as well as the marble and the purple. These three attracted strangers like Herodes Atticus who had an estate in this region and who was honoured by the polis (IG V.1 1171). Funerary epigraphs tell of even more foreigners who brought the money to the city.<sup>8</sup> U. Kahrstedt shows that there had been no “old” citizen-families taking care of the necessary expenses of the city. This responsibility was taken on by the foreigners living in Gytheion. An inscription from the 1st cent. BC shows that in times of great financial troubles the two Roman *negotiatores* Marcus and Nemerius Cloatius lent the city money — on an enormous interest.<sup>9</sup> Maybe the families of Phaenia Aromation, the donor of our trust fund, will have belonged to this group of wealthy Romans too.

As mentioned above, the reading of the cognomen of the donor Phaenia was corrected by A. Wilhelm as being Aromation instead of Bomation.<sup>10</sup> From the typical ending on *-ion* we may well conclude that she had been a slave and was freed by a member of the *gens* of the Phaenii. This *gens* is well known in Italy as ointment and incense traders, the inscriptions show them to be *thurarii*.<sup>11</sup> Most of the family members found in the inscriptions were freedmen themselves, the Greek *cognomina* show close contact to that part of the Mediterranean, although the Phaenii in Gytheion are the

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<sup>6</sup> Chrimes 1952: 435–441; Bowersock 1965: 91–95; Harter-Uibopuu 2003: 217–221.

<sup>7</sup> SEG 11.923, ll. 19–22; Cf. Wenger 1929: 322–324.

<sup>8</sup> Paus. 3.21.6–3.22.2; Kahrstedt 1954: 203–207, cf. Bursian 1872: 144–146.

<sup>9</sup> IG V.1 1146; Le Roy 1978: 260–266.

<sup>10</sup> This name is attested in two other inscriptions, one from Italy (IG XIV 2475) and the other from Mylasa (IK Mylasa 22).

<sup>11</sup> CIL VI 5680; 0032; X 1962; 6802; AE 1979, 124 (Via Appia, Rome): *L(ucio) Faenio Polybio thurar(io) / L(ucio) Faenio Gelado thurar(io) / L(ucio) Faenio Iucundo / Faeniae Moschidi / Faenia L(ucii) f(ilia) Procula fecit et / M(arco) Livio Maximo parentibus et / fratri et filio et sibi et / libertis libertabusque suis / posterisque eorum omnium*. Cf. d'Arms 1981: 167–168.

only ones attested in mainland Greece. The Ophellii, on the other hand, were a *gens* well represented throughout Greece, and it is quite probable that Phaenia Aromation married a member of this family. Her *phrontistēs* and *kyrios* is P. Ophellius Crispus who might have been her son. We find the Ophellii attested in Athens, Olympia, Kos, Melos and Paros, but their first basis in the eastern Mediterranean seems to have been Delos, where they lived as traders from the 2nd cent. BC on.<sup>12</sup> They prospered as *negotiarum* and had a leading role in the life of the Italic community. Maybe it was trading business that brought them to Laconia — as we have seen, Gytheion was a famous port.

As for Phaenia's personal status, the end of the inscription shows some more details. She was Roman like her *kyrios* P. Ophellius Crispus. She does dispose of her wealth herself, but it is her *phrontistēs* and *kyrios* who gives his *auctoritas* to her deed. He might either have been her husband or more probably her son. One of these two should have taken over the *tutela* as being her agnate kin. Still we cannot be sure beyond doubt on the question of her familiar relation to her *kyrios*, since there was the possibility for women to choose these *tutores* themselves. In an article on women and trust funds, H. Taeuber points out that one of the main differences between Greek and Roman law in this aspect was that the Greek women did not need a *kyrios* to donate a large sum of money, whereas the Roman women did need their *tutor mulierum*.<sup>13</sup> Still we do know from the Egyptian papyri that women of Greek origin did need a *kyrios* as well, usually this task was taken on by their husbands or — if they were already widows — by their grandfathers, brothers or sons of age. This *kyrios* was needed for legal transactions of a larger economic significance like divorce, contract of marriage, loans, testating, changing of a last will or sales of land.<sup>14</sup> Striking in this inscription is that P. Ophellius Crispus is not only *kyrios* (*tutor*) but also *phrontistēs*, which could be translated as *curator*. A *curator* could have been appointed by any person for any legal transaction, but usually this was only done for special acts. Phaenia would not have needed a *curator* since she already had her *tutor*, but of course this was not impossible by Roman law. L. Mitteis is quite strict in his verdict on this procedure: he calls it bad provincial style.<sup>15</sup> We do find this “pleonasm” again in a manumission decree from Delphi of the 1st cent. AD.<sup>16</sup> I would rather suggest that the aim of Phaenia as well as Donata in Delphi was more to have everything done “over-correctly” and it had less to do with their not understanding the subtleties of Roman law. They will have wanted to ensure their legal transactions against any challenge — maybe they had already had bad experiences, we will not know. The last lines of the inscription are quite interesting in their form: the text is concluded with a *hypographē*, a signature. This form — which is quite regular in the papyri — is not found in any other inscription from mainland Greece or Asia Minor apart, of course, from letters.<sup>17</sup>

<sup>12</sup> IG II<sup>2</sup> 2026; 2471; 7131; 10161; IG IV 145; IvO 443; ICos 228.32; IG XII.3 1234; IG XII.5 377; IDelos 3–5 1681; 1766; 2616.

<sup>13</sup> Taeuber 1994: 199–219.

<sup>14</sup> Kaser 1955: 311–315, Rupprecht 1986: 95–102.

<sup>15</sup> Mitteis 1891: 155–156.

<sup>16</sup> FD 3.6 126, l. 7.

<sup>17</sup> Cf. PGrenf II 71rp, 2, l. 20; PKoeln II 85, r, l. 10; PLond III 1168, r, 2, l. 15; PLond III 1164, F, l. 31 et al. For the epigraphic evidence of the formula in correspondence: Syll.<sup>3</sup> 821 C, l. 4; D, l. 2; IG XII.2 35, b, l. 27; IvEphes. 218, l. 2.

## The trust fund and its regulations

A trust fund in Greek and Roman antiquity was — quite similar as today — a certain amount of capital either donated to the city or a sanctuary or alternatively designated for setting up and running a private association. The purposes for which the beneficiary had to use the donation might vary from public business (like e.g. the running of a state educational system as in Teos) to private concerns (as the annual commemoration of the benefactor in the form of a tomb cult). The terms under which the capital was to be administered were usually very well specified. The city or sanctuary would not be allowed to spend the capital itself but would be obliged to put the capital to work by farming it out, and defray the costs associated with the purposes of the trust fund from the interest accumulated. In our case the donor is a woman, which is quite common in the Greek world. B. Laum supposes that roughly 15% of all trust funds had been donated by women.<sup>18</sup> Especially under the influence of Roman law in imperial times the rights of women to have their own property and dispose of it on their own increased. Next to the private benefit, the aim of these trust funds was usually to ensure that a certain aspect of public life was taken care of. We find women establishing a new *agōn* in Phaselis or giving money for the hiring of actors in Korkyra.<sup>19</sup> Here in Gytheion, Phaenia Aromation financed the supply of oil for the gymnasium.

