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27 B.C.-A.D. 235

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THE ROMAN IMPERIAL STATE, PROVINCIAL GOVERNORS AND THE PUBLIC FINANCES OF PROVINCIAL CITIES, 27 B.C.–A.D. 235

Introduction

This article attempts to provide a synoptic account in the sphere of public finance of the political and administrative relations between, on the one hand, the imperial state and its official representatives in the provinces (normally provincial governors) and, on the other hand, the individual provincial cities from the time of the first emperor down to the end of the Severan dynasty. Although there have been important contributions in recent years to this topic, no systematic account and analysis, to the best of my knowledge, has been attempted.¹ The surviving evidence is, of course, uneven in its geographical and chronological incidence. For example, so much more is known about the interventions of Roman officials in the public finances of Ephesos than of any other city. In turn many individual decisions by Roman governors lack the context necessary to allow us to understand whether they had intervened autonomously or at the request of interested or aggrieved parties. Nor, again, is it possible to assess the regular income or expenditure of any provincial city, let alone a typical city. Despite these evidentiary difficulties my account gives, I believe, a plausible model both of the typical structural relationship between the imperial state and civic communities in the provinces and of possible long-term developments.

This article is constructed as a series of interlocking discussions. For purposes of context I begin with a brief overview of, first, the general character of administrative and political relationships between the imperial state and provin-

1 Note especially F. Jacques and J. Scheid, *Rome et l'intégration de l'Empire* (Paris 1990) 260–269; F. Quass, *Die Honoratiorenschicht in den Städten des griechischen Ostens* (Stuttgart 1993) esp. 210ff., 303ff. and 376ff. and M. Sartre, *L'Orient romain* (Paris 1991) esp. 134–138. The older discussions of D. Nörr, *Imperium und Polis in der hohen Prinzipatszeit* (2nd ed. Munich 1969) 19–22 and 37–38 and A. H. M. Jones, *The Greek City* (Oxford 1940) chs 8 and 17 remain important; I have also discussed some aspects of this topic in “Was there a long-term Trend to the Centralisation of Authority in the Roman Empire”, *Revue de Philologie* 72 (1998) 7–24. For an authoritative overview of the politico-administrative organisation of the empire during our period see W. Eck, “Die staatliche Administration des römischen Reiches in der hohen Kaiserzeit. Ihre strukturellen Komponenten” in *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit* I (Basel 1995) 1–28.

cial cities and, second, the financial resources available to provincial cities. The subsequent sections examine in turn (1) the discretionary power of provincial governors to make general audits of the accounts of individual cities, (2) control over the revenue-raising powers of the cities, (3) control over their public expenditure, (4) interventions by provincial governors to adjudicate disputes and to reinforce the ability of the local authorities to enforce the collection of revenues, and (5) the creation and significance of the role of the *curator rei publicae*. Overall I will argue that the imperial state, within the constraints set by its limited infrastructural reach, set clear limits on the financial freedom of action of provincial cities. Financial policy, in the sense of raising new revenues, was in principle strictly controlled by the imperial state which also made attempts to constrain the ability of local authorities to undertake additional or novel public expenditure. Furthermore, primarily because of difficulties which the local authorities faced in financial administration, there was wide scope for regulatory and adjudicatory decisions and interventions, often requested by the local authorities, by Roman governors. In the medium term the imperial state, both to supplement its infrastructural reach and to meet the demands of local authorities, created a new position of public authority, the *curator rei publicae*, specifically designated to supervise the financial administration of individual cities. Even so the pattern of appointment of these officials, in terms of number and length of tenure, modified, but did not radically alter, the preexisting structure of relationships between the imperial state and the local civic authorities.

Context

The power of the imperial state over the provinces and their constituent civic communities was effected through the regular appointment of elite officials, of senatorial and equestrian rank. Only they possessed the superior faculties of rule. Thus they had responsibility for the processes of allocating and collecting the direct and indirect taxes imposed by the imperial state and for adjudicating disputes which might arise from these processes. Only they, normally, exercised legitimate jurisdiction over capital and other serious crimes. Only they could authoritatively adjudicate disputes between rival provincial communities.² However the total number of these elite officials was relatively small in comparison to the demographic and geographic size of the empire; for example under the Antonines fewer than 200 such officials were routinely in office.³

2 For the example of boundary disputes, see G. P. Burton, "The Resolution of Territorial Disputes in the Provinces of the Roman Empire", *Chiron* 30 (2000) 195–215.

3 For a magisterial overview of the personnel of Roman government in Italy and the provinces now see W. Eck, "Der Kaiser, die Führungsschichten und die Administration

Two structural consequences ensued. First, to achieve such primordial objectives as the routine exaction of direct tax or the maintenance of internal peace, the imperial state and its agents depended on the active cooperation of the magistrates and councillors of civic communities. The latter were responsible for the actual collection of the bloc assessment of tribute allocated to each city. They helped to track down robbers and brigands and conducted preliminary hearings before passing them on to the governor's tribunal for trial and punishment.⁴ Secondly, the imperial state lacked the infrastructural reach to monitor and control directly on a routine and systematic basis the political and administrative affairs of civic communities in the provinces.⁵

Provincial cities, therefore, continued to operate for most purposes (outside the sphere of financial policy) as *de facto* autonomous political units and their ruling elites exercised state-like attributes of rule over their population and territory. They selected their own magistrates and were able to create new citizens without reference to the Roman authorities.⁶ They legislated, for example, to control the conduct of their police forces in the villages of their territory or to regulate the cultivation and ownership of their public lands.⁷ So in the *lex Irnitana* the annual magistrates and local council were expected in most circumstances to exercise their administrative and political functions without reference to the proconsul of Baetica.⁸ In addition local civic courts exercised legitimate jurisdiction within the territory of their city over minor crimes and in many private disputes.⁹ This substantive political and administrative autonomy

des Reiches" in *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit* II (Basel 1998) 41–106. The number of lower ranking equestrian officials, especially those associated with domanial administration, remains particularly difficult to estimate.

- 4 For a *locus classicus* see *Bulletin Epigraphique*, 1973, 451: a letter of Commodus of 190 congratulating the city of Bubon in Lycia for its efforts in suppressing brigandage.
- 5 On this general theme now see the important collection of essays in W. Eck (ed.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert* (Munich 1999).
- 6 New citizens: Dio Chrysostom, *Or.* 41.2 or *I.L.S.* 423 (Tyras, 201); in the latter case the governor has only become involved explicitly because of the contingent interests of the Roman treasury.
- 7 Police: *O.G.I.S.* 527 (Hierapolis in Asia); public lands: *B.C.H.* 87 (1962) 57ff. (Gazoros in Macedonia, 158/9) and J.-L. Ferrary and D. Rousset, *B.C.H.* 122 (1998) 277–342 (Delphi, c. 132). For further examples of local legislation see D. Nörr, *op. cit.* (n.1) 23–4. The claim that at least from the mid-second century all enactments of civic assemblies and councils legally needed ratification by the provincial governor (so for example D. Magie, *Roman Rule in Asia Minor* [Princeton 1950] 641–2) has no serious foundation; see now especially M. Wörrle, *Stadt und Fest im kaiserzeitlichen Kleinasien* (Munich 1988) 164–182 with literature.
- 8 In general see H. Galsterer, "Municipium Flavium Irnitum: a Latin Town in Spain", *J.R.S.* 78 (1988) 78–90.
- 9 See now the contributions of H. Galsterer and H. Horstkotte in W. Eck *op. cit.* (n.5).

was, however, constrained by two factors. First, the imperial state and its agents for some purposes enacted rules which were binding on a whole province or on individual cities and, thereby, set a normative framework within which this autonomy was exercised. Thus rules on eligibility for and appointment to local office were prescribed in *leges provinciarum* or in the charters of colonies and Latin cities.¹⁰ Similarly the first governor of Lycia, Q. Veranius, prescribed for every city of his province rules on the management of their civic archives.¹¹ Secondly, every governor, in virtue of his discretionary powers, had the right in principle to intervene in and regulate the administrative affairs of a city, whether at his own initiative or at the request of the civic authorities or any interested party.¹²

In the sphere of civic public finance two additional contextual considerations need to be taken into account. First, the imperial state and each provincial city were by definition in structural competition for scarce resources. Each year the imperial state needed to mobilise financial, material and human resources on a massive scale to sustain, for example, its huge standing army. Provincial cities also, if on a much smaller scale and varying according to the size and perceived needs of each city, routinely mobilised financial and human resources to underpin their political and administrative activities.¹³ This competition underlay the limitations which the imperial state imposed on the tax raising capacities of provincial cities.¹⁴ Indeed in the fourth century the imperial state took various measures to arrogate municipal revenues for its own use. So, for

10 On this function of *leges provinciarum*, especially with reference to Lycia, see M. Wörle, *op. cit.* (n.7) 77–100.

11 A.E. 1976, 673; cf. S.E.G. 19, 854.

12 For two classic examples of the second century at Ephesus and Pergamum see *Inscriptiones v. Magnesia a. Maeander*, 114 and I.G.R. 4, 444, with the commentary of W.H. Buckler, “Labour Disputes in the Province of Asia”, *Anatolian Studies Presented to Sir William Ramsay* (Manchester 1923) 27ff; also see F. Quass, *op. cit.* (n.1) 376–379 for further examples. The incidence and regularity of edicts of this kind is impossible to estimate given the lacunose character of our sources. Note how an edict of the proconsul of Asia of 209, which granted market rights to a village in the territory of Magnesia on the Maeander, was cited from a papyrus roll of edicts in the civic archives (S.E.G. 32, 1149); yet none of these other edicts have survived.

13 For the routine mobilisation of human resources see the *lex Irnitana*, ch. 83; from the same period, but a radically different milieu, compare the elaborate measures which underpinned the digging, via corvée labour, of a canal at Antioch in Syria (S.E.G. 35, 1483 with the commentary of D. Feissel, “Deux listes de quartiers d’Antioche astreintes au creusement d’un canal”, *Syria* 62 [1985] 77–103).

