



INSTITUTE OF ARCHEOLOGY  
AND ART HISTORY OF ROMANIAN  
ACADEMY CLUJ-NAPOCA



UNIVERSITATEA TEHNICĂ  
DIN CLUJ-NAPOCA

JAHA  
JOURNAL OF ANCIENT HISTORY  
AND ARCHAEOLOGY

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# Journal of Ancient History and Archaeology

DOI: <http://dx.doi.org/10.14795/j.v12i4>

ISSN 2360 266x

ISSN-L 2360 266x



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No. 12.4/2025



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Design & layout: Petru Ureche



EDITURA MEGA | [www.edituramega.ro](http://www.edituramega.ro)  
e-mail: [mega@edituramega.ro](mailto:mega@edituramega.ro)

## EPIGRAPHY AND PAPHYROLOGY

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### **EPIKLESIS (OGIS 458): RENUNTIATIO OR APPELLATIO?**

**Abstract:** The inscription OGIS 458 contains a detailed account of the new calendar system introduced by the Greek cities of Asia Minor in honor of Augustus. In addition, the decree at the end of the inscription prescribes a deadline for the conduct of local elections. The word ἐπικλησις appearing here has traditionally been interpreted as *renuntiatio*, that is, the proclamation of the election results, but the alternative interpretation as *appellatio* (appeal) has also been proposed in scholarship, without, however, any substantial arguments being advanced in favor of either. In the present study I argue in detail that the interpretation as appeal fits the context much better and is also supported by other relevant sources, both from the Republican period and from the later Empire.

**Keywords:** Roman municipal elections; epiklesis; appellatio; renuntiatio; OGIS 458.

**Imre Áron ILLÉS**

University of Szeged, Hungary  
illes.imre.aron@szte.hu

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The inscription OGIS 458,<sup>1</sup> which contains the proposal of Paullus Fabius Maximus, proconsul of Asia, and the two decrees of the Greeks of Asia (οἱ ἐπὶ τῆς Ἀσίας Ἑλληνας) based on it, has already been examined by many scholars from many perspectives.<sup>2</sup> According to the testimony of the inscription, the governor proposed that, in honor of Augustus, his birthday (23 September) be made the beginning of the year and the date of entry into office of the local magistrates. The first decree accepts this proposal, regulates in detail the beginning, duration, and name of the months according to the new reckoning,<sup>3</sup> and furthermore confers a crown for the governor, since he had devised such an extraordinary honor for the emperor. Finally, the second, shorter decree regulates the date of the elections. Up to now, the least attention has been paid to the end of the text,

<sup>1</sup> The decree was set up in both Greek and Latin in the cities of the province of Asia; of these, five fragments have survived, from Priene, Apameia, Eumeneia, Dorylaion, and Maionia. The most complete fragment is that from Priene, which contains the entire Greek text except for the first few lines (the Latin fragments are vanishingly few). Since for the purposes of this study only this fragment is of significance, all further references will be to this text. See the text in MOMMSEN/WILAMOWITZ-MOELLENDORF 1899, 288–291; AE 1900, 76; OGIS 458; EHRENBERG/JONES 1949, 74–76; LAFFI 1967, 20–23; SHERK 1969, 329–333; on textual-critical issues and on the inscription as a whole, the fundamental studies remain MOMMSEN/WILAMOWITZ-MOELLENDORF 1899 and LAFFI 1967. The inscription is traditionally dated to 9 BC; for details see LAFFI 1967, 27–34. More recently, 8 BC (BENNETT 2003, 226–227; BENNETT 2004, 165, 167) and 7 BC (BUXTON – HANNAH 2005) have also been proposed.

<sup>2</sup> E.g. Augustus' calendar reform (BICKERMANN 1980, 47sq.; SAMUEL 1972, 155sq., 181sq.); the imperial cult (LAFFI 1967, more recently MADSEN 2016, cf. e.g. ἡ τοῦ θειοτάτου Καίσαρος γενέθλιος ἡμέρα); terminological connections with Christianity (ἠρξεν δὲ τῷ κόσμῳ δι' αὐτὸν εὐαγγελί[ων] ἡ τοῦ γενέθλιος ἡμέρα / τοῦ θεοῦ).

<sup>3</sup> With the exception of the first month, which the decree renames Καῖσαρ, it employs the month-names of the Macedonian calendar. The decree, it seems, was in the end not fully carried out; cf. MAGIE 1950, 481; SAMUEL 1972, 182.

this second decree of the koinon, which is often omitted even from collected editions, translations, and commentaries.<sup>4</sup> The relevant passage is as follows.

