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APPOINTING A REPLACEMENT WHILE IN OFFICE
IN IASOS: DIFFERENT APPROACHES
TO DIFFERENT NEEDS:
RESPONSE TO PIERRE FRÖHLICH

The question investigated by Pierre Fröhlich in his paper, namely the replacement of magistrates in Hellenistic cities, is a delicate and interesting one, which has been rarely dealt with. Pierre Fröhlich, after reviewing the few instances of replacement of magistrates known from Athens, focuses on a small number of Hellenistic decrees from Iasos, part of a corpus of more than a hundred, where a handful of *πρυτάνεις* are substituted by a person appointed by them – the formula used being «κατασταθεῖς ὑπὸ». In two among the relevant documents the replacement *πρύτανις* is furthermore designated by an *ἐπίτροπος*, an apparently unique practice. In *SEG* 41, 932, a decree concerning foreign judges coming from Chios (l. 27-30: Λεοντ[ί]σκου τοῦ [...]ο[....]ο[υ] κατασταθέντος ὑπὸ Ἀρχιδήμου τοῦ Σαραπ[ίων]ος δι' ἐπίτροπου [α]ὐτοῦ Εὐκτιμένου τοῦ Ἰατροκλέους), the replacement *πρύτανις* is nominated through an *ἐπίτροπος*. Whereas in I. Iasos 4 (l. 40-41: Πινδάρου τοῦ Σωστράτου δι' ἐπίτροπου Διονυ[σίου] τοῦ Μενεκλείους), the *ἐπίτροπος* himself acts as the replacement of the *πρύτανις*. The understanding of these intriguing instances of replacement of *πρυτάνεις* is further challenged by the double meaning of the term *ἐπίτροπος*, both as a tutor acting on behalf of minors (a usage attested in Iasos inscriptions too), and as an agent acting in one's place. So, was it possible, in Iasos, to have an elected official, member of a body consisting of several persons, replace himself while in office? Furthermore, what is the exact meaning and function of the *ἐπίτροπος* in the two above instances?

Pierre Fröhlich, in order to answer these questions, proceeds to a thorough investigation of the parallels, in terms of replacement, in Hellenistic sources and inscriptions, examining and refuting, with solid arguments, interpretations previously advanced. His detailed analysis of the instances of the replacement of the *πρυτάνεις* in different months of the calendar of Iasos fully supports his thesis that there is not enough evidence indicating that such replacements concerned only the election assemblies or the assemblies for the attribution of honors to foreigners. I think that he is also right in questioning the interpretation offered by Roberta

Fabiani¹ that the ἐπίτροπος mentioned in the Iasos inscriptions was acting as a tutor of a minor and orphan, relying on the presumption that the πρυτάνεις were exercising, so early on, a form of liturgy, which would have attested to an oligarchic turn of the city's affairs around 230's B.C.. As he points out, the term ἐπίτροπος has indeed several meanings, the exact one being a matter of interpretation, which must be done cautiously. He is correctly objecting, to the above hypothesis, among others, that liturgic charges are never connected with the exercise of the πρύτανις. I would add that the appointment of someone to act as πρύτανις in place of a minor, through an ἐπίτροπος, would present further complications, considering the nature and obligations of the function of tutor, namely that he would have to give account of the management of the minor's affairs and be held personally liable for the administration of his fortune. This of course, if we consider that appointing someone as substitute entailed a double responsibility, a question very difficult to answer, as Pierre Fröhlich has correctly pointed out.