14 The exaction of direct taxation on land and people was normally the sole preserve of the imperial state; for a rare exception note the grant of the right to collect a local poll tax to the city of Parthicopolis in Macedonia by Antoninus Pius (J.H. Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri* [Philadelphia 1989] no. 156).

example, in 374 cities in the west of the empire were permitted to keep only a third of their revenues.¹⁵

Secondly, we can characterise in general terms the types of problems which the rulers of provincial cities might face in both raising and administering their financial resources. Of course we cannot itemise in detail the annual budget of any city and no set of public accounts of any city has survived.¹⁶ Nevertheless we can identify schematically four prime regular sources of revenue. Each city could attempt in principle to levy indirect taxes on circulation and exchange in the form of local customs duties, sales and market taxes, tithes on pasturage and public monopolies.¹⁷ Most cities acquired regular income from the leasing of public lands and buildings.¹⁸ Throughout the empire, certainly from the early second century, cities imposed obligatory entry fees on incoming magistrates and new local councillors.¹⁹ Many cities were also beneficiaries of endowments, normally established via the hypothecation of interest-bearing landed property of variable magnitude which in theory guaranteed regular streams of revenue for the particular purpose specified by the donor. In addition to these four regular sources irregular income also accrued via borrowing from private individuals, via voluntary gifts of money by local notables and via public subscriptions.²⁰ None of these regular and irregular revenues were unproblem-

15 C. Th. 4.13.7; for developments in the fourth century see the important discussion of R. Delmaire, *Largesses sacrées et res privata: l'aerarium impérial et son administration du IV^e au VI^e siècle* (Rome 1989) 645–657.

16 For a crisp overview see F. Jacques and J. Scheid, op. cit. (n. 1) 260–263; now also see the collection of articles in *Il capitolo delle entrate nelle finanze municipali in Occidente ed in Oriente* (Rome 1999).

17 The incidence of local customs duties, in contrast to the Roman *portoria*, is very hard to assess; see now J. France, “Les revenus douaniers des communautés municipales dans le monde romain”, in op. cit. (n.16) 95–113 to whose list add S.E.G. 38, 1462 (Oenoanda).

18 The extent of public land obviously varied from city to city; at Aurasio, on a plausible estimate, c.20% of the cultivated territory was public land in the Flavian period (so R.P. Duncan-Jones, *Structure and Scale in the Roman Economy* [Cambridge 1990] 122–123). Income might also be generated through the investment of surplus capital: see Pliny, *Epistulae* 10,54 for the alternatives of lending cash at interest or purchasing landed property.

19 See P. Garnsey, “Honorarium decurionatus”, *Historia* 20 (1971) 309–325 and C. Claude-Ponsart, “*Summa honoraria* et ressources des cités d’Afrique”, in op. cit. (n.16) 217–234, with literature, who makes an interesting attempt to estimate the value of these revenues; c.f. also the calculations of R.P. Duncan-Jones, op. cit. (n.18) 177–8.

20 Borrowing: *Lex Irnitana*, ch.80 and for the Greek east, L. Migeotte, *L’emprunt public dans les cités grecques* (Paris 1984) who itemises seven examples of imperial date; private generosity: see especially F. Jacques, *Le privilège de liberté* (Rome 1984) 687–765 and F. Quass, op. cit. (n.1) 210ff., 258ff. and 303ff.; public subscriptions: L. Migeotte, *Les souscriptions publiques dans les cités grecques* (Geneva 1992) who itemises nine examples of imperial date.

atic, many were unpredictable. Thus the structural exigencies of economic life and the endemic threat of subsistence crises could, at any time, adversely affect the generosity of private benefactors or undermine expected income from the indirect taxes on circulation and exchange. Public borrowing could entail the mortgaging of future revenues in order both to pay interest and repay the capital.²¹ Private self-interest and public needs might conflict. So cities and private individuals could be enmeshed in mutual debts or they could both have legitimate, but competing, claims on the property or moneys of the same debtor(s).²² Revenues from the leasing out of monopolies might be threatened by private, if illegal, competition.²³ Finally both the well-known desire of cities to divert income from endowments to other uses and the insistence of donors in inserting legally binding protocols, which forbade such proposals, in the terms of their endowments should be seen as symptoms of the potential fragility of civic finances.²⁴

The process of administering public finances was also potentially problematic. First, the magistrates and councillors, who collectively bore responsibility for their management, were not themselves professional administrators. Rather they were the political rulers of their cities in virtue of their social prestige and economic power.²⁵ Secondly, their powers of enforcement and coercion were restricted. So the charters of the new Flavian *municipia* of Spain set upper financial limits to the legitimate jurisdiction of each community in actions concerning public moneys; disputes which exceeded these limits by definition could only be adjudicated by the Roman authorities. Analogously the right of the local courts at Aphrodisias to adjudicate disputes over public debts owed to the city by outsiders, as well as by local citizens, appears to have been another of that city's many privileges and *a priori* a right which did not pertain to most cities.²⁶ Thirdly, the administrative problems which the local authorities faced were often inherently complex. Just as there were widely heterogeneous sources of revenue to be audited, so there could be many funds dedicated to specific expenditure. There were funds for the purchase of corn or oil, funds for games and festivals, funds hypothecated to the support of individual magistracies and

21 See, e.g., *I. Ephesos* I 17 lines 48–50; private creditors might remit such interest as an act of generosity; *Fouilles de Xanthos*, VII no.67 lines 41–42.

22 Mutual debts: *C. J.* 4.31.3; competing claims: Pliny, *Ep.* 10.108–9; *I. Ephesos* V 1486 (*Ephesos*, 120).

23 *O.G.I.S.* 515 (Mylasa, banking); *O.G.I.S.* 572 (Myra, ferrying).

24 For a very striking example of such a protocol see *M.A.M.A.* VIII 413b lines 1–20 (*Aphrodisias*, second century).

25 In this sense they were no different, *mutatis mutandis*, from the senatorial and equestrian officials who exercised political power on behalf of the emperors.

26 Spain: *lex Irnitana*, ch.69; Aphrodisias: J. Reynolds, "New Letters of Hadrian to Aphrodisias", *J.R.A.* 13 (2000) 5–20, no.1, lines 4–11.

priesthoods.²⁷ Every new project for public building at civic expense entailed the auditing of the associated expenditure and accounts. Every new endowment entailed the letting out of the promised capital (normally in the form of land) and the auditing of the consequent revenues. Two contemporaneous documents, from the reign of Hadrian, may serve in their unusually explicit detail to illustrate something of this possible complexity of public finance. The first is a decree of the *gerousia* of Magnesia on the Maeander in the province of Asia about income and contributions in kind designated to support three of its officials and, if there was a surplus, to supply additional resources for the gymnasium. The specified revenues constitute an extraordinary melange. Income is expected from loans, from an inn, a butcher's shop and a fish shop, from a bank, from the leasing of rural property together with contributions in kind of oil, wine, grain and figs from the countryside.²⁸ The second document is the dossier of decisions concerning the foundation in 124/5 of a quadrennial festival at Oenoanda in Lycia through an endowment by a leading citizen, C. Iulius Demosthenes. The long term funding of the festival was to be assured through the pledge of unspecified property which was to generate income of 4,450 denarii in each four-year cycle. However responsibility for managing these financial arrangements was to lie with the civic executive in the persons of the board of twenty, the *eikosaprotoi*. One of these officials, in each quadrennium, was to organise the renting out of the property for 1,000 denarii per year and, in turn, to lend out this income at 7.5% annual interest. Additionally each president of the festival had to provide at the end of his office financial accounts of his activity for audit by three of the *eikosaprotoi*.²⁹

In short the process of raising, allocating and administering public financial resources potentially posed complex and difficult problems for the rulers of any provincial city. In turn, as we shall see, such problems engendered far reaching possibilities for both normative and discretionary intervention by the Roman authorities.

27 For a classic example of the creation of a separate fund designated for religious purposes see *I. Lindos* II 419 (Lindos, 22); for a very clear case of resources hypothecated to a specific fund now see *S.E.G.* 47, 1771 (Termessos in Pisidia) where among other benefactions a local notable left estates and properties to "the account of the gymnasiarchy".

28 *Inschriften von Magnesia a. Maeander*, 116.

29 *S.E.G.* 38, 1462.

The Auditing of Civic Accounts and the Discretionary Powers of Provincial Governors

All provincial governors at all times possessed the right to inspect the accounts of all the cities, bar the specially privileged, of their province, whether at their own initiative, on imperial instruction, or at the request of the city itself or an interested party.³⁰ As a consequence they might introduce measures, for example, to improve revenues, recoup funds and prevent their misappropriation. Events in Pontus-Bithynia during the first decade of the second century illuminate clearly this basic right of provincial governors. Dio Chrysostom was about to invite the governor, Varenus Rufus, to a meeting of the assembly of the city of Prusa. In the course of a preliminary address to the assembly he issued a warning about their conduct. They should be on good behaviour and, for the present, not discuss openly matters of public controversy in the governor's presence, "since he will enquire into your public affairs, even if you wish to prevent him". The argument of Dio's speech soon reveals the financial nature of these problems. He points out that Varenus will soon in any case return to Prusa; if the argument about the retention of public funds by private individuals has not by then been settled internally, the assembly will be able to hold a slanging-match before him.³¹ A few years later another governor, the younger Pliny, who had special instructions from Trajan to make a systematic investigation of the public accounts of the cities, entered the city of Apamea and asked to inspect their accounts. Although they responded that they were content to allow this, they pointed out that none of Pliny's predecessors had done so, because their city had the privilege and long established custom of managing its own affairs in its own way. By implication, of course, other cities without the privileges of Apamea, which was a Roman colony, had always been liable to audit by previous governors.³²

If the existence of this discretionary power of audit should be seen as uncontentious, assessment both of its qualitative effect and, especially, of the frequency and incidence of its implementation is much more problematic. Each of these issues needs separate treatment.

Certainly, when accounts were inspected, far reaching consequences might ensue. Pliny, for example, was frequently succesful through his audits in retrieving public moneys owed to cities by private individuals. These moneys

30 Besides the literature cited above (n. 1) also see L. Vidman, *Étude sur la correspondance de Pline le Jeune avec Trajan* (Prague 1960) 47–8 and 76–8. None of these discussions is fully satisfactory.

