

# HYPERBOREUS

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STUDIA CLASSICA

ναυσὶ δ' οὔτε πεζὸς ἰὼν κεν εὖροις  
ἔς Ὑπερβορέων ἀγῶνα θαυμαστὰν ὁδόν

(Pind. *Pyth.* 10. 29–30)

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PETROPOLI

**Vol. 22      2016      Fasc. 2**

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BIBLIOTHECA CLASSICA PETROPOLITANA  
VERLAG C.H. BECK MÜNCHEN

## HYPERBOREUS: Классическая филология и история

Выходит два раза в год

Редакция: Н. А. Алмазова, А. Л. Верлинский (отв. ред. выпуска),  
С. К. Егорова, Д. В. Кейер

Редакционный совет: Михаэль фон Альбрехт, А. К. Гаврилов,  
Пэт Истерлинг, Карло Лукарини, Д. В. Панченко

Адрес редакции и издателя: 197198, С.-Петербург, ул. Красного Курсанта, д. 6/9  
Античный кабинет (HYPERBOREUS)  
Факс: (812) 274-3395, (812) 235-4267  
E-mail: [hyperbicl@gmail.com](mailto:hyperbicl@gmail.com)  
[bibliotheca-classica.org/hyperboreus](http://bibliotheca-classica.org/hyperboreus)

По вопросам подписки обращаться по адресу редакции.

## HYPERBOREUS: Studia Classica

HYPERBOREUS wurde im Jahre 1994 durch die Bibliotheca Classica Petropolitana gegründet.

Der Vertrieb außerhalb Rußlands erfolgt durch den Verlag C. H. Beck (Oskar Beck),  
Wilhelmstr. 9, D-80801 München, Postfachadresse: Postfach 400340, D-80703 München.

Die Zeitschrift erscheint ab 1996 in zwei Halbjahresschriften. Abonnementpreis jährlich ab  
Vol. 2 € 34,90 (in diesem Betrag sind € 2,28 Mehrwertsteuer enthalten), für das Einzelheft  
€ 19,50 (Mehrwertsteueranteil € 1,28), jeweils zuzüglich Vertriebsgebühren; die Kündigungs-  
frist des Abonnements beträgt sechs Wochen zum Jahresende. Preis für Vol. 1, 1994/5, auf  
Anfrage bei dem Verlag C. H. Beck.

Herausgeber: Nina Almazova, Sofia Egorova, Denis Keyer,  
Alexander Verlinsky (verantw.)

Wissenschaftlicher Beirat: Michael von Albrecht, P. E. Easterling,  
Alexander Gavrilov, Carlo M. Lucarini, Dmitri Panchenko

Alle für die Redaktion bestimmten Manuskripte und Einsendungen sind zu richten an:  
Bibliotheca Classica Petropolitana (HYPERBOREUS)  
ul. Krasnogo Kursanta 6/9  
197198 St. Petersburg, Russia  
Fax: (812) 274-3395, (812) 235-4267  
E-mail: [hyperbicl@gmail.com](mailto:hyperbicl@gmail.com)  
[bibliotheca-classica.org/hyperboreus](http://bibliotheca-classica.org/hyperboreus)

Die Publikationssprachen im HYPERBOREUS sind Russisch, Englisch, Französisch, Deutsch,  
Italienisch und Lateinisch; den Beiträgen wird jeweils eine Zusammenfassung auf Englisch  
und Russisch hinzugefügt.

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CHRISTIANO HABICHT  
NONAGENARIO





## PREFACE

On 23 February 2016 Christian Habicht, Emeritus Professor at the Institute for Advanced Study, Princeton, celebrated his 90<sup>th</sup> birthday. For this occasion the editors of the journal *Hyperboreus* had the idea of dedicating a fascicle of the journal to their old friend, who contributed his studies to *Hyperboreus* from its very beginning, thus giving the new initiative of classicists at Saint Petersburg valuable help and encouragement. The present fascicle is not a real Festschrift, a collection which aims at describing the interests and evaluating the impact of the honorand in the widest possible range – yet what volume could possibly do justice to the achievements of one of the most outstanding ancient historians of our time? Instead, this volume was conceived as a joint gift to honor Christian Habicht presented by the scholars of Saint Petersburg associated with the *Bibliotheca Classica* together with some of his pupils, friends and colleagues, who were invited to share in this celebration. Some of the papers in the volume are related to the fields which are prominent in Christian Habicht's scholarly activities – Greek and Roman history and epigraphy – in the broadest sense, including the 'provincial' areas of Asia Minor, the Greek cities of the Black Sea shore and Judaea (the periphery of the Classical world is equally important for Christian Habicht's work as the central areas). It should come as no surprise that the epigraphy and history of Athens are well represented in the volume, which reminds us once again that Christian Habicht's monographs and articles on Hellenistic Athens have provided a solid foundation for any study in this field both now and in the future. The breadth and the painstaking attention to detail found in his studies of the literary and epigraphic sources for Hellenistic Athens has transformed our understanding of this period; future generations may modify aspects of Habicht's *vue d'ensemble*, but its main outlines are sure to remain a reliable and enlightening guide to the subject. The other contributions, devoted to subjects more remote from his usual areas of interest (such as Renaissance Greek and New Latin inscriptions), display the same careful scrutiny of inscriptions and literary sources that we have come to associate with the work of Christian Habicht.

The papers of the Festheft of course do not cover all the topics to which Christian Habicht has made important contributions. The latter include (far from a complete list) the cults of benefactors in Greek cities, now the starting point for the investigations of the Hellenistic and Roman ruler cults; the numerous editions of inscriptions and historical studies of the areas like Acarnania, Samos, Thessaly, Cos; the monograph-length study of Pausanias, an eloquent defense of the periegete's reputation as a historical source and as a writer, on the basis of epigraphy, archaeology and a careful reading of Pausanias himself, with the enjoyable appendix on the personal reasons for Wilamowitz' antipathy toward Pausanias – a masterpiece of the history of scholarship; and a small but powerful book about Cicero, which contains a perceptive analysis of his political talents. Despite the limitations of this volume, both in its size and in its range of topics, the editors hope that that the honorand will find the essays both a joy to read and valuable contributions to scholarship, which meet the high standards he has set in his own work: tireless precision, rigorous arguments, and careful marshalling of support for all his views in the ancient sources critically examined.

Christian Habicht's impact on epigraphic and historical studies through his books and articles has been enormous. But those who were fortunate enough to observe him working at the IAS Princeton also witnessed the splendid example he set for all scholars: the strict adherence to *Pünktlichkeit* in the best sense he followed every day by arriving at the Benjamin Merritt library before 9 AM (Freia Habicht drove him to the Institute in the morning and back home at five PM); his affable and generous but penetrating scrutiny of scholarly talks, especially when it came to the details of an inscription or other text; and last but not least, the *gemütlich* hospitality Freia and Christian Habicht always displayed to guests at their dinners (the guest always received something to take home, according to a German custom). If *humanitas* can play a role in Classical scholarship, Christian Habicht has showed all scholars how the two can be harmoniously combined.

It was not difficult to find scholars eager to contribute to this volume honoring Christian Habicht. Those whom the editors invited to submit essays to this volume responded both joyfully and enthusiastically. The editors wish to express their gratitude to all the authors.

Editors

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## THE SIXTH-CENTURY SAMIAN FOOT OF 26.25 cm AND EVOLUTION OF THE GREEK LINEAR MEASURES

Deducing a Samian foot of 26.25 cm (for which there is no direct evidence), I rely on the data published by Hermann J. Kienast, who presents the results of the archaeological research of the famous tunnel in Samos which was built in the sixth century by Eupalinus.<sup>1</sup> Herodotus, our main source, reports the measurements of both the tunnel and the canal inside it. Two of his measurements are expressed in terms of feet. He observes that both the height and the width of the tunnel equal 8 feet and that the width of the canal is 3 feet (3. 60. 2).

Kienast informs us that both the height and the width of the tunnel measure 2.10 m. What was then the length of a foot used in constructing Eupalinus' tunnel? Kienast assumes that Herodotus meant either a foot of 34.95 cm (called by him 'Samian') or a foot of 29.5 cm (which he referred to as the 'Attic'), and this makes 2.80 or 2.36 m, respectively. Then Kienast compares the results with the actual dimension, 2.10 m for both the height and width, which allows him the choice in favour of an 'Attic' foot.<sup>2</sup> But this is a strange conclusion. I need not emphasize that the difference of 26 cm nearly amounts to a whole foot. What is essential is that the difference does not constitute a half or any other simple fraction of the chosen unit of measure. For one can construct anything of equal height and width either by applying exactly the same measure, or by applying a common measure the same number of times. Therefore the only reasonable way to obtain the value of a foot used in constructing Eupalinus' tunnel is by dividing 2.10 m by eight, as reported by Herodotus. This yields a foot of 26.25 cm.

Another relevant measurement in terms of feet agrees well with the obtained result. According to Herodotus, the width of the canal is 3 feet, which comes to either 1.05 or 0.89 m on the two options selected by Kienast and 0.79 m on my proposal ( $26.25 \times 3 = 78.75$  cm). The true size is 0.80 m.

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<sup>1</sup> Kienast 1995.

<sup>2</sup> Kienast 1995, 173 and Pl. 5.

Moreover, our result is consistent with another piece of data concerning Eupalinus' construction. Herodotus (3. 68. 1) says that the tunnel was driven through the base of a mountain one hundred and fifty *orguiai* high. The actual height of the mountain is 237.50 m. According to the classic metrological passage by Herodotus, "the *orguia* measures six feet" (2. 149. 3). One can say, then, that the mountain is nine hundred feet high. Now,  $26.25 \text{ cm} \times 900 = 236.25 \text{ m}$ , which is very close to the actual height of the mountain.

Furthermore, the measure we recover, a Samian foot of 26.25 cm, is nothing but a half of a well-known Samian cubit. Herodotus equates the Samian cubit with the Egyptian (2. 168. 1), and according to a standard view, based on a number of measurements, the Egyptian (royal) cubit was 52.5 cm.<sup>3</sup> The use of both the Samian cubit and its half is traceable in the architecture of another magnificent construction of six-century Samos, the Heraion.<sup>4</sup> Practically the same cubit of 52.3 cm or so was also established for the Artemision of Ephesus.<sup>5</sup>

Both the cubit in question and its half can be detected at one more glorious construction of the sixth century. Now we turn to Babylon. The excavations of the eastern wall of Nebuchadnezzar II reveal that its towers were erected 52.50 m apart, that is, at the distance equivalent to 100 cubits. The width of these towers is found to have been 8.37 m, while classical authors (who obviously provide the largest dimension, that is, of wall towers) report 32 feet (Strab. 16. 1. 5; Curt. Ruf. 5. 1. 25), and  $26.25 \text{ cm} \times 32 = 8.40 \text{ m}$ .<sup>6</sup>

The six-century Samian foot of 26.25 cm appears thus as an element of a larger system. There is something to say about this system. First, it is truly body-based since an average foot of a real Greek man would range from

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<sup>3</sup> See Helck 1980. Measurements reveal some variations, yet "the length of the royal cubit (52.5 cm) can only vary between 52.1 and 52.9 cm" (Hirsch 2013, 50). Hirsch 2013, 125 mentions also *Great Span* as "a division of the royal cubit with the length of half a royal cubit (26.25 cm)".

<sup>4</sup> Reuther 1957, 55: "Die Gesamtbreite des Tempels ergibt sich aus den sieben Einzelinterkolumnien mit 52,450 m aus der Verdoppelung des mit mit 26,221 m gemessenen Abstandes der stehenden Säule von der Mitte des Pronaosmittelschiff mit 52,442 m. Eine Messung, die ich mit Scheif im Sommer 1927 durchführte, gab als Resultat 52,446 m". On common assumption that the temple measured 100 cubits, Reuther arrives at 52.446 cm for the length of a Samian cubit (*ibid.*, 58).

<sup>5</sup> Bammer 1972, 44 n. 40. Bammer, *ibid.*, notes also the use of a half-cubit of 26 cm at Halicarnassus.

<sup>6</sup> I take the dimensions from Unger 1970, 62. Unger offers no metrological interpretation of numbers. Nor did I notice any reflection of this data in otherwise very informative article "Maße und Gewichte" by M. A. Powel 1987–1990, 462–476.

26 to 27 cm.<sup>7</sup> Second, it implies a ratio of 2 : 1 between the cubit and the foot. Third, it employs a foot easily compatible with such a measure unit as the pace: three feet of 26.25 cm make 78.75 cm, which is quite a fair estimate of an average pace. The well-known later system displays none of these features. The pace, so familiar to us from the Roman system of measures, is absent in the standard Greek one.<sup>8</sup> Moreover, Herodotus (2. 149. 3) speaks of “the *orguia* measuring six feet or four cubits”; hence the cubit and the foot are in a ratio of 3 : 2 and not of 2 : 1. Both direct evidence, such as unearthed metrological reliefs, as well as numerous measurements of the remains of Greek temples and stadiums have revealed a number of standard lengths for a Greek foot. They lie within a diapason between 29.4 and 32.8 cm. For instance, the length of the stadium in Olympia was 192.28 m, which means that the Olympic foot was  $192.28 \text{ m} : 600 = 32.047 \text{ cm}$ . The Oxford metrological relief (about the middle of the fifth century BC) has a foot of 29.6 cm. The metrological relief from Salamis (about the middle of the fourth century BC) shows a rule corresponding to a foot of 32.2 cm and also a foot of 30.1 cm.<sup>9</sup> It is easy to see that a ratio of 2 : 1 between the cubit and the foot no longer fits with any standard value for a foot as it is known from the fifth century onward (for a cubit over 60 cm is neither body-based nor implied in the sources), that the new standard feet imply man’s height of about 192 to 208 cm and that three of such feet would yield an exceedingly long pace. Since the measurement seems to indicate that the monuments of the fifth and subsequent centuries in Asia Minor follow general pattern, we are dealing with two different systems and not just with regional variations.<sup>10</sup>

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<sup>7</sup> Assuming 6.5 : 1 as a standard ratio between man’s height and the length of a foot. The data for the average height of Greek males for the period 600–300 BC is neither abundant nor uniform, but sufficient for our purpose. According to the best authorities, it was 170.5 cm (Bisel 1985, 203 and Table 4; Kron 2005, 72). According, however, to more numerous data (though confined to the particular area of the ancient Metapontion), it was between 162 and 165 cm (see Schwartz 2013, 167).

<sup>8</sup> Hultsch 1882, 37: “Von Griechen findet sich der Schritt nirgends als eigentliches Längenmass erwähnt, obgleich es sicher ist, dass bei ihnen die Entfernungen zumeist nur durch Ausschreiten bestimmt worden sind”.

<sup>9</sup> Dekoulakou-Sideris 1990.

<sup>10</sup> One more feature of the earlier system can be recovered with some probability: it employed the simple rather than the double pace. Otherwise it would have been easy to retain the pace through equating five feet of the new standards to one double pace (as in the Roman system). It may be characteristic that Heron (3. 9) defines once the *stadion* as 240 paces, that is, simple paces (Hultsch 1864, 186). One may also guess that the *orguia* of the six-century Samian system might have measured 8 rather than 6 feet. For the *orguia* of the Oxford metrological relief is 2.09 m (Fernie 1981), and this value is practically identical with both the height and the width of Eupalinus’ tunnel, that is, 2.10 m or 8 feet (according to Herodotus). Samian provenance of the Oxford

David Gilman Romano suggested, based on the measurement of archaic and classical building in Corinth and Isthmia, the foot length of 0.269 m.<sup>11</sup> I have not seen Romano's PhD thesis he refers to. However, I also found a very similar foot of 0.268 m (or 26.75 cm) in archaic Corinth and Isthmia in my own way.

In his meticulous study concerning the length of the foot employed by early Peloponnesian architects, Oscar Broneer conveniently assembled the relevant data within a single table.<sup>12</sup> That table suggests that the stylobate of the archaic temple at Corinth, commonly known as the Temple of Apollo (*ca.* 545 BC), had a length of 168 Olympic feet of 0.3204 m and a length of the cella of 129 Olympic feet and that the same parameters for the Temple of Poseidon II at Isthmia (470–460 BC) appear to be 167 and 116 Olympic feet, respectively. Brooner observes that the stylobate length of the temple of Apollo, measured by several scholars, “varies from 53.82 m (Stillwell), to 53.66 m (Blouet), to about 53.30 m (Dörpfeld); and Stillwell suggests that Blouet's measurement, which was made before the earthquake of 1858, may be more reliable than his own”. He further notes that “quite independently of these figures the temple of Poseidon at Isthmia has been restored with a stylobate length of 53.50 m”, and then concludes: “Since the calculated stylobate length of the two Temples at Corinth and Isthmia is so nearly the same, it is likely that the later Temple at Isthmia was intended to have the same length as that of the Corinth temple; and it is quite possible that the two had exactly the same length of the stylobate”.<sup>13</sup> Such a conclusion is hardly subject to doubt, but I propose that both temples were laid out to have a length of 200 rather than 168 feet.

We saw that the temple of Hera in Samos had a width of 52.446 m, or 100 Samian cubits. Since we detected in Samos that a contemporary foot is equal to a half of such a cubit, we are justified to say that the Temple of Hera was of 200 feet in width. Since 52.446 m is very close to 53.50, the calculated length of the two temples at Corinth and Isthmia, one may suppose that the intended length of the both was also 200 feet. Further, the stylobate of the temple of Zeus in Olympia (*ca.* 470–460 BC) measures 64.08 m,<sup>14</sup> that is, exactly 200 Olympic feet.<sup>15</sup> Moreover, 64.08 m of the

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metrological relief because of its implied use of the Samian cubit was supposed by Fernie (*op. cit.*) and much earlier by Michaelis 1883.

<sup>11</sup> Romano 1993, 50 n. 21.

<sup>12</sup> Broneer 1971, 179.

<sup>13</sup> Broneer 1971, 178.

<sup>14</sup> Hennemeyer 2015, 24; Brooner 1971, 179 gives 64.12 m.

<sup>15</sup> Hennemeyer 2015, 23; Sonntagbauer 2015 speaks instead of 196 Pheidonic feet, as he consistently claims that the race-course in Olympia measured 588 (Pheidonic) and not 600 feet, but this is difficult to accept.



Temple of Zeus cannot be said to measure 100 cubits.<sup>16</sup> It seems to follow that an idea of a 200 feet temple was popular. Now, 53.50 m divided by 200 gives 26.75 cm for a foot.<sup>17</sup> As the Samian foot specified above, this Corinthian (or Isthmian) foot is really body-based, easily compatible with such a measure unit as the pace and belongs to a system in which a cubit can be equal to 2 feet. We see again that the six-century Samian foot is not an isolated phenomenon.

There are several other signs that the Greek system of length measures was a matter of change. For instance, Aristoxenus asserts that Pythagoras introduced measures among the Greeks (D. L. 8. 14 = fr. 24 Wehrli). Whatever the precise value of such a surprising testimony from a not very reliable source, it implies an idea of a reform of measures, say, in the late third of the sixth century.

The Greeks were obsessed with athletics. One may suppose that the reconstruction of Greek stadiums in the atmosphere of both growing interest in athletic competitions and economic growth characteristic for the late archaic and early classical epoch caused the change in the system of measures. Stadiums were extended to give place to more spectators, and, since each stadium was 600 feet long by definition (cf. Hdt. 2. 149. 3), the foot was extended accordingly.

There is something to support this guess.

Most excavated stadiums do not essentially differ in length from the Olympic stadium. It seems, however, there was a time when the stadium in Olympia did already acquire the length of 192 m, while other stadiums were significantly shorter. Aulus Gellius (*Noct. Att.* 1. 1–2) tells us the story of how Pythagoras determined the height of Heracles. On an assumption that Heracles measured the stadium in Olympia with his own feet, Pythagoras, following the principle of proportionality, concluded that Heracles was as much taller than average man as the stadium in Olympia was longer

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<sup>16</sup> No cubit of the corresponding length, 64 cm, is known (see Hultsch 1882, 45–48). This is not surprising since a body-based cubit, as the distance from the elbow to the tip of the middle finger, would have been about 45–47 cm.

<sup>17</sup> It may seem, however, that Broneer's choice of the Olympic foot is supported by measurements of Isthmian Temple of Poseidon I (700–650 BC). His table gives 40.024 m and 32.084 m for the length of its stylobate and cella, respectively. Expressed in Olympic feet, these figures turn out to be almost exactly 125 (40.05 m) and 100 (= 32.04 m). Yet with a foot of 26.75 cm, we obtain an equally suitable result, that is, of 150 and 120 feet for the corresponding measurements ( $26.75 \text{ cm} \times 150 = 40.125 \text{ m}$  and  $26.75 \times 120 = 32.10 \text{ m}$ ). Moreover, these both numbers are multiples of six, and six feet equal one *orguia*. As Brooner notes, a modulus of one *orguia* “would have been of convenient length for architects and masons to use in layout and construction” (Brooner 1971, 180).

than other ones (*tanto fuisse quam aliores procerius, quanto Olympicum stadium longius esset quam cetera*). Indeed, the length of the race-course at the late six-century stadium in Corinth was between 158 and 165 m.<sup>18</sup>

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<sup>18</sup> Romano 1993, 43, 49 f.

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- E. Unger, *Babylon. Die heilige Stadt nach der Beschreibung die Babylonier* (Berlin <sup>2</sup>1970).

Herodotus (3. 60. 2) notes that both the height and the width of the Eupalinian aqueduct equal 8 feet. Modern measurement gives 2.10 m for both height and width. It follows that the sixth-century Samian foot was 26.25 cm, and there is much to support such a conclusion. However, a standard Greek foot was much longer. We are dealing here with two different systems. In the earlier one, the foot corresponds to the height of an average Greek man, and it measures a half of a cubit and a third of a pace. In the standard system, there is no integer number of feet in one pace, a foot corresponds to the height of exceptionally tall persons and it is in a ratio to a cubit of 2 : 3. The change was probably caused by the growing interest in athletic competitions. The stadiums were extended to accommodate more spectators, and, since each stadium was 600 feet long by definition, the foot was extended accordingly.

Согласно Геродоту (III, 60, 2), у тоннеля, построенного в VI в. до н. э. для водопровода на Самосе, была одинаковая длина и ширина, равная 8 футам. Раскопки показали, что и длина, и ширина тоннеля равны 210 см. Это позволяет точно определить величину фута, бывшего в ходу на Самосе в VI в. до н. э., как равную 26,25 см. Другие данные превосходно согласуются с подобным результатом, который, однако, предстает неожиданным в свете того, что начиная с V в. до н. э. греческий фут был значительно больше и варьировался в диапазоне от 29,4 до 32,8 см. Очевидно, речь идет не о местном своеобразии, но о различии между более ранней и более поздней системами мер. В одной фут соответствует размеру стопы мужчины среднего роста, он образует половину локтя и треть шага. В другой (с V в. и далее) величина фута предполагает людей необычайно высокого роста, фут составляет две трети локтя, и никакое целое число футов не соответствует одному шагу. Такая трансформация была, по-видимому, связана со стремлением строить более вместительные стадионы, тогда как длина их беговых дорожек была по определению равна 600 футам.

## FRAGMENTS OF LEAD LETTERS FROM NYMPHAION

In 1984, a resident of the village of Geroyevskoye near Kerch presented several fragments of small lead tablets found near the ancient Greek townsite of Nymphaion (State Hermitage, Inv. НФ.84.430, Fig. 1) to Nonna L. Grach, the Director of the Nymphaion Archaeological Expedition of the State Hermitage. These included two fragments without inscriptions, two joining fragments with a six line text on one side and a fragment of an opisthograph (six lines on one side, five on the other). The tablets which had text had the following dimensions: fragment I (comprised of two conjoined parts) – length 1.1–2.7 cm, height 1.1–1.7 cm, with letter-height 0.1–0.3 cm; fragment II (opisthograph) – length 0.7–1.4 cm, height 0.5–1.8 cm, letter-height 0.1–0.2 cm. Until now these inscriptions have not been published, although all reviews of Black-Sea lead and ceramic letters mention them.<sup>1</sup>

Yuriy G. Vinogradov, who first reported the discovery of the unpublished letter from Nymphaion, believed that all of these tablets were fragments of a single letter.<sup>2</sup> However, careful examination shows that the upper and lower edges of the opisthograph are accurately cut while on fragment I the corresponding edges are broken, and signs that the tablet was folded into a pipe are discernible along the lines of letters. It appears, therefore, that these are fragments of two lead letters. Considering the circumstances of their discovery, it is only possible to date them through palaeographic features accepting as *terminus post quem* the founding of Nymphaion, that is ca. 580–570 BC.<sup>3</sup> The shapes of the letters generally

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<sup>1</sup> See, e.g., Dana 2007, 85 no. 9; Eidinow–Taylor 2010, 56 no. E 8; Ceccarelli 2013, 346 no. 22.

<sup>2</sup> Vinogradov 1998, 154 n. 4 no. 9.

<sup>3</sup> Koshelenko–Kuznetsov 1990 [Г. А. Кошеленко, В. Д. Кузнецов, “Греческая колонизация Боспора”, in: *Причерноморье в VII–V вв. до н. э. Письменные источники и археология*], 35; Kuznetsov 1991 [В. Д. Кузнецов, “Ранние апойки Северного Причерноморья”, in: *КСИА* 204], 33; Molev 1998 [Е. А. Молев, *Политическая история Боспора 6–4 вв. до н. э.*], 5; Sokolova 2003, 765.

coincide, but on fragment I the intervals between the letters are broader and the letters themselves are larger than on fragment II. The general character of the type is dated approximately to the same period. The shapes of the letters on fragment I (Fig. 2) and fragment II (Fig. 3) are generally identical: *alpha*, *delta*, *lambda* and *mu* mostly have hastae set widely apart, hastae of *epsilon* are the same length, hastae of *mu* are inclined and set at the same level, *theta* and *omicron* have irregular shape and are smaller than the height of the line, *sigma* has a horizontal lower and opened upper hastae, while *nu* has a slightly raised right leg. The *omega* has an identical form with an out-turned left leg positioned lower than the right one.

An *upsilon* with a slightly curved hastae shaped like the Latin letter V on the first fragment has parallels found in the Phanagorian letter about the slave Phaulos (ca. 530–510 BC),<sup>4</sup> as well as in letters from Hermonassa found in 2001 (first half of the 5<sup>th</sup> century BC)<sup>5</sup> and in 2011 (450–440 BC).<sup>6</sup> This allows us to date the first fragment's *upsilon* to an era no later than the mid-5<sup>th</sup> century BC. This appears consistent with available examples in Nymphaion graffiti. The same *upsilon* and *omega* are found in the graffito [---]εω κύλιξ ἐ[μί] found on a fragment of a black-figured skyphos from Nymphaion (State Hermitage, Inv. НФ.49.114).<sup>7</sup> This vessel dates to 510–500 BC (Fig. 4).<sup>8</sup> A similar form of *upsilon*

<sup>4</sup> Vinogradov 1998, 176.

<sup>5</sup> Tokhtas'ev 2010 [С. Р. Тохтас'ев, "Контакты Борисфена и Ольвии с Боспором в архаический период в свете археологических источников", in: *Археологический сборник Государственного Эрмитажа*], 55 n. 15.

<sup>6</sup> Pavlichenko–Kashaev 2012, 228 Fig. 1. 2. In the Hermonassa letter found in 2011 it is also possible to find analogies to the *sigma* and *omega*, but the *upsilon* in the V form is found together with the Y-shaped one.

<sup>7</sup> Tolstoy 1953 [И. И. Толстой, *Греческие граффити древних городов Северного Причерноморья*], 83 no. 129.

<sup>8</sup> We are thankful to Anna Ye. Petrakova, Senior Scientific Assistant of the Department of the Ancient World, State Hermitage, for her consultations and help in dating of the vessels. As regards the character of its painting, fragment НФ.49.141 is similar to skyphoi from the Chariot Courting Group. This group comprises objects that are inhomogeneous in terms of the quality of the drawing and extent of the detailed elaboration of the engravings. They are dated to 510–500 BC for the more carefully executed paintings and to 500–490 BC for poorer ones. The Nymphaion fragment bears engravings which are reasonably carefully executed and detailed which draw parallels with items such as a skyphos in the collection of the Johannes Gutenberg University of Mainz, Inv. 76 (*CVA Mainz* 1, 42, Pl. [733] 40.3), dated to the period leading up to 500 BC. Cf. also engravings of the manes and details of the horse muzzles on bowl Inv. 2083 from Antikensammlung in Munich (*CVA München* 13, 83, Pl. 52, 1–6), which is dated to the last quarter of the 6<sup>th</sup> century BC.

is encountered in Nymphaion graffiti on the black-glossed cup-skyphos (State Hermitage, Inv. НФ.62.136)<sup>9</sup> – Ἑρμῆω κύλιξ (Fig. 5)<sup>10</sup> and the kylix (State Hermitage, Inv. ΓΚ/Η.74)<sup>11</sup> – Εὐθυμίας ἐμὶ κύλιξ (Fig. 6).<sup>12</sup>

Thus both letters can be dated to a broad time span ranging from the late 6<sup>th</sup> to the mid-5<sup>th</sup> century BC, or perhaps, even to a period ending not later than 475 BC.

The size of the fragments under study is so small that no word has survived in completion and the separation of the words is a complicated task, so we can only guess as to their contents or where their authors and correspondents might be found.

Letter I consists of two conjoined fragments. On the right side a vertical line marking the margin of the letter is discernible. It runs along the edge of the tablet following its contour or else, perhaps, the upper right corner of the tablet was purposefully ‘pinched out’ in order to form a kind of *tabula ansata*.<sup>13</sup>

[---]ΣΤΟΝΥ  
[---]θαλαμ-  
[---]ῶσ[ε] γ-  
[---]ΑΤ[---]  
5 [---]μεο ?[---]  
[---]Α[---]

<sup>9</sup> Cf. Sparkes–Talcott 1970, 276 no. 576–578, Pl. 25, dated to ca. 480 BC.

<sup>10</sup> Gorskaya 2002 [О. В. Горская, “Культы Нимфея по материалам граффити”, in: *Боспорский феномен: погребальные памятники и святилища*], 117 no. 35.

<sup>11</sup> Cf. Sparkes–Talcott 1970, 268 no. 471, Fig. 5, dated to ca. 470–450 BC. The authors are thankful to Dmitriy E. Chistov, Senior Scientific Assistant of the Department of the Ancient World of the State Hermitage, for his kind permission to examine this kylix and to take a photograph of it.

<sup>12</sup> Tolstoy 1953, 73–74 no. 108; Silant’jeva 1959 [П. Ф. Силантьева, “Некрополь Нимфея”, in: *МИА* 69], 43 Fig. 20; Namoylik 2004 [А. С. Намойлик, “Граффити из раскопок Нимфея (1939–1991 гг.) в собрании Государственного Эрмитажа”, in: *Причерноморье, Крым, Русь в истории и культуре. Материалы II Судакской международной научной конференции (12–16 сентября 2004 г.)*], 90.

<sup>13</sup> Cf. the frame drawn around the text of the Olbian letter of 2010 (1<sup>st</sup> quarter of the 5<sup>th</sup> century BC) and the frame in the graffito of the 5<sup>th</sup> century BC from Kerkinitis: Nazarchuk 2011 [В. В. Назарчук, “Новый фрагмент надписи на свинцовой пластине из Ольвии”, in: *Боспорский феномен: население, языки, контакты*], 472 Fig. 1; Saprykin 2015 [С. Ю. Сапрыкин, “Греческие моряки в Северо-Западном Крыму”, in: *Scripta antiqua. Вопросы древней истории, филологии, искусства и материальной культуры* 4], 138.

I. 1. If a *nu* is reconstructed between the *omicron* and *upsilon* (over the *alpha* of the second line, a short hasta with a slight incline to the right is discernible) and if we consider that the horizontal trait in front of *sigma* is the result of accidental damage, then it would be possible to read the word [Ἀριστόνυ[μος].<sup>14</sup> The trait might also have been the horizontal hasta of a *tau* or perhaps the right leg of an *omega*. Should that be the case we can assume ΣΤΟ to be the last part of a noun, adjective or numeral in the genitive case and ΝΥ the first syllable of the next word: [---]στὸ [ν]υ[---]. Along with the obvious variants of reconstruction νυ[---] (for instance, νῦν or νύξ), one might also see the word νύμφη and derivatives, e.g. Νυμφαῖον.<sup>15</sup>

I. 2. The θαλαμ[---] can be reconstructed, firstly, as a personal name Θάλαμος]. This has been seen before in Bosporos (Tanais, dedication to the Highest God of 220 BC),<sup>16</sup> however all examples of its use date to the 1<sup>st</sup>–3<sup>rd</sup> century AD.<sup>17</sup>

Life in the Black Sea poleis was inextricably interlinked with the sea. Naturally, this was reflected in contemporary writing,<sup>18</sup> and in the numerous depictions of ships,<sup>19</sup> including those found during excavations in Nymphaion although they are dated to a later period. For instance, we see a representation of an entire flotilla of war and trade ships on

<sup>14</sup> Currently, this name has only been reported in the northern Black Sea littoral at Berezan – Ἀριστόνυμος (Dubois 1996, 85 no. 43, epitaph, ca. 550 BC; *SEG* 32. 723) and Patraeus (Patrasys) – Ὀρίστονυμε (Zavoykina–Pavlichenko 2016 [H. B. Завойкина, Н. А. Павличенко, “Письмо на свинцовой пластине из Патрея”, in: *Фанагория. Результаты археологических исследований* 4], 230–249: letter on a lead plate of ca. 425–400 BC). Attic examples of similar spelling of this personal name are *IG* I<sup>3</sup> 1190<sub>31</sub> (ca. 411 BC), 1184<sub>3</sub> (423 BC), 1192<sub>128</sub> (450–400 BC); *SEG* 34. 54<sub>7</sub> (late 6<sup>th</sup> century BC).

<sup>15</sup> The toponym Νυμφαῖον is mentioned in a letter from Hermonassa found in 2001. One of the present authors was able to examine this letter at the exhibition “Новые находки Гермонасской археологической экспедиции” (“New finds of the Hermonassa archaeological expedition”), at the Pushkin State Museum of Fine Arts (Moscow, 15.10–18.11.2012).

<sup>16</sup> *CIRB* 1278. 9.

<sup>17</sup> *LGPN*, Vol. I–Va, s.v. The reconstruction as Θαλάμ[υ] in *CIRB* 1003<sub>4</sub> is doubtful, cf. *CIRB*-album 1003.

<sup>18</sup> Cf., Dem. 35. 14–36; Polyæn. *Strateg.* 5. 23; 6. 9, 3, 4. In Olbian letters ναυάγιον (‘letter of the priest’ – Ceccarelli 2013, 339 no. 6<sub>9</sub>) and [τ]οῖς ναοκλή[ροις] (Ceccarelli 2013, 343 no. 15<sub>1</sub>) appear, while in a letter from Nikonion we find μονόξυλον (Ceccarelli 2013, 345 no. 20<sub>3</sub>). For a review of the north Black Sea sources see Peters 1982 [Б. Г. Петерс, *Морское дело в античных государствах Северного Причерноморья*], 13–24, 145–190 and Saprykin 2016, 290–304.

<sup>19</sup> Peters 1982, 134–144; Langner 2001, 67–70 Pl. 119–121.



the Nymphaion fresco,<sup>20</sup> or on a fragment of a black-glossed plate with graffiti.<sup>21</sup> This fact could suggest that θάλαμ[ος] in the present letter is a certain ‘sea’ term meaning the ‘lower part of a ship’ (Poll. 1. 87). If however we are dealing with a warship, then θάλαμ[ίτης] or θάλαμ[ιος] (Thuc. 4. 32. 2. 3) could be reconstructed as ‘*thalamites*’, i.e. an oarsman of the lower row, or as terms connected with oarsmen’s functions (e.g. θάλαμιά – oar: Aristoph. *Ach.* 553; *IG* II<sup>2</sup> 1604–1608, Athenian decrees 373/2–358/7 BC), or an oar-port (Hdt. 5. 33. 11).

Furthermore, words with the stem θάλαμ- can mean ‘a room situated near or amongst other rooms’ (Hdt. 3. 78. 18), ‘storeroom’ (Hom. *Od.* 21. 8, 9; Xen. *Oec.* 9. 4. 2; Hdt. 1. 34. 15), the female part of the house (Hom. *Od.* 23. 41 ff.; Aristoph. *Lys.* 593), ‘bedroom’, in particular that of the mistress of the house (Xen. *Hell.* 3. 3. 2), or a nuptial room (Xen. *Symp.* 9. 2. 3). Θάλαμος was used to mean the latter in verse epitaphs from Pantikapaion in the 1<sup>st</sup> century AD.<sup>22</sup>

Θάλαμος was also used metaphorically to refer to a grave ([ἐκ γαίης χω]σθεῖς εἰς γέγονεν θάλαμος – epitaph in verse, Pantikapaion, 1<sup>st</sup> century AD).<sup>23</sup> In some cases, θάλαμος means an internal hall in a temple: Luc. *Syr. D.* 31; *IG* XI 2 145<sub>24</sub> (Delos, ‘accounts of hieropoioi’, 302 BC cf. also Plin. *NH* 8. 185).

Although the reconstruction of θάλαμ- as a seafaring term does not seem impossible, the most likely meaning of the word in this particular letter is ‘an internal hall’ / ‘room’ / ‘bedroom’.<sup>24</sup>

*Thalamoi* are used in the same sense in the accounts of the Delian *hieropoioi* of the 3<sup>rd</sup> century BC.<sup>25</sup> In the enumeration of economic buildings, θάλαμος ἄθυρος or τεθυρωμένος are mentioned immediately

<sup>20</sup> Grach 1984 [Н. Л. Грач, “Открытие нового исторического источника в Нимфее (предварительное сообщение)”, *ВДИ*], 81–98; Grac 1987, 46–65; Höckmann 1999, 303–356; Murray 2001, 250–256.

<sup>21</sup> *Parusa Ellady* 2010, 253 no. 171.

<sup>22</sup> *CIRB* 125<sub>9</sub>, 130<sub>21</sub>.

<sup>23</sup> *CIRB* 127<sub>12</sub>.

<sup>24</sup> Along with banal οἶκος (letter of Apatourios from Kerkinitis – Ceccarelli 2013, 341 no. 8; letter from Gorgippia – Ceccarelli 2013, 343 no. 13; Olbian letter of 2010 – Ceccarelli 2013, 343 no. 14<sub>5</sub>) and οἰκία (letter of Achillodoros – Dubois 1996, 50 no. 23<sub>6</sub>) in the Black Sea letters we encounter the term οἴκημα only once: in his letter to his domestics (Olbia, ca. 350 BC, *Syll.*<sup>3</sup> 1260) Artikon advises, that if Myllion were to throw them out of the house (ἐκ τῆς οἰκίας), then they should ask permission of Atakos to move into some of his ‘rooms’ ([εἰ]ς τὸ οἴκημα). Another term designating a room in a house, viz. στέγη derives from the Hermonassa letter of 2011 (Pavlichenko–Kashaev 2012, 230; cf. Bravo 2014/2015, 13).

<sup>25</sup> *IG* XI 2 158A<sub>64</sub>, 161A<sub>110</sub>, 287 passim etc.



after κλείσιον (a common room where the labourers of the farmhouse took meals and slept, cf. Hom. *Od.* 24. 208–210) and before any indication of other buildings, such as stalls and enclosures for large and small cattle, kitchens and mills. Sometimes *thalamos* means an internal room inside some larger building – κλείσιον τεθυρωμένον καὶ θάλαμον ἔχον τεθυρωμένον, or ὑπερώιον τεθυρωμένον θάλαμον ἔχον, or ἀνδρώνιον θάλαμον ἔχον ἄθυρον,<sup>26</sup> however in certain cases *thalamos* possibly meant a separate structure. J. Kent believes that *thalamoi* could have been used as bedrooms for some of the labourers.<sup>27</sup> M. Hellmann, on the other hand, maintains that *thalamoi* can be only an internal part of another building; nevertheless, he acknowledges that the meaning of this word does not always differ from the ordinary οἶκος.<sup>28</sup>

This interpretation does not contradict what we know of house-building in Nymphaion during the 6<sup>th</sup>–5<sup>th</sup> century BC. Sadly, the lack of preservation of the architectural remains of that period is such that it is almost impossible to discuss the functional purpose of any particular room in dwelling houses. In the 6<sup>th</sup> century BC, dwelling houses of Nymphaion consisted of two or three small rooms with a paved courtyard usually situated to the south.<sup>29</sup> The walls were mudbrick, resting on foundations constructed out of flat slabs of yellow limestone; the floors of the rooms were made of hard beaten clay.<sup>30</sup> In the 5<sup>th</sup> century BC, the number of rooms grouped to the north and west of the court may have been increased due to reconstructions.

Letter II, side A:

[---ο]δωρος [---]  
 [---] ὄστινα[ς---]  
 [- - -]ος σπ[- - -]  
 [---]NON[---]  
 5 [---]Α[---]  
 [---]ΜΗ[---]

<sup>26</sup> *IG* XI 2 287A<sub>146, 152, 171</sub> (250 BC).

<sup>27</sup> Kent 1948, 297.

<sup>28</sup> Hellmann 1992, 150–152.

<sup>29</sup> Khudyak 1962 [М. М. Худяк, *Из истории Нимфея VI–III вв. до н. э.*], 18, 30–31; Chistov [Д. Е. Чистов, “Урбанизация архаического Нимфея”, in: *Нимфей и античные города Северного Причерноморья. Новые исследования и материалы. Материалы научной конференции, посвященной 75-летию Нимфейской археологической экспедиции и 85-летию со дня рождения Н. Л. Грач (Санкт-Петербург, 27–28 ноября 2014 г.)*, ТГЭ], in print. Cf. also Lang 2007, 187–190.

<sup>30</sup> Khudyak 1962, 30–31.

II. A. 1. That there is a personal name in the nominative case in the first line suggests that this is the beginning of the letter.<sup>31</sup> In Bosphoros personal names in -δωρος were known to exist in settlements of the 4<sup>th</sup> century BC – early 3<sup>rd</sup> century AD. These were predominantly theophoric names.<sup>32</sup> We know of the name Διόδωρος<sup>33</sup> in Nymphaion; this type of name also appears in the dedication to Athena (?) on the bottom of a black-glossed kylix (State Hermitage, Inv. HΦ.85.113) dated to the third quarter of the 5<sup>th</sup> century BC,<sup>34</sup> viz. [---]όδωρος Ἀθ[ηνᾶι].<sup>35</sup>

II. A. 2. This is likely an accusative plural from ὅστις with a long closed *o* written as O.<sup>36</sup>

II. A. 5. In this line only an *alpha* is discernible with a blank space before it and two inclined traits after it. The *alpha* is approximately twice as small as the other letters; it would appear that the author first omitted it, before later inscribing it above.<sup>37</sup>

Letter II, side B:

[---]ΟΜΟ[---]  
 [---]ΕΝΘ[---]  
 [---]ΙΟ[---]  
 [---]ιθεν[---]  
 5 [---]μαλια[---]

II. B. 4. If the letters ΙΘΕΝ are a part of the same word it could be, for instance, a word form of τίθημι, or the aor. pass. of a verb whose stem ends in -ι.

<sup>31</sup> E.g. one of the following constructions is possible: ὁ δεῖνα τῷ δεῖνι, τῷ δεῖνι ὁ δεῖνα, ὁ δεῖνα τῷ δεῖνι ἐπιστέλλει, ᾧ δεῖνα, ἐπιστέλλει τῷ δεῖνι ὁ δεῖνα.

<sup>32</sup> *CIRB*, passim.

<sup>33</sup> *CIRB* 912. 2<sub>11</sub>, list of names of the 3<sup>rd</sup> century BC.

<sup>34</sup> Sparkes–Talcott 1970, 483–517 Fig. 5, Pl. 22–23.

<sup>35</sup> Gorskaya 2002, 118.

<sup>36</sup> Cf. Ποσειδεωνῖο τῷ Θεομνήστῳ and Μολποθέμιος τῷ Ἀλεξάνδρῳ, Nymphaion, first half of the 5<sup>th</sup> century BC (Sokolova–Pavlichenko–Kasparov 1999 [O. Ю. Соколова, Н. А. Павличенко, А. К. Каспаров, “Новые находки на территории нимфейского некрополя”, 327, 330]; [Δη]μητρίῳ on the bottom of a black-glossed kylix of the 5<sup>th</sup> century BC, State Hermitage, Inv. HΦ.73.480 (Gorskaya 2002, 117 no. 10). Cf. also [---h]όστινας ἄν βόλε[ται ---], Attica, ca. 417–413 BC, *IG I<sup>3</sup>* 89<sub>17</sub>. See: Collitz–Hoffmann 1914, 906–909; Threatte 1980, 323 note 27.

<sup>37</sup> This can also be found in the letter of Kledikos from Hermonassa dated to 450–440 BC (Pavlichenko–Kashaev 2012, 228 Fig. 1, 2) and in a note from Gorgippia dated sometime from the middle to third quarter of the 4<sup>th</sup> century BC (Vinogradov 1997 [Ю. Г. Виноградов, “Письмо с горгиппийских наделов”, in: Е. М. Алексеева (ed.), *Античный город Горгиппия*], 544–545 Fig. 1).

II. B. 5. The first assumption is that we are dealing here with the personal name Μολίας encountered in legends of ceramic stamps of Herakleia Pontike<sup>38</sup> or, for instance, [ὦ]μολία[---].

To resume, notwithstanding the poor state of preservation of the text, the fragments published here yield some new information, for instance, they provide another example of a personal name ending with -δωρος in Nymphaion, as well as, perhaps, demonstrating for the first time the existence of the personal name Μολία[ς] in Nymphaion onomasticon. We also note with interest the use of the term θάλαμ[ος], relating both to seafaring and architectural lexica.

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### Abbreviations

*KSIA (КСИА)* – Краткие сообщения Института археологии

*TGE (ТГЭ)* – Труды Государственного Эрмитажа

*MIA (МИА)* – Материалы и исследования по истории СССР

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In 1984, a few fragments of lead letters were found near the ancient Greek townsite of Nymphaion. These tablets included two fragments without inscriptions, two conjoined fragments with a six line text on one side and a fragment of an opisthograph (six lines on one side, five on the other). The state of preservation and treatment of the edges of these tablets suggest that we are dealing with fragments of two letters dating from approximately the same period. The palaeographical peculiarities, in particular the *upsilon* in the form of the Latin letter V on the first fragment as well as parallels among Nymphaion graffiti on black-glossed vessels as well as a painted one allow us to date all of these fragments to within the broad time span of the late 6<sup>th</sup> – mid-5<sup>th</sup> BC, and perhaps, even to a period stretching no later than 475 BC.

The fragments are so small that no word written upon them has survived in its entirety and the separation of the words is a complicated task, such that we can only guess of their contents or where their authors and correspondents might be found. However their texts are informative, for instance, they provide yet another example of the use of a personal name that ends with -δωρος in Nymphaion as well as, perhaps, the personal name Μολία[ς], until now not seen in Nymphaion onomasticon. The term θάλαμ[ος] which relates both to seafaring and architectural lexica is also of interest.

В 1984 г. на территории античного городища Нимфей были найдены обломки свинцовых пластин: два фрагмента без надписей, два стыкующихся фрагмента с текстом на одной стороне (шесть строк) и фрагмент опистографа (на одной стороне шесть строк, на другой пять). Сохранность и обработка краев этих пластинок позволяет нам говорить о том, что это фрагменты двух писем, относящихся примерно к одному и тому же периоду. Палеографические особенности, в частности, *упсилон* в виде латинской буквы V первого фрагмента и аналогии среди нимфейских граффити на чернолаковых и расписном сосудах, позволяют датировать все фрагменты в широких пределах – с конца VI до середины V в. до н. э., возможно, даже временем не позднее 475 г.

Размеры публикуемых фрагментов столь невелики, что на них не сохранилось целиком ни одного слова, разбивка букв на слова затруднительна, поэтому и о содержании этих писем, и о том, откуда происходили их авторы и корреспонденты, можно только догадываться. Тем не менее, публикуемые фрагменты предоставляют нам некоторую новую информацию: еще один случай употребления в Нимфее личного имени на -δωρος и, возможно, новое для нимфейского ономастикона ЛИ Μολία[ς]. Вызывает интерес и термин θάλαμ[ος], который использовался и в морской, и в архитектурной лексике.

