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GRAHAM P. BURTON

The Resolution of Territorial Disputes in the Provinces of the Roman Empire

Introduction

The imposition of Roman taxation and Roman jurisdiction provided the clearest manifestation of the subordination of the provincial subjects of the empire to public authority, exercised through the roles of provincial governor and other centrally appointed officials. Local administration, local jurisdiction and the raising and allocation of local financial resources constituted a third arena in which public authority was routinely exercised; in this arena public authority was normally exercised by the local political elites of each civic community and its attendant territory who were in turn irregularly supplemented and supported by the superior coercive powers inherent in the role of provincial governor. The subject matter of this article, the resolution of territorial disputes between communities and the authoritative demarcation of fixed boundaries constituted an important part of a fourth arena for the exercise of public authority in the provinces, namely the regulation of inter-community relations. This authority lay solely in the hands of the imperial state and its agents (normally the provincial governor, sometimes specially mandated officials). The subject matter of this article therefore represents both a distinct arena for the exercise of public authority and a distinct expression of the subordination of provincial subjects and communities to, and their integration in, the imperial state.¹

I will proceed by examining first the general significance of the creation and demarcation of fixed boundaries and, secondly, the procedural characteristics of territorial disputes and their resolution. In the conclusion I will try to indicate briefly how this phenomenon contributes to our understanding of the political system of the Roman empire. At the end of the article I have included an appendix which lists all known examples, eighty eight, of the resolution of

¹ My fourfold conceptualisation of the exercise of public authority in the provinces is in practice no doubt overschematic. For example the Roman state's imposition of regular taxation and the procedures for its implementation entailed the adjudication of purely fiscal disputes between provincial communities. However the heuristic advantage of my approach is, I hope, to highlight an aspect of Roman rule which has received insufficient attention in modern discussion.

territorial disputes (by provincial governors and other imperial officials), basic annotation of these examples and a commentary on certain procedural aspects.²

The significance of territorial disputes

«It is twenty stades from Chaeronea to Panopus, a city of the Phocians, if anyone would give the name of city even to these people, who have no official building for magistrates, no gymnasium, no market-place, no water collected in a fountain, but live in hovels, which most resemble mountain huts, here on the edge of the ravine. But none the less they have territory marked by boundaries with their neighbours, and send representatives to the common council of the Phocians.»³

The creation of clearly demarcated frontiers between rival polities and of authoritative boundaries within individual polities has often been seen as a key development in the emergence of the modern world and its associated system of nation-states.⁴ The system of nation-states has long since vanquished all other forms of political organisation (e.g. city-states, patrimonial empires) and the attribution of all lands and peoples to one nation-state or another, however contested any individual attribution may be, has become a taken-for-granted feature of political existence. It is therefore one of the most striking aspects of the political organisation of the Roman empire that its physical surface and population were systematically demarcated and attributed. The territory of the empire was not only administratively divided into provinces with clearly demarcated, if alterable, boundaries which defined the territorial limits of the legitimate powers of each provincial governor, but within each province each civic community, and most tribal ones, possessed fixed and publicly recognised territorial boundaries.⁵ Imperial estates and extra-territorial private estates also had formal boundaries which demarcated them from the territories of civic com-

² Since territorial boundaries are my object of study, I have rigorously excluded from consideration authoritative decisions concerning the allocation and regulation of private and public property *within* the territory of any individual city.

³ Paus. *Descr. of Greece*, 10,4.1. I know of no systematic account of the resolution of territorial disputes in the provinces, but there are very helpful comments in F. JACQUES – J. SCHEID, *Rome et l'intégration de l'Empire*, 1990, 161–167, and W. ECK, *Die Verwaltung des römischen Reiches in der hohen Kaiserzeit*, I, 1995, 355–363; also see A. AICHINGER, *Grenzziehung durch kaiserliche Sonderbeauftragte in den römischen Provinzen*, ZPE 48, 1982, 193–204.

⁴ See for example C. TILLY, *Coercion, Capital and European States, 990–1990*, 1992, esp. ch. 4.

⁵ Sometimes sub-civic corporations also possessed territory with authoritatively demarcated boundaries as in the case of the temple of Artemis at Ephesus (on which see the appendix numbers 34, 35, 36, 37 and 39).

munities. This territorially based attribution of land and people had far reaching consequences. It underpinned the exercise of public authority by both the imperial state and the local executives of each civic community; in turn it served to define the nexus of public duties (e.g. paying imperial and local taxes, providing local *munera*) of each provincial subject. It also helped to shape a variety of social and economic activities. Each of these consequences deserves further elaboration.

The existence and public recognition of civic boundaries underpinned the exercise of public authority by the imperial state above all in the fiscal sphere. All the forms of and procedures for imperial taxation presupposed the existence or creation of stable boundaries between communities. For the purpose of collecting the tribute the local executive of each city was responsible for levying the bloc assessment imposed on their territory and population. In theory provincial subjects, when they made their census returns, were expected to define their taxable property by stating the *civitas* and *pagus* in which it was situated.⁶ Separate returns had to be made when property was owned in the territories of more than one city.⁷ So the widow Babatha in a census return of 127 from the province of Arabia defined her property as within the boundaries (ἐν ὁρίοις) of the village of Maoza (which was administratively attached to the city of Petra), while a contemporary commentator asserted that the process of levying tribute was a prime source of territorial disputes between communities.⁸ The requisitioning of transport and supplies (ἀγγαρεία/*vehiculatio*) for the use of accredited imperial officials and soldiers was predicated on the allocation of responsibilities to individual communities within the boundaries of their territories. Thus a governor of Galatia at the beginning of Tiberius' reign had set up in «individual towns and villages» a register of services which were to be provided and in the specific case of Sagalassos, where a copy of his edict survives, noted that it had responsibility to provide transport as far as the neighbouring communities of Cormasa and Conana.⁹ The mutual responsibilities of neighbouring communities could again become the source of territorial disputes as in the case of Philippi and Thasos.¹⁰ Another contemporary commentator noted that especially in Africa territorial disputes between individual cities and great extraterritorial private landowners often arose out of the claims

⁶ Dig. 50.15.4 pr.