- 1 -----νίου  
[- ----- τὸ μ]έν δημόσιον κουφισθῇ ταύ[της τῆς]  
[δαπάνης ----- μ]ηδὲ τὸ {μὲν} γυμνάσιον καὶ οἱ πά[ντες πο]-  
[λῖται(?), καὶ εἴ τινες] ξένοι παρεπιδημήσουσιν, τὸν ἀπο--  
5 [- ----- εἰς] κόσμον καὶ θεραπείαν τοῦ σώματος --  
[- ----- παραχ]ρῆμα τὸ προγεγραμμένον, ὅπως κα[τ' ἔτος]  
[οἱ ἀεὶ ἐνεστῶ]τες ἄρχοντες, ὅταν καὶ τὰ λοιπὰ δημ[όσια]  
[ἔργα ἐγδίδωσι]ν, ἀπὸ τοῦ ἐπὶ Ἀριστοπόλεος στρατηγοῦ [ἐνιαυ]-  
[τοῦ κατὰ τὰ δόγμα]τα τῶν τῆς πόλεος συνέδρων καὶ τοῦ δήμου]  
10 [καὶ τὴν ἐλαϊκὴ]ν πιπράσκωσι παροχὴν, [ἐν]τεταμένως [σκοποῦν]-  
[τες, ὅπως ἐκ τῆς ἐ]μῆς χάριτος καὶ δωρεᾶς ἀθάνατα προσ[γίνη]-  
[ται κέρδη τοῦ ἀρ]γυρίου ἐγδιδομένου καὶ τῶν λαμβανόν[των τὸ]  
[ἀργύριον ἐγγύ]ας ἐνγαίους τῇ πόλει διδόντων ἀξι[οχρέονας],  
[ἵνα ἐκ τῶν τόκων τ]ὸ ἔλαιον εἰς αἰῶνα τοῖς Γυθεατῶν πολί[ταις τε]  
15 [καὶ ξένοις χορ]ηγήται, πᾶσάν τε πίστιν καὶ σπουδὴν [οἱ ἄρχον]-  
[τες καὶ οἱ σύ]νεδροι εἰσφέρωνται κατ' ἔτος, ὅπως ἀἴδιο[ς ἢ τοῦ ἐ]-  
[λαίου δόσις τῶι] γυμνασίῳ διαμίνη καὶ τῇ πόλει, μηδενὸς [τολμῶν]-  
[τος μήτε κατ' ἰδία]ν μήτε δημοσίᾳ τῆς ἐμῆς χάριτος κατολ[ιγωρεῖν]  
[ἐὰν δὲ οἱ γινό]μενοι κατ' ἔτος ἄρχοντες ἢ οἱ σύνεδροι ἢ ἡ πό[λις ὁ]-  
20 [λιγωρήσωσιν] τῆς εἰς αἰῶνα τοῦ ἐλαίου χορηγίας ἢ μὴ κατ[ὰ τὰ]

<sup>18</sup> Cf. Laum 1914: 1–2, 23–26.

<sup>19</sup> Taeuber 1994: 208–214.

[γεγραμμένα ἐγ]δανείσωσι τὸ ἀργύριον ἢ μὴ ἀξιοχρέονας [ἐνγαί]-  
 [ους ἐγγύας λάβωσ]ιν παρὰ τῶν τὸν ἐλαϊκὸν μελλόντων [τῶι δημο]-  
 [σίῳι ἀποφέρει]ν τόκον, ἵνα ἐκ παντὸς ἢ τὸ ἄλειμμα [τῇ πό]-  
 [λει, ἢ μὴ μερ]<ι>μνήσωσι εἰς τὸ τὴν ἐμὴν τοῦ ἀργυρίου [δορ]-  
 25 [εάν ἐμμένει]ν, ἀλλὰ μὴ τῆς πόλεως γενέσθαι δόξα[ν κατολι]-  
 [γωρίας, ἐξέστω] τῷ βουλομένῳ καὶ Ἑλλήνων καὶ Ῥωμαίων [κα]-  
 [τηγορῆσαι ὀλι]γωρίας τῆς πόλεως ἐπὶ τοῦ δήμου [τῶν Γυθε]-  
 [ατῶν, δεχο]μένων μὲν τῶν ἀρχόντων τὴν επανγελί[αν ταύ]-  
 [την, τὸ δὲ ἀντίγ]ραφον διδόντος τοῦ κατηγόρου καὶ προθεσ[μί]-  
 30 [αν τοῖς συνέδροι(?)]ς· μὴ δεχομένων δὲ ἐκκολλήσαντ[ω . . . ]  
 [. . . . . τ]ὸ μὲν τέταρτον ἔστω μέρος [τῶν]  
 [ὀ]κτακ[ισχιλίων διναρίων] τοῦ κατηγορήσαντος, εἰς ἐλ[έν]-  
 [ξη] τῇ[ν τῶν Γυθεατῶν] ῥαθυ[μία]ν, τὰ δὲ ἑξακισχίλια διν[άρια τῆς]  
 [π]όλεως [τῶν Λακεδ]αιμονίων· εἰς δὲ καὶ Λακεδαιμόνιοι [ὀλι]-  
 35 [γω]ρήσωσιν [τῆς ἐμ]ῆς χάριτος, ἔστω [τὰ ἐ]ξακισχίλια διν[άρια]  
 [τῆς] Σεβαστῆ[ς θε]ᾶς, ἐλένξαντος τοῦ β[ουλ]ομένου τὴν [Λα]-  
 [κεδα]ιμονίων ὀλιγ[ω]ρίαν καὶ τοῖς Σεβαστοῖς τὸ ἀ[ργύριον] ἀνε[νεγ]-  
 [κόν]τος· βούλομαι δὲ καὶ τοὺς δούλους τῆς τοῦ [ἐλαίου εἰς αἰῶ]-  
 [να χορηγ]ίας μετέχει<ν> κατ' ἔτος ἐπὶ ἕξ ἡμέρας, τρεῖς [μὲν τὰς σε]-  
 40 [βαστέ]ους καὶ τρεῖς τὰς τῆς θεοῦ, μήτε ἄρχοντος [μήτε συνέδρου]  
 [μήτε γυμνασιάρχου] κωλύοντος αὐτοὺς ἀλείφεσθαι, κ[αὶ εἰς]  
 [λιθίν]ας τρεῖς στήλας ἀναγραφῆναι τὴν τῆς ἐμῆς [χάριτος ἐ]-  
 [πὶ τοῖς] ῥητοῖς γεινομένην τῷ γυμνασίῳ καὶ τῇ πόλει δω[ρεάν],  
 [ἵνα μί]α μὲν ἐν ἀγορᾷ πρὸ τῆς ἐμῆς οἰκίας εἰς τὸν τοῖχον]  
 45 [προσερ]εισθῇ, μία δὲ εἰς τὸ Καισάρηον ἀνασταθῇ παρὰ τὰς . . . ]  
 [. . . . . πύ]λας τεθεῖσα, μία δὲ εἰς τὸ γυμνάσιον, ἵνα καὶ πολ[ί]-  
 [ταις καὶ] ξένοις εἰς αἰῶνα φανερὰ καὶ εὖγνωστος ἢ πᾶσιν [ἡ]  
 [τῆς ἐμ]ῆς χάριτος φιλανθρωπία. παρακατατίθεμαι δὲ τῇ [πό]-  
 [λει καὶ τοῖς] συνέδροις καὶ τοὺς θρεπτοὺς μου καὶ ἀπ[ε]-  
 50 [λευθέρους] πάντας τε καὶ πάσας. ἐνεύχομαι τε ὑμεῖν θε[οὺς]  
 [πάντας] καὶ τὴν τῶν Σεβαστῶν Τύχην, καὶ ζώσης ἐμοῦ [καὶ ἐάν]  
 [ἀνθρώπιν]όν τι πάθω, καὶ κατὰ ἄνδρα καὶ κοινῇ τὴν ἀρίστην [τῆς]  
 [βουλήσεως] μου καὶ ὧν ἐγὼ τειμῶ καὶ τετείμηκα θρε[πτῶν]  
 [καὶ ἀπελε]υθέρων διὰ παντὸς ὑμᾶς ποιήσασθαι πρόνο[ιαν]  
 55 [ὅπως αἰεὶ ἀν]επείλη<π>τοι διὰ τὴν ἀπάντων ὑμῶν εἰς ἐμὲ ε[ὔ]-  
 [νοϊαν καὶ ἀνενόχλ]ητοι φυλαχθῶσιν. ἀθάνατος γὰρ εἶναι δόξω  
 [τοιαύτην ποιη]σαμένη δικαίαν καὶ συνπαθεστάτην ἐμοὶ παρ[α]-  
 [<κατα>θήκην, ἥς οὐ μὴ καθυ]στεριῶ τῇ πόλει πεπιστευκῶ.  
 [ἔγραψα Πόπλιος Φαί]νιος Πρεῖμος ὁ θρεπτὸς καὶ ἀπελευθέρ[ος Φαι]-

