

# The Ancient City in a European Perspective: Feeding the Ancient City

## Hadrian and the Athenian Oil Production

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Athens has always been one of Hadrian's favorites among the cities of his empire. Inscriptions as well as literary evidence tell us about the great amount of benefactions that he bestowed upon the city, which he wanted to establish again as the new center of the Greek part of his empire. Pausanias praises the enormous building program that encouraged new economic possibilities: a temple for Hera, for Zeus Panhellenios, the library, a gymnasium and a Pantheon provided employment for plenty and stimulated the city's economy in many ways. Of course the most prominent undertaking was the completion of the great temple of the Olympian Zeus, which had been started under the Pisistratids, but many other parts of Athens can be shown to have developed during his time too. Moreover special care was taken of the food supply for Athens: Cassius Dio reports an annual grain dole and the grant of the island of Cephallonia (69,16,2), an aqueduct and its reservoir were built and regulations for the Athenian markets were issued. Among these acts the epigraphically attested "oil-law" is most interesting for the legal historian. I will provide the text first and then enclose a summary of the paper's explanations and theories.

IG II<sup>2</sup> 1100 (SEG 15, 108, J.H. Oliver, Greek Constitutions of the Early Roman Emperors from Inscriptions and Papyri, Memoirs of the American Philosophical Society, Philadelphia 1989, Nr. 92)

κε(φά)λαια νο(μο)θε(σί)ας Ἀδριανοῦ  
οἱ τὸ ἔλαιον γεωργοῦντες τὸ τρίτον  
καταφερέτωσαν, ἢ τὸ ὄγδοον οἱ τὰ  
Ἱππάρχου χωρία τὰ ὑπὸ τοῦ φύσκου  
5 πρᾶθέντα κεκτημένοι· μόνα γὰρ ἐ-  
κεῖνα τὸ δίκαιον τοῦτο ἔχει· καταφε-  
ρέτωσαν δὲ ἅμα τῷ ἄρξασθαι συνκο-  
[μιδῆς κατὰ μέρος, πρὸς λόγον τοῦ]  
[συνκομιζομένου, τοῖς ἐλεῶναις],  
10 [διδόντες τοῖς] προνοοῦσιν τῇ[ς]  
[δημοσίας χρεῖας]· ἀπογραφέσθω-  
[σαν δὲ λόγον τῆς] συνκομιδῆς πρὸς]  
[τοὺς πρυτάνεις καὶ] τὸν κήρυκα δύο  
[ἀντίγραφα παραδιδόντες καὶ τὸ  
15 [ἕτερον ἀπολαμβάνοντες ὑπογρα-  
φήν· [ἡ] δὲ ἀπογραφὴ ἔστω μετὰ ὅρκου  
καὶ πόσον συνεκόμισεν τὸ πᾶν,  
καὶ ὅτι διὰ δούλου τοῦδε ἢ ἀπελευ-  
θέρου τοῦδε· ἐὰν δὲ πωλήσῃ τὸν  
20 καρπὸν ὁ δεσπότης τοῦ χωρίου, ἢ ὁ  
γεωργὸς ἢ ὁ καρπώνης, ἀπογραφέ-  
σθω δὲ πρὸς τοὺς αὐτοὺς καὶ ὁ ἐπὶ ἑξα-  
γῶγῃ πιπράσκων, πόσον πιπράσκει  
καὶ τίνι καὶ ποῦ ὁρμεῖ τὸ [πλοῖον· ὁ δὲ]  
25 ἀπογραφῆς χωρὶς [πιπράσκων] ἐπ' ἑξα-  
γῶγῃ, κἂν ὁ ὥφειλεν ἢ κατενηνοχῶς]  
τῇ πόλει, στερέσθω τοῦ πραθέντος].  
ὁ δὲ ψευδεῖς ἀπογραφὰς ποιησάμενος]

### Chapters of Hadrian's Legislation

The olive growers shall deliver the third part of the oil, or the eighth if they are owners of the estates of Hipparchus sold by the *fiscus* — for only those estates carry this privilege. They shall deliver the oil partially at the beginning of the harvest, in proportion to what is being harvested, making delivery] to the public oil buyers who watch out for the [public requirements]. They shall file [a declaration] of the harvest with [the *prytaneis* and] the herald, submitting two [copies] and receiving [back] the one copy signed. The declaration shall be under oath and a statement of the total amount he harvested and that he did so through such and such a slave or such and such a freedman, and whether it is the owner of the estate or the tenant or the harvest contractor who sells the oil.