⁷ Dig. 50.15.4.2; for a fascinating example of the formal itemisation of individual properties in a village in second century Lycia-Pamphylia see M. WÖRRLE – W. W. WURSTER, Dereköy: Eine befestigte Siedlung im nordwestlichen Lykien und die Reform ihres dörflichen Zeuskultes, *Chiron* 27, 1997, 395–469.

⁸ Babatha: P. Yadin, no. 16; disputes: Hyginus, *de condicionibus agrorum*, ed. THULIN, p. 74, with my comments in the appendix, section 3f.

⁹ AE 1976, 653.

¹⁰ See appendix, numbers 25 and 63.

of the cities to levy *munera*, military recruits and supplies of provisions.¹¹ In the sphere of imperial indirect taxation the tax law for the *portoria* of Asia, for example, takes it as given that civic communities had precisely delimited boundaries.¹² In general the imperial state's practice of granting exemptions from some or all forms of imperial taxation also presupposed the existence of stable boundaries. So the delimitation (ὄροθεσία) of the territory of Histria, made by a governor of Moesia Inferior in 100, was a direct consequence of a long-running dispute between the city and tax-contractors over its right to collect the revenues from fishing within its boundaries.¹³

The legitimate exercise of public authority by the local executives of each civic community was geographically limited to their territory and inhabitants. So in the municipal charter of Irni the characterisation of the jurisdictional powers and duties of its local magistrates defined their competence as valid «within its boundaries» (*intra fines eius municipii*).¹⁴ In turn the ability of civic executives to levy local indirect taxes on the import and export of goods also presupposed the existence of recognised boundaries.¹⁵ They also had the right to impose corvée labour for building projects on their inhabitants. Thus the *lex Irnitana* enjoined that «whoever is a *municeps* or *incola* of that *municipium* or lives or has a field or fields within the boundaries of that *municipium*, all of them are obliged to give, carry out and provide those days [up to 5] of work.»¹⁶ In general within each local community both the definition of individuals as local citizens or subjects or resident aliens and the consequent attribution of rights and duties to them contained a clear territorial element. This territorial aspect of the definition of individuals is again well illustrated by the census return of Babatha of 127. She describes herself as «Babatha, daughter of Simon, of Maoza in the Zoarene [district] of the Petra administrative region, domiciled in my own private property in the said Maoza», while her guardian, Judanes (a resident alien), is described as «of the village of Engedi in the district of Jericho in Judaea, domiciled in his own private property in the said Maoza».¹⁷

The extent, character and demarcation of territory also carried important social and economic consequences for provincial cities. Socially the prestige of

¹¹ Agennius Urbicus, *de controversiis agrorum*, ed. THULIN, p. 45; cf. now the *senatus consultum de Cn. Pisone patre*, lines 84–89 (W. ECK – A. CABALLOS – F. FERNÁNDEZ, *Das senatus consultum de Cn. Pisone patre*, 1996).

¹² SEG 39, 1180 lines 35, 42 and 93–95.

¹³ For the complete dossier see I. Scythia Minor I 45–46 (appendix, number 21).

¹⁴ *Lex Irnitana*, ch. 84; cf. chs 29, 76 and 83. Presumably all municipal charters contained analogous rules; cf. Siculus Flaccus, *de condicionibus agrorum*, ed. THULIN, p. 98.

¹⁵ On this topic now see best L. DE LIGT, *Fairs and Markets in the Roman Empire*, 1993, esp. 45–47, 65–66 and 84–85.

¹⁶ *Lex Irnitana*, ch. 83.

¹⁷ P. Yadin, no. 16, lines 13–17; cf. no. 37 lines 4–5; also see H. COTTON, *A Cancelled Marriage Contract from the Judean Desert*, JRS 84, 1994, 73–77 and 85–86.

a city was in part dependent on the extent of its territory. Praise of a city's territory was a stock ingredient of contemporary panegyrics. Or, as one contemporary noted of the city of Apamea in Phrygia, there could be no better index of its power than the size of its tax-burden, a corollary of the extent and fertility of its territory.¹⁸ Economically the territory of a city was a key factor in the establishment of a regular food-supply for the urban centre and in its overall prosperity. Private economic transactions, such as the transfer of ownership of property or the use of land as security, might depend on the recognised attribution of landed property to a specific civic territory. For example in the early second century a leading citizen of Aphrodisias, Attalus Adrastus, provided a capital foundation whose income was to benefit the temple of Aphrodite. The capital was lent to inhabitants of the neighbouring city of Apollonia Salbake who promised land as security; in the formal act of foundation this land is described as «in the territory of Apollonia» (ἐν ὄροις Ἀπολλωνιατῶν).¹⁹ At Ariassos in Pisidia in the mid-second century a certain Diotimus, high priest, had promised in his local council to give land to his city from whose revenues oil was to be provided for the gymnasium. The promised landed property was owned by Diotimus outside the territory of Ariassos and, therefore, described as extra-territorial (ἐν ὑπερορίοις).²⁰

The characteristics of territorial disputes and their resolution

Given the importance, as sketched above, of the existence of territorial boundaries for both the imperial state and provincial communities a priori we should expect the delimitation and maintenance of territorial boundaries to constitute a prime duty of provincial governors. Indeed formal acts of delimitation and the resolution of boundary disputes together constitute one of the best attested types of authoritative decision made by representatives of the imperial state, (normally provincial governors, sometimes specially designated appointees of the emperor) in the provinces. To be sure many of the examples individually offer little illumination, since they merely record that boundaries between two or more communities were delimited on the authority or instructions of a provincial governor. Such examples provide little information about the exact origins of specific disputes or the mechanisms whereby they came to the governor's attention, although we can assume with confidence that in the majority of cases an aggrieved community petitioned the governor by letter or embassy;

¹⁸ Dio Chrys. Or. 35, 13–14 with the comments of C. P. JONES, *The Roman World of Dio Chrysostom*, 1978, 65ff.

¹⁹ REG 1906, no's 138–141 with the discussion and partial reedition of J. and L. ROBERT, *La Carie II*, no. 148.