The explanation offered by the Pierre Fröhlich, that in Iasos, a πρύτανις (probably selected by lot), prevented for whatever reason to attend his functions, could name someone else to act in his place (referred to by the formula κατασταθέντος ὑπὸ) is the most plausible. Pierre Fröhlich also considers that the appointment of the replacement probably had to be confirmed by official act and that if the πρύτανις appointed would be absent at the moment of his installment in office, he could ask an ἐπίτροπος to represent him to this purpose. The replacement πρύτανις would remain in place over a longer period, whereas the presence of an ἐπίτροπος was related to absences or incapacities which could not have been predicted. I would rather suggest that, inversely, the «κατασταθέντος ὑπὸ» formula may designate a case where the πρύτανις had to be replaced ad hoc, in instances where he was present in Iasos but for some reason he could not participate in this particular meeting of the Assembly. Whereas in the second case, where an ἐπίτροπος is acting in the name of the πρύτανις, the πρύτανις, knowing he would be absent for a longer period of time, had appointed someone to act as his ἐπίτροπος on all matters, the powers of which included the right to appoint a third party for a specific duty, including his replacement in a particular Assembly by another member of the Council.

Regarding the question of replacement itself, even though the relevant examples are not ample, the texts presented by Fröhlich offer some parallels of persons acting as replacements at the execution of various duties. In the case of a private institution, such as the educational Foundation of Eudemos of 206/5 B.C. (Milet I 3, 145), the παιδοτρίβαι who wish to accompany the athletes in their competitions are allowed to do so, after leaving a replacement of their duties during their absence, approved

¹ R. Fabiani, « *Dedochthai tei boulei kai toi demoï*: protagonisti e prassi della procedura deliberativa a Iasos », in Chr. Mann et P. Scholz (éd.), « *Demokratie* » im Hellenismus. *Von der Herrschaft des Volkes zur Herrschaft der Honoratioren?*, Mayence (2012), 143-145, idem, *I decreti onorari di Iasos. Cronologia e storia*, Munich (2015), 213.

by the παιδονόμοι. In the case of a sacred law, the regulation of Miletos on the cult of Rome (Milet I 7, 203), the priest may designate his replacement. These instances show that, in principle, in Ionia, the replacement of a person acting in an official capacity was possible, as long as the regulations of the relevant institution allowed, or even prescribed such a replacement, in case of one's absence or impediment to serve. The 3rd c. B.C. law on the sale of the priesthood of Poseidon Helikonios from Samos (*IG* XII 6, 168), as noted by P. Fröhlich, is particularly eloquent on this instance: ... τοῦ]ς ἀποδεικνυμένους ὑπὸ τῶν χιλιαστήρων ἐπιμηνίους τῆς [θυσίας καὶ τ]ῆς συνόδου τῆς ἐν Ἑλικωνίῳ γινομένης ἐπιμηνιεύειν ἐὰν [ἐνδημῶσι, ἐ]ὰν δὲ ἀποδημῶσιν, οὓς ἂν καταλίπωσιν <ἀνθ'> αὐτῶν κυρίους κατὰ [ταῦτά. ...*"The persons designated by the members of the Chiliastyes to be epimenioi (monthly magistrates), when a sacrifice and assembly is held at Helikon, if they are present, they will fulfill their function in person, and if they are absent, it will be those who they will have left responsible in their place who will officiate in the same way."*

In the above instance though, the reason behind the replacement is evident: the young left at home, in the case of the παιδοτρίβαι of Miletos, need to be looked after, while, in absence of the priest or magistrate to perform the sacrifices, the rituals would be neglected, possibly risking the wrath of the god. It is less evident though to see a reason for the existence, in Iasos, of a compulsory replacement of one among several πρυτάνεις, a body of peers of variable numbers, given that, contrary to the principle of collegiality of the Roman magistrates, the collective bodies of Greek magistrates had no obligation to act in unanimity and, indeed, the numbers of the πρυτάνεις present in different Assemblies in the Iasos inscriptions vary. A possible explanation for the various numbers of πρυτάνεις may be that their replacement was allowed, but it was not compulsory and that some of them chose to be replaced in particular instances where they could not attend their duties and some others did not. We may thus suppose that, in Iasos, a person selected to act as πρύτανις who would not be able to fulfill his duties was allowed to nominate someone to replace him.