31 Dio Chrysostom, *Or.* 48.1–9.

32 Pliny, *Ep.* 10.47–8. The novelty of Pliny's mission lay in the systematic nature of his inspections, not in his powers of inspection, *pace* A. N. Sherwin-White, *The Letters of Pliny* (Oxford 1966) 553.

could then be put to productive use on behalf of the cities.³³ Besides this well known testimony the clearest evidence for the qualitative character and impact of the inspection of public accounts by Roman officials comes from the city of Ephesos where a number of inscribed documents show Roman officials both attempting to suppress abusive practices and laying down new rules of conduct.

During the reign of Claudius the proconsul of Asia, Paullus Fabius Persicus, issued an edict designed to introduce wide ranging reforms of the running of both the civic funds and the extensive funds of the great temple of Artemis.³⁴ His reforms, not all of which survive, included *inter alia* the suppression of the practice of selling priesthoods as if by auction, the prohibition of the misappropriation of sacred funds by civic officials and of financial interchange between the priests and the city council. He forbade the continued employment of free men for work normally performed by public slaves because of the drain on public funds; victors at sacred games are no longer to be supported from the funds of the temple, but are to receive only what had been laid down in the earlier endowment of Vedius Pollio; neither priests of Artemis nor annual magistrates are to borrow money for public use in greater amounts than can be paid back from the current year's income, nor are they to pledge the revenue of the following year as security for such loans; moneys bequeathed to the city (or to specific civic associations) are to be used for their stated purposes and not diverted by the magistrates to other uses; finally the employment of hymnodes, on whom "no small part of the revenues of the city is spent", is to be abandoned and replaced by the use of unpaid ephebes.³⁵

About a century later similar problems are recorded in a letter of an unknown emperor, probably Antoninus Pius, in reply to an embassy from Ephesos.³⁶ The emperor had already appointed a financial supervisor (*curator rei publicae*) to carry out a thorough examination of the accounts of civic magistrates over the last twenty years. This examination encompassed the accounts of deceased magistrates, if they had died within the last ten years. Debts which had previously been allowed to stand were now being called in. The tone of the letter was peremptory; it ended by emphasising that no appeals were to be allowed to obstruct the examination and by advising that all whose accounts needed scrutiny should bring them forward without delay so that the city could obtain its due and the supervisor swiftly make his report to the emperor. Although only this detailed example of their work survives, other such supervisors were appointed to monitor the public finances of Ephesos in the

33 Pliny, *Ep.* 10.17; 23; 54.

34 *I. Ephesos* I 17–19.

35 For more detailed discussion and reconstruction of Persicus' measures see D. Magie, *Roman Rule in Asia Minor* (Princeton 1950) 545–6 and K. T. Atkinson, "The *constitutio* of Vedius Pollio at Ephesus and its Analogies", *R. I. D. A.* (1962) 261–289.

36 *I. Ephesos* I 15–16.

course of the second and early third centuries, of whom some were senators already in office in Asia as legates to the proconsul.³⁷

At Ephesos, in addition to the public civic and sacred revenues, another public institution, the *gerousia*, had wide ranging financial resources and interests whose administration also came to entail the involvement of the Roman authorities.³⁸

In 119/20 the proconsul of Asia had adjudicated in favour of the *gerousia* in a case of unnamed third parties who had come into possession of estates of debtors to it. The *gerousia* had also sent an embassy to Hadrian who in reply both approved the proconsul's decision and sent a copy of the decree of the *gerousia* to the new proconsul of 120/1. If any new disputes were to arise, he was to appoint a judge to hear them and to collect all the sums owed to the *gerousia*.³⁹ In ensuing years, via a process whose detailed steps are irrecoverable, the appointment by the Roman authorities of special supervisors of the finances of the *gerousia* became a common, perhaps standard, practice. So an eminent notable, Aristocrates, from Ceramus, held this post for a period of ten years which spanned the end of Hadrian's and the beginning of Antoninus Pius' reigns.⁴⁰ At the end of Pius' reign through the beginning of the joint rule of Marcus and Verus a succession of proconsuls had in turn appointed another eminent provincial notable, M. Ulpus Apuleius Eurycles from Aezani. A long letter to him of Marcus and Verus illustrates again the endemic character of the problem of debts owed to the *gerousia* and of his responsibility, in normal circumstances, to the proconsul.⁴¹ Eurycles had originally written to the emperors for advice about the problem, which only they could resolve, of silver statues of previous emperors which had become so battered as to be almost unrecognisable and of their possible melting down and recasting. He had also taken the opportunity to raise two more mundane issues. First, a public slave of Ephesos had collected debts owed to the *gerousia* without its authority. The emperors, in view of the possibility that all the money in question might not be recovered, ordered Eurycles to inform the proconsul. The latter would have to judge who, of those that had already paid in error, would have to pay again. Secondly, a problem concerning the continual postponement of debts (perhaps over two generations) was in question, and Eurycles was again advised to approach the proconsul.⁴²

37 For details see G.P. Burton, "The Curator Rei Publicae: towards a Reappraisal", *Chiron* 9 (1979) 465–487 at 476.

38 See J.H. Oliver, "The Sacred Gerusia", *Hesperia*, Supplement no.6 (1941) esp. chs. 4 and 6; the origins of these financial interests remain obscure.

39 *I. Ephesos* V 1486.

40 *I. Ephesos* III 618. He had also been high priest of the imperial cult.

41 *I. Ephesos* I 25.

42 Silver images: lines 8–28; the public slave: lines 28–43; postponed debts: lines 43–61 (very fragmentary).

If the unusually rich epigraphy of Ephesos provides illuminating insight into the potentially far-reaching and time-consuming character of civic audits and of the consequent regulatory and reformatory measures which Roman officials might take, precise measurement of the frequency and incidence of such audits by incumbent governors is impossible. As we have seen, in Pontus-Bithynia in the first decade of the second century Dio Chrysostom expected the annual proconsul, Varenus Rufus, to investigate the public accounts of Prusa; a few years later two successive extraordinary governors, Pliny and C. Iulius Cornutus Tertullus, were appointed, in place of the annual proconsuls, by Trajan with special instructions to investigate and reform the public finances of the cities.⁴³ Their appointment suggests that previous governors, for whatever reasons, had either not wished or been able to exercise a systematic audit of civic finances, even though malversion of public funds was reputed to have been endemic.⁴⁴ However, outside of Ephesos and Pontus-Bithynia our evidence is extraordinarily lacunose. Indeed for the whole of our period there survives only one other reformatory edict of a provincial governor which certainly arose from an investigation of civic accounts.⁴⁵ However it is plausible to believe, if unproveable, that some of the examples, which we will examine later, of (e.g.) the approval and organisation of new public building projects or the restoration of public lands to civic control by provincial governors resulted from a prior audit of civic finances. Otherwise our best evidence for the imperial state's interest in the auditing of the public finances of provincial cities emerges from the occasional appointment of supplementary officials who acted alongside the incumbent governor. These officials were of two types. First we find senators or equestrians responsible for auditing the cities of a whole province. So in Syria during the reign of Hadrian a senator of praetorian rank, P. Pactumeius Clemens, was appointed to inspect the accounts of its cities; later in the second century a similar task was twice conferred on equestrian procurators.⁴⁶ In the reign of Marcus Aurelius another senator of praetorian rank was appointed to investigate the accounts of the cities of the three Gauls.⁴⁷ Secondly, in the course of the second century, we find the appointment by emperors of special financial supervisors (*curatores rei publicae*). Their competence was normally restricted to a single city but encompassed all aspects of civic financial administration. Although their appointment represented a clear increase in the infra-

43 For Tertullus see *I.L.S.* 1024 and *B.E.* 1965, 50. I assume that his instructions were fundamentally identical to those given to Pliny.

44 E.g. Dio Chrysostom, *Or.* 47.19 and Pliny, *Ep.* 10.18.

45 *I. Beroea* 7: a long edict of the second century of a proconsul of Macedonia concerning the finances of the gymnasium at Beroea.

46 Clemens: *I.L.S.* 1067; procurators: *I.L.S.* 1437 and *A.E.* 1956, 123.

47 *A.E.* 1920, 45 = *I.L.Afr.* 281; it is possible that his previous post as imperial legate *ad ordinandos status insularum Cycladarum* had also embraced financial matters.

structural reach of the imperial state, they never developed in our period into a normative institutional mechanism whereby the imperial state routinely took over responsibility for civic public finance from the local authorities.⁴⁸

The right of provincial governors to audit the accounts of their cities was in principle an important expression of their power. However in practice the competing demands of their other administrative and judicial duties made it *a priori* difficult for them to exercise it systematically.⁴⁹ On a plausible assessment this discretionary right never developed into a normative duty; nor conversely were provincial cities routinely ever obliged to provide annual statements of their revenues and expenditure to the Roman authorities. The normal situation is probably best exemplified in the famous provisions of the *senatus consultum* of 177 on the costs of gladiatorial exhibitions. In this case the emperors Marcus and Commodus, in response to complaints from the provinces about the high costs of acquiring gladiators, had proposed various reforms including an empire-wide scale of prices. In the ensuing debate an unnamed senator introduced a more flexible proposal that “in the cities whose economic resources were comparatively weaker the rules which have been prescribed for stronger cities should not be so rigidly maintained, and that these cities should not be burdened beyond their means, but within their limit, so that whatever prices in public and private accounts are found to be the highest, the middle and the lowest may be observed for the respective cities in the provinces by the governors..... And so after the accounts of the last ten years have been inspected and the examples of spectacles which have been precedents – in whatever cities there shall be donors – have been considered, the three price levels will be determined by the competent authority, or, if it seems better, the prices will be divided three ways as the possibilities and equity allow, and that this system will be preserved for the future; and that the most noble senators who went out as proconsuls a short while ago be informed that each of them ought to carry out this business within his year of office and that those governors not assigned to the province by lot also complete this business within a year.”⁵⁰ In short this proposal assumes that such information about the public finances of provincial cities was not as a matter of course available to the Roman authorities and could only be obtained through a special process of coordinated administrative investigation.