²⁰ IGR III 422; see the discussion of L. ROBERT, *Études Anatoliennes*, 1937, 378–382, with analogous examples.

alternatively the aggrieved community may have petitioned the emperor who in turn had ordered the governor, or other official, to hear the dispute.²¹ The formal hearing of disputes before the governor would normally have involved the attendance of representatives of each relevant community.²² Nonetheless some of the surviving evidence is sufficiently explicit to allow us to trace some of the key characteristics of territorial disputes and of the mechanisms for their resolution, their potential complexity and the difficulties of assessing the legitimacy of competing claims.

A decision of a governor of Sardinia in 69, through its exceptional detail, allows us unusual insight into the complexities of such disputes. This decision adjudicated a dispute between two small communities, the Patulcenses and the Galillenses, which had already required the lengthy attention of two previous governors.²³

«Copied and checked in the consulship of Imperator Otho Caesar Augustus, on 18 March, from the file of the proconsul Lucius Helvius Agrippa, which was produced by the quaestor's clerk Gnaeus Egnatius Fuscus, and in which was written that which is written out below (table 5, sections 8–10):

13 March. Lucius Helvius Agrippa, proconsul, after hearing the case gave his decision: Since it is to the advantage of the state that judicial decisions, once taken, should be adhered to; and since Marcus Juventius Rixa, the distinguished imperial procurator, has given judgement more than once on the case of the Patulcenses to the effect that the boundaries of the Patulcenses were to be maintained as they had been regulated in the bronze tablet by Marcus Metellus, and has on the most recent occasion given judgement that he had been inclined to punish the Galillenses who were repeatedly bringing up the dispute and failing to adhere to his decree, but out of respect for the forbearance of the best and greatest of Emperors had been content to admonish them in his edict that they should refrain from causing trouble, abide by judicial decisions, and by the following 1 October withdraw from the properties of the Patulcenses and return them to vacant possession; while if they persisted in their obstinate refusal to obey, he would take severe measures against the leaders of the disturbance; and since the distinguished senator Caecilius Simplex was subsequently approached on the same issue by the Galillenses, who claimed that

²¹ On the character of imperial involvement and the possibility that the duty of regulating boundary disputes formed part of governors' *mandata*, see appendix section 3a.

²² For example ILS 9471 (J. and L. ROBERT, *La Carie II*, no. 78) records a notable from Alabanda in Caria during the reign of Trajan who had acted as representative (ἐκδικησ) of his city «concerning the restoration of boundaries». Also note the advice of Dio Chrys. Or. 34,11 and 43ff., to the city of Tarsus not to resort too quickly to the governor's tribunal in its dispute with its neighbour Mallus.

²³ CIL X 7852 (ILS 5947) (appendix numbers 2–4).

they could produce from the imperial archives the document relevant to the subject, and gave judgement to the effect that it was only humane that a postponement should be granted to allow for the production of evidence, and granted an adjournment of three months until 1 December, by which time the map had to be produced or he would follow the map in the province; and since I too, having been approached by the Galillenses, who offered reasons for their failure as yet to produce the map, granted an adjournment until 1 February last, and am fully aware that the delay was convenient to the persons in possession: let the Galillenses depart by 1 April next from the territories of the Patulcenses Campani which they had taken over by violence; while if they do not act in accordance with this judgement, let them know they will be liable to punishment for their disobedience, which has been prolonged and by now frequently condemned.» The document concludes with a list of eight men, including the quaestor and legate of the proconsul, who, as members of his consilium, have advised the proconsul on his decision.

Within a very different social and political milieu, namely that of Syria and Judaea in the early first century, analogous examples are attested which again illustrate the potential gravity of such disputes, the possible recourse to violence, and the assumption that the governor's court was the normal forum for their resolution. For example in circa 32 «there was a disagreement between the people of Damascus and those of Sidon on the subject of boundaries. When Flaccus [L. Pompeius Flaccus, governor of Syria] was about to hear the case, the Damascenes, who had learnt that Agrippa would have great influence with him, asked Agrippa to favour their cause and promised him a very large sum of money. He promised to do everything in his power to help the Damascenes. But Aristobulus [brother and enemy of Agrippa] to whom the promise of money was no secret, denounced him to Flaccus.»²⁴ Again in 44: «Fadus [C. Cuspius Fadus] on his arrival in Judaea as procurator discovered that the Jewish inhabitants of Peraea had fallen out with the people of Philadelphia over the boundaries of a village Moreover the Peraeans had taken up arms without the sanction of their first men and killed many of the Philadelphians. Fadus, when he learnt of this, was furious that they had not waited for his judgement but resorted to arms, although they thought they had been wronged by the Philadelphians. He therefore seized three of their leaders responsible for the revolt and ordered them to be held prisoner.»²⁵

Analogous disputes also occurred between civic communities and private landowners who owned large estates which were contiguous with, but not politically part of, the territories of civic communities. As has already been noted, such disputes were claimed to have been especially frequent in Africa where

²⁴ Josephus, A. J. 18, 153–154 (appendix number 49).

²⁵ Josephus, A. J. 20, 2–4 (appendix number 47).

large extra-territorial estates were unusually common.²⁶ The example of the resolution of a dispute, of the early second century, between the community of the Aunobaritani and a certain Iulius Regillus serves both to illustrate this general claim and to indicate that the process of resolution was no different to that used in inter-community disputes. The proconsul Marcellus, supported by his consilium, organised a formal hearing. Because the interested parties produced no new evidence, he confirmed the judgement of his predecessor, Cornutus.²⁷

As the last example indicates, it was the responsibility of interested parties to keep authenticated copies of the governor's decision. If in the future the boundaries were again contested, the earlier decision, or decisions, could be produced as evidence.²⁸ The formal decisions of governors, I assume, normally included detailed topographical descriptions of the boundaries. These detailed descriptions would be stored in the local civic archives and on occasion were in addition publicly inscribed.²⁹ The potentially complex topographical aspects of the resolution of boundary disputes had two further procedural consequences. Sometimes provincial governors inspected in person the disputed areas.³⁰ Sometimes, perhaps frequently, they enlisted the help of soldiers or surveyors in the implementation of their decisions, probably above all for the purpose of erecting boundary markers.³¹ The aspects of the resolution of boundary disputes so far emphasised (their intrinsic political importance and their complex, potentially time-consuming and highly contested character) serve also to explain another significant characteristic, namely the use of special imperial legates or *iudices dati* as alternative (to the provincial governor) sources of authoritative adjudication.³²

A series of decisions concerning the civic and sacred boundaries of Delphi, made by C. Avidius Nigrinus, provide the most detailed illumination of the use of special legates. Trajan had appointed Nigrinus, who described himself as *iudex datus ab imperatore*, to adjudicate a complicated dispute between Delphi on the one hand and the communities of Ambryssos, Amphissa, Myania and Anticyra on the other. His decisions clearly illustrate the procedural themes al-

²⁶ Above note 11.