- 60 [νίας Ἀρωματίου κ]ελευούσης διὰ φροντιστοῦ καὶ κυρίου Πο[πλίου]  
[Ὁφελλίου Κρίσπου]· Φαινί[α] Ἀ<ρ>ωμάτιον εὐδοκῶ τοῖς προγε[γραμ]-  
[μένοις πᾶσιν]· Πόπλιος Ὁφέλλιος Κρίσπος ὁ φροντισ[τῆς]  
[καὶ κύριος συνευδοκῶ] τοῖς προγεγραμμένοις.  
(ἔτους) οβ'.<sup>20</sup>

... to free the public treasury from this expenditure ... neither the gymnasium nor all the citizens nor all the foreigners who might live there, the ... (5) for the adornment and care of the body ... straight away the instruction, so that every year the *archontes* who are in charge at that time, whenever they franchise out the other public works, starting from the year of the *stratēgos* Aristopolis in accordance with the decrees of the *synedroi* of the *polis* and of the *dēmos*, (10) farm out the supplying of oil too. In doing so they should make every effort in order that immortal benefit is derived from my gift and the donation of the capital that is being lent and that those who receive the capital should give real security commensurate with the loan, so that oil may always be provided from the interest paid to the citizens of Gytheion and the (15) foreigners. The *archontes* and the *synedroi* must contribute all good faith and industry every year, in