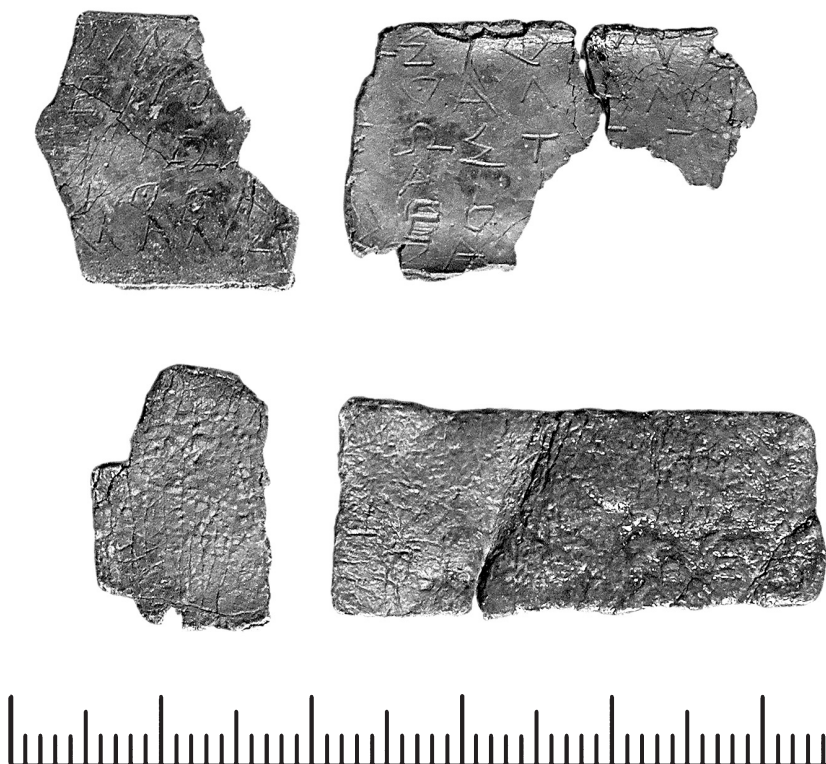


Fig. 1. Fragments of lead letters  
(State Hermitage, Inv. HΦ.84.430).





Fig. 2. Letter I.



A



B



Fig. 3. Letter II. Side A and side B.



Fig. 4. Fragment of a black-figured skyphos with graffito  
(State Hermitage, Inv. НФ.49.114).



Fig. 5. Black-glazed cup-skyphos with graffito  
(State Hermitage, Inv. НФ.62.136).



Fig. 6. Black-glazed kylix with graffito  
(State Hermitage, Inv. ГК/Н.74).

THE NATURE OF SELF-DEFENSE  
IN DRACO'S HOMICIDE LAW:  
THE RESTORATION OF *IG I<sup>3</sup> 104*, LINES 33–35\*

As all those who have studied epigraphy know, most inscriptions do not survive intact. In many cases, only fragments are preserved, and in many other cases the stone is damaged, making it impossible to read every letter. Given this situation, many scholars have attempted to restore the missing text in various ways. The texts of many types of inscriptions are often formulaic, and one can therefore restore formulas that are wholly or partly missing in one inscription on the basis of formulas found in similar types of inscriptions. In other cases, one can attempt to restore the missing parts of an inscription on the basis of passages found in literary texts. For instance, there is much information about Athenian law found in the Attic orators and other sources that can help us to restore missing phrases in inscriptions. But scholars must use the evidence found in the literary sources with caution. One cannot just select any phrase from a literary work and place it in a gap in an inscription. Before using the evidence from a literary text to supplement missing words, one must determine, first, whether the information found in the literary text is reliable and, second, whether the information is relevant to the content of the inscription. In this essay, I will show how several scholars have used evidence from literary texts to restore a phrase in the text of Draco's homicide law preserved in an inscription without carefully analyzing the passages from the literary texts in which the phrase is found. As we will see, the words these scholars have restored in the text of Draco's homicide law come from a statute that has nothing to do with homicide; they are found in a law about assault (αἰκεία) and are therefore not relevant to Draco's law. The essay will also shed light on the nature of self-defense in Athenian homicide law and lead to a better understanding of the *Third Tetralogy* attributed to Antiphon.

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\* Robert Pitt, Mirko Canevaro and I are working on producing a new edition of *IG I<sup>3</sup> 104*. I would like to thank them for their help with this essay. I dedicate this essay to Christian Habicht, who has helped me in many ways over the past thirty years with much appreciated advice and encouragement.

I. The Text of *IG I<sup>3</sup> 104*, lines 33–35

An inscription found in Athens in the middle of the nineteenth century contains the republication of Draco's law about homicide, which was inscribed in 410/9 as part of the process "examining" the laws of Draco and Solon started that year (*IG I<sup>3</sup> 104*).<sup>1</sup> Even though most of the prescript has been preserved (lines 1–9), the part containing the law of Draco (lines 10–58) is heavily damaged. As a result, scholars beginning with Köhler in 1867 have restored large parts of the text by drawing on literary sources.<sup>2</sup> Stroud based much of the text of the inscription he published in 1968 on the restorations proposed by Köhler,<sup>3</sup> and Gagarin accepted Stroud's text without question.<sup>4</sup>

One of Köhler's supplements was for the end of line 33: "Z. 33 stand [ἄρχων]τα χειρ[ί]ω[ν] ἁδίκων was auf Nothwehr gegen Misshandlungen deutet". Köhler did not provide any arguments or evidence to justify his restoration of the line. In 1898 Drerup noted that the phrase had been restored on the basis of a passage in Antiphon's *Third Tetralogy* (2. 1), but rightly noted that "Von Antiphon tetra. Γβ §1 wird nur behauptet daß der ἄρχων χειρῶν ἁδίκων dadurch schuld an seinem Tod gewesen sei, nicht aber, daß der Geschlagene das Recht gehabt habe, den Angreifer zu töten". Drerup therefore questioned Köhler's restorations in lines 33 and 34 and stated that there was no reason to restore a clause about self-defense in this section.<sup>5</sup> This restoration was however accepted by Stroud, who appears to have been unaware of Drerup's objections. Stroud claimed to find new letters to justify Köhler's restorations. In an essay about self-defense in Athenian law, Gagarin accepted Stroud's restoration and claimed that "a provision concerning killing in self-defense apparently occupied lines 33–36" of Draco's homicide law.<sup>6</sup> Gagarin repeated this view in his book about Draco's homicide law.<sup>7</sup>

In lines 33–35 of the inscription Stroud restores:

ἄρχων]τα χειρ-

ὄν ἁδίκων . . . . . 30 . . . . . χειρ]ὄν ἁδίκων κ-

τέ[νει

<sup>1</sup> On the procedure of revising the laws see Canevaro–Harris 2012, 110–116 and Canevaro–Harris 2016, which refutes in detail Hansen 2016.

<sup>2</sup> Köhler 1867.

<sup>3</sup> Stroud 1968.

<sup>4</sup> Gagarin 1981, xiv–xv.

<sup>5</sup> Drerup 1898, 275.

<sup>6</sup> Gagarin 1978, 119. Cf. Gagarin 1997, 165–166 and Carawan 1998, 49; 199; 303.

<sup>7</sup> Gagarin 1981, 61–62.

First of all, one should note that the pair of words χειρῶν ἁδίκων found in several literary texts is not securely attested on the stone. According to Stroud's text, the end of line 33 and the beginning of line 34 appear to contain the word χειρῶν, and the end of line 34 the word ἁδίκων, but without the surrounding words, this could be accusative singular, neuter accusative singular, neuter nominative singular, or genitive plural. That is as much as one can state with certainty. One cannot be sure that the two words occurred together. Moreover we cannot be certain that this pair of words occurred in conjunction with any form of the verb ἄρχειν. In Stroud's text, the word ἄρχον|τα is restored, but the only letter Stroud could read was an *alpha*.

Robert Pitt re-examined the stone in November 2016 and reported that he could not confirm all the letters read by Stroud. He also examined photographs taken in June 2015 using RTI technology.<sup>8</sup> At the end of line 33 he could read only an *alpha* in space 47, a *chi* in space 48, and an *epsilon* in space 49. In space 46 is the base of a central upright, which could be a *tau* or another letter. The upright is visible on the stone and in the RTI file. Pitt could not fully confirm the *rho* read by Stroud in space 50; there is the base of a left upright in 50, which is consistent with *rho* or several other letters. At the beginning of line 34 there is most of a circular letter compatible with the omicron read by Stroud, but there is only the bottom of a left vertical stroke visible in space 2. At best one can with certainty read ]AXE[.]O[. ; no other letters can be read with certainty. At the end of line 34, there is a diagonal stroke compatible with an *alpha* in space 44. In general, what can be seen in space 45 is a diagonal stroke compatible with a *delta*, an *iota* in space 46, an *omicron* in space 48, a *nu* in space 49, and a *kappa* in space 50. In the first space of line 35 a *tau* can be read, but nothing can be read with certainty in the second space. Pitt could not confirm the reading of a possible upper horizontal trace with RTI in the second space. All that can be read with certainty at the end of line 34 and the beginning of line 35 is ΑΔΙΚΟΝΚ|Τ|. This renders the restorations adopted by Stroud even more dubious, based on no more than a few letters. Above all, one cannot be certain that the word XEPON can be found on the stone or that the word ΑΔΙΚΟΝ can be linked to the word XEPON.

The next two sections will show that the phrase "starting unjust blows" (ἄρχων χειρῶν ἁδίκων) never occurs in passages about homicide but only in passages regarding the law about assault (δίκη αἰκείας). Antiphon's *Third Tetralogy* is not a case about self-defense but about killing after

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<sup>8</sup> We would like to thank Charles Crowther for taking these photographs and combining them into a file using RTI technology.

provocation. The law about assault is mentioned there because the defendant is attempting to use an interpretation of the law about assault (αἰκείας), not because he is citing a law about self-defense in cases of homicide. Because there is no reason to believe that the phrase had anything to do with the law of homicide, there is no reason to restore the phrase in lines 33–35 of the inscription *IG I<sup>3</sup> 104* or to think that these lines contained a section about self-defense after “receiving unjust blows”.

## II. The Meaning and Context of the Phrase “Starting Unjust Blows”

The most extensive use of the phrase “began unjust blows” (ἤρξε χειρῶν ἀδίκων) occurs in the Demosthenic speech *Against Evergus and Mnesibulus* (Dem. 47). The speaker is a trierarch and a supervisor of his symmory, a group of contributors who were responsible for the upkeep of the fleet (22).<sup>9</sup> The trierarch was ordered to recover naval equipment from those who had failed to return it to the state (23). One of those from whom the trierarch was required to recover naval equipment was a man named Theophemus (25). The trierarch confronted Theophemus and asked him to return the equipment; when the latter refused, the trierarch summoned him before those in charge of dispatching the fleet (ἀποστολεῖς) and the supervisors of the dockyards (26). At the trial, Theophemus was convicted, but still refused to return the equipment (28–30). Theophemus claimed that others held the equipment, but never submitted any official written statement to this effect (31–32). At this point, the Council ordered all the trierarchs to recover the equipment in any way they could (33). After learning from Evergus, the brother of Theophemus, the location of his house, the trierarch went to the house and was met by a slave woman, who went to summon Theophemus (35). After Theophemus arrived, the trierarch asked him for an inventory of the equipment (36). When Theophemus refused, the trierarch asked him to state who had the equipment or to return it himself. If he did not, the trierarch said that he would seize property to satisfy the debt (ἐνέχυρα . . . λήψεσθαι, 37).<sup>10</sup> The trierarch then seized the slave, but Theophemus intervened to stop him. When the trierarch attempted to enter the house to seize some other property,

<sup>9</sup> For the difference between the *eisphora* symmories and the trierarchic symmories see Canevaro 2016, 51–53.

<sup>10</sup> Some translators render this phrase “take securities” but the phrase should be equivalent to the verb ἐνεχυράζειν, which means “seize property to satisfy an obligation”. See Harris 2008.

Theophemus struck him on the mouth with his fist, and the trierarch retaliated (ἡμυνάμην, 38). It is important to observe the meaning of the verb ἡμυνάμην in this passage; it is clear that the trierarch was not defending himself to avoid serious physical harm, but returning blow for blow. Theophemus was not attempting to kill the trierarch, and the trierarch could have avoided further physical harm by retreating and was not acting under necessity. According to the trierarch, Theophemus “began the unjust blows” (ἤρξε χειρῶν ἀδίκων, 39). After recounting the incident, the trierarch calls witnesses to testify that Theophemus struck the first blow (με πρότερον πληγέντα ὑπὸ τοῦ Θεοφήμου) and states that this constitutes assault (αἵκεια), that is, whoever starts unjust blows (ὃς ἂν ἄρξῃ χειρῶν ἀδίκων, 40). The trierarch and Theophemus each brought a private action for assault against each other (δίκην τῆς αἰκείας, 45). Before the public arbitrators, Theophemus promised to produce for torture the slave girl who witnessed the incident (45–46). The purpose of obtaining her testimony was to determine who “started the unjust blows” (ὁπότερος ἤρξε χειρῶν ἀδίκων) for that is “what constitutes assault” (αἵκεια, 47). This point is repeated at the beginning of the speech (7: ὁπότερος ἡμῶν ἤρξε χειρῶν ἀδίκων. τοῦτο γάρ ἐστιν ἡ αἵκεια. Cf. 15). What is clear from this speech is that the phrase “starting unjust blows” is from the law about assault and is not from a law about homicide. If there was a brawl in which two parties assaulted each other, the court had to decide who started the brawl. If a defendant on a charge of assault were the one to strike the first blow, he would be convicted of the charge. If he could prove that his opponent struck the first blow, he would be acquitted of a charge of assault. That is clearly the way the law was understood and applied in the two cases of assault mentioned in this speech. The phrase has nothing to do with a plea of self-defense against a charge of murder.

This is confirmed by a passage from Demosthenes' speech *Against Aristocrates* (Dem. 23. 50). The speaker is stressing the importance of intent and surrounding circumstances in cases of homicide as well as in other types of offenses. The speaker quotes from the law about assault: “You see how this is the case in all laws, not only in the laws about homicide. ‘If someone strikes someone (ἄν τις τύπτῃ τινά)’, the law says, ‘starting unjust blows (ἄρχων χειρῶν ἀδίκων)’. Thus, if in fact he struck back (ἡμύνετο), he is not guilty (οὐκ ἀδικεῖ)”. The language is compressed, but the meaning is clear. First, the speaker makes clear that he is not discussing the laws about homicide (οὐκ ἐπὶ τῶν φονικῶν). Second, the phrase occurs in a law about assault, not about homicide. Third, the law in effect absolves the person who struck back after being struck. In other words, the law granted the person who was struck by



another person the right to retaliate. But the speaker's analysis does not indicate how extensive the retaliation might be.

The phrase is found in two other speeches concerning assault. The first is in Isocrates' *Against Lochites* (20. 1). The accuser begins his speech by stating that all who were present testified that Lochites struck him (ὥς μὲν τοίνυν ἔτυπτέ με Λοχίτης, ἄρχων χειρῶν ἀδίκων), starting unjust blows. In the rest of the speech, the accuser describes his assailant's actions as ὕβρις (2, 3, 4, 5, 7, 9, 15, 16) and as assault (5: αἰκία. Cf. 8). There is no discussion of homicide or the intent to kill in the speech.

The other passage is found in the speech *On Intentional Wounding* by Lysias (4. 1).<sup>11</sup> The accuser and the defendant had been competing to serve as a judge at the Dionysia. This led to some bitterness when the defendant was selected by lot and the accuser excluded, but the defendant claims that the two men were reconciled. The main charge in the speech is that the defendant entered the house of the accuser by force and wounded him (4. 5).<sup>12</sup> The defendant's entry into the house of the accuser appears to have been related to an ἀντίδοσις (4. 1). The defendant wishes to have a slave-girl tortured to provide evidence about the brawl, but the accuser would not agree (4. 10). Had they tortured the girl, they would have been able to discover the answers to the following questions: first, whether the defendant had contributed half of the money for her purchase or the accuser had paid the full price; second, whether the two men had been reconciled or not; third, whether the defendant came to the accuser's house because he had been summoned or without an invitation; and fourth, whether the accuser had started the fight (οὗτος ἦρχε χειρῶν ἀδίκων) or the defendant had struck first (ἐγὼ πρότερος τοῦτον ἐπάταξα, 4. 10–11). The phrase clearly occurs in the context of a dispute about which person struck the first blow in a brawl and does not concern the circumstances of a homicide.<sup>13</sup>

<sup>11</sup> Todd 2007, 355 mistranslates the title (περὶ τραύματος ἐκ προνοίας) of the speech "Concerning a Premeditated Wounding", but elsewhere (282–283) translates the term πρόνοια as "previous knowledge", which is not the same. For an analysis of the term ἐκ προνοίας see Harris 2013, 183–189 with references to earlier analyses. For τραῦμα ἐκ προνοίας as intentional wounding see Phillips 2007.

<sup>12</sup> The defendant reports that the accuser alleges that he intended to kill him (Lys. 4. 5–6), but this claim is made only to prove that the defendant acted intentionally. The charge in the speech is wounding, not homicide, and the testimony of the slave is relevant to the question of who struck first, not about any intention to kill.

<sup>13</sup> Todd 2007, 377 n. 28 states that the expression derives from a phrase in a law on legitimate self-defense quoted at Dem. 23. 50 but does not see how this passage comes from the law about assault (αἰκείας) and not from the law of homicide.



The phrase occurs in a similar context in Aristotle's *Rhetoric* (2. 9. 1402 a 1–3). Aristotle is discussing “the fallacy of when and how” and gives two examples. This is a fallacy created by omitting a key fact, which alters the description of a situation. One of the examples Aristotle gives is the statement that “it is outrage (ὕβρις) to strike (τύπτειν) a free man”. This is broadly true, but not in all cases. Aristotle points out that it is outrage only when the assailant “starts the unjust blows” (ἄρχη χειρῶν ἀδίκων). This means that if the assailant was not the first to strike and was striking back after being struck, he would not be guilty of outrage. Here again Aristotle is discussing two types of assault, one that is unprovoked and another that is provoked. It is only the first that counts as outrage (ὕβρις). It is clear that Aristotle is discussing cases of assault and when they qualify as outrage. The passage has nothing to do with homicide.

### III. Antiphon's *Third Tetralogy*

After having examined the phrase in other passages, it is now possible to analyze how the phrase is used in the *Third Tetralogy* attributed to Antiphon.<sup>14</sup> Before examining these speeches, however, it is necessary to make a distinction between homicide committed in self-defense and homicide committed after provocation. When someone kills in self-defense, he is forced to use deadly violence in order to avoid serious harm to himself. The person who kills in these circumstances is acting out of necessity: he kills because he does not have an alternative. If he does not use deadly force, he risks serious harm if not death. The person who is threatened with deadly force does not have a choice: he must either respond with deadly force or suffer serious harm or death. In modern society, the person who kills in self-defense is considered innocent because he is acting out of necessity.

On the other hand, someone who kills after provocation is not under a serious threat of bodily harm or death and can avoid further harm by leaving the scene or appealing to by-standers. The person who kills after being struck in an insulting way has a choice: he can strike back or restrain himself without risk of further harm. In the Model Penal Code of the United States, which has been adopted by many states, killing after provocation is considered “voluntary manslaughter” and is distinguished both from a plea

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<sup>14</sup> There is no reason to think that the laws and legal procedures assumed by the speaker in the *Tetralogies* are not those of Classical Athens. On the issue of the authorship of the *Tetralogies* see Sealey 1984 and Gagarin 1997 *passim*. Whoever wrote this work, the evidence examined in this essay shows that the author had a good knowledge of Athenian law and legal procedure.

of self-defense, which, if justified, is grounds for acquittal, and from first-degree and second-degree murder, both of which carry a heavier penalty than “voluntary manslaughter”.

The laws of Athens recognized a plea of self-defense in two ways. First, the defendant accused of intentional homicide could argue that the victim had attacked “on the road”, that is, had lain in ambush. A law inserted into the text of the speech *Against Aristocrates* by Demosthenes (23. 53) contains the following clauses:

Ἐάν τις ἀποκτείνει ἐν ἄθλοις ἄκων, ἢ ἐν ὁδῷ καθελὼν ἢ ἐν πολέμῳ ἄγνοήσας, ἢ ἐπὶ δάμαρτι ἢ ἐπὶ μητρὶ ἢ ἐπ’ ἀδελφῇ ἢ ἐπὶ θυγατρὶ, ἢ ἐπὶ παλλακῇ ἢ ἄν ἐπ’ ἐλευθέρῳ παισὶν ἔχη, τούτων ἕνεκα μὴ φεύγειν κτείναντα.

If anyone kills in athletic games involuntarily, or ἐν ὁδῷ καθελὼν, or during war in ignorance, or with his wife, or with his mother, or with his sister, or with his daughter, or with his concubine whom he keeps for the purpose of free children, one is not to go into exile because he has killed for one of these reasons.

In the analysis of the law following this text, the speaker does not discuss the meaning of this phrase ἐν ὁδῷ καθελὼν. In two entries in his lexicon about words in the Attic Orators, however, Harpocration explains the meaning of this phrase.

(H 6) Ἡ ἐν ὁδῷ καθελὼν· ἀντὶ τοῦ ἐνεδρεῦοντα ἑλὼν, τουτέστι ἐν τινὶ ἐνέδρῳ καταβαλὼν. Δημοσθένης ἐν τῷ κατ’ Ἀριστοκράτους.

“Or taking on a road” instead of “taking while lying in ambush”, that is, striking down (someone) lying in an ambush. Demosthenes in the *Against Aristocrates*.

(K 5) Καθελὼν· Δημοσθένης ἐν τῷ κατ’ Ἀριστοκράτους φησὶν “ἢ ἐν ὁδῷ καθελὼν” ἀντὶ τοῦ ἀνελὼν ἢ ἀποκτείνας. ἐχρήσαντο δὲ οὕτω τῷ ὀνόματι καὶ ἄλλοι, ὥς καὶ Στησίχορος ἐν Ἰλιοπέρσιδι καὶ Σοφοκλῆς ἐν Εὐμήλῳ.

“Taking”. Demosthenes in the *Against Aristocrates* says: “or taking in the road” instead of “killing”. Other authors also used the word in this way such as both Stesichorus in the *Iliopersis* and Sophocles in the *Eumelus*.

(O 2) Ὅδος· Δημοσθένης ἐν τῷ κατ’ Ἀριστοκράτους φησὶν “ἢ ἐν ὁδῷ καθελὼν” ἀντὶ τοῦ ἐν λόχῳ καὶ ἐνέδρῳ. τοιοῦτον δὲ εἶναι καὶ τὸ Ὅμηρικόν φασι “ἢ ὁδὸν ἐλθέμεναι”.

“Road”. Demosthenes in the *Against Aristocrates* says “or taking in the road” instead of “in ambush or attack”. They say that such an expression is also found in Homer (*Il.* 1. 151) “going on the road (to attack)”.

One finds a similar explanation in Suda (s. v. ὁδός ο 47), which is the same as the explanation found in *P. Berol.* 5008.<sup>15</sup> Two of the authors of the most important surviving lexica from antiquity and one papyrus are therefore unanimous in their understanding of the phrase. What is more, they do not report any dissenting opinions. Either, on the one hand, Suda and the papyrus were drawing on Harpocration or a common source, or, on the other, Suda and papyrus were drawing on a different source from Harpocration. If the first scenario is correct, one has to ask why did Suda and Photius, who had access to more ancient literature than we do today, not question Harpocration's explanation but accepted it as correct. If the second scenario is correct, Harpocration on the one hand and Suda and Photius on the other are independent sources and therefore confirm each other. This should mean that the explanation agreed by all three authors should be reliable.<sup>16</sup>

Killing someone who attacked while lying in ambush was therefore one of the cases of "just homicide" or "homicide according to the laws" and was tried at the court of the Delphinion (Dem. 23. 53 with Harpocration s. v. ἐν ὁδῷ).<sup>17</sup> An attack from ambush was characterized by several features: first, the person who sets an ambush plans ahead and anticipates the arrival of his victim; second, the person lying in ambush is concealed from view until he emerges from his hiding place and attempts to take advantage of the surprise; and third, the person who attacks from ambush attempts either to kill or to capture as a slave his victim.<sup>18</sup>

The other way a defendant could reply to a charge of intentional homicide was to appeal to ἐπιείκεια, that is, extenuating circumstances.<sup>19</sup> Aristotle in the *Rhetoric* (1. 13. 15–16. 1374 b) states that one must distinguish among three types of actions: misfortunes (ἄτυχήματα), errors (ἁμαρτήματα) and vicious acts (ἄδικήματα), each of which require a different penalty. The first category clearly covers case of necessity because it includes acts that the person could not have anticipated and did not commit with malicious intent. Aristotle's analysis is not a theoretical

<sup>15</sup> For discussion of the document at Dem. 23. 53 see Canevaro 2013, 64–70.

<sup>16</sup> Pace Sosin 2016.

<sup>17</sup> Sosin 2016 claims that the phrase "overtaking on the road" does not concern attack from ambush but cases in which someone is killed by a chariot, but this is not convincing. First, the ancient scholars who explain the phrase are unanimous in interpreting it as a case of ambush. Second, the case Sosin believes was covered by the phrase was already covered by other provisions in the law about homicide. Third, none of the passages in which the expression is found mention anything about vehicles.

<sup>18</sup> See Harris 2010, 132–133.

<sup>19</sup> On ἐπιείκεια see Harris 2013, 274–301.

discussion that bore no relationship to the ways in which Athenian judges made their decisions. One finds the same distinction in Demosthenes (18. 274–275). Several passages in the orators and some records of verdicts in the naval records show that the courts accepted pleas of necessity as grounds for acquittal.<sup>20</sup>

A case discussed by Demosthenes (21. 73–76) in his speech *Against Meidias* shows that the Athenian courts did not consider provocation as automatic grounds for acquittal. This was clearly a case of provocation and not a case of self-defense because Demosthenes makes it clear that Euaeon could have restrained himself without risk of further harm (Dem. 21. 73: ἀνασχόμενον καὶ κατασχόνθ').<sup>21</sup> Demosthenes (21. 74) also compares Euaeon's case to his own, which he states was very similar (although Meidias' assault was much more insulting). Meidias struck Demosthenes in an insulting way, but Demosthenes did not strike back. Even though Euaeon did not restrain himself, Demosthenes was able to restrain himself and avoid further harm. Just as Demosthenes did not have to strike back out of necessity to avoid further harm, Euaeon was not forced to strike back at Boeotus and could have restrained himself without risk. If there was a law stating that the person who struck a person who had "started unjust blows" was innocent and entitled to acquittal, the court should have unanimously acquitted Euaeon because the circumstances of his actions would have precisely fit the terms of the law, which the judges swore to follow.<sup>22</sup> The fact that the judges were divided about how to apply the law clearly indicates that there was no statute that clearly applied in these circumstances. Half of the judges thought that Euaeon was guilty because they did not take the extenuating circumstances into account (μὴ ὅτι ἡμόνατο) and because he had caused death (ἀποκτεῖναι) and did not act against his will; the other half thought that extenuating circumstances ought to be taken into account and allowed Euaeon the right to retaliate

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<sup>20</sup> See Harris 2013, 286–288, 298–300. Gagarin 1978 does not discuss ἐπιείκεια and pleas of necessity. Gagarin 1978, 113, followed by Carawan 1998, 91, believes that the law at Dem. 23. 60 applies to the case in which a person "kills someone forceably (*sic*) and unjustly seizing his property or himself", but the paraphrase of the law in Dem. 23. 61 shows that the law applied only to seizing someone's property, not someone's person. See Canevaro 2013, 70–71.

<sup>21</sup> The case is misunderstood by Gagarin 1978, 111, 117–118 and MacDowell 1990, 292–293. See Harris 1992, 78. Carawan 1998, 308–310 sees that the case is one of provocation, but does not draw out the implications of his view for our understanding of the nature of self-defense in Athenian law. Nor does he observe that I already made this point in 1992. He also mistakenly believes that the defendant relies on the clause in lines 33–35 of Draco's law.

<sup>22</sup> On the Judicial Oath see Harris 2013, 101–137.

more than equally (τὴν ὑπερβολὴν τῆς τιμωρίας), that is, to retaliate with deadly violence against an attack that was insulting (τῷ γε τὸ σῶμα ὕβρισμένῳ), but not life-threatening. This was a hard case in Athenian law because the statutes of Athens did not make a distinction between different types of intentional homicide, but grouped them all under one general rubric, φόνος ἐκ προνοίας, that is, intentional homicide.

It is now possible to examine the case in the *Third Tetralogy*. The accuser begins his first speech by discussing the serious nature of homicide. He then gives a brief account of the defendant's actions. He states that if the defendant had acted against his will (ἄκων), he would have been entitled to sympathy. But he alleges that the defendant was drunk (παροινῶν) and acted abusively (ὑβρεῖ) without any restraint (ἀκολασία). He beat and choked (τύπτων τε καὶ πνίγων) him until he deprived him of life (τῆς ψυχῆς ἀπεστέρησεν αὐτόν). Because he killed his victim (ἀποκτείνας), he is subject to the penalties for homicide (τοῦ φόνου τοῖς ἐπιτιμίοις, 4. 1. 6). The accuser states that the judges have heard witnesses who were present when the defendant acted drunkenly (4. 1. 7).

The defendant starts his reply to the charges by arguing that the victim was responsible for his own death (ὁ ἀποθανὼν αὐτῷ αἴτιος) and much more responsible than the defendant. He then states that the victim "started with unjust blows" (ἄρχων γὰρ χειρῶν ἀδίκων), was drunk (παροινῶν), and offended a man who acted with greater self-restraint than he did (σωφρονέστερον, 4. 2. 1).<sup>23</sup> It is clear that he struck back with his fists and not with a weapon, a stone, or a piece of wood, but even if he had, he would still not be guilty. He supports his argument by stating that those who start a fight deserve to suffer in return not the same but greater and more harm (οὐ γὰρ ταῦτ' ἀλλὰ μείζονα καὶ πλείονα δίκαιοι οἱ ἄρχοντες ἀντιπάσχειν εἰσί). The defendant argues that if he was hit by the victim's fists and retaliated with his fist for what he suffered, he is not guilty (4. 2. 2). The defendant is clearly relying on the law about assault, which, as we saw above, allowed the victim of an assault to retaliate, but did not indicate what degree of retaliation was permitted.<sup>24</sup> The law was obviously framed to apply to brawls in which two men struck each other, placed the blame on the person who started the fight, and absolved from guilt the person who retaliated. This is certainly how the law was applied in the case of the trierarch and Theophemus. In the *Third Tetralogy* the

<sup>23</sup> The accuser alludes to this argument at 4. 3. 2: τὸν γὰρ ἄρξαντα τῆς πληγῆς, τοῦτον αἴτιον τῶν πραχθέντων γενόμενον καταλαμβάνεσθαι ὑπὸ τοῦ νόμου.

<sup>24</sup> Gagarin 1978, 114–115 misunderstands the law and the speaker's use of the law. Carawan 1998, 301–308 sees that the case is not one of self-defense, but does not understand how the speaker uses the law about αἵκεια to support his case.

defendant is arguing that because the law placed the blame in a brawl on the person who started it, the person who started the brawl was responsible for whatever happened to him even if it caused his death. In other words, he is trying to stretch the meaning of the law about assault to cover his own case. There are many other examples of litigants in Athenian courts who attempted to exploit the “open texture” of law in similar ways.<sup>25</sup> There is no need to think that the defendant is appealing to a clause of the laws about homicide not attested in any other source. As Drerup noted, the defendant merely states that the person who started is responsible for the consequences of his actions.

It is important to observe that the defendant does not justify his actions by claiming that he was acting in self-defense.<sup>26</sup> If he had done so, he would have claimed that his victim was trying to kill him and that he had no other way of protecting himself than reacting with deadly force. In his speech, however, he does not make these claims, but argues that he was justified in striking back with greater force than his assailant. And the accuser in his second speech clearly implies that the victim intended only to strike, but not to kill (4. 3. 4).

In the same speech the defendant later argues that if what happened was an accident, the victim was responsible for the accident because he struck the first blow. If what happened was the result of irrational behavior (ἄβουλίᾳ), the victim died as a result of his own irrational behavior because he was not in his right mind when he struck the defendant (οὐ γὰρ φρονῶν ἔτυπτέ με, 4. 2. 6). One should note that here too the defendant states that the victim only intended to strike and did not threaten deadly violence.

## Conclusion

A careful examination of the passages in which the expression “starting unjust blows” (ἄρχων χειρῶν ἀδίκων) occurs shows that the expression was found in the law about assault (αἰκείας) and not in the context of a clause about self-defense in a law about homicide. Moreover, *Third Tetralogy* attributed to Antiphon in which the phrase is found has nothing to do with a case of self-defense. Here the speaker alludes to the law about assault in an attempt to justify his retaliation against the victim who had struck him in an insulting way. In fact, a passage in Demosthenes’ speech

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<sup>25</sup> On the attempts of Athenian litigants to exploit the “open texture” of law see Harris 2013, 175–245.

<sup>26</sup> Pace Gagarin 1978 and Gagarin 1997, 160–162.

*Against Aristocrates* (23. 50) clearly indicates that the phrase “starting unjust blows” was *not* found in the laws about homicide. The laws of Athens did grant the right to kill an assailant who attacked him from ambush with the intent to kill, but the expression “starting unjust blows” (ἄρχων χειρῶν ἀδίκων) had nothing to do with this right. Because this phrase was not found in the literary sources for the laws about homicide, there is no reason to restore this phrase in lines 33–35 of *IG I<sup>3</sup> 104*. This study shows that we urgently need a new edition of *IG I<sup>3</sup> 104*, one that accurately reports what can be seen on the stone without any mistaken preconceptions about what is to be found there.

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This essay studies the phrase “starting unjust blows” (ἄρχων χειρῶν ἀδίκων) which has been restored in lines 33–35 of Draco’s homicide law (*IG* I<sup>3</sup> 104). A careful examination of the phrase shows that it does not come from a statute about homicide, but about a law concerning assault (αἰκείας). The phrase should therefore not be restored in lines 33–35 of Draco’s law. A new edition of the inscription is urgently needed.

В статье исследуется выражение “первым наносящий противозаконный удар” (ἄρχων χειρῶν ἀδίκων), которое восстанавливают в стк. 33–35 закона Драконта об убийстве (*IG* I<sup>3</sup> 104). При ближайшем рассмотрении оказывается, что эта фраза относится к закону не об убийстве, а о нападении, поэтому ее не следует восстанавливать в стк. 33–35 закона Драконта. Переиздание надписи – насущная необходимость.



# THE SELECTIVE INSCRIBING OF LAWS AND DECREES IN LATE CLASSICAL ATHENS\*

## 1. Introduction

In a recent paper, Michael Osborne has argued against the conventional view that only a selection of Athenian decrees was inscribed on stelai.<sup>1</sup> He concludes:

...it may reasonably be suggested that the perceptibly official status of inscribed stelai of public decrees implies that all must have been inscribed...

His argument is not to my mind very persuasive;<sup>2</sup> but he has done a service in highlighting the need for the case for the selective publication of decrees on stone to be articulated more fully than it has been hitherto.<sup>3</sup> The issue is important. Inscriptions may yield certain types of specific factual historical information without our needing to understand whether all were inscribed or only a selection, but as soon as we wish to start using inscriptions, in groups or in aggregate, to address historical questions

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\* This contribution is based on a paper I gave in the presence of Christian Habicht at the epigraphy seminar at the Institute for Advanced Study, Princeton, in February 2013, while enjoying the privilege of Membership of the Institute, supported by the Patrons' endowment fund and the Loeb foundation. I am grateful to him and the other members of the seminar on that occasion for their comments and delighted to have this opportunity to express my warm appreciation of his immense contributions to the epigraphy and history of hellenistic Athens, and for his support, behind the scenes, of the *IG II<sup>3</sup>* project. The paper was finalised in the summer of 2016 in the excellent library of the Seminar für Alte Geschichte, Heidelberg, where I am grateful to Professors Kai Trampedach and Christian Witschel for their hospitality.

<sup>1</sup> Osborne 2012.

<sup>2</sup> For another critique of Osborne's views see now Mack 2015, 13–17, though he does contemplate the possibility that, in fourth-century Athens, all proxeny decrees were routinely inscribed.

<sup>3</sup> Osborne cites a number of authors who assert selectivity of inscription, without arguing for it in detail: e.g. Hansen 1984 and Hansen 1987, 123 (see also 108–118); Sickinger 1999, 91–92; Davies 2003, 328; Lambert 2011, 198–200.

at a higher level of generality, for example, “How does the corpus of inscribed decrees, taken not individually, but as a whole, suggest the direction of Athenian policy developed between date x and date y?”, or “Was political influence concentrated in the hands of an elite?”, questions about selectivity in the evidence base immediately arise. Understanding selectivity of inscribing – not only the fact of it, but also the reasons for it – is also crucial to understanding the fundamental question about what inscribing was for.

Osborne seeks to address the issue across a wide time span, from the fifth to the third centuries BC. This is commendable in theory, but unworkable in practice given the vast quantity of relevant evidence. Moreover, it is important to appreciate that we are not dealing with a static situation that would justify treating three centuries as a single moment, but a dynamic one that changes over time. My approach to the issue will be somewhat different from Osborne’s. I shall focus mainly on the inscribed laws and decrees of the period 352/1–322/1, which I have recently edited for *IG* (*IG II<sup>3</sup> 1, 292–572*).<sup>4</sup> The period has the advantage that it produced a large number of inscribed laws and decrees, and also that there is a quantity of relevant literary evidence for laws and decrees, mainly in the orators, which supplies a contrasting perspective which is illuminating.

## 2. Two Preliminaries

To start with an important point that Osborne overlooks: at the end of the fifth century Athens undertook a revision of its laws and thereafter made a distinction between laws and decrees. From the archonship of Eukleides (403/2), decrees of the Council and Assembly were required to be within the law.<sup>5</sup> About a dozen laws on stone survive from the period 403–322, and about 550 decrees. We can not address the issue of selective inscribing without thinking about this statistic: why was the number of laws that were inscribed so small when compared with the number of decrees?

Second, certainly by our period and probably from about the same time as the revision of the laws was undertaken, copies of all laws and decrees were lodged in papyrus copies in the state archive in the Metroon.<sup>6</sup> So for

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<sup>4</sup> Translated at [www.atticinscriptions.com](http://www.atticinscriptions.com).

<sup>5</sup> Gagarin 2008, 182–185; now Canevaro 2015.

<sup>6</sup> Sickinger 1999, 93–138, especially 114–122. Archival copies of laws and decrees begin to be referred to in the orators only in around the period of our corpus (Aeschin. 2. 89, Dem. 19. 129; 25. 90; Lyk. 1. 66, Din. 1. 86), but it seems clear enough that the archive itself had existed since the last decade of the fifth century, and that it,

this period the issue is: what laws and decrees were inscribed *in addition to* being lodged in papyrus copies in the archive, and why?

### 3. The epigraphical evidence

Appendix 1 lists the inscribed laws and decrees of 352/1–322/1 by subject matter. In summary the types break down as follows:

Honorific: 180 (87%)

Religious: 9 (4%)

Treaties and other foreign policy: 13 (6%)

Other: 4 (2%)

Probably these are broadly a representative sample of all that were inscribed on stone. While we can not absolutely rule out that there are whole categories of inscribed laws and decrees that have not been discovered, it is not likely. At this period the large majority of inscribed decrees were set up on the Athenian acropolis,<sup>7</sup> and it and the rest of Athens and Attica have been quite thoroughly explored. Moreover, it seems that stone, of which there were plentiful local supplies, was the permanent medium of choice for Attic inscriptions. A small number of bronze inscriptions survive or are attested indirectly, and bronze may very occasionally have been used for laws and decrees, particularly those that

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rather than inscriptions, was the normal source for texts of laws and decrees quoted by the orators. There is no direct reference to it in the inscribed laws and decrees of our period, but the prytany secretary (otherwise known as the secretary of the Council) was responsible not only for the inscribing of decrees, but also for their custody (τὰ ψηφίσματα τὰ γινόμενα φυλάττει), and for “making copies of everything else” (τὰλλα πάντα ἀντιγράφεται, *Ath. Pol.* 54. 3), while the secretary in charge of the laws was responsible for making copies of all laws (54. 4). Not mentioned by *Ath. Pol.* there was also a secretary called the *anagrapheus* (“recorder”), responsible “for writing up the documents” (ἐπιμεμέλητ[α]ι τῆς ἀναγραφῆς τῶν γραμμάτων, *IG* II<sup>3</sup> 1, 469, 14–15), but this may mean documents other than laws and decrees. Similarly the archive is the most likely source not only for the texts of earlier decrees honouring Herakleides of Salamis, *IG* II<sup>3</sup> 1, 367, inscribed only in 325/4 (see below), but also for most or all of the texts of decrees that had been lost and reinscribed (e.g. *IG* II<sup>2</sup> 172 = *SEG* 32. 67, a proxeny which had disappeared and was reinscribed before 350 BC), or destroyed and reinscribed, e.g. the proxenies destroyed by the Thirty and reinscribed by the restored democracy, *IG* II<sup>2</sup> 6 = *SEG* 29. 93, *IG* II<sup>2</sup> 52, *Agora* 16. 39 etc.; and the decrees destroyed by the oligarchic regime established after the Lamian War and reinscribed by the restored democracy of 318, for Euphron of Sikyon, *IG* II<sup>3</sup> 1, 377 and 378, and for Theophrantos, *IG* II<sup>3</sup> 1, 342 and 343.

<sup>7</sup> Cf. Lambert (forthcoming).

were condemnatory or of religious significance, but there is no reason to believe its use for laws and decrees was widespread in our period.<sup>8</sup>

#### 4. Literary evidence for laws and decrees

It would be a major task to analyse all the literary evidence for fourth century laws and decrees,<sup>9</sup> and it is unnecessary for our purposes. A sample is sufficient to make my case, and as it so happens the known laws and decrees proposed by Demosthenes present quite a good sample for our purposes. All but one are known from the literary evidence and, coincidentally, they span precisely the same period as our epigraphical evidence, 352/1–322/1. 42 decrees proposed by him are known from literary evidence (about a fifth of all fourth century decrees known from the literary record), and 1 law. There is a full list at Appendix 2. Adopting the same categories as for the epigraphical record, they break down as follows:

Honorific: 11 (26%)

Religious: 1 (2%)

Treaties: 3 (7%)

Other: 28 (65%)

#### 5. Comparison of epigraphical and literary evidence: overview

There is some degree of convergence: honorific decrees, religious measures and treaties are represented both among the inscribed record and the laws and decrees proposed by Demosthenes. However, while only a very

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<sup>8</sup> Stroud 1963, n. 1 remains the primary point of reference on bronze inscriptions in Attica; see now also the remarks of Meyer 2013, nn. 17, 51 and 53. Unlike stone the reuse of bronze usually entailed obliteration of the text and very few inscribed fragments survive. They include a record of bronze dedications from the acropolis, *IG* I<sup>3</sup> 510, ca. 550 BC?, cf. *IG* II<sup>2</sup> 1498, 3–22 (bronze stelai dedicated by treasurers in the late 5<sup>th</sup> cent.); *IG* I<sup>3</sup> 235, a small fragment apparently of a sacred law, ca. 450?. Several bronze stelai referred to in the literary record suggest that this material may have been used for inscriptions of a condemnatory character, e.g. the decree condemning Archeptolemos and Antiphon, [Plut.] *Lives of the Ten Orators* 834 b; the bronze stele with names of traitors next to the “old temple”, *schol. Ar. Lys.* 243, Stroud 1978, 31–32, though the authenticity of many or all of these is not beyond question, cf. Habicht 1961. Further work on this topic is a desideratum.

<sup>9</sup> For some initial findings based on such an analysis in relation to honorific decrees see now Liddel 2016.

small number of inscriptions, 2%, fall into the “other” category, 65% of Demosthenes’ decrees do not belong in any of the ordinary categories represented by the inscribed record. This can naturally, I think rightly, be taken to imply that there were some types of decree proposed by Demosthenes that were not generally inscribed.

Now, one of the features of inscribing on stone was that it endowed the measure, or the message it was intended to convey, with a quality of durability or enduring validity. This is the case with all three of the main categories of extant inscribed laws and decrees in our period. In 355/4 Demosthenes was concerned to argue against Leptines’ proposal that financially valuable (and to Athens costly) honours and privileges awarded to distinguished foreigners should not be revoked and that the stelai inscribed with such honours guarantee them, or ought to, in perpetuity (Demosthenes 20. 64):

Ἡκούσατε μὲν τῶν ψηφισμάτων, ὦ ἄνδρες δικασταί. τούτων δ’ ἴσως ἔνιοι τῶν ἀνδρῶν οὐκέτ’ εἰσίν. ἀλλὰ τὰ ἔργα τὰ πραχθέντ’ ἔστιν, ἐπειδὴ περ ἅπαξ ἐπράχθη. προσήκει τοίνυν τὰς στήλας ταύτας κυρίας ἔαν τὸν πάντα χρόνον, ἴν’, ἕως μὲν ἂν τινες ζῶσι, μηδὲν ὑφ’ ὑμῶν ἀδικῶνται, ἐπειδὴν δὲ τελευτήσωσιν, ἐκείναι τοῦ τῆς πόλεως ἥθους μνημεῖον ᾧσι, καὶ παραδείγμαθ’ ἑστῶσι τοῖς βουλομένοις τι ποιεῖν ὑμᾶς ἀγαθόν, ὅσους εὖ ποιήσαντας ἡ πόλις ἀντ’ εὖ πεποίηκεν.

You have heard the decrees, gentlemen of the jury. Some of these men are perhaps no longer, but the works which they accomplished exist, when once they were done. It is fitting, therefore, to allow these stelai to be valid for all time, so that as long as any of these men are alive, they may suffer no wrong at your hands, and when they die, those (scil. stelai) may be a memorial of the city’s character, and may stand as evidence to all those who wish to do us good, of how many benefactors the city has benefited in return.

Inscribed honorific decrees were meant to endure.

As for religious inscriptions, religion was a sphere of the city’s life in which there was a particularly strong idea that arrangements should be durable. Generally one did things “according to ancestral tradition” (κατὰ τὰ πάτρια) and did not make changes; but if one did make new arrangements, they too were to endure. In our corpus *IG* II<sup>3</sup> 292, 18 requires that the sacred organs and the other sacred precincts be cared for “for all time” (εἰς τὸν ἀεὶ χρόνον); at 447, 33 arrangements are made for the Little Panathenaia festival to be celebrated finely “for all time” (εἰς τὸν ἀεὶ χρόνον).

With treaties too it was a commonplace that they should be valid “for all time”.<sup>10</sup>

Category VIII on the list of decrees proposed by Demosthenes lists a number that provide for meetings of public bodies on specific forthcoming dates. Now clauses providing for matters to be discussed at a forthcoming meeting occur quite commonly in the texts of inscribed Athenian decrees, but the fixing of the date of a meeting is never the decree’s sole or main purpose. The sole purpose of the decree proposed by Demosthenes on 8 Elaphebolion 346 (A5) was apparently to provide for the Assembly to meet on 18 and 19 Elaphebolion. It was not a decree which had enduring validity. There would scarcely indeed be time to inscribe it before the relevant meeting took place. It is surely out of the question that this decree of Demosthenes was ever inscribed.

Category IV on the list of decrees proposed by Demosthenes are decrees providing for embassies. Again, inscribed decrees do quite frequently make provisions for embassies, but these are usually embedded in decrees with a more enduring purpose, honorific decrees or treaties. Decrees whose sole or main purpose was to despatch embassies were naturally quite common, but inscribing such decrees on stone would have served no enduring purpose.

Another ephemeral matter on which Demosthenes proposed decrees is the disposition of military forces. Most of the decrees in Category VI are of this type. They were, in a sense, very important, but they did not have the enduring qualities that would have justified inscribing them in stone. There is, in fact, only one inscribed decree of this period which provides for a military expedition: the decree of 325/4 providing for a naval expedition to found a colony in the Adriatic, *IG* II<sup>3</sup> 1, 370; but significantly it is not a self-standing decree, erected at the initiative of the Council or Assembly, but embedded in a naval inventory. It is an exception which proves the rule that decrees making provisions for military expeditions were not generally inscribed on stelai.<sup>11</sup>

Category IX furnishes further examples. Decrees of a judicial character, ordering a death sentence (A10) or the arrest or imprisonment

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<sup>10</sup> That there is no such clause in the Athenian treaties of 352/1–322/1, which are mostly rather fragmentarily preserved, is due merely to accident of survival. An example from elsewhere from this period is furnished by the treaty between Miletus and Kyzikos of ca. 330, *Staatsverträge* III 409, which provides (ll. 11–12) that “the cities shall be friends for all time” (τὰς μὲν πόλεις φίλας εἶναι ἐς τὸν ἅπαντα χρόνον).