²⁷ ILAfr. 591 (appendix numbers 86–87).

²⁸ See appendix section 3d.

²⁹ See appendix section 3e.

³⁰ See appendix section 3d.

³¹ See appendix section 3b.

³² For the use of special legates and fiscal procurators as occasional alternatives to the incumbent governor see G. P. BURTON, *Provincial Procurators and the Public Provinces*, Chiron 23, 1993, at 24–26; also cf. AICHINGER, *op. cit.* (note 3) and B. THOMASSON, *Legatus*, 1991, 73–84. Note also that on occasion governors delegated responsibility for the execution of their decisions to lower ranking officials; e.g. appendix numbers 29, 34, 37 and 38 (to a legate of a proconsul), 40 (to a quaestor), 42 (to a *militiis*) and 84 (to a prefect of the fleet).

ready adumbrated. He conducted formal hearings which entailed the presence of the parties to the dispute, examined previous documentary evidence (including decisions of the *hieromnemes* of c. 125 B.C.) and undertook careful personal inspection of the disputed territory. His final decisions, which were also inscribed on the walls of the temple of Apollo, included full and detailed topographical exposition of the newly adjudicated boundaries.³³

Besides the delimitation of existing, but contested, boundaries, an important sub-set of delimitations served a rather different, if cognate, function, namely the creation of fixed and authoritatively recognised boundaries. The majority of surviving examples of this type come from North Africa, especially the border region between Africa Proconsularis and Numidia, and in the main date from the late first and early second centuries. Provincial governors or special imperial legates are found delimiting the boundaries of tribal communities such as the Musulames or Numidae.³⁴ These formal acts of delimitation constituted part of a wider process, including the foundation of colonies and the appointment by the Roman state of tribal prefects (*praefecti gentium*), whereby under the aegis of Roman power stable and geographically bounded systems of public authority were created.³⁵ In the medium term this process led to the creation of urban centres and the grant of civic status. So in 116/117 the assignation of lands to the tribal community of the Suburbures is attested; by the end of the second century the Suburbures are recognised as a *res publica*.³⁶

The question of the precise origins of territorial disputes remains especially intractable in the light of our surviving documentation. Although, as noted earlier, one ancient commentator claimed that the process of levying tribute was a common cause of territorial disputes, none of the eighty-eight examples listed in my appendix can be securely explained on this basis. Indeed only seven of the examples have a fiscal origin of any kind. Given the paucity of our data on this issue the only safe hypothesis is that the origins of territorial disputes and their subsequent adjudication by agents of the imperial state can not only or in general be ascribed to the desire of the state to protect its fiscal interests.³⁷

Finally we need to ask if any other mechanisms, besides decision making by agents of the imperial state, existed for the authoritative resolution of territorial

³³ For the complete dossier see F.de Delphes III 4, 290–295 (appendix numbers 67–70).

³⁴ See appendix numbers 54, 55, 56, 77, 78, 79, 80, 81, 82, 86 and 87.

³⁵ In general see M. BENABOU, *La résistance africaine à la romanisation*, 1976, 429–445; M. BENABOU, *L'Afrique*, in: M. CRAWFORD (ed.), *L'impero Romano e le strutture economiche e sociali delle province*, 1986, 127–141, esp. 136 ff., with literature; and Z. BENZINA BEN ABDALLAH, *Du côté d'Ammaedra: Musulamii et Musunii Regiani*, *AntAfr* 28, 1992, 139–145.

³⁶ ILS 9380–81 (appendix number 56).

³⁷ See further appendix section 3f.

disputes. Of course it was always possible for rival communities to try to resolve, without recourse to the Roman authorities, their territorial disputes through diplomacy and informal negotiation. By definition such informal resolution of disputes has left little mark on our surviving sources, although Dio Chrysostom in his civic speeches sometimes urges such informal settlement of disputes.³⁸ However, as often in historical analysis, what did not happen (or at least what is not recorded to have happened) is especially revealing. For example provincial councils are never recorded as having any autonomous authoritative role in the resolution of territorial disputes.³⁹ Analogously the practice of third-party inter-state arbitration, so well known in the Greek east in the Hellenistic period, completely disappears in the principate.⁴⁰ In short the imperial state maintained a monopoly of the authoritative resolution of territorial disputes whatever their origin.

Concluding remarks

Three immediate consequences ensue from this survey of the resolution of territorial disputes for our understanding of the exercise of public authority in the provinces. Firstly, the creation and maintenance of stable territorial boundaries were crucial to the routine exercise of public authority by both the imperial state and the local civic authorities. Secondly, only the provincial governor (or occasionally other specifically mandated representatives of the imperial state) possessed the power to make authoritative resolutions of territorial disputes and thereby underpin the routine functioning of the political order in each province. Thirdly, given the often intense character of these disputes and the possibility that the interested parties might resort to violence, dispute resolution by agents of the imperial power also served to suppress conflict and thereby ensure the stability of Roman rule.⁴¹ Indeed when on rare occasions, such as the civil wars of 68–69 and 193–197, the routine authority of the

³⁸ E.g. Or. 34,11 and 43ff. on the dispute between Tarsus and Mallus which in part concerned territory (dismissively characterised as «sand-dunes» and «swamps») and Or. 40 and 41 addressed to the neighbouring cities of Prusa and Apamea.

³⁹ The only attested involvement of a provincial council occurs in a dispute between Cierium and Metropolis (appendix number 33); in this case the decision of the council of Thessaly depended for its legitimacy on the prior delegation to it of the dispute by the governor and his subsequent confirmation.

⁴⁰ For this phenomenon see the overview of A. J. MARSHALL, *The Survival and Development of International Jurisdiction in the Greek World under Roman Rule*, ANRW II 13, 1980, 626–661, with literature; now see D. ROUSSET, *Les frontières des cités grecques. Premières réflexions à partir du recueil des documents épigraphiques*, Cahiers Glotz 5, 1994, 101 ff.