<sup>20</sup> 2 Fouc. - - - εν δημόσιον || 3 Fouc. [δαπάνης τοῦ ἀλείμματος, μ]ηδὲ τὸ μὲν γυμνάσιον καὶ οἱ πα-  
- | - - - ξένοι IG - - - τὸ μὲν γυμνάσιον καὶ οἱ πα[ - - - | - - - εἰ δὲ τινες] ξένοι || 5 Fouc., IG - - - κόσμον  
Fouc. [εὐρῶσι] || 6 Fouc. [Ἐγδανειζόντω δὲ τὸ] χρημα IG - - - ρημα Wilh. - - - χ]ρημα || 6/7 Fouc. κα[τ'  
ἔτος οἱ | ἐπὶ τούτοις ἐφ'εστῶ]τες IG κα[θ' ἑκα]στον ἔτος οἱ καθ'εστῶ]τες || 7/8 Fouc. δημ[όσια τῆς |  
πόλεως ἐγδῶσωσιν] IG δημ[όσια χρ]ήματα ἐγδίδωσιν || 8/9 Fouc. [ἐνιαυτοῦ | κατὰ τὰ ψηφίσμα]τα  
|| 9/10 Fouc. τοῦ δ[ήμου, ἐκ τού]των τῶν διαφόρ[ω]ν || 10 Fouc. παροχὴν η[τεταμέν]ως [sic!] ? - - - || 11  
Fouc. - - - τῆς ἐμ]ης ... προσ[τάγματα.] || 12 Fouc. [Τούτου δὲ τοῦ ἀρ]γυρίου || 14 Fouc. [ἀπὸ τῶν  
τόκων τ]ὸ || 14/15 Fouc. πολί[ταις καὶ | τοῖς ξένοις . .] η[γῆται] || 15/16 Fouc. [οἷ τε ἀρχ]οντες || 16/17  
Fouc. αἰδ[ιοις ἢ ἐμ]ὴ | φιλανθρωπία τῶ] || 17/18 Fouc. [τολμῶντος | μήτε κατ' ἰδ]ία || 19 Fouc. [Ἐάν  
δὲ οἱ ἐλομ]ένοι || 19/20 Fouc. πό[λις ὀλιγ]ωρήσωσιν || 20/21 Fouc. κα[τὰ τὴν | διαθ]ήκεν  
ἐγδανείωσι || 21/22 Fouc. [ἐγγύας | παραλάβ]ωσιν || 22/23 Fouc. μελλόντων - - - | ἢ μὴ  
πράσσωσιν τόκον || 23/24 Fouc. [τῇ πόλ]ει | ἢ μὴ ἑκαστοτ]ε μνήσωσι IG [τῇ πόλ]ει | ἢ μὴ  
πολυπραγ[μ]ο[ν]ήσωσι || 24/25 Fouc. [φιλανθρω]πίαν ὑπάρχειν IG [δόσιν | αἰδ]ιον μένειν Wilh.  
[δόσιν διαμ]ένειν || 25/26 Fouc. δόξα[ν τοῦ ἀλείμ]ματος IG Wilh. δόξα[ν ὀλιγ]ωρίας || 26/27  
Fouc. [κατη]γορησai τῆς || 27/28 Fouc. IG [τῶν Λακε]δαιμονίων || 28 Wilh. ἐ<ισ>ανγελί[αν ||  
29/30 Fouc. προθεσ[μίαν | ἡμέραν ὀρί]ζοντο[ς] IG προθεσ[μίαν προγ]ράφοντο[ς] || 30 Fouc.  
ἐκκολλήσαντο IG ἐκκολλήσαντ[ - ] Wilh. ἐκκολλήσαντ[α ἑξ]α[ποστ]εῖλαι εἰς Σπάρτην ... || 31 Fouc.  
μέρος ... || 32 Fouc. [τῶν ὀκ]τακ[ισχιλίων] || 32/33 Fouc. ἐλ[έν]ξειεν τῇ[ν τῶν ἀρχόν]των || 34/35  
Fouc. Λακεδαιμόνιοι [αὐτοὶ | ὀλιγ]ωρήσωσιν || 36 Fouc. [ιερὰ τῆς] || 36/37 Fouc. τὴν [τῶν |  
Λακεδα]μονίων || 37 Fouc. ἀ[ργύρι]ον ἀνε[... ] || 38/39 Fouc. IG Wilh. τοῦ [ἀλείμ]ματος |  
φιλανθρω[πίας] || 39/40 Fouc. τρεῖς ... | ... ους καὶ IG τρεῖς [μὲν ... | ...]ους || 40/41 Fouc. ἀρχοντος  
μ]ηδ' ἐνὸς μ]ητε γ]υμνασιάρχου || 42 Fouc. [μαρμαρί]νας || 44 Fouc. [τούτων μί]α || 44/45 Fouc. τὸν  
τ... | ... εἰσθῆ[μι] || 45/46 Fouc. τὰς τοῦ | ἱεροῦ πύ[λας] || 46/47 Fouc. πολ[ιταίς] | ... ξένοις || 47/48 Fouc.  
πᾶσιν [αὕτη | ἢ τῆς ἐμ]ῆς || 49/50 Fouc. ἀπ[ελευθε]ρῶ αὐτοῦς IG ἀπ[ελευθ]έρους || 50/51 Fouc.  
θε[οὺς πάν]τας καὶ θεὰς IG θε[οὺς | καὶ θεὰς] SEG θε[οὺς πάν]τας || 51/52 Fouc. [καὶ ὅ]ταν  
ἀνθρώπ[ι]νον IG [καὶ ἐάν | ἀνθρώπ]ειον SEG [καὶ] | [ἐάν <ἀν>θρώπιν]όν τι || 52/53 Fouc. [μνείαν  
τηροῦν]τας μου IG [καὶ | φιλάτ]ην ἐμ]οῦ || 53/54 Fouc. θρέ[πτους ἔχ]οντας ἀντὶ ἐλε[υθέρων] SEG  
θρε[πτῶν καὶ ἀπε]λευθέρων || 54/55 Fouc. πρόνο[ιαν τῆς | παρακαταθ]ήκης, ἐπειδὴ τοι IG  
πρόνο[ιαν, ἵνα ... ] ἐπειδ' ἔτοι SEG πρόνο[ιαν, ὅπως αἰεὶ ἀν]επείλη<π>τοι || 55/56 Fouc. ἐμὲ  
εὐχ[αρισ]τίαν ... ] η[τοι IG ἐμὲ εὐ[χ]νοίαν καὶ ...] η[τοι || 56/57 Fouc. δόξω [καὶ βίου | αἴρεσιν  
ποι]σαμένη IG δόξω [χάριν | ταύτην κομ]ισαμένη || 57/58 Fouc. παρ[εχόντων | ὅπως μ]ὴ  
ἀποστειρῶ IG παρ [ύμ]ων | οὐδὲ θεῶν καθ[ιστε]ριῶ || 59 Fouc. [ἀντέγ]ραψα ἐγὼ Φαί[νιος || 59/60  
Fouc. ἀπελευθ[ε]ρο[ς κυρίας | Φαινίας Βω]ματίου κ]ελευούσης IG ἀπελευθ[ε]ρο[ς Φαι]νίας Βωματίου  
κ]ελευούσης || 61 Fouc. IG Φαί[νια Βω]μάτιον || 61/62 Fouc. προγεγ[γραμ]μένοις ὡσαύτως ἐγὼ ||  
64 Fouc. IG Ὁ[φέλλιος] Β[ωμάτιον].

order that the supply of oil to the gymnasium and the polis remains everlasting, because no one should dare either in a private capacity nor publicly to neglect my donation. If the *archontes* who happen to be in charge in a given year or the *synedroi* or the *polis* (20) mismanage the eternal supply of oil or do not receive real security commensurate with the loan from those who are to pay the interest to the public treasury in order to provide for the polis all the unguent or do not take care to remain within the terms of my (25) donation of the capital and to avoid that the polis receives the reputation of negligence, it shall be possible for the one who wants of the Greeks or the Romans to prosecute the polis for neglect before the Assembly of the Gytheatai. The *archontes* shall receive the *epangelia*, and the prosecutor shall submit a written indictment and a time limit to the (30) *synedroi*. If they do not process it, they shall cut out from the public records ... a fourth of the eight thousand *denarii* shall belong to the prosecutor who has exposed the callousness of the Gytheatai, and the six thousand *denarii* shall belong to the polis of the Lakedaimonioi. If the Lakedaimonians (35) too neglect my donation, the six thousand *denarii* shall belong to the Dea Augusta, if a volunteer prosecutor has demonstrated the neglect of the Lakedaimonians and has transferred the capital to the *Sebastoi*. I also wish that the slaves shall share in the eternal supply of oil every year for six days, of which three (40) (should be) festival days of the *Augusti* and three festival days of the goddess, when no *archon* or *synedros* or *gymnasiarchos* shall prevent them from anointing themselves, and I wish that three stone stelai shall be inscribed with my donation and the terms on which it has been granted to the gymnasium and the polis, so that one will lean against the wall in the agora in front of my house (45), while one will be set up in the Kaisareion at the ... gates, and one at the gymnasium, so that the generosity of my donation shall be well-known and evident to everyone, both citizens and foreigners, forever.

I entrust to the polis and the *synedroi* my *threptoi* (50) as well as all my freedmen and freedwomen. I adjure you by all the gods and the Tyche of the *Augusti* that, both while I am alive and when I die, you pay most heed, both individually and collectively for all time to my wish and to those *threptoi* and freedmen whom I cherish and have always cherished (55) so that they will always be protected from seizure and harassment because of the benevolence of all of you towards me. For I shall appear to be immortal because I have made this just sacred trust (which is) very much in accordance with my feelings, in which matter I hope not to be failed because I have put my trust in the polis.

I, Publius Phaenios, *threptos* and freedman, (60) at the behest of Phaenia Aromation with the authorization of Publius Ophellius Crispus, *phrontistēs* and *kyrios*. I, Phaenia Aromation, approve all that is written above. I, Publius Ophellius Crispus, *phrontistēs* and *kyrios*, approve all that is written above.