- 78 ἔδοξεν τοῖς ἐπὶ τῆς Ἀσίας Ἑλλησιν γνώμη τοῦ ἀρχιερέως Ἀπολλωνίου τοῦ Μηνοφίλου Ἀζεανείτου· ἐπεὶ τὴν νέαν νομηνίαν αἰεὶ δεῖ εἶσθαι τὴν αὐτῆ[ν]
- 80 ἅπασιν τῆς εἰς τὰς ἀρχὰς εἰσόδου κατὰ τε τὸ Παύλου Φαβίου Μαξίμου τοῦ ἀνθυπάτου διάταγμα καὶ τὸ τῆς Ἀσία<ς> ψήφισμα, ἐνποδίζεται δὲ ἡ τοῦ χρόνου τάξις παρὰ τὰς ἐν τοῖς ἀρχαιρεσίοις ἐπικλήσεις, γείνεσθαι τὰ κατὰ τὰ ἀρχαιρέσια μηνὶ δεκάτῳ, ὡς καὶ ἐν τῷ Κορνηλίῳ νόμῳ γέγραπται, ἐντὸς δεκάτης ἰσταμένου.

The word ἐπικλήσεις in the text has been interpreted, following the proposal of Th. Mommsen and U. von Wilamowitz-Moellendorf and subsequently by several others, as *renuntiationes*,<sup>5</sup> that is, the proclamation of the election results,<sup>6</sup> whereas other scholars translate this expression as an appeal (*appeal*, *Berufung* = *appellatio*).<sup>7</sup> In

<sup>4</sup> Although they discuss OGIS 458, they do not treat the end of the text, e.g. SAMUEL 1972, 126–127, 174–176, 181–182; PRICE 1984, 54–55; LESCHHORN 1993, 215; BUXTON – HANNAH 2005; HANNAH 2005, 131–132, 147; WITULSKI 2007, 25–35; MAREK 2010, 313, 316; STERN 2012, 274ff.; HANNAH 2015, 1569–1570; ESPINOZA-ESPINOZA/GONZÁLEZ-GARCÍA 2017, 557–558. They print the text, but omit the last part of the inscription: LATTE 1926, 24; LEWIS/REINHOLD 1955, 64–65; BORZSÁK 1963, 204–206; LEIPOLDT/GRUNDMANN 1967, 105–107; KIPPENBERG/WEWERS 1979, 70–71; JOHNSTON/COLEMAN-NORTON/BOURNE 1961, 119.

<sup>5</sup> For municipal elections see more recently RODRÍGUEZ NEILA 2021, on *renuntiatio* 577–585.

<sup>6</sup> MOMMSEN/WILAMOWITZ-MOELLENDORF 1899, 282: *Die ἐπικλήσεις scheinen den römischen Renuntiationen zu entsprechen und es sich um die Zwischenzeiten von Designation und Antritt zu handeln*; this interpretation is adopted e.g. by DITTENBERGER (apud OGIS 458, vol. II. p. 59, note 54): *Nomen hac vel simili vi in Graecis litteris quod sciam sine exemplo est. Nempe quin recte Mommsenus idem fere ac Latinum renuntiatio significare statuerit, conexus sententiae dubitari non patitur. Etenim in legibus civitatum quarundam cautum erat, at certus dierum numerus inter renuntiationem magistratus creati et initium officii intercederet. Quae res impedimento esse poterat quominus magistratus ex superiore concilii provincialis decreto primo anni civilis die inirent, si quando comitia magistratuum (ἀρχαιρέσια) sero habita erant. Quare hic interdicitur ne illa minus quam quinquaginta diebus ante finem anni civilis fiant*; LAFFI 1967, 27, 70–71: *poiché d'altra parte l'ordinamento del tempo crea ostacoli alle renuntiationes nei comizi elettorali*; SHERK 1984, 126: *since (this) arrangement of time causes difficulties over the announcement of the results of the elections*; BORHY 1998, 429 (in Hungarian). The LSJ entry for ἐπικλήσεις also records this meaning 'announcement of the result of an election', but only with reference to OGIS 458.

<sup>7</sup> WITULSKI 2000, 235: *wird die Anordnung der Zeit aber für die Berufungen in den Wahlversammlungen aufgereiht werten*; JONES 1970, 319: *and there are difficulties about the date because of the appeals at the elections*; ABBOTT/JOHNSON 1926, 332: *This arrangement was doubtless made to allow sufficient time for the settlement of appeals in the case of candidates who did not wish to serve in the office to which they had been elected, although it does not become clear whether, in his view, it is the date of the proclamation of the results that secures the appropriate interval of time, or whether the text refers from the outset to appeals. It is not detailed, and thus MAGIE's interpretation is likewise unclear (MAGIE 1950, 480–481: set the dates of their elections at a time which would allow the interval required by law to elapse*

what follows I shall attempt to clarify which interpretation fits better to the extant sources.