⁴¹ For recourse to violence see only the examples cited above (notes 23 and 25); in the dispute between Tarsus and Mallus (above note 38) the latter had apparently already employed violence.

imperial state and its agents temporarily broke down, full scale violence between neighbouring cities sometimes quickly erupted.⁴²

In short, if we locate territorial disputes and their resolution in the general context of the imperial state's rule over its subjects, their authoritative adjudication by, and only by, agents of the imperial state acted as a clear manifestation of the political subordination of provincial communities and served both to promote social order in the provinces and to enhance and reproduce over time the integration of these communities into a stable system of rule.

Appendix: The Adjudication of Territorial Disputes by Provincial Governors and Special Legates

This appendix is divided into three sections. The first section comprises three tables; they aim to provide a comprehensive list of decisions, made either by provincial governors or by special legates and other mandatories of the emperor, which delimited the territorial boundaries of corporate communities (normally cities, sometimes tribal communities). Tables 1 and 2 list decisions made respectively by provincial governors (Table 1) and by special legates or other mandatories of the emperor (Table 2). Table 3 lists a small sub-set of examples concerning relations between corporate communities and extra-territorial private estates. Within each table the examples are listed province by province following the standard order of *L'Annee Epigraphique* (column 1). Column 2 provides brief indication of date. Column 3 gives some indication of the character of each decision. Thus the phrase «single community» indicates that the decision concerns the boundaries of a single community without any explicit reference to any neighbours; the phrase «two communities» indicates an adjudication between two communities etc. The second section provides basic references and, where necessary, explication of points of detail or difficulty. The third section discusses certain procedural aspects of the process of adjudication (the involvement of the emperor, the use of surveyors, the use of a *consilium*, personal autopsy and the consultation of records, the recording of topographical detail, and the known causes of territorial disputes).⁴³

⁴² In general see P.A. BRUNT, *Charges of Provincial Maladministration under the Early Principate*, in: *Roman Imperial Themes*, 1990, 79. A classic example is the violent struggle between Oea and Lepcis over «crops and cattle» (so Tac. hist. 450); this dispute presumably provides the context for the later delimitation of their boundaries in 74 (appendix number 75).

⁴³ I have excluded from consideration fragmentary texts and putative decisions based on substantial epigraphic restoration. Since the focus of this article is on provincial governors and other agents of public authority in the provinces, I have also excluded analogous decisions made on the authority of an emperor which do not record any specific agent of public authority.

Section 1: Tables

Table 1: *The Adjudication of the Boundaries of Civic Territories by Provincial Governors and/or Fiscal Procurators*

Province	Date	Character of Decision
1. Corsica	77	Two communities
2. Sardinia	66/67	Two communities
3. Sardinia	67/68	Two communities
4. Sardinia	69	Two communities
5. Lusitania	Augustan	Two (?) communities
6. Baetica	84	Single community
7. Hispania Citerior	c. 75/78	Two communities
8. Germania Superior	74	Two communities
9. Dalmatia	c. 14–20	Two communities
10. Dalmatia	c. 14–20	Two communities
11. Dalmatia	37/41	Two communities
12. Dalmatia	37/41	Two communities
13. Dalmatia	37/41	Two communities
14. Dalmatia	c. 40/42	Two communities
15. Dalmatia	c. 44/45	Two communities
16. Dalmatia	c. 63/67	Two communities
17. Dalmatia	c. 63/67	Two communities
18. Dalmatia	69/70	Two communities
19. Dalmatia	c. 70/73	Unclear
20. Dalmatia	179	Unclear
21. Moesia Inferior	100	Single community
22. Moesia Inferior	c. 162/166	Unclear
23. Moesia Inferior	c. 176/177	Single community
24. Moesia Inferior	229	Unclear
25. Thrace	Vespasianic	Two communities
26. Thrace	152/155	Single community
27. Thrace	184/185	Single community
28. Thrace	211/217	Single community
29. Macedonia	114	Two communities
30. Macedonia	Hadrianic	Two communities
31. Macedonia	Mid-2nd	Three communities
32. Achaea	by 25	Two communities
33. Achaea	11/35	Two communities
34. Asia	6/5 B.C.	Single community
35. Asia	84/85	Single community

36. Asia	86/87	Single community
37. Asia	87/88	Single community
38. Asia	110/111	Two communities
39. Asia	111/112	Single community
40. Asia	c. 209	Two communities
41. Asia	c. 214	Two communities
42. Asia	c. 253/260	Two communities
43. Galatia	54/55	Two communities
44. Lycia-Pamphylia	161/169	Single community
45. Lycia-Pamphylia	Mid-2nd	Two communities
46. Cilicia	c. 72/74	Two communities
47. Judaea	44	Two communities
48. Syria	12/17	Single community
49. Syria	32/35	Two communities
50. Syria	102	Two communities
51. Syria	153	Single community
52. Syria	2nd (?)	Two communities
53. Africa Proconsularis	c. 220	Two communities
54. Numidia	Vespasianic	Two communities
55. Numidia	102/103	Single (?) community
56. Numidia	116/117	Single community
57. Numidia	135/138	Single community
58. Numidia	198/201	Unclear
59. Mauretania Caesarensis	128	Two communities
60. Mauretania Caesarensis	c. 137	Single community

Table 2: The Adjudication of Boundaries by Special Legates or *Iudices Dati* of the Emperor⁴⁴

61. Baetica	Hadrianic	Three communities
62. Thrace	Hadrianic	Single community
63. Macedonia	Vespasianic	Two communities
64. Macedonia	101	Two communities
65. Macedonia	120	Two communities
66. Achaea	78	Two communities
67. Achaea	1st	Two communities
68. Achaea	c. 110	Two communities
69. Achaea	c. 110	Two communities

⁴⁴ Individuals described as a *iudex datus* of an emperor may in reality have been special imperial legates. So C. Avidius Nigrinus, who carried out a series of delimitations of the territory of Delphi (see below numbers 68, 69 and 70), was officially entitled *leg. Aug. pr. pr.*; yet in one decision he describes himself as *iudex datus* of Trajan.