<sup>11</sup> An exception from an earlier period is *IG* I<sup>3</sup> 93, relating to the launch of the Sicilian expedition in 415 BC. See Osborne and Lambert, <https://www.atticinscriptions.com/inscription/IGI3/93> n. 1.

of an individual (A9, A36), or instigating processes by other institutions (A15, A37) were important, but also ephemeral and not, for the most part, inviting durable commemoration.

One might select other examples, but these are enough, I think, to show that there were some categories of decree that were of an ephemeral nature which did not normally justify inscription in stone. This absence of inscription does not, of course, mean that the decrees were in some way invalid. What gave them their validity was the fact that they had been approved by the Assembly; and there were papyrus copies available in the Metroon to verify that. Texts of a number of the decrees proposed by Demosthenes that we have been discussing were read out in court. Not one of the decrees he proposed, however, is cited from an inscription. The texts that were read out had presumably been obtained from the archive.

There is another question, however: in the categories that *are* commonly represented in the inscribed record, is there reason to think that every decree was inscribed on stelai? Was every honorific decree, every treaty and every religious regulation inscribed?

## 6. Honorific decrees – not all inscribed

Much the largest category of inscribed decree in our corpus is honorific, and since there are so many it might be tempting to suppose that all such decrees were inscribed. One has only, however, to scratch the surface of the evidence to establish that this was not the case.

(a) *Honours could be commemorated in ways that did not involve inscribing the decree.*

This is particularly clear with decrees honouring Athenians. From the 340s onwards we have a regular series of inscribed decrees honouring Athenian officials. Before that, inscribed decrees honouring Athenians are extremely rare. There is a remote theoretical possibility that, for some reason, we have simply failed to discover all decrees of this type from before the 340s;<sup>12</sup> but it is much more likely that these decrees were never inscribed, and that that was because, before the 340s, commemoration of the honour generally took other forms:

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<sup>12</sup> Liddel 2016, 312–313, observes that there is more evidence for Athenian honorands before the 340s in the literary than in the epigraphical record.

(i) Proclamation of the honours in the Council, Assembly or at the City Dionysia.

It is interesting that, in the debate between Demosthenes and Aeschines in the *Crown* case there is never any discussion of whether or not the decree honouring Demosthenes was, or should have been, inscribed or otherwise commemorated monumentally. Instead the dispute centres around proclamation of the honour at the City Dionysia. Aeschines (3. 32–48) alleges that this was illegal, and that honorands had normally to be content with proclamation of the honour in the Council (for decrees awarded by the Council) or Assembly (for decrees awarded by the Assembly); Demosthenes (18. 120–121) that proclamation at the City Dionysia was permitted if special provision was made for it in the decree. Apart from durability, another criterion for inscribing a decree was that it delivered a message, whether to a specific, or to a wide, group of viewers; and we may perhaps conceptualise proclamation of honours as, in this respect, an alternative to inscribing them.

(ii) Inscribed dedications

For decrees honouring Athenians, another alternative way of commemorating the honour was by an inscribed dedication. These might be inscribed with suitable commemorative wording, but did not necessarily carry the text of the decree, e.g. *IG II<sup>3</sup> 4, 246*.<sup>13</sup>

Ταξίαρχοι ἀνέθεσαν οἱ ἐπὶ Ἑλπίνο ἄρχοντο[ς] (356/5)  
στεφανωθέντες ὑπὸ τῷ δήμῳ καὶ τῇ βολῇς  
*List of taxiarchs follows*

(b) *Non-inscription of more minor honours.*

Decrees awarding crowns of foliage rather than gold to Athenians were probably quite common. It seems that they were not, however, usually inscribed at this period.<sup>14</sup>

<sup>13</sup> “The taxiarchs of the archonship of Elpinos (356/5) dedicated this, having been crowned by the People and the Council”. One of the quite numerous dedications by Athenian officials in *IG II<sup>3</sup> 4* dating to before 346/5 (year of first inscribed decree in the series honouring Athenian officials, *IG II<sup>3</sup> 1, 301*) explicitly commemorating the award of crowns by the Council and People.

<sup>14</sup> See Lambert 2004, 88 [= 2012, 8].



Unlike for Athenians, the city did at this period sometimes inscribe decrees awarding mere foliage crowns to foreigners, in cases where the award was accompanied by other honours, such as citizenship or proxeny or other privileges.<sup>15</sup> It is notable, however, that decrees awarding an individual foreigner a crown of any kind, and no other substantive honours, seem rarely to have been inscribed.

Again one of the few exceptions at this period is suggestive. In 325/4 Athens awarded proxeny to the grain trader Herakleides of Salamis, *IG* II<sup>3</sup> 1, 367. Exceptionally, the decree honouring him on that occasion, the first on the stone, contained a provision requiring the secretary to inscribe not only the proxeny, but also previous decrees in his favour, and the stone is duly inscribed with a sequence of three decrees honouring him which dated up to five years earlier, 330/29 or shortly after. The natural implication is that these earlier decrees had not previously been inscribed and that copies of them had been obtained by the secretary from the archive. The character of the three decrees is indeed exceptional in several ways: the first (at ll. 47 ff.) is merely the Assembly's decree commissioning the Council to come forward with a *probouleuma* relating to Herakleides, a purely procedural decree of a type which was not normally inscribed. The second, beginning in l. 52, is the resulting *probouleuma*, which awards Herakleides a gold crown and permission to "seek from the People what good he can"; and the third, at ll. 29 ff., is the Assembly's resulting decree which confirms the award of a crown, and also makes provisions for an embassy to be sent to Dionysios, tyrant of Herakleia, to recover Herakleides' sails, which Dionysios had apparently confiscated (note that, though this was no doubt an important measure from Herakleides' point of view, it was essentially of ephemeral significance). None of this earlier series of three decrees contains an inscribing provision. Decrees awarding crowns to foreigners, but no enduring privilege, were doubtless quite common. The first decree on the list of those proposed by Demosthenes, A2, a crown for the actor Aristodemos of Metapontum, is probably an example; but they were not, it seems, normally inscribed.

There is some confirmation in the record of decrees honouring not individual foreigners, but whole cities. Such decrees did not usually make substantive awards, such as citizenship or proxeny (though there were occasionally mass citizenship grants), but they normally awarded crowns and there are several inscribed examples from this period. Interestingly, the texts seem to imply that such decrees were not necessarily inscribed.

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<sup>15</sup> For example, *IG* II<sup>3</sup> 1, 418, which awards Asklepíodoros the right to equal taxation with Athenians (*isoteleia*) and other honours as well as a foliage crown.

*IG II<sup>3</sup> 1, 304* honours the city of Pellana. The original decree is the second on the stone, at ll. 23 ff., and the provision to inscribe it is made in the first decree on the stone (see ll. 7–12), apparently passed in the following year in response to an embassy from the city. Similarly, *IG II<sup>3</sup> 1, 401* honouring Aratos of Tenedos and his brothers, and the People of Tenedos, was only inscribed as a consequence of a rider to the decree, passed in the Assembly (decree 2, ll. 19–23). No provision to inscribe the decree had been included in the *probouleuma*.

How should we explain this tendency not to inscribe decrees that merely awarded crowns to foreigners? An obvious explanation is that the award of a crown, without substantive honours, was a relatively minor matter and, as such, did not usually justify an inscription. That explanation works up to a point, but it does not explain why decrees awarding gold crowns and no other substantive honours to Athenians were regularly inscribed, at least from the 340s, whereas decrees awarding only crowns to foreigners apparently were not.

Perhaps we should think here rather in terms of durability of intention. Most substantive honours, such as citizenship and proxeny, had extension in time. They conferred privileges which lasted through the lifetime of the honorand and indeed were usually hereditary. They met the durability criterion and were therefore wholly appropriate to be inscribed in stone. An award of a crown to a foreigner, on the other hand, was a momentary gesture which did not have or require the same kind of durable commemoration. For Athenians, embroiled in a fierce competition for honour, central to the public life of the city, past honours were of much greater, enduring, importance – or at least came to be, for we have here an implicit reason why decrees honouring Athenians with crowns only were not inscribed *before* the 340s.<sup>16</sup> One of the points indeed that Demosthenes (18. 257) makes in justification of his crown in 330 is that he was a man who had been crowned by the city on many previous occasions. Past honours, on this view, came to be of durable utility to Athenian honorands in political debate in the Assembly and in litigation in the law courts and this influenced decisions to inscribe them.

Whatever the explanations, there seem to have been some categories of honorific decree that, at this period, were not usually inscribed, including decrees awarding foliage crowns to Athenians and decrees awarding crowns of any kind but no enduring privileges to foreigners. Of those types that were commonly inscribed, we may further ask, were they all inscribed, or only a selection? With decrees awarding citizenship or proxeny, for

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<sup>16</sup> For discussion of other reasons for this change see Lambert 2011, 197–198.

example, can we assume that every such decree was inscribed? Here, we come to Michael Osborne's argument from "authority". As he points out, and others have pointed out before him, there is a lot of evidence to suggest that the inscribed version of a decree was or could be treated as, as he puts it, "authoritative". With honorific decrees this applies particularly to proxenies, where the identification of the honour with the stele recording it is so close that the stele can be conceived of as actually being the proxy, and where there are cases of measures being taken to re-erect, and hence re-validate, proxy stelai that had been destroyed by the Thirty.<sup>17</sup> The tendency to conceptualise inscribed citizenship decrees as *being* citizenship is less strong, perhaps because citizenship consisted, to a greater extent than proxy, of a concrete set of identifiable rights, responsibilities and privileges; but the inscription is still an important guarantee. The grant to the Akarnanians after the battle of Chaironeia is a good example.<sup>18</sup>

There are two general points I would make about Osborne's argument here. First, his characterisation of inscribed decrees as "authoritative" seems to me somewhat wide of the mark, insofar as it implies an actual or potential contrast or conflict between the inscribed version and the archival version of the decree. In the fourth century, and I think more generally, the primary assumption is that the archival copy and the inscribed copy of a decree will be in harmony, not that they might be inconsistent.<sup>19</sup> The type of "authority" that is inherent in a proxy stele is not essentially about the detail of the text, but about the overall validity of the measure, which is conceived of as being intimately connected with the stele on which it is inscribed.

Second, there is a question of "epigraphical habit". What one might describe as this strong concept of the validity, or agency (to use the anthropological term), of stelai has its origins in the archaic period, well before the archive in the Metroon existed. The earliest inscribed proxenies

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<sup>17</sup> *IG* II<sup>2</sup> 52, cf. Lambert 2011, 209 n. 30.

<sup>18</sup> *IG* II<sup>3</sup> 1, 316, in which, in 338/7, the Athenians confirm for Akarnanian exiles the validity, in effect the practical activation, of citizenship grants that had been made to their grandfather two generations previously (ca. 400). At *Il.* 17–18 it is mentioned explicitly, as evidence for the honorands' entitlement to citizen rights, that the original award had been inscribed on the acropolis.

<sup>19</sup> This is exemplified by the one clear fourth-century case of a decree of which both an inscribed version and one deriving from the archive is extant, Stratokles's decree honouring Lykourgos in 307/6, *IG* II<sup>2</sup> 457+3207 and [Plut.] *Vit. X or.* 852. The inscribed version is fragmentary, but there is enough to see that, while the text is not precisely same, it is consistent with the literary version, which most likely derives from the archive.

and citizenship decrees date to before the foundation of the archive in the Metroon.<sup>20</sup> Especially in a world in which there was no public state archive, such stelai did indeed have a special quality of validity, or of guaranteeing or securing it; and this strong idea of their validity survived after the introduction of the archive had in fact, one might think, weakened its logic.

If we turn from generalities to the inscribed record of the honorific decrees, the actual situation is in fact, within certain parameters, clear enough. Proxeny grants, the most abundant genre of inscribed honorific decree of this period, can be probouleumatic or non-probouleumatic in form, and in either case provision for inscription may be included in the main text of the decree.<sup>21</sup> In other words, provision to have the decree inscribed could be included in the Council's *probouleuma*, or in the text of a proxeny grant as formulated in the Assembly on the basis of we know not what *probouleuma*. However in *IG II<sup>3</sup> 1, 294*, for Theogenes of Naukratis, the Council's proposal to create Theogenes a proxenos is agreed by the Assembly, but it did not include a provision for inscription. Inscription and invitation to hospitality in the city hall are only included as a rider, added to the main proposal in the Assembly.<sup>22</sup> The impression is given that inscribing is an optional extra, not an essential element of a proxeny grant. This gains confirmation from *IG II<sup>3</sup> 1, 398*, awarding proxeny to some Euboeans. The decree is probouleumatic, but the inscribing clause is prefaced explicitly by the qualification, "if it also seems good to the People",<sup>23</sup> the implication being that if it had not seemed good to the People the proxeny might have been awarded without provision to inscribe it. An uninscribed proxeny would be missing some element or aspect of traditional validity, or guarantee of validity; one suspects that most were in

<sup>20</sup> Precise dating is mostly difficult. Mack 2015, 81–82, discusses *IG I<sup>3</sup> 27* (ca. 430?) and *IG I<sup>3</sup> 80* (421/0) as early cases. Cf. Meyer 2013, 467–468 n. 69. The earliest extant inscribed decree awarding citizenship to an individual is *IG I<sup>3</sup> 102* = Osborne–Rhodes forthcoming, no. 182 of 410/9, but the mass grant of 427 to the Plataians also apparently entailed an inscription, [Dem.] 59. 105–106.

<sup>21</sup> Probouleumatic examples: *IG II<sup>3</sup> 1, 324* Decree 1 for Euenor of Akarnania; 426 for -machos. Non-probouleumatic: 312 for Phokinos et al.; 432 for Sopatros of Akragas.

<sup>22</sup> The rider was proposed by Hierokleides son of Timostratos of Alopeke, the same man who had proposed the Council's *probouleuma*. One can imagine several possible reasons for this, including that Hierokleides was unable or unwilling to obtain the Council's agreement to the inscription and hospitality provisions. *IG II<sup>3</sup> 1, 390*, for Kleomis of Methymna, also probably had the provision to inscribe added in a rider.

<sup>23</sup> ἀ[ναγράφαι δὲ καὶ τὴν προξενίαν, ἔὰν καὶ τῷ δήμ[ω]ι δοκῇ, τὸν γραμμ[α]τέα τῆς βουλῆς ἐν στήλῃ λ[ιθίνῃ καὶ στήσαι] ἐν ἀκροπόλει δέκα ἡμερῶν (II. 17–20).

fact inscribed; but it is clear from these decrees that an uninscribed proxeny would not actually be invalid. Ultimately the validity depended on the vote of the People, and after the archive existed there was evidence for that in the papyrus copy lodged in the Metroon.<sup>24</sup>

Decrees awarding substantive honours to foreigners other than proxeny and citizenship would seem to belong in the same category, as regards inscription, as proxenies. We have already noted the rider adding an inscribing provision to *IG* II<sup>3</sup> 1, 401. *IG* II<sup>3</sup> 1, 302, Decree 1 (probouleumatic), awarding protection to Dioskourides of Abdera and his family and hospitality to Dioskourides himself also contains no inscribing clause. Provision to inscribe was presumably included in the incompletely preserved rider, Decree 2, which also granted further residence and taxation privileges.

The imperative to inscribe citizenship decrees at this period looks stronger. All the extant decrees, most of which are non-probouleumatic, include inscribing clauses in the main text;<sup>25</sup> there are no inscribing provisions added in riders or qualified as subject to the decision of the Assembly. A citizenship decree was such a major, and relatively unusual, award that it seems that it was natural and normal for it to be inscribed. Still we can not be certain that every citizenship decree was inscribed, or, if it was, whether this was a legal requirement of citizenship decrees or simply normal practice.

## 7. Treaties

The argument regarding treaties is similar to that for proxenies, in that the validity of the treaty was intimately associated with the stelai on which they were inscribed; and it is notable that treaties too are a very early species of inscription, with examples pre-dating the foundation of the archive in the Metroon.<sup>26</sup> In order to rescind a treaty you pull down the

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<sup>24</sup> In some cities there were inscribed official lists of proxenoi, but there seems to be no evidence for one in Athens (and had there been one one might expect it to have been referred to in our abundant epigraphical and literary evidence, e.g. in relation to the proxenies destroyed by the Thirty). Cf. Mack 2015, 13–14, 286–342. Citizens by decree were usually enrolled in the lists of a deme and phratry, there being no centrally maintained list of Athenian citizens.

<sup>25</sup> E.g. *IG* II<sup>3</sup> 1, 333; 335; 378; 480. The same applies, however, to the probouleumatic 411 and to 452, which may or may not be probouleumatic.

<sup>26</sup> E.g. among the more securely dated examples, *IG* I<sup>3</sup> 48 = Osborne–Rhodes forthcoming, no. 139, treaty with Samos, 439; *IG* I<sup>3</sup> 53 and 54 = Osborne–Rhodes forthcoming, no. 149, treaties with Rhegion and Leontinoi, 433/2.

stele on which it is inscribed. The decree by which the Athenians declared war on Philip II (category III A17 on the list of Demosthenes' decrees) is a good example of this:

ὁ δὲ δῆμος ... Δημοσθένους ... ψήφισμα γράψαντος, ἐχειροτόνησε τὴν μὲν στήλην καθελεῖν τὴν περὶ τῆς πρὸς Φίλιππον εἰρήνης καὶ συμμαχίας σταθεῖσαν, ναῦς δὲ πληροῦν καὶ τὰ ἄλλα ἐνεργεῖν τὰ τοῦ πολέμου.

The People ... on the proposal of Demosthenes ... voted to destroy the stele concerning the Peace with Philip, and establishing an alliance, to fill the ships and to prosecute hostilities.

This shows, incidentally, rather clearly that not every decree resulted in a stele; a copy of the decree by which the Assembly agreed to make war on Philip was presumably lodged in the archive, but the effect on the inscribed record was to remove a stele not to put up a new one. My sense is that this association between treaties and stelai recording them is so strong that one's default expectation is that treaties would normally have been inscribed; but again, what actually makes the treaty is the decision of the Assembly and in the fourth century and later there would be a copy in the Metroon.

## 8. Religious Regulations

Laws and decrees with primarily religious content are more common in the epigraphical record than the literary, which consists largely of the corpus of the Attic orators. That is because, unless it involved something like making Alexander a god (category II A39 on the list of Demosthenes' decrees), the city's religion was not generally a matter of political or legal contention, whereas it was strongly appropriate for inscriptions. They were typically erected in sanctuaries; as with dedications, one face of laws and decrees erected in such locations was metaphorically directed to the gods, and epigraphical habit is relevant here too: most of the handful of inscribed Athenian decrees pre-dating the Periclean rebuilding of the acropolis were religious in content.<sup>27</sup> Our sources do not perhaps emphasise the sort of strong connection between the inscribing of a religious measure and its validity that we get with treaties and proxenies, but that may be because the validity of religious measures was rarely politically contentious. I think that there would be an assumption in favour of inscribing such measures,

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<sup>27</sup> On these points see Lambert (forthcoming).

but (aside from the possibility of inscription on bronze, discussed above) I can not immediately see an argument to the effect that every one would necessarily be inscribed on a stone stele. As with other kinds of law and decree one might expect those making durable arrangements and those with a strong message to deliver (perhaps to the gods in this case as much as to men) to be inscribed.

## 9. Laws

We come, finally, to the issue about laws. Why are there so few inscribed laws in the fourth century in relation to the number of inscribed decrees? At 2005, 131 [= 2012, 59] I mentioned three factors that I still think are likely to be relevant:

(a) there were simply fewer laws than decrees. Laws dealt mostly with the general, permanent and systematic, decrees with the specific and particular; decrees could be passed at every meeting of the Assembly (normally four each prytany<sup>28</sup>) by simple majority vote of the citizens, new laws could only be made by a cumbersome process involving multiple stages of deliberation;<sup>29</sup>

(b) unlike decrees, the default location for inscribed laws was not the acropolis; they seem to have been spread around the city more, being erected in locations suitable to their content; and this may mean that fewer have been discovered;

(c) though I do not think there is any positive evidence for this, and I do not think it very likely, more of them might have been inscribed in a medium such as bronze, or wood (as Solon's axones).

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<sup>28</sup> *Ath. Pol.* 43. 3 (already in the fifth century, *IG* I<sup>3</sup> 40 = Osborne–Rhodes forthcoming, no. 131, 10–14).

<sup>29</sup> That the lawmaking process in fourth-century Athens was constructed against an ideological background which emphasised the ideal immutability of the law is brought out well by Canevaro 2015, who (section 7) reconstructs the process of making new laws as follows (mainly on the basis of Dem. 20, Dem. 24, Aeschines 3. 38–40): following a preliminary vote in the Assembly permitting consideration of new laws, specific proposals were published in front of the monument of the eponymous heroes and read out in three consecutive Assemblies, in the third of which *nomothetai* might be appointed (on Canevaro's view from or equivalent to the jurors [Dem. 20. 93] or to the Assembly [Aeschin. 3. 39]); opposing laws had then first to be repealed (by a court?), with experts (*synegoroi*) appointed by the Assembly to defend them; and improper new laws were subject to being legally overturned by γραφή νόμων μη ἐπιτηδείων θεῖναι.



(a) seems likely to be the most important of these explanations, which may perhaps be sufficient.<sup>30</sup> My sense, however, is that another factor may also be relevant. The small number of laws that are inscribed<sup>31</sup> meet rather well two of the observable criteria for inscribing a decree: they deliver a message (as for example the anti-tyranny law, *IG* II<sup>3</sup> 1, 320, set up at the entrance to the Council chamber of the Areopagos and in the Assembly); or they have religious content (as with several inscribed laws relating to festivals). What, however, about the third criterion, durability? It was a feature of most laws that they were intended to be permanent and durable; and this makes it especially remarkable that so few are extant on stone. The archive in the Metroon, however, was created at the same time as the laws were being revised in the last decade of the fifth century.<sup>32</sup> Archives also preserve texts in a durable fashion. Perhaps the Metroon was designed from the start specifically to be the place where texts of laws made under the new law-making process were deposited. Whereas some types of decree had been inscribed before the creation of the archive and continued to be inscribed after it, fourth-century laws on this view were not normally inscribed precisely because they were available in the archive. They were no less valid and authoritative.

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<sup>30</sup> Canevaro 2015, however, section 8, notes that the relative numbers of attested *γραφαὶ παρανόμων* in 403–322 (35 according to Hansen 1991, 208) and *γραφαὶ νόμων μὴ ἐπιτηδείων θεῖναι* (6) suggests that the epigraphic record may exaggerate the imbalance between the numbers of laws and decrees. On the other hand over his whole career Demosthenes is known to have proposed 39 decrees of the People, 4 of the Council, but only 1 law, see Appendix 2.

<sup>31</sup> Law on silver coinage, 375/4, *SEG* 26. 72 = Rhodes–Osborne 2003, no. 25; grain tax law, 374/3, *SEG* 47. 96 = Rhodes–Osborne 2003, no. 26; law on the Eleusinian Mysteries, 367/6–348/7 (?), *I. Eleus.* 138, cf. *SEG* 30. 61; unpublished law concerning Hephaistos, Athena Hephaistia and silver coinage, 354/3, *SEG* 54. 114; 56. 26; 61. 119; law on Eleusinian first-fruits, 353/2, *IG* II<sup>2</sup> 140; law against tyranny, 337/6, *IG* II<sup>3</sup> 1, 320; law providing for the repair of walls in Piraeus, with appended contract specifications (*συγγραφαί*), ca. 337 BC, *IG* II<sup>3</sup> 1, 429; provisions relating to penalties and “exposure” (*φώσις*) from a law whose content is otherwise unknown, ca. 337–325, *IG* II<sup>3</sup> 1, 431; at least two laws relating to cult objects, on the acropolis and elsewhere, ca. 335, *IG* II<sup>3</sup> 1, 445; law making provision for funding of Little Panathenaia, followed by decree providing for sacrifices at the festival, ca. 335–330, *IG* II<sup>3</sup> 1, 447; and possibly also: *SEG* 58. 95, fragmentary inscription apparently mentioning *nomothetai*, “before mid-IV BC”; *IG* II<sup>3</sup> 1, 448, making provisions for an (Athenian or Macedonian) festival; *IG* II<sup>3</sup> 1, 449, making provisions for a festival; *IG* II<sup>3</sup> 1, 550, the end of text (of a law?) providing for liturgists to dedicate *phialai*, followed by list of liturgists; *SEG* 52. 104, “unpublished” law on repair of sanctuary of Artemis at Brauron.

<sup>32</sup> Creation of archive: Sickinger 1999, 93–138 (cf. above n. 6); revision of laws and creation of new law-making procedure: most recently, Canevaro 2015.



## APPENDIX 1

### Inscribed Athenian Laws and Decrees 352/1–322/1, by Subject

Inscriptions are referred to by number in *IG II*<sup>3</sup> 1 plus a one-word title. For translations see [www.atticinscriptions.com](http://www.atticinscriptions.com). Excluded are the “*dubia et incerta*”, *IG II*<sup>3</sup> 1, 531–572, and decrees which are too fragmentary for the subject matter to be determined. Included, however, are those dated to the middle or second half of IV BC (*IG II*<sup>3</sup> 1, 487–530).

Abbreviations:

D = inscribed on a dedication made by the honorand rather than a stele erected by the city;

L = law.

#### 1. Honorific

##### (a) Athenians

301; 305; 306 Council (D); 311 (D); 323 Secretary?; 325 Kalliteles; 327 Phyleus; 336 Diotimos?; 338 Pytheas; 348 Phanodemos; 355 Amphiaraia; 359 Androkles; 360 Council; 362 Epimeletai?; 365 Priest; 369 Hieropoioi (D); 389 (D); 402 Kephisophon (D); 416 Priests; 417 Leontis (D); 424; 425 Priest?; 458; 469 Kallikratides; 476 Proedroi?; 481; *IG II*<sup>2</sup> 1155 = Lambert 2015; *IG II*<sup>2</sup> 1156 = Rhodes–Osborne 2003, no. 89; Lawton 1995 no. 164 = Lambert 2012, 182–183.<sup>33</sup> Total = 29

##### (b) Gods

349 Amphiaraos. Total = 1.

##### (c) Foreigners

293 Demokrates; 294 Theogenes; 295 Orontes;<sup>34</sup> 298 Spartokos; 302 Dioskourides; 303 Elaiousians?; 304 Pellanians; 307 Kephallenians or Lampsakenes; 309 Elaiousians; 310 Theoklos; 312 Phokinos; 313 Tenedos;<sup>35</sup> 316 Akarnanians; 317 Drakontides; 319 Alkimachos; 322 Courtier; 324 Euenor; 326 ?; 329 ?; 331 Nikostratos; 333 Archippos; 335 Amyntor; 339 Mnemon;

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<sup>33</sup> Relief from a decree (or dedication?) commemorating honours for a priestess of Athena Nike.

<sup>34</sup> Also contains provisions relating to Orontes and grain supply.

<sup>35</sup> Also contains provisions relating to Tenedos' financial contribution to the Second Athenian League (*syntaxis*).

340 Chian; 342 Theopantos; 343 Theopantos; 344 Actor?; 345 Plataian?; 346; 347 Amphis; 351 Rheboulas; 352 Eudemos; 354 Herakleot?; 356 Larisan; 358 Eurylochos; 361 Thymondas?; 363 Phanostratos; 364; 367 Herakleides; 375 Lapyris; 376 Phokians; 377 Euphron; 378 Euphron; 379 Apollonides; 380; 383; 386; 387 Sestos; 390 Kleomis; 392; 393 Achaians; 398 Euboeans; 401 Tenedos; 403 Apelles; 404 Exiles; 405 Phaselite; 406; 411 Arybbas; 413 Chians; 414; 418 Asklepiodoros; 419 Amphipolitan; 420 Eretrian; 423 Actor; 426; 428 Philomelos; 430 Salaminian; 432 Sopatros; 434 Pydnan; 435; 436 Actor; 437; 439 Dionysios; 440 Potamon; 441 Pandios; 442; 452 Peisitheides; 453; 454 Koan; 455 Iatrokles; 456; 457 Pharsalian; 461; 462; 466; 468; 470; 473 Nikostratos; 474 Prienean; 475; 478; 479 Hestiaian; 480 Plataian; 483 Sostratos; 484 Friends; 485 Kythnos; 490; 491; 492; 493; 495; 496 Praxias; 497 Krotoniate; 498; 501; 502; 503; 504; 505; 507; 515; 516; 517; 519; 528 Eupatas. Total = 116<sup>36</sup>

(d) Athenians or foreigners?

315 Theopantos; 330; 357; 366; 371; 384; 385; 394; 395; 396; 397; 400; 421; 427; 438; 446; 450 Artikleides; 460; 463; 464; 499; 500; 506; 508; 509; 512; 513; 518; 520; 521; 522; 523; 524; 529. Total = 34.

## 2. Religious

292 Orgas; 297 Eleusis; 337 Kitians; 444 Nike;<sup>37</sup> 445 Cult (L);<sup>38</sup> 447 Panathenaia (L + decree);<sup>39</sup> 448 Festival (L?); 449 Festival (L?); 487 Lease?. Total = 9.

## 3. Treaties and other Foreign Policy

296 Echinaioi;<sup>40</sup> 299 Mytilene; 308 Messene; 318 Philip II; 370 Adriatic;<sup>41</sup> 381 Aitolians; 388 Akanthos;<sup>42</sup> 399 Attackers;<sup>43</sup> 412 Eretria; 443 Alexander; 482 Tenos; 488; 489 Chalkidians. Total = 13.

<sup>36</sup> Note also the reliefs Lambert 2012, 181–182 nos. 1–17 and Glowacki 2003, most of which are probably from decrees honouring foreigners from this period.

<sup>37</sup> Provides for priestess of Athena to sacrifice an *aresteron* on occasion of repair of statue of Athena Nike. Also honours the statue-maker, a Boeotian.

<sup>38</sup> Two laws relating to cult objects.

<sup>39</sup> Law and decree relating to Little Panathenaia.

<sup>40</sup> Was or related to a *symbola* agreement.

<sup>41</sup> Decree providing for a colonising expedition to the Adriatic. Inscribed not on a self-standing stele but in naval accounts.

<sup>42</sup> Also praises the envoys from Akanthos and Dion and invites them to hospitality in the *prytaneion*.

<sup>43</sup> Decree prohibiting military expeditions against Eretria or other allies.

#### 4. Other

320 Tyranny (L);<sup>44</sup> 429 Walls (L);<sup>45</sup> 431 Law (L);<sup>46</sup> 433 Sokles.<sup>47</sup> Total = 4

## APPENDIX 2

### Laws and Decrees Proposed by Demosthenes<sup>48</sup>

Abbreviations:

L = law, A = Assembly decree, C = Council decree or *probouleuma*.

Demosthenes' career as a proposer of laws and decrees precisely coincides with the period 352/1–322/1. Taking literary and epigraphical evidence together, he is on record as proposer of more than any other Athenian, viz. 39 decrees of the People, 4 of the Council, and 1 law. Only one of these is attested in the epigraphical record: *IG II<sup>3</sup> 1, 312* (= Hansen A18), honouring Phokinos, Nikandros and Dexi-. One is of unknown content (Din. F 47 Con. = Hansen A35). The remaining 42 are:

#### 1. Honorific

- A2. Crown for the actor, Aristodemos of Metapontum, 347/6 (Aeschin. 2. 17).
- A4. Foliage crown and invitation to dinner in the *prytaneion*, for the first embassy to Philip, 347/6 (Dem. 19. 234, Aeschin. 2. 46).
- A29. Bronze statues in the Agora for Pairisades, Satyros and Gorgippos, rulers of Bosporan kingdom, ca. 330 (Din. 1. 43).
- A30–31. Citizenship for Kallias of Chalkis, and his brother Taurosthenes, ca. 330 (Aeschin. 3. 85, Hyp. 1 *Against Demosthenes* 20).
- A32–34. Citizenship for Chairephilos and his sons, for Epigenes and for Konon, before 324 (Din. 1. 43).
- A38. *Sitesis* in the *prytaneion* and a bronze statue in the Agora for Diphilos, 324/3 (Din. 1. 43; cf. F41 Con.).
- C3. Seats in the theatre at the Dionysia for envoys from Philip II, 347/6 (Dem. 18. 28; Aeschin. 2. 55).

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<sup>44</sup> Law against tyranny, prohibiting the Areopagos from sitting in circumstances of an anti-democratic coup.

<sup>45</sup> Law providing for repair of walls in Piraeus and appended specifications for the work (συγγραφαί).

<sup>46</sup> *Phasis* provisions from a law of unknown content.

<sup>47</sup> Agreement between the city and Sokles for the exploitation of a resource and the sharing of proceeds.

<sup>48</sup> The list is based on Hansen 1989 (Demosthenes at pp. 41–42).

## 2. Religious

A39. Prohibiting the worship of unacknowledged deities, 324/3 (Din. 1. 94).

## 3. Treaties: making or abrogation

A11. Alliance with Chalkis, 342/1 (Aeschin. 3. 92–93).

A17. Declaring war on Philip II, 340/39 (*FGrHist* 328 Philochoros F55).

A20. Alliance with Thebes, 339/8 (Aeschin. 3. 142–145).

## 4. Providing for embassies

A6. To the Peloponnese, 345/4 (Dem. 18. 79).

A8. To Euboea, 343/2 (Dem. 18. 79).

A13. To Eretria and Oreos, 341/0 (Aeschin. 3. 95–101)

A19. To Thebes, 339/8 (Dem. 18. 177–179).

C1. To cities to be visited by Aristodemus, 347/6 (Aeschin. 2. 19).

C4. Instructing second embassy to Philip to leave Athens immediately, 347/6 (Dem. 18. 25–29; 19. 154).

See also A26.

## 5. Miscellaneous Foreign Policy

A3. Providing for truce and safe conduct for herald and envoys from Philip II, 347/6 (Aeschin. 2. 53–54).

A7. Relating to Ainos, member of Second Athenian League, before 342 ([Dem.] 58. 36–37, 43. Attacked by γραφή παρανόμων, 43).

## 6. Relating to disposition of military forces and defence works

A1. Providing for an expeditionary force and a smaller permanent force to operate against Philip II, 352/1 (Dem. 4. 13–29, 30, 33. Apparently not passed<sup>49</sup>).

A12. Providing for expedition against Oreos, 341/0 (Dem. 18. 79).

A14. Providing for an expedition against Eretria, 341/0 (Dem. 18. 79).

A16. Providing for naval expeditions to Chersonese, Byzantium etc., 340/39 (Dem. 18. 80).

A22–24. Providing for military defence works: disposition of the guard-posts (ἡ διάταξις τῶν φυλακῶν), entrenchments (αἱ τάφροι), funding of the walls (τὰ εἰς τὰ τείχη χρήματα), 338/7 (Dem. 18. 248).

A26. Providing for a partial demobilisation and the despatch of embassies, 338/7 (Din. 1. 78–80).

A28. Providing for armed assistance to Thebes, 335/4 (Diod. 17. 8. 6).

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<sup>49</sup> Cf. MacDowell 2009, 215.

### 7. On military-financial matters

L1. On trierarchs, 340/39 (Dem. 18. 102–107, Din. 1. 42).

A21. Providing that “all the money should be stratiotic”,<sup>50</sup> 339/8 (*FGrHist* 328 Philochoros F56A).

### 8. Providing for meetings of public bodies on specific forthcoming dates

A5. Providing for an Assembly on 18–19 Elaphebolion to discuss Peace of Philokrates, 346 (Aeschin. 2. 61).

A27. Providing for tribal Assemblies to meet on 2 and 3 Skirophorion to elect representatives responsible for repair of walls, 338/7 (Aeschin. 3. 27).

C2. Providing for an Assembly on 8 Elaphebolion to discuss Peace of Philokrates, 346 (Aeschin. 3. 67).

### 9. Of a legal or judicial character

A9. Ordering *apophasis* against Proxenos (imprisonment), 346–343 (Din. 1. 63).

A10. Providing for death sentence on Anaxinos (?), 343 (Aeschin. 3. 224).

A15. Providing for the appointment of *nomothetai* for reform of trierarchy, 340/39 (Dem. 18. 102–107).

A25. Concerning the powers of the Areopagos, 338/7 (?) (Din. 1. 62, 82–83).

A36. Ordering the arrest of Harpalos and the confiscation of his money, 324 (Hyp. 1. 8–9, Din. 1. 89).

A37. Instructing the Areopagos to investigate the Harpalos affair, 324/3 (Din. 1. 82–83).

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<sup>50</sup> τὰ δὲ χρήματα ἐψηφίσαντο πάντ' εἶναι στρατιωτικά. Hansen interprets: “transferring revenue from the theoric to the stratiotic fund”.

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On the basis of a comparison between the extant inscribed Athenian laws and decrees of 352/1–322/1 BC and the laws and decrees proposed by Demosthenes, which fall within the same temporal parameters, but are mainly known from the literary record, this paper argues that, contrary to a position adopted in a recent article by Michael Osborne, only a selection of laws and decrees were inscribed on stone. Some categories of decree were not usually inscribed at all, e.g. those relating to the disposition of forces and other ephemeral matters, and even within the most common inscribed category, the honorific decree, there were types that were not usually inscribed (e.g. decrees awarding crowns, but no enduring honours and privileges, to foreigners). From the end of the fifth century copies of laws and decrees were deposited in the state archive in the Metroon. The validity of some types of decree, such as treaties, was traditionally so intimately connected with the inscriptions carrying them that it is possible that they continued invariably to be inscribed even after the introduction of the archive. However, the existence of the archive, which originated at the same time as the systematic revision of Athenian law at the end of the fifth century, and may have been designed in the first place as a repository specifically for the laws, may help explain why so few laws were inscribed in the fourth-century democracy.

На основании сравнения афинских законов и декретов 352/1–322/1 гг. до н. э., дошедших до нас вырезанными на камне, с декретами того же времени, которые приводит Демосфен, в статье доказывається, вопреки точке зрения М. Осборна, что лишь часть законов и декретов высекалась. Некоторые их категории не публиковались вообще – в частности, все те, которые касались расположения военных сил и прочих преходящих материй. Даже среди декретов об оказании почестей некоторые не высекались – например, об увенчании венком иноземцев, если им не были к тому же даны долгосрочные привилегии и почести. С конца V в. до н. э. копии законов и декретов хранились в государственном архиве в Метрооне. По традиции юридическая сила таких типов декретов, как договоры, была настолько тесно связана с их письменной формой, что, возможно, их продолжали высекать и после того, как стал работать архив. Однако существование архива (который появился в конце V в. – тогда же, когда началась практика систематического пересмотра афинских законов, – и мог задумываться в первую очередь именно как хранилище законов) помогает объяснить, почему в демократических Афинах IV в. высекалось так мало законов.

# THE CHANGING FACE OF ATHENIAN GOVERNMENT (403/2–168/7)\*

It is generally accepted that in Athens two clearly defined types of decree are evidenced as emanating from meetings of the *ekklesia*, namely on the one hand probouleumatic decrees, where the *Boule* had provided a specific draft (*probouleuma*) and on the other hand non-probouleumatic decrees, where the *Boule* had simply provided an agenda item for decision in the *ekklesia* (an open *probouleuma*) or where the *ekklesia* made a decision contrary to a specific *probouleuma* or supported a supplementary decree. In his magisterial work *The Athenian Boule* Peter Rhodes has carefully described and analyzed the two types of decree,<sup>1</sup> and in the interests of providing a possible insight into the influence of the *Boule* in the framing of legislation he has also provided a Table illustrating the balance between probouleumatic and non-probouleumatic decrees, which may be summarized as follows:<sup>2</sup>

Table I. Rhodes 1972, 79 (Summary)

Period	Probouleumatic	Non-probouleumatic (excluding prytany decrees) <sup>3</sup>	Total
403/2–322/1	107 (= 51%)	101 (= 49%)	208
321/0–263/2	79 (= 48%)	85 (= 52%)	164
262/1–201/0	65 (= 82%)	14 (= 18%)	79
200/199–101/0	91 (= 87%)	13 (= 13%)	104

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\* It is a privilege and pleasure for me to break my promise of a silent retirement to offer this modest contribution in honour of Christian Habicht, a mentor and friend for some forty years.

<sup>1</sup> Rhodes 1972, 52 ff.; cf. Rhodes–Lewis 1997, 11 ff. Decrees of the *Boule* itself are not covered in this paper.

<sup>2</sup> The percentages have been added by the present author.

<sup>3</sup> For the need to exclude non-probouleumatic prytany ‘first’ decrees as ‘routine’ and resulting essentially from ‘a point of etiquette’ cf. Rhodes 1972, 76; Rhodes–Lewis 1997, 30 f.; Osborne 2012a, 68 f.



His conclusion (p. 79 f.) was that “in the fourth and early third centuries the total of all decrees <is> fairly evenly divided between probouleumatic and non-probouleumatic... But once the Athenians became aware of their insignificance political life lost its attractions and it appears that from early in the third century the ratification of honorific probouleumata took up more and more of the assembly’s time. After 322/1 documents of real substance are very rare, and other indications of an active assembly are wanting...”.

Subsequently Graham Oliver has analyzed the ratio of probouleumatic to non-probouleumatic decrees in the oligarchic phase 322/1–319/8 and set the result within a slightly refined chronological framework as follows:<sup>4</sup>

*Table II.* Oliver 2003, 46

Period	Probouleumatic	Non-probouleumatic <sup>5</sup>	Total
403/2–323/2	104 (= 52%)	96 (= 48%)	200
322/1–319/8	6 (= 27%)	16 (= 73%)	22
318/7–263/2	74 (= 47%)	82 (= 53%)	156
262/1–201/0	64 (= 70%)	28 (= 30%)	92

Oliver’s conclusion was that “under the oligarchy ... the proportion of non-probouleumatic is much higher than in the periods before and after. ... The reduction in the number of decrees that enacted <the *Boule*’s> probouleumata and were inscribed may indeed reflect a real shift in constitutional powers that was introduced by reforms in 322/1”.<sup>6</sup>

The preponderance of non-probouleumatic decrees in the oligarchic period is a significant discovery, but his interpretation of it as a possible indicator of constitutional change is open to question. For a critical drawback in his analysis, as indeed in that of Rhodes, is the treatment of the years 403–323 and 318–263 as undifferentiated periods. For the available evidence strongly suggests that there was a major transformation in the Lykourgan Period,<sup>7</sup> which saw a massive preponderance of non-

<sup>4</sup> Oliver 2003, 40–46.

<sup>5</sup> His numbers and percentages for non-probouleumatic decrees in the last two phases are inflated by the inclusion of routine prytany decrees (evidenced from the 280s onwards).

<sup>6</sup> Oliver 2003, 45 f.

<sup>7</sup> For the definition of the Lykourgan Period see now Rhodes 2010, 81 ff. In broad keeping with his comments the Lykourgan Period is taken here to encompass the years 337/6–323/2.

probouleumatic decrees, reflecting the dominant role of sundry prominent individuals such as Demades, a prolific proposer of non-probouleumatic decrees throughout the years 337/6–323,<sup>8</sup> and Lykourgos. The data may be summarized as follows:

*Table III.* Probouleumatic and non-probouleumatic decrees 337/6–323/2

Date (year, prytany, day)	IG II/III <sup>3</sup>	Probouleumatic	Non-probouleumatic
337/6      X [-]	321		[ - - - - - ] (Demades)
X [-]	322		Honours for courtier of Philip (Demades)
X [35]	324 I	Honours for Evenor of Akarnania	
X <35>	325	Honours for Kalliteles of Kydantidai	
ca. 337	430		Honours for a man of Salamis
336/5      X 37	327 II	Honours for Phyleus of Oinoe	
335/4      X 23	331	Honours for Nikostratos	
[-] 17	327 III		Honours for Phyleus of Oinoe
336/5 or 335/4	329	Honours for Eupor[ - - ] (Lykourgos)	
334/3      [-]	333 I		Honours for Archippos of Thasos
[-]	334		[ - - - ] (Demades)
[-]	335		Honours for Amyntor (Demades)
ca. 334–325	336		[ - - - - ] (Lykourgos)
333/2      I 39	338 I		Honours for Pytheas of Alopeke
II	337 II		For merchants from Kition (Lykourgos) <sup>9</sup>

<sup>8</sup> For the decrees of Demades (at least 23 in number) cf. Brun 2000, 33; Paschidis 2008, 40–49.

<sup>9</sup> This decree is preceded on the *stèle* by the open *probouleuma* of the *Boule*.

Table III (continued)

Date (year, prytany, day)		IG II/III <sup>3</sup>	Probouleumatic	Non-probouleumatic
[-]		339		Honours for Mnemon & Kallias of Herakleia
IV 11/12		341	[ - - - - ]	
332/1	VIII 7	344		Honours for [ - - ]
VIII 7		345		Honours for a Plataian (Lykourgos)
VIII 7		346 II		Honours for the son of Aristeides (Demades)
VIII 7		347		Honours for Amphis of Andros
IX 23		348	Honours for Phanodemus of Thymaitadai <sup>10</sup>	
IX 23		349		Honours for Amphiaraios
331/0	X 16	351	Honours for Rheboulas	
330/29	IX 19	352		Honours for Eudemos of Plataia (Lykourgos)
330/29–328/7		367 I		Honours for Herakleides of Salamis
		367 III		Honours for Herakleides of Salamis
ca. 330	[-] 34	469 II	Honours for the <i>anagrapheus</i> Kallikratides	
329/8	III 33	355		Honours for <i>epimeletai</i> of Amphiaraios
IV 11		356		Honours for [ - - ] of Larisa (Demades)
328/7	VIII 26	359 I		Honours for Androkles, priest of Asklepios

<sup>10</sup> This is a ‘mixed’ decree – ἔδοξεν τῷ δήμῳ followed by the probouleumatic formula.

Table III (continued)

Date (year, prytany, day)		IG II/III <sup>3</sup>	Probouleumatic	Non-probouleumatic
327/6	[-]	361		Honorific decree
	[-]	362		[ - - - - ]
	[-]	363		[ - - - - ]
326/5	[-]	366		[ - - - - ]
325/4	V 34	367 V		Honours for Herakleides of Salamis
	[-]	370		concerning a colony in the Adriatic
324/3	[-]	373		[ - - - - ] <sup>11</sup>
323/2	I 11	375		Honours for Lapyris of Kleonai
	III 36	376		concerning Phokis
	V 22	378		Honours for Euphron of Sikyon
	[-]	379		Honours for Apollonides of Sidon
	VIII [-]	380		Honorific decree
ca. 323		485		Honours for <i>Demos</i> of Kythnos
Assigned: <sup>12</sup>				
337–325		432		Honours for Sopatros of Akragas (Lykourgos)
337–322		439		Honours for Dionysios
337–320		440		Honours for Potamon and others
337–320		441		Honours for Pandios of Herakleia
336–330		444	Renovation of statue of Athena	

<sup>11</sup> The words ἔδοξεν τῷ δήμῳ are wholly restored.

<sup>12</sup> Excluded are decrees assigned by Lambert (*IG II/III*<sup>3</sup> 1, 2) to the years 325–322, but included in the oligarchic period by Oliver 2003, 42–43 (i.e. *IG II/III*<sup>3</sup> 1, 2. 466; 480; 484).

Table III (continued)

Date (year, prytany, day)	IG II/III <sup>3</sup>	Probouleumatic	Non-probouleumatic
334–322	454	Honours for a man from Kos	
333–320	467		[ - - - - ]
329–322	473		Honours for Nikostratos
<i>post</i> 325	479		Proxeny grant
Possible assignments: <sup>13</sup>			
340–330	416	Honours for priest and <i>hieropoioi</i>	
340–325	417	Honours for prytany official	
340–320	418	Honours for Asklepiodoros <sup>14</sup>	
340–320	419		Honours for a man of Amphipolis
340–320	421		Honorific decree
340–320	426	Proxeny grant	
340–320	428	Honours for Philomelos	
Possible assignments on the basis of the identity of the proposer			
337/6	[-]	326	[ - - - - - ] (Demades)
328/7	VI 31	357	[ - - - - ] (Lykourgos)
328/7		358	Honours for Eurylochos of Kydonia (Demades)

The numbers and percentages for the years 403/2–338/7 and for the Lykourgan and oligarchic periods may be summarized as follows:

<sup>13</sup> Dates as in *IG II/III*<sup>3</sup> I, 2. Decrees assigned to the timeframe 345–320 (*IG II/III*<sup>3</sup> 1, 2, 403; 405; 410 – all non-probouleumatic) and to ca. 340 (*IG II/III*<sup>3</sup> 1, 2, 414; 415 – both non-probouleumatic) have been excluded.