In principle, the word ἐπικλήσεις could be a word-for-word translation for either *appellatio* or *renuntiatio*, although its semantic content corresponds more closely to that of *appellatio*, especially given the triad 'name, title, and appeal'.<sup>8</sup> The first problem we encounter with the traditional interpretation is that, to my knowledge, there is no Greek source that offers a parallel for the equivalence ἐπικλήσεις ~ *renuntiatio*. This was already emphasized by Dittenberger,<sup>9</sup> and I too have been unable to find such a passage, either in the TLG or in the PHI epigraphic database.<sup>10</sup>

In contrast to the traditional *renuntiatio* interpretation, however, it can be demonstrated that the Greek word ἐπικλήσεις is attested as corresponding to the Roman appeal, as even the LSJ entry itself cites three passages:

ἐπικολούθει δ' ἡ βουλή μετὰ κατηφείας καὶ τοῦ δήμου τὸ βέλτιστον ἀγανακτοῦν σιωπῇ καὶ ἀχθόμενον, ὥστε τὸν Καίσαρα μὴ λανθάνειν βαρέως φέροντας, ἀλλὰ φιλονικῶν καὶ περιμένων ὑπὸ τοῦ Κάτωνος ἐπικλήσιν γενέσθαι καὶ δέησιν, προήγεν. ~ *Moreover, the senate followed him with downcast looks, as well as the best part of the people in silence, though they looked annoyed and troubled, so that Caesar could not fail to see that they were displeased; but he was obstinate, and expected that Cato would resort to appeal<sup>11</sup> or entreaty, and therefore had him led along* (Plut. *Cato. min.* 33.2, transl. B. Perrin);

ὁ δὲ πολλὰς μὲν ἀποδράσεις καὶ παραγραφὰς ἐμχανᾶτο, τοὺς δημάρχους ἐπικαλούμενος· ἐκείνων δὲ μὴ προσδεχομένων τὴν ἐπικλήσιν, ἀρνῆσει τὴν αἰτίαν ἔφευγε, ~ *The culprit (namely, Capitolinus) devised many exceptions and ways of escape, appealing to the tribunes of the people, and when these rejected his appeal, he sought to escape the charge by denying it* (Plut. *Marc.* 2.4, transl. B. Perrin);

τὴν αὐτὴν δίκην τῷ λε' ἔτει ἐνίκησεν, ἐπικλήσεως δὲ γενομένης ἠττήθη· and τῆς δὲ ἐπικλήσεως γενομένης τῷ κζ' ἔτει

*before the successful candidates entered office at the opening of the new year.*

<sup>8</sup> SOUTER *et alii* 1968, 150: s.v. *appellatio*: *name, designation, term; title of honour or rank; a noun; pronunciation; appeal*; SOUTER *et alii* 1968, 1615: s.v. *renuntiatio*: *an official report; an official return (of elections), a declaration of withdrawal or resignation*; LIDDELL/SCOTT/JONES 1996, 638: s.v. *ἐπικλήσεις*: *surname, additional name; imputation, title, announcement of result of an election; call to an office, judicial appeal.*

<sup>9</sup> Apud OGIS 458, vol. II. p. 59, note 54: *Nomen hac vel simili vi in Graecis litteris quod sciam sine exemplo est.*

<sup>10</sup> Diogenes (TLG), and <https://inscriptions.packhum.org/>, a total of about 1,000 occurrences of ἐπικλήσεις.

<sup>11</sup> Here, the ἐπικλήσεις could mean a simple *entreaty*, *petition* or *praying* – without any official legal meaning – especially because of the δέησιν. In the other cases cited here, however, because of the context (trial, tribunes of the people, etc.), it must mean an official appeal.

κατεδικάσθη ~ 'he had won the same lawsuit in his 35th year, but when it was **appealed**, he lost' and 'when **the appeal** was made in her 27th year, she was defeated' (Vettius Valens, Kroll 281, transl. M. Riley).

The passages listed by LSJ can be supplemented with further examples—without any claim to completeness:

Λεύκιον δὲ τὸν ἀδελφὸν αὐτοῦ μετὰ τῶν κατηγορῶν συστάς καταδίκη περιέβαλε χρημάτων πολλῶν πρὸς τὸ δημόσιον, ἦν οὐκ ἔχων ἐκεῖνος ἀπολύσασθαι καὶ κινδυνεύων δεθῆναι, μόλις ἐπικλήσει τῶν δημάρχων ἀφείθη. ~ But he (namely, Cato) so co-operated with the accusers of Lucius, Scipio's brother, as to have him condemned to pay a large fine to the state. This debt Lucius was unable to meet, and was therefore liable to imprisonment. Indeed, it was only at the **intercession** of the tribunes<sup>12</sup> that he was at last set free (Plut. *Cato mai.* 15.2, transl. B. Perrin).