70. Achaea	c. 110	Two communities
71. Achaea	Hadrianic	Two communities
72. Asia	c. 134	Two communities
73. Cyrenaica	53/54	General
74. Cyrenaica	71/74	General
75. Africa Proconsularis	74	Two communities
76. Africa Proconsularis	73/74	General
77. Africa Proconsularis	Vespasianic	Two communities
78. Africa Proconsularis	87	Two communities
79. Africa Proconsularis	104/105	Two communities
80. Africa Proconsularis	104/105	Two communities
81. Africa Proconsularis	116	Two communities
82. Africa Proconsularis	116	Three communities

Table 3: The Adjudication of Boundaries between Communities and Private Estates

83. Hispania Citerior	193	Two communities
84. Moesia Inferior	198/201	Two communities
85. Africa Proconsularis	105	Two communities
86. Africa Proconsularis	c. 116/117	Two communities
87. Africa Proconsularis	c. 120/121	Two communities
88. Mauretania Caesarensis	137	Two communities

Section 2: References

No. 1. CIL X 8038.

Nos. 2–4. CIL X 7852 = ILS 5947.

No. 5. AE 1954, 88.

No. 6. CIL II²/5, 302.

No. 7. FABRE-MAYER-RODÀ, IRC 172–174. In this instance the governor was aided not only by his *consilium*, but also by his legate and the fiscal procurator.

No. 8. CIL XII 113 = ILS 5957.

No. 9. CIL III 9973. In general for Dalmatia see J. WILKES, *Dalmatia*, 1969, Appendix 5.

No. 10. Non vidi; cited by J. WILKES, *op. cit.*, 457, who also notes two other fragmentary epigraphic references to territorial adjudication by the same governor.

No. 11. CIL III 2882.

No. 12. CIL III 8472 = ILS 5948.

No. 13. CIL III 9832 = ILS 5949.

No. 14. CIL III 9864a = ILS 5950.

- No. 15. CIL III 12794 = ILS 5952.
- No. 16. CIL III 9973 = ILS 5953. A restoration of a settlement made fifty years earlier (number 9); for further evidence of this decision see CIL III 2883 = ILS 5953a.
- No. 17. AE 1910, 79 = ILS 9378.
- No. 18. CIL III 9938 = ILS 5951.
- No. 19. AE 1967, 355.
- No. 20. CIL III 8663.
- No. 21. I. Scythia Minor I 45–46.
- No. 22. AE 1969/70, 567.
- No. 23. AE 1957, 333.
- No. 24. I. Scythia Minor V 8.
- No. 25. Thasos II 186.
- No. 26. IGBulg III 1401.
- No. 27. AE 1965, 2.
- No. 28. SEG 29, 681; see IGBulg III 1455 and 1472 for two other identical examples. In this case the governor operates «through» a Mucius Verus otherwise known as *ensor* of the province.
- No. 29. SEG 24, 486.
- No. 30. CIL III 586 = ILS 5947a.
- No. 31. SEG 39, 577.
- No. 32. Tac. ann. 4.43.
- No. 33. IG IX 2, 261 = J.-C. DECOURT, *Inscriptions de Thessalie* I 13.
- No. 34. I. Ephesus V 1523–24; for discussion see H. ENGELMANN, *ZPE* 97, 1993, 280–281, who suggests that this specific decision formed part of a general revision of the territory attributed to the temple of Artemis whose full details were probably recorded in the fragmentary inscription SEG 39, 1175.
- No. 35. A new inscription published by H. ENGELMANN, *ZPE* 125, 1999, 143–144; this document and numbers 36, 37 and 39 again all concern the territory attributed to the temple of Artemis.
- No. 36. I. Ephesus VII 2, 3506/07.
- No. 37. I. Ephesus VII 2, 3510.
- No. 38. A new inscription, first published by R. HAENSCH in: W. ECK (ed.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert*, 1999, 115–139, which records the determination of the boundaries of two villages which some time earlier had been attributed to the territory of Heraclea ad Salbacum.
- No. 39. I. Ephesus VII 2, 3511.
- No. 40. First published by D. H. FRENCH, *Epigraphica Anatolica* 29, 1997, 61–63; for further discussion, now see M. CHRISTOL – TH. DREW-BEAR, *Cahiers Glotz* 9, 1998, 143–162, who inter alia argue convincingly for a date of 209 and demonstrate that the boundaries in question were those of Philomelium in

Asia and Pisidian Antioch in Galatia. This document provides the only surviving example of the delegation of authority to the provincial quaestor.

No. 41. TAM V 2, 859.

No. 42. SEG 32, 1287; at this date the area of Caria-Phrygia had come under the authority of a separate equestrian governor.

No. 43. OGIS 538. Four copies of this decision have been published; now see G. H. R. HORSLEY – R. A. KEARSLEY, ZPE 121, 1998, 123–129.

No. 44. I. Arykanda 25.

No. 45. F. de Xanthos VII 86. In this long, but damaged, inscription the dispute over territorial boundaries is associated with disputes over local customs duties and the use of harbours.

No. 46. AE 1966, 486.

No. 47. Josephus, A. J. 20, 2ff.

No. 48. IGLS V 2550.

No. 49. Josephus, A. J. 18, 153–154.

No. 50. IGLS V 2549. In this example the governor and provincial procurator act in conjunction.

No. 51. IGLS V 2550. The two inscriptions which record decisions numbers 48, 50 and 51 derive from the same monument. All three decisions may concern the mutual boundaries of Palmyra and Apamea; see J. MATTHEWS, JRS 74, 1984, 157–180 for discussion and literature. Another inscription, IGLS V 2552, attests the delimitation of boundaries between Palmyra and Emesa in the mid-2nd century, but does not indicate the responsible agent of public authority.

No. 52. CIL III 183 = ILS 5974. On the instructions of a procurator.

No. 53. CIL VIII 4845 = ILS 467.

No. 54. AE 1957, 175 and AE 1969/70, 696. It is not certain whether the imperial legate who carried out this delimitation was the commander of *legio III Augusta* (and de facto governor of Numidia) or a special commissioner of the emperor; see B. THOMASSON, *Die Statthalter der römischen Provinzen Nordafrikas*, 1960, II, 156–157. For another delimitation in Africa Proconsularis, by this official see below number 77.