<sup>14</sup> For this decree cf. Rhodes 1972, 72 f.; 261.

Table IV. Probouleumatic and non-probouleumatic decrees ca. 403/2–319/8

Period	Probouleumatic	Non-probouleumatic	Total
403/2–338/7 <sup>15</sup>	82 (= 61%)	54 (= 39%)	136
337/6–323/2 <sup>16</sup>	11 (= 21%)	42 (= 79%)	53
322/1–319/8	6 (= 27%)	16 (= 73%)	22

On this analysis the epigraphical data do not offer evidence for a major change under the oligarchy, rather they indicate the continuation of a trend established in the Lykourgan Period.<sup>17</sup> They also reveal, contrary to the Tables provided by Rhodes and Oliver, that the total of probouleumatic decrees in the years 403/2 to 338/7 was not approximately identical to that of non-probouleumatic decrees, but considerably higher.

In a subsequent article<sup>18</sup> Rhodes has noted the findings of Oliver and presented a modified conclusion to the effect that “until about 285–260 ... the council and the assembly both played an active part in the decision-making process, but after that the assembly continued to meet and to pass decrees, but in doing so was largely content to endorse the council’s recommendations. Indeed, between 321 and 285–260, non-probouleumatic decrees predominated, reflecting an assembly very actively engaged in those troubled times”. Such an assessment is clearly true for the years 321–318 and 307–287, but the change to a predominance of probouleumatic decrees can be located soon after 283 (rather than vaguely attributed to the general period 285–260) when the Athenians, disappointed over their failure to regain the Peiraieus, bereft of anti-Antigonid supporters other than the Ptolemies, and painfully conscious of their real powerlessness, lapsed into ekklesiastic torpor and left most decision-making to the *Boule*. The path of this transformation from an active to an essentially passive *ekklesia* can be charted quite closely.

<sup>15</sup> The figures for this period are approximate (and differ slightly from the number that can be calculated from the lists provided by Rhodes 1972, 246–258 and 259–266) since sundry decrees dated by Stephen Lambert (*IG* II/III<sup>3</sup> 1, 2) to the general period 345–320 are not included. The forthcoming *corpus* of decrees from 403/2 to 353/2 being prepared by Angelos Matthaiou (*IG* II/III<sup>3</sup> 1, 1) may bring to light a few more items, but these are unlikely to change the percentages here significantly.

<sup>16</sup> The calculation here does not include the 10 decrees listed as ‘possible’. If they were included the figures would be: probouleumatic 16 (25%); non-probouleumatic 47 (75%).

<sup>17</sup> The spread of dated decrees with the relevant details may also be significant: 337/6–331/0 – probouleumatic 8, non-probouleumatic 16; 330/29–323/2 – probouleumatic (?) 1, non-probouleumatic 19.

<sup>18</sup> Rhodes 2006, 41.

The available evidence for the brief democratic spell in 318 suggests that non-probouleumatic decrees continued to be prevalent, since all of the decrees in which the issue can be determined are non-probouleumatic.<sup>19</sup> Too few decrees are preserved from the rule of Demetrios of Phaleron for useful analysis.<sup>20</sup> By contrast the pattern of decrees in the years 307/6–301/0, when ekklesiastic activity was more than usually intense, indicates that non-probouleumatic decrees were the more numerous: of at least 76 where the nature can be determined 28 (37%) are probouleumatic, 48 (63%) non-probouleumatic.<sup>21</sup> This is unsurprising in that, as in the Lykourgan period, the political scene was dominated by a few individuals, notably Stratokles of Diomeia, an energetic and forceful political figure, who was close to Demetrios Poliorketes.<sup>22</sup> The relevant data are as follows:

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<sup>19</sup> The change to democracy, stimulated by the edict of Polyperchon, took place soon after prytany VIII of 319/8 and lasted until some time in or shortly after prytany VII 318/7. The decrees of this period are: (319/8) *IG* II<sup>2</sup> 387 + *SEG* 21. 314 (= *Naturalization* D 35); *Agora* XVI 103; *IG* II<sup>2</sup> 398 b (= *Naturalization* D 36); *IG* II<sup>2</sup> 391 (= *Naturalization* D 37); *IG* II<sup>2</sup> 390 – all lacking details of their nature; (318/7) *IG* II<sup>2</sup> 448 II (= *Naturalization* D 38); *Agora* XVI 104; 105; *IG* II<sup>2</sup> 350 (= *Naturalization* D 39) all non-probouleumatic.

<sup>20</sup> Only the non-probouleumatic decree for Asandros (314/3) is preserved with appropriate details (*IG* II<sup>2</sup> 450 + *SEG* 59. 114 = *Naturalization* D 40). *IG* II<sup>2</sup> 453 + *SEG* 59. 115 is to be dated to 310/09, but lacks such details. Cf. Tracy 2000, 229. Other possible decrees are *IG* II<sup>2</sup> 418; 585 (non-probouleumatic); 592 (probouleumatic); and 727. Cf. Tracy 1995, 36 ff. See also O'Sullivan 2009, 116–117 = *SEG* 59. 16.

<sup>21</sup> It may be estimated that some 220 decrees and decree fragments either belong or may be assigned to the years 307/6–302/1. A complexity in drawing up a list is that many fragments can only be given rather vague dates within the last decades of the century.

<sup>22</sup> For the decrees of Stratokles attributable to the years 307/6–301/0, at least 26 in number, of which only one is certainly probouleumatic, cf. Paschidis 2008, 80–103. A minor point of interest is the means by which Stratokles was able to propose so many non-probouleumatic decrees. Presumably, he identified supporters in the *Boule* who either managed to produce *probouleumata*, which were open or of such a general nature as to provide opportunities for supplementary decrees in the *ekklesia*. Thus, for instance, in 304/3 when three (possibly four) separate decrees were moved by Stratokles on the same day granting honours to friends of King Demetrios in deference to a letter sent by that king, a single *probouleuma* requesting the *ekklesia* to discuss the letter(s) would have been sufficient (*IG* II<sup>2</sup> 486; *SEG* 16. 58; *SEG* 36. 164; (probably) *IG* II<sup>2</sup> 597 + Add. p. 663). Stratokles was himself a councilor in 307/6 (cf. n. 24 below) and in prytany V was the author of a probouleumatic decree (*IG* II<sup>2</sup> 456), but three other decrees moved by him later in this year were non-probouleumatic (*IG* II<sup>2</sup> 457; 461; *SEG* 3. 86). This suggests that a decree was more closely identified with an individual and afforded him additional prominence if it was moved directly in the *ekklesia*. That significant political figures like Stratokles paid attention to such nuances is surely confirmed by their efforts

Table V. Probouleumatic and non-probouleumatic decrees 307/6–301/0<sup>23</sup>

Date	Probouleumatic	Non-probouleumatic
307/6		<i>IG</i> II <sup>2</sup> 358 (+ <i>SEG</i> 21. 326; 26. 87; 35. 239)
	<i>IG</i> II <sup>2</sup> 456 (+ <i>SEG</i> 21. 328; 34. 268; 48. 25; 57. 101) Stratokles <sup>24</sup>	<i>IG</i> II <sup>2</sup> 457 (+ <i>SEG</i> 30. 67; 36. 160; 41. 48; 42. 229; 49. 107) Stratokles
	<i>IG</i> II <sup>2</sup> 466 (+ <i>SEG</i> 24. 110; 42. 94)	<i>IG</i> II <sup>2</sup> 461 (+ <i>SEG</i> 21. 332) Stratokles
		<i>IG</i> II <sup>2</sup> 463 = <i>Agora</i> XVI 109
		<i>IG</i> II <sup>2</sup> 464
		<i>Agora</i> XVI 107
		<i>SEG</i> 3. 86 Stratokles
ca. 307/6	<i>Agora</i> XVI 112 ( <i>IG</i> II <sup>2</sup> 515 + <i>SEG</i> 21. 336)	
306 (early)	<i>IG</i> II <sup>2</sup> 561 (+ Paschidis 2008, 83 f.)	
306/5	<i>IG</i> II <sup>2</sup> 470 <sup>25</sup>	<i>IG</i> II <sup>2</sup> 467 + Add. p. 661 (+ <i>SEG</i> 31. 81; 34. 73; <i>Naturalization</i> D 43)
		<i>IG</i> II <sup>2</sup> 471 (+ Paschidis 2008, 86) Stratokles

to gain publicity in the inscribed versions of decrees. For, as S. Tracy has shown (2000, 227 ff.), on many *stelai* in the years 307/6–302/1 considerable trouble has been taken to ensure the prominence of the proposer in the inscribed text – some 23 examples (= 62%), 8 of them highlighting Stratokles. Significantly in the 20 cases where the issue can be determined all but 2 are non-probouleumatic.

<sup>23</sup> This is a provisional list pending the forthcoming publication of the *corpus* for the period 322–301 by G. Oliver (*IG* II/III<sup>3</sup> 1, 3). The list has been taken down to 301/0 to include the last attested decree of Stratokles in this phase (*IG* II<sup>2</sup> 640 – prytany 2, 301/0, just before the battle of Ipsos).

<sup>24</sup> This is the only probouleumatic decree certainly attributable to Stratokles and reveals that he was a councilor in 307/6.

<sup>25</sup> Paschidis 2008, 81 f., following Wilhelm 1939, 349, assigns this decree to Stratokles, but the name, patronymic and demotic are wholly restored. Quite apart from this, the decree is probouleumatic and, since Stratokles was a councilor in the previous year (cf. *IG* II<sup>2</sup> 456) this would mean hypothesizing that extraordinarily he served in that capacity in successive years. For double and triple service on the *Boule* cf. Byrne 2009 [in: A. A. Θέμος, Ν. Παπαζαρκάδας, *Αττικά επιγραφικά, μελέτες προς τιμήν του Christian Habicht*], 215 ff., with references to further literature. There is, however, no certain instance of a person serving in successive years. Interestingly, and perhaps significantly, Stratokles moved at least three non-probouleumatic decrees whilst a councilor (cf. n. 22 above).



Table V (continued)

Date	Probouleumatic	Non-probouleumatic
		<i>Agora XVI 113</i>
ca. 306		<i>IG II<sup>2</sup> 554</i>
305/4	<i>IG II<sup>2</sup> 478 (+ SEG 15. 98)</i>	<i>IG II<sup>2</sup> 703 (+ Hesperia 4 [1935] 555 no. 5)</i>
	<i>IG II<sup>2</sup> 479/480 (+ SEG 33. 93)</i>	<i>IG II<sup>2</sup> 796 (+ Hesperia 5 [1936] 203)</i>
		<i>IG II<sup>2</sup> 797 + Add. p. 667 (+ SEG 21. 337)</i>
		<i>Hesperia 5 [1936] 201 ff.</i>
305	<i>Naturalization D 51 (+ SEG 32. 103; Paschidis 2008, 87)</i>	
304/3	<i>IG II<sup>2</sup> 482</i>	<i>IG II<sup>2</sup> 483</i>
	<i>IG II<sup>2</sup> 485+563+621 (+ Hesperia 6 [1937] 323 ff.)</i>	<i>IG II<sup>2</sup> 486 (+ SEG 21. 271; 36. 163/164; Naturalization D 45) Stratokles</i>
		<i>(?) IG II<sup>2</sup> 597 + Add. p. 662 (+ SEG 38. 70)</i>
	<i>SEG 36. 165 (+ SEG 49. 109; Paschidis 2008, 92 ff.)</i>	<i>SEG 16. 58 (+ 36. 162) Stratokles</i>
		<i>SEG 36. 164 (+ Paschidis 2008, 99) Stratokles</i>
ca. 304		<i>IG II<sup>2</sup> 374 (+ SEG 40. 74; 41. 44; Naturalization D 50; cf. HOPOS 22–25 [2010/2013] 70)</i>
		<i>IG II<sup>2</sup> 553 (+ SEG 31. 271; 58. 120; Naturalization D 44)</i>
303/2	<i>IG II<sup>2</sup> 491</i>	<i>IG II<sup>2</sup> 489 (+ SEG 30. 70; 31. 82; 40. 84; 45. 95)</i>
	<i>IG II<sup>2</sup> 498 (+ SEG 21. 338; 45. 94; 52. 102; Cf. Paschidis 2008, 110 ff.)</i>	<i>IG II<sup>2</sup> 490 (+ SEG 26. 90; 30. 70; 31. 82; 46. 129)</i>
	<i>Agora XVI 122 (+ SEG 47. 130)</i>	<i>IG II<sup>2</sup> 492 (+ SEG 33. 95; 39. 103) Stratokles</i>
	<i>SEG 26.90</i>	<i>IG II<sup>2</sup> 493 (+ SEG 37. 114; 39. 324; 45. 231)</i>
		<i>IG II<sup>2</sup> 494</i>
		<i>IG II<sup>2</sup> 495 (+ SEG 31. 271; 34. 76; 40. 85; Naturalization D 60) Stratokles</i>

Table V (continued)

Date	Probouleumatic	Non-probouleumatic
		<i>IG</i> II <sup>2</sup> 496 + 507 + Add. p. 661 (+ <i>SEG</i> 30. 72; 31. 271; 40. 85; <i>Naturalization</i> D 61) Stratokles
		<i>SEG</i> 30. 70 (cf. <i>SEG</i> 37. 86)
		<i>IG</i> II <sup>2</sup> 739 + Pritchett 1972, 169 ff. (+ <i>SEG</i> 38. 283; cf. Paschidis 2008, 80; 99; 101) Stratokles
ca. 303/2	<i>IG</i> II <sup>2</sup> 734 (+ <i>SEG</i> 26. 90; 30. 71; 31. 82; <i>Naturalization</i> D 46)	<i>IG</i> II <sup>2</sup> 558 (+ <i>SEG</i> 26. 89; 31. 231; 39. 104; 40. 83; <i>Naturalization</i> D 47)
		<i>IG</i> II <sup>2</sup> 559 + 568 + Add. p. 662 (+ <i>SEG</i> 32. 101) Stratokles
302/1	<i>IG</i> II <sup>2</sup> 500	<i>IG</i> II <sup>2</sup> 499 (+ <i>SEG</i> 43. 21) Stratokles
	<i>IG</i> II <sup>2</sup> 505 (+ <i>SEG</i> 24. 113; 33. 97; 37. 87; 39. 329)	<i>IG</i> II <sup>2</sup> 501 II
		<i>IG</i> II <sup>2</sup> 502 (+ <i>SEG</i> 39. 324; 45. 231; 52. 103; 59. 117)
		<i>IG</i> II <sup>2</sup> 503 (+ <i>SEG</i> 39. 107; 45. 231) Stratokles
		<i>IG</i> II <sup>2</sup> 504 (+ <i>SEG</i> 21. 339; 39. 329)
		<i>Agora</i> XVI 123
		<i>Agora</i> XVI 125
		<i>Hesperia</i> 1 (1932) 45 f. no. 4 Stratokles
		<i>Hesperia</i> 4 (1935) 37 f. no. 6
301/0		<i>IG</i> II <sup>2</sup> 640 Stratokles
307/6– 302/1 <sup>26</sup>	<i>IG</i> II <sup>2</sup> 385 b (+ <i>SEG</i> 21. 341; 31. 271; <i>Naturalization</i> D 49)	

<sup>26</sup> Some doubtful assignments are not included here. For examples: *IG* II<sup>2</sup> 428 + 277 (+ *SEG* 37. 86; 39. 329; 40. 67) where the date is disputed; *IG* II<sup>2</sup> 455 (+ *SEG* 21. 327) where in the vacant space left in line 6 to allow prominence for the proposer, Stratokles, by commencing line 7 with his name there is room for either a probouleumatic or a non-probouleumatic enactment formula – it was restored by Kirchner as probouleumatic, but the practice of leaving a space to allow the proposer's name to start a line throws this into doubt (and probably suggests that it was non-probouleumatic; cf. n. 22 above); *IG* II<sup>2</sup> 562, re-dated to ca. 245 by Tracy 1988, 317 (= *SEG* 38. 91) cf. Paschidis 2008, 182 f.; *IG* II<sup>2</sup> 585, probably from the period of

Table V (continued)

Date	Probouleumatic	Non-probouleumatic
	<i>IG</i> II <sup>2</sup> 538 (+ <i>SEG</i> 31. 271; 39. 329; <i>Naturalization</i> D 59)	<i>IG</i> II <sup>2</sup> 539 (+ <i>SEG</i> 33. 83)
	<i>IG</i> II <sup>2</sup> 557	<i>IG</i> II <sup>2</sup> 540 (+ <i>SEG</i> 40. 68)
	<i>IG</i> II <sup>2</sup> 566 (+ <i>SEG</i> 33. 103; 58. 124)	<i>IG</i> II <sup>2</sup> 560 (+ <i>SEG</i> 49. 108) Stratokles
	<i>IG</i> II <sup>2</sup> 572	<i>IG</i> II <sup>2</sup> 559 + 568 + Add. p. 662 (+ <i>SEG</i> 32. 101) Stratokles
	<i>IG</i> II <sup>2</sup> 574	<i>IG</i> II <sup>2</sup> 573 (+ <i>SEG</i> 39. 329)
	<i>IG</i> II <sup>2</sup> 583	
	<i>IG</i> II <sup>2</sup> 587	
	<i>IG</i> II <sup>2</sup> 591 (+ <i>SEG</i> 39. 329)	
	<i>IG</i> II <sup>2</sup> 593	

Demetrios of Phaleron according to Tracy 1995, 36 ff. (= *SEG* 45. 220); *IG* II<sup>2</sup> 592, possibly earlier (cf. Tracy 1995, 155 f.); *SEG* 58. 122; 128; 129, in all of which the restorations are unconvincing.

*IG* II<sup>2</sup> 595 has been omitted, since its nature is unclear. It is the work of a cutter active in the period 305/4–302/1 (cf. Tracy 2003a, 60) and was restored by Kirchner, following Koumanoudes 1886 [“Δυσὶ δωδεκάδεσ Αττικῶν ψηφισμάτων”, Ἐφ. Ἀρχ., 107 f. no. 16, with facsimile) as non-probouleumatic. It is listed by Tracy (2000, 230) as an inscribed decree where prominence has been accorded to the mover by having his details set out in a new line of text, the previous line having had vacant spaces left after the enactment formula. Only the demotic of the speaker, Γαργήτιος, is preserved and the number of *stoichoi* available for the name and patronymic can at maximum be estimated at about 24. In such circumstances it is a distinct possibility that the proposer should be identified as [ .....17..... κ]λέους Γαργήτιος, who in ca. 304 moved the decree for Evenor of Akarnania (*IG* II<sup>2</sup> 374 = D 50 + *HOPOS* 22–25 [2010–2013] 70) and who had his name set at the beginning of a line with a *vacat* of 16 spaces in the previous line after the formula [ἔδοξεν τῷ δήμῳ]. This would allow a possible text for *IG* II<sup>2</sup> 595 as follows:

	[ . . . . 9 . . . . τῶν προέδρων ἐπεψήφ]ιζεν [ . . . . 8 . . . . ]	Στοιχ. 38
	[ . . . . . . . . 19 . . . . . . . . καὶ συ]μπροέδρο[ι· ἔδοξε]-	
	[ v . . . . . . . . 22 . . . . . . . . ]	<i>vacat</i>
	[ . . . . . . . . 17 . . . . . . . . κλέους] Γαργήτιος [εἶπεν]	
5	[ . . . . . . . . 23 . . . . . . . . σ]τρατηγός [ . . . . 6 . . ]	
	[ . . . . . . . . 25 . . . . . . . . ἐπ]ειδή [ . . . . 7 . . . . ]	
	[ . . . . . . . . 28 . . . . . . . . ]Σ[ . . . . 9 . . . . ]	

In such a text either the probouleumatic or the non-probouleumatic formula could be accommodated, but the fact that the proposer is afforded prominence probably favours the latter (cf. n. 22 above). Obviously, however, other restorations are possible, but any name + patronymic with fewer than 21 letters would preclude a probouleumatic formula because of the location of the *vacat* in the previous line.

The period 300/299 to 287/6 was extremely turbulent and witnessed at least four changes of regime. Lachares gained control at some point between 300 and 298/7,<sup>27</sup> but the normal organs of democratic government appear to have been maintained – of six decrees preserved from this period three are non-probouleumatic,<sup>28</sup> one is probouleumatic<sup>29</sup> and in two the matter cannot be determined.<sup>30</sup> Late in 296/5 Lachares was ejected and a new democratic regime was installed by Demetrios Poliorketes. Seven decrees are known from this phase only two of which have sufficient detail intact to indicate that they were non-probouleumatic.<sup>31</sup> The democratic government was, however, short-lived and in 294/3 some form of oligarchy is attested with the return of the *anagrapheus* in place of the prytany secretary and the double archonship of Olympiodoros in 294/3 and 293/2. One of the three decrees preserved from these two years is non-probouleumatic; the others are too fragmentary for a decision.<sup>32</sup> The details of the regime from 292/1 to 287/6 are obscure, although it could subsequently be characterized as κατάλυσις τοῦ δήμου if not oligarchy.<sup>33</sup>

In 287 the Athenians, aided by Kallias of Sphettos who was in the service of Ptolemy, successfully revolted from Demetrios Poliorketes and a democratic regime, headed initially by Demochares of Leukonoe, was in place for the beginning of the year 286/5 and remained, with a few impediments,<sup>34</sup> until the end of the century and beyond. The preserved decrees indicate quite clearly that within the period from the revolt until the capitulation to Antigonos Gonatas in 263/2 (archon Antipatros) the numbers that were probouleumatic increased decidedly. The relevant data may be summarized as follows:

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<sup>27</sup> For the rise and fall of Lachares cf. Osborne 2012a, 25 ff., with references to further literature.

<sup>28</sup> *IG II/III*<sup>3</sup> 1, 4. 844; 846; 847.

<sup>29</sup> *IG II/III*<sup>3</sup> 1, 4. 848.

<sup>30</sup> *IG II/III*<sup>3</sup> 1, 4. 845; 849.

<sup>31</sup> *IG II/III*<sup>3</sup> 1, 4. 850; 851 and 852 (from the same day); 853 (non-probouleumatic), 854, 855 (non-probouleumatic), all from the same day; 856.

<sup>32</sup> *IG II/III*<sup>3</sup> 1, 4. 857 is non-probouleumatic and is the last known decree proposed by Stratokles of Diomeia. Details are lacking in *IG II/III*<sup>3</sup> 1, 4. 858 and 859.

<sup>33</sup> See, for instance, the sentiments of Kallias of Sphettos in his *aitesis* for high honours (*IG II/III*<sup>3</sup> 1, 4. 911). Cf. Plut. *Mor.* 851 D for the *aitesis* of Demochares of Leukonoe. Only two decree fragments are attributable to these years, viz. *IG II/III*<sup>3</sup> 1, 4. 861 and 862 (both revealing that the prytany secretary was again in office).

<sup>34</sup> See Rhodes–Lewis 1997, 49 ff.

Table VI. Probouleumatic and non-probouleumatic decrees 286/5–263/2

Date	IG II/III <sup>3</sup> 1, 4	Probouleumatic	Non-probouleumatic
286/5 I. 11	863	Honours for Zenon, Ptolemaic fleet commander	
VIII 19	864		Honours for Habron & Matrias (grain merchants)
[ - - ]	868	Honours for Philokles, Ptolemaic admiral	
IX 30	866	Honours for [ - - - ], envoy of Lysimachos	
[IX 30]	867	Honours for Artemidoros, envoy of Lysimachos	
[ - - ]	924	Honours for Bithys, officer of Lysimachos	
[ - - ]	928	Honours for a major benefactor	
285/4 VII 29	870		Honours for King Spartokos of Bosporos
XII 25	871		Honours for King Audoleon of Paionia
XII 25	872		Honours for Timo[ - - ], aide of Audoleon
ca. 285 [ - - ]	875	Citizenship re-affirmation for Aischron	
284/3			
283/2 III 19	877	Philippides of Paiania ( <i>sitesis</i> – <i>aitesis</i> ) <sup>35</sup>	
[XII 29]	879	Religious provisions	
282/1 VII 23	881		Honours for archon (of 283/2) Euthios
281/0 II 28	882	Praise for taxiarchs	
XI.29	883	Honours for <i>Demos</i> of Tenos (re-affirmation)	

<sup>35</sup> For *aitesis* cf. Osborne 2013, 127 ff., with references to further literature.

Table VI (continued)

Date	IG II/III <sup>3</sup> 1, 4	Probouleumatic	Non-probouleumatic
280/79 X 20	884/885		Honours for Komeas, hipparch of Lemnos <sup>36</sup>
ca. 280 [ - - ]	948		Honours for <i>Demos</i> of Elaia (re-affirmation)
[ - - ]	945	Honours for Aristomenes of Paiania	
279/8			
278/7			
277/6 V 22	890	[ - - - ]	
276/5 II 24	892		Honours for <i>Demos</i> of Tenedos <sup>37</sup>
	(Unp.)	Honours for taxiarchs <sup>38</sup>	
XII 32	893	Praise for taxiarchs	
275/4 XII 29	897	Honours for taxiarchs	
274/3 II [ - ]	898	Asklepieion Inventory	
273/2 [ - - ]	899	Honours for <i>sitonai</i>	
X 29	901	Honours for priest	
XII 23	902	Honours for priestly <i>epimeletai</i>	
272/1 I 11	903	Honours for priest	
IX 26	904	Honours for <i>astynomoi</i>	
XII 11	905 (?)	Honours for priestly officials <sup>39</sup>	
271/0 II 7	907	Honours for taxiarchs	
IX 27	908	Honours for <i>sitonai</i>	
270/69 VI 21	911	Kallias of Sphettos (high honours – <i>aïtesis</i> )	

<sup>36</sup> Cf. Rhodes 1972, 264. For Komeas cf. Paschidis 2008, 160 f.

<sup>37</sup> This could possibly be a ‘mixed’ probouleumatic decree. Cf. n. 39 below.

<sup>38</sup> Cf. *SEG* 54. 192.

<sup>39</sup> The decree begins with the formula ἔδοξεν τῷ δήμῳ, but the text breaks before the completion of the motivation clauses, so that it could be a case where a probouleumatic formula follows, as in *IG* II/III<sup>3</sup> 1, 4. 914; 915; 991; and 1011. Perhaps in favour of this it may be noted that the proposer, Προμένης Προμένου Κεφαλῆθεν, as a council member in 272/1, proposed a probouleumatic decree for the priest of Zeus Soter, with whom those honoured in *IG* II/III<sup>3</sup> 1, 4. 905 were to co-operate, earlier in the year (*IG* II/III<sup>3</sup> 1, 4. 903 – prytany I. 11).

Table VI (continued)

Date	IG II/III <sup>3</sup> 1, 4	Probouleumatic	Non-probouleumatic
269/8 II 9	912		Decree of Khremonides
268/7 XII <25>	914	concerning public doctors	
267/6 VIII <->	915	Honours for priestly <i>epimeletai</i>	
266/5 III 26	917	Honours for ephebes	
VI 12	918/919	Citizenship for Strombichos ( <i>aitesis</i> )	
[ - - ]	920		Honours for (current) archon Nikias <sup>40</sup>
Assigned to this period:			
285/275 [ - - ]	936	Proxeny grant	
285/270 [ - - ]	939	Alexandros of Beroia (citizenship)	
280/270 [ - - ]	951	Honours for <i>epimeletai</i>	
286/262 [ - - ]	961	Python (citizenship grant)	
[ - - ]	962	Citizenship grant	
[ - - ]	964	Citizenship grant ( <i>aitesis</i> )	
[ - - ]	967	concerning Thebans	
[ - - ]	974	Citizenship grant	
[ - - ]	975	Citizenship for a Sikyonian ( <i>aitesis</i> )	
[ - - ]	977	[ - - - - - ]	

Drawing conclusions from such data is, of course, hazardous, not the least because of the obviously small sample of decrees,<sup>41</sup> but it is perhaps

<sup>40</sup> A non-probouleumatic decree at the meeting ἐν Διονύσειον for the archon for his conduct of the *Dionysia* (Aristotle *Ath. Pol.* 56. 3 ff.) was probably a matter of etiquette. For another instance cf. IG II/III<sup>3</sup> 1, 5. 1298.

<sup>41</sup> The total number of decrees passed in the 36 meetings of the *ekklesia* annually was obviously substantial. Cf. Osborne 2012b, 49 ff., with further references. It is also to be noted that of a total of 116 decrees preserved in whole or in part from the period 286/5–263/2 only 58 reveal the relevant details of their nature. (The data from the following periods are: 263/2–229/8 – 63 from 154; 229/8–168/7 – 127 from 335.)

possible to sketch a scenario for the opening years of this phase. Thus directly after the revolt high hopes were entertained for the recovery of the Peiraieus, which remained in the hands of a garrison established at Mounychia by Demetrios Poliorketes, and sundry decrees of 286/5–285/4 mention this aspiration in the context of firming up links with potential anti-Antigonid supporters. In the year 286/5 all such decrees are probouleumatic, but in the following year all are non-probouleumatic,<sup>42</sup> as is the decree in 282/1 for the archon (of 283/2) Euthios, which was clearly controversial in adverting to the anticipated recovery of the Peiraieus. Thereafter only three non-probouleumatic decrees are attested (none of them seemingly controversial)<sup>43</sup> until the decree of Khremonides (in 269/8).<sup>44</sup> The pattern of the biennium 286/5–285/4 seems to indicate that in the immediate aftermath of the revolt the *Boule* felt emboldened to provide specific support for proposals in honour of agents and officers of Ptolemy and Lysimachos, but in the following year, perhaps influenced by the disastrous outcome of the attempt to regain the Peiraieus by a mixture of deceit and military force,<sup>45</sup> the new *Boule* was considerably more circumspect. Thus proposals for honours for such supporters as King Spartokos, a longstanding friend of Athens and supplier of grain, and Audoleon, King of the Paionians who was in the process of sending grain to Athens and whose honorific decree specifically noted that he ἐπ[α]νγέλλεται δὲ καὶ εἰς τὸ λοιπὸν[ν] παρέξεσθαι χρειᾶς συνεργῶν [ε]ῖς τε τὴν τοῦ Πειραιέως κομιδ[ή]ν καὶ τὴν τῆς πόλεως ἐλευθερί[α]ν, were delegated to the *ekklesia* and passed as non-probouleumatic decrees. The honorific decree in 282/1 for Euthios, which hinted at the prospect of a further attempt to regain the Peiraieus,<sup>46</sup> was doubtless regarded as

<sup>42</sup> The probouleumatic decree of ca. 285 for Aischron (*IG II/III*<sup>3</sup> 1, 4. 875) was a re-affirmation of a grant of citizenship made to an ancestor in response to an *aitesis*, and the immediate stimulus was his assistance in an incident concerning Athenian citizens at Delphi.

<sup>43</sup> Two are re-affirmations of honours and privileges for states (*IG II/III*<sup>3</sup> 1, 4. 948 (ca. 280) for the demos of Elaia; 892 (276/5) for the demos of Tenedos); the other (280/79) is for Komeas, the hipparch of Lemnos (*IG II/III*<sup>3</sup> 884/885) praising him, confirming the honours awarded to him by the residents of Lemnos, and providing for the inscription on the *stèle* of the two decrees passed by the kleruchs. Cf. n. 36 above.

<sup>44</sup> For the date cf. Byrne 2006/7, 169 ff.; Osborne 2009, 89.

<sup>45</sup> This incident, which caused the death of 420 Athenians, is related by Polyainos *Strategemata* 5. 17. 1. For the date cf. Habicht 1997, 124 f.; Oliver 2007, 58.

<sup>46</sup> *IG II/III*<sup>3</sup> 1, 4. 881 (prytany 7, 282/1). This decree was moved by Ἀγύρριος Καλλιμέδοντος Κολλυτεύς, who also proposed the non-probouleumatic decree for Spartokos in 285/4. It praises and awards a gold crown to Euthios for his exemplary conduct in his archonship in the previous year and goes on to add εἶναι δὲ αὐτῷ καὶ ἄλλο ἀγαθὸν εὐρέσθαι παρὰ τοῦ δήμου ὅτου ἂν δοκεῖ ἄξιος εἶναι ὅταν ὁ Πειραιεύς



too controversial for a specific (favourable) *probouleuma*. The deaths of Lysimachos and Seleukos shortly afterwards probably brought an end to such machinations in respect of the Peiraieus<sup>47</sup> and it would seem that for the next twelve years or so almost all legislative activity in the *ekklesia* was probouleumatic, but not entirely of a domestic nature, as is evidenced by sundry grants of honours to foreigners.<sup>48</sup> In addition, it is clear from the honorific decree for Kallias of Sphettos of 270/69 that numerous decrees (now lost) concerning relations with Ptolemy I and II must have been enacted in these years.<sup>49</sup> The culmination of such dealings came in 269/8, when Khremonides proposed in a non-probouleumatic decree the alliance with Sparta and her allies, which was the precursor to the Khremonidean War (*IG* II/III<sup>3</sup> 1, 4. 912). Apart from this the general predominance of probouleumatic decrees in this democratic phase after 282/1 is quite clear.

For the first few years after the capitulation of Athens in 263/2 Antigonos Gonatas exercised close control<sup>50</sup> but the basic elements of the democratic system remained unchanged,<sup>51</sup> and the available data for the years from 262/1 until 229/8 (indeed until at least 168/7) indicate a continuation of the pattern established in the years 282/1 to 263/2. The percentage of probouleumatic decrees is consistently in excess of 80%,

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καὶ τὸ ἄστυ ἐν τῷ αὐτῷ γένηται. A possible explanation of this enigmatic provision is that Euthios late in his archonship had initiated secret negotiations with officers from the fort at Mounychia concerning the return of the Peiraieus and that these were still in progress and expected, at least by some, to succeed, in which circumstances a bland expression of hope and encouragement was understandable. The deaths of Lysimachos at Kouroupedion and of Seleukos shortly afterwards and the likelihood of Antigonid reprisals doubtless dashed such hopes, and references to the regaining of the Peiraieus in decrees are absent subsequently. Cf. Osborne 2016, 93 n. 36.

<sup>47</sup> Lysimachos died at Kouroupedion early in 281, and Seleukos was murdered shortly afterwards. Cf. Heinen 1972, 24 ff. Suggestions that the Athenians may have temporarily recovered the Peiraieus in 280 (as advocated by Gauthier 1979, 348 ff., Shear 1978, 29, and Dreyer 1999, 257 ff.) are quite hypothetical. They depend on the attribution of the otherwise undated exploit of Olympiodoros in recovering the Peiraieus (Pausanias 1.26.3) to 280, rather than to 295 (for which date cf. De Sanctis 1936, 144 ff.) and they leave shrouded in mystery the circumstances in which the Peiraieus was re-taken by Antigonos Gonatas shortly afterwards (cf. Paschidis 2008, 134 f. n. 3). In short there is no clear evidence in favour of the Athenians recovering the Peiraieus at any point between 294 and 229, when it was returned by Diogenes, the commander of the Macedonian garrison (Paus. 2. 8. 6; Plut. *Arat.* 34). See further Habicht 1979, 68 ff.; Heinen 1981, 194 ff.; Oliver 2007, 55 ff.; Osborne 2016, 88 ff.

<sup>48</sup> Cf. Osborne 2016, 93–95 for a list of such decrees.

<sup>49</sup> *IG* II/III<sup>3</sup> 1, 4. 911 (270/69). For Athenian relations with the Ptolemies in this period cf. Habicht 1994 (=1992), 68 ff.; Habicht 1997, 127 ff.; Oliver 2007, 251 f.

<sup>50</sup> Cf. Tracy 2003b, 56 ff.; Osborne 2012a, 50 ff.

<sup>51</sup> Cf. Rhodes–Lewis 1997, 49 ff.

and the few attested non-probouleumatic decrees, with the occasional exception,<sup>52</sup> do not seem to be linked to highly significant events. Indeed the emergency decree of 248/7 for an *epidosis* in the face of the depredations of Alexandros, son of Krateros,<sup>53</sup> was fully probouleumatic (despite being designated ἔδοξεν τῷ δήμῳ in the heading).<sup>54</sup>

The data from 318 to 168/7 can be summarized as follows:

*Table VII.* Probouleumatic and non-probouleumatic decrees 318–168/7

Period	Probouleumatic	Non-probouleumatic (excluding prytany decrees)	Total	(Prytany Decrees)
318		4	4	
318–308	(?) 1	(?) 2	(?) 3	
307/6–301/0	28 (=37%)	48 (= 63%)	76	
301/0–296/5	1	3	4	
296/5–295/4		2	2	
294/3–293/2		1	1	
292/1–287/6			(?) 2	
286/5–263/2 <sup>55</sup>	40 (= 80%)	10 (= 20%)	50	(8)
262/1–229/8	48 (= 84%)	9 (= 16%)	57	(6)
228/7–198/7	35 (= 83%)	7 (= 17%)	42	(11)
198/7–168/7	45 (= 84%)	9 (= 16%)	54	(20)

In summary, there is no evidence for any change in the roles of the *Boule* and the *ekklesia* even during the two brief phases in the late fourth century when a restricted franchise was imposed.<sup>56</sup> Prior to 282/1 increases in the number of non-probouleumatic decrees are attested in periods dominated by a few prominent and forceful individuals, and,

<sup>52</sup> For instance, *IG II/III*<sup>3</sup> 1, 4.1005, the decree (of 250/49) accepting an invitation from the Aitolians to the *Soteria* in celebration of the repulse of the invading Kelts in 279. The proposer of this decree was Κόβερνις Κυδίου Ἀλμμούσιος, whose father had been killed at Thermopylai (cf. Paus. 10. 21. 5).

<sup>53</sup> Cf. Osborne 2012a, 52 f.

<sup>54</sup> *IG II/III*<sup>3</sup> 1, 4. 1011. For this decree cf. Oliver 2007, 200 ff.; 277 ff.; Osborne 2012a, 70 n. 53.

<sup>55</sup> In detail the breakdown is: 286/5–282/1 – 9 probouleumatic (= 64%); non-probouleumatic 5 (= 36%); 281/0–263/2 – probouleumatic 31 (= 86%); non-probouleumatic 5 (= 14%).

<sup>56</sup> Cf. Rhodes–Lewis 1997, 40 f.; 60 f.

given the restrictions on membership of the *Boule*,<sup>57</sup> this is only to be expected. For visibility and publicity would be lost if such luminaries allowed allies on the *Boule* to figure as authors of specific *probouleumata* rather than of open *probouleumata* designed to provide them with the opportunity to be highlighted as decree proposers – and in this general regard it is doubtless relevant to note that Stratokles proposed at least three non-*probouleumatic* decrees in a year when he was a councillor. After 282/1 non-*probouleumatic* decrees are relatively rare, doubtless indicating an understandably apathetic *ekklesia*, since the majority of proposals set before it were honorific in nature and most were little more than banal expressions of thanks for citizens or groups of citizens which were unlikely to stimulate serious debate. Prior to 283/2 the bulk of honorific decrees had been for influential foreigners and were genuinely significant in helping to bolster relations with royal allies or overlords.<sup>58</sup>

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### Abbreviations

*Agora XVI* = A. G. Woodhead, *The Athenian Agora. XVI. Inscriptions: The Decrees* (Princeton 1997).

*Naturalization* = M. J. Osborne, *Naturalization in Athens I–IV* (Brussels 1981–1983).

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<sup>57</sup> See n. 25 above.

<sup>58</sup> From ca. 338 onwards some 90% of decrees were honorific. The breakdown is as follows: **338–323** – honours for citizens 18%; honours for foreigners 68%; other business 14%. **307/6–302/1** – honours for citizens 16%; honours for foreigners 72%; other business 12%. **286–262** – honours for citizens 58%; honours for foreigners 38%; other business 4%. **261–228** – honours for citizens 68%; honours for foreigners 23%; other business 9%. **227–200** – honours for citizens 52%; honours for foreigners 40%; other business 8%. Cf. Osborne 2012b, 53 f. with Tables I and II.

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 A. Wilhelm, "Athen und Kolophon", *Anatolian Studies Presented to W. H. Buckler* (Manchester 1939) 345–368.

As is well known, decrees passed in the Athenian Assembly are classified as either probouleumatic (when based on a specific *probouleuma* proposed by a member of the *Boule*) or non-probouleumatic (when moved by a member of the Assembly in response to an open *probouleuma* or as a replacement for a rejected *probouleuma*). Recent studies have concluded firstly that from the beginning of the fourth century until ca. 285/260 there was a rough balance between probouleumatic and non-probouleumatic decrees, except in the brief oligarchic phase 322/1–319/8, when non-probouleumatic decrees were predominant, possibly as the result of some constitutional shift; and secondly that from ca. 285/260 onwards the vast majority of decrees (well over 80 %) were probouleumatic, suggesting an inactive, if not apathetic, Assembly.

A detailed examination of the available data indicates that the first of these conclusions is overly generalised and inaccurate and that the date of the onset of ekklesiastic inactivity can be dated rather precisely to ca. 282/1. It is true that in the oligarchic phase 322/1–319/8 there was a predominance of non-probouleumatic decrees but this was not a novelty with possible constitutional implications but rather a continuation of the situation clearly evidenced in the so-called Lykourgan Period (337/6–323/2) in which some 80 % of decrees were non-probouleumatic. Quite apart from this the evidence reveals that in the democratic period 403/2–338/7 probouleumatic decrees were significantly more numerous than non-probouleumatic decrees, whereas in the brief democratic phase promoted by Demetrios Poliorketes (307–301) the reverse was the case. (The evidence for the periods 318–308 and 300–287 is too slight for analysis.) From 282/1 onwards, once it had become clear that the revolt from Demetrios Poliorketes had been only partly successful in that Athens could not recover the Peiraieus and was essentially powerless, probouleumatic decrees, the majority of them mundane in nature, became predominant. The rationale for the predominance of non-probouleumatic decrees in the stated periods has nothing to do with constitutional change; rather it signifies periods when the Assembly was dominated by one or a few strong individuals – Lykourgos and Demades in the 330s and 320s, Stratokles of Diomeia in the years 307–302. Restrictions on *Boule* membership and the greater prominence and publicity accorded to proposers of decrees in the Assembly – Stratokles moved at least three non-probouleumatic decrees in the year that he was a member of the *Boule* – made the link between powerful politicians and non-probouleumatic decrees inevitable.

Как известно, постановления афинского народного собрания делятся на пробулевматические (основывающиеся на определенном *probouleuma*, предложенном членом Буле) и непробулевматические (постановления, предложенные членом народного собрания в ответ на “открытое” *probouleuma*, т. е. такое, формулировка которого предоставлялась собранию, или вместо отвергнутого *probouleuma*). В последнее время были сделаны следующие выводы о соотношении декретов обоих типов: (1) с начала IV в. до примерно 285/260 гг. количество пробулевматических и непробулевматических декретов примерно одинаково, если не считать короткого периода олигархии 322/1–319/8, когда преобладали непробулевматические декреты – возможно, в результате некоего конституционного изменения; (2) примерно с 285/260 гг. абсолютное большинство декретов (более 80%) пробулевматические, что говорит о пассивности, или даже безразличии, собрания.

Однако тщательное рассмотрение имеющихся данных показывает, что первый из этих выводов страдает чрезмерной обобщенностью и неточностью. Падение активности народного собрания можно довольно точно датировать ок. 282/1 г. Хотя в олигархический период 322/1–319/8 действительно преобладали непробулевматические декреты, не следует расценивать это как нечто новое и предполагать конституционные изменения: такое же положение дел надежно засвидетельствовано и для т. н. ликурговского периода (337/6–323/2), когда около 80% декретов были непробулевматическими. Кроме того, свидетельства показывают, что в демократический период 403/2–338/7 пробулевматических декретов было значительно больше, чем непробулевматических, между тем как в краткий демократический период при Деметрии Полиоркете (307–301) ситуация была обратной. (Скудных данных за 318–308 и 300–287 гг. недостаточно для анализа.) С 282/1 г., как только стало ясно, что восстание против Деметрия Полиоркета имело успех лишь отчасти – Афины не смогли вернуть Пирей и по сути утратили политическое значение, – начинают преобладать пробулевматические декреты, в основном рутинного характера.

Что касается непробулевматических декретов, основная причина их преобладания не имеет ничего общего с изменениями в конституции. В периоды, когда их было большинство, народным собранием управляли одна или несколько сильных личностей: Ликург и Демад в 330-е и 320-е гг., Стратокл из Диомеи в 307–302 гг. Ограничения, которые накладывались на избрание в Буле (не более двух раз в течение жизни), и, в то же время, большие значение и известность, достававшиеся на долю тех, кто предлагал декреты в народном собрании (Стратокл в год, когда он был членом Буле, предложил по меньшей мере три непробулевматических декрета), создавали неизбежную связь между могущественными политиками и непробулевматическими декретами.

## SOPHILOS, SON OF ARISTOTLE, OF PHYLE

We do not have a great deal of evidence for this Sophilos' activities; indeed, there are just a handful of places where his name is preserved or can be restored with some certainty.<sup>1</sup> However, what we do have allows us to know that he was very active soon after the disastrous military defeat the Athenians suffered at the hands of Philip of Macedon at Chaironeia in the summer of 338. In fact, he was one of those courageous individuals who in the aftermath of defeat joined with Lykourgos and other leaders in rebuilding Athenian institutions and prestige. Lykourgos, in addition to taking charge of Athenian finances, took a particular interest in religious matters and in revitalizing the military training of young Athenians.<sup>2</sup> A group of ten or eleven ephebic inscriptions of the years 334/3 and 333/2 reveal that the main effort to accomplish this latter goal came very soon after the Athenians in late summer / early autumn of 335 had reached a rapprochement with Alexander and accepted, or at least acquiesced in, Macedonian hegemony.<sup>3</sup>

We can infer that Sophilos played a leading role at this time from *IG* II<sup>3</sup> 355, a completely preserved inscription of the archonship of Kephisophon (329/8) found at the oracle of Amphiaraos near Oropos; it

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<sup>1</sup> It is a great pleasure to contribute to this number of *Hyperboreus* in honor of my longtime friend and colleague Professor Christian Habicht. In fact, 55 years ago he published the *editio princeps* of a very fragmentary ephebic inscription from the Kerameikos (*Ath. Mitt.* 76 [1961] 147 no. 3) and saw that the subject of this study was to be restored in the sixth line.

<sup>2</sup> On Lykourgos and his times, Faraguna 1992; Engels 1992.

<sup>3</sup> On these matters with references to the ancient sources, Tracy 1995, 9–10. The ephebic inscriptions, some of which are discussed briefly below, are nos. 1 to 9 in Reinmuth 1971; he dated no. 1 to 361/0, but F. W. Mitchel (1975, 233–243) has argued that the second decree in lines 13–25, the ephebic decree, dates to 334/3. But see now Chankowski 2014, esp. 54–55, who argues for a date for this second decree prior to 335/4. The other two ephebic texts are Petrakos 1999 [B. X. Πετράκος, *Ὁ δῆμος τοῦ Ραμνοῦντος II: Οἱ ἐπιγραφές*] no. 98 and *IEleus.* no. 86, both of which date to the year 333/2.



praises and crowns the board of ten epimeletes who supervised in splendid fashion the first quadrennial festival in honor of Amphiaraios.<sup>4</sup> The tribal affiliation of its members, indicated by superscript Roman numerals, reveals that this board was not chosen by lot, but was most probably an elected blue-ribbon committee of a special sort. The first four board members named are: Φανόδημος Διύλλου Θυμαιτάδης<sup>VIII</sup>, Λυκοῦργος Λυκόφρονος Βουτάδης<sup>VI</sup>, Δημάδης Δημέου Παιανιεύς<sup>III</sup>, and, the subject of the present essay, Σώφιλος Ἀριστοτέλους Φυλάσιος<sup>VI</sup>. The head of the group, Phanodemos, son of Diyllos, had proposed in 331 an extraordinary decree crowning Amphiaraios<sup>5</sup> and was honored at the same meeting with a crown for legislating guidelines for the inaugural festival and for supervising improvements to the sanctuary.<sup>6</sup> The next two members listed are the very prominent political leaders Lykourgos and Demades. Clearly, then, the men at the head of this list have precedence because of their importance to the sanctuary and to the city.<sup>7</sup> Sophilos, the fourth in this listing, also surely had significant stature in the community. What actions brought him this prominence we may well ask.<sup>8</sup>

The other places where his name occurs provide a clear answer. They come in ephebic inscriptions from which we learn that he served as General over the Countryside for the years 334/3 and 333/2.<sup>9</sup> As such he

<sup>4</sup> Previous editions are: *IOrop.* 298; Schwenk 1985, no. 50; *IG* VII 4254.