ὁ Κάτων προσέσχε ταῖς δέλτοις μιᾷ χειρὶ γεγραμμέναις, καὶ τὴν κακουργίαν ἐξελέγξας, τότε μὲν ἐπικλήσει δημάρχων ἔλυσε τὴν ἀνάδειξιν. ~ Cato, who was present, noticed that the voting tablets were all inscribed in one hand; and having exposed the foul play, at the time he stopped the election by **an appeal** to the tribunes (Plut. *Cato min.* 46.3, transl. B. Perrin).

In some of the above passages, according to the Roman law, ἐπικλήσις *stricto iure* is more likely to be a translation of the technical term *provocatio* (*provocatio ad populum* or *provocatio ad tribunos*), rather than of *appellatio*. There is, however, no reason to assume that the Greek translation made a substantive distinction between these two Roman terms, especially since their meanings were in any case very close, and to the average Greek they must certainly have seemed synonymous,<sup>13</sup> as indeed in time they actually became.<sup>14</sup> Moreover, the verb underlying ἐπικλήσις, καλέω, can be rendered into Latin by both *vocare* and *appellare*. Thus, all in all, the word ἐπικλήσις by itself clearly stands closer

to the Latin *appellatio*<sup>15</sup> and to the 'appeal' interpretation than to the traditional translation *renuntiatio*, for which, as we have seen, there is no real parallel, at least as far as I am aware.

The other question is which interpretation fits the context of the text better, *renuntiatio* or *appellatio*. The meaning of the word *renuntiatio* in connection with elections is unambiguously the proclamation of the results of the election after the counting of the votes, usually by a proclinator (*praeco*).<sup>16</sup> In this sense, therefore, the passage in question can be translated as follows:

*Decreed by the Greeks in Asia ... and since (this) arrangement of time causes difficulties over **the announcement of the results of the elections**, the procedures connected with the election of magistrates shall take place in the tenth month, as has been laid down in the Cornelian Law within the first ten days (of the month).* (transl. R. K. Sherk)

This interpretation also causes difficulties for Laffi, although he accepts it, and he is the only one who examines the problem in greater detail.<sup>17</sup> According to his reconstruction, the year had previously begun on 1 or 2 October, so that the 10th day of the 10th month – the deadline for the elections – would, under the earlier calendar, correspond to 14 July in the Roman calendar. Since the beginning of the year was likewise moved forward by about ten days (from 1–2 October to 23 September, the birthday of Augustus), in order to avoid possible problems the date of the *renuntiatio* also had to be brought forward to the 10th day of the 10th month in the new calendar, i.e. about 3 July.<sup>18</sup> This process, however, does not explain why it should be precisely the *renuntiatio*, the proclamation of the election results, that is obstructed (ἐνποδίζεται) by the new calendar system. Laffi himself acknowledges that it is not clear what significance, in this case, the interval between the ἐπικλήσις and the beginning of the year might have.<sup>19</sup>

Laffi does register Abbott/Johnson's 'appeal' variant as a possible interpretation (*spiegazione possibile*), yet he

<sup>15</sup> As regards their other meanings as well, see above.

<sup>16</sup> Cf. MOMMSEN 1887, 409–410; KLINGMÜLLER 1914; for an ancient description of the whole process, see *lex Malacitana* 56–57; more recently see RÓDRÍGUEZ NEILA 2021, 577–585.

<sup>17</sup> MAGIE and DITTENBERGER also touch briefly on the question, but as with LAFFI it is not clear in their accounts why it should be precisely the *renuntiatio* that is singled out. In one sense, of course, it may be significant that the *renuntiatio* was the final act of the electoral procedure, i.e. the end of the elections may conveniently be reckoned from this point; but the entire electoral process lasted at most a few days (see below), and thus there is no real sense in distinguishing the ἀρχαιρέσια from the ἐπικλήσις.

<sup>18</sup> LAFFI 1967, 70–71.

<sup>19</sup> LAFFI 1967, 71 note 129: *il significato di questo intervallo* (i.e. between the *renuntiationes* and the beginning of the year) *non è chiaro*. Moreover, every scholar is apparently uncertain about the identification with *renuntiationes*: MOMMSEN/WILAMOWITZ-MOELLENDORF 1899, 282: *Die ἐπικλήσεις scheinen den römischen Renuntiationen zu entsprechen und es sich um die Zwischenzeiten von Designation und Antritt zu handeln*. DITTENBERGER: *Nomen* (sc. ἐπικλήσεις) *hac vel simili vi in Graecis litteris quod sciam sine exemplo est*. (DITTENBERGER apud OGIS 458, vol. II, 59, note 54). LAFFI 1967, 71: *corrispondenti con tutta probabilità alle renuntiationes*.

<sup>12</sup> The final outcome may indeed have been the tribunician *intercessio*, but the Greek text means the appeal to the tribunes of the people (*provocatio ad tribunos*), see the next text.