Also he who sells for export shall file a declaration with the same officials as to how much he is selling and to whom and where the ship is moored. Whoever offers to sell for export without a declaration shall be deprived of what has been offered, even if he has

ἢ τὰς περὶ τῆς συνκομιδῆς [ἢ τ]ὰς περὶ] □  
 30 [τῆς ἔξαγωγῆς ἢ ὑπὲρ χωρίου, [εἰ τις πα]-□  
 ρὰ φύσκου ἐπρίατο μὴ Ἱππάρχ[ου γενόμε]-□  
 νον ὄγδοον κατενεγκών, σ[τερέσθω]□  
 [τὸ δὲ ἡμισυ ὁ μὴ νύσας λαμ[β]α[νέτω]. □  
 [- - - - - ἔξαγωγ]γὴν ἀναπόγ[ραπτων] □  
 35 [- - - - -]ειρε, εἰ μ[- - - - -]□  
 [- - - - -] των ἀπ[ο]τερ [- - -] □  
 [- - - - -]ος αὐτὸς ἢ ὄν[τιν'] □  
 [ἂν - - - - -]έτω μὲν ἐξ ἀπ[ο]□  
 [- - - - -]τῆς δὲ τειμῆς τὸ [ἦ]-□  
 40 [μισυ κατεχέτω, εἰ μήπω δέδωκεν ἢ λαμ-□  
 βανέτω, τὸ δὲ ἡμισυ ἔστω δημόσιον. □  
 γραφέσθω δὲ καὶ ὁ ἔμπορος, τί ἐξάγει□  
 καὶ πόσον παρ' ἐκάστου· ἐάν δὲ μὴ ἀπο-□  
 γραψάμενος φωραθῇ ἐκπλέων, στερέ-□  
 σθω· ἐάν δὲ ἐκπλεύσας φθάσῃ καὶ μηνυ-□  
 45 [θῇ, γραφέσθω καὶ τῇ πατρίδι αὐτοῦ ὑπὸ τοῦ □  
 δήμου κάμοι. τὰς δὲ περὶ τούτων δίκας □  
 μέχρι μὲν πεντήκοντα ἀμφορέων ἢ βου-□  
 λή μόνη κρινέτω, τὶ δὲ ὑπὲρ τοῦτο μετὰ □  
 τοῦ δήμου. ἐάν δὲ τῶν ἑκ τοῦ πλοίου τις □  
 50 [μηνύσῃ, ἐπάναγκες ὁ στρατηγὸς τῇ ἐξῆς □  
 ἡμέρα βουλὴν ἀθροισάτω, εἰ δ' ὑπὲρ τοὺς □  
 πεντήκοντα ἀμφορεῖς εἴη τὸ μεμνην-□  
 μένον, ἐκκλησίαν· καὶ διδόσθω τῷ ἐλέγ-□  
 ξαντι τὸ ἡμισυ. ἐάν δὲ ἐκκαλέσῃται τις ἢ □  
 55 [ἐμὲ ἢ τὸν ἀνθύπατον, χειροτονεῖτω συν-□  
 δίκους ὁ δῆμος. ἵνα δὲ ἀπαραίτητα ἢ τὰ □  
 κατὰ τῶν κακουργούντων ἐπι[τ]είμ[α], τε-□  
 μῆς ἰς τὸ δημόσιον καταφερέσθω τὸ ἔλαι-□  
 ον, ἥτις ἂν ἐν τῇ χώρᾳ ἦ. εἰ δὲ ποτε εὐφορ[ι]-□  
 60 [ας ἐλαίου γενομένης πλέον εἴη τὸ ἐκ τῶν □  
 τρίτων ἢ ὀγδῶν καταφερόμενον τῆς εἰς □  
 ὅλον τ[ὸ]ν ἐνιαυτὸν δημοσίας χρείας, ἐξέ-□  
 στω τοῖς μὲν γεωργ[ο]ῦσιν τὸ ἔλαιον ἢ πᾶν □  
 ἢ μέρος δευτέραν ἀπογραφὴν ποιησαμέ-□  
 65 [νοις καὶ δημόσιον τό τε ὀφειλόμενον □  
 πόσον ἐστίν. ὁ οἱ ἐλαιῶναι ἢ οἱ [ἰ] ἀργυ-□  
 ροταμία[ι] οὐ βούλονται παρ' αὐτῶν λαβεῖν, □  
 φυλά[ττειν - - - - -] □  
 ΖΕΤΑ - - - - - □  
 70 [ΣΚ - - - - -] □