<sup>5</sup> *IG* II<sup>3</sup> 349 (*IOrop.* 296, Schwenk 1985, no. 40, *IG* VII 4252). On this unique decree and its wording, Scafuro 2009.

<sup>6</sup> *IG* II<sup>3</sup> 348 (*IOrop.* 297, Schwenk 1985, no. 41, *IG* VII 4253). For a newly published, very fragmentary tribal decree on a statue base in Phanodemos' honor, see Bardani – Matthaïou [B. N. Μπαρδάνη, Ἀ. Π. Ματθαίου, "Τιμαὶ Φανοδήμου Διύλλου Θυμαιτάδου", *HOPOS*] 2010–2013.

<sup>7</sup> Lambert in his commentary on lines 21–31 in the *apparatus criticus* of the new *IG* observes that they seem to be listed according to age. This seems to be true of the first three but it is hard to establish the ages of the others and, in any case, seniority may well go hand-in-hand with political power and prominence.

<sup>8</sup> For the other members of this board, see the commentary on lines 25–31 in *IG* II<sup>3</sup>. Two, Thrasyleon of Acharnai and Epichares of Paiania, are known only from this inscription. Epiteles of Pergase and Kephisophon of Cholargos were clearly becoming active in the assembly, since they are known respectively to have proposed *IG* II<sup>3</sup> 375 in the year 323 and II<sup>3</sup> 370 in 325/4. Nikeratos of Kydantidai appears to have been quite senior, for he was paymaster of the stratiotic fund already in 345/4 or 344/3 (*IG* II<sup>2</sup> 1443<sub>13</sub>; see on him Davies 1971, 406–407). By contrast Thymochares of Sphettos was a relatively young man in 329/8; he later served as general three times, once about the year 320 and then in the years 315/4 and 313/2 (*IG* II<sup>3</sup> 985<sub>4–18</sub> with commentary).

<sup>9</sup> Reinmuth (1971, 14) also identified with him the Sophi[los] mentioned in line 156 of *IG* II<sup>2</sup> 1496. The date is correct but the fragmentary nature of the text and



supervised the ephebic corps in their second year of training at the border forts in the countryside of Attica.<sup>10</sup> The *Ath. Pol.* 42. 3–4, which is a nearly contemporary account, describes the two-year regimen of the ephebes in this way:

συλλαβόντες δ' οὗτοι (sc. οἱ σωφρονισταὶ καὶ ὁ κοσμητής) τοὺς ἐφήβους, πρῶτον μὲν τὰ ἱερὰ περιήλθον, εἴτ' εἰς Πειραιέα πορεύονται καὶ φρουροῦσιν οἱ μὲν τὴν Μουνιχίαν, οἱ δὲ τὴν Ἀκτὴν. χειροτονεῖ δὲ καὶ παιδοτρίβας αὐτοῖς δύο καὶ διδασκάλους, οἵτινες ὅπλομαχεῖν καὶ τοξεύειν καὶ ἀκοντίζειν καὶ καταπάλτην ἀφιέναι διδάσκουσιν. ... καὶ τὸν μὲν πρῶτον ἐνιαυτὸν οὕτως διάγουσι· τὸν δ' ὕστερον ἐκκλησίας ἐν τῷ θεάτρῳ γενομένης ἀποδειξάμενοι τῷ δήμῳ τὰ περὶ τὰς τάξεις καὶ λαβόντες ἀσπίδα καὶ δόρυ παρὰ τῆς πόλεως περιπολοῦσι τὴν χώραν καὶ διατρίβουσιν ἐν τοῖς φυλακτηρίοις.

These men (the *sophronistai* and the *kosmetes*) having taken charge of the ephebes, they (the ephebes and their supervisors) first made the rounds of the holy sanctuaries, then they proceed to Piraeus and do guard duty, some at Mounichia and some at Akte. (The people) also elect two trainers for them and teachers who can teach them to fight in armor and to use the bow, the war javelin and the catapult. ... They spend their first year in this manner. The second year, once they have displayed to the people at a meeting in the theater their skill at maneuvers and have received a shield and spear from the city, they patrol the countryside and spend time on garrison duty in the border forts. (Author's translation.)

The revitalizing of the *ephebeia* and thus strengthening the military training of Athenian youths was clearly a matter of fundamental importance. Sophilos as General over the Countryside must have played a key role

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the comparative frequency of the name make it unlikely. (I note that there are more than 40 individuals of this name recorded in Osborne–Byrne 1994; the present Sophilos is no. 31.) The son of Ζώφιλος Φιλά(σιος) listed in a catalog of dedications of silver phialai of about the year 330 (*IG II<sup>2</sup> 1554*<sub>72</sub>; re-edited by Lewis 1959, 226<sub>347</sub> and now by Meyer 2010, 101<sub>347</sub>) is probably a relative.

<sup>10</sup> Under the entry for Sophilos Phylasios J. S. Traill (2007, 227) records an unpublished inscription from Panakton dated wrongly to the year 333/2 in which this Sophilos has been provisionally restored as general. There are only a few letters preserved and none that make the restoration probable. Moreover, the identity of the *kosmetes* of the ephebes in this text reveals that this inscription cannot be dated to 334/3 or 333/2, that is, to either of the years in which Sophilos is known to have served as general. So, while we may be certain that Sophilos during his two years as General over the Countryside spent significant time at the fort at Panakton, we have as yet no epigraphical or other tangible evidence to prove it. I am grateful to Mark Munn, the excavator, for sharing with me a photograph and his preliminary text of this interesting inscription prior to publication.

in this effort. His prominence mainly stemmed then, as the following references reveal, from his activities as general.

He was praised in *IEleus*. 86, a dedication by the ephebes of Kekropis of the year 333/2, and listed in line 5 as τὸν (στρατηγὸν) ἐπὶ τῇ χώρῃ Σώφιλον Ἀριστοτέλους Φυλάσιον. Similarly he is among the dedicators listed in Agora I 3608, a dedication of the ephebes of Leontis of the same year to their tribal hero Leos.<sup>11</sup> He appears in lines 10–12 of column II as [στρατηγ]ὸς ἐπὶ τῇ χώρῃ Σώφιλος Ἀριστο[τέλος Φυλάσιος]. In these two cases his name is coupled with, indeed preceded by, the name of the General over the Piraeus, Konon, son of Timotheos, of Anaphlystos, with whom he must have cooperated closely in the training of the ephebes.

This pairing enables his certain restoration in three other texts of these years. Konon and Sophilos appear together in a small fragment of a dedication found in the Kerameikos and published by Christian Habicht (*Ath. Mitt.* 76 [1961] 147 no. 3) where they are praised for their service to the ephebes. The relevant part of the text is [στρα]τηγὸν ἐπὶ τῷ Πειραι[ι]εῖ Κόνωνα Τιμοθέου | Ἀν[α]φλύστιον, στρ[α]τηγὸν ἐπὶ τῇ χώρῃ | [Σώφιλον Ἀριστοτέλ]ους Φυλάσιον.<sup>12</sup>

B. D. Meritt (*AJP* 66 [1945] 234–239) astutely recognized them in lines 8–9 of *IG* II<sup>2</sup> 2976, which he re-edited as a dedication of the ephebes of Pandionis of 333/2. He read and restored the lines as [στρατηγὸν ἐπὶ τῇ χώρῃ Σώφιλον Ἀριστοτέλους [Φυλάσ]ιον *vac.* | [στρατηγὸν ἐπὶ τῷ Πειραιεῖ Κόνωνα] Τιμοθέου [Ἀναφλύστιον *vac.*]<sup>13</sup>

Lastly, F. W. Mitchel (*Hesperia* 33 [1964] 349–350) showed that *IG* II<sup>2</sup> 2970 should be dated to the year of Ktesikles (334/3) and that lines 4–6 also listed the Generals Konon and Sophilos. He restored these lines as [στρατηγὸς ἐπὶ τῷ Πειραι]εῖ Κόνων Τιμοθέου [Ἀναφλύστιος, στρατηγὸς ἐπὶ τῇ χώρῃ] [Σώφιλος] Ἀριστοτέλους Φυλάσιος.<sup>14</sup>

The phrases in these ephebic inscriptions designating these two men as generals are couched, quite consistently, using the preposition ἐπὶ with the dative case.<sup>15</sup> Apart from these inscriptions, generals in charge of the Piraeus are attested in the epigraphical evidence just four times – thrice

<sup>11</sup> First published by B. D. Meritt (1940, 59–66) no. 8 and re-edited by Reinmuth 1971. See now Alipheri [Σ. Αλιφέρη, “Ἀνάθημα ἐφῆβων στὸν ἥρωα Λεώ”] 2015, 425–440.

<sup>12</sup> This text is Reinmuth 1971, no. 7. Habicht dated it based on *Agora* I, 3608, the only text then known, to the year 333/2. We now know that it could also date to 334/3.

<sup>13</sup> Reinmuth 1971, no. 8.

<sup>14</sup> Reinmuth 1971, no. 4.

<sup>15</sup> Only in line 4 of *IEleus*. no. 86 is Konon described as στρατηγὸς τοῦ Πειραιῶς rather than στρατηγὸς ἐπὶ τῷ Πειραιεῖ.

as ἐπὶ τὸν Πειραιᾶ (*IG* II<sup>3</sup> 4,1 276<sub>10</sub>; *Hesperia* 36 [1967] 88–91, no. 19<sub>38</sub>; *IG* II<sup>2</sup> 2873) and once as ἐπὶ τοῦ Πειραιέως (*IG* II<sup>2</sup> 1225<sub>8</sub>). By contrast, occurrences of the General over the Chora are quite frequent; the usage is always ἐπί plus the accusative case, i.e. στρατηγὸς ἐπὶ τὴν χώραν.<sup>16</sup> Not one of the above editors remarked on this, but it surely is notable. It appears indeed to be the rather idiosyncratic choice of the persons who had responsibility for having these ephebic texts inscribed.<sup>17</sup>

And, based on this observation, we are now able to add another text to this dossier. Recently D. J. Geagan<sup>18</sup> published the *editio princeps* of Agora I 921. It is a fragment of white marble with the original flat top, which preserves the top right part of a simple incised leafed crown. There are parts of four lines of inscribed text preserved in the crown. Geagan's text follows:

[ - - - - ]ηγὸν  
[ - - - - ]ώραι  
[ - - - - ]ν  
[ - - - - ο]υς  
[ - - - - ]

He comments: “Inscribed crown around the title (lines 1–2), name (line 3), patronymic (line 4), and demotic (line 5) of an official. The title for the Athenian general for the χώρα does not normally use the dative (line 2).” Geagan's instinct to see a reference here to the General for the Countryside was right. Here, it is now virtually certain, we have the remains of a crown honoring Sophilos as General over the Countryside; the date is 334/3 or 333/2 and the text is:

in corona  
[τὸν στρατ]ηγὸν  
[τὸν ἐπὶ τῇ χ]ώραι  
[Σώφιλο]ν  
[Ἀριστοτέλο]υς  
[Φυλάσιον]

<sup>16</sup> Outside of inscriptions, a search of the *TLG* database reveals that these titles, General over the Countryside, General over Piraeus, occur only in chapter 61. 1 of the *Ath. Pol.*, where they are also expressed with ἐπί plus the accusative.

<sup>17</sup> In addition to these texts of the years 334/3 and 333/2, the locutions general ἐπὶ τεῇ χώρᾳ and ἐπὶ τῷ Πειραιεῖ also appear in Reinmuth 1971, no. 15, an ephebic text of the year 324/3.

<sup>18</sup> Geagan 2011, 134 no. 226 and pl. 21.

This piece of white marble with its incised crown from the top of a stele cannot be certainly associated with any of the other inscriptions of the years 334/3 and 333/2; it appears to be part of yet another monument that honored Sophilos as General over the Countryside.

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### Abbreviations

*IEleus.* = K. M. Clinton, *Eleusis. The Inscriptions on Stone* I, II (Athens 2005, 2008).

*IOrop.* = B. Ch. Petrakos, *Oi ἐπιγραφές τοῦ Ἰρωποῦ* (Athens 1997).

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Soon after the disastrous defeat of the Athenian army at Chaironeia in 338 BC Sophilos, son of Aristotle, from Phyle emerged as a prominent leader in Athens. He cooperated with Lykourgos and others in rebuilding Athenian power and prestige. In particular, he served as General over the Countryside for the years 334/3 and 333/2. In that position he played an important role in guiding the military training of the ephebes. The renewal of the ephebic corps constituted one of the key elements in Lykourgos' program. The present article discusses all of the evidence for Sophilos' activities and adds a new piece.

Софил, сын Аристотеля, из Филы выдвинулся как значительный афинский политический деятель вскоре после трагического поражения афинской армии при Херонее в 338 г. Вместе с Ликургом и другими он участвовал в восстановлении могущества и престижа города в последующие годы. В частности, он был "стратегом хоры" в 334/3 и 333/2 г. В этой должности он сыграл важную роль, руководя военной подготовкой эфебов. Реформирование эфебии составляло один из ключевых элементов политики Ликурга. В статье обсуждаются все сведения о деятельности Софила и добавляется новое свидетельство.

## EIN ZWEITER EPIGRAPHISCHER BELEG FÜR DEN SKYTHEN SAUMAKOS (*IOSPE* I<sup>2</sup> 353)?

Mit dem Diophantosdekret *IosPE* I<sup>2</sup> 352 (gefunden 1878, in der Ermitage seit 1898, Inv. Nr. X. 1878, I; ediert von Latyshev 1885: *IosPE* I, 185), das auch in Chr. Habicht's knappem und beeindruckendem Bild der Entwicklungen, die der Aufstieg Mithridates Eupator VI. in Athen auslöste, Erwähnung findet,<sup>1</sup> hat man sich ungemein viel beschäftigt, was natürlich ist, denn es ist in der Tat ein umfangreicher, verhältnismäßig gut erhaltener, historisch bedeutender und literarisch anspruchsvoller epigraphischer Text (*SIG*<sup>3</sup> 709). Weniger beachtet wurde ein anderes, 1898 in Chersonesos aufgetauchtes, kleines Fragment eines Ehrendekrets *IosPE* I<sup>2</sup> 353. Latyshev analysierte das Fragment bei der Erstpublikation in MAR auf russisch (1899);<sup>2</sup> 1901 hat er seine Erörterungen in *IosPE* IV, 67 auf lateinisch formuliert, so dass sie in *IosPE* I<sup>2</sup> 353 einfach wieder abgedruckt werden konnten. Seine Analyse ist kurz, aber sorgfältig und klar. Bis heute ist sie das gründlichste, was es zu diesem Dokument gibt: "Fragmentum hoc, quamvis parvulum et male habitum, gravissimi tamen est momenti". Die wichtigste These Latyschevs lautet, das Fragment sei nicht nur in vielerlei Hinsicht dem großen Diophantos-Dekret ähnlich, sondern aller Wahrscheinlichkeit nach auch von demselben Steinmetzen in derselben Manier ("maxima scripturae similitudo") auf einem Stein von derselben Art und Provenienz ("putes eiusdem lapidis esse") gemeißelt worden, also in jeder Hinsicht ein nächster Verwandter des großen Diophantos-Dekrets. Trotz der geringen Größe und des schlechten Zustands des Fragments, gab die von ihm festgestellte Verwandtschaft der beiden Dekrete Latyshev so gleich Anlaß zu interessanten historischen Schlussfolgerungen.

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<sup>1</sup> Habicht 1999 [X. Хабихт, *Афины. История города в эллинистическую эпоху*], 298 Anm. 4 = Habicht 1995, 294 Anm. 4.

<sup>2</sup> Ed. princ.: Latyshev 1899 [В. В. Латышев, *Древности Южной России. Греческие и латинские надписи, найденные в Южной России в 1895–1898 годах*]. Bei Latyshev sind beide Dekrete abgebildet; trotz der kargen Ausstattung des populären Büchleins von Solomonik 1990 [Э. Соломоник, *Каменная летопись Херсонеса. Греческие лапидарные надписи античного времени*], 21–25, kann man dort beide Steine Nr. 11 und 12 immerhin nebeneinander sehen.

Hier der Text, wie er heute (Ermitage, Inv. Nr. X, 1898, 26; s. Einlage) aussieht und wie ihn Latyshev in seinem Corpus (*IosPE* I<sup>2</sup> 353) präsentiert:<sup>3</sup>

[-----]  
 [.....<sup>32</sup>..... νικάσαν]τες παρατάξει Σκύθας καὶ σα[...]  
 [.....<sup>27</sup>..... τᾶς πατ]ρίδος δεδóσθαι δ' αὐτοῖς καὶ καθ'  
 ἔτο[ς]  
 [στεφανοῦσθαι ---- καὶ τοὺς συμνάμ]ονας π[οεῖ]σθαι τὸ  
 κάρυγμα “ὁ δᾶμος  
 [στεφανοῖ ---- ἀνακτασαμένους? τοῦ]ς κατὰ Καλὸν λι[μένα]  
 τόπο[υ]ς”. τὸ δὲ ψ[ά]-  
 [φισμα τοῦτο ἀναγράψαι εἰς στάλαν λευκ]οῦ λίθου κ[αὶ]  
 θέμεν εἰς τ]ὸ π[ρ]όναον τᾶ[ς]  
 [Παρθένου. ταῦτ' ἔδοξε βουλᾷ καὶ δάμωι βασιλεύοντος Ἀγέλα  
 τοῦ] Λαγορίνο[υ]<sup>4</sup>

Es handelt sich offensichtlich um den Schluss eines Ehrendekrets. In beiden Dekreten wird ein Sohn des Lagorinos als ein βασιλεύων genannt, was bei der Ähnlichkeit der beiden Steine die Annahme nahelegt, dass es sich um dieselbe Person handelt.<sup>5</sup> Auf dieser Basis rekonstruiert Latyshev einen Ἀγέλας τοῦ Λαγορίνου in derselben Funktion wie in Diophantos-Dekret 352, col. II, l. 56, und damit die zeitliche Nähe beider Dekrete zueinander; er spricht sogar von “eodem anno”.

Was die Ausfüllung der Lücke in den ersten anderthalb Anfangs-Zeilen betrifft, so schlägt Latyshev *exempli gratia* die folgende Lesung vor, die sich an inhaltlichen Analogien und an dem vakanten Platz orientiert: [... Δεδόχθαι τᾷ βουλᾷ καὶ τῷ δήμῳ ἐπαινέσαι τὸν δεῖνα καὶ τὸν δεῖνα καὶ στεφανῶσαι αὐτοὺς χρυσῷ στεφάνῳ, ὅτι νικάσαν]τες etc.

Wie aber könnte man die zweite – d.h. die erste z.T. lesbare – Zeile vervollständigen? Latyschevs νικάσαν]τες scheint gut zu παρατάξει zu passen: Der Anlaß ist ja die Bekämpfung der Skythen. Die Ehrung von zwei oder mehr Χερσονασίται (Z. 2: -τες, Z. 3: αὐτοῖς) feiert also den Sieg dieser braven Kommandeure, welche ihre Mitbürger (Z. 3: πατ]ρίδος)

<sup>3</sup> Ich danke Jurij P. Kalaschnik für die Unterstützung bei der Arbeit mit diesem Fragment als physischem Gegenstand, worin mir auch Natalia A. Pavlichenko und A. V. Karlin Hilfe leisteten. Die Veröffentlichung der Abbildung wurde mir von der Leitung der Ermitage erlaubt.

<sup>4</sup> Auf dem Foto (s. Einlage) kann man in der 7. Zeile noch IMO lesen.

<sup>5</sup> Zum diesem PN bei Chersonesiten s. Λαγορεῖνος Δαμοκλέους (*IosPE* I<sup>2</sup> 452) und Δαμοκλῆς Λαγορεῖνου (*ibid.* 359<sub>33sq.</sub>), vgl. aus der römischen Zeit: Ἐάνθος Λαγορεῖνου (*ibid.* 482).



anführten. Gegner waren die von den Palakiden bzw Skiluriden geführten krimischen Skythen, wie man deutlich im großen Diophantos-Dekret sieht. Der Kampf um den Hafen Kalos Limen wird in beiden Dekreten erwähnt, wobei im großen Dekret mitgeteilt wird (col. I, l. 20 sqq.), dass Diophantos durch eine überraschende Intervention des Palakos daran gehindert wurde, an diesem Kampf teilzunehmen. Im fragmentarischen Dekret wurde also offenbar ein Ausschnitt der Ereignisse dargelegt, während in dem großen Dekret die Kämpfe um den Kalos Limen nur eine Episode bilden. Da wir jetzt sehen, dass die Stelen mit den beiden Dekreten bzw. die wichtigen Ereignisse und Wirren der sog. Diophantischen Kriege zeitlich sehr eng aufeinander folgen, muss man diesen Umstand bei der historischen Analyse im Auge behalten.

Den inneren Zusammenhang der beiden Dokumente sieht man auch daran, dass im Diophantos-Dekret (col. I, l. 7 sq.) παραταξάμενος sich auf einen militärisch geschulten Sieger bezieht, und daneben Σκύθαι als Besiegte auftreten, womit die hellenische Ausbildung gegen die skythische ἔμφυτος ἄθεσία (col. I, l. 15 sq.) ausgespielt wird. Auch im kleineren Mitbürger-Fragment (353<sub>2</sub>) schwingt wohl bei νικάσαντες παρατάξει ein ähnlicher Oberton mit. Diophantos wurde durch eine neue, noch massivere Gefahr an der Befreiung des Kalos Limen gehindert – so steht es im großen, die Hauptereignisse mehrerer Kampagnen resümierenden Dekret (col. I, l. 20 sqq.). Aus dem Fragment lernen wir jedoch zusätzlich, dass die Abwesenheit des Feldherrn Diophantos bei dem Kampf um Kalos Limen nicht zu einem Mißerfolg führte: Die braven Chersonesos-Bürger eroberten ihre schon in dem Eid der Chersonesiten erwähnte Festung (*IosPE* I<sup>2</sup> 401<sub>21</sub>) zurück. Man sieht auch an den am Ende des Fragments bestimmten Ehrungen den Unterschied zwischen denjenigen des Diophantos im großen Dekret und denen der einheimischen Kommandeure im Fragment: Eine eherne Statue samt Inschrift und ein goldener Kranz bei der städtischen Siegesfeier für den Mithridatischen Heerführer gegenüber jährlicher Bekränzung und einer marmornen Stele als Auszeichnung für die verdienstvollen Chersonesos-Bürger.

Das macht Latyschevs Ergänzung νικάσαν]τες παρατάξει in der 2. Z. des Dekret-Fragments recht plausibel. Was aber könnte auf Σκύθας καὶ σα[...] folgen? Mich interessiert vor allem der Anfang dieser Lücke nach dem ΣΑ . . . samt Anfang der nächsten Zeile. Was die Reste der beiden nach ΣΑ noch teilweise sichtbaren Buchstaben betrifft, so läßt sich von dem nur im unteren Teil erhaltenen 3. Buchstaben die vertikale Haste eines Γ, Ι, Ρ, Τ oder Υ erkennen; auch Ν scheint an dieser Stelle nicht ausgeschlossen, ist aber wenig wahrscheinlich. Was die Auswahl zwischen diesen Möglichkeiten betrifft, so helfen hier die – allerdings mit primitiven Hausmitteln ausgeführten – Messungen nicht viel, weil



der Abstand zwischen dem A am rechten Ende unten und der Basis der vertikalen Haste des nächsten Buchstabens ständig schwankt; mitunter sind umgekehrt die Abstände zwischen anderen Buchstaben-Paaren einander gleich. Was den vierten Buchstaben betrifft, so ist zwar nur wenig zu erkennen; es dürfte sich aber am ehesten ein M, allerdings ein M mit schrägen Seithasten, wie wir es in der 4. Z. des Fragments zweimal, namentlich in ΚΑΡΥΓΜΑ und ΔΑΜΟΣ, beobachten.

Das Wort in der 2. Z. nach dem καὶ muss also auf anderem Wege und durch andersartige Überlegungen rekonstruiert werden. Man kann Σ Α Ι Μ erwägen, wobei an der 3. Stelle einer der Buchstaben Γ, Ι, Ρ, Τ, Υ gestanden haben mag und ein 4. Buchstaben (vielleicht Μ?) folgte, während das Ende des mit ΣΑ . . . beginnenden Wortes, nach 4–5 Buchstaben, schon am Anfang der nächsten Zeile stand.



*IosPE I<sup>2</sup> 353, Z. 2 am Ende.*

I. Fangen wir mit dem an, was an sich nicht besonders wahrscheinlich, aber theoretisch möglich ist, und suchen *nicht* nach einer Fortsetzung der begonnenen Konstruktion mit einem syntaktischen Analogon von Σκύθας, sondern im Anschluß an καὶ und Wortanfang σα.[.] nach einem **Appellativ**, das als ein Substantiv oder ein Verb gedacht werden könnte und schon zu einem neuen Syntagma gehört. Substantive, die so anfangen (wobei wir auch unsere Überlegungen zur Identität des 3. und 4. Buchstabens nicht außer acht lassen dürfen), gibt es zwar einige – z. B. σάγαρις, σατράπης, σαῦρα, σαντορία, aber anscheinend keines, das in diesem Kontext denkbar wäre. Ebenso sind Verben mit einem σα- am Anfang (z. B. Formen von σαώω / σώωμι, σαρκώω, σαρύω) unvorstellbar, selbst wenn wir es mit den besprochenen Resten der beiden nachfolgenden Buchstaben nicht zu genau nähmen. Da die Idee der Rettung des Vaterlandes für ein griechisches Dekret essentiell ist, könnte man hier auch an eine exquisitere Form von der Wurzel σαο- denken, e. g. σα[ο]τήρες γεγονότες ..... τῶς πατρίδος als Ehrentitel für die Anführer der Chersonesischen Kontingents. Aber die Formen σαωτήρ oder σαώτης sind sehr selten und zudem – ebenso wie Formen von σαώω / σώωμι – nur poetisch bezeugt (so Simonides in *AnthGr* VII, 77 σαωτήρ, vgl. *ibid.* 513 σαοφορσύνην). Es scheint also, dass auf diesem Wege kein passendes Appellativ für die Ausfüllung der uns beschäftigenden Lücke gefunden werden kann.

**II a.** Als Fortsetzung von ΣΚΥΘΑΣ ΚΑΙ möchte man eher an einen Eigennamen, vor allem an ein **Ethnikon** denken, welches syntaktisch dem Akkusativ Σκύθας zugeordnet und somit ein Teil eines und desselben Syntagmas im Satz wäre. Hier entsteht die Frage, welcher Völkernamen auf ΣΑ..[.....] zu den Skythen passen würde? Ethnika, die so beginnen, gibt es mehrere, nicht zuletzt gerade bei nördlichen Volksstämmen, die gut zu den Σκύθαι passen würden. Es gab Σάτιοι, Σάκαι, Σάτραι; außerdem könnte man an Σαρμάται, Σατάρχαι oder Σατορχαῖοι<sup>6</sup> oder an die nur schlecht bezeugten *Satauci*<sup>7</sup> denken und diese mit den Skythen des Fragments verbinden. Von diesen würden die mit Σαυ- beginnenden Namensvarianten wie *Sauromaten* oder *Saudaraten* den Resten zumindest des dritten Buchstabens in der Z. 2 des Fragments 353 am besten entsprechen. Sprachlich würden Wortverbindungen wie Σκύθας καὶ Τάριπος (*CIRB* 40, 4<sup>8</sup>) sehr natürlich klingen. Es gibt zwar ein Olbisches Psephisma zu Ehren des Protogenes (*IosPE* I<sup>2</sup> 32, lat. B, l. 10) mit einem Syntagma aus Namen von drei Völkerschaften: Θισαμάτας καὶ Σκύθας καὶ Σαυδαράτας. Es handelt sich jedoch nicht nur um anderen Ort, sondern die Ereignisse liegen auch kaum weniger als ein Jahrhundert vor den Diophantischen Kriegen.

Entscheidend ist jedoch, dass keiner von diesen mit Σα- beginnenden Stämmen in der verhältnismäßig detaillierten Beschreibung der Ereignisse im großen Diophantos-Dekret genannt wird. Es finden sich dort lediglich *Taurier* (col. I, l. 9 sq.) und *Rheuxinalen* (col. I, l. 23). Da aber die Nähe der beiden Dekrete, wie schon Latyshev festgestellt hat, offensichtlich ist, dürfen, ja müssen wir uns daran orientieren und solchen Namen den Vorzug geben, die wir in dem umfassenden Dekret 352 vorfinden.<sup>9</sup>

**II b.** Wir scheinen also gezwungen zu sein, als mögliche Ergänzung an einen Personennamen zu denken. In Frage käme z. B. Σάτυρος, ein auch in Chersonesos Taurica gebrauchter PN (s. Index IV zu *IosPE* I<sup>2</sup> s. v.). Im großen Diophantos-Dekret findet sich dieser Name jedoch nicht, wohl aber der Name Σάτυρος – ein Personenne, der im großen Dekret

<sup>6</sup> Die Satarchen (Plin. *NH* 6, 22; *IosPE* I<sup>2</sup> 672<sub>3-4</sub>), werden in antiken Texten recht selten, und zwar vor allem als Piraten an nördlicher Schwarzmeerküste erwähnt.

<sup>7</sup> Die Satauki werden auf der modernen Karte der antiken Krim neben Theodosia verortet – so bei D. Braund (1997) in *Barrington Atlas of the Greek and Roman World*, map 87, inset: *Cimmerius Bosporus*.

<sup>8</sup> Nach dem Muster von *CIRB* 40, 4 ist *CIRB* 39, 3 rekonstruiert, da die beiden in jeder Hinsicht, auch in chronologischer, einander nahe sind (1. Hälfte des 1. Jhs u. Z.).

<sup>9</sup> Es gibt außerdem Toponyme, die passen könnten, wie z. B. Σάμος; aber dieses Toponym ist nicht nur geographisch und historisch, sondern auch im Sinne der Buchstabenreste am Ende der Zeile eher unpassend; Σάρδεις wäre graphisch besser, aber nach einem Volksnamen sinnwidrig.

nicht nur zweimal direkt genannt (col. II, l. 34; l. 42), sondern gleichsam omnipräsent ist. Folgen wir also dem von uns bisher praktizierten *modus coniciendi* und lassen dem großen Dekret den Vortritt bei der Interpretation und selbst bezüglich des Inventars dessen, was zu interpretieren ist.<sup>10</sup> Die Observation der Abstände zwischen den Buchstaben, so wenig ergiebig sie ist, führt uns zumindest ein Indiz vor Augen mit dessen Hilfe eine Auswahl unter den Möglichkeiten getroffen werden kann. Es kann immerhin festgestellt werden, daß die erkennbaren Reste des 3. und 4. Buchstabens einer Ergänzung des Anthroponyms Σάμμακος nicht widersprechen.

Damit stellt sich aber die Frage, ob es nicht befremdlich ist, wenn neben einem Volksnamen ein Personennamen steht? Ist die Ergänzung Σκούθας καὶ Σάμμακον vertretbar?<sup>11</sup> Die Junktur "Anführer + Volk (oder *vice versa*)" ist gut bezeugt. Man könnte sogar von einer typisch griechischen Redeweise sprechen: Der Grieche beschreibt oft das Heer und dessen Anführer gleichsam additiv mit Hilfe so einer καὶ-Formel. Anbei einige Parallelen zu dieser *façon de parler* bei griechischen Schriftstellern, beginnend mit Homer: *Ilias* VIII, 171: Τρῶές τε καὶ Ἑκτωρ.<sup>12</sup> In der Prosa:

(1) Lys. 18, 10: ἦλθον εἰς τὴν Ἀκαδήμειαν Λακεδαιμόνιοι καὶ Πανσανίας...

(2) Xen. *Anab.* I, 4, 4: Συνέννεσις εἶχε καὶ Κιλικῶν φυλακή...

(3) Joseph. Flav. *Bell. Iud.* I, 128: ἀπειλῶν Ῥωμαίους καὶ τὸν Πομπήιον... etc.<sup>13</sup>

Es ist interessant, dass Strabon von dieser Nebeneinanderstellung *Anführer / Volk* (*Leader / Kollektiv* in einer generalisierten Form) gerne Gebrauch macht (*Geogr.* VII, 3, 4): παρὰ τοῖς ἡγεμόσι καὶ τῷ ἔθνει; vgl. *ibid.*, 3, 8 πενίαν τὴν τε ἑαυτοῦ καὶ τοῦ ἔθνους *et sim.* Noch aufregender ist,

<sup>10</sup> Dank der Auflistung griechischer PN der entsprechenden Region in *LGPV* IV, 301–306 ist klar, welche Möglichkeiten der Ergänzung grundsätzlich bestehen.

<sup>11</sup> Es ist interessant, dass Latyschew offenbar nicht auf die Möglichkeit eines Personennamens gekommen ist; denn wenn er daran gedacht hätte, hätte er in seinem sorgfältigen Namenverzeichnis sicher die erste Silbe des verschollenen Namens aufgeführt, so wie er es *IosPE* I<sup>2</sup>, p. 565, mit einem anderen Σα- oder sogar einem Anfangs-Σ macht.

<sup>12</sup> Ebenso auch *Il.* XII, 290; vgl. *Il.* VII, 386: ἠνώγει Πρίαμός τε καὶ ἄλλοι Τρῶες ἀγανοί.

<sup>13</sup> Ein ähnlicher Sprachgebrauch findet sich auch in der Bibel: Josua 9, 2 ("mit Joshua und Israel kämpfen"); I. Reg. 8, 62 ("der König und alle Söhne Israels") und dgl. mehr.

dass derselbe Autor die Junktur in seiner Erzählung über die Diophantos-Ereignisse verwendet (*ibid.* VII, 4, 3):

Ἐκεῖνος μὲν οὖν (scil. Mithridates) κατὰ ταύτας τὰς ἐλπίδας ἄσμενος πέμψας εἰς τὴν Χερρόνησον στρατιάν, ἅμα **πρὸς τε τοὺς Σκύθας ἐπολέμει Σκίλουρόν τε καὶ τοὺς Σκιλοῦρου παῖδας** τοὺς περὶ Πάλακον..., ἅμα δὲ τούτους τε ἐχειρώσατο βίᾳ καὶ Βοσπόρου κατέστη κύριος...

Die Dyade *Skythen / Skythisches Königshaus*, d. h. *Volk und seine Herren* (bei Strabon sind Skiluros und Palakos gemeint) entspricht dem oben beschriebenen alten und ehrwürdigen Muster.<sup>14</sup>

Nach diesen Überlegungen scheint mir die Rekonstruktion zumindest des in der 2. Z. des Fragments von ΣΑ . . auf ΣΑΥΜ mit der Fortsetzung [ΑΚΟΣ] in der 3. Z. nicht mehr ganz so eigenwillig wie sie mir, offen gestanden, vor mehr als 30 Jahren vorkam, als ich mich viel mit Diophantos und der Rolle des Saumakos im großen Dekret beschäftigte. Damals schien sie mir zu attraktiv, um wahr zu sein: Nach all den Polemiken über Saumakos sehnte man sich danach, etwas mehr von dieser Person zu wissen. Jetzt erscheint mir die Ergänzung dieses Namens in *IosPE* I<sup>2</sup> 353 – *faute de mieux* – nicht unwahrscheinlich. Was die Lücke von ungefähr 30 Buchstaben in den Zeilen Z. 2–3 betrifft, so könnte man, diese nunmehr *exempli gratia* auf die folgende Weise zu vervollständigen versuchen:<sup>15</sup>

2 [ - - - - - νικάσαν]τες παρατάξει Σκύθας καὶ Σαύ[μ]-  
3 [ακον - - - - - τᾶς πα]τρίδος δεδόσθαι δ' αὐτοῖς καὶ καθ' ἑτο[ς]

l. 2 *in fine* Y *satis est probabilis*.

l. 3. T *litt. post lacunam satis bene cernitur. Lacuna ipsa hoc fere modo complenda: διὰ ταῦτα εὐεργέται ἐγένοντο* (cf. *IosPE* I<sup>2</sup> 78, 10; *ibid.* 325, 7).

Wenn wir von dieser Wiederherstellung als Arbeitshypothese ausgehen, könnten wir folgende Beobachtungen bzw. Überlegungen zum geschichtlichen Ablauf der Diophantischen Kriege, insbesondere bezüglich der Rolle des Saumakos, anstellen.

<sup>14</sup> Die für Strabon in diesem Passus wesentlichere Dyade *Skythentum / Bosporus* erscheint erst am Ende des etwas sperrigen Satzes; zur Strukturierung durch wiederholtes ἅμα s. Gavrilov 1996, 159–168.

<sup>15</sup> Die Länge der Lücke ist schwer bestimmbar, s. Einlage.



Dekret aus Chersonesos, *IosPE* P 353 (Staatliche Ermitage, St. Petersburg, Inv.-Nr. X.1898.26)





(1) Sicher ist, dass Saumakos ein Krim-Skythe und ein Anführer der Krimskythen war, also kein Zögling des letzten Spartokiden; denn ἐκθρέψαντα αὐτόν im großen Dekret (col. II, l. 34 sq.) muss nicht auf ihn, sondern auf Diophantos bezogen werden, was allerdings nur das Söldnerverhältnis des Diophantos zu Pairisades beschreibt.<sup>16</sup> Das wird nun im Fragment durch die Wendung Σκύθας καὶ Σάυμακον aufs neue bestätigt. Saumakos war demnach weder skythischer Prinz noch Sklave, welcher am Hof des Pairisades erzogen werden sollte, woraus in der russischen Forschung eine Palastumwälzung oder gar eine soziale Revolution der Skythen am Bosphoros rekonstruiert worden ist. Das alles war die Folge von falschen Folgerungen aus dem Ausdruck ἐκθρέψαντα αὐτόν, was über 100 Jahre in der russischen Forschung zu bösen Streitereien,<sup>17</sup> aber auch zu produktiven Kontroversen geführt hat.<sup>18</sup> Dass Saumakos irgendwie mit dem bosporanischen Adel verschwägert war, bleibt möglich, aber nicht deswegen, weil die Worte ἐπανάστασις und νεωτερίζειν im Dekret vorkommen (das ist eher politische Rhetorik, mit deren Hilfe ein Imperium alle, die nicht willfährig sind, als Rebellen

<sup>16</sup> Gavrilov 2013 [А. К. Гаврилов, “Как Перисад Диофанта вскормил”, in: *Боспорский феномен. Греки и варвары на Евразийском перекрестке. Материалы международной научной конференции*]. Wie die Beispiele mit ξενотроφεῖν (Thuc. VII, 48, 5) für die Kategorie der τρέφοντες bzw. τὰς τροφὰς ἔχειν oder μισθοφορεῖν (Diod. Sic. XVIII, 10) bei τρεφόμενοι zeigen, kann τρέφω vereinzelt auch für den Unterhalt von Söldnern verwendet werden (so Thuc. IV, 83, 5; Xen. *Hell.* V, 1, 24 mit τὰς ναῦς ἔτρεφε; Diod. Sic. VII, 10, 1 etc.). Was ἐκτρέφω betrifft, so kann das Verb, wie z. B. Arph. *Nub.* 532 oder *Thesm.* 522 zeigen, die Bedeutung *aufziehen, hätscheln* und dgl. haben und läuft praktisch auf das einfache τρέφω hinaus (vgl. Procop. *Bell.* IV, 14, 10), ist also einerseits konkreter und physiologischer, hat aber gerade dadurch einen stärkeren symbolischen Wert. Solche feine stilistische Nuancierung (vgl. ebenfalls νεωτερίζαντων und ἐπανάστασεος) zeugt vom literarischen Charakter dieses epigraphischen Dokuments (dazu s. Chaniotis 1987).

<sup>17</sup> Darüber S. Rubinsohn 1980; Gavrilov 1992 [А. К. Гаврилов, “Скифы Савмака – восстание или вторжение?”, in: *Этюды по истории и культуре Северного Причерноморья*] (hier wird die von S. Lurje 1948 [Luria 1959] und Emily Grace-Kazakevich 1961 [Э. Л. Казакевич, “К полемике о восстании Савмака”], aufgestellte These des Bezugs von αὐτόν auf Diophantos vom Verf. nach Kräften untermauert).

<sup>18</sup> Trotz der starken ideologischen Belastungen oder z. T. gerade dank dieser, ist der Streit um jenes berühmte Kolon des Diophantos-Dekrets in der Sowjetunion fast ebenso dramatisch verlaufen wie die Ereignisse auf der Krim vor 2000 Jahren (s. darüber Rubinsohn 1980; Gavrilov 1992). Ungeachtet des oft sehr unangenehmen Charakters jener Polemik läßt sich feststellen, dass die Kontroversen im epistemologischen Sinne manchmal nicht umsonst waren.

darstellt), sondern weil solche Eheverbindungen von Bosporanern mit Skythen allmählich üblich wurden.<sup>19</sup> Der Verfasser des großen Dekrets (welcher auch die Kalos-Limen-Inschrift verfasst haben mag) war seinem Stil nach einer der ambitiösen Lokalhistoriker, wie jener Syriskos, über den M. Rostovtzeff geschrieben hat.<sup>20</sup>

(2) Anscheinend wurde im Fragment noch weniger als im großen Dekret von Saumakos erzählt. Da König Palakos im großen Dekret mit Σκυθᾶν βασιλεύς eingeführt wird (col. I, l. 7) und Mithridates auch immer βασιλεύς heißt, Saumakos aber ohne irgendwelche Epitheta auftritt, weicht der Verfasser des Dekrets offensichtlich aus, den Status des allen Griechen auf der Krim nur zu gut bekannten Skythen irgendwie zu kennzeichnen.<sup>21</sup>

(3) Bei aller zeitlichen Unbestimmtheit der Ereignisse der Jahre 111–107 v.u.Z.<sup>22</sup> und der Unsicherheit der Verteilung der Kampagnen auf diese Jahre ist es doch beachtlich, dass vermutlich gerade Saumakos gegen Chersonesitische Kommandeure um den Kalos Limen kämpfte, ohne die Festung gegen diese erfolgreich verteidigen zu können, während Diophantos von dem gewaltigen Heer des Palakos daran gehindert wurde, auch bei Kalos Limen einen Sieg davonzutragen.

(4) Die Identität des Lagorinos als des Vaters des verantwortlichen Beamten am Ende von beiden Dekreten<sup>23</sup> müsste man genauer abwägen, da diese Frage für die Rekonstruktion des Verlaufs der letzten Kriegsmomente wichtig sein könnte. Denn es entsteht der Eindruck, dass die Ereignisse – skythischer Mord an Pairisades, Flucht des Diophantos, Gefangennahme des Saumakos und dessen Auslieferung an Mithridates – sehr rasch aufeinander gefolgt sein müssen, was u.a. auch die Vorstellung

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<sup>19</sup> An einem bezeichnenden Beispiel hat Ju. Vinogradov 1987 [Ю. Г. Виноградов, “Вотивная надпись дочери царя Скилура из Пантикапея и проблемы истории Скифии и Боспора во II в. до н. э.”] die Eheverbindungen zwischen skythischem und bosporanischem Adel nachgewiesen und ausführlich erörtert.

<sup>20</sup> Rostovtzeff 1915 [М. И. Ростовцев, “Сирииск – историк Херсонеса Таврического”].

<sup>21</sup> Im großen Dekret glaube ich eine Art Sperrung in col. II, l. 40–44 erkannt zu haben, was jeder durch Auszählung der Buchstaben in diesen Zeilen im Vergleich zu anderen Teilen des Textes oder auch durch Autopsie der Inschrift nachprüfen kann (Gavrilov 1996, 158 Anm. 19).

<sup>22</sup> McGing 1986, 53.

<sup>23</sup> Es gibt noch ein 3. Dekret aus derselben Zeit, welches die Diophantischen Kriege betrifft: Solomonik 1964 [Э. И. Соломоник, *Новые эпиграфические памятники Херсонеса Таврического*], Nr. 1 mit Erwähnung der skythischen Festung *Napit* und Kommentar der Herausgeberin auf S. 11–15.



von einer eigenständigen Münzprägung des Saumakos<sup>24</sup> als noch zweifelhafter erscheinen läßt.<sup>25</sup>

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### Abkürzungen

Barrington Atlas – Barrington Atlas of the Greek and Roman World. Ed. O. A. Talbert (Princeton–Oxford 2000).  
*IosPE* I<sup>2</sup> – B. Latyshev, *Inscriptiones antiquae orae septentrionalis Ponti Euxini* (Petropoli <sup>2</sup>1916).  
*LGPN* – *A Lexicon of the Greek personal Names*. Vol. IV ed. by P. M. Fraser and E. Matthews (Oxford 2005).  
 MAR = Materialy po arkheologii Rossii (Материалы по истории России)  
*SIG*<sup>3</sup> – W. Dittenberger, *Sylloge inscriptionum Graecarum* I–IV (<sup>3</sup>1915–1924).  
*SNG BM Black Sea* – *Sylloge nummorum Graecorum, Great Britain IX: The British Museum. Part I. The Black Sea*, ed. M. J. Price (London 1993).  
*VDI* – *Vestnik drevnej istorii* (Вестник древней истории).  
*ZhMNP* – *Zhurnal ministerstva narodnogo prosveshchenija* (Журнал министерства народного просвещения).

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 A. Gavrilov, “Skify Savmaka – vosstanije ili vtorzhenije? (*IPE* <sup>2</sup>I 352 = *Syll.*<sup>3</sup> 709)” [“Saumakos’ Skythen: Aufstand oder Überfall?”], in: *Et’udy po istorii i kul’ture Severnogo Prichernomor’ja*, hg. von A. K. Gavrilov u.a. (St. Petersburg 1992) 53–73.

<sup>24</sup> *SNG BM Black Sea* 352 gibt einfach ΒΑΣ[ ΣΑΥ[ und scheint an “Saumakus” zu glauben); vgl. eine Übersicht über die Münzprägung mit der Legende Σ Α Υ Λ bei Rubinson 1980, 57 Anm. 22–23, 63–64.

<sup>25</sup> An diesem Ort möchte ich dem *amicissimus* der Bibliotheca classica Petropolitana, Bernd Seidensticker, der diese Zeitschrift ständig unterstützt, auch in meinem Fall für generöse sprachliche Hilfe danken. Für ihn selber war es diesmal eine Gelegenheit, an unserer Widmung für Chr. Habicht in dieser Form herzlich teilzunehmen.

- A. Gavrilov, “Das Diophantosdekret und Strabon”, *Hyperboreus* 2: 1 (1996) 151–168.
- A. Gavrilov, “Kak Perisad Diofanta vskormil (IosPE 2I, 352)” [“Wie Pairisades den Diophantos aufgezogen hatte”], in: *Bosporskij Fenomen. Greki i varvary na jevrazijskom perekr’ostke. Materialy mezhdunarodnoj nauchnoj konferencii* (St. Petersburg 2013) 195–202.
- Chr. Habicht, *Athen. Die Geschichte der Stadt in hellenistischer Zeit* (München 1995).
- Chr. Habicht, *Afiny. Istorija goroda v ellinisticheskiju epokhu*, übers. von Ju. Vinogradov (Moskau 1999) [cf. Habicht 1995].
- E. L. Kazakevich, “K polemike o vosstanii Savmaka” [“Zur Polemik über den Aufstand des Saumakos”], *VDI* 1961: 1, 57–70.
- B. Latyshev, *Drevnosti Juzhnoj Rossii. Grecheskije i latinskije nadpisi, najdennyje v Juzhnoj Rossii v 1895–1898 godakh*, MAR 23 (St. Petersburg 1899) 4–6.
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- B. C. McGing, *The Foreign Policy of Mithridates VI Eupator, King of Pontus* (Leiden 1986).
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- Ju. G. Vinogradov, “Votivnaja nadpis’ docheri tsar’a Skilura iz Pantikapeja i problemy istorii Skifii i Bospora vo II v. do n. e.” [“Die pantikapäische Weihinschrift einer Tochter des Königs Skiluros und Fragen zur skythischen und bosporanischen Geschichte im II. Jhd. v.u.Z.”], *VDI* 1987: 1, 55–87.