<sup>13</sup> For other Greek equivalents of *appellatio*, see MASON 1974, 118. Some of the Greek words – for example ἀναγορεύω (20–21) – also mean the process of *renuntiatio*. In *Basilika* 9.1 the Greek equivalents of the terms *appellatio* and *provocatio* occurring in the *Codex* and *Digesta* are ἐκκαλέω, ἐκκλητος, ἀπαγορεύω.

<sup>14</sup> Cf. e.g. Constant. *CTh.* 11.30.10 = *Cod.* 7.63.1 (320), which precisely with regard to the appeal of local magistrates concerning elections uses *provocatio* and *appellatio* as synonyms. But they are treated as synonyms also in a broader context, e.g. *Dig.* 49.1: *De appellationibus et relationibus*; *Dig.* 49.5: *De appellationibus recipiendis vel non*; *Cod.* 7.62: *De appellationibus et consultationibus*, where only *appellatio* appears in the titles, but within the titles both *appellatio* and *provocatio* occur. See also JONES 1955, 486 and JONES 1971, especially 101.

considers that, from the perspective of Roman authority, the more important requirement was the supervision of the election results.<sup>20</sup> By setting a deadline for the proclamation of the results, however, Roman authority in fact neither intervened in nor supervised the outcome of the election; moreover, it seems that anyone who met the eligibility criteria could stand for election,<sup>21</sup> in which the cities possessed full autonomy.<sup>22</sup> Indeed, the *renuntiatio* took place at the end of the electoral process, presumably on the same day, or at most a few days later,<sup>23</sup> so that there would be no sense in treating it separately from the date of the elections. Thus the scholarly literature still fails to explain why the proclamation of the election results in itself should be assigned such great significance.<sup>24</sup>

If, however, we accept the interpretation as 'appeal', then we arrive at the following translation:

*Decreed by the Greeks in Asia ... and since (this) arrangement of time causes difficulties over the appeals arising in the course of the magistrate elections, the procedures connected with the election of magistrates shall take place in the tenth month, as has been laid down in the Cornelian Law within the first ten*

<sup>20</sup> LAFFI 1967, 71. note 130: *ma a mio avviso doveva essere prevalente l'esigenza di un controllo dei risultati delle elezioni da parte dell'autorità romana.*

<sup>21</sup> See e.g. *lex Malacitana* 54.

<sup>22</sup> However, the governor could, in certain cases, intervene in the electoral process, see Ulp. *Dig.* 49.4.1.3, ABBOTT/JOHNSON 1926, 85 and CURCHIN 2014, 272 note 4 (his view is exaggerated, cf. CARRIÉ 1995, 299 referred by himself as well); likewise in Egypt in the 1st–2nd centuries it was in some cases the *strategus* or the *epistrategus* who made the appointment final (cf. WEGENER 1956, LEWIS 1969, THOMAS 1982, 69sq.). But nothing suggests that higher-level approval was required as a matter of obligation for the confirmation of local electoral results; in that case, for example, in the *lex Malacitana* we would expect *renuntiatus* or some similar expression rather than *factus* and *creatus*, or explicit references to the necessary approval of a higher magistrate.

<sup>23</sup> Cf. *lex Malacitana* 56–57, 59. If the *renuntiatio* had been a separate act after the elections, we would rightly expect the law to prescribe a deadline for it, as it does in several other cases: e.g. the oath had to be taken within five days after entry into office, *Irn.* 26; a three-day deadline for *intercessio*, *Irn.* 27; appointment of a guardian within ten days after the request, *Irn.* 29; deposit of decrees in the archives within ten days, *Irn.* C/41, etc. In the absence of such a provision we are fully justified in assuming that the proclamation of the results was an integral and temporally inseparable part of the electoral assembly (*comitia*), as the preposition *ἐν* in our text clearly shows: *παρὰ τὰς ἐν τοῖς ἀρχαιρεσίοις ἐπικλήσεις*. Any delay could at most have been caused by the counting of votes, but even this could only happen in exceptionally large cities, since according to the procedure outlined in the *lex Malacitana* the population voted simultaneously, on the same day (*uno vocatu*), organized into *curiae*. The votes were then counted *curia* by *curia*: the majority determined the vote of the *curia*, and accordingly each *curia* had a single vote in the end. Thus, apart from exceptionally populous cities, the committees (*custodes*) appointed to each *curia* had to count only a few hundred votes, at most a thousand (e.g. 10,000 *municipes* and *incolae* voting in 10 *curiae*). Accordingly, we have no reason to suppose that the day of the election and the proclamation of the results (*renuntiatio*) were temporally far apart. The two formed an organic unity, and even if not on the same day, in the worst case within a few days the entire electoral process, including vote-counting and proclamation of the results, was completed (cf. RODRÍGUEZ NEILA 2021, 411–412).