delivered to the city what he owed.

Whoever falsifies declarations, either those about the harvest or those about the export or on behalf of what estate, if someone has bought from the *fiscus* an estate, which was not of Hipparchus and delivers an eighth, shall be deprived (of the oil). The informer shall receive [the half - - - - -] export of undeclared [ - - - - -] he shall retain half of the price if he has not yet paid, or receive (one half of the price). The other half shall be confiscated.

The merchant too shall declare in writing that he is exporting and how much from each producer. If he is caught sailing away without having filed a declaration, he shall be deprived (of the oil). If he has already gotten away and is then denounced, it shall be reported by the *demos* to his paternal city and to me.

The *boule* alone shall judge these cases up to fifty amphoras, but together with the *demos* when the cases are for more than this. If the informer is someone from the crew, the (hoplite) general shall be obliged to assemble on the very next day the *boule*, but if the amount reported by the informer should exceed fifty amphoras, the *ekklesia*. And the half shall be paid to the informer in case of conviction. If someone appeals either to me or to the proconsul, the *demos* shall elect advocates. In order that the penalties against the evil-doers may be strictly imposed, the oil shall be delivered to the city at whatever market price may prevail in the country. If at any time there should occur an abundance of oil and the amount being delivered from the thirds and the eighths should exceed the public requirements for the whole year, those who are not therefore selling the oil either in whole or in part shall make out a second declaration and state how much the amount then owed is which the public oil buyers or the *argyrotamiai* do not want to accept from them, and when they have done so, it shall be permitted to them, on the one hand, to keep what they owe ....

The Law on the Athenian oil had probably been enacted, while the emperor was revising the Athenian constitution as *nomothetes*. The main purpose of the law seems to have been to guarantee that there was always enough oil for the polis available at a reasonable price by restraining the possibilities of selling the harvest on the free market. Ll. 1–11 state that every oil farmer had to deliver 1/3 of his harvest to the *eleonai*, the public oil-buyers. An exception is made for those farmers who had bought parts of the land of Hipparchos, which had been confiscated and now resold. They only have to deliver 1/8 of their harvest. Ll. 11–24 show how this obligation was administered. Throughout history similar measurements have