Year 72

The capital given is — as we learn in ll. 32ssq. — 8000 *denarii*. For the administration of the capital Phaenia chose to “use” the polis-institutions rather than to form new bodies of experts. The city represented by its *archontes* is obliged to farm out the capital for a certain interest, whenever they farm out the other public works (ll. 7–10). The interest is not specified in the part of the text that we have, but if we expect an interest about 10 %, <sup>21</sup> Gytheion had 800 *denarii* every year to spend on oil. Phaenia defines the use of the interest, too: out of the money, oil has to be supplied not only for the citizens of Gytheion but also for the foreigners living there — which includes

<sup>21</sup> 10%: IK Iasos II 248 (Iasos, Hadrianic); IG XII.7 515 (Amorgos, 2nd cent. BC); 16%: IG IX.1<sup>2</sup>.4 798 (Korfu, 2nd cent. BC); 6 2/3 %: Bringmann 1995: Nr. 94 (Delphi, 160 BC).

of course the group of Roman *negotarii* she is belonging to (ll. 14–15). Moreover she states that twice a year for three days each time, oil is to be handed out to slaves too (ll. 38–41). The supply of oil for slaves — who had usually been forbidden to enter the gymnasium — is new but not without parallels. Tib. Claudius Diodotos in Argos praises himself for being the first and only to give out oil to free citizens as well as slaves.<sup>22</sup> The first period of oil supply for the slaves are three “augustean” days (ll. 39–40), which I would like to interpret as the first three days of the Kaisareia of Gytheion, the festival established by the *Hieros Nomos* SEG 11.923. The Kaisareia last for six days of which the first three are dedicated to Augustus, Tiberius and Livia, who is worshipped as Tyche of the city, whereas the other three days are celebrated in honour of Germanicus, Drusus and T. Quinctius Flamininus.<sup>23</sup> The second period “for the goddess” (τῶν τὰς τῆς θεοῦ, l. 40) could be in a festival for Tyche — Livia, who is worshipped throughout the Koinon of the Eleutherolacones, as well as for one of the Greek goddesses — Demeter (on the *agora*), Athena (on the acropolis) or Aphrodite Migonitis (on the island of Kranai).<sup>24</sup> The fact that admitting slaves to the gymnasium is new to the citizens of Gytheion is stressed by the clause in l. 40: neither the *archontes* nor the *synedroi* nor the *gymnasiarchos* are allowed to hinder the slaves. It seems quite sure that these magistrates had up to the donation been in charge of inhibiting slaves from entering the gymnasium. At first sight it seems surprising that one woman — the donor — can overrule existing laws of the polis in such an easy way, but we have to bear in mind that accepting the donation made a decision of the assemblies of Gytheion necessary. Therefore it was the city itself, which changed its prescriptions. This is one of the examples of the compromises made when establishing trust funds: in order to benefit from the money of the donation, the polis had to show its willingness to compromise too.

Generally the supply of oil is quite common in donations of wealthy citizens or *peregrini*: the polis Asopos, another perioecic city of Sparta and member of the Koinon of the Eleutherolacones, thanks the Spartan C. Iulius Eurykles for having ensured the supply of oil εἰς τὸν αἰῶνα.<sup>25</sup> In Iasos, 5000 denarii are donated for the supply of the oil in the gymnasium of the young men.<sup>26</sup> The closest parallel to our inscription can be found in Eretria (Euboia), where a certain Theopompos, son of Archedemos, donated 40000 drachmai out of *eunoia* (benevolence) in order to have oil bought. The text resembles the clauses we find in Gytheion, there is a similar system of ensuring the safety of the donation with *archontes* especially appointed for the trust fund.<sup>27</sup> Other parallels come from Attaleia and Magnesia; some of the different prescriptions will be interpreted in the course of this article.<sup>28</sup>

<sup>22</sup> IG IV 606: ll. 7–10 ... καὶ μόνον καὶ πρῶτο[ν] | θέντα ἔλαιον ἔν τε γυμνασίοις κα[ὶ] | βαλανείοις δούλοις τε καὶ ἐλευθέ[ρ]οις ...

<sup>23</sup> SEG 11.923: Oliver 1989: 58–65; Harter-Uibopuu 2003: 217–221.

<sup>24</sup> Kougeas 1928: 22–23; for another inscription honouring the θεὰ Τύχη τῆς πόλεως from imperial times see *ibid.* 44. Paus. 3.21.8–22.2 presents the sanctuaries and cults of Gytheion. IG V.1 1167 holds a honorific decree for Damonikidas, son of Rufus, who had been *stratēgos* of the Koinon of the Eleutherolacones as well as *agōnothetēs* of the Kaisareia in Gytheion (l. 7).

<sup>25</sup> IG V.1 970: ἡ πόλις Γάϊον Ἰούλιον | Εὐρυκλέ[α] τὸν ἑαυτᾶς εὐεργέ[τ]αν ἀν[ι]θέντα τὸ [ἔ]λαιον ε<ι>[ς] | τὸν αἰῶνα..

<sup>26</sup> IK Iasos II 248 (Iasos, Hadrianic; Laum 1914: Nr. 124).

<sup>27</sup> IG XII.9 236 (Eretria, 100 BC, Laum 1914: Nr. 61).

<sup>28</sup> Attaleia: TAM V.1–2.828 (Laum 1914: Nr. 72); Magnesia: IvMagn. 116 (Laum 1914: Nr. 125).



The exact procedure of the farming out of the money received by the polis is not mentioned in the part of the inscription that we have (and it does not seem that it was in the lost beginning). There is only a quite general clause that — as referred to above — it was the duty of the *archontes* to sell the supplying of the oil as well as to give out the money on interest (ll. 8–10). Those who receive the capital are obliged to give real security commensurate with the loan (ll. 12–14). It seems that the reference to the system of public works in Gytheion (ll. 7–8) was enough to state clearly the procedure she wanted to be followed. From other trust funds we know systems of *egthaneismos* more explicitly, one of the most interesting examples is the trust fund of Kritolaos, son of Alkimedon, from the island Amorgos (2nd cent. BC).<sup>29</sup> The wealthy Aigaleian wanted to assure the heroization of his deceased son Aleximachos by installing an *agōn* and a banquet for the public. The capital of the trust fund was 2000 *drachmai*, donated to the polis. The *egthaneismos* of the money is to be carried out by the *archōn*, the *prytaneis*, the *misthōtai* and Kritolaos himself in the month Apatourion for an interest of ten percent (ll. 8–11). Apart from the donor we have city-officials here, who are attested in other inscriptions from Aigiale as well. Collecting of the interest was the duty of the *boulē* — which was in charge of the *hiera chrēmata* too — with the *archōn* and the *logistai* at their hand for the case of *praxis*, the exacting of due payments (ll. 29–32): *If one of the borrowers does not hand in the interest in the month Apatourion in the boulē, the boulē, the logistai and the archōn shall exact payment at once, the same way as in case of the sacred money, up to the hēmiolion.* Kritolaos thus wanted his capital to be managed as the sacred treasures of the polis, which meant in fact as public money, and put it under control of the regular financial administration. The last officials we encounter in this context in Amorgos are the *tamiai* who were (again together with the *boulē* and the *archōn*) in charge of handing over the income to the ones responsible for the administration of the object and purpose of the trust fund (ll. 110–115).