The discretionary right of auditing accounts, however difficult it is to assess precisely its impact and incidence, not only provides our clearest manifestation

48 For a fuller assessment of their significance see below p. 336ff.

49 It was possible for a governor to delegate responsibility to a leading provincial notable, although this appears to have been an exceptional administrative tactic; see further below nn. 119–120.

50 J.H. Oliver and R.E.A. Palmer, “Minutes of an Act of the Roman Senate”, *Hesperia* 24 (1955) 320ff.; my quotation is from lines 47–55.

of the will of the imperial state to exercise throughout our period a general oversight of civic public finance, but also sets the necessary context for the specific issues analysed in the following sections.

The Levying of New Taxes

By the Severan period cities were not allowed to levy new local taxes without the permission of the imperial state which was gained through consultation of the emperor (often with the advice of the provincial governor).⁵¹ This normative control of local fiscal policy almost certainly existed throughout our period. So no examples of cities levying new taxes without the permission of the imperial state are known, while the process of imperial authorisation is attested in various parts of the empire during the first and second centuries.⁵² Also the well-known requirement that cities, if they wished to increase the numerical size of their councils and, consequently, to levy an automatic entry fee on the additional councillors, had to obtain authorisation from the imperial state represents a closely analogous phenomenon. Indeed under Trajan a proconsul of Pontus-Bithynia had authorised some cities to impose such a levy on all councillors.⁵³

The potentially far reaching involvement of the Roman authorities in matters of local taxation is best illustrated by the tax law of Palmyra.⁵⁴ In 137 the council of Palmyra issued a decree which was primarily designed to end disputes between merchants and the local tax collectors. This decree is followed by three sections which allow us to understand much about the development of the tariff. They clearly demonstrate that the terms of the tax law were not under the autonomous control of the local authorities at Palmyra. Instead named and unnamed provincial governors, via judicial and executive decisions, have determined the character and rate of additional taxes or, in cases of dispute, have confirmed or altered preexisting rules.⁵⁵

51 *C.J.* 4.62.1. and 2–3. This section resumes in part my more detailed analysis in *op. cit.* (n.1) 10–13 with literature.

52 *I.L.S.* 6092: Sabora in Baetica (Augustus and Vespasian); *I. Histria* 67–8: Istros in Moesia Inferior (early first century); J.H. Oliver, *Greek Constitutions* no.79: Hadrianopolis-Stratonicea in Asia (Hadrian); *I.G.Bulg.* IV 2263: Parthicopolis in Macedonia (Antoninus Pius).

53 Pliny, *Ep.* 10.39.5. and 112–3; Dio Chrysostom, *Or.* 48.11; and *I.G.Bulg.* IV 2263 all show the intimate connection between increasing the size of a council and raising additional revenue. In general see P.D. Garnsey, *op. cit.* (n.19).

54 *C.I.S.* II 3913. The commentary of H. Seyrig, “Le statut de Palmyre”, *Syria* 22 (1941) 155ff. remains fundamental.

55 Perhaps also compare *A.E.* 1976, 674 = J.H. Oliver, *Greek Constitutions*, no.125: acephalous decisions of an emperor (or governor) of the second century concerning a 2.5%

Besides this direct control of civic financial policy, the imperial state also sometimes acted indirectly to protect current and future civic income. As we will see in the next section, the need for imperial authorisation of new public building at public expense was predicated on a desire to prevent the raising of new local taxes and/or the diversion of existing revenues from their traditional purposes.⁵⁶ When the city of Oenoanda in Lycia-Pamphylia in 125 instituted a new quadrennial festival endowed by a leading local notable, its decision to make the period of the festival exempt from local customs and sales taxes needed formal authorisation by the provincial governor. He assented to their request provided that the revenues of the city were not diminished.⁵⁷ Finally there were, at least for the newly created Flavian *municipia* of the Spanish provinces, normative rules which circumscribed the right of these communities to raise loans. So at Irni the local councillors were allowed to borrow for their community no more than 50,000 sesterces per year except with the authorisation of the provincial governor.⁵⁸ The functional purpose of such a rule was presumably to prevent too large a proportion of future public revenues from being hypothecated both to the payment of interest and repayment of the capital. Indeed in 79 when the city of Munigua was in debt to a private individual who also happened to be contractor of its tax revenues, the emperor Titus agreed that the debt could be offset against these expected revenues.⁵⁹ To what extent similar restrictions were also imposed on the mass of provincial cities which were not *municipia* is simply unknown; but it is noteworthy that borrowing secured by the pledge of future revenues had been one of the administrative practices forbidden at Ephesos during the reign of Claudius by the proconsul of Asia.⁶⁰

Public Expenditure

Revenue and expenditure are inextricably interconnected. To the extent that the imperial state attempted to control the process of local taxation and especially the levying of additional taxes, we should expect some corollary attempt to

customs tax on goods imported into and sold at Myra or subsequently reexported. But it is unclear whether this tax is local or actually the Roman *portorium*.

56 For a *locus classicus* see Pliny, *Ep.* 10.23–4.

57 *S.E.G.* 38, 1462, esp. lines 109–10 and 115–6. It is plausible to hypothesize that the need for such authorisation had been enshrined in the *lex provinciae*.

58 *Lex Irnitana*, ch.80. A quorum of three quarters of the membership of the council was also legally required.

59 *A.E.* 1962, 288. The dispute had been adjudicated at first instance by the proconsul of Baetica and then on appeal by the emperor. Both had found against Munigua.

60 *I. Ephesos* I 17–19 (see above n.34).

monitor proposals for public expenditure which potentially depended on the raising of new revenue or on the diversion of existing revenue. Although new types of expenditure which were financed by the private generosity of local notables normally had no need of authorisation by agents of the imperial state, two types of public expenditure, namely outright distributions of public moneys and new public building, were closely controlled. Each deserves separate analysis.

By the early third century Ulpian took it for granted that decrees of local councils which disbursed public moneys or property to private individuals were by definition illegal and to be annulled.⁶¹ Ulpian's assumption was deeply traditional. So the charters which granted Latin status to the civic communities of the Spanish provinces very precisely forbade the *duumvirs* from distributing or proposing to distribute public funds to the *municipes* or the *decurions*, a prohibition which had been taken over from colonial charters.⁶² The process by which central control of this kind was extended to the mass of provincial cities remains unclear. Trajan had included in his *mandata* to Pliny instructions which forbade grants of public money to private individuals; it was on their basis that the public advocate of the free city of Amisus initiated proceedings before Pliny to recover a gift of 20 million *denarii* made to a local notable some twenty years earlier.⁶³ Presumably this prohibition had not existed at that time nor, *a fortiori*, had it been enshrined in the original *lex provinciae*. Otherwise, rather than outright prohibition, there is sporadic evidence for the imperial state authorising such distributions. For example in 139 the city of Ephesos decided to hold an annual festival to celebrate the birthday of the new emperor, Antoninus Pius, and to make a gift of one *denarius* from public funds to each citizen. The relevant decree was sent for confirmation to the *proconsul*.⁶⁴ Analogously at Augusta Traiana in Thrace, during the reign of Caracalla, the practice of making customary distributions to the council and people had exercised the attention of both the governor and emperor. The governor, Q. Atrius Clonius, after correspondence with the emperor, ordered that the ancient customary distributions could be continued, if the city wished, in accordance with the scale laid down in the letter of Caracalla. Given his allusion to letters of previous governors, we should assume that on this and earlier occasions either the legality of the distributions had been called into question or they normatively needed Roman authorisation.⁶⁵

Involvement in the processes of organising, financing and maintaining public buildings is one of the best attested, epigraphically, functions of provin-

61 *Digest* 50.9.4.pr.-1.

62 *Lex Irnitana*, ch.79.

63 Pliny, *Ep.* 10.110–11.

64 *I. Ephesos* I 21, esp. lines 25ff. and 42ff.

65 *I.G.Bulg.* III 1581, esp. lines 23ff.

cial governors.⁶⁶ Of course the accident of epigraphic survival tends to privilege in our sources this function above others.⁶⁷ However the sheer capital costs of public building projects made them a central problem of civic expenditure. Indeed at the extreme some reported costs were enormous. For example in the early second century an unfinished theatre at Nicaea was reputed to have cost 2.5 million denarii and an aqueduct at Alexander Troas 7 million (a sum equivalent to the aggregate annual pay of more than 23,000 legionaries).⁶⁸ Not all public building was financed by local public expenditure. The gift of imperial resources to subsidise in part or full new building was one of the key benefits which provincial cities could petition from the emperor.⁶⁹ Also many public buildings were financed by the philanthropy of private individuals.⁷⁰ However we can trace a long term pattern of involvement of the agents of the imperial state in both public building in general and its financing in particular, a pattern which culminated in normative oversight of new publicly financed projects.

By the early third century prescriptive rulings had been promulgated which prohibited the construction of new public buildings at public expense without the prior permission of the emperor. So the jurist Aemilius Macer in the second book of his treatise on the duties of provincial governors advised that “new private building is possible without the permission of the emperor, as long as it is not of the kind done in emulation of another city nor provides the basis for rioting (*seditio*) nor is a circus, theatre or amphitheatre. But at public expense new public work is not possible without the permission of the emperor. That is declared in constitutions.”⁷¹ The lacunose character of our sources makes it impossible to determine exactly the chronological origins of this normative control. On the one hand Marcus Aurelius had issued a rescript (presumably to a provincial governor) that any governor who was approached about the con-

66 On these interconnected processes in general see esp. W. Eck, “Die Wasserversorgung im römischen Reich: Sozio-politische Bedingungen, Recht und Administration”, in *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit I* (Basel 1995) 179–252 at 200–204 and 207–226; F. Jacques, op. cit. (n.20) 664ff.; A.H.M. Jones, op. cit. (n.1) 249ff.; W. Liebenam, *Stadtverwaltung im römischen Kaiserreiche* (Leipzig 1900) 134ff.

67 See the incisive comments of W. Eck, op. cit. (n.5) 8–9.

68 Nicaea: Pliny, *Ep.* 10.39; Alexander Troas: Philostratus, *Vitae Sophistarum*, 548. For an illuminating survey of building costs in north Africa see R.P. Duncan-Jones, *The Economy of the Roman Empire* (2nd ed. Cambridge 1982) 75ff.; on costs associated with the water supply see esp. W. Eck, op. cit. (n.66) 218–226 who makes analogous (and more systematic) comparisons to those made in my text.