<sup>24</sup> Because of the appeals discussed below, the proclamation of the results would of course have independent significance if it were a separate act of the electoral process – for example, it would be of little use to hold the elections in good time if the results were delayed by months. For the reasons set out above, however, the two events – the election and the proclamation of the results – cannot be separated from one another in time to such an extent.

*days (of the month).* (transl. R. K. Sherk, with modifications)

As e.g. JONES and WITULSKI also interpret it,<sup>25</sup> in this case the elections must be held in good time so that, if someone submits an appeal, there is enough time for it to be adjudicated, and thus the magistrates can still take up their offices on time even if an appeal has been lodged. In contrast to the *renuntiatio* interpretation, this version has both its rationale and its parallel:

*Idem A(ugustus) (sc. Constantinus) ad Florentium.<sup>26</sup> Decuriones ad magistratum vel exactionem annonarum ante tres menses vel amplius nominari debent, ut, si querimonia eorum iusta videatur, sine impedimento in absolventi locum alius subrogetur. Dat(um) Id(ibus) April(ibus) Constantinop(oli) Severo et Rufino co(n)s(ulibus).<sup>27</sup> CTh. 12.1.8 = Cod. 1.56.1, April 13, 323*

Here too we are dealing with an event three – or more<sup>28</sup> – months before the beginning of the office, which roughly corresponds to the two and two-thirds months of the *psephisma*.<sup>29</sup> However, instead of the expected *appellatio* the term *querimonia* appears, while *nominatio* at that period was already regarded *de facto* as an election or appointment.<sup>30</sup>

According to Constant. *CTh.* 11.30.12 (323), which most likely originally belonged to the same decree,<sup>31</sup> an 'elected' magistrate (*nominatus magistratus*) who does not wish to perform his office cannot appeal by *appellatio*, since this was reserved for more significant matters, but may only lodge a

<sup>25</sup> See above.

<sup>26</sup> In the *Codex Iustinianus* as *p(raefectus) p(raetorio)*.

<sup>27</sup> *Decurions should be nominated to a magistracy or for the collection of payments in kind three months or more in advance, so that if their excuse appears just, another may be substituted without difficulty in the place of the person released* (transl. J. N. Dillon).

<sup>28</sup> This point is often overlooked in the secondary literature: the interval is not *exactly* three months, but *at least* three months.

<sup>29</sup> In the secondary literature, following MOMMSEN, one often finds the mistaken claim that the interval was 50 days (a problem already noted by LAFFI 1967, 71–72 note 131). In fact, according to OGIS 458, ll. 70–71, the 12th month had 30 days, while the 11th and 10th months had 31 each (... *Ἄδως λ, Γορπιαῖος λα, / Ὑπερβερεταῖς λα...*). Thus, the 10th month, day 10, actually falls 30 + 31 + 21 = 82 days before the beginning of the following year.

<sup>30</sup> At first the *nominatio* was referred to the council, and later the *nominatio* became equivalent to an election. Cf. MOMMSEN 1883, 91; ABBOTT/JOHNSON 1926, 85 (*curia which then made the election by formal vote*); JONES 1964, 728–729 (*a candidate was nominated for each post ... the nomination was confirmed by the council*); STAVELEY 1972, 226 (*...the responsibility for appointing local magistrates was transferred from the assembly to their predecessors in office. Even the local Senate did no more than formally ratify their choice*); JACQUES 1984, 435sq.; LIEBESCHUETZ 2001, 110 (*civic magistrates ... were appointed by the council from its membership*); BLUME n.d. (*That a man who nominated another to an office which was equivalent to an election during the later empire*), etc. I have examined the question in detail in a study published so far only in Hungarian, the result of which is that from the 3rd century onwards, based on the word *nominatio* and *creatio* in the *Digest* and the *Codices*, no distinction can be made between these two words, cf. ILLÉS 2022.

<sup>31</sup> The same addressee and date.

complaint by *querimonia*, and thus the deadlines prescribed for *appellatio* do not apply to him.<sup>32</sup> Our other sources – whether earlier or later – however, clearly regard the appeal of elected magistrates also as *appellatio*,<sup>33</sup> and as such grant a two-month deadline.<sup>34</sup> Thus, although *CTh.* 11.30.12 does not treat it as *appellatio* and therefore does not apply the two-month deadline, we may nonetheless justifiably assume that in this period the ‘appeal’ of persons elected to office was for the most part considered a genuine *appellatio* – whatever it was called – and a two-month deadline was granted for it.<sup>35</sup> This is also consistent with the three months of the above passage, since if two months are allowed for the appeal, then one month remains in which any by-elections may be held. From this perspective the parallel with the end of the inscription OGIS 458 is clear: two months for the appeal and still a narrow month left for conducting any by-elections. That is, both around 9 BC and in the early 4th century AD elections had to be conducted *at least(!)* three months before entry into office, because of possible appeals.