Phaenias Aromation on the other hand focused more on the clauses ensuring that the polis and its officials really made every effort that was expected (l. 15). Therefore a complex system of fines was established, which shows her main concerns. Lines 17–18 state generally that nobody should dare privately or publicly to neglect the donation. From line 19 on, several special offences of city-officials are specified: neglecting or diminishing the supply of oil (ll. 19–20), farming out the silver contrary to the prescriptions (ll. 20–21), not receiving adequate real securities (ll. 21–24), not remembering to remain within the terms of the trust fund (ll. 24–25). In order to ensure the maintenance of the standard she wanted, a system of voluntary prosecution is used, which was well known in Gytheion. Anybody who wanted to (ὁ βουλόμενος, l. 26) — regardless whether he was Greek or Roman — was allowed and asked to indict the neglect, in fact to prosecute the case (ll. 26–28).<sup>30</sup> The procedure of asking the population of Gytheion to have an eye on the administration of their magistrates is well attested in Gytheion. The *Hieros Nomos* for the imperial cult of 15 AD shows the same system<sup>31</sup>: ll. 17–18 and ll. 32–33 ask anybody who wants to indict mismanagement of the sacred money. In this case the *boulomenos* does not receive any reward if his accusations proved to be true, on the other hand it was stated explicitly that he did

<sup>29</sup> IG XII.7 515 (Laum 1914: Nr. 50).

<sup>30</sup> The law for the organisation of the isolympic games in Neapolis has a similar clause stating that the *boulomenos* could be either a foreigner or a Neapolites (SEG 37.356 [1], l. 26).

<sup>31</sup> SEG 11.923, cf. above note 24.

not risk any of his own fortune if he lost his case (ll. 17–18).<sup>32</sup> In our inscription on the trust fund there is no explicit clause exempting the *boulomenos* from risking his own fortune, on the other hand there was a reward for the successful litigant, as we shall see later on (ll. 31–34).

The *archontes* had to receive the *epangelia* (ll. 27–28). There might be an Athenian pattern used in Gytheion in this procedure: in Athenian law we find the *epangelia* as a preliminary denunciation necessary before raising a *dokimasia* against a public speaker,<sup>33</sup> but it could as well be that the word simply means “formal denunciation”.<sup>34</sup> A. Wilhelm wanted to change the Greek text here and read *eisangelia*<sup>35</sup> but I do not see any need for this obvious “Athenisation” of the local procedure. Following the *epangelia* in front of the *archontes* we find again the *boulomenos* acting: he hands over a writ (*antigraphon*) and the time-limit (*prothesmia*) to the council, the *synedroi* (ll. 29–30). I chose to fill the lacuna at the beginning of l. 30 with τοῖς συνέδοις because after having heard that the *archontes* had accepted the *epangelia* and the *katēgoros* had a copy of the writ (l. 29), one should expect to find the bench of jurors to whom the writ is handed over. The fact that the *synedroi* and the *archontes* are mentioned as possible defendants does not necessarily contradict this procedure. The council was big enough to be expected to judge the administration of its members fairly.

The inscription shows very well that the role of the *boulomenos* in the proceedings is not finished after having indicted the abuse; he is called *katēgoros* and will thus have acted as the prosecutor in the trial (l. 29). Striking is the fact that the prosecutor seems to have set a time-limit.<sup>36</sup> One would expect this to be done by the council, who appears to have acted as the bench of jurors (l. 30). I think that this is not standard procedural law in Gytheion but would suggest that Phaenia herself (or her advisors) insisted on this treatment of the action. It seems that she did not trust the city-officials enough in a moment when the polis itself — represented by these officials — was under suspicion, therefore she entrusted the *boulomenos* with the capacity not only to start the procedure but also to ensure its progress. If the *katēgoros* succeeded in proving the *rhathymia*, the callousness, of the Gytheatai, he himself was to receive 2000 denarii, the other 6000 denarii were to go to the city of Sparta (ll. 31–34).

It is this part of the text concerning the procedural details, where I have made most of the changes in the supplementation of the *lacunae*.<sup>37</sup> The version of Wilhelm and his predecessors has in ll. 26–30 the following clause: ἐξέστω] τῷ βουλομένῳ καὶ Ἑλλήνων καὶ Ῥωμαίων [κα]τηγορεῖσαι ὀλι]γωρίας τῆς πόλεως ἐπὶ τοῦ δήμου [τῶν Λακε]δαίμονίων, δεχο]μένων μὲν τῶν ἀρχόντων τὴν ε<ισ>ανγγελί[αν ταύ]την, τὸ δὲ ἀντί]γραφον διδόντος τοῦ κατηγόρου καὶ προθεσ[μί]<sup>30</sup>αν προγράφοντο]ς· *it shall be possible for the one who wants, of the Greeks or the*

<sup>32</sup> L. Wenger (1929: 323–324), who supposes that IG V.1 1145, l. 54 might be a hint on the same procedure; Ziebarth 1897: 623–624.

<sup>33</sup> Harrison 1998: 204; Aischin. 1.2.32.63.81.

<sup>34</sup> Cf. SEG 37.356 [1], l. 24; SB 4434 (2nd cent. AD).

<sup>35</sup> Wilhelm 1951: 99–100.

<sup>36</sup> In cases of public interest a prescribed period is found quite often, but it is never set by the *katēgoros*. Cf. Thür – Taeuber 1994: 42 (IPArk 3 = IG V.2 6A); 69 (IPArk 5 = Syll.<sup>3</sup> 306).

<sup>37</sup> Cf. above at note 35.

Romans, to prosecute the polis for neglect before the demos of the Lakedaimonioi. The archontes shall receive the eisangelia, and the prosecutor shall submit a written indictment and the prescribed time limit (30). This means that the trial would have been held in Sparta in front of Spartan *dikastai*. Two aspects of this version were bothering me: first of all the procedure of calling officials to account, the *euthyna* — which is for sure the background of our procedure here — would have been held in a foreign city. This practice is without parallel in the ancient sources.<sup>38</sup> Of course I am not claiming that foreign cities or judges were never called to act in internal affairs of Greek poleis. In fact that happened quite often as the sources in international arbitration show us, but the system worked differently. Either two poleis agreed on a third party to adjudicate a quarrel they had (which was the usual case of interstate arbitration), or a city having internal trouble might call on another city to send judges or even choose a special group of individuals.<sup>39</sup> A system like the one proposed by the supplement of transferring an internal affair obligatorily to the jurisdiction of another polis is very unlikely. My second reason for doubting these supplements is that Sparta could have expected great benefit from the misbehaviour of the Gytheatai. If it ruled the little polis guilty of misconduct according to the statute of the trust fund, it was to receive 6000 denarii. I do not think that an impartial judgment could have been expected when the judges were supposed to receive three fourths of the sum at issue.<sup>40</sup> I do not see any reason to “invent” a trial in front of Spartan judges and would rather stay within the polis of Gytheion regarding the matter as a special procedure of *euthyna*. Therefore I chose to supplement ἐπὶ τοῦ δήμου [τῶν Γυθεῖ] [αὐτῶν ...] in ll. 27–28.