69 See especially S. Mitchell, “Imperial Building in the Eastern Roman Provinces”, *H.S.C.P.* 91 (1987) 333–365.

70 For variation in the extent of reliance on private or public funding see R.P. Duncan-Jones, op. cit. (n.18) 178–184, contrasting Thugga in Africa Proconsularis with the colony of Thamugadi in Numidia.

71 *Digest*, 50.10.3.pr.-1.

struction of walls should consult the emperor.⁷² Analogously Antoninus Pius had rescripted that money bequeathed for new building was rather to be converted to the maintenance of existing buildings, if a city possessed sufficient buildings and money was not easily available for their repair.⁷³ Pliny, during his special governorship of Pontus-Bithynia, had always needed, in accordance with his *mandata*, to consult Trajan to obtain permission for the construction of new public works.⁷⁴ On the other hand in the same province only a few years earlier Dio Chrysostom's ambitious redevelopment plans, which were to be financed through public moneys and private subscriptions as well as his own funds, had not needed central authorisation. Rather they were initiated with the active support and ratification of the proconsular governors.⁷⁵ But in the *lex Irnitana* it is assumed that proposals for the expenditure of public money on public buildings and their upkeep is under the autonomous control of the local magistrates and council.⁷⁶ However if the exact origins of the need for central authorisation remain unclear, we can show that it emerged in a context in which provincial governors were commonly involved in proposals for the financing, construction and repair of public building. This context can be illuminated by comparing the often elliptic and allusive epigraphic evidence with the unusually explicit account provided in Pliny's correspondence with Trajan.

On three occasions Pliny wrote to Trajan to obtain permission for public building projects: new baths at Prusa, an aqueduct at Sinope, a sewer at Amastris.⁷⁷ In each case Pliny stated in advance that sufficient money would be available to finance the project. So at Prusa he wrote that "there will be finance from which it may be built; first the money which I have begun to recall and exact from private individuals, secondly that which they are accustomed to spend on oil, but are ready to spend on the construction of the bath house." In reply Trajan wrote briefly that "if the construction of the new bath house will not burden the resources of Prusa, we can grant their request. Only let no special tax be levied nor let any less revenue accrue to them for their necessary expenses."⁷⁸ Permission is therefore granted as long as the expenditure can be met from existing revenues; to assure this Pliny assumes the task, normally carried out by the local executive, of organising the funding.⁷⁹ On other occa-

72 *Digest* 50.10.6.

73 *Digest* 50.10.7.pr.

74 Pliny, *Ep.* 10.23 (cf. 70); 90 and 98.

75 Dio Chrysostom, *Or.* 40.5ff. and 45.13ff. with the exposition of C.P. Jones, *The Roman World of Dio Chrysostom* (London 1978) 111–13.

76 *Lex Irnitana*, ch. 79.

77 See above note 74.

78 Pliny, *Ep.* 10.23–4; for his earlier attempts to collect money owed by private individuals see 10.17a.

79 Compare also Trajan's reply at *Ep.* 10.91.

sions Pliny closely involved himself in the execution and organisation of existing projects. At Nicomedia he personally inspected a possible site for an aqueduct which had twice been started but remained uncompleted; at Nicaea and Claudiopolis he intervened by requesting Trajan to send him skilled surveyors to help him decide whether existing projects should be abandoned, improved or transferred to new sites.⁸⁰ Furthermore at both Amastris and Sinope Pliny himself appears to have initiated the projects as well as assuming responsibility for their financing from local revenues.⁸¹ This otherwise unparalleled circumstantial detail provided by Pliny's letters allows us to give some flesh and substance to at least some of the highly abbreviated epigraphic references to the involvement of provincial governors in the financing and supervision of public building.

Much of the epigraphic evidence merely assigns, without further detail, the supervision or restoration of a public building to a provincial governor. However two sets of this evidence are more explicit and allow us to see provincial governors throughout our period acting in ways exactly similar to Pliny. The first set, heterogeneous in time and place, closely associates provincial governors with the process of funding from local sources. For example in 165/6 the city of Cyrene constructed a new aqueduct "from its public funds under the proconsul Pomponius Naevianus who began and encouraged [the project] from its foundation in accordance with the authority and permission of the most divine emperors and who dedicated it together with Silius Plautius Haterianus, the most excellent quaestor".⁸² At Lepcis in 35/6 the proconsul of Africa and one of his legates organised the contracting out of the work of paving streets from revenues which had been acquired through their restoration to the city of public lands.⁸³ At Kourion in Cyprus the civic authorities erected a statue to Nero from funds sanctioned for this purpose by the proconsul; in the same city during the reign of Trajan the proconsul approved the decision of its council to extend a paved way leading from the sanctuary of Apollo and to fund the work from the income provided by the payment of entry fees by members of the council.⁸⁴ At Callatis in Moesia Inferior, probably in 172, "the city constructed walls with the consular governor, M. Valerius Bradua, taking care of the exaction of the money and of the work and the construction of the walls".⁸⁵ Con-

80 Pliny, *Ep.* 10.37–8.

81 Compare how at Alexander Troas during the reign of Hadrian the special imperial commissioner, Herodes Atticus, initiated the construction of an aqueduct (in this case at the expense of the imperial treasury); see Philostratus, *Vitae Sophistarum*, 548.

82 *S.E.G.* 18, 740b.

83 *I.R.T.* 330–1.

84 *I. Kourion* 84 and 111. For a similar use of entry fees see Dio Chrysostom, *Or.* 48.11. and Pliny, *Ep.* 10.39.3.

85 *A.E.* 1937, 246.

temporarily in Mauretania the veterans and peasants of Rapidus “constructed a wall from its foundations in squared stone all out of their own expense, that is of the veterans and peasants settling within the same wall, under the guidance and care of Baius Pudens ... the best of governors who dedicated the same”.⁸⁶

The second set, again heterogeneous in time and place, explicitly records governors initiating or ordering or inspecting public building projects, if without any reference to the question of finance. In a *locus classicus* Porcius Vetustinus, governor of Mauretania Caesarensis c.150, requested, by letter, the neighbouring governor of Numidia to allow him to retain the services of a military surveyor who had previously been seconded from Numidia. In the course of his letter Vetustinus noted that, although in a hurry on his way to Caesarea, he had made a detour to the city of Saldae and inspected the aqueduct which had been in the process of construction for some years. The continued presence of the military surveyor was necessary, so he claimed, for the completion of the work.⁸⁷ With less circumstantial detail we find governors either initiating or encouraging the construction of aqueducts at Ephesos in the reigns of Titus and Domitian and at Kanas in Syria in the first decade of the second century.⁸⁸ Analogously at Antioch in Syria in 72/3 the highly complex and labour-intensive program for digging a new canal appears to have been initiated by the governor of Syria, although responsibility for its execution lay with the local authorities.⁸⁹ At Timgad in Numidia a governor initiated and completed the work of discovering and enclosing a source of marshy water during the reign of Commodus.⁹⁰ Given the explicit testimony of these two sets of inscriptions and the accounts of Pliny, we should assume that some proportion at least of those inscriptions which merely characterise a governor as restoring or supervising works of public building elliptically describe a more detailed involvement in their financing and/or initiation.⁹¹

86 *I.L.S.* 6885; for further examples see *I.L.S.* 97 (Ephesos, 5 b.c); *S.E.G.* 9, 96 (Cyrene, Augustan); *T.A.M.* II 396 (Patara, 69/70); *I.G.R.* III 840 (Seleucia in Cilicia, 77); *I.Ephesos* II 412 (Ephesos, 79/80); *I.L.S.* 5350 (Caralis in Sardinia, 83); *A.E.* 1964, 181 (Lilybaeum, c.170); *I.Ephesos* VI 2040 (Ephesos, c.200); perhaps also *A.E.* 1898, 87 (Mauretania Caesarensis, reign of Alexander Severus), though the exact import of the governor's *favor* is unclear.

87 *I.L.S.* 5795.

88 Ephesos: *I.Ephesos* III 695 (80/1) and II 415, 416, 419 & 419a (92/3); Kanas: *I.G.R.* III 1291 (c.f. 1273 and 1281); also compare, in a military context, *C.I.L.* XIII 11757 (Germania Superior, 187).

89 *S.E.G.* 35, 1483 (see above n.13).

90 *A.E.* 1934, 40 (also compare, from just beyond our period, *I.L.S.* 5785). For other unambiguous examples of governors initiating or ordering public building not connected to the supply of water see *T.A.M.* IV, 1 22 (Nicomedia, reign of Vespasian); *C.I.L.* III 4117 (Poetovio, reign of Marcus and Verus); *I.G.R.* III 1096a (Syria, 180/2); *C.I.L.* VIII 20982 (Caesarea in Mauretania, 201) and *A.E.* 1957, 123 (Lambaesis, 203).

91 For example when, as in *C.I.L.* III 12385, a governor is credited with the restitution of a

The capital costs of new public building and the long term maintenance costs of existing public buildings constituted in principle a major element of civic expenditure, especially to the extent that these costs were not met by the generosity of local benefactors. Throughout our period, provincial governors were always competent, at their own discretion or at the request of interested parties, to involve themselves in this important sphere of local public administration, whether via personal inspection, the organisation of finance or the approval or initiation of new projects. Within this context of overlapping responsibilities and powers there emerged at an unknown date prescriptive rulings which limited the effective autonomy of the local authorities by requiring them to gain central authorisation for new projects undertaken at public expense. This context allows us, finally in this section, to understand better both an edict of a governor of Thrace and some famous advice of Ulpian to provincial governors.