A small decree fragment *IosPE* I<sup>2</sup> 353 was compared by V. Latyshev with a big Decree of Chersonitans honouring Diophantus (*IosPE* I<sup>2</sup> 352) and established as a close parallel to it, both to events described and to the stone and lettering as such. At the end of line 2 the preserved text reads: Σκούθας καὶ ΣΑ[.], the two last letters on the right edge being only partly visible. As there are no reasons to choose some appellative or a toponym to be reconstructed after καὶ, the author considers the possibility that the lost *nomen* was an ethnonym to be written along with the Scythians. As there were many names of Iranian tribes beginning with Σα-, one could think esp. about Σα(υ)ρ(ο)μάται, the first half-vanished letter after ΣΑ at the end of the line 2 showing traces of the vertical hasta as in I, P, T, Y. The main argument against such a conjecture comes, however, from the close similarity of the fragment to the big Diophantus’ Decree, where the Scythians are seen along with *Rheuxinals* and *Taurians*, while Sarmatians are not present at all. On the other

hand, in the passage describing the culmination of the historical events in the big Decree for Diophantus (*IosPE* I<sup>2</sup> 352, col. II, lines 34 f.) Scythians are referred to together with the name of their chieftain Σάμμακος. Personally he is the most representative counter-part of Diophantus in this description (the fact was in the author's opinion demonstrated by a sort of spacing in the big Decree, col. II, lines 40–42). A combination of the ethnonym with a personal name in *IosPE* I<sup>2</sup> 353 may seem awkward, but the pair “tribe + leader” was in fact typical for the Greek *façon de parler* from Homer till late antiquity, last but not least in the narrative of Strabo about the same events (7, 4, 3): Σκύθας ἐπολέμει Σκίλουρόν τε... Thus the author proposes to reconstruct Σκύθας καὶ Σάμ[μακον] in lines 2 f. of *IosPE* I<sup>2</sup> 353. At the end of the discussion, he briefly comments upon the relationship of both decrees and tries to shed some light as to the status and the role of Saumacus in the struggles of the epoch.

Сходство фрагмента херсонесского декрета (*IosPE* I<sup>2</sup> 353) о борьбе за Прекрасную гавань с декретом в честь Диофанта, подводившим итоги Диофантовых войн со скифами (*IosPE* I<sup>2</sup> 352), которое было отмечено В. В. Латышевым сразу по ряду как внешних, так и содержательных признаков, должно учитываться при восполнении лакуны в колонне – νικάσαντες παρατάξει Σκύθας καὶ σα[.] [*desunt ca 30 litt.* τὰς πατρίδος. Поскольку апеллятивы, начинающиеся с σα-, не годятся в одну синтагму со “скифами”, приходится предположить за Σα[.] имя собственное. Это мог бы быть этноним – такие имеются в изобилии среди племен занимающего нас региона, напр. Σαρμάτας] или Σαυρομάτας], тем более что следующий за гласным знак мог быть Υ, а последний Μ. Однако здесь вступают в силу следствия из признания большой близости фрагмента к декрету в честь Диофанта, где кроме скифов упомянуты только ревкиналы и тавры. Что касается личных имен на Σα-, то в них нет недостатка в том самом регионе; поэтому стоит обратить внимание на имя вождя скифов Савмак и примерить восполнение Σκύθας καὶ Σάμ[μακον]. Получающееся при этом словосочетание по формуле ‘масса + вождь’ как раз характерно для греческого обихода. Исторически сравнение обоих документов обнаруживает напряжение момента и лихорадочную борьбу перед скорой развязкой: если оба декрета приняты при одном и том же бацилевсе Агеле “сыне Лагорина”, понятно, что всем участникам отпущено совсем немного времени.

## PANKRATES: A SENIOR STATESMAN FROM APHRODISIAS

I first met Christian Habicht in Heidelberg in the summer of 1983, when I was a graduate student. Although Christian Habicht had left the chair of Ancient History in Heidelberg for a Professorship at the Institute for Advanced Study a decade earlier, he was still remembered with admiration and awe by the more senior members of the Department of Ancient History; his lecture on “Pausanias and the Inscriptions” was a triumph. Although I never had the fortune to be instructed by him in Ancient History and Greek Epigraphy, when I sent him my first publications, he responded with useful comments and encouragement. Fortune wanted that I was later elected to both professorships held by Christian Habicht, first in Heidelberg (1998–2006) and then at the Institute for Advanced Study (2010–). My coming to Princeton in 2010 gave me the opportunity to profit enormously from his knowledge of prosopography, epigraphy, and history. Christian Habicht’s earliest work was dedicated, among other subjects, to the epigraphy of Asia Minor. It is an honor and a pleasure to pay tribute to his scholarship and personality by dedicating to him a new inscription from Asia Minor.\*

### Provenance and description

Ataeymir is a small town ca. 3 km east of Aphrodisias. In the summer of 2014 a marble stele was found there and brought to the Archaeological Museum of Aphrodisias. I studied it in August 2014. The marble stele is broken on top; it preserves the tenon that was inserted into the base, now lost (fig. 1).<sup>1</sup> The stele contains a text of 27 lines; of the first line only the

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\* I presented this text in a seminar at the Institute for Advanced Study in the spring of 2015 and profited from the observations of Christopher Jones, Sebastian Prignitz, and Manolis Voutiras. I am very grateful to Ross Brendle for correcting my English. I am also grateful to Prof. Alexander Verlinsky for his useful comments. Abbreviations are those of the *Supplementum Epigraphicum Graecum*.

<sup>1</sup> Inv. no. I 14.01. Height 71.5 cm, width 48.5–51 cm, depth 10 cm; letter height 1.5–2.5 cm; dimensions of the tenon: height 8 cm, width 21 cm.

lower part of a few letters is preserved; we may estimate that only one line has been completely broken off (see below). An engraved double line divides the text into two sections. The upper section (lines 1–15) contains the text of an honorific decree, the lower section a grave epigram (lines 16–27). The co-existence of decree and epigram shows that the stele was part of a funerary monument, which must have stood in the eastern cemetery of Aphrodisias.

## Text

- [ἔδοξεν τῇ βουλῇ καὶ τῷ δή]-  
 μῳ· γνώμη στρατη[γῶν? καὶ γ]-  
 ραμματέως Ἡφαιστίωνος Ἐ-  
 ρμογένου || γραμματέως || ἐπὶ Πα-  
 νκράτης Ἀδράστου προγόνων  
 4 καλῶν καὶ ἀγαθῶν καὶ ἐπανγ-  
 ελίας πεπονημένων καὶ ἀνατε-  
 θικότ<ω>ν τῷ δήμῳ, καὶ αὐτὸς ζῶ<ν> ἐ-  
 ν ἀρετῇ καὶ καλ<ο>καγαθία δια{I}-  
 8 τελῶν τὸν βίον καλίστη ἀγω-  
 γῇ καὶ εὐταξίᾳ· αἰρεθὶς δέ κ-  
 αὶ στρατηγὸς πόλεως διετέ-  
 λεσε δικαίως· δεδόχθαι τῇ  
 12 βουλῇ καὶ τῷ δήμῳ ἐπηνῆσ-  
 θαι Πανκράτην καὶ τειμῆσθαι· ἀνατ-  
 εθῆναι δὲ αὐτοῦ καὶ ἰκόνα ἐν ὄπλ-  
 ω ἐπιχρύσω. Ταβηνῶν τὸ αὐτό.  
 Engraved double line  
 16 Τὸν κάμψαντα βίου σεμνὸς καμπτή-  
 ρα μέγιστον vacat οὖνομα Πανκρατί-  
 δην κατέχει ὅδε τύμβος ὀδίτα,  
 ὃς δισσοὺς ἔλιπεν κούρους κα-  
 20 λήν τε θύγατρα vacat καὶ ταύτης πά-  
 λι τέκν' ἐσιδὼν καὶ ἔγγονα τούτων·  
 ἀρχαῖς καὶ βουλαῖς τιμώμενος ἐν πολὶ<ήταις>  
 ἐπταῖ ἐτῶν πλήσας δεκάδας δοιούς  
 24 τ' ἐνιαυτός vacat παῦσεν ἀπένθητον  
 καὶ ἀλύπητον βίον ἐσθλόν.  
 χαίρετω, ἀθάνατον μνήμην θνητοῖς ἀ-  
 πολιπῶν

2. or στρατη[γοῦ καὶ] || 6. in fine ΖΩΚ, lapis || 6-7. ANATE|ΘΙΚΟΤΟΝ, lapis || 7. ΚΑΛΩΚΑΓΑΘΙΑ, lapis || 7-8. perhaps δια{I}τελ<εῖ> ἄγ<ω>ν τὸν βίον (see

below) || 8. ΚΑΛΙΣΤΗ (sic), lapis; the spelling with one lambda is attested in several inscriptions of Aphrodisias (and elsewhere); e.g. Reynolds 1982, no. 8<sub>53</sub> (καλίστω, twice); *MAMA* VIII 471<sub>11</sub> (κάλιστον) || 22. ἐν πολιήταις suggested by Manolis Voutiras (cf. *I. Smyrna* 521 + II2 p. 373: ἐξοχον ἐν πολιήταις ἀνέρα, γηραλήου τέρματ' ἔχοντα βίου; *SEG* XXVI 1457 (Ταρσός) πανυπέρτατον ἐν | πολιήταις || 25–27. or ἀπολίπων (sc. ἀπολείπων), suggested by Christopher Jones; this is possible since the mason often uses -ι for -ει.

[Resolved by the council and the people]. The proposal was made by the generals and Hephæstion, son of Hermogenes, secretary (or: by the general and secretary Hephæstion). Whereas Pankrates, son of Adrastus, descendant of good and virtuous ancestors, who promised benefactions and made dedications/donations to the demos, a man who himself lives in virtue and goodness continually conducting his life (?) with the fairest education and discipline; when he was also elected to the office of the general of the city, he fulfilled the duties of the office in a just manner; may it be resolved by the council and the demos to praise Pankrates and honor him; and may his (painted) image in a gilded shield be dedicated. The same (honors were decreed) by the citizens of Tabai.

Wanderer, this tomb holds Pankratides, the man who passed the greatest turning point of life in an honorable manner. He left two sons and a fair daughter; and from his daughter he saw children and the children's children. Honored among his fellow citizens because of his magistracies and his advice, and having fulfilled seven decades of years and another two, he reached the end of a gentle life without mourning and sorrow.

Farewell to him, who has left undying memory among the mortals.

### Lettering, prosopography, and date

This inscription was not commissioned by the city but was inscribed at the initiative of Pankrates' family (see below). For this reason, exact parallels for the lettering cannot be found among the official inscriptions of Aphrodisias. The stone mason indiscriminately used different letterforms (fig. 2): alpha both with straight and broken middle line (e.g. line 8); a four-bar sigma with parallel horizontal bars (e.g. line 8), but also a three-bar sigma consisting of one vertical and two horizontal bars (e.g. line 2), and a variant of the four-bar sigma in which one of the two oblique bars is shorter than the other (e.g. line 4). The mason did not do a very good job in copying the text from an original (on papyrus, parchment, or a wooden tablet). Apart from spelling mistakes (lines 6–7: ἀνατε|θικότον; line 7: καλωκαγαθίαι; line 16: σεμνῶς) and departure from standard forms (line 8: καλίστη), he wrote γραμματέως twice (lines 1–3), engraved a superfluous iota at the end of line 7 (or probably started writing a tau and





Fig. 1. Marble stele. The Archaeological Museum of Aphrodisias.

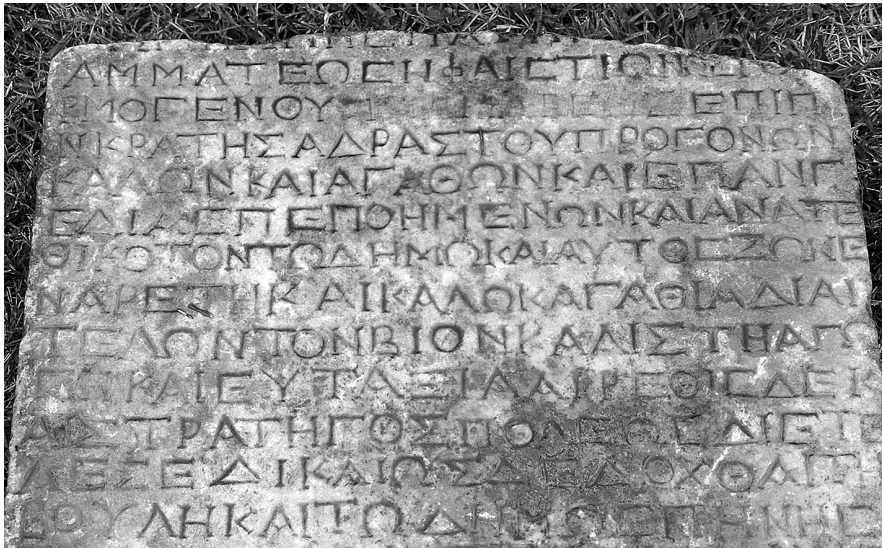


Fig. 2. Detail of the same stele.



left it unfinished), and at the end of line 22 he wrote ἐν πόλιν instead of ἐν πολιήταις. For this reason, I suspect that the clumsy formulation καὶ αὐτὸς ζῶ<ν> ἐν ἀρετῇ καὶ καλ<ο>καγαθία διατελὼν τὸν βίον καλίστη ἀγωγῇ καὶ εὐταξίᾳ (lines 6–9) is the result of a mistake during the copying process. The original might have been αὐτὸς ζῶν ἐν ἀρετῇ καὶ καλοκαγαθία διατελεῖ ἄγων τὸν βίον καλίστη ἀγωγῇ καὶ εὐταξίᾳ.

The mason also consistently omitted the iota adscript (lines 6–9, 11–12, 15) and shows a preference for iotacism (line 2: ἐπί; line 9: αἰρεθίς; line 14: ἰκόνα; line 18: κατέχι). He repeatedly violated the division of syllables (lines 1–2: γ|ραμματέως; lines 2–3: Ἐ|ρμογένους; lines 4–5: ἐ|πανγ|ελίας; lines 6–7: ἐ|ν; lines 9–10: κ|αί; lines 12–13: ἐ|πηνῆσ|θαι; lines 13–14: ἀνατ|εθῆναι; lines 14–15: ὅπλ|ω). And yet, he showed great care in inscribing the epigram. Whenever the end of a verse did not coincide with the end of a line, he left an uninscribed space in order to indicate the division of verses, as Sebastian Prignitz observed (lines 17, 20, and 24).

The general ductus and the linguistic features suggest a date in the late Hellenistic or early Imperial period. This date can be confirmed with the help of prosopography. The secretary of the assembly, Hephaistion, son of Hermogenes, must be a relative of Hermogenes Theodotos, son of Hephaistion, who was honored with a posthumous honorific decree around the mid- or late first century BCE.<sup>2</sup> The decree for Hermogenes Theodotos mentions his participation in “many and most crucial embassies and contests”. It certainly refers to the critical times of the late Republic, when Aphrodisias – then joined in sympolity with Plarasa – took the side of Rome in the First Mithridatic War (88 BCE), contributed to embassies of the cities of Asia that protested against abuses by the publicani, was looted by Labienus (40 BCE), faced a grain shortage, and supported Octavian against Marc Antony.<sup>3</sup> The new decree for Pankrates does not allude to such events and must, therefore, be later. Consequently, Hephaistion son of Hermogenes in the honorific decree for Pankrates must be the son of Hermogenes son of Hephaistion in the decree for Hermogenes Theodotos. The new inscription can be dated to the first years of the first century CE (or the end of the first century BCE).

The honored man is identified as Pankrates, son of Adrastus. This man is attested for the first time. The name Pankrates is attested in an unpublished list of names (probably Hellenistic) and in two epitaphs of the Imperial period.<sup>4</sup> Adrastus is the most common Aphrodisian name.<sup>5</sup>

<sup>2</sup> Chaniotis 2004, 387–386 no. 1; *SEG* LIV 1020.

<sup>3</sup> For these events see Reynolds 1982, nos. 1–13 and 28–29.

<sup>4</sup> See Bourtzinakou 2012, nos. 1914–1916.

<sup>5</sup> Van Bremen 2010.

### The decree

The decree is almost entirely preserved. Unless there was a heading (an invocation or the name of the deceased man), only one line has been lost, containing the ἔδοξεν-formula, which can be restored on the basis of parallels.<sup>6</sup> The known decrees of Plarasa/Aphrodisias and (later) of Aphrodisias were always proposed by office-holders: the archontes, the secretary of the demos, the generals, and the paraphylax.<sup>7</sup> In this case, the proposal was submitted by the board of the *strategoí* and the secretary of the assembly (γνώμη στρατηγ[γῶν καὶ γ]ραμματέως).<sup>8</sup>

Although the stele with the honorific decree was placed on Pankrates' tomb, it is unlikely that the decree is a posthumous honorific decree. The text does not contain any formulation that suggests that the decree was passed upon Pankrates' death. In Aphrodisian inscriptions, ἐπαινέω (lines 12–13) is usually found in connection with the praise of magistrates and benefactors that took place immediately after the respective action.<sup>9</sup> When it is found in posthumous honorific inscriptions, it refers to the praise a man had received during his life, not after his death.<sup>10</sup> In the one case in which the praise was given *post mortem*, this is explicitly mentioned:<sup>11</sup> τὰ νῦν μετήλλα[κχε] τὸν βίον δεδόχθαι ἐ[πην]ῆσθαι αὐτὴν καὶ μετηλ[λακ]χυῖαν. It seems that the decree was passed immediately after Pankrates' term as *strategos*.

The decree does not contain the *anagraphe*-formula and it was probably not destined to be inscribed in a public space, e.g. in the precinct of Aphrodite, in the agora, near the seat of the magistrates, or near the image of the honored person. It was only after his death that the decree was

<sup>6</sup> Other decrees of Aphrodisias in the late Republican and early Imperial period: *MAMA* VII 407 (*I Aph2007* 12.309), 408 (*I Aph2007* 12.207), 409 (*I Aph2007* 12.19), 410 (*I Aph2007* 12.612), 412 (*I Aph2007* 12.704), 414 (*I Aph2007* 12.319), 417 (*I Aph2007* 12.719); *SEG* XLV 1502; *LIV* 1020.

<sup>7</sup> Chaniotis 2004, 380–381.

<sup>8</sup> Cf. *I Aph2007* 12.309 (*MAMA* VIII 407). One cannot entirely exclude the possibility that the proposal was made only by one man, who was at the same time *strategos* and secretary, as in *SEG* LIV 1020. But in that case, we would expect the exact designation of the στρατηγία (στρατηγὸς τῆς πόλεως or στρατηγὸς ἐπὶ τῆς χώρας).

<sup>9</sup> *I Aph2007* 1.179; 2.503; 12.21; 12.22; 12.534; 12.537; 12.920a; for two exceptions see note 11.

<sup>10</sup> *I Aph2007* 1.179: ἐπαινεθέντα ἐφ' αἷς μεγαλοψύχως ἐξετέλεσε ἀρχαῖς καὶ λιτουργαῖς; cf. 12.21; 12.22; 12.534; 12.537.

<sup>11</sup> *I Aph2007* 12.309. A similar text probably stood also in *I Aph2007* 11.2 (*MAMA* VIII 422).

inscribed at the initiative of Pankrates' family on a stele that was placed near his tomb. Pankrates' family probably used his private copy of the honorary decree.

Following the typical structure of honorific decrees and honorific inscriptions of the late Hellenistic and Imperial periods, the text begins with a reference to Pankrates' ancestors.<sup>12</sup> They had been benefactors, who not only made promises but also fulfilled them (καὶ ἐπανγγελίας πεποιημένων καὶ ἀνατεθικότε<ω>ν). The Greeks were very much aware of the fact that not all promises were fulfilled. The honorific decree of Teos for King Antiochos III (ca. 203 BCE) refers to the bouleuterion as the place where Antiochos "fulfilled some of the good things/benefactions, and other benefactions he promised and afterwards fulfilled".<sup>13</sup> In the Hellenistic *epidosis* documents at Iasos, the contributions are listed under the heading "the following individuals have pledged and kept their promise".<sup>14</sup> In Athens, the names of those who "have voluntarily promised money to the demos for the rescue of the city and did not pay their contribution" were displayed in front of the statues of the eponymous heroes (Is. 5. 37–38). The explicit reference to both the promise and its fulfillment should be seen against this background.

Although Pankrates had prominent ancestors, he does not seem to have belonged to the group of elite families who "had jointly built the city" – a formulation that we find in several variants in honorific inscriptions for the descendants of these families.<sup>15</sup>

After the reference to the ancestors, Pankrates' achievements are summarized. Here, the text may be corrupted because the phrase καὶ αὐτὸς ζῶν ἐν ἀρετῇ καὶ καλ<ο>καγαθία διατελῶν τὸν βίον καλίστη ἀγωγῇ καὶ εὐταξίᾳ has two participles (ζῶν and διατελῶν) but no verb. Additionally, in decrees and honorific inscriptions διατελῶ is always used as a verb, not as a participle. Therefore, the text may have been something like καὶ αὐτὸς ζῶν ἐν ἀρετῇ καὶ καλ<ο>καγαθία διατελ<ει> διάγ<ων> τὸν βίον καλίστη ἀγωγῇ καὶ εὐταξίᾳ. The meaning is in any case clear: Pankrates was good and virtuous, a man with good civic education and disciplined behavior.

Unlike other honorific inscriptions, in which we have long references to offices, liturgies, and benefactions, here we have a single office. Pankrates

<sup>12</sup> For a close parallel see *SEG* LIV 1020.

<sup>13</sup> *SEG* XLI 1003 lines 30f.: ἐν ᾧ τὰ μὲν ἐ[τέλεσε | τῶν ἀ]γαθῶν, τὰ δὲ ὑπέσχετο καὶ μετὰ ταῦτα ἐπετέλεσεν).

<sup>14</sup> Chaniotis 2007, 63. Cf. *SEG* LV 1261 (Metropolis, Imperial period): οἱ ὑποσχόμενοι καὶ δόντες ἀργύριον.

<sup>15</sup> Chaniotis 2004, 382, with a list of the references.

served as στρατηγὸς πόλεως. Aphrodisias had at least one στρατηγὸς πόλεως and at least two στρατηγοὶ ἐπὶ τῆς χώρας.<sup>16</sup> The epigram (see below) implies that Pankrates served also in other offices (ἀρχαῖς καὶ βουλαῖς). It is not surprising that they are not mentioned in the decree, which, as explained above, was probably passed after his στρατηγία and does not give a full summary of his contribution to public life. The virtues of ἀγωγή and εὐταξία (lines 8 f.) are to be expected for a man who occupied a military office, which he fulfilled with a sense of justice. Pankrates' honors were modest: praise, probably in the assembly, and the erection of an *imago clipeata*, a painted shield portrait.<sup>17</sup>

It is added that a decree of similar content – not “the same decree” – had been passed by Tabai, Aphrodisias' eastern neighbor. The decree of Tabai was not exactly the same in content, since it was proposed by different men and mentioned the fact that Pankrates was citizen of a different city; but it must have contained similar honors. During his service as *strategos*, Pankrates must have had dealings with the authorities of Tabai, and his good services motivated the authorities in Tabai to honor him. To inscribe honorary decrees (not posthumous honorary decrees) on the grave of a statesman or benefactor is a well-attested phenomenon.<sup>18</sup>

### The epigram

When Pankrates died, the family commissioned an epigram, which was also inscribed on the stele. Metrically, the epigram is unproblematic, consisting of four hexametrical couplets. The poet paid enough attention to the meter, replacing the name of Pankrates with Pankratides, for metrical reasons.

Τὸν κάμψαντα βίου σεμνῶς καμπτήρα μέγιστον  
 – – – ◡ ◡ – – – – – ◡ ◡ – ◡  
 οὔνομα Πανκρατίδην κατέχει ὅδε τύμβος ὁδίτα.  
 – ◡ ◡ – ◡ ◡ – ◡ ◡ – ◡ ◡ – ◡ ◡ – ◡  
 Ὅς δισσοῦς ἔλιπεν κούρους καλήν τε θύγατρα  
 – – – ◡ ◡ – – – – – ◡ ◡ – ◡

<sup>16</sup> Both offices: *I Aph2007* 4.101 (*SEG* XXXII 1097; late Republic or reign of Augustus). Στρατηγοὶ ἐπὶ τῆς χώρας: *I Aph2007* 12.205 (*SEG* XLV 1502; first century CE); *I Aph207* 12.803 (first century CE); 12.1015 (second century CE); one στρατηγὸς ἐπὶ τῆς χώρας: *I Aph2007* 8.3a (Reynolds 1982, no. 2; 88 BCE); 12.207 (*MAMA* VIII 408). Unspecified στρατηγία (first/second century CE): *I Aph2007* 12.204 (*MAMA* VIII 448); 12.309 (*MAMA* VIII 407); 12.612 (*MAMA* VIII 410).

<sup>17</sup> Cf. *I Aph2007* 12.319 (*MAMA* VIII 414), 12.704b/c (*MAMA* VIII 412b/c).

<sup>18</sup> Chaniotis 2013, 143.

καὶ ταύτης πάλι τέκν' ἐσιδὼν καὶ ἔγγονα τούτων·  
 —  
 ἀρχαῖς καὶ βουλαῖς τιμώμενος ἐν πολιήταις  
 —  
 ἑπτὰ ἐτῶν πλήσας δεκάδας δοιούς τ' ἐνιαυτός  
 —  
 παῦσεν ἀπένθητον καὶ ἀλύπητον βίον ἐσθλόν.  
 —  
 Χαιρέτω ἁθάνατον μνήμην θνητοῖς ἀπολιπών.  
 —

The epigram provides some biographical information. Pankrates died a happy man at the age of 72. If we take the statement that he had not known grief from death (ἀπένθητος) and sorrow (ἀλύπητος) in his life, his wife and his children, a daughter and two sons, were all alive at the moment of his death. While his daughter was already a grandmother (ταύτης πάλι τέκν' ἐσιδὼν καὶ ἔγγονα τούτων), his two sons, characterized as *κοῦροι* (line 19), seem to have still been unmarried. How is this possible? The daughter probably was older than the sons and married at a young age (e.g. 16 years old); if her daughter also married young (e.g. at the age of 17), she could be a grandmother in her early thirties and have two younger brothers who were still unmarried in their late twenties or early thirties.

The expression ἀρχαῖς καὶ βουλαῖς τιμώμενος ἐν πολι<ήταις> (line 22) is ambiguous. Ἀρχαῖς καὶ βουλαῖς can be *causalis* (he was honored for his service in magistracies and for his advice), *instrumentalis* (he was honored with offices and membership in councils), or *dativus auctoris* (he was honored by magistrates and councils). The last hypothesis can be excluded. Pankrates was honored 'among his fellow citizens' (τιμώμενος ἐν πόλι<ήταις>), not by authorities alone. The second hypothesis is unlikely. Election in an office can be understood as an 'honor', especially in a period in which service in office was monopolized by the elite,<sup>19</sup> but the plural βουλαῖς would be hard to explain. Aphrodisias had only one council (βουλή); membership in the council of another city is impossible, since the poet explicitly says that Pankrates was honored in his own city (ἐν πολι<ήταις>). On the other hand, βουλαί is often used

<sup>19</sup> E.g. *IG* X 2 1 758: ἀρχαῖς τειμηθέντα (Thessalonike, second/third century CE); *I.Didyma* 310: τειμηθέντος ... βουλευίαις (Didyma, third century CE). In *MAMA* III 6, we can probably read τειμηθέντα ... ἱερωσύνη (Seleukeia on Kalykadnos, Imperial period). For *honoratus* followed by an office (e.g. *honoratus questura*) in Latin inscriptions see Chaniotis 1985. In honorific inscriptions and decrees τιμάω/ τιμάω is always followed by *instrumentalis* (e.g. μεγίσταις τειμαῖς).

in the meaning ‘counsel, advice’: e.g. βουλαῖς ἀσφαλέσιν (“with safe/reliable counsel”),<sup>20</sup> τὸν μέγαν ἐμ βουλαῖς (“a man great in counsel”),<sup>21</sup> and ὥρθωσεν βουλαῖς καὶ κτεάνοις (“he erected the city with his advice and his property”).<sup>22</sup> Pankrates had, therefore, been honored in his city “for his service on offices and for his advice”.

The epigram assimilates Pankrates’ life with a race, whose greatest, most important turning point, the καμπτήρ, is death. Metaphors that associate life with an athletic event are common in epigrammatic poetry.<sup>23</sup> The metaphor of death as the καμπτήρ βίου is already used by Herodas.<sup>24</sup> By analogy, the καμπτήρ πύματος in poetry is the last page of a manuscript.<sup>25</sup> In the long footrace (*diaulos*) and in horse racing, the καμπτήρ is the point where the runners and the horses turn;<sup>26</sup> in the short footrace, the καμπτήρ is the goal of the runners. This metaphor implies that Pankrates, like a successful athlete, had reached the end of the track of life. Now in death, he continues his journey on another track. Similarly, we find the expression πᾶς γὰρ βίος κάμπτει [ἐπ’ ἄκρῳ?] (“all life turns [- -]”) in an epigram from Termessos in Pisidia, which uses the imagery of the journey to describe death.<sup>27</sup> A more pessimistic version is presented in an epigram from Aigiale: ἄωρος εἰς ἄκαμπτον ὠχόμην τρίβον (“before my time I departed for a track with no return”).<sup>28</sup>

The poem is not of great inspiration and originality. The assimilation of life with a race is suitable in the case of an active statesman. There may be a military overtone, if with καμπτήρ the poet intended an allusion specifically to a horse-race. The Aphrodisians were very fond of horses and horse-breeding.<sup>29</sup> An interesting detail, again, suitable in the epigram of a vigorous man of action, is the way the poet refers to Pankrates’ death:

<sup>20</sup> *IG* VII 4133<sub>10</sub> (Megara, second/first century BCE).

<sup>21</sup> *IG* IX 2 59 (Latya in Thessaly, late Hellenistic period).

<sup>22</sup> *IG* V 2 156 (Tegea, third/fourth century CE). For the use of *dativus causalis*, see e.g. *IG* X 2 1 758: ἦθεσι δοξασθέντα (Thessalonike, second/third century CE).

<sup>23</sup> *GV* 945: λαμπάδα γὰρ ζωᾶς δραμεῖν (Chios, second century BCE); *GV* 1331: δόλιχον βίτου σταδιεύσας (Kollyda, second century CE); *I. Cret.* II xxi 2: ἡνιοχῶν βίτον (Crete, second century BCE); *IG* XIV 411: τὸν βίτου στέφανον (Messana, undated).

<sup>24</sup> Herodas 10. 3 ed. Cunningham: θνήσκει καὶ τέφρη γίνεω ὡς τυφλὸς οὐπέ-κεινα τοῦ βίου καμπτήρ.

<sup>25</sup> *Anth. Pal.* 12. 257: ἃ πύματον καμπτήρα καταγγέλλουσα κορωνίς.

<sup>26</sup> Cf. the expression κυκλεύω τον καμπτήρα in curse tablets addressed against opponents in the hippodrome: Audollent 1904, nos. 234–240.

<sup>27</sup> *TAM* III 1 922 = *SEG* XVII 552 (Imperial period).

<sup>28</sup> *IG* XII 7 449 (second century BCE).

<sup>29</sup> Chaniotis 2009.

παύσεν βίον. When the verb παύω is used in epigrams, the deceased individual is subject to the agency of an external force – a disease, fortune, the gods. The usual expression is “NN (fate, illness, sleep, etc.) ended one’s life”: e.g. Μοῖρά με ἀνανκαίη ἔπαυσαι βιότοιο μερίμνης (“inescapable fate stopped the worries of my life”);<sup>30</sup> νοῦσος ἔπαυσε βίου (“illness stopped life”);<sup>31</sup> ὕπνος ἔπαυσε βίου (“sleep ended life”).<sup>32</sup> On the contrary, the active παύω, rarely used in the context of death,<sup>33</sup> makes Pankrates the agent of his death. This certainly is not reference to suicide; the poet simply wanted to avoid making a man of action subject to Fate and passive victim of external forces. The meaning is “he stopped living”, not “he ended his life”.

By presenting a life free of sorrow and grief, fulfilled both in its private and its public aspects, the poet offers consolation. Even in death, Pankrates is not a victim, but a vigorous athlete or a horseman who successfully reaches the end the life’s track. What he leaves behind is not grief but undying memory.<sup>34</sup> Χαίρέτω!

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<sup>30</sup> *SEG* XXXVII 1088 (Amisos, late second century CE).

<sup>31</sup> *IG* II<sup>2</sup> 11257 (Athens, second century CE).

<sup>32</sup> *I.Didyma* 532 c (Miletos, first century BCE). Cf. the medium παύομαι βίου, e.g. in *I.Histria* 291 (πανσαμένη βιότοιο, Histria, third century CE); *I.Iznik* 1295 (πανσάμενον βιότου, Nikaia, first century CE).

<sup>33</sup> Cf. *CID* IV 44: διέπαυσε τὸν [βίον] (Delphi, mid-third century BCE); *GVI* 652 and Robert 1937, 284 n. 8: [ἀπέ]παυσα βίον (Tieion, second century CE); I note that the restoration [διέ]παυσα is also possible.

<sup>34</sup> On the themes of perpetual fame and memory see Lattimore 1942, 241–246.



- A. Chaniotis, “Lament for a Young Man. A New Epigram from Aphrodisias”, in: A. Martínez Fernández (ed.), *Estudios de Epigrafía Griega* (La Laguna 2009) 469–477.
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A new inscription from Aphrodisias (late first century BCE or early first century CE) contains an honorific decree and a grave epigram for Pankrates, member of a prominent Aphrodisian family and statesman. The decree seems to have been issued after he had served as στρατηγὸς τῆς πόλεως, but was inscribed on a stele later, after his death; the text mentions that a similar decree had been issued by Tabai. The epigram assimilates Pankrates’ life with a race, whose greatest, most important turning point, the καμπτήρ, is death. By referring to Pankrates’ public recognition and a life without sorrow, the poem offers consolation for his death.

Новая надпись из Афродисии (конец I в. до н. э. или начало I в. н. э.) содержит декрет в честь Панкрата, члена знатной афродисийской семьи и государственного деятеля, и его надгробную эпитаграмму. По-видимому, декрет был издан по окончании службы Панкрата в качестве στρατηγὸς τῆς πόλεως, но высечен на стеле позже, после его смерти; из текста следует, что сходный декрет был издан и в Табах. В эпитаграмме жизнь Панкрата сравнивается с состязанием в беге, важнейший поворотный пункт которого (καμπτήρ) – смерть. Упоминание об общественном признании, которое получил Панкрат, и его беспечальной жизни призвано служить утешением в утрате.



ARCUS IN HORACE, *CARM.* 3. 26. 7

Vixi puellis nuper idoneus  
et militavi non sine gloria:  
nunc arma defunctumque bello  
barbiton hic paries habebit

laevom marinae qui Veneris latus      5  
custodit: hic, hic ponite lucida  
funalia et vectis et arcus  
oppositis foribus minacis...

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6 *lurida Nisbet* 7 †*et arcus† Shackleton Bailey, Nisbet–Rudd* : *securisque Bentley* : *et harpas Cunningham* : *et uncus Bisconius et postea Holder* : *et asses G. H. Müller (i.q. axes, i.e. ligna quaedam sectilia in modum arietis adhibita)* : *aduncos Giangrande (“fort. recte” Shackleton Bailey)* : *sacrate Housman* : *et ascias O. Keller*

The first two stanzas of the poem are based on the conventional metaphorical comparison of love and war. Verses 6–8 refer to a popular motif of ancient comedy, also frequent in the Roman love elegy: a youth, usually taking part in a κῶμος (*comissatio*) and flushed with wine, assaults the doors of his mistress’ house.

Having left behind his “military service”, the poet dedicates to the temple of Venus his “arms” and the lyre that has completed its stint at “warfare”. Three items appertaining to these arms are given further mention: the servants are ordered to place crowbars, torches made of tarred ropes, and something called *arcus* (normally a “bow”; the plural might be understood as a poetic rendering) at the temple of Venus. In all likelihood, all three items are meant to be understood as threats to oppositional doors (v. 8).<sup>1</sup>

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<sup>1</sup> Formicola 1997, 114–115, points out that *minax* with the dative of the object is poorly attested (normally it is used either singly or with *adversus*), for the article in *ThLL* s.v. cites only two examples of this, the one being the passage in question, the other unsatisfactory: *Luc. Phars.* 6. 285 *Torquato ruit ille minax...* (*Torquato* may also be dependent on *ruit* as a poetical *dativus directionis* or *incommodi*). Accordingly,

The word *arcus* has been preserved and transmitted by all manuscripts, including those of Porphyrius and Ps.-Acro, but has been deemed suspect ever since Bentley.<sup>2</sup> Scholarly opinions on the subject divide into three groups: (1) *arcus* implies a common bow; (2) the text must be corrupted; (3) *arcus* is a *hapax legomenon* for some tool used for breaking and entering.<sup>3</sup>

Bentley has plausibly argued that “bow” in this context does seem problematic, for it is unclear how it might threaten the doors. As Housman put it, “Of all weapons the one which doors and door-keepers can best afford to laugh at is an ‘*arcus*’ in any known sense of word”.<sup>4</sup> One might suggest a kind of metonymy: a bow not threatening the doors but rather the custodian or inhabitants of the house;<sup>5</sup> or else it might be a mere attribute of the carousing youth who tried to break in.<sup>6</sup> Yet neither of these explanations is satisfactory for two reasons.

Firstly, it is important to the discussion that torches, mentioned along with crowbars and *arcus*, were used by revelers not only for lighting but for breaking in<sup>7</sup> and were employed in a similar manner as crowbars. Examples of this use of torches in the context of a *comissatio* would in fact seem to be even more numerous than those of crowbars;<sup>8</sup> that is, of

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Formicola takes *minacis* to be used in an absolute sense and interprets *oppositis foribus* not as a dative dependent on *minax*, but as *ablativus absolutus* with concessive meaning (“bows that were menacing despite the closed doors”). However, it is much easier to assume that we are dealing with an unusual poetical syntax; besides, in Horace verbal adjectives sometimes govern the same case, or require the same preposition as the verb, like participles (*Carm.* 2. 13. 11–12 *lignum ... caducum ... in domini caput*). On the problems of interpreting *arcus* as a bow, see below.

<sup>2</sup> Bentley <sup>2</sup>1713, 229–230.

<sup>3</sup> For survey of scholarly opinions see also Henderson 1973, 66 n. 45.

<sup>4</sup> Housman 1882, 190 (= 1972, 3).

<sup>5</sup> Gloss. codicis Reginensis: *quibus ianitores terrerent*; thus Olsson 1885, 66–67; Romano 1991, 824.

<sup>6</sup> Cf. Orelli 1837, 408: “*arcus magis ioci causa, quam ut sagittis figerent ianitores aut aemulos, interdum gestasse comissatores consentaneum est*”. Needless to say, both grounds and evidence for this suggestion are lacking.

<sup>7</sup> As was rightly pointed out by Nisbet–Rudd 2004, 315; cf. Bentley <sup>2</sup>1713, 229–230.

<sup>8</sup> Breaking through a door (1) with torches and fire: Ar. *Lys.* 249–250 (Ὁὐ γὰρ τοσαύτας οὐτ’ ἀπειλὰς οὐτε πῦρ ἤξουσ’ ἔχοντες ὥστ’ ἀνοῖξαι τὰς πύλας...); Men. *Dysc.* 60 (κατακάω); Theocr. 2. 127–128 (πελέκεις καὶ λαμπάδες); Herod. 2. 65 (τὰ ὑπέρθυρ’ ὀπτά, cf. 36–37 οὐδ’ ἔχων δαίδας τὴν οἰκίην ὑφῆψεν); Plaut. *Pers.* 569 (*exurent fores*); Turpil. *CRF* 200 (*fores exurere*); Ov. *Amor.* 1. 6. 57–58 (*ferroque ignique*); *Ars amat.* 3. 567 (*nec franget postes nec saevis ignibus uret*); Strato *AP* 12. 252. 1 (“Ἐμπρήσω σέ, θύρη, τῇ λαμπάδι...); Iambl. *Vit. Pyth.* 112 (ἐμπιμπρᾶναι); Aeschin. (Ps.-) *Epist.* 10. 10 (καταπρήσοντες); (2) with crowbars:

the three items mentioned by the poet as threats to oppositional doors the first two are tools customarily used for breaking in. It would be very odd indeed if the third item, placed just before the words *oppositis foribus minaces*, were to stand apart from the rest and refer to something that has nothing to do with the doors themselves.

Secondly, a bow is a long-range weapon that could hardly be used in a close-quarters scuffle. Standard everyday violence – be it robbery, abduction or a brawl – could be carried out with knives, daggers, sticks, lashes or fists; but examples of such encounters where bows were used are lacking.<sup>9</sup> F. Copley is right in saying that “the bow was not the weapon that the Roman would normally have carried”.<sup>10</sup>

G. Giangrande’s attempt to explain the bow in this context through its symbolic reference to Cupid (and moreover as “Cupid’s real bow” – “a divine *arcus* could possibly be *minax* to any *oppositae fores*”)<sup>11</sup> remains incomprehensible to me. Giangrande refers to “the motif of the poet appropriating Cupid’s bow” (Meleager, *AP* 5. 179. 1 ff.).<sup>12</sup> Threatening to destroy Cupid’s bow (as if such were physically possible) is also a conventional fiction of the epigrammatic genre;<sup>13</sup> but to declare that a certain god’s instrument has literally come into one’s possession and to then dedicate this item to a real temple along with real objects is another matter entirely and one that requires parallel examples. This major difficulty is increased by the unduly vague connection between *minacis* and Cupid’s bow (mentioned subsequent to those instruments habitually used for breaking and entering) as well as by the overall brevity of the alleged allusion to Cupid.<sup>14</sup>

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Ter. *Eun.* 774 (*agmen cum vecti*); Lucil. 839 Marx (*vecti atque ancipiti ferro*); (3) with axes: Theocr. 2. 127–128 (πελέκεις καὶ λαμπάδες); Plaut. *Bacch.* 1119 (*securibus*); Lucil. 839 Marx (*vecti atque ancipiti ferro*).

<sup>9</sup> Formicola, who at length defends *arcus* in the sense of a “bow”, cites Ter. *Eun.* 786–787: *fundam tibi nunc nimi’ vellem dari, / ut tu illos procul hinc ex occulto caederes: facerent fugam*. However, it was meant as a joke and therefore this parallel cannot be taken seriously. In reality neither a sling nor a bow are conceivable as weapons used against the inhabitants of a house.

<sup>10</sup> Copley 1956, 160 n. 88.

<sup>11</sup> Giangrande 2005, 127–129.

<sup>12</sup> *Ibid.*, 129.

<sup>13</sup> Strictly speaking, Meleager does not threaten to “appropriate” Cupid’s bow and quiver but rather to burn them as well as cut his wings and bind his feet – as if the god and his ammunition were physically present; or as if the poet were addressing a statue of Cupid whose inflicted damage was thought to affect the god himself.

<sup>14</sup> Nisbet–Rudd 2004, 315: “...such an object would be out of place with *funalia* and *vectes*, the plural would be awkward, and Cupid could not be mentioned in such a condensed and casual way”. Giangrande’s objections to this are unconvincing.

It thus seems impossible to interpret *arcus* here as a “bow”, whether real<sup>15</sup> or mythical, which leaves us with two options: either *arcus* is corrupt<sup>16</sup> and must be emended, or it is to be interpreted as some kind of tool for breaking in.

Bentley suggested *securēs* (though not reproducing Horace’s text with this emendation but only mentioning it in the commentary) because axes – along with torches and crowbars – seem to be the only instruments used for this purpose.<sup>17</sup> As unlikely as it might appear, palaeographically speaking, *securēs* could indeed be regarded as a diagnostic conjecture. Keller’s *ascias*<sup>18</sup> is worth considering, as it makes perfect sense and is tempting palaeographically albeit problematic from a prosodic standpoint.<sup>19</sup>

Other conjectures seem far less plausible. Giangrande’s *aduncos*<sup>20</sup> would give crowbars an epithet, thus chiasmatically balancing them with *lucida funalia*. Housman’s *sacrate* is based on the idea that medieval scribes sometimes perpetrated palindromic corruptions (*sacrate* > *et arcas* > *et arcus*) but the only example that he cites in support of this is questionable.<sup>21</sup>

The third group of scholars regards *arcus* as a tool used for breaking in. The weak point in this interpretation is that this usage of *arcus* is unattested in lexicography – we have to assume a *hapax legomenon*.

To suggest that it could imply some form of catapult through analogy to *arcuballista*,<sup>22</sup> would of course be an impossible exaggeration.

Interpreting *arcus* as props for crowbars<sup>23</sup> seems both too vague and invented ad locum. Why should these props be called *arcus*?

<sup>15</sup> Henderson’s view (Henderson 1973, 66 n. 45) is as incomprehensible to me as Giangrande’s: “The weapons are mentioned here as being among those of a soldier who in the literary convention becomes the soldier of Venus, yet keeps the formidable arms as a token of his military preparedness in the cause of love”.

<sup>16</sup> Cruces are put by Shackleton Bailey 1985, 94, and Nisbet–Rudd 2004, 315.

<sup>17</sup> See n. 8 above.

<sup>18</sup> Keller 1863, 279; 1879, 271–274.

<sup>19</sup> Horace does use *-i- consona* in *Epodes* (12. 7 *vjetis*) and *Odes* (3. 4. 41 *consilj(um)*; 3. 6. 6 *principj(um)*), but both examples from the *Odes* happen to fall before caesura of Alcaic hendecasyllabus and with elision, which is insufficient in proving that *ascjas* could stand at the end of enneasyllabus (pace Keller 1879, 272; synzesis in Horace’s hexameters is, of course, not relevant for the discussion).

<sup>20</sup> Giangrande 1966, 82–84.

<sup>21</sup> Housman 1882, 190–191 (= idem 1972, 3–4); he refers to Prop. 3. 5. 24 *sparserit et nigras alba senecta comas*, where *et nigras* was corrupted to *integras* in some manuscripts.

<sup>22</sup> Gesner in Baxterus–Gesnerus 1815, 198; Page 1884, 122; Birt 1925, 95. Cf. n. 9 above.

<sup>23</sup> “fulcra, quibus vectes imponuntur”: incerti teste Orellio (1837, 408–409).

F. Copley imagined a “pinch bar with a curved end”.<sup>24</sup> But first of all a metal stick with a hooked or curved end would be described as a “hook” (*uncus*) rather than as a “bow”, and secondly *arcus* would then be just another type of crowbar (*vectes*) and thus making for a somewhat insipid repetition.

The most well-reasoned interpretation of *arcus* as a tool was defended at length by two researchers whose professional occupation was other than classical philology. They assume that *arcus* is a “drill bow”, a very old tool used as early as ancient Egypt (for its working principle see fig. 1). It does look exactly like a bow with arrows: a cord is wound round the wooden cylinder to keep it fixed and is then stretched like a bowstring between the ends of an actual “bow”. The upper end of the cylinder has a cap to fix and press the drill;<sup>25</sup> the lower end has a metal point for boring.

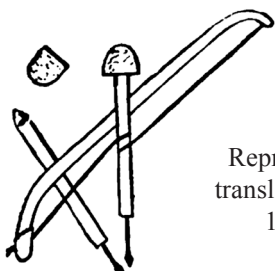


Fig. 1. Ancient Egyptian bow drill.  
Repr. from: G. Maspero, *Egyptian Archaeology*,  
transl. A. B. Edwards (New York – London <sup>2</sup>1892)  
190 fig. 177 (cf. Bidder 1920, 117 fig. 3).

This interpretation of *arcus* was argued by G. P. Bidder, a marine biologist.<sup>26</sup> The focus of his article is on boring techniques in antiquity. Bidder convincingly shows that Romans could not always get by with a simple hand drill (fig. 2a); they must have had some mechanical means of rotating the drill, one of which was a drill bow (referring to one illustration in H. Blümner’s indispensable study<sup>27</sup> and to descriptions of

<sup>24</sup> Copley 1956, 160 n. 88; cf. Düntzer 1846, 139–140: “Wären es etwa kleine mit einer Krümmung versehene eiserne Instrumente zum Aufsperrern?”