One more interesting point remains to discuss regarding the procedure: in l. 30 we find the term ἐκκολλήσαντ[...]. It is a *hapax legomenon*, we do not find this term in ancient literature, nor in epigraphical or papyrological sources. If the *synedroi* refused to receive (i.e. to carry out the trial), somebody was asked to do the ἐκκολλᾶν, but the text leaves no clue to what it was supposed to be or what was to follow. A. Wilhelm tried to explain the word as “cutting files out of the roll” quite convincingly, thinking of a roll consisting of several sheets glued together.<sup>41</sup> Still I cannot follow his supplements and interpretation of the clause. As I explained above, Wilhelm thinks that the trial should be held in front of the *dēmos* of the Lacedaemonians. Nevertheless he seems to interpret the *archontes* in l. 28 as magistrates of Gytheion when stating that if the *archontes* of the Gytheatai did not accept the indictment against them, the *boulomenos* had to unglue the files out of the records and send them to Sparta. Several points in this explanation seem misleading. Why should the written indictment already be bound together with other public files when the case had not yet been accepted by the city’s officials? Are we to expect the writ in the public archives

<sup>38</sup> Cf. now Fröhlich 2004.

<sup>39</sup> Marshall 1980: 626–661; Raeder 1912; Robert 1973: 765–782.

<sup>40</sup> Two cases in which the judges required the land at issue for themselves are known, and already in antiquity this behaviour was regarded as a shame. Liv. 3.71–72; cf. 4.1.4, 4.7.4–6, 4.11.2–7; Dion. Hal. 11.52 (Aricia and Ardea have a dispute over a certain piece of land and Rome is asked to act as an arbitrator, but takes the land in question for itself. For the discussion in the senate over this treatment of the litigants see Liv. 3.72). Cic. *de off.* 1.10.33; Val. Max. 7.3.4 (Q. Fabius Labeo is asked to decide between Nola and Neapolis). See Harter-Uibopuu 1998: 165–166.

<sup>41</sup> Wilhelm 1951: 99–100. LSJ 972 s.v. κολλάω: glue, cement; s.v. κόλλημα that which is glued or fastened together, especially of the sheets of papyrus fastened together to form a roll (PMag Par. 1.2068, 2513; BGU 16.9).

without the trial being held yet? Why should the writ be sent to Sparta when — according to ll. 27–28 — the case had to be indicted ἐπὶ τοῦ δήμου τῶν Λακεδαιμονίων anyway? Why is the polis of Sparta always called — correctly — Λακεδαιμόνιοι (ll. 34 and 36–37) with the exception of Wilhelm’s suggested emendation in l. 31, where he uses topographical expression Σπάρτη;<sup>42</sup> I would rather recommend a different interpretation of the proceedings: the *kategoros* was to hand over the writ to the *synedroi*. If they did not process it, somebody is called to cut out the files of the trust fund itself from the books of records, therefore I would supplement the imperative ἐκκολλήσαντ[ω]. We cannot be sure whether the *synedroi* themselves were asked to do so — which is rather unlikely since they just proved their unwillingness to cooperate — or any other official or private person. The meaning of the “cutting out” must be understood in the light of the following lines 31–34: if the callousness of the Gytheatai could be shown, one fourth of the trust fund’s capital was to go to the *katēgoros*, the other three fourths to the Lacedaemonians. The city was thus losing the capital donated by Phaenia: the acts were taken out of the city’s records just as they had been accepted and registered in the beginning. The *grammatophylakeion*, the public archive, is attested for Gytheion,<sup>43</sup> it will have contained the terms and prescriptions of Phaenia’s donation too. The trial itself was to be held in Gytheion, only if through this trial — or by preventing it — the fault of the Gytheatai was proven, was the money to be sent to the Lacedaemonians. Still Phaenia thinks even one step farther: what was to happen if Sparta too was unworthy and neglected her benevolence? Again a *boulomenos* could undertake it to indict this fact, show the neglect and hand over the money to the priests of the cult of the *sebastē thea*, the Diva Augusta, Livia.<sup>44</sup>

One topic we find throughout the whole text is Phaenia’s wish to be respected for her benevolence and to be remembered.<sup>45</sup> Clearly enough it is herself and not the polis who formulates the publication clause and states that three copies of the text should be inscribed on stone stelai and put up in prominent places in order to remember the donation. It is disregard and neglect that she despises enough to punish two cities with the withdrawal of the money she gave. Therefore in ll. 17–18 private and public neglect of her donation become actionable. She might even have wanted to be mentioned every time the money was needed like M. Vettius Philon in Styberra in Macedonia. Inscriptions tell us that he is named at the beginning of every ephobic list of the polis as donor of the oil of that year.<sup>46</sup> The aim of Phaenia thus was not only selfless benevolence for the city, but she had precisely calculated thoughts on the effect of her donation: she and her family of traders were to be renowned, mentioned and remembered. Together with the social reputation they could expect economic benefit. This way the establishment of a trust fund can be seen as an ancient — and modern — form of advertisement too.

<sup>42</sup> Wilhelm 1951: 100.

<sup>43</sup> SEG 11.923, l. 37; cf. IG V.1 20 A l. 4 for Sparta and IG V.1 1114, l. 16 for Geronthrai.

<sup>44</sup> Cf. above note 5: Livia had just been consecrated in the year 42 AD by Claudius and was hence worshipped as *diva augusta*; for Sparta: Cartledge – Spawforth 1989: 102–103.

<sup>45</sup> Ll. 11–12; l. 18; ll. 24–25; ll. 34–35; ll. 52–53; ll. 55–56.

<sup>46</sup> Papazoglou 1988: 233–259, esp. 245.

## The Parakatatheke

Ll. 48–58 show another important concern of the donor Phaenia Aromation: she wanted to take care of her *threptoi* and *apeleutheroi*.<sup>47</sup> Therefore she entrusted them to the polis, using the same term that is used in financial transactions, παρακατατίθημι. The procedure is known from other epigraphical evidence as well, usually slaves who were freed were entrusted to a sanctuary, which guaranteed that they were not reenslaved. An inscription from Stiris in Phocis shows such a *parakatathēkē* to the polis and the Koinon of the Phocians (IG IX.1 34):

θεὸς τύχαν ἄγαθάν. ἄρχοντος Τιμοκράτεος, ἀφίητι Καλλι-  
[ώνυ]μος Δωροθέου, Ἀντιδώρα Λάμπου τὰ ἴδια σώματα ἐλεύ-  
[θερα, Φι]λό[φ]ρο[να], Σωσίχαν, Παρμενίωνα, Ῥόδαν, καὶ παρακατατί-  
[θεντι] παρὰ τοὺς θεοὺς καὶ τὸν Ἀσκληπιὸν καὶ τοὺς πολίτας καὶ  
5 [τοὺς] Φωκεῖς. εἰ δέ τις κα καταδουλίζεται, ἀποτεισάτω ἀργυρίου  
[ἐκάσ]του σὼ[μα]τος μνᾶς δεκαπέντε τῷ προστάντι· τούτου δὲ  
[τὸ] ἥμισυ [πο]θείερον ἔστω τοῦ Ἀσκληπιοῦ. προῖστάσθω δὲ ὁ θέλων.  
[πολι]τε[υόν]θω δέ, εἴ κα αὐτοὶ θέλων<θ>ι. περὶ δὲ τῶν πρότερον ἀφειμέ-  
[νων ἐλε]υθέρων ὑπὸ τῶν προγόνων αὐτῶν ἂ αὐτὰ ζαμία ἔστω.