Summing up the foregoing, we may conclude that although *ἐπίκλησις* could in theory be a translation for the Latin *pronuntiatio*, this meaning is unattested elsewhere, nor is it clear what significance *pronuntiatio* would have in connection with the deadline for elections. By contrast, the meaning of *ἐπίκλησις* as ‘appeal’ (whether *appellatio* or *provocatio*, or even the *querimonia*) is abundantly attested, and the importance of appeals and of appeal deadlines is confirmed by other sources as well. We must therefore accept the latter interpretation.

With regard to the interpretation of Abbott/Johnson, however, it should be noted that not only could candidates appeal against their own election,<sup>36</sup> but an appeal could also be lodged against a candidate if he was not eligible or capable to hold office. This is supported by Marci. *Dig.* 50.4.7.1, which shows that even at the end of the 2nd and beginning of the 3rd century it occurred that someone was appealed against in order to prevent him from holding office.<sup>37</sup> Conversely,

however, under the Flavians there were also cases in which not enough candidates came forward for office.<sup>38</sup> In light of the above, I do not claim that during the Principate only those ineligible for office were appealed against in elections, nor that under the Dominatus only those who wished to avoid office lodged appeals; but the tendency was certainly in that direction, so that in OGIS 458 it is more likely to have been the former.

As a final question, what remains is how general the approximately three-month deadline before entry into office, fixed in connection with elections, may have been. In the scholarly literature, when anything at all is mentioned on this point, we usually find exact data: local elections in the Republican period were held on 1 July, then from the time of Augustus on 1 March.<sup>39</sup> In an earlier study I demonstrated that this conception is not consistent with the sources;<sup>40</sup> here it will suffice to point out that OGIS 458 itself contradicts it: the beginning of the year was not regulated centrally, but was altered by the provincial council, it is true, at the governor’s proposal, but with no trace that imperial or other authorization was requested for it;<sup>41</sup> see also Suet. *Aug.* 59,<sup>42</sup> which likewise indicates that the beginning of the year was decided at the local level.

The datum of 1 March of *CTh.* 12.1.28<sup>43</sup> is often extended to the entire Imperial period, but OGIS 458 precisely does not allow this, and contemporary sources likewise seem to contradict it. For if the elections had indeed taken place on 1 March (or earlier), then this date would fully fit within the provision of the Asian new calendar, ‘before the 10th day of the 10th month’ (i.e. 3 July) and the Sullan law mentioned in it, and there would be no need to make special mention of it. Among the contemporary sources, *CTh.* 12.1.8 = *Cod.* 1.56.1 (13 April 323), about a decade and a half earlier than *CTh.* 12.1.28, contradicts the idea of a fixed imperial date for the elections, since if 1 March had been the standard, then in this case the phrase ‘*tres menses vel amplius*’ would be incomprehensible – they could simply have written 1 March.<sup>44</sup>

<sup>32</sup> *Si nominatus magistratus aliquis refragetur, non appellatio, sed querimonia hoc dicitur, appellationis enim verbum in maioribus rebus dici oportet. ... Ideoque nec tempora appellationum servanda sunt, sed mox huiusmodi querimoniis disceptandum. ~ If any person should resist being nominated as a municipal magistrate, such resistance is not called an ‘appeal,’ but a ‘complaint,’ for the term ‘appeal’ must be used in matters of greater importance. ... Hence in such cases the statutory time limits for appeals need not be observed, but such complaints must be tried immediately* (transl. C. Pharr).

<sup>33</sup> The terms *appellatio* and *appellare* appear in connection with appeals by elected magistrates in, for example, the following passages: Ulp. *Dig.* 49.1.12; Papir. *Dig.* 49.1.21.2; Diocl. *Cod.* 7.62.7; Diocl. *Cod.* 7.62.11; Const. *CTh.* 11.30.10 (320) = *Cod.* 7.63.1; Const. *CTh.* 11.30.19 (339); Hon. *CTh.* 11.30.53 (395) = *Cod.* 7.62.27.

<sup>34</sup> In his constitution of 320, Constantine treats the appeals of magistrates and of persons elected to other public duties as *appellatio*, and prescribes a two-month time-limit (*Cod.* 7.63.1 = *CTh.* 11.30.10); in a similar sense, and even with verbal parallels, the same is laid down by Constantius in his constitution of 339 (*CTh.* 11.30.19).

<sup>35</sup> Naturally, this was no perfect guarantee of a smooth commencement of the official year, since a magistrate elected as a replacement could also lodge an appeal. According to Papir. *Dig.* 49.1.21.2, if one magistrate appealed, his colleague performed the duties; if both did so, a temporary substitute was elected in their place. Moreover, if the appeal proved unfounded, the appellants were required to compensate the city for the damage it had suffered as a result of the appeal and the consequent delay in administration.