<sup>25</sup> Humphrey–Oleson–Sherwood 2003, 332–333 are right in saying that in *Od.* 9. 383–390 Odysseus and his men used similar technique to put out the Cyclope’s eye; a bow, however, is not mentioned there, only a thong, ἰμάς. Ulrich 2007, 32–33 along with fig. 3.24 on p. 36 identifies it with a strap drill, a more powerful drill that requires an assistant pulling a strap. Otherwise, hardly correct, E.-M. Voigt, *LfrgE* 7 (1973) 1122 s. v. ἄπτω.

<sup>26</sup> Bidder 1920, 113–127. He claims that this idea was originally suggested by his brother, Major H. F. Bidder.

<sup>27</sup> Blümner 1879, 222–228.

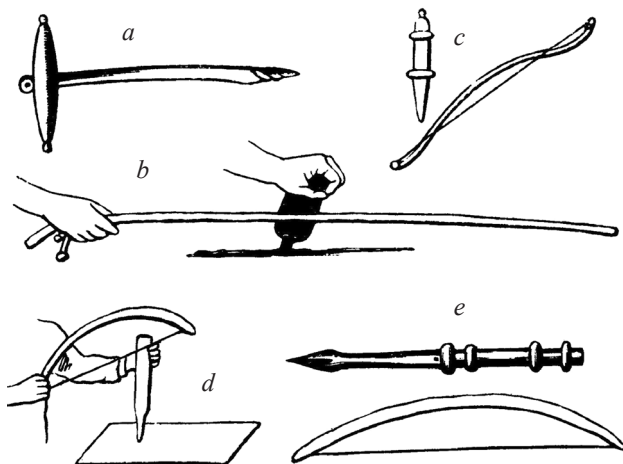


Fig. 2. Ancient Greek and Roman hand drill (a) and drill bows (b–e).

Repr. from: Blümner 1879, 226 fig. 43 (cf. figs. 4, 5, 9, 10)

a medical drill bow<sup>28</sup>). Indeed the use of drill bows in classical antiquity is undeniable (see figs. 3–10).<sup>29</sup>

Bidder admits that *arcus* has not been attested in the sense of a drill bow, but points out that the term for this tool in Romanic languages is a diminutive of *arcus* (Fr. *archet*, It. *archetto*; cf. Ger. *Bogenbohrer*, Russ. *лучковая дрель*).

The name for the tool has allegedly not been preserved in Latin, but in Greek it was called ὀρίς. This word is found in the dedicatory epigrams of carpenters and was also applied to a trephine instrument as well as to a military implement for boring through besieged walls.<sup>30</sup>

<sup>28</sup> Caton 1914, 116–117; cf. Blümner 1979, 224 n. 6.

<sup>29</sup> For archaeological evidence see Blümner 1879, 225–226 along with figs. 43b–e, 344 along with fig. 58, as well as Ulrich 2007, 28–32 along with figs. 3.17, 3.19–3.21, 3.23 and Casson 1933, 202–209 along with figs. 81–82 (see here figs. 2–11). Artists using bow-drills are also shown on the two early gems mentioned by Casson 1933, 203–204 along with fig. 81 (not reproduced here).

<sup>30</sup> See Blümner 1879, 224 along with n. 5–6, and 225 along with n. 1 (he remarks that in some cases ὀρίς may refer to a string rather than a bow that rotates it); LSJ s. v.; Pollux 7. 113, 10. 146. Apollodor *Poliore.* 148. 7 mentions ὀρίς in a military context (ἵνα ὀρίδι στρέφεται [scil. the wooden cylinder that holds τὸ τρύπανον] ἢ ἄστερίσκοις ἢ χερσίν). Based on the tools analyzed by Caton 1914, 116–117 (here figs. 15–16), and manuscript illustrations of a huge military drill bow in Schneider 1908, Taf. II–III (here figs. 12–14), the identification of ὀρίς with a drill bow is almost certain; cf. Moog 2004, 128–129 along with n. 43–44.





Fig. 3. A carpenter boring a hole in the chest of Danae and Perseus (the string of a bow is visible). Attic red-figure hydria, first half of the fifth century BC. Boston, Museum of Fine Arts. BA no. 202466. Drawing by the author (cf. Casson 1933, fig. 82).



Fig. 4. A carpenter boring a hole in the chest of Danae and Perseus. Attic red-figure crater, ca. 490 BC. St Petersburg, The State Hermitage. BA no. 203792. Repr. from: Ch. M. Gayley, *The Classic Myths in English Literature and in Art* (Boston 1893) 208 fig. 116 (cf. fig. 2b).



Fig. 5. Icarus at work, a bow and drill at his feet. Part of the fresco in Pompeii, House of the Vettii. Mid-first century AD.

Repr. from: М. Е. Сергеевко, *Ремесленники древнего Рима* (Leningrad 1968) pl. s. n. (cf. Ulrich 2007, 29 fig. 3.17 and fig. 2c).



Fig. 6. Workshop of a smithy (there is a bow drill hanging on the wall).

Attic black-figure vase from Orvieto. BA no. 2188;

*CVA Boston*, 1. 27–28, fig. 30, pl. (659) 37.2.

Repr. from: F. Baumgarten, F. Poland, R. Wagner, *Die hellenische Kultur* (Leipzig–Berlin <sup>3</sup>1913) 276, fig. 255.





Fig. 7. Funerary relief from Frascati, Italy (a bow and a drill are depicted on the right border). Late first century, The British Museum.

*CIL* XIV 2721/2 (cf. Ulrich 2007, 32 fig. 3.20).

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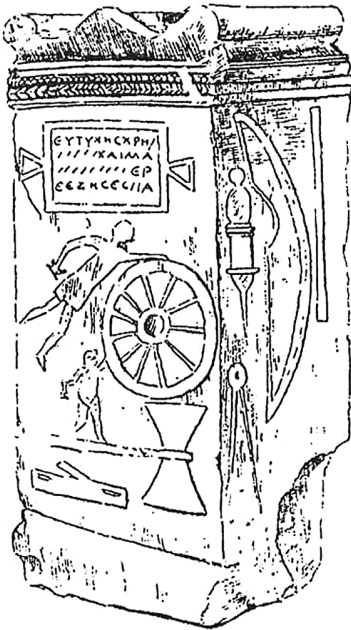


Fig. 8. A funerary altar from the Priolo cemetery of Sicily (a bow and a drill are depicted on the right side).

Third–fourth century.

Syracuse, Museo Nazionale.

Repr. from: P. Orsi, “Priolo”,

*Notizie degli scavi di antichità* 4 (1891) 359 (cf. Ulrich 2007, 33 fig. 3.21).



Fig 9. Part of the Vatican gilt glass vessel depicting the tools of the shipwright. Early fourth century AD. Museo Biblioteca Apostolica Vaticana. Drawing by Roger B. Ulrich.

Repr. from: Ulrich 2007, 35 fig. 3.23 by permission of the author (cf. fig. 2d and Blümner 1879, 344, fig. 58).

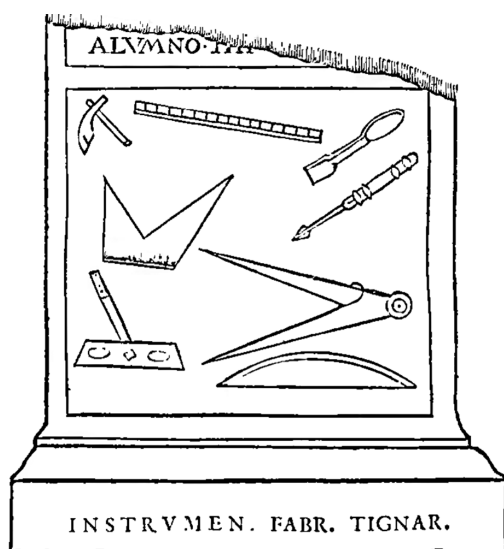
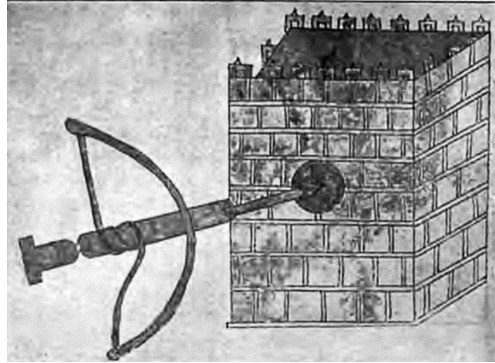
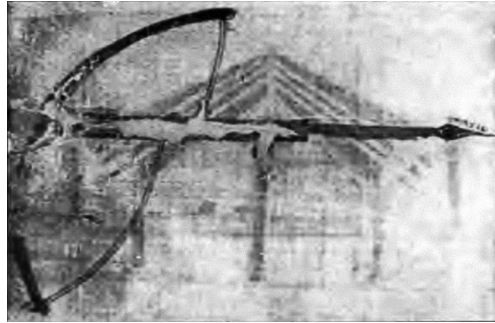
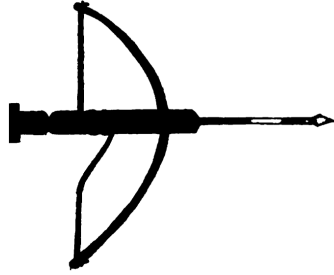


Fig. 10. Roman funerary monument.

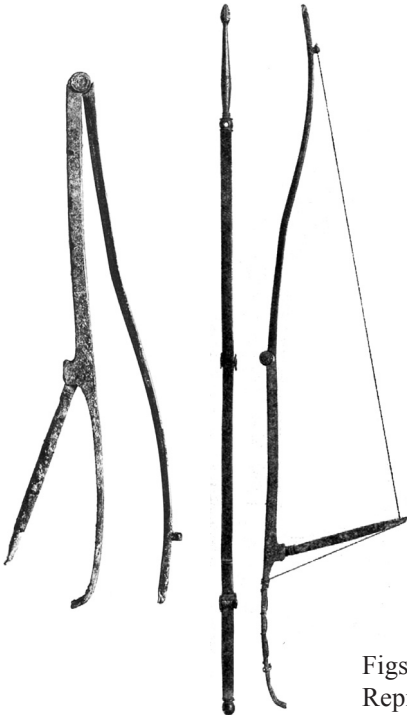
Repr. from: Ian. Gruterus, *Corpus inscriptionum...*, T. 1, pars 2 (Amsterdam 1707) 664, no. 2 (cf. fig. 2e).



Fig. 11. Drill and stock of a bow drill from Hawara, Egypt. Roman period. University College, London. Repr. from: W. M. F. Petrie, *Tools and Weapons by the Egyptian Collection in University College, London* (London 1917) pl. LI (cf. Ulrich 2007, 31 fig. 3.19).



Figs. 12–14. Military drill bows from medieval manuscripts. Repr. from: Schneider 1908, pl. II–III.



Figs. 15–16. Surgical drill bows. Repr. from: Caton 1914, 116 fig. 2; pl. XI no. 23.

The interpretation of *arcus* as a drill bow is therefore quite tempting. It was supported in a short notice by M. Cary<sup>31</sup> and recently put forward independently by F. P. Moog.<sup>32</sup> Moog, like Bidder, points out that judging from the context *arcus* must be a burglary tool, and he also cites the fact that drill bows were familiar to Romans. He lays special stress on the use of drill bows in a military context, which is apposite to the love-war metaphor.

Nisbet and Rudd found Bidder's interpretation worth considering, but put forward three objections to it:

- (1) *arcus* or its derivatives have not been attested to mean "drill bow" in Latin;
- (2) Gk. ὄρίς is not attested in the context of a *comissatio*;
- (3) a drill bow "seems altogether too mechanical for the ardent lover".

However, one crucial piece of evidence in favour of Bidder's interpretation has gone unnoted by scholars: *arcus* in the sense of a drill bow is in fact attested in the corpus of Greek-Latin glosses (Goetz, *CGL* II [1888] 244. 35, *glossae graeco-latinae ex codice Harleiano* 5792):

Αρίς arcus

Goetz was puzzled by this and suggested emending the gloss with a question mark so that this *arcus* would refer to an arch ("an ὀρίς?").<sup>33</sup> Now that we know the true meaning of ὄρίς, there is no need for any emendation. Fortunately Bidder's suggestion can be confirmed: *arcus* might indeed mean a bow drill.<sup>34</sup> The first and strongest objection to this interpretation is thereby disposed of.

The second objection of Nisbet and Rudd is weak. Surviving passages that describe *comissatores* attacking doors are not exactly numerous; those that mention specific tools used for this purpose are scarce (I listed all those sources with which I was familiar in n. 8). The word ὄρίς is very

<sup>31</sup> Cary 1924, 68. All depictions of drill bows listed by her (except one, here fig. 5) had already been mentioned in Blümner 1879.

<sup>32</sup> Moog 2004, 124–132. The author's field of knowledge is the history of medicine. His analysis contains useful references for evidence pertaining to the use of drill bows in carpentry, surgery and military campaigns, but he fails to take into account some of the important literature on the subject (e.g. Bidder, Blümner and Nisbet–Rudd).

<sup>33</sup> Goetz, *CGL* VI (1899) 90.

<sup>34</sup> The second volume of *ThLL* (1900–1906) saw print shortly after the *Thesaurus glossarum* (*CGL* VI [1899], VII [1901]) so that this remarkable gloss went unmentioned there s.v. *arcus*; but this fact was overlooked by modern Latin scholars who had grown accustomed to *ThLL* covering all usages of the word.

rare and its usage in the sense of a carpenter's drill bow can be counted on the fingers of one hand. It would clearly be unreasonable to demand the adduction of passages where a drill bow is mentioned in the context of a *comissatio*.<sup>35</sup>

The third objection is a reasonable one: a drill bow is less common than torches and crowbars, which are always available – and the boring of holes takes time and effort. The skill and diligence of a craftsman are not qualities usually associated with a drunken youth – we would rather expect him to grab whatever might be to hand and thus break through the door. Yet in view of the numerous advantages of Bidder's interpretation, this counter-argument should hardly loom as an impediment.

*Arcus* is the manuscript reading and it is also attested in Latin in the sense of a “drill bow”. This tool was familiar to Romans and could be used for such things as breaking through a door. It fits well with the love-war metaphor. Perhaps large and impressive drill bows would not seem petty and despicable. In antiquity the ways of breaking through the door of one's mistress might have been more technologically sophisticated than has hitherto been imagined.

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<sup>35</sup> So as to corroborate the interpretation in question, it would perhaps suffice in citing a door-drilling example that was not in the context of a *comissatio*. Admittedly I can only refer to a case where the wooden floor was drilled by burglars (*BGU* I 321; 322 τοῦ τόπου ὑπερώου ὄντος ἐκ τοῦ ποδώματος διατρηθέντος, see Riess 2001, 102; 391 along with n. 116 for references) though examples from Egyptian papyri listed by Riess 2001, 375–395 (“Anhang: Papyrologische Quellen (Raub- und Diebstahlpetitionen)”) often refer to certain manipulations of doors: *SBU* 13.2239 μετάραντες ὑπερώ[αν] θυρ[ι]δαν; *POxy* 10.1272 τὴν τοῦ πεσσοῦ θύραν ἐπηρ[μ]ένην; *BGU* 15. 2461 τὰς θύρας κατέαξαν; *PTebt* 2.332 τὰς θύρ[α]ς ἐξηλώσαν[τ]ες; *POxy* I 69 [θυρίδα συμ]πεφραγμένην πλίνθοις φέρουσαν εἰς δημοσίαν ῥύμην ἀνατρέψαντες ἴσως προσερείσαντες τῷ τόπῳ ξύλον...; *POxy* 58.3926 κατασχίσαντες πάσας τὰς θύρας; *PCairIsid* 75 τὰς μὲν θύρα[ς] κατ[α]σχίσαντες.

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The author defends G. P. Bidder's suggestion that *arcus* in Hor. *Carm.* 3. 26. 7 implies a drill bow. An important argument in its favour is that this meaning of *arcus* has been attested in Greek-Latin glosses (*CGL* II [1888] 244. 35: ἀρίς *arcus*).

В статье защищается выдвинутое Дж. П. Биддером предположение о том, что слово *arcus* у Горация (*Carm.* III, 26, 7) указывает на лучковую дрель. Важный аргумент в поддержку этого толкования – то обстоятельство, что такое значение *arcus* засвидетельствовано в греко-латинских глоссах (*CGL* II [1888] 244. 35: ἀρίς *arcus*).



## PILATUS UND DAS BLUT DER GALILÄER\*

Die Bibel, zumal das Neue Testament ist so gründlich erforscht, daß es vermessen scheint, hier noch eine offene Frage klären, eine Lücke schließen zu wollen. Dennoch sei es gewagt. Lukas 13, 1 ff. berichtet:

Es waren aber zu jener Zeit einige Männer zugegen, die ihm die Nachricht brachten von den Galiläern, deren Blut Pilatus mit dem ihrer Opfer vermischt hatte. Und er antwortete und sagte zu ihnen: Meint ihr, daß diese Galiläer vor allen Galiläern Sünder waren, weil sie dieses erlitten? Mit nichten, sage ich euch, sondern wenn ihr nicht Buße tut, werdet ihr alle ebenso umkommen. Oder jene achtzehn, auf welche der Siloah-Turm fiel und erschlug sie. Meint ihr, daß sie schuldiger gewesen seien als alle anderen Bewohner von Jerusalem? Mit nichten, sage ich euch, sondern wenn ihr nicht Buße tut, werdet ihr alle ebenso umkommen.

Die beiden Episoden gehören zum Sondergut des Lukas, ihre Herkunft ist dunkel. Auf eine nachträgliche Gemeindebildung weist nichts. Gesprächspartner sind nicht die Jünger, sondern ungenannte Juden. Ort des Gesprächs ist irgendwo vor Jerusalem, da Jesus sich auf seinem letzten Weg dorthin befindet (13, 22).

Der Tod jener Galiläer ist oft behandelt, aber bisher nicht oder nicht befriedigend erklärt.<sup>1</sup> Mit dem "brutalen Charakter" des Pilatus ist es

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\* Eine kritische Durchsicht und Literaturhinweise verdanke ich Friedrich Fuchs, Matthias Konradt, Volker Leppin, Christoph Marksches, Peter Schäfer und Alina Soroceanu. Die *Zeitschrift für Neutestamentliche Wissenschaft* und die *Zeitschrift für Kirchengeschichte* haben den Artikel abgelehnt, so nutze ich gern die Möglichkeit, ihn Christian Habicht vorzulegen, der mich im Juli 1963 in Marburg promoviert hat.

<sup>1</sup> Bultmann 1931, 57; Hengel 1961, 61; 344; Blinzler 1960, 57; 188–189 referiert abwegige Erklärungsversuche, verbindet den Fall aber selbst mit dem Brotvermehrungswunder Mt. 14, 17 ff., dem er Glauben schenkt. Cullmann 1961, 9; Grundmann 1974, 274–275; Harmansa 1995; Demandt 1999, 91; ders. 2012, 59; Theißen–Merz 2001, 166–167; Wolter 2008, 474–475; Bovon 2008, 375.

nicht getan. Über den Anlaß wußte vermutlich auch Lukas selbst nichts Näheres, zumal die weiteren Umstände des Falles für den Lehrgehalt unerheblich waren. Josephus kennt den Vorfall nicht, woraus nur zu folgern ist, daß es sich nicht um ein spektakuläres Ereignis gehandelt hat. Schließlich übergeht Josephus ja auch den Tod Jesu und die Vorgänge um das Todespassah. Wenn in der neueren Literatur von einem "Gemetzel" oder einem "Massaker" des Pilatus die Rede ist,<sup>2</sup> entsteht ein falscher Eindruck. Ein wahres Blutbad veranstaltete Pilatus im Jahre 36 unter den Samaritanern, die bewaffnet auf den Garizim zogen. Das hatte dann zur Beschwerde beim Legaten Vitellius in Antiochia geführt, der Pilatus daraufhin seines Amtes enthob (Jos. *Ant.* XVIII, 4, 1–2). Nichts spricht dafür, daß dieses Ereignis umgeändert und vordatiert hinter unserer Episode steht.<sup>3</sup> Unhaltbar ist auch die These, daß mit den 'Opfern' Menschen gemeint seien, die damals umkamen.<sup>4</sup> Der Gebrauch des Wortes 'Opfer' für Leidtragende eines Unglücks, Verbrechens oder Irrtums entstammt dem 18. Jahrhundert. Das Wort 'opfern' aus lateinisch *operari* oder *offerre* bedeutet eigentlich 'darbringen', ein Opfer ist eine Gabe an die Götter. Bei Lukas θυσίαι, in der Vulgata *sacrificia*, bezieht sich auf das rituelle Opfer im Jerusalemer Tempel und verortet das Geschehen im Tempelvorhof<sup>5</sup> bei einem Passahfest, denn nur bei einem solchen durften Laien im Tempel Schlachtopfer bringen. Anzunehmen ist ein Passah wenige Jahre vor dem Todespassah.<sup>6</sup>

Das harte Einschreiten des Pilatus muß auf einer antirömischen Aktion jener Galiläer beruhen. Blinzler vermutete "irgendeine unbedachte Provokation".<sup>7</sup> Nur bei solchen Gelegenheiten wurde scharf bewaffnetes Militär eingesetzt. Daß es sich gegen Zeloten richtete, sollte nicht bestritten werden.<sup>8</sup> Galiläa war der Ursprung und das Zentrum der Zelotenbewegung. Ihr Gründer war der Galiläer Judas von Gamala auf den Golanhöhen, Angehöriger einer ganzen Dynastie messianischer Räuber Könige und Freiheitskämpfer.<sup>9</sup> Er brachte zeitweilig sogar Sepphoris, damals die Hauptstadt von Galiläa, in seine Gewalt (Jos. *Ant.* XII, 10, 5; 9). Waren gewiß auch nicht alle Galiläer romfeindlich, so war diese Haltung bei ihnen

<sup>2</sup> Theißen–Merz 2001, 148; Wolter 2008, 475.

<sup>3</sup> So aber Bultmann 1931, 57 und Hirsch 1941 bei Grundmann 1974, 275.

<sup>4</sup> Cullmann 1961, 9. Richtig Bovon 2008, 375.

<sup>5</sup> So Otto Michel 1958, 164; Blinzler 1960, 188 f.

<sup>6</sup> Blinzler 1960, 57; 188–189 denkt an Passah 29 n. Chr.

<sup>7</sup> So auch Harmansa 1995, 3.

<sup>8</sup> So aber Hengel 1961, 61; 344, der selbst keine andere Deutung anbietet.

<sup>9</sup> Jos., *Ant.* XVII, 10, 5; XVIII, 1, 1; 1, 6; XX, 5, 2; *Bellum* II, 8, 1; *Apog.* 5, 37; Hengel 1961, 338 mit Stammbaum.

doch hinreichend verbreitet, so daß die Bezeichnung ‘Galiläer’ mitunter synonym für ‘Zeloten’ erscheint (Iustin. *Dial.* 80; Eus. *Hist.* IV, 22, 7).

Unerklärt, ja befremdlich ist die Verbindung einer romfeindlichen Handlung von Zeloten mit einem Tempelopfer und erst recht eine römische Militäraktion während eines Passahfestes im Tempel. Was konnte eine solche blutige Strafaktion auslösen? Hier sucht der Historiker nach einem Zusammenhang mit der sonst so nachsichtigen römischen Politik gegenüber den Juden<sup>10</sup> zwischen Caesar und Titus. Dafür muß über den Bibeltext hinaus geblickt werden. Augustus hatte in seiner von Caesar übernommenen judenfreundlichen Politik für das zweimal tägliche Opfer im Tempel ein Legat gestiftet, zwei Widder und einen Stier, die Jahwe zum Wohle des Kaisers und des römischen Volkes dargebracht werden sollten, und zwar “auf ewige Zeiten”. Dieses Loyalitätsritual für Rom bezeugt Philon in seiner *Legatio ad Gaium* (157; 317) noch 38, zehn Jahre nach dem Blutbefehl des römischen Präfekten gegen die Galiläer. Für Zeloten mußte das Kaiseropfer ein Ärgernis sein. Seine hochpolitische Bedeutung erhellt daraus, daß im Jahre 66 die Abstellung des Opfers im Tempel das Signal zur Erhebung der Zeloten in Jerusalem wurde, die Kriegserklärung gegen den Kaiser im Ersten Jüdischen Krieg. Als Eleazar, der Hauptmann der Tempelwache, dem Priester im Dienst das Kaiseropfer untersagte, gab es eine heftige Diskussion angesichts der Tragweite dieser Unterlassung, aber Eleazar setzte sich durch, der Bruch mit Rom war da.<sup>11</sup> Das wirft Licht auf die Aktion des Pilatus. Offenbar hatten jene Galiläer eigene Opfertiere mitgebracht, die anstelle der von Tiberius gestifteten, zum Wohle von Kaiser und Reich bestimmten dargebracht werden sollten. Und das war, wie die Folge bestätigt, eine romfeindliche Demonstration, die Pilatus ahndete, indem er das Blut der Galiläer mit dem ihrer Opfer mischte.<sup>12</sup> Welche andere Opferhandlung hätte Pilatus alarmieren, eine solche Polizeiaktion auslösen können?

Jesus hört laut Lukas von dem blutigen Vorfall im Gespräch mit Ungenannten, die glaubten, die Galiläer seien als Sünder gestraft worden. Dies bestreitet er, mahnt aber seine Gesprächspartner, wenn sie nicht umdenken und Buße (μετάνοια) tun, dann kämen sie ebenso um wie die Galiläer. Diese traf, so Jesus, nicht für irgendwelche Sünden eine höhere Vergeltung auf Erden, aber die Gesprächspartner sollten sie fürchten. Sie

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<sup>10</sup> Sie beginnt mit den Privilegien der Juden durch Caesar und endet mit der Verbindung von Titus und Berenike.

<sup>11</sup> Jos. *Bellum* II, 10, 4; 17, 2; Hengel 1961, 111; 365 ff; Schäfer 1983, 135.

<sup>12</sup> Blinzler 1960, 206; 211 vermutet hier einen Grund für die Verfeindung zwischen Antipas und Pilatus und für die Anwesenheit des Vierfürsten, dem Galiläa unterstand, beim Todespassah. Lk. 23, 12.

wirkt nur in der Zukunft, gilt nicht in der Vergangenheit, erklärt nicht den Tod der beim Einsturz des Turms nahe dem Siloah-Teich an der Südmauer Umgekommenen, warnt aber die Unbußfertigen vor einer solchen irdischen Sündenstrafe. Ein Zusammenhang mit dem Weltgericht ist im Text nicht zu erkennen.<sup>13</sup>

Beide Episoden sind nicht inhaltlich miteinander verbunden, sondern erläutern nur dieselbe Lehre. Es gibt jedoch eine Akzentverschiebung. Der Tod durch den Einsturz war Zufall oder höhere Gewalt, er traf Schuldlose gemäß Gottes unerforschlichem Ratschluß. Der Tod der Galiläer aber traf Rebellen, schuldig in den Augen des Pilatus. Das ergab sich aus deren Provokation der Römer, von der Jesus vielleicht nichts wußte. Jedenfalls war Schuld in den Augen des Pilatus keine Sünde in den Augen Jesu.

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<sup>13</sup> Anders Harmansa 1995.

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In Lucas 13. 1 Pilatus punished Galilean zelots, because they tried to abolish the sacrifice of the Roman emperor in the Temple, which later was the beginning of the Jewish War in AD 66.

В Евангелии от Луки (13, 1) Пилат наказал галилейских зелотов за то, что они пытались помешать жертвоприношению римскому императору в Храме. Впоследствии то же самое привело к началу Иудейской войны 66 г. н. э.

## A DANCER IN SYRIA

*Chr. Habicht χοριστήριον*

At Syrian Apamea in the time of Hadrian, the theatrical guild, the Technitai of Dionysus, honored a dancer with a statue:<sup>1</sup>

- [ή] ἱερὰ σύνοδος τῶν ἀπὸ τῆς  
οἰκουμένης περὶ τὸν Διόνυσον καὶ αὐτο-  
κράτορα Καίσαρα Τραιανοῦ υἱὸν θε-  
4 οῦ Νερούα υἱὸν Τραιανὸν Ἀδρι-  
ανὸν Σεβαστὸν<ν> τεχνειτῶν ἱερωνει-  
κῶν στεφανειτῶν καὶ τ<ῶ>ν τοῦ-  
των συναγωνιστῶν Ἰούλιον  
8 Πάριν Κλαυδιέα τὸν καὶ Ἀπα-  
μέα καὶ Ἀντιοχέα καὶ πάσης πό-  
λεως πολεῖτην καὶ ἐν κολωνεί-  
α Βηρύτῳ τετειμημένον σεξ-  
12 βερᾶτι, τραγικῆς κεινήσεως ὑπο-  
κριτὴν, τὸν διὰ βίου καὶ κατὰ τὸν  
[τόπον] ἀρχιερέα καὶ στεμματη-  
[φόρον] τοῦ ἀρχαγέτου  
16 Ἀπόλλωνος, [ἀρετῆ]ς καὶ  
εὐνοίας ἔνεκ[α].

5 ΣΕΒΑΣΤΟΥ, 6 ΤΟΥΝ lap.

The sacred guild of worldwide sacred-victor crowned Technitai of Dionysus and Hadrian, and their fellow-competitors, (dedicated) Julius Paris, Claudian-Apamean and Antiochene and citizen of every city<sup>2</sup> and honored in Colonia Beirut with the sevirate, actor of tragic movement, the high priest for life and in the place and fillet-bearer of Apollo the Founder, because of his excellence and goodwill.

<sup>1</sup> Rey-Coquais 1973, 47–48, 63–65, no. 10, with photograph of lines 4–13 [*AE* 1976, 686]; cf. J. and L. Robert, *Bull. épigr.* 1976, 721; Garelli 2007, 244–245. On the *pantomimoi* see now Webb 2011, 221–260.

<sup>2</sup> Apparently an enthusiastic exaggeration of the frequent ἅλλων πολλῶν πόλεων (most recently *P. Oxy.* LXXIX 5210<sub>3</sub>).

Paris<sup>3</sup> of Apamea was a *pantomimos*, a professional dancer – and a prominent man, to judge from his several dignities. To look only to the region, his honors in other cities are comparable to those of the Jewish dancer M. Aurelius P[ylades?] of Scythopolis a century later, a decurion of Ascalon and Damascus.<sup>4</sup> Rey-Coquais (64) took Paris to be the high priest and *stemmatephoros* of the Apamean Technitai, the local branch of the theatrical guild. The Roberts revised this in part: at this date *pantomimoi* were not yet competitors in the major competitions (their performances being adjunct), but they perhaps could be members of the Technitai under the heading συναγωνισταί. Remarking that the actors' god was not Apollo but Dionysus, and noting the dialectic ἀρχαγέτας, they concluded that this was Apamea's civic cult of the Seleucids' ancestor Apollo and that the Doric reflected some Dorian element in the foundation of the Hellenistic colony.<sup>5</sup> Hence Paris was high priest for life of both the world-wide Technitai (headquartered in Rome) and the branch in Apamea ("in the place"), but *stemmatephoros* in Apamea's cult of Apollo the Founder.

N. A. Almazova has urged instead that Paris was a member not of the Technitai but of a guild of dancers, whose god was Apollo. As I believe that her case is substantial, and as it was rejected in the more accessible *SEG*, some further comment on the matter is in order.<sup>6</sup>

The proposal of a survival of a cult of the Seleucids' divine parent, and in Doric, should be rejected. It is true that Roman Dura had a cult of the *progonoi* and a cult of King Seleucus Nicator (*P. Dura* 25 and 37), a continuation or revival of royal cult in the Antonine age. But in neither Hellenistic times nor Roman, in civic or royal practice, is there evidence of a cult of Apollo as *archegetes* of the Seleucids; their claim of descent from Apollo<sup>7</sup> was a talking point in diplomacy, not a cult. An Apollo Archegetes is conspicuously absent from the several cult rosters of Seleucid cities like *IGLSyrie* III 1184; no dedications or altars for him are

<sup>3</sup> Dancers favored the name: see Leppin 1992, 270–276; Strasser 2004, 198–199. Cf. *TAM* V 1016, τὸν καὶ Πάριν. *Paridiani* at Pompeii, *CIL* IV 7919, with Franklin 1987, 103–104. Α Παριδίων ὀρχηστῆς, aged five, in *I. Side* II 200, with Robert 1969–1990, V 191–192.

<sup>4</sup> *CIL* XIV 4624 (honored by the Augustales of Ostia); cf. Leppin 1992, 288; Strasser 2004, 197–202.

<sup>5</sup> Followed by Leppin 1992, 99 n. 44; Roueché 1993, 52; Garelli 2007, 244–245. Aneziri 2003, 332 n. 79, suggested instead that both high priesthood and *stemmatephoros* could be civic priesthoods of Apamea.

<sup>6</sup> Almazova 1998 [Н. А. Алмазова, “Артист Диониса или сотрапезник Аполлона?”], 113–121; *SEG* XLVIII 1844 with the comments of H. Pleket.

<sup>7</sup> For the testimonies for this claim see J. and L. Robert, *Bull. épigr.* 1955, 122 (p. 229).



extant.<sup>8</sup> Furthermore, Apollo the progenitor of the Seleucids was not said to be Dorian; and we should doubt that a hypothetical Dorian element of the first colonists were able to impose their vowel on a civic cult of the royal ancestor. A different explanation of Apollo Archagetas is needed.

Almazova convincingly found the right Apollo, in the Latin West. For Apollo was the god of the guild of the *pantomimoi*, the *synhodus Apollinis*. To illustrate more fully:

*pantomimo temporis sui primo, hieronicae coronato IIII, patrono parasitorum Apollinis, sacerdoti synhodi* (ILS 5186 = I. Puteoli 6 = Caldelli 2007, 443–447, no. 6)

*pantomimo sui temporis primo, hieronicae (...) parasito Apollinis, archieri synodi* (ILS 5194; cf. Strasser 2001, 127–131)

*parasito et sacerdoti Apollinis* (ILS 5189)

*Apollinis sacerdoti soli vittato, archieri synhodi* (5190)

*vittato Augg., sacerdoti Apollinis* (5191 = I. Ital. IV.1 254; cf. Strasser 2006, 300–302, 318–319; Leppin 1992, 206–211)

*sacerdoti synhodi Apollinis parasito* (ILS 5193)

None of these texts need be earlier than the late second century and the inclusion of dance in the major competitions. But the relationship of the *pantomimoi* and Apollo is attested earlier than any inscription: Martial praises a dancer, *dulce decus scaenae, ludorum fama (...) laurigeri parasitum Phoebi* (9. 28), compelling evidence for Apollo's patronage of the dancers already in the first century, though not for the existence of their guild. The dancers' art was old, Hellenistic in origin, but we do not know when the guild came into being.<sup>9</sup> But with or without a guild, Apollo Archagetas in our inscription, as Almazova saw, was the dancers' god, not Apamea's or the Seleucids'.

Almazova urged that the exclusion of dancers from Greek *agones* implies that they were not members of the Technitai of Dionysus.<sup>10</sup> She

<sup>8</sup> The Iliahs twice voted honors for Seleucid kings, which included sacrifice and prayer to Apollo, which they did, they explained, because Apollo was *archegos* of the dynasty (I. Iliion 31<sub>13</sub>, 32<sub>27 ff.</sub>). That reasoning for the occasion is not evidence of an established civic cult of Apollo Archegos; and at 32<sub>29</sub> he is simply Apollo, whom all Greeks worshipped.

<sup>9</sup> A fragment of Festus (436–438 L.) would associate the *parasiti* with the Ludi Apollinares founded in 212 BC; but the testimony is doubtful, see Ziehen 1949, 1377; Leppin 1992, 95; Caldelli 2011, 141–146. Explicit testimony of a guild in the West, a *synodus* as distinct from dancers described collectively, is not found before the late second century AD.

<sup>10</sup> Texts on the Technitai commonly attribute a specialty to an individual – *komodos*, *auletes*, etc.: on present record, none is called a dancer, *orchestes* or synonyms.

took the Apamea inscription to show instead that the dancers' guild existed already by the time of Hadrian and that Paris was a member of that guild, not of the Technitai.<sup>11</sup> This is a more delicate question. One fact is crucial: as Almazova observed, the decree does not say that Paris was a member of the Technitai, only that they honored him with a decree and a statue, as they did other rich and famous persons. The point can be further developed.

First, it is rare for the Technitai to choose one of their own as high priest.<sup>12</sup> We have several petitions to city councils seeking the entitlements of guild-membership for individuals elected by the Technitai to serve as high priests:<sup>13</sup> they never ascribe a specialty (*tragodos*, *kitharodos*, etc.) to those appointed, in contrast to the guild magistrates and witnesses named in the same documents; and indeed, if these newly-elected high priests had already been theatrical performers, there would be no need of these petitions – they would already be Technitai. The rosters of magistrates that head the petitions (*ἄρχων*, *ἀντάρχων*, etc.) never include an *archiereus*. Two high priests are on record as female (*I. Ephesos* 1618, *P. Oxy.* LXXIX 5208) – these could not have been performers. I find only two clear instances of a performer who also served as high priest: *I. Ankara* 141.51 *κιθαρωδοῦ* (...) *τῆς ἀρχιερέως*, and *Milet* VI.3 1140 *α προκιθαριστῆς* as high priest *τῆς τοπικῆς συνόδου*.<sup>14</sup>

Thus the usual practice of the Technitai was to select a non-member to serve as high priest at a festival. This honorary membership was not legally idle, as it gave the honorand the same immunities as regular Technitai. The Technitai used these opportunities to cultivate distinguished persons in local society. Such was Paris.

Second, a textual matter. The logic in line 14 is obscure: high priest (of an unnamed group) for life and in the place (unidentified). Almazova

<sup>11</sup> Almazova's further argument (in addition to the dancers' Apollo), that a freedman would be ineligible for membership in the Technitai (119), was rightly rejected by Pleket, who noted that Paris may have been a descendant of a freedman as the Roberts suggested. The point is moot, however. That the Technitai in the Hellenistic period were freeborn seems clear (see Le Guen 2001, II 43). But that this exclusion persisted in the Roman Empire should be doubted; already the earliest Imperial confirmation of their privileges (AD 43) shows a delegation of Technitai to Claudius, most of them Greek Claudii (Oliver 1989, no. 24) – very likely his freedmen.

<sup>12</sup> This emerges from a corpus of the texts on the guild in Imperial times, in preparation. Leppin 1992, 100 n. 45, cites Alcibiades of Nysa (*I. Ephesos* 22) as an exceptional case of a non-performer in the Technitai. Rather, this was usual of such honorees; the distinguished Alcibiades, who was no actor, served only as their *archiereus*.

<sup>13</sup> Frisch, *Pap. Agon.* 1, 3, 4, 5; *P. Oxy.* LXXIX 5208.

<sup>14</sup> A high priest is restored doubtfully at *MAMA* VIII 418<sub>41</sub>.

(120 n. 49), arguing for a dancers' guild, judged the restoration κατὰ τὸν [τόπον] still "possible" but saw that the one parallel adduced (*Milet* VI.3 1140, the "local synod" of the Technitai as contrasted with Rome headquarters) is irrelevant if Paris was instead a member of the dancers' guild. But "the place" is a surprising way to refer to a city,<sup>15</sup> especially the home of the honorand (we expect e.g. καὶ τῆς πατρίδος αὐτοῦ or τῶν Ἀπαμέων). How is "for life" the companion or opposite of "in the place"?<sup>16</sup>

A different possibility: κατὰ τὸν [καιρὸν]: high priest "for life and on the occasion".<sup>17</sup> Such a pairing, though in different terms, is found in the praise of Epaminondas of Acraephia and his benefactions παρὰ πάντα τὸν βίον καὶ ἐν τῷ παρόντι, "through all his life and on the present occasion" (*IG* VII 2711<sub>58</sub>).<sup>18</sup> The occasion, without further definition, would be the dramatic performances staged by the Technitai, at the end of which they had reason to vote a statue for Paris.

Of what group was Paris high priest for life? For this implies the existence of a corporate body. The possibilities are: the city of Apamea, the Technitai, and a dancers' guild.

A civic high priest – i.e. a magistrate of Apamea – seems the least likely: in a decree of the Technitai, to avoid ambiguity the city ought to be named here if the Technitai meant not their own high priest but Apamea's (of the emperors, often unexpressed).

The Roberts' view, high priest of both the world and the Apamean Technitai, reflects the restoration [τόπον]; but it seems improbable that a Syrian *pantomimos* would be life-long high priest at the headquarters of the Technitai in Rome. Only twice elsewhere do we hear of a high priest of the Technitai serving for life rather than on one occasion: a rich patron in Rome and an Alexandrian philosopher (location uncertain).<sup>19</sup>

<sup>15</sup> In the Beroea gymnasiarchal law (Hatzopoulos 1996, II no. 60), men elected to serve at festivals are to be "from the place" (B<sub>48</sub> τῶν ἐκ τοῦ τόπου ἄνδρας ἐπτά, cf. 72). But the perspective of the law is globally Macedonian, cf. A<sub>6</sub> ἐν αἷς πόλεσιν γυμνάσιά ἐστιν, and to write ἐκ τῆς πόλεως might have been taken to require men who held public office. Austin 1981, 205, renders it convincingly, "those on the spot".

<sup>16</sup> Garelli 2007, 245, had to omit καὶ to convey a logical meaning: "grand-prêtre de l'association de Technites dans sa ville (localement) à vie". Cf. Roueché 1993, 52, "in his own city".

<sup>17</sup> On κατὰ τὸν καιρὸν as applied to magistrates see Robert 1969–1990, I 610 n. 6.

<sup>18</sup> For παρόν "present" in the Acraephia inscription and elsewhere (usually contrasted with the future rather than the past) see Robert 1969–1990, VI 270.

<sup>19</sup> *I. Ephesos* Ia 22<sub>26</sub> and *IGR* IV 468 (with Merkelbach 1985, 136–138). διὰ βίου is restored in *I. Napoli* I 47<sub>3</sub>. By contrast, in the Athletes' guild high priests for life are

That Paris was high priest for life of a dancers' guild: Almazova deduced one corporate body – a single τὸν introduces Paris as Apollo's high priest (for life and here/now) and στεμματηφόρος. The western *archiereus* and *vittatus* are reflected in ἀρχιερεὺς and στεμματηφόρος at Apamea – high priest and 'wearing a fillet' are repeatedly found together in the Latin inscriptions.<sup>20</sup> The inscription would show that dancers' guilds existed in the Greek East half a century before they are on record in Italy. For an art form of Hellenistic origin (as Robert emphasized in 1930), that priority should not be surprising.

That Paris was high priest for the Apamean branch of the Technitai (both for life and on this occasion), and (secondly) a dancer, *stemmatephoros* of Apollo: if the high priest is unqualified (Apollo modifying only *stemmatephoros*), then the implication in a decree of the Technitai is that Paris was their high priest. The second descriptor, that he wore or carried the fillet of the dancers' Apollo, need not imply that he held an office in a dancers' guild; it might represent some earlier victory or honor as a dancer. It would be improbable for a guild of dancers to be attested only once in our Greek evidence. But the Greek is clumsy, and (to repeat) the Technitai rarely made anyone high priest for life.

A further possibility, a sort of middle ground: Paris was high priest of the dancers for life and their *stemmatephoros* of Apollo, and was elected by the Technitai to serve as their high priest on this occasion – by a decree of the sort we know only from the papyri. Hence the unusual pairing "life-long" and "here/now": Paris was high priest for life of one group, the dancers, and on this occasion served as high priest for another, the Actors' guild. The travels of a professional dancer may be relevant: Paris would often have been unavailable in Apamea. The Technitai of Apamea were grateful that he would serve at this festival. But the objection remains that this stone would be our only evidence for a dancers' guild in the East.

It is not obvious how to choose among these options. The question of a guild of dancers in the East in the time of Hadrian should be left open.

In any case, if on that day Paris served as high priest for the Apamean Technitai, he served not because dancers were members of the Technitai but because he was a celebrity worth cultivating. His office was honorific and *ad hominem*, and in carrying out his priestly duties, he was not

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abundantly attested (e.g. *I. Sardis* 79<sub>24</sub>; *I. Napoli* 51<sub>5</sub>, with Wallner 2001, 96–108). One can suspect that athlete high priests were retired and of advanced age – a burden that weighs more heavily on athletes than on actors (cf. *PSI* XIV 1422<sub>19 ff.</sub>).

<sup>20</sup> In Greek, the phrase pairing these offices was known to Vettius Valens: καὶ στεμματηφορίαν καὶ ἀρχιερωσύνην προσεδόκησεν (7. 6. 381), στεμματηφορίας καὶ ἀρχιερωσύνας καὶ προκοπὰς καὶ ἀρχὰς ἐπάγει (4. 23. 13).

performing his art.<sup>21</sup> The high priests elected by the Technitai to serve at a festival were usually prominent dignitaries, and likely generous ones. We can guess that being high priest entailed paying for the sacrifices to the emperor and the other gods – hence the gratitude of the Technitai to Paris the *pantomimos*.<sup>22</sup> He was in any case a star, whose visible presence added luster to the event, as when a famous athlete served as xystarch.<sup>23</sup>

Finally, Apollo *Archagetas*. The Apamea inscription tells us something that the Latin inscriptions and Martial do not: the dancers reckoned their founder and patron to be Dorian.<sup>24</sup> Every profession needed a patron god. What led the dancers to Dorian Apollo? This must be a question of mythography rather than of Seleucid or Apamean history.

The Athenian guild of poets was said by the Delphians to honor Apollo as τὸν μου[σαγέτα]ν καὶ ἀρχα[γέτα]ν τᾶς ποιητικᾶς θεόν (FD III.2 250<sub>1</sub>, ca. 100 BC). It would be natural for some to see in Apollo the author of the ὀρχηστικὴ τέχνη as well, for the common ground of poetry and dance was obvious (ὀρχηστικῇ δὲ καὶ ποιητικῇ κοινωνία πᾶσα καὶ μέθεξις ἀλλήλων ἐστί, Plut. *Mor.* 748 A, who goes on to cite the mimetic *hyporchema* as fusing the two arts).<sup>25</sup> There were famous dances in Apollo's honor – at Sparta, Delos, etc. Dorians danced at Apollo's Carneia (Callim. *Hymn.* 2. 85–87).<sup>26</sup> The *hyporchema*, attributed to Cretan Thaletas (*schol. Pind. Pyth.* 2. 127),

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<sup>21</sup> Garelli's unease about *pantomimoi* being active members of the Technitai is worth quoting (2007, 245 n. 144): “La difficulté est de déterminer quelle était la place d'un pantomime, danseur soliste et par conséquent vedette, dans un concours où il participait simplement en tant que membre du groupe de Technites. Le pantomime représentait-il des ballets en intermèdes auxquels on aurait donné une importance aussi grande qu'à des épreuves agonistiques traditionnelles? Dansait-il toujours dans le cadre de son association et dans le groupe des Technites ou pouvait-il signer des contrats à l'extérieur, en dehors de l'association, pour donner des représentations hors-concours dans des fêtes?”

<sup>22</sup> At a contest in Ephesus the high priests of the imperial cult (a brother and sister) paid for the prizes: *I. Ephesos* 1618.

<sup>23</sup> Cf. Rigsby 1977, 153.

<sup>24</sup> The view that traced the dancers' guild and their god to Republican Rome's Ludi Apollinares was already undermined by Robert's demonstration of the Hellenistic origin of the art form, and further now by the Dorian god.

<sup>25</sup> Cf. Ath. 631 C associating the *hyporchema* with Sparta; on the *hyporchema* see Garelli 2007, 65–68, 329–335.

<sup>26</sup> Cf. *Lex. Seg.* s.v. Σταφυλοδρόμοι· κατὰ τὴν τῶν Καρνείων ἑορτὴν στέμματά τις περιθέμενος τρέχει; Paus. 3. 20. 9 “the *stematias*”; *Epigr. Gr.* 465 [GVI 973] τὰ θεῖα ?στέμματα Καρ[ν]ε[ί]αις δερκομέ[ν]ων θυσίαις. See Robertson 2002, 47–49, 61–62.

was assigned to Apollo by Menander Rhetor (331), and Pindar had called Apollo himself a dancer, ὀρχήστ' ἀγλαΐας ἀνάσσω, εὐρυφάρετ' Ἀπόλλων (fr. 148). Cretan expertise in dance was praised, Κρήσσαι νύ ποτ' ᾧδ' ἐμμελῶς πόδεσσιν ὄρχηντ' ἀπάλοισ',<sup>27</sup> and the dance in arms was reputedly Cretan.<sup>28</sup>

Crete in turn points again to the most famous Dorian Apollo, Apollo of Delphi, and the Cretan origin of his priests (*Hymn. Hom.* 3. 388 ff.). Leading these new recruits in procession from the shore to his temple, Apollo played the cithara and “stepped high” while the Cretans sang their song (514–517):

ἦρχε δ' ἄρα σφιν ἄναξ Διὸς υἱὸς Ἀπόλλων  
 φόρμιγγ' ἐν χεῖρεσσιν ἔχων ἐρατὸν κιθαρίζων,  
 καλὰ καὶ ὕψι βιβάας· οἱ δὲ ῥήσσοντες ἔποντο  
 Κρήτες πρὸς Πυθῶ καὶ ἱηπαίηον' αἰεῖδον.