First the governor of Thrace. In 202 a new market centre, Forum Pizus, was founded in the territory of the city of Augusta Traiana. As part of the process of foundation the governor, Q. Sicinnius Clarus, issued an edict which enunciated rules for the future administration of justice there, recapitulated special dispensations from various imperial prestations, which had been granted to the new inhabitants by the emperors, and, in its third section, regulated the maintenance of public buildings.⁹² He ruled that the executive magistrates (toparchs) of Pizus and the resident soldiers were to hand over the main buildings of the settlement to their successors in exactly the same condition as they had found them. To ensure this outcome he also ruled that the toparchs, who were to be selected from the city of Augusta Traiana, and the magistrates of Augusta Traiana, who have been ordered to nominate at their own risk the toparchs, had to pledge surety to the city so that, if any damage were to occur to the buildings at Pizus, they were to pay fourfold reparation to the city. In short at the point of foundation the provincial governor set a regulatory and financial framework within which the local executive was to exercise its responsibilities in the sphere of the maintenance of public buildings.

Secondly, Ulpian. In the second book of his treatise on the duties of proconsuls he advised that "a governor should visit sacred and public buildings in order to check whether they are sound in roofs and walls or need any repair; and if they have been started, he should ensure that they are completed insofar

temple "through" the inhabitants of a city, we could assume, but of course not prove, that he had ordered the repair. Analogously the elliptical statement that a public building was constructed "through" a governor leaves the specific character of his involvement unclear (e.g. *C.I.L.* III 1446, an aqueduct at Sarmizegetusa in 131/2); for well-made cautionary comments on the difficulties of interpreting epigraphic data of this kind see S. Mitchell, *op. cit.* (n.69) 343–4.

92 *I.G.Bulg.* III 1690 with *S.E.G.* 17, 331.

as the resources of the community allow and should appoint formally diligent overseers".⁹³ Such advice is best interpreted as a stereotyping of the discretionary powers of provincial governors. Ulpian does not enjoin unprecedented tasks on provincial governors. Rather, on the basis of the kind of precedent we have analysed in this section, he demarcates an important sphere of local public and financial administration in which governors can expect and be expected to intervene within the constraints generated by their limited resources and the competing demands on their time.

The Protection of Public Moneys and Lands

This notion of stereotyping will help us to understand our surviving sporadic and refractory evidence for the involvement of provincial governors in protecting and restoring public lands and moneys. A variety of surviving extracts from Ulpian's treatises on the duties of proconsuls and *curatores rei publicae* concern the governor's role in the enforcement of financial promises made to cities or in the security and collection of debts to cities which individuals had accrued through borrowing or office holding.⁹⁴ Neither these problems nor the possible involvements of provincial governors were novel. Sometimes Ulpian's advice is illustrated by and/or posited on earlier imperial decisions. So his advice on the legally binding character of promises to civic communities is partly based on unnamed imperial constitutions both "old and new".⁹⁵ Indeed across time a considerable body of imperial legislation, first attested under Trajan, had accumulated on this topic.⁹⁶ Furthermore the recovery of debts and the enforcement of promises, as we have seen, had always been a major theme of discretionary audits of civic finances. Thus Pliny's first major administrative act was to investigate the expenditure, income and debtors of Prusa. He quickly discovered that "many sums of money are being kept in their possession by private persons under different pretexts".⁹⁷ Similarly proconsuls of Asia or the special financial commissioners appointed by them commonly found themselves dealing with the issue of debts owed to the *gerousia* of Ephesos.⁹⁸ Structurally the financial limits set on the legitimate jurisdictional powers of local civic courts

93 *Digest* 1.16.7.1.

94 *Digest* 50.12.1.pr.-6 and 50.12.6.pr. (promises); 22.1.33.pr.-1 and 50.4.6.1. (debts, their security and interest).

95 *Digest* 50.12.1.1.

96 See the detailed analysis of F. Jacques, *op. cit.* (n.20) 692–718; note especially the constitution of Trajan that a promise, made *ob honorem*, of a building was binding both on the office holder and his heirs (*Digest* 50.12.14.).

97 Pliny, *Ep.* 10.17a; c.f. 23; 39; and 54.

98 See above notes 38–42.

by definition implied that disputes over debts between private persons and cities could often only be adjudicated by the Roman authorities.⁹⁹

However, excepting the information provided by the advice of Ulpian, Pliny's letters and the epigraphic evidence of general audits of civic finances, our relevant documentation is desperately thin and lacking in helpful circumstantial detail. For example the legal representative, *ekdikos*, of a community could sue before the governor for unpaid *summa honoraria*.¹⁰⁰ Dio Chrysostom took it for granted that it was possible to approach the proconsul of Pontus-Bithynia to enforce the collection of promised moneys.¹⁰¹ Indeed on two occasions at the end of the reign of Antoninus Pius the governor of Numidia, Fonteius Frontinianus, enforced promises by judicial decree.¹⁰² The complexity of the interrelated financial claims of a leading citizen and his community is clearly illustrated by a rescript of Alexander Severus to an Aetrios Capito which stated that "that person, whose competence the matter is [*sc.* the governor or *curator rei publicae*], will order that the debts of the city to you will compensate those which you admit owing it, as long as your debts to the city are not associated with the *kalendarium*, local taxes, the public corn or oil funds, the tribute, the *alimenta*, that fund which serves fixed expenditures or a *fideicommissum*".¹⁰³ The difficulties which cities faced in exacting their debts help to explain their requests to Roman authorities to obtain the right of prior claim on the assets of debtors (*protopraxia*).¹⁰⁴ On the basis of such evidence it is obviously impossible to infer the frequency of governors' involvement in these problems.¹⁰⁵ Instead we have to be content with the generalisation that structurally the exaction of debts and enforcement of promises posed serious difficulties to the civic authorities. In that context recourse to the superior administrative and judicial powers of provincial governors provided the mechanism

99 See above note 26.

100 *T.A.M.* V.1. 517 (Maeonia in Lydia) with *B.E.* 1963, 221; for the appointment of civic legal representatives in matters of public finance c.f. *Lex Irnitana*, ch.70.

101 Dio Chrysostom, *Or.* 47.19.

102 *I.L.S.* 5476 (Timgad) and *C.I.L.* VIII 20144 with *A.E.* 1964, 225 (Cuicul); perhaps also cf. *I.R.T.* 91 for an analogous involvement of a proconsul of Africa at Sabratha in 170. For detailed analysis of these cases see F. Jacques, *op. cit.* (n.20) 747–749.

103 *C.J.* 4.31.3 (223).

104 See Pliny, *Ep.* 10.108 for the grant of this privilege to unnamed cities in Pontus-Bithynia by earlier proconsuls; by the early third century it was only in the gift of the emperor (*Dig.* 50.1.10.).

105 For other circumstantially obscure or fragmentary examples see *I.G.R.* IV 253 (Assos, Augustan): the erection of a statue to a governor "from moneys recovered for the city by him"; *T.A.M.* V,2 858 (Thyateira, Augustan): a fragmentary edict or letter concerning "sacred revenues"; N.P. Milner, *An Epigraphic Survey in the Kibyra-Olbasa Region* (Ankara 1998) no.49, line 12: an undefined decision of a proconsul of the later second century about the local "corn funds".

whereby competing claims, unable to be resolved locally, over civic moneys was authoritatively adjudicated.

The issue of the administration of public lands and their revenues presents very similar features, though the evidence for the possible interrelation of the civic authorities with provincial governors is rather clearer.¹⁰⁶ So Ulpian had offered advice to provincial governors which was scarcely distinguishable in character from that which he gave on public building or on the lending of public moneys or on the enforcement of promises, namely that: "Public lands should not be held by private individuals. The governor will therefore take care to separate whatever public lands there are from private ones, and thus increase the public revenues; if any public land or building is found in private use, he should judge whether it should be restored to public use or if, rather, a rent should be imposed, and he will follow that course of action which he assesses as most useful to the community".¹⁰⁷

From the reign of Augustus to the end of the second century provincial governors are attested using their authoritative powers to restore to public use public lands which had come under private control. Already in 27 B.C. Augustus and Agrippa had issued a declaration (*iussum*), very similar in substance to the advice of Ulpian, on the restoration of public and sacred property. It was in consequence of this ruling that a citizen of Cyme some time later approached the proconsul of Asia to obtain the restoration of a sanctuary of Dionysos.¹⁰⁸ Analogous restorations of public and/or sacred lands are recorded under Augustus in Cyprus (of lands owned by the city of Cos), in 35/6 at Lepcis, in 63 at Gortyn, in 77 at Arausio, in 88/9 at Ptolemais and in 121/2 at Smyrna.¹⁰⁹ None of the above documents provide any serious circumstantial detail about the origins and character of the problems resolved by provincial governors. Two documents of the second century from Asia and Macedonia respectively are more illuminating. At Aezani the local authorities and tenants of lands attached to the temple of Zeus were locked in conflict over both the obligation of the tenants to pay rent to the city and the actual extent and size of the lands which had originally been allotted to the temple by the Attalid kings.¹¹⁰ Although the proconsul of 119/20 had ruled in favour of the local authorities that rental had to

106 For a more detailed presentation see G.P. Burton, *op. cit.* (n.1) 13–16.

107 *Dig.* 50.10.5.1.

108 A.E. 1979, 596. The date and identity of the proconsul, Vinicius, remain in doubt.

109 Cyprus: A.E. 1934, 86; Lepcis: *I.R.T.* 330–1; Gortyn: *I. Cret.* I 26, no.2; Arausio: A. Piganiol, *Les documents cadastraux de la colonie romaine d'Orange* (Paris 1962) esp. 79–89; Ptolemais: A.E. 1954, 188; Smyrna: *I. Smyrna* 736. The dispute between the city of Daulis and a Memmius Antiochus over four fields, which was finally resolved in October 118 by a *iudex datus* of the proconsul, probably, but not necessarily, also concerned public lands (*I.G.* IX 1, 61).