<sup>36</sup> Cf. Cic. *pro Murena*, where it is not an appeal but a charge of *ambitus* that occurs.

<sup>37</sup> *Eum, contra quem propter honores appellatum est, si pendente appellatione*

*honorem usurpaverit, coercendum Divus Severus rescripsit. ~ The deified Severus issued a rescript to the effect that a man against whom an appeal has been lodged over the holding of office is to be subject to coercion if he usurped the office while the appeal was pending.* (transl. M. H. Crawford)

<sup>38</sup> *Mal.* 51.

<sup>39</sup> Above all, MOMMSEN *CIL X* (1883) p. 90–91 (*in universo imperio adhuc saec. p. C. quarto*) and apud *CIL X* 4631 (*aetate imperatoria*), 5405 (*itaque non refutatur, fastis his quod supra p. 90. 452 docui aetate imperatoria magistratus municipales iniisse k. Iulii*), 7274–7275 (*Eosdem duoviro titulos dedicavisse, quorum alter anni est 198, alter anni 199, ostendit ad Siciliam quoque pervenire, quod obtinuisse in Italia supra p. 90 demonstravi, magistratus municipales iniisse k. Iulii*). Cf. LIEBENAM 1900, 272–273; LIEBENAM 1905, 1813–1814; LANGHAMMER 1973, 49, etc.

<sup>40</sup> See ILLÉS 2015 (in Hungarian); for a very brief summary of one of the arguments, see below.

<sup>41</sup> The practical implementation, of course, is another matter, cf. MAGIE 1950, 481; SAMUEL 1972, 182.

<sup>42</sup> *Quaedam Italiae civitates diem, quo primum ad se venisset (sc. Augustus), initium anni fecerunt. ~ Some of the Italian cities made the day on which he first visited them the beginning of their year* (transl. J. C. Rolfe).

<sup>43</sup> *Constitutionibus perspicue definitum est Kalendis Martii nominationes fieri, ut splendorum honorum munerumque principia primo tempore procurantur. Et cetera. Datum VI Kalendas Decembres Constantio II et Constante Augustis Consulibus. ~ It has been clearly defined by the imperial constitutions that nominations shall be made on the kalends of March, so that the beginnings of glorious honors and compulsory public services shall be cared for at the beginning of the season* (transl. C. Pharr).

<sup>44</sup> Nor would this be explained if MOMMSEN were right, and we should

On the basis of the foregoing, I think that we cannot extend the datum of 1 March given in *CTh.* 12.1.28 either to the whole of the Imperial period, or even to Imperial Asia.<sup>45</sup>

By contrast, the principle of 'at least three months before entry into office' attested in OGIS 458 and *CTh.* 12.1.8 appears in several respects generalizable and extendable in space and time: first, the roughly three-month period mentioned in these two texts is probably not independent of one another, but, given its justification by reference to appeals, rests on a common tradition, namely the *lex Cornelia* cited in OGIS 458,<sup>46</sup> which may already in the Republican period have made this practice general. In sum, it seems that in the case of municipalis elections, from around 80 BC (Sulla) at least until the early 4th century AD, and more likely until the early 5th century (since the institution was incorporated into the *Codex Theodosianus*), the elections had to precede entry into office by roughly three months, although the actual date of entry was not uniform.<sup>47</sup>

## ACKNOWLEDGEMENT

This paper was supported by the János Bolyai Research Scholarship of the Hungarian Academy of Sciences.

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read *ante k. Mart.*; for if we accept MOMMSEN's likewise conjectural 1 July assumption for the beginning of office (which, incidentally, is not correct) and the elections before 1 March corresponding to the conjectural emendation, then this yields 'four or more months.' MOMMSEN, moreover, writes on p. 91 of CIL X that the elections took place in March, *ante k. Apr.*, but this requires a rather free and biased interpretation of *CTh.* 12.1.28 and *CTh.* 12.1.8. The line of reasoning is altogether incomprehensible which, again on the basis of these two passages, seeks to demonstrate that in the imperial period 1 July was the general date for the assumption of office by local magistrates; for if one counts three months from 1 March, then this leads only to 1 June (or, inclusively, merely 1 May). Moreover, scholars mostly omit the phrase *vel amplius*. However, the phrase *vel amplius* means that even if one accepts 1 March as the standard, practically any date after 1 June (or 1 May) could serve as the beginning of office.

<sup>45</sup> It is theoretically conceivable that *CTh.* 12.1.28, addressed to the *vicarius* of Asia, applied only to Asia in the early fourth century, while *CTh.* 12.1.8 concerned the rest of the empire or perhaps specific provinces unknown to us. But in any case, OGIS 458 makes it certain that 1 March was not the date of elections in Asia throughout the imperial period.

<sup>46</sup> Cf. MOMMSEN/WILAMOWITZ-MOELLENDORF 1899, 282.

<sup>47</sup> See above.

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