No. 55. ILS 2939 = ILS 5959.

No. 56. ILS 9380/81.

No. 57. ILS 6515/16; 6834 and 6836.

No. 58. AE 1946, 38.

No. 59. CIL VIII 8369 = ILS 5961.

No. 60. CIL VIII 8814 = ILS 5960.

No. 61. CIL II²/7, 776. A decision, confirmed by Hadrian, of Iulius Proculus who is described as a *index*; for the problems of interpreting his role and identity see G. ALFÖLDY, *Fasti Hispanienses*, 1969, 166–167 and the editorial comments in CIL.

No. 62. AE 1937, 170–171.

No. 63. Thasos II 186. This letter of the procuratorial governor of Thrace (cf. above number 25) to the Thasians about their dispute with the colony of Philippi states that he can not alter the earlier decisions of L. Antonius, ἀνήγ ἐπιστημότατος. The latter is plausibly believed to have been a special legate of Vespasian; so F. PAPAZOGLU, *ZAnt* 29, 1979, 239–242, with literature. By context his decisions concerned territorial disputes.

No. 64. AE 1913, 2. A decision of a *index datus* whose name is lost.

No. 65. AE 1924, 57. A decision taken on the authority of D. Terentius Gentianus, imperial legate and *ensitor* in Macedonia.

No. 66. IG V 1, 1431. The only agent of public authority mentioned in this inscription is an imperial freedman surveyor (χωρομετρῆς). I assume he was an *index datus* of Vespasian, though it is possible that he was executing in detail a decision made by a proconsul or special imperial legate. This delimitation was probably another episode in the long-running dispute between Sparta and Messene (above no. 32); for context and discussion see P. CARTLEDGE – A. SPAWFORTH, *Hellenistic and Roman Sparta*, 1989, 138–139.

No. 67. F. de Delphes III 4, 290–291. F. de Delphes III 4, 290–295 contain a series of decisions (nos. 68–70) by the special imperial legate, C. Avidius Nigrinus; his first decision (no. 68) refers back to the present decision made by a Cassius Longinus who was either a special imperial legate (so the editor) or an earlier proconsul (so W. ECK, *Chiron* 13, 1983, 186–187).

No. 68. F. de Delphes III 4, 290–291.

No. 69. F. de Delphes III 4, 292–293.

No. 70. F. de Delphes III 4, 294–295.

No. 71. J. H. OLIVER, *Greek Constitutions*, nos. 113–114. A dispute between Orchomenos and Thisbe over territory and rights of pasturage had been adjudicated by Hadrian who had appointed a Mestrius Aristonymus as *index datus* to measure out the relevant lands. The dispute remained alive into the reign of Antoninus Pius who again in 155 requested Aristonymus to delimit the relevant territory.

No. 72. MAMA V 60. This decision concerns the boundaries of Dorylaeum (in Asia) and probably Nicaea in Pontus-Bithynia; for recent discussion of the topographical problems see M. CHRISTOL – TH. DREW-BEAR, *GRBS* 32, 1991, 412–413.

No. 73. SEG 9, 352; 26, 1819. Both these decisions and those detailed under no. 74 concern the well known missions of respectively L. Acilius Strabo and Q. Paconius Agrippa to restore from private control to the Roman people lands and properties which had originally been bequeathed by Ptolemy Apion.

No. 74. SEG 9, 165–166 and 360; 26, 1841.

No. 75. AE 1979, 648–649. A delimitation of the boundaries of Oea and Lepcis by the consular Q. Iulius Cordinus Rutilius Gallicus who in 73–74 was in charge of special census operations in Africa; for the background and context

of these activities see M. LE GLAY, MEFRA 80, 1968, 222ff. and M. LE GLAY – S. TOURRENC, AntAfr 21, 1985, 106–107.

No. 76. ILS 5955. A series of almost identical inscriptions record the delimitation of the boundary between «old» and «new» Africa by Gallicus (above no. 75) and Sex. Sentius Caecilianus, legate of *III Augusta*.

No. 77. AE 1942, 35. This inscription, of Hadrianic date, records the restoration by an imperial slave *ensor* of boundaries originally determined by Capito Pompeianus, legate of *III Augusta* (on whom see above no. 54).

No. 78. IRT 854. The boundaries were determined by Cn. Suellius Flaccus, legate of *III Augusta*.

No. 79. ILAlg I 2978. L. Minicius Natalis, legate of *III Augusta*, made a series of delimitations of the lands of the tribe of the Musulames on the borderlands of Africa Proconsularis and Numidia. In addition to this example (with the Tisibinenses) and no. 80 (with Madauros), two inscriptions record the settlement of boundaries with respectively imperial properties and the private estates of Valeria Atticilla (below no. 85).

No. 80. ILAlg I 2828 = ILS 5958a.

No. 81. ILAlg I 2829. The delimitations by L. Acilius Strabo Clodius Nummus again concern the boundaries of the Musulames with respectively Madauros (no. 81) and the colony of Ammaedara and an imperial estate (no. 82). It is probable, but not certain, that at this time he was legate of *III Augusta*; see B. THOMASSON, Legatus, 1991, 78, with further literature.

No. 82. ILAlg I 2939bis.

No. 83. CIL II 4125.

No. 84. AE 1956, 206. A prefect of the fleet executes the decision of the governor.

No. 85. ILT 1653. Part of the work of L. Minicius Natalis (above nos 79–80).

Nos. 86 & 87. ILAfr 591. The record of the adjudication of a dispute between Aunobaris and a Iulius Regillus by a proconsul named Marcellus who refers back to an earlier decision of a Cornutus, *clarissimus vir*; they are probably respectively M. Vitorius Marcellus and C. Iulius Cornutus Tertullus (see W. ECK, Chiron 13, 1983, 154).

No. 88. CIL VIII 21663 = ILS 5963.

Section 3: Procedural Aspects

Certain features of the 88 decisions enumerated above deserve further comment. However it has to be emphasised that in many of the examples we know little, if anything, of the origins of these disputes or of the procedures whereby they were resolved. Many surviving decisions merely inform us that boundaries were placed or restored by the authority or instructions of a provincial governor (or other official) and convey little, if any, contextual information.