The mechanism of replacement of officers in duty still raises several institutional questions. How and when such a replacement took place? Was it provisional or permanent? Why a *prytanes* was nominated by the person in office and not re-elected? Was the presence of the appointer necessary during the act of official installment of the appointee in office? A critical point for the answer of these questions is the hypothesis advanced by Fr. Gschnitzer («Prytanis», *RE Suppl.* XIII, 1973, col. 785) and supported by Pierre Fröhlich, that the appointee had to be a member of the Council. This hypothesis is also supported by the assumption that the person chosen as replacement, while being of the choice of the πρύτανις, must have fulfilled the same criteria of eligibility to the office of πρύτανις as the person replaced.

Regarding the particular issue of the replacement of a πρύτανις through an ἐπίτροπος, it is a fact interesting in itself that, in the Iasos inscriptions, such appointments, even if only two such cases are known, are mentioned casually, as something unexceptional, which indicates that these instances correspond to a usual state of affairs. When and why would an ἐπίτροπος intervene in place of the πρύτανις? A hint to the solution to this puzzle may be given by the inscriptions discussed by Pierre Fröhlich. In a document recording a private transaction from Mylasa (I. *Mylasa* 204) the explanation given for the presence of the ἐπίτροποι in place of the party concerned (l. 18) is “αὐτοῦ ὄντος ἀποδήμου”, him (Antipatros) being absent, presumably far away from his country (this being the meaning of ἀποδήμος). As P. Fröhlich points out, this case shows the link between the absence of a citizen and his representation by one or more ἐπίτροποι. In the decree of Halasarna (IG XII 4, 103, l. 27-28), it is also stated “τὸς δὲ ἀποδάμιος ἀπογραφόντων τοὶ ἐπίτροποι, εἰ δὲ μὴ, ἀπογραφέσθων αὐτοὶ ἐπεὶ καὶ παγένηται ἐν τριμήνῳ” (all those absent will be inscribed by the ἐπίτροποι, or else, they will inscribe themselves upon their return, within three months). These references indicate that appointing an ἐπίτροπος, acting as the equivalent of the Roman procurator, was a common practice for those who planned to be absent abroad over a long time. As Cicero will later explain in the *Pro Caecina*,² “the one who is given the title of procurator according to the law, (is someone who) namely takes care of all the affairs of the one who does not live in Italy or who is absent for a public service, almost as if it would be the master himself, that is to say the substitute for the right of others...”.

I would therefore add to the hypothesis presented by Pierre Fröhlich the following suggestion: that the ἐπίτροποι mentioned in the decrees of Iasos might have been appointed by those who, while acting already as πρυτάνεις, were called during their term of office to leave the city on some official duty, such as in the case of an embassy, or to act as a foreign judge to another city, as a θεωρός, or on other official mission, which would mean that they would be absent over a longer period of time and needed someone to look after their affairs and duties while they would be gone. Therefore, the reason for the existence of two different cases, this of a πρύτανις being replaced directly by the appointee (κατασταθέντος ὑπὸ) and this of being replaced through an ἐπίτροπος of the appointor, may be that, in the first case, a πρύτανις who was not in a position to participate in a particular Assembly appointed directly, ad hoc, someone to replace him. Whereas, when he was to be – predictably – absent over a longer period of time, especially on official duty, he would appoint an ἐπίτροπος as his general agent, who would have (among others) the capacity to choose who would be designated to act in his place in each

² Cicero, *Pro Caecina* 20.57: *is qui legitime procurator dicitur, omnium rerum eius qui in Italia non sit absitve rei publicae causa quasi quidam paene dominus, hoc est alieni iuris vicarius, ...*

Assembly, subject to the availability of suitable substitutes. This interpretation of the system of substitution in Iasos relies on the assumption of a temporary, *ad hoc* nomination of a replacement πρότανις for each Assembly. Such a system of replacement would present the interest of preserving the official appointment of the original πρότανις, throughout his term of office, and have him be replaced in his duties, by his own initiative, only for certain Assemblies and votes which he could not attend in person.