frequently been taken by states in times of food shortage, and even today the European Union controls the grain market the same way. Hadrian's law has often been compared to the law on export of Solon, whose successor as *nomothetes* the emperor wanted to be. Similar measures had been taken e.g. by the Selybrians in times of a food shortage when the polis forbade the export of grain (Ps. Aristot. Oec. 1348B). Another interesting example can be found in Samos: The grain on the island was not sufficient for the population of Samos and — in order to have a stable low price of grain — the state had decreed that the sanctuary of Hera in Anaia had to sell the share of 1/20 that the goddess's tenants had delivered at a fixed price of 5 1/3 dr. The fixing of a definite price had not been undertaken in the Athenian oil-law, ll. 57–59 speak of the “market price that may prevail in the country”. The end of the Athenian text is very important too, since it shows that the law did not only aim at an *ad hoc* cure of a difficult economic situation: Provisions had also been taken for times of an abundance of olives and oil (ll.59ssq.). In this case — it seems — that the farmers are allowed to keep the oil and sell it in other places. It is this part of the provision that resembles other laws enacted not only under Hadrian's reign in order to solve one of the most common problems in the economy of ancient cities: hoarding of goods and forcing up of prices (cf. the law on the sale of fish, IG II<sup>2</sup> 1103). The problem was both well known to the Athenians, who had been dealing with it for centuries (cf. Lysias 22) and to Rome, where the jurists had tried to manage the problem of the *dardanarii* for a long time too.

There is a second set of general provisions in the law, which deals with the merchants exporting the olive oil. They too have to declare in writing the amount of the exported oil and the name of the producer. This precaution tries to reduce the risk that certain producers escape the contribution of one third of their harvest: even if they are successful in deceiving the state by not delivering their share, they are deprived of the possibility of exporting the oil, since the risk has now to be taken by the merchant. If he cannot prove, where his goods are from, they will be confiscated and this threat will of course deter many merchants. Ll. 43–46 show the most interesting part of the imperial interference when Hadrian demands that merchants who had already gotten away from Athens and were denounced afterwards were to be reported to their home-town as well as to him self. I am convinced that *graphein* in this connection does have a legal meaning and refers to the beginning of a trial. In Hellenistic times the system of interstate treaties for the administration of justice was sufficient to ensure the possibility of claiming one's rights in a foreign city, but Hadrian goes one step further in establishing the possibility to ask for the help of an imperial court. There is another instance of imperial interference in the procedure, when Hadrian states that against the decision of the *boule* or the *boule* and the *demos* there should be the possibility of appeal to either the emperor or the proconsul. This possibility is not as surprising as the rule cited before, but it shows that the emperor reserved the right to overthrow the decisions of the *civitas libera* in these cases at any time. The procedural regulations set up by the oil-law do seem perfectly “Athenian” at the first sight, but time does not allow me to go into a detailed explanation of interesting questions connected with the magistrates mentioned. Still I will try to show that the provisions of the Roman system of *annona* have influenced the Athenian regulation of the problems that food supply poses.

Coming to the end I would like to sum up the question of models and examples for the oil law. Theoretically there are three possibilities of the law's origin. It could have been an Athenian draft without any Roman intervention, which then had been sent to the emperor asking his confirmation. This practice had been very common in the 2<sup>nd</sup> cent. B.C., when the *poleis* of Greece began to realize the might of Rome, but I do not think, that it applies in our situation. First of all, one of the important questions in the law is the treatment of the farmers who had bought estates from the Roman *fiscus*, secondly, the interference of the emperor by

reserving the final decision on disputes to himself does show an great amount of Roman influence. Moreover some of the procedural prescriptions hint on Roman legal science rather than Greek tradition. On the other hand, the law could have been a Roman concept, which was then simply imposed on Athens. In the light of Hadrian's treatment of his favorite city in Greece, this line of action is very unlikely too and Hadrian's role as *nomothetes* shows that he wanted to be part of the Athenian tradition. We do have here yet another example of cooperation of Greek and Roman forces. The Roman influence is — as the position of the emperor and certain aspects of the procedural law show — very great, but the Athenian system is respected and taken advantage of. The Athenian economic laws from the 4<sup>th</sup> cent. BC on as well as the Roman system of the *annona* will have been used as sources for the regulations found in Hadrian's oil law. Many inscriptions from imperial Greece show that cities, which could not deal with economic difficulties themselves would rely on the help of the emperor, as e.g. Antiochia and Aspendos did. The demand for help from the empire's capital could result in substantial intrusion in internal affairs, which enlarged on the other hand Rome's ability to control the cities.

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