110 *M.A.M.A.* IX xxxvi–xxxvii, documents A, B, C and D with full citation of earlier literature.

be paid, controversy, especially over the original size of the allotments, still subsisted in 125/6 when the incumbent proconsul wrote to Hadrian for advice. The emperor ordered that the average size of an allotment should be determined by comparison with similar allotments in communities neighbouring Aezani. The consequent letter of the proconsul to the magistrates, council and people of Aezani especially emphasised that the dispute had allowed certain individuals to deprive the city of its proper revenues and that this situation could no longer be tolerated.¹¹¹ Further circumstantial details about the difficulties which local authorities might face in enforcing their property rights emerge in a decision of the later second century of the community of the Battunaioi.¹¹² Local citizens, who were possessors of public land, had complained that outside landholders had fraudulently appropriated lands which the sitting tenants had possessed by proper title and, also, used force to drive out poorer citizens. The local authorities consequently tried to restore the *status quo ante*, which was based on a previous allocation of public lands made by an earlier Roman official, by deciding that in future the local magistrates must ensure that no more public land is sold or mortgaged to outsiders.¹¹³ A copy of this decision was also forwarded to the incumbent proconsul for his confirmation, presumably both because it recapitulated an authoritative decision of an earlier agent of the imperial state and in order proleptically to provide it with additional authority and prestige.

Provincial governors not only used their authoritative powers, whether at their own discretion or at the request of the local authorities, to restore lands to public control and, thereby, protect and increase local civic revenues. Occasionally, also, they took over the task, routinely part of the normal sphere of responsibility of the civic authorities, of organising the leasing out and exploitation of public lands.¹¹⁴ So at Apollonia in Cyrenaica in c.73/5 a proconsul organised the division of civic lands and their leasing in perpetuity to a private individual.¹¹⁵ A proconsular edict, probably of the late second century, from Thisbe provides more circumstantial detail. In this instance the governor arranged for the sale of public land in lots to local citizens. The lots were subject to the payment of an annual rental to the civic treasury, although none was

111 The formal delimitation of the disputed allotments was only completed in 129 (*M.A.M.A.* IX 8–9).

112 *S.E.G.* 30, 568. The date of this decision is uncertain (either 144/5 or 192/3).

113 This official, named Gentianus, is almost certainly to be identified with D. Terentius Gentianus who had acted as special imperial legate and *censitor* of Macedonia in 119–120.

114 This phenomenon is functionally closely analogous to the actions of Pliny in assuming responsibility for the organisation and financing of public building projects; for the normal role of the local authorities see above note 7 and *lex Irnitana*, ch.76.

115 *A.E.* 1967, 531.

payable for the first five years after purchase. For the future the governor also ruled that local officials were to be responsible for the enforcement of regulations concerning the type and extent of cultivation to be undertaken by the tenants and for the prevention of illegal appropriation by tenants of lands in excess of their allotment. The future collection of rents was also to be the personal responsibility of local officials.¹¹⁶ In short a provincial governor, as an agent of the imperial state, intervenes to make far-reaching regulations affecting the public finances of a civic community; thereafter the local authorities are to be responsible for the enforcement of his rulings.

So far we have seen that there was wide-ranging scope for the involvement of provincial governors in the administration and supervision of the public finances of provincial cities. Normatively provincial cities were required to obtain, via the provincial governor, permission from the emperor to raise new taxes; across time normative rules developed which entailed in principle clear constraints on the ability of individual cities to initiate new public building projects at public expense. The discretionary involvement of provincial governors took a variety of forms. They always possessed the right, whether at their own initiative or on the instruction of the emperor or at the request of interested parties, to investigate and audit the public finances of any city (unless it was specially privileged), and, consequently, to take remedial action such as recovering debts, promulgating new administrative rules or adding their own superior sanction to existing rules. Conversely the local authorities of any provincial city had the right to request the aid of provincial governors in the resolution of specific problems and disputes. These various forms of interrelationship between provincial governors and provincial cities are attested throughout the period from Augustus to the early third century, although their frequency and incidence are impossible to infer precisely given the inadequate character of our documentation. Therefore the jurists, when they detailed in their handbooks specific problems of civic financial administration for the attention of provincial governors, should be assumed to be writing on the basis of past practice rather than to be enjoining novel tasks.¹¹⁷

Such a conception, based on the evidence and analysis of the preceding sections of this article, of the interrelationship between provincial governors and provincial cities in the sphere of public finance immediately raises an obvious problem. As we saw in the opening section of this article, the political and administrative ordering of the provinces was predicated on the devolution to provincial cities of many routine tasks. Provincial governors in practice,

116 *Syll.*³ 884; for illuminating comments on this document see J.-L. Ferrary and D. Rousset, *op. cit.* (n.7).

117 The earliest known handbook on the duties of provincial governors is that of Venuleius Saturninus who wrote either under Antoninus Pius or during the joint reign of Marcus and Verus.

despite their superior authoritative and coercive powers, were constrained in their administrative involvement with individual cities both by their limited bureaucratic resources and by their parallel responsibilities for, e.g., civil and criminal jurisdiction or the resolution of disputes between civic communities. Consequently the normative and discretionary powers of provincial governors and the demands made of them by provincial cities were in tension with the actual capacity of provincial governors to exercise these powers and to meet these demands. This tension provides the context for understanding the one significant institutional novelty of our period and topic, namely the creation and dissemination of the role of *curator rei publicae*. The emergence of this role should be conceived as an attempt in the sphere of public finance to accommodate the interests of the imperial state and the needs of provincial cities in an otherwise stable institutional structure.¹¹⁸

The *curator rei publicae*

It was in practice possible for a provincial governor to extend indirectly by delegation the effective reach of his powers. So, as we have seen, in the mid-second century proconsuls of Asia often appointed a provincial notable to supervise the finances of the Ephesian *gerousia*.¹¹⁹ However this possibility remains in our sources a shadowy and ill attested phenomenon.¹²⁰ Much more significant in the medium term was the creation of the new imperially appointed role which carried the title *curator rei publicae*. This role is first securely attested in Italy and the provinces at the turn of the first and second centuries. Originally holders of this office were normally either of senatorial or equestrian status; across time, as the number of appointments increased, incumbents were frequently selected from the ranks of provincial notables.¹²¹ In most cases

118 On this role and its constitutive duties still see the fundamental article of W. Liebenam, "Curator Rei Publicae", *Philologus* 56 (1897) 290ff.; also c.f. G.P. Burton, op. cit. (n.37); W. Eck, *Die staatliche Organisation Italiens in der hohen Kaiserzeit* (Munich 1979) ch.6 and F. Jacques, op. cit. (n.20) ch.7.

119 See above notes 40–42.

120 For a certain example see *T.A.M.* II 905 XII C 2–3: the appointment of the Lycian notable, Opramoas, to the accounts of the city of Limyra by the governor D. Rupilius Severus in 151; about 30 years previously another governor had mandated unspecified administrative responsibilities to Opramoas (*ibid.* IV E 9–12 and V B 15 to C 2); perhaps also see *I.G.R.* III 704, column 1, lines 13–14 which refer to an otherwise unpreserved letter of the governor of Lycia-Pamphylia, c.141/3, concerning a curatorship at Arycanda. This letter either appointed Jason, the honorand of the inscription, to the curatorship or replied to the city's praise of his role.

121 For example in Asia see G.P. Burton, op. cit. (n.37), appendix numbers 3, 6, 8, 11, 12, 19, 23, 24, 29, 30 and 32.

curatores were appointed to supervise the public finances of a single city, very rarely of two or more.¹²²

The duties constitutive of this new role were clearly restricted to the regulation and supervision of the public finances of the cities to which the incumbents were appointed; consequently they exercised no legitimate powers in other spheres of public life such as civil or criminal jurisdiction. So the surviving extracts of Ulpian's treatise, of one book, on the duties of *curatores* concern the lending of public money, the enforcement of promises (of money or public works) made to cities, the control and leasing out of public lands and buildings.¹²³ Although explicit epigraphic evidence relevant to the duties exercised by *curatores* is very limited, what does survive accords well with the surviving extracts of Ulpian. At Aphrodisias during the reign of Commodus M. Ulpius Eurycles as *curator* investigated various civic accounts and, consequently, issued regulations designed to ensure the correct use of funds earmarked (e.g.) for the provision of oil or bequeathed as endowments for the celebration of games and festivals.¹²⁴ Similarly at Attaleia in Asia sometime before 212 a *curator* provided a sanction to protect an endowment which had been created to provide distributions of oil to the populace.¹²⁵ At Ephesos in the mid-second century, as we have seen, an imperial letter describes the systematic investigation, which a *curator* was to make, into the accounts of civic magistrates, both living and dead, of the past twenty years.¹²⁶

The close similarity of the duties exercised by *curatores* with those carried out by provincial governors in virtue of their discretionary powers is evident. *Curatores*, whether they investigated civic accounts, collected debts or enforced endowments and promises, executed tasks which in principle had always been within the competence of provincial governors. Thereby, in the sphere of civic public finance, they complemented the powers of provincial governors and enhanced the infrastructural reach of the imperial state. In this light their creation did not mark a clear functional break in the character of relations between the imperial state and provincial cities. Rather their creation allowed

122 For example, again in Asia, only two examples are known of a *curator* appointed to more than one city; see *ibid.*, appendix, numbers 25 and 33.

123 *Digest* 22.1.33.pr.-1; 50.12.1.pr.-6 and 50.10.5.1. Also note *Digest* 50.8.11.2 and 50.8.12.2 (both rescripts of Marcus and Verus), although neither of these abbreviated extracts certainly refers to *curatores rei publicae*. For a very thorough analysis of the legal evidence see F. Jacques, *op. cit.* (n.20) 301–317.

124 On Eurycles see best J. Reynolds, *Aphrodisias and Rome* (London 1982) 185–197, with full citation of documents and literature.

125 *I.G.R.* IV 1168.