(a) *The involvement of the emperor*

In almost half (forty two) of the examples no explicit reference is made to imperial involvement.⁴⁵ There should be no doubt that the right to resolve territorial disputes was inherent in the powers of provincial governors. When reference to the authority of the emperor is made, the exact nature of his involvement is frequently obscure. In some cases the parties in dispute had petitioned, by letter or embassy, the emperor who has in turn written to the provincial governor or appointed a special legate or judge to adjudicate the dispute.⁴⁶ In other cases the adjudicators are briefly described as acting «on the instructions» (*iussum*, κέλευσις etc.) of the emperor.⁴⁷ Such a phrase may, of course, elliptically denote the process of petition and response.⁴⁸ However, it may equally imply no more than a reference to an official's *mandata*. Analogously adjudicators are often said to act «on the authority» of the emperor.⁴⁹ Such a phrase may denote no more than that the powers of provincial governors were ultimately derived from the emperor or, again, may be a covert reference to their *mandata*. However difficult it is to interpret such cursory phrases as «on the instructions/authority of the emperor», I think it a plausible hypothesis that the *mandata* of provincial governors came to include a standard section on the delimitation of territorial boundaries.⁵⁰

(b) *The use of surveyors or soldiers*

The use of surveyors (*ensor*, γεωμέτρης) or specifically designated soldiers is frequently attested. Surveyors are certainly or very probably attested in seven examples, namely numbers 1, 17(?), 23(?), 30, 42, 66 and 67; soldiers are certainly or very probably attested in sixteen examples, namely numbers 9, 11, 12, 13, 14, 15, 16, 19, 20, 22, 23, 24, 52(?), 58, 65, and 84. A reference to a soldier should be restored in example number 46.

⁴⁵ Numbers 2, 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 29, 31, 32, 33, 42, 45, 46, 47, 48, 49, 52, 57, 59, 63, 65, 67(?), 83, 84, 86 and 87.

⁴⁶ Twelve cases: numbers 1, 30, 43, 50, 51, 61(?), 62 (implicit), 64, 68, 69, 70 and 71.

⁴⁷ Thirteen cases: numbers 28, 35, 36, 37, 38, 39, 40, 44, 53, 72, 73, 74 and 77.

⁴⁸ For example the editor of number 38 argues convincingly from its context that the instructions of Trajan were consequent on an embassy to him.

⁴⁹ Sixteen cases: numbers 8, 19, 54, 55, 56, 58, 60 (*indulgentia*), 75, 76, 78, 79, 80, 81, 82, 85 and 88. The character of imperial involvement in the five remaining cases (numbers 5, 6, 34, 41 and 66) is unclear.

⁵⁰ Compare my comments in ZPE 21, 1976, 63ff.; a close analogy would be the section of the *mandata* which instructed that «those places which are sacred should be preserved as such» (Frontinus, *de controversiis agrorum*, ed. THULIN, p. 48).

(c) The consilium

Given standard Roman administrative practice and the potential complexity of territorial disputes we might expect the use of a *consilium* to have been the norm. However explicit reference to a *consilium* is only found in six examples, namely numbers 4, 7, 12, 68, 83 and 87.

(d) Personal autopsy and the consultation of records

The process of decision-making sometimes required the personal inspection of the disputed territory; ten certain or very probable examples are attested, namely numbers 18, 25, 30, 36, 41(?), 42, 44, 69, 70 and 71. Analogously records of earlier decisions might be consulted (for example numbers 68 and 87). In this context it is noteworthy that in sixteen examples there is either explicit reference to previous decisions or a claim to be «restoring» boundaries, namely numbers 3, 4, 15, 16, 25, 31, 32, 41, 50, 51, 64, 68, 69, 70, 77 and 87.

(e) The recording of decisions and topographical detail

Both the production of documentary evidence during the hearing of disputes and the references back to earlier decisions of themselves indicate that communities normally stored authenticated copies of decisions in their public archives. Sometimes both the general decision and its detailed topographical illustration were publicly inscribed, just as other favourable decisions of emperors and/or governors often were.⁵¹

(f) The causes of territorial disputes

«Territorial disputes are started similarly whenever there is a controversy about ownership because of the exaction of tribute.»⁵² Despite this famous generalisation none of our 88 examples can be explicitly linked to disputes over the collection of or liability to direct taxation. Indeed it is the most glaring deficiency of the testimony collated in this appendix that it tells us so little of the origins of the disputes whose adjudication it records. In only thirteen cases can something of the origins of these disputes be divined; of these seven have a fiscal connection. Four examples arose out of census-operations, namely numbers 28, 65, 75 and 76. The dispute between Philippi and Thasos (numbers 25

⁵¹ For topographical detail see numbers 2–4 (reference to a map), 21, 30, 41, 43, 59, 62, 64, 66, 69 and 70. Numbers 21, 30, 64, 66, 69 and 70 are specially illuminating. Also compare SEG 39, 1175 which probably records the complete details of a major revision of the boundaries of the lands of the temple of Artemis in Ephesus in 6/5 B.C., a revision of which number 34 formed a part.

⁵² Hyginus, *de condicionibus agrorum*, ed. THULIN, p. 74; cf. Agennius Urbicus, *de controversiis agrorum*, ed. THULIN, p. 45, for the origins of disputes in Africa between communities and great private landowners. The dispute between Iulius Regillus and Aunobaris (above numbers 86–87) may exemplify Urbicus' comments.

and 63) stemmed in part from questions of their mutual responsibilities for the *vehiculatio*. The famous ὁροθεσία of Histria of 100 (number 21) was the culmination of a long-running dispute with Roman tax-contractors over fishing rights and revenues. The remaining six examples have no association with the fiscal demands of the Roman state. The dispute between Sparta and Messene (number 32, cf. 66) originated in a long-standing controversy over control of the temple of Diana Limnatis; example number 38 was probably analogous in character. Two decisions, numbers 26 and 71, arose from disputes over rights of pasturage. The dispute between Kaunos and Kalyanda (number 45) was associated with disputes over local customs duties and harbour-rights. Finally the conflict between Peraea and Philadelphia (number 47) was grounded in the endemic tensions between Greek and Jewish communities. In sum although many territorial disputes may have had fiscal origins, this hypothesis can not be directly substantiated by the surviving data nor, of course, be negated given the defective character of this data.

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