God. Good Fortune. In the year of the *archōn* Timokrates. Kallionymos, son of Dorotheos, and Antidora, daughter of Lampos, release their own slaves Philophron, Sosicha, Parmenion, Rhoda, into freedom, entrusting them to the gods and Asklepios and the citizens and the Phocians. If somebody enslaves them again, he shall pay for every slave 15 *minai* to the *prostas*, half of which shall be consecrated to Asklepios; whoever wants to can be the *prostas*. They shall be citizens if they want to. Regarding freedmen released earlier by their ancestors, the same fine shall apply.

While the text from Gytheion is quite general and asks the *polis* and its citizens to protect the freedmen of Phaenia because of their benevolence towards the rich donor, the text from Stiris shows a more specific legal procedure: anyone who wants to — the *boulomenos* — can act as a guard (πρόστας) of the freedmen who were reenslaved. He will be entitled to receive 15 minai for every slave but has to dedicate half of the sum to the sanctuary of Asklepios.<sup>48</sup> On the other hand the text from Stiris is a proper manumission record, which the text from Gytheion is not. The implication of both texts is still the same: the former slaves are to be protected from seizure and harassment. This procedure seems very clear in the case of the ἀπελεύθεροι of the inscription, the manumitted slaves, but Phaenia has as a second group of persons: the θρεπτοί. Basically the meaning of *threptos* is “house-born”, “house-nourished” slave<sup>49</sup>, but two facts are likely to rule out the meaning “slave” in our inscription. In the first place, slaves would not be entrusted to the city in order to provide them from reenslavement or other harassments. Moreover Publius Phaenios Primus calls himself

<sup>47</sup> Wilhelm (1951: 93) presents his corrections to the text without the separation of lines, which has obviously been supplied by the editor of the SEG. In my text I try to stay closer to the length of the lines as presented in IG but with the emendations of Wilhelm.

<sup>48</sup> Albrecht 1978: 118, 213–215.

<sup>49</sup> LSJ s.v. θρεπτός: Lys. fr. 215S; POxy 298.46, et al. The term is used in manumission records from Central Greece meaning “slave” as well as in Delphi: IG VII 3326, l. 5; 3368, l. 1; 3376, l. 5 (where the slave is characterized as οἰκογενής), et al.; IG IX.1, 39, l. 3; FD III.6 19, l. 3; 29, l. 3; 34, l. 4. et al.

*apeleutheros* and *threptos* proudly (l. 59). Thus the second interpretation in the LSJ as “adopted foundling” seems to point into the right direction.<sup>50</sup> I guess that in our case, a very special status is described: the slave was cherished and honoured, and even if not formerly adopted after his manumission taken into the family. Surely enough he was proud of the special links to his master’s family. IG V.1 1170 shows another *threptos* from Gytheion. Lykos, son of Zenon, paid for the erection of a statue of Popilius Melas, which was granted by the *polis*. Again it seems that the (former) slave seems to be proud enough to take the costs and mention his status.

At last one more point needs clarification: what kind of legal act is the *parakatathēkē* that is described in our inscription? *Parakatathēkē* as a legal term means the deposit of money or property entrusted to one’s care.<sup>51</sup> Moreover it is used for the entrustment of persons to guardians, as is described by Demosthenes 28.15.

ὁ γὰρ πατήρ, ὃ ἄνδρες δικασταί, ὡς ἦσθετο τὴν νόσον οὐκ ἀποφευξόμενος, συγκαλέσας τούτους τρεῖς ὄντας, καὶ συμπαρακαθιστάμενος Δήμωνα τὸν ἀδελφόν, τὰ σώμαθ' ἡμῶν εἰς τὰς χεῖρας ἐνέθηκεν παρακαταθήκην ἐπονομάζων, ...

For my father, men of the jury, when he saw that he was not to recover from his sickness, called together these three men, and causing his brother Demon to sit with them by his side, placed our persons in their hands, calling us a sacred deposit.

In the inscription from Gytheion, P. Foucart would like to see a manumission combined with the entrustment of the manumitted to the state, just as we have seen it in the inscription from Stiris.<sup>52</sup> B. Laum agrees with this interpretation and states that the *polis* is asked to treat the slaves as freedmen in every way and to take care that they are regarded as such.<sup>53</sup> A. Wilhelm contests this view and maintains the contrary: the *apeleutheroi* and the *threptoi* were two different groups of people and there was no mention of a manumission. Nevertheless, he says, it was Phaenia’s aim to entrust both groups to the guardianship of the state, which she expects to be granted gladly out of gratitude for her generous gift.<sup>54</sup> Still Wilhelm offers no explanation of the kind of protection that is expected for slaves who are owned by a private person. Therefore I think that in this inscription Phaenia expresses her intent — legally not binding — to free her favourite slaves, her *threptoi*, probably when she dies. Neither this expression of her will nor the *parakatathēkē* are legal acts, therefore none of the slaves can rely on more than the honesty of their mistress, and the *polis* cannot be forced to intervene in any case of harassment of one of the freedmen. On the other hand, the social status and reputation of Phaenia would bind both her and the *polis* to remain within the terms of their promises. Demosthenes’ father relied on the same force when he “deposited” his children into the hands of his friends.

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<sup>50</sup> Syll.<sup>3</sup> 1210 (Kalymna); Plin. *ep. ad Traj.* 65. Θρεπτός can be found as personal name in Athens from the 1st cent. AD on: IG II<sup>2</sup> 1973 III l. 68; 2018 IV l. 145; 2044 II l. 113; 2046 II l. 48; 2103 A II l. 87.

<sup>51</sup> Cf. IG II<sup>2</sup> 1407, l. 42; IG V.2 159 with Thür – Taeuber 1994: 1–11 (Nr.1).

<sup>52</sup> LeBas – Waddington 1837: 127.

<sup>53</sup> Laum 1914: 14.

<sup>54</sup> Wilhelm 1951: 93–97.

Phaenia Aromation, a rich Roman woman, had bestowed a generous gift on her hometown Gytheion, which was on the other hand bound to certain regulations. In this inscription she presents herself not only as a noble citizen, but as a caring mistress of her slaves too. The combination of the regulations for the trust fund and the announcement of her will for her slaves leads me to assume that this stone had not been put up as one of the three official copies of ll. 41–48 but might have been made on her own initiative. After having approved of accepting Phaenia's donation, the city will have put up three copies of the decree, probably including the text of Phaenia's proposal, but not her regulation for her slaves. The fact that our text might not be one of these copies would explain the very personal *hypographē* at the end of the text, it might be seen as a letter to the public instead. As we have seen, her reputation and status seem to have been Phaenia's major concern: in ll. 56–58 she hopes that she might be regarded as immortal through her acts of benevolence. By putting up the stone that has survived until today, her wish is granted, if only in scientific discussions.

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