126 *I. Ephesos* I 15–16 (cf. above n.36). Note also J. Reynolds, *op. cit.* (n.124), document no.50 for an acephalous letter of an emperor to an official, almost certainly a *curator*, who is engaged in the collection of debts owed to the city of Aphrodisias.

the imperial state more effectively both to carry out its traditional powers of supervision (which we have documented above) and to respond to the requests for help generated by the local civic authorities themselves. This conception of the functional role of *curatores* serves also to buttress the recent criticisms of older standard hypotheses concerning the creation of this new role by the imperial state. These hypotheses claimed that the sole or primary reason was the imperial state's self-interest in the protection of its tax raising powers which were dependent on the cooperation of the civic authorities. However this kind of explanation fails to account for the appointment of *curatores* to Italian and free cities which were not subject to payment of tribute.¹²⁷ Indeed at Aphrodisias during the reign of Commodus it is certain that the appointment of a *curator* was initiated by the city itself rather than by the imperial government.¹²⁸

If it is correct to argue that the appointment of *curatores*, although it enhanced the infrastructural reach of the imperial state, of itself did not mark functionally a clear qualitative break with previous administrative practice, a full assessment of their significance depends crucially on our understanding of the chronological frequency and geographical incidence of their appointment across time. For example if over time *curatores* had come to be regularly appointed to the same city or if each appointee enjoyed a substantial tenure of office and if a high percentage of cities in each province had come to have a *curator* appointed, then such a far-reaching dissemination of this office would have clearly represented a radical intensification of the effective powers of the imperial state over provincial cities and, thereby, a decisive break with the institutional practice of the first and early second centuries.¹²⁹ Ideally we should address this problem by enumerating the total number both of *curatores* ever appointed and of civic communities to which they were appointed. In practice, of course, our lacunose documentation does not allow such a direct empirical approach. However a comparison of three independent regional studies – covering Asia, the north African provinces and the western provinces (excluding north Africa) – does allow us to make some reasonably secure

127 On the reasons for the appointment of *curatores* see especially the trenchant discussion of F. Vittinghoff, "Zur Entwicklung der städtischen Selbstverwaltung – Einige kritische Anmerkungen", in id., *Stadt und Herrschaft* (Munich 1982) 107–146, at 113–117. It should also be noted that only one contemporary document, namely the decree of Mylasa of 208/11 concerning the civic monopoly on the exchange of local and Roman currency (*O.G.I.S.* 515), associates problems of civic public finance with difficulties in collecting the tribute. In this case these difficulties presumably stemmed from the breakdown of the normal process whereby local currency was converted into Roman currency.

128 J. Reynolds, op. cit. (n.124) no.16. Normally we possess no explicit background relevant to the circumstances in which *curatores* were appointed.

129 Indeed a development of this kind during the Severan period was often assumed or claimed in the older literature; on which see my comments in op. cit. (n.37) 466–7.

inferences about the historical spread of *curatores* through the second and third centuries.¹³⁰

First, let us consider the total number of *curatores* known to have been appointed. In Asia between c.160 and c.260 only thirty men are known to have been appointed as *curatores* and only twenty-two cities, out of a probable total of c.300, are known to have received them.¹³¹ In north Africa thirty two appointees are known between 196 and c.270 plus eight less securely dated some time between 235 and 300.¹³² In the western provinces, excluding north Africa, from the early second to the late third centuries twenty-seven known appointees to twenty eight different cities are enumerated.¹³³ Despite the notorious dangers of arguing from silence, the obvious inference to be drawn from this data is that the number of *curatores* ever appointed was relatively small in comparison both to the total number of cities in the relevant provinces and to the chronological periods analysed.¹³⁴ Secondly the same inference can be drawn if we consider the regularity of appointment to individual cities. Only a handful of cities are known to have had a *curator* appointed more than once. In Asia between 160 and 260 only Ephesos (5), Aphrodisias (3) and Pergamum, Synnada and Tralles (2 each) are known to have received more than one appointee; in north Africa seven cities (Bulla Regia, Carthage, Furnos Minus, Leptis Magna, Thamugadi, Thuburbo Minus and Thysdrus) each received two; in the western provinces only three cities – Italica (3), Avennio in Gallia Narbonensis (2) and Splonum in Dalmatia (2) – are attested as receiving more than one.¹³⁵ In short no city can be shown to have had a regular succession of

130 Asia: G.P. Burton, op. cit. (n.37); north Africa: F. Jacques, "Les Curateurs des cités Africaines au III^e siècle", *A.N.R.W.* 10.2, 62ff.; western provinces: R. Duthoy, "Curatores rei publicae en Occident durant le Principat", *Ancient Society* 10 (1979) 171ff.

131 G.P. Burton, op. cit. (n.37) appendix numbers 6–25 and 29–38; two of these appointees held office in more than one city (numbers 25 and 33). For the total number of civic communities in Asia see the fundamental discussion of C. Habicht, "New Evidence on the Province of Asia", *J.R.S.* 65 (1975) 64–91.

132 F. Jacques, op. cit. (n.130) 68–71, numbers 1–40; six of these appointees held office in more than one city. I have omitted from my enumeration five examples (numbers 41–45) probably later than 276.

133 R. Duthoy, op. cit. (n.130) 202–204; one appointee held four posts, and one three.

134 To circumvent the problem of arguing from silence ideally we should attempt to compare our data on *curatores* with similar data about an office whose incumbents were of similar social status and for which we can plausibly estimate the total numbers ever appointed. In my original analysis I estimated that in Asia during the period c.105 to 255 the names of c.15% of all men ever appointed to the provincial priesthood have survived. If the thirty known *curatores* (c.160–260) represent a similar proportion of all *curatores* ever appointed, then c.200 *curatores* would have been appointed in this period. For this admittedly speculative argument see G.P. Burton, op. cit. (n.37) 470–473.

135 See G.P. Burton, op. cit. (n.37) 482–483; F. Jacques, op. cit. (n.130) 117–119; R. Duthoy, op. cit. (n.130) 194–197 and 204.

curatores appointed to it by the imperial state. Thirdly, we need to give brief consideration to the question of the length of tenure of curatorships. If it could be demonstrated that the normal length of tenure of *curatores* was substantial (say, perhaps, five or more years), then our impression of the significance of their appointment would be rather different from that inferred from the relatively small number of known appointees. Unfortunately, in nearly every instance we are not able to give a precise statement of length of tenure, let alone estimate a plausible norm.¹³⁶ However on general grounds it is implausible to believe that senators, for example, who held this post served for longer than a year, given that the regular provincial posts in the senatorial career were either fixed at one year's duration (in the public provinces) or probably averaged no more than three years in the imperial provinces. Indeed those senators who were appointed to a curatorship in Asia while serving as legate to the proconsul presumably held their post for less than a year.¹³⁷ Also isolated examples of provincial notables, who were not of either senatorial or equestrian rank, repeating a curatorship in the same city probably suggest that their tenure had been of a short term character.¹³⁸ Whatever the merit of such speculation, the exiguous evidence for the length of tenure of *curatores* does not counteract the conclusion that provincial cities, either collectively or individually, did not come, in the sphere of public finance, under the continuous direct control of the imperial state via the appointment of *curatores*.

The creation of the role of *curator* and its uneven geographic dissemination and intermittent pattern of appointment are best understood as an attempt by the imperial state to accommodate, within the overall system of rule in the provinces, significant problems of civic financial administration which occurred at the intersection of imperial and local authority. These problems were grounded structurally in the material and political conditions of the exercise of power in the provinces, such as the implicit competition for resources between the local authorities and the imperial state, the administrative difficulties faced in the sphere of public finance by the local authorities, locally based conflict between the civic authorities and private individuals over the control and allocation of resources and the limited infrastructural reach of the imperial state as manifested in the effective powers of provincial governors. *Curatores* provided an additional institutional mechanism, which supplemented the role of provincial governor, to meet these problems. Although they represented a qualitative enhancement of the capacity of the imperial state to intervene locally, they were probably too few in number to mark a clear rupture with the traditional pattern

136 For a rare exception note *B.C.H.* 17 (1893) 98 no.17 (an appointment of ten years).

137 See G.P. Burton, *op. cit.* (n.37) appendix, numbers 7 and 17.

138 For example *I.G.R.* IV 1168 (Attaleia in Asia) or *C.I.L.* VIII 25808b (Furnos Minus in Africa); for congruent argumentation see F. Jacques, *op. cit.* (n.130) 121.

of provincial administration. Indeed once a *curator* had completed his tenure of office, responsibility for the administration of civic public finance, including the enforcement of any new regulations introduced by him, reverted in a traditional manner to the local civic authorities.

Concluding Remarks

Any analysis of any aspect of the typical political and administrative practices of the imperial state faces serious empirical obstacles. The lacunose character of our surviving data often precludes well-grounded answers to basic questions. So, for example, we do not know how often provincial governors, either individually or collectively, carried out audits of civic finances or on how many occasions civic authorities sought the intervention of the imperial state and its agents in order to adjudicate disputes which arose out of their administration of their public finances. Despite the deficiencies of our evidence I have attempted to construct a plausible model of the interlocking relationship between the imperial state and its constituent civic communities in the sphere of local public finance which is congruent inferentially with the extant evidence and deductively with the general characteristics of imperial administrative practice.

On this model two basic principles structured the relationship of imperial to local power. First, the superordinate imperial state always imposed some normative limitations, for example on the right to raise additional local taxation and on the freedom of action of the local civic authorities, and always had at its disposal the discretionary power, normally exercised by the provincial governor, to investigate and regulate local civic administrative practice. Secondly, within the constraints set by the imperial state, routine responsibility for the extraction, allocation and supervision of local resources for local use remained in the control of each civic authority; in this sense the civic authorities exercised state-like attributes of rule throughout our period. In practice within the context of this overlapping division of power and responsibility recurrent problems emerged. On the one hand the infrastructural reach of the imperial state was constrained both by the limited resources which it dedicated to its rule over its provinces and by the multiplicity of tasks which might be expected of its agents. On the other hand each civic community had limited and sometimes unpredictable financial resources at its disposal. In turn the civic authorities faced practical difficulties in administering these resources and in enforcing the local regulations which determined their allocation and use. As a consequence two developments occurred which modified, but did not radically alter, the overall structure of the relationship between the imperial state and its constituent civic communities. First, the imperial state introduced some additional normative regulations which functioned either to restrict the autonomous powers of the civic authorities (for example the rulings which required local

authorities to gain central sanction of plans to construct new public buildings at public expense) or to underpin their revenue-raising powers (for example the promulgation of centrally sanctioned rules designed to enforce the payment of promises).¹³⁹ Secondly, the infrastructural reach of the imperial state and, thereby, its capacity to respond to the difficulties faced by the civic authorities were enhanced by the creation and *ad hoc* appointment of imperially appointed financial commissioners (*curatores*) who temporarily in some cities at some times took over short term responsibility for the administration of public finance.¹⁴⁰

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139 Public buildings: see above pp. 325–331; promises: see above p. 331.

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