I would be skeptical though as to whether an official nomination, by the city itself, of the person acting as a one-time replacement of the πρότανης would have to take place in such cases, if of course we are correct in assuming that the appointee was already a member of the Council and therefore possessed all the necessary legal prerequisites in order to sit as πρότανης. Καθήιστημι has indeed the meaning of appointment by official act, but, in Iasos, we have no trace of any such official confirmation procedure. As it is pointed out by Pierre Fröhlich, the same verb is also used in the appointment of guarantors by private acts, in several manumission inscriptions from Delphi and central Greece. Although some form of official nomination of his replacement, by the πρότανης being replaced, certainly would have been needed, this could have been done by a simple declaration: the πρότανις may have publicly named (orally with witnesses? by written document registered in the city archives?) another βουλευτής as authorized to act in his place as πρότανης in a particular Assembly. Pierre Fröhlich is bringing forth several examples of replacement of city officials, where the initiative and choice of replacement could be taken by the officer himself, instead of the city. For the πρότανης who could not attend a meeting of the Assembly, choosing himself the person who would replace him in a particular vote presented the interest of allowing him to exercise, through his replacement, his own policy, as he would certainly appoint someone close to his own views and political affiliations. This would also explain why the numbers of the προτάνεις vary in different inscriptions: some may have chosen to be replaced in decisions of importance to them, but not in some others which did not matter that much. On the other hand, assuming that each πρότανης would have to designate a priori a potential substitute, and this person, when the time would come for him to serve (when the original πρότανης was not able to execute his duties for whatever reason), would have to be confirmed in his office by an official act of the city, seems an unnecessarily complicated procedure.

The same goes for the hypothesis that, if the replacement πρότανης could not be present for his «appointment», he authorized an ἐπίτροπος to do it in his place. Having someone named as one's ἐπίτροπος, in the sense of a person mandated to represent a party absent for all matters and administrate his affairs, created a legal bond requiring an official nomination by the mandator, acceptance by the mandate and entailed broader legal obligations. Again, this seems too complicated if the role of the ἐπίτροπος would be to assist the person replaced only in one official act. A simpler explanation would be that ἐπίτροπος in the two inscriptions of Iasos is

acting as agent of the original πρύτανις, and not as this of his replacement. Therefore, in *SEG* 41, 932, l. 27-30 (the Λεοντ[ί]σκου τοῦ [...]ο[....]ο[υ] κατασταθέντος ὑπὸ Ἀρχιδήμου τοῦ Σαραπ[ίων]ος δι' ἐπιτρόπου [α]ὐτοῦ Εὐκτιμένου τοῦ Ἰατροκλέους) the ἐπίτροπος (Euktimenos) appointing the replacement πρύτανις (Leontiskos) would be this of the original πρύτανις (Archidemos) and not this of the appointee Leontiskos, ([α]ὐτοῦ referring to the immediately preceding name of Archidemos). The question that arises is why the ἐπίτροπος would not act directly as the replacement of the πρύτανις in this case, as he appears to do in the case of the decree of I Iasos 4, l. 40-41 (Πινδάρου τοῦ Σωστράτου δι' ἐπιτρόπου Διονυ[σίου] τοῦ Μενεκλείους). A simple explanation to this would be that the ἐπίτροπος Euktimenes, in the first above case, was not at the time a βουλευτής himself, therefore he had to nominate a third person (Leontiskos), who was a βουλευτής, to act in place of the absent πρύτανις (Archidemos).

The above mechanism of replacement would be simple, efficient and require little in terms of administrative procedure. If we may venture so far as to illustrate a modern equivalent, it would resemble the instance where a member of the board of directors of a legal entity, who cannot participate in a particular meeting of the board, appoints – usually by a simple letter of authorization – as his proxy another of the members of the board and instructs him to vote in his place. Whereas also, a member of the board of directors who expects to be absent over a longer period of time abroad, can appoint – usually by notarial deed – someone to act as his general proxy, with a more or less broad scope of duties, authorizing him also to appoint third parties as further proxy with regards to specific duties, including his vote in the said board.

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