The *pantomimoi* may well have remembered this scene; and one can image that they would take ὕψι βιβάας to evoke the Spartan dance called *bibasis* (Poll. 4. 102).

These stories about a Dorian Apollo and the origins of dance seem sufficient reason for the dancers' Doric conception of their god, Ἀρχαγέτας.

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<sup>27</sup> Lobel/Page, *Poet. Lesb.* fr. 16. Cf. Pind. fr. 107, ἐλαφρὸν ὄρχηνμ' οἶδα ποδῶν μειγνόμεν· Κρήτα μὲν καλέοντι τρόπον, τὸ δ' ὄργανον Μολοσσόν.

<sup>28</sup> Lucian *Salt.* 8 (but prompted by Rhea); ἀρετὴ Κρητῶν ἢ κατὰ πόλεμον ὀρχηστική, Eustath. on *Od.* 19. 178.

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A decree of the Technitai of Dionysus, of Hadrianic date, to honor a *pantomimos* who was a high priest is not evidence that these performers were members of the Actors' guild, which honored many people. His priesthood may well be proof of a guild of dancers at this early date (so N. A. Almazova), and if he also served thus for the Technitai on this occasion, that would be via their *ad hominem* grant.

Декрет Союза артистов Диониса эпохи Адриана в честь пантомима, исполнявшего обязанности верховного жреца, не доказывает, что пантомимы являлись членами этого союза: ведь почести воздавались и посторонним лицам. Однако его жреческую должность можно рассматривать как доказательство существования уже в это время союза пантомимов (согласно предложению Н. А. Алмазовой). Если он и оказал услуги артистам Диониса в этом качестве, речь идет о почести, оказанной ими частному лицу.



THE DISCOVERY (AND REDISCOVERY)  
OF A TEMPLE DEDICATION TO HERCULES  
BY P. AELIUS HIERON, FREEDMAN OF HADRIAN  
(*AE* 1907, 125)

*To Professor Christian Habicht, with  
deep gratitude for his mentorship at  
the IAS and beyond*

The highway known as the E45 is the longest north-south route in Europe, stretching from Karesuando in the extreme north of Sweden to Gela on the south-central coast of Sicily – a distance of almost 5000 kilometers. In Italy, the road starts to follow the course of the Tiber at Orte in northern Lazio, and then crosses the river a number of times over a section of some 50 kilometers before finally deflecting to its east. The highway's last Tiber crossing is just northeast of the town of Monterotondo, itself about 30 km northeast of Rome. After traversing the river, the E45 then almost immediately bisects the Via Salaria (which still runs, as it did in antiquity, northeast from Rome to Porto d'Ascoli on the Adriatic coast), and in 2.5 km enters the massive nature reserve "Macchia di Gattaceca e Macchia del Barco". By this way the highway continues east of Rome toward Tivoli, and then eventually to Naples and points further south.

As it happens, almost precisely at the highway's point of entry into the "Macchia del Barco", 100 meters due east of the E45 at Viadotto Rio Pozzo, are the faintest traces of what must have been a large Roman villa of the imperial age. The only remains of the structure now visible at ground level are two blocks of travertine, substantial enough to be seen clearly in Google Earth's satellite images of the area. Survey work in 1995 detected nearby a few scattered stones of limestone paving, including some worked into an adjoining modern road. Those stones must derive from an ancient road that extended the Via Nomentana from the town of Nomentum (traditionally identified with modern Mentana, just 5 km south of Monterotondo) to the Sabine settlement of Eretum (probably located on the hill Casacotta near modern Montelibretti, 21 km northeast of Monterotondo), and then joined the Via Salaria. For about 4 km further south of these paltry survivals, over the past decade amateur archaeologists from a local chapter of the Archeoclub d'Italia

have uncovered an impressive 130 meter stretch of paving from the same materials, and thus (surely) the same road.<sup>1</sup>

It was routine agricultural work in early May of 1906 on a hill known as Ontaneto – literally, “alder grove” – that first uncovered the presence of the imperial villa and traces of the nearby Nomentum–Eretum road. At that time, the site belonged to a large estate known as Tenuta di Tor Mancina, since 1814 the property of the noble Boncompagni Ludovisi family. The head of family, Prince Rodolfo Boncompagni Ludovisi (1832–1911) – whose many titles included Duke of Monterotondo – enlisted a trusted scholar with an expertise in the Roman *campagna*, Giuseppe Tomassetti (1848–1911), to investigate. At that point, Tomassetti had served the Boncompagni Ludovisi family for a full three decades in various capacities, including as a tutor in history for Rodolfo’s three daughters.

By 17 May 1906 Tomassetti had concluded excavations, which can have lasted only a few days. These he summarized in a four page handwritten letter to the Prince, today preserved in the Archivio Segreto Vaticano.<sup>2</sup> Though Tomassetti soon shared notice of his discoveries in the *Bullettino comunale* for 1906 (which other contemporary journals duly excerpted), the letter to Prince Rodolfo Boncompagni Ludovisi offers the first and fullest account of what he found.<sup>3</sup>

In the letter, Tomassetti describes (I translate here from the Italian) “an ancient building” of a construction type that he assigned to the second century AD, “consisting of numerous rooms and corridors built of brick, yet having flooring of ordinary white mosaic”. The discovery of a brick stamp of the late Antonine era secures the date. “The structure is supported on the side of the hill by some large niches, probably meant for a fountain that gushed in the plain below”. Indeed, Tomassetti stressed that a significant part of the complex, which he measured as covering 250 square meters, was devoted to a pool for “the collection of rain water... and for its distribution. A long water main of carefully joined

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<sup>1</sup> See Turchetti 1995, 47–49; cf. also 36 on the site of Eretum. On the newly-excavated portion of the relevant road, see Paoli–Sgrulloni 2013.

<sup>2</sup> The letter is: Archivio Segreto Vaticano (henceforth ASV), Archivio Boncompagni Ludovisi (henceforth ABL) prot. 642C no. 180 = Venditti 2008, 318–319 prot. 642C no. 5; Turchetti 1995, 47 and 49 provides a transcription. On the long and close relationship of G. Tomassetti with the Boncompagni Ludovisi, see Boncompagni Ludovisi 1921, 242, 249, 346.

<sup>3</sup> See Tomassetti 1906, 87–89. Other contemporary notices: *NS* 1906, 213–214; *AE* 1907, 125–126; *EE* 9 (1910) 485. Contemporary discussion: Ashby 1907, 27; idem 1912, 223–224; Persichetti 1909, 123–124.

terracotta tubes extends northeast of the building”. He also noted remains of the ancient road, skirting the property to its east.<sup>4</sup>

Tomassetti also immediately identified the villa as belonging to an imperial freedman of Hadrian, P. Aelius Hieron, who served as the emperor’s *ab admissione*, i. e., the official in charge of the early morning audience or *salutatio*.<sup>5</sup> For his most substantial find was an inscribed architectural element, an “epistyle (architrave and pilasters) of Greek marble”, evidently from a small temple to Hercules that Hieron set up on the grounds. Tomassetti transcribed and translated the inscription (carved in two lines) as follows:

HERCVLI · SACRVM  
P · AELIVS · HIERON · AVG · LIB · AB · ADMISSION[- - -]

Sacred to Hercules, Publius Aelius Hieron, freedman of the emperor (Aelius Hadrianus), in charge of admissions (presentations).

Tomassetti’s reading of the last word seems to have been erroneous, for in his subsequent note to the *Bullettino comunale* he rendered it as ADMISSIO[- - -].



Fig. 1. Location of remains of villa of P. Aelius Hieron in ancient *ager Nomentanus*, northeast of modern Monterotondo. Credit: Google Earth.

<sup>4</sup> For the Italian text of this section of the letter and what follows, see Tomassetti ap. Turchetti 1995, 47 and 49. The brick stamp Tomassetti (properly) identified as *CIL* XV 622 = S 189, which dates to ca. 155–160: Steinby 1974–1975, 95 with n. 5; cf. Anderson 1991, 60–61 (with the date 145–155).

<sup>5</sup> For an overview of the functions of this domestic official, see Saglio 1877, 71–72; de Ruggiero 1886, 92–93.

In this handwritten report Tomassetti continued: “[the] letters are 6 centimeters in height. The architrave, in which the inscription has been cut, is broken into two pieces. The architrave as a whole (it is in three pieces), is 3 meters 60 centimeters in length, from which one may calculate the height of the temple as four meters or more”. He concluded that Hieron’s villa (and its temple) “was overrun and sacked in the dark ages, its objects” – he details some additional, minor finds – “being found in a fragmentary state”. Finally, he reports to Prince Boncompagni Ludovisi that “all of these items and others of less account have been delivered to the supervisor of the Tor Mancina estate”.

We should not be surprised to find an extensive villa from the high Empire at this site, so near to Rome and in the midst of what even today is a rich agricultural area, noted for its vineyards and olive groves. In antiquity, the locality of Tor Mancina belonged to the *ager Nomentanus*, regarded as a profitable area for viticulture. The general territory of Nomentum attracted a series of eminent Romans to set up villas, ranging from Atticus in the late Republic to the poet Martial at the end of the first century AD. For instance, the elder Pliny (*NH* 14. 49–51) tells in some detail how in the Claudian era the grammarian Remmius Palaemon turned a massive profit on an undervalued vineyard in the *ager Nomentanus*, which prompted his rival Seneca to buy the property for four times the price Remmius had paid scarcely a decade earlier. Suetonius relates (*Nero* 48. 1–3) how in early June 68 the emperor Nero fled to his freedman Phaon’s villa “between the Via Salaria and Nomentana”, where he committed suicide.<sup>6</sup>

Indeed, the territory of Nomentum has yielded epigraphic testimony for five other imperial freedmen who had some sort of association with the area, including two from the Flavian era, though none of these are known specifically from a find near modern Monterotondo.<sup>7</sup> It may be relevant to the case of P. Aelius Hieron that Hadrian had a particular interest in Nomentum, which lay just 21 kilometers from his own massive estate at Tibur (Tivoli). A public inscription dated to AD 136 shows that the emperor paid favor to the town and specifically its temples.<sup>8</sup>

Even given the facts that this territory was rich in villas and that Nomentum had attracted the munificence of Hadrian, it is of some interest

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<sup>6</sup> On the *ager Nomentanus* in general, see Pala 1976; di Gennaro et al. 2005, 1–22; Panella–Simonetti 2014, 297–299. Testimony for notable villas in this era is collected by Philipp 1936, 820–821; see also Pala 1976, 12.

<sup>7</sup> See Weaver 2005, nos. 814 and 946 (Flavian freedmen), 2527 (freedman of M. Aurelius), and 2695 and 2908 (undatable).

<sup>8</sup> See *AE* 1976, 114 = Pala 1976, 48 no. 1, 46, 7, on which see Horster 2001, 268–269, arguing that Hadrian was honored at Nomentum for restoring temples.

to find one of his imperial freedmen established here who shows the occupational title *ab admissione*. First, this domestic post was an important one, with the potential for accumulating great influence. Freedmen *ab admissione* together with the imperial chamberlains (*cubicularii*), as P. R. C. Weaver explains, “controlled access to the emperor, and because of their close and confidential contact with the emperor exercised a potent but unofficial (hence uncontrolled) influence on matters of policy outside their strictly domestic sphere”.<sup>9</sup> Second, for all their importance, we can attach the names of precious few heads of the admissions division to a specific emperor. Other than an *ab admissione* of Galba – who succeeded Nero as emperor in June 68 but whose reign lasted just seven months – P. Aelius Hieron under Hadrian is our earliest datable holder of that title.<sup>10</sup> Indeed, an examination of P. R. C. Weaver’s *Repertorium Familiae Caesaris* shows that Hieron must be counted as one of the most senior freedmen known from the era of that emperor – and, for that matter, of his successor Antoninus Pius. Furthermore, though there are numerous instances of imperial freedmen and freedwomen making various dedications to specific deities, as well as some paying for lavish private constructions, we do not commonly see them building (or even restoring) temples, especially in Rome and Italy.<sup>11</sup>

G. Tomassetti in his report to Prince Rodolfo Boncompagni Ludovisi rightly explained that “Publius Aelius Hieron was slave and afterward freedman of the emperor Hadrian”. Unfortunately, there is not much more that one can say with certainty about this man’s career. The work of (especially) P. R. C. Weaver has demonstrated the shaky nature of the evidence for a formally regulated *cursus honorum* for imperial freedmen. However one can guess that Hieron was manumitted by Hadrian not before age 30 (the legal age required by the *lex Aelia Sentia* of AD 4, which emperors generally observed for slaves in their service), and

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<sup>9</sup> Weaver 1972, 7.

<sup>10</sup> See Weaver 2005, no. 708 for Ser. Sulpicius Fastus, *ab admissione* under Galba (*CIL* VI 8699 = Dessau, *ILS* 1691). The reign of M. Aurelius offers us our only datable later example. On this, see Weaver 2005, no. 2069 for M. Aurelius Hermes (*CIL* VI 8698 = 33748); note also no. 3030 (= *CIL* VI 8702), and *CIL* VI 4026, with unique title [*ab officii(i)s et admiss(ione)*], where the names and thus the dates are irrecoverable. For subordinate freedman members of this branch of the imperial domestic service, see Weaver 2005, nos. 1367 (a *proximus ab admissione* under Trajan) and 2187 (an *adiutor ab admissione*, apparently under M. Aurelius).

<sup>11</sup> For independent building or (much more commonly) restoration of temples by imperial freedmen in Italy, see Weaver 2005, nos. 728, 1160, 1364, 1795, 2046, 2249, 2690, 2929, and 3455; for provincial examples, see nos. 1854 (Epirus), 2351 (Africa), 2645 (Malta), 2998 and 3848 (Moesia), and 3910 (Africa).

received the promotion to head of admissions no sooner than ten years after manumission.<sup>12</sup> He probably also lived well past Hadrian's death in July 138 and into the reign of Hadrian's successor Antoninus Pius (reigned 138–161), to judge from the Antonine brick stamp found on the site of his villa. This admittedly speculative reconstruction suggests that Hieron was born at the latest around AD 98, the year of Trajan's accession, unless he had an unusually precocious career. It also is conceivable that he continued his service as *ab admissione* or in another high-ranking domestic post under Antoninus.<sup>13</sup>

As it turns out, the slave name Hieron (or Hiero) is unique for an attested imperial freedman. So it is of considerable interest to find an inscription last spotted in the Palazzo Chigi on Rome's Piazza Colonna, which records a dedication to Hercules by a P. Aelius Hiero. Here is the text, in four (apparently centered) lines on a marble tablet: HERCVLI | SACRVM | P · AELIVS / HIERO. G. Tomassetti did not adduce this inscription (published in the first fascicle of *CIL* VI, that dates to 1876) in his discussion of the excavations at Monterotondo; nor (much later) did Weaver take note of it in his comprehensive *Repertorium Familiae Caesaris*.<sup>14</sup>

It is a pity that we do not have a provenance for this item, which on the face of things would seem to refer to the same person as the Monterotondo find, given the rarity of the name and the object of the dedication. The two inscriptions each formulate the dedication to Hercules in the same way. The words HERCVLI SACRVM are the first of the text, they are unabbreviated, and (somewhat unusually for this period) there is no cult title for the god. However in the second text the lack of status and occupational indications for the dedicator and the form of the cognomen (*Hiero* instead of *Hieron*) give pause. It is perhaps just as likely that what we have here is evidence for the activities of a freeborn citizen son of our freedman, rather than the *ab admissione* himself.

This brings us back to the question of motivation. Why did devotion to Hercules lead the *ab admissione* to construct an actual temple to the deity in the *ager Nomentanus*? That must remain an open question, given the

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<sup>12</sup> On these expected age minimums, see Weaver 1972, 104, and on the lack of a fixed *cursus*, 268–269.

<sup>13</sup> For service of imperial freedmen under more than one emperor, see e.g. Weaver 2005, nos. 513 (Claudius and Nero), 1360 (Trajan, Hadrian, and perhaps Antoninus Pius); cf. 1141, 1162, 1425, 1548 (with especially valuable discussion), 1607, 1708, 1760, and 2094.

<sup>14</sup> *CIL* VI 265, said to be “in the storerooms of the Lateran Museum”, with p. 3756 for the amended location; on this inscription, cf. di Gennaro et al. 2005, confusing it with the Monterotondo dedication of P. Aelius Hieron (*AE* 1907, 125).



ubiquity of the god's worship in the Roman world under both the Republic and Empire.<sup>15</sup> One notes that the Spanish emperors Trajan and Hadrian, both from Italica in Baetica, invoked Hercules as their patron, especially in his guise as 'Gaditanus', i.e., "of Gades", where the deity had a large cult center. Antoninus Pius continued and indeed amplified his predecessors' marked attachment to the god. Plus nearby Tibur had a long-established cult of Hercules (as 'Victor'), whose popularity throughout the second century AD is lavishly attested.<sup>16</sup> Added to this is the fact that, starting perhaps with the reigns of Nerva and Trajan but certainly by the time of Hadrian, Hercules was viewed as the protector specifically of the imperial household, which gave rise to his appellation *Hercules domus Augusti*.<sup>17</sup> But the lack of a cult title in our two inscriptions disallows a ready explanation.

T. Ashby saw the remains of Hieron's villa in the *ager Nomentanus* shortly after its 1906 discovery. In the earlier 1970s C. Pala documented the survival of one of the supporting hillside niches that Tomassetti had described, but found the rest inaccessible due to the growth of thick ground cover. By the mid 1990s R. Turchetti, in a careful study of ancient remains in the territory of Monterotondo, found visible at the villa site only the two travertine blocks from its foundations, and the stray paving stones of the Nomentum-Eretum road. "In addition", she notes, "it was not possible to find within the estate evidence of the archaeological discoveries placed there in deposit", i.e. in 1906.<sup>18</sup>

The inscribed architrave, at any rate, has been hiding in plain sight – in central Rome. It can be spotted through the large gate at the entrance to the magnificent Casino Aurora, at Via Lombardia 44, residence of the head of the Boncompagni Ludovisi family. One can be forgiven for looking past the inscription. It now fronts the basin of a low rectangular garden fountain combined with other structural elements constructed of concrete. The whole is inserted into a high travertine and brick wall (that features a large relief sculpture of a dragon, symbol of the Boncompagni) on the left side of the entrance. From all appearances, this assemblage served as a water trough for horses.

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<sup>15</sup> On which see Wojciechowski 2013, 97–117.

<sup>16</sup> On Hercules 'Gaditanus' as a patron of Trajan and Hadrian, see Barry 2011, 21–23; for Antoninus Pius and his successors, Hekster 2005, 203–217. Hercules cult at Tibur: Várhelyi 2010, 31.

<sup>17</sup> Explicit in *CIL* VI 30901 = *ILS* 1622 (AD 128); in general on this aspect of Hercules, see Wojciechowski 2013, 100–103.

<sup>18</sup> See Ashby 1907, 27; Pala 1976, 116 no. 113; and for the quote Turchetti 1995, 49, with 48 for images of the remains visible in 1995.



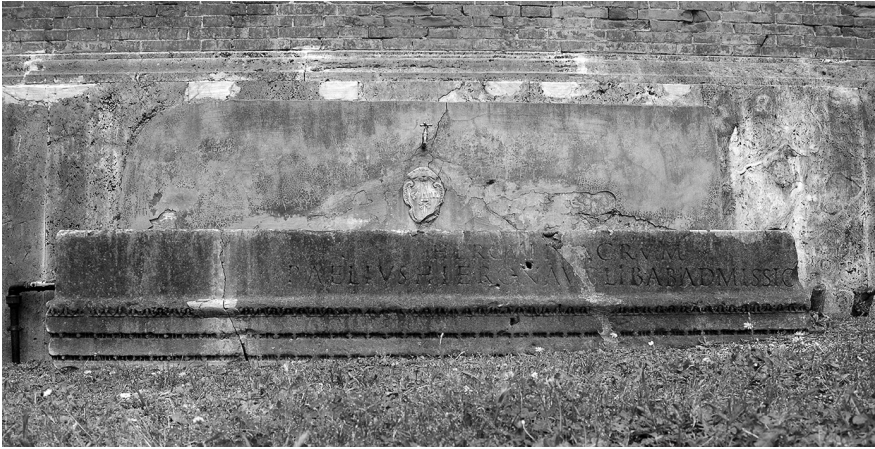


Fig 2. Exterior of modern garden fountain at Casino Aurora (Rome), faced with architrave/frieze with dedication to Hercules by P. Aelius Hieron. Courtesy Amministrazione Boncompagni Ludovisi.



Fig. 3. Interior of modern garden fountain at Casino Aurora (Rome), showing inner face of P. Aelius Hieron's architrave/frieze. Courtesy Amministrazione Boncompagni Ludovisi.

The three pieces of the architrave that Tomassetti discovered have been joined together to form an integral part of the basin. But their combined length is almost a meter shorter than he reported (2 m 63 cm as opposed to 3 m 60 cm). There was obviously a fourth piece, now missing, that completed the architectural feature (and with it, the final two letters of the second line of the inscription) on its right. The height of the architrave at its interior left edge (which is the part least recessed in the ground) measures ca. 56 cm; the thickness varies from 14 cm (at the top) to 21 cm. The outside face of the joined pieces has the inscription in the upper half, and in the lower half shows three bands of concave horizontal molding with short and irregular dentils, the uppermost of those bands projecting further than the others. The inside face is uninscribed and has a simpler scheme of concave molding, but in fine profile from top to bottom. Together these features suggest an expensive construction. In formal terms, the exterior is best described as an architrave/frieze, with an architrave (the part with the decorative molding) and frieze (the part with the inscription) worked out of one piece of marble.<sup>19</sup>

The text of the inscription shows only slight deterioration from Tomassetti's day. In the first line, a modern concrete join has obliterated the S and part of the A in SACRVM; in the second, only three of the six interpuncts that Tomassetti registered are visible. One also notes that the heights of letters in line 1 (5,5–6,1 cm) are slightly smaller than those in line 2 (6,2–7,2 cm). All the letters are consistently serified and generously spaced (ca. 3,5 cm between elements) until the last three words LIB AB ADMISSIONE], which are slightly more cramped (spaces of ca. 2 cm). Here is the inscription as it now stands:

HERCVLI [S]ACRVM  
P · AELIVS HIERON AVG LIB · AB · ADMISSIONE]

It seems clear that the mason who carved the inscription carefully tried to center it on what we may call the frieze. That emerges from the positioning of the first line of the inscription, 89 cm in length, which manifestly was centered above the second, which can be calculated as ca. 192 cm in length, extending past the first line 51 cm on the left and apparently ca. 51 or 52 cm on right. (Had the stone carver not reduced the spacing in the last portion of the second line, he would have upset the close symmetry.)

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<sup>19</sup> On the manufacture and general attributes of architrave/frieze blocks, see Gorski–Packer 2015, 18.

This centered text in turn allows us in turn to estimate the original width of the frieze. The distance from the left edge of the stone to the start of the first line is 135 cm; one would expect approximately the same measurement from the end of the first line to the right edge of the stone (which in its fractured state is just 39 cm). So we can calculate the original width of the frieze as  $135 \text{ cm} + 89 \text{ cm} + \text{ca. } 135 \text{ cm} = \text{ca. } 3 \text{ m } 59 \text{ cm}$ . That is just over 12 Roman feet ( $29,4 \text{ to } 29,7 \text{ cm} = 1 \text{ Roman foot}$ ). As we have seen, in height the combined frieze / architrave measures at least 56 cm, and so – even as we have it – is just under 2 Roman feet.

Proportions for Roman buildings of course differ widely. Even though the elevations of Roman structures do seem to show a strong tendency toward simple arithmetical ratios, the estimated width and height of the architrave/frieze get us only so far in calculating the dimensions of the entire structure. The interior need only have been large enough to house a cult statue.<sup>20</sup> Yet Tomassetti's guess that Hieron's temple to Hercules originally reached a height of "four meters or more" (i.e. in excess of 13,5 Roman feet) seems perfectly acceptable. Indeed, a simple and common arithmetical proportion such as 5:4 would yield a structure 15 Roman feet tall given a frieze/architrave 12 feet wide.

So when did the Boncompagni Ludovisi take the inscribed entablature section from their estate at Tor Mancina to the Casino Aurora? Though no precise answer is at hand, a thumbnail history of the two properties helps narrow the possibilities. The Casino, which represents the last remnant of the famed Villa Ludovisi in private hands, was built ca. 1570 and has been a family possession since 1621. In 1885 Prince Rodolfo Boncompagni Ludovisi felt compelled to break up and sell most of the Villa Ludovisi to developers, who created the luxurious business and residential quarter that extends both east and west of today's Via Veneto. He spared the Casino Aurora and a 10000 square meter parcel of land on which it sat, encasing the whole in a massive terrace wall with entrance gate on Via Lombardia.

Yet starting in the mid-1890s, to meet new and crushing financial obligations, Rodolfo had to rent out the Casino, first to the newly-formed American Academy in Rome (for the years 1895–1907), and then briefly to an American philanthropist and poet, Dr. Alexander Blair Thaw of Pittsburgh (for the year 1908). In other words, the Boncompagni Ludovisi did not have clear access to their own property from 1895 through 1908. However sometime in 1909 or 1910 Rodolfo's newly-married grandson Francesco Boncompagni Ludovisi (1886–1955), heir to the position of

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<sup>20</sup> In general on proportion, see Wilson Jones 2003, 71–108 and 179 on the limited requirements for a temple's interior space.

head of family, made the Casino Aurora his principal residence. Young Francesco also turned his attention toward the consolidation of the Casino's terrace walls and comprehensive redevelopment of its grounds, a campaign that would stretch across the years 1910–1917 and then resume again in the mid-1920s.<sup>21</sup>

Francesco Boncompagni Ludovisi also had a deep interest in scientific farming and devoted much effort to enhancing productivity at the Tor Mancina estate. The Boncompagni Ludovisi private archive contains photos of Francesco and his young family at Tor Mancina in 1911, the year of the death of his grandfather Rodolfo (on 12 December, aged 79) and his succession to the family's principal title, that of Prince of Piombino. Francesco also implemented major improvements at Tor Mancina in spring 1915, before departing for what would be almost three full years of (highly decorated) war service on the Austrian front and in France.<sup>22</sup>



Fig. 4. The family of Prince Francesco Boncompagni Ludovisi at Tenuta Tor Mancina, from private photo album, 1911. Courtesy Amministrazione Boncompagni Ludovisi.

<sup>21</sup> On the Casino Aurora, see especially Felici 1952, especially 345–371 for its history post 1885. On Francesco Boncompagni Ludovisi's initial improvements to the Casino (from at least 19 March 1910), see ASV ABL prot. 642D no. 199 = Venditti 2008, prot. 642C no. 19.

<sup>22</sup> Note e. g., ASV ABL prot. 642D no. 204 = Venditti 2008, prot. 642D no. 3 (bridge-building at Tor Mancina in March 1915).

Given Francesco's close investment in Tor Mancina and also his grandparents' long association with G. Tomassetti, it seems practically certain that the young Prince will have known about the scholar's excavation of the imperial villa on the property. Though precise documentary evidence is at present lacking, it must be Francesco – rather than his grandfather Rodolfo – who moved the Hieron entablature from its find spot in the territory of Monterotondo to the Casino and eventually repurposed it as the basin for a garden fountain. We have a likely *terminus ante quem* for the transport of the stone from Monterotondo to its present location in Rome: 15 March 1922, when Francesco sold the estate of Tor Mancina to the Istituto sperimentale zootecnico di Roma.<sup>23</sup>

It so happens that Prince Francesco's contributions to the Casino Aurora in Rome include an enhancement of its entrance on Via Lombardia and a general systemization of its gardens. To the entrance he (surely) introduced the statues of goddesses (one ancient, one Renaissance) that still today grace the pilasters of its gate. And he must have added the garden fountain (or "horse trough") with the Hieron inscription to the retaining wall, into which in turn he set high up the large Boncompagni heraldic relief.<sup>24</sup> A plan of the Casino Aurora and its gardens dated to 3 April 1914 shows no trace yet of this fountain. Indeed, its creation may date as late as July–August 1926, when Prince Francesco replanted the Casino's gardens, and successfully requested of the Governor's office of Rome permission to construct in the northeast corner of the property a small stable for saddle-horses.<sup>25</sup> The recent (2010) discovery within the Casino Aurora of a large trove of additional materials from the family's private archive – as yet uncatalogued – may soon throw further light on the travel and disposition of the Monterotondo inscription.

Our study has treated a previously published dedication of an inscribed architectural element (a partial entablature of a temple to Hercules) by a freedman in the higher registers of the domestic service of the emperor Hadrian. Rediscovery of the actual object – for some time thought to be lost – in the possession of the noble family that sponsored

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<sup>23</sup> ASV ABL prot. 642D no. 221 = Venditti 2008, prot. 642D no. 21.

<sup>24</sup> The statues and heraldic relief had not yet been added in 1897, to judge from the photograph of the Casino entrance in *Catalogue of the First Annual Exhibition of the American Academy in Rome* 1897, 5.

<sup>25</sup> Plan: ASV ABL prot. 614A no. 186E = Venditti 2008, 614A no. 22, reproduced in Benocci 2010, 340. Other improvements of 1925–1926 to the Casino gardens: prot. 614D nos. 192–194 = Venditti 2008, prot. 614D nos. 4–6. Prince Francesco himself served as Governor of Rome from 13 September 1928 through 23 January 1935: see Starocci 2009.



the original excavation allows us at long last to envisage this dedication in three dimensions. Autopsy shows that the editor, G. Tomassetti, reliably transmitted the text but not the measurements of the piece, which he made ca. 25% larger than its actual size. It also reveals this architrave/frieze to be more finely worked than Tomassetti's succinct description suggests. Admittedly these are modest gains. But it is hoped above all that this investigation may serve as a case study in a larger methodological point, that even for the twentieth century close study of family patronage and priorities can shed real light on the fate of the material past.<sup>26</sup>

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<sup>26</sup> I owe special thanks to HSH Principe Nicolò and HSH Principessa Rita Boncompagni Ludovisi for a long-standing collaboration which has made this study possible. I thank also my son, Samuel W. P. Brennan, who in 2012 (when aged 12) first pointed out to me the embedded P. Aelius Hieron inscription.

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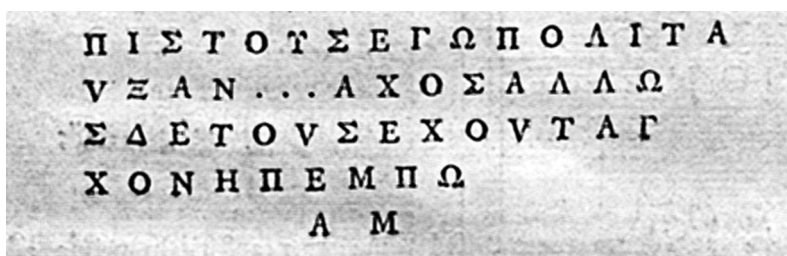
This study republishes an inscribed architrave/frieze (*AE* 1907, 125) from a small temple to Hercules that P. Aelius Hieron, freedman and *ab admissione* (head of presentations) of Hadrian, set up at in his villa in the *ager Nomentanus* near modern Monterotondo. After its discovery in 1906 on the Tor Mancina estate of the Boncompagni Ludovisi, it appears the head of family moved the piece to Rome and incorporated it (by 1926) in a private garden fountain, where it has since escaped scholarly notice. The rediscovery of the architrave/frieze allows resumed speculation about the financial means and ideology of its dedicator, who is technically one of the most senior imperial freedmen known from the era of Hadrian (117–138) or his successor Antoninus Pius (138–161).



В статье вновь публикуется текст надписи (*AE* 1907, 125) на архитраве/фризе небольшого храма Геркулеса, построенного П. Элием Гиероном, вольноотпущенником и начальником аудиенций (*ab admissione*) Адриана на своей вилле на территории *ager Nomentanus* (совр. Монтеротондо). После открытия храма в 1906 г. на территории имения Тор Манчина его владелец Бонкомпаньи Людовизи около 1926 г. перевез надпись в Рим, где она служила украшением фонтана в частном саду и потому не попадала в поле зрения исследователей. Вновь обнаруженный архитрав/фриз позволяет судить о и финансовых возможностях посвяителя храма, одного из самых высокопоставленных вольноотпущенников времен Адриана (117–138) или Антония Пия (138–161), и о мотивах его посвящения.

## DE TITULO VERONENSI METRICO

“Qui lapidem adornavit, ut ementes falleret, vel aliquid dicere nescivit, vel studuit ut nihil diceret”. Hisce verbis damnavit Scipio Maffei titulum in Museo Veronensi asservatum, quem hoc modo reddidit:<sup>1</sup>



Quem titulum tabulae rectiangularae e marmore albo regulis prominentibus circumdato, a. 0,175, l. 0,307, cr. 0,11–0,12, incisum denuo edidit Tullia Ritti<sup>2</sup> damnationem Maffeianam corroborans: “L’iscrizione è evidentemente falsa”.

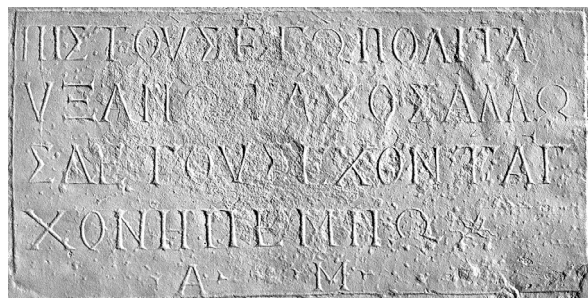
Postquam autem paucis annis ante ectypum inter Peekiana indagaveram, ope eius Karin Kickbusch, discipula mea egregia, sagaciter carmen e duobus senariis compositum recognovit hoc:

πιστοὺς ἐγὼ πολίτ(ας) α-  
 ὑξάνω τάχος, / ἄλλω-  
 ς δὲ τοὺς ἔχοντ(ας) ἀγ-  
 χόνῃ πέμπω. *ornamentum*  
 ·Α· ·Μ·

fideles cives ego statim augeo, aliter autem affectos suspendio mitto.

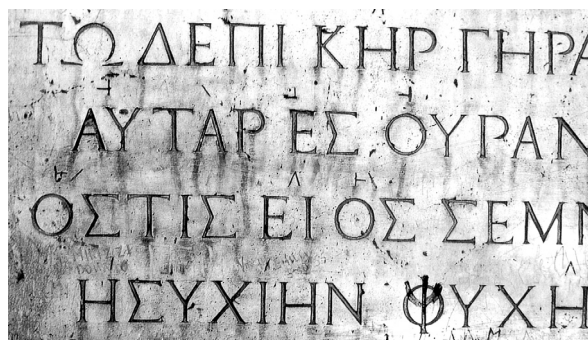
<sup>1</sup> Maffei 1749, LXVIII n. 3.

<sup>2</sup> Ritti 1981, 85 n. 35 c. phot.



Imprimis in hoc titulo memorabilis est signorum diacriticorum usus: habes spiritus lenes v. 1 supra E, v. 2 supra A tertium, v. 3 supra E alterum et A; accentus graves v. 1 supra Y et Ω, atque acutos v. 2 supra A medium, v. 4 supra O; praeterea etiam lineolas vv. 1. 3 lit. utrique T suprapositas, quibus abbreviatio indicatur, etiamsi eiusdem ratio non patet. Porro singula huius carminis verba apud auctores antiquos satis inveniuntur, vix autem iuncturae velut πολίτας αὐξάνω, ἄλλως ἔχοντας; immo ἀγρόνη πέμπω sententiam hodiernam vulgarem “zum Henker schicken” evocat.

Itaque carmen hoc Veronense quamquam nullo modo falsum esse liquet sed genuinum, vero tamen non antiquum est, sed aetati renatarum litterarum attribuendum, quod vir ignotus A. M. (v. 5) aut inscribendum curavit aut ipse composuit. Re vera in Italia nonnulli tituli Graeci saec. XV et XVI inveniuntur, qui signa diacritica habent, velut epigramma ille sepulchrale Erasmi Dillii Antwerpiensis, quod a. 1540 Patavii in basilica S. Antonii epitaphio insculptum est.<sup>3</sup>



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<sup>3</sup> Cf. Scardeone 1560, 408; Gonzati 1853, 165–166 n. 13.

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The text of a metrical inscription in Greek, dating back to Renaissance Italy, can be restored on a lapidary monument from Verona.

На лапидарном памятнике из Вероны восстанавливается текст стихотворной греческой надписи, относящейся к эпохе Возрождения.

## A FOUNDATION STONE INSCRIPTION FROM THE PETRISCHULE IN ST. PETERSBURG

Dieser Grundstein einer christlich-evangelischen Schule der Augsburgischen Confession verwandten Gemeinde allhier zu St. Petersburg, ist<sup>1</sup> zu Ehren des dreieinigen Gottes, zur Beförderung der Erkenntnis<sup>2</sup> des Heils, guter Sitten und Wissenschaften unter der glormürdigen, milden und siegreichen Regierung<sup>3</sup> Ihro Kaiserl[ichen] Majestät,<sup>4</sup> Selbstherrscherin aller Reussen Elisabeth<sup>5</sup> Petrowna im 19ten Jahr,<sup>6</sup> bei hohem Wohlergehen des Kaiserl[ichen] Hauses, des Großfürsten aller Reussen Peter Feodorowitsch, regierenden Herzogs zu Schleswig-Holstein, des Großfürstin Catharina Alexejewna und des jungen Großfürsten Paul Petrowitsch, kaiserlicher<sup>7</sup> Hoheiten, durch Veranstaltung und Förderung des damaligen<sup>8</sup> Kirchen-Convents, der beiden gnädigen Kirchen-Patronen,<sup>9</sup> des Herrn Reichsgrafen, Hofmarschalls Carl von Sievers und des Freiherrn Nicolaus von Korff, jetzo Kaiserl[ichen] Russischen<sup>10</sup> Gouverneurs zu Königsberg, Excellenz Excellenz, der Pastoren Herrn Ludolf Otto Trefurt und Herrn Joh[ann] Wilh[elm] Zuckmantel, der Kirchenältesten, Herrn Jacob Stelling, Herrn Heinrich Christian Stegelmann, Christoph Richter, Herrn Lorenz Bastian Ritter und der Kirchenvorsteher Herrn Nic[olaus] Gräan, Herrn Joh[ann] Rudolf Wackerhagen, Herrn Hermann Nic[olaus] Mollwo, Herrn Levin Böhling mit Gebet und Glückwünschen vieler Umstehenden im Vertrauen auf Göttliche Hülfe

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<sup>1</sup> The text follows A. F. Büsching's edition (1766, 242–244). 'Ist' is missing in Lemmerich 1862, 46.

<sup>2</sup> Both Lemmerich 1862, 46 and *St. Petri-Gemeinde* 1910, 133 have 'Bekenntnis'.

<sup>3</sup> Cf. Lemmerich's version: "<...> guten Wissenschaften und Sitten, unter der glorreichen, milden und segensreichen Regierung <...>" (1862, 46–47).

<sup>4</sup> There is 'und' after 'Majestät' in Lemmerich 1862, 47.

<sup>5</sup> Lemmerich 1862, 46 and *St. Petri-Gemeinde* 1910, 133 add figure 'I'.

<sup>6</sup> Lemmerich 1862, 46 and *St. Petri-Gemeinde* 1910, 133 have "im 19. Jahre".

<sup>7</sup> Sic in Büsching. Lemmerich and *St. Petri-Gemeinde* 1910, 133 have 'kaiserlichen'.

<sup>8</sup> 'Dermaligen' in Lemmerich (ibid.) and *St. Petri-Gemeinde* 1910, 133.

<sup>9</sup> 'Patrone' in Lemmerich 1862, 46.

<sup>10</sup> "Russisch Kaiserlicher Gouverneurs" in Lemmerich 1862, 46.

und Segen freudig gelegt worden am Christians Tage den 11. Mai a[lten]  
St[iles] im Jahre Christi Jesu 1760. Zacharia 4, v. 7. Glück zu! Glück zu!

Saecula bis octo, plus uno, lustraque bis sex  
Tradita per Christum sancta fides numerat.  
Fundata schola sacra Deo, felicibus ausis,  
Ingenii culturae, artibus atque bonis.  
Spes nostras fac Christe ratas, prodire juventam  
Hinc auctam studiis et pietate jube.  
Serva aedem, pacemque Deus largire, nec ante  
Finem orbis lapidem sede moveri sine.

Das Fundament schenkte und führete den Bau Herr Heinrich Christian  
Stegelman, Kaiserl[icher] Hoffactor. Architect war Herr Martin  
Ludewig Hoffmann aus Riga.

The metal plate with the text cited above was embedded into the earth under the foundation of the new building of the Petrischule, the oldest school in St. Petersburg, on 11 (22) May 1760. However, the first evidence about this institution dates from much earlier period – vice-admiral of the Imperial Russian Navy C. Cruijs (K. Crøys, 1657–1727) had mentioned it in a letter to Peter the Great already in 1709.<sup>11</sup> From the very beginning, it was closely associated with the Petrikirche on the Nevskij Prospect and with the German Evangelical Lutheran community in St. Petersburg, of which Cruijs was the first patron.<sup>12</sup>

The year 1760 became crucial for the history of the school and opened a new page in it: the church council decided to introduce a new curriculum and to construct a larger building instead of the old one, which consisted of only two classrooms.<sup>13</sup> The then pastor of the Petrikirche, Johann Wilhelm Zuckmantel (1712–1760),<sup>14</sup> acted as protagonist of the reform. Born into a preacher's family, he followed in his father's footsteps and after having graduated from the University of Jena, he became a clergyman in Rentweinsdorf. On his mother's side, he was stepbrother of a celebrated classical scholar, lexicographer, professor of rhetoric in Göttingen, and librarian, Johann Matthias Gesner (1691–1761), who was *inter alia*

<sup>11</sup> Uljanov 1998 [Н. П. Ульянов, “Петришуле – старейшая школа Петербурга”], 129; Smirnov 2006 [В. В. Смирнов, *St. Petrischule*. Школа, что на Невском проспекте за кирхой: старейшая школа Санкт-Петербурга. 1709–2005], 10.

<sup>12</sup> Tatsenko 1999 [Т. Н. Таценко, “Немецкие Евангелическо-Лютеранские общины Санкт-Петербурге в XVIII–XX вв.”], 248.

<sup>13</sup> Smirnov 2006, 21.

<sup>14</sup> On him see: Büsching 1766, 189–193; Lemmerich 1862, 123–124; *Die St. Petri-Gemeinde* 1910, 287–288.

a friend of J. S. Bach.<sup>15</sup> In 1747, as a preacher to the hereditary prince of Ausbach, Zuckmantel made a journey to Italy and Switzerland, and then travelled on his own to France and England. He held preacher's position at the Principality of Asbach in 1752–1755, and one year later Zuckmantel made a longer tour of Europe, which included Bohemia, Poland, Prussia, Livonia, Estonia, Finland, Sweden, and Denmark. During this trip, he visited St. Petersburg, to which he returned as an assistant pastor<sup>16</sup> of the Petrikirche in 1758. According to C. Lemmerich,<sup>17</sup> his relationship with Gesner was a contributing factor to this appointment; but Zuckmantel's library in St. Petersburg<sup>18</sup> also shows a deep personal interest in Classics, history, and numismatics.

On 23 December 1759, Zuckmantel addressed the church council on the question of renovation of the school building and the construction of a boarding house; he also made suggestions for the improvement of the school curriculum.<sup>19</sup> The languages to be learned at school were German, French, and Latin. As regards Ancient Greek and Hebrew, they could be taught on a private basis by pastors at home once a week.<sup>20</sup> Classes in Mathematics, Physics, and natural sciences were totally missing from Zuckmantel's plan – a trait which was not typical of the curriculum of good contemporary schools in Germany. The Petrischule accepted not only German-speaking children but also pupils from Russian-native families. At the same time, while there was a strong emphasis on religious education among Protestants, the school did not give Orthodox pupils any instruction in religious matters – this was introduced only by Zuckmantel's successors. On the other hand, the new plan had a number of advantages: it proposed, for example, to increase not only the number of teachers (up to four) but their salary as well.<sup>21</sup>

Practical steps for implementing the school renovation were taken by Count Carl von Sievers<sup>22</sup> (1710–1774) who, since 1746, together with Baron Nicolaus von Korff (1710–1766) was the patron of the Petrikirche.

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<sup>15</sup> Bach dedicated to Gesner his *Canon a 2 perpetuus* BWV 1075.

<sup>16</sup> His senior colleague was Otto Ludolf Trefurt (1700–1766).

<sup>17</sup> Lemmerich 1862, 123.

<sup>18</sup> The catalogue was compiled after his death in 1760 (Lemmerich 1862, 45).

<sup>19</sup> This report was repeated on 9 May 1760 (Büsching 1766, 240).

<sup>20</sup> Lemmerich 1862, 44.

<sup>21</sup> Lemmerich 1862, 45.

<sup>22</sup> Despite the fact that the foundation stone clearly mentions Carl von Sievers' participation in the ceremony, he was mistaken by V. V. Smirnov for his nephew – Jacob Johann Sievers (1731–1818) (Smirnov 2006, 21). This point was first put forward in: Zakharov, Nikolajeva 2010 [А. С. Захаров, В. В. Николаева, “Дядя или племянник? Кто заложил первый камень в фундамент Петришуле?”], 11–13.



Several years later a famous geographer, theologian, and Professor of the Göttingen University, Anton-Friedrich Büsching described the foundation ceremony, which took place on 11 May 1760, in his “Geschichte der evangelisch-lutherischen Gemeinen in Rußischen Reich”.<sup>23</sup> He was not an eyewitness of the event because he came to St. Petersburg only in 1761<sup>24</sup> to succeed Zuckmantel, so he must have used archival records that no longer survive for his account. According to him, the text of the inscription written by Zuckmantel was read aloud by the author and received with acclamation. Thereafter, the metal plate with the text, the foundation stone itself, and a number of commemorative coins of the Augsburg Confession together with contemporary Russian coins were laid into the ground; Count von Sievers was the one who started the immurement.<sup>25</sup> It took more than two years to construct the new Petrischule building, which was opened in October 1762. Zuckmantel did not live to see it, or to implement his new curriculum plan because of his sudden death of bilial fever in July 1760. He was buried at the cemetery of St. Sampson’s Cathedral in St. Petersburg: it was built to honor Sampson the Hospitable, and in the eighteenth century its graveyard became the final resting place for many foreigners. In 1765 Büsching who mentions his high respect for Zuckmantel, initiated the installment of the gravestone there and proposed to commemorate the memory of his predecessor with portraits at school and the Petrikirche.<sup>26</sup>

Büsching’s description is the only evidence of the foundation ceremony. In spite of the fact that the names of the royal family are listed on the plate, none of them in reality participated in the event, so it was not mentioned in the city’s only Russian language newspaper of the period “The St. Petersburg Bulletin”. By chance, one can find Zuckmantel’s name there but not in connection with the Petrischule or Petrikirche. This record dates from his first visit to St. Petersburg in 1758: he was about to return to Europe (“to go beyond the sea”)<sup>27</sup> in August and was supposed to publish a leaving notification.

As the inscription was buried in the school’s foundation, just the printed version of the text is available to us today. The first publication of 1766 belongs to A. F. Büsching,<sup>28</sup> the second was undertaken by C. Lemmerich in 1862,<sup>29</sup> the third appeared in 1910 in a volume dedicated

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<sup>23</sup> Büsching 1766, 242–245.

<sup>24</sup> Brikner 1886 [A. Г. Брикнер, “Антон-Фридрих Бюшинг”], 9.

<sup>25</sup> Büsching 1766, 244.

<sup>26</sup> Büsching 1766, 192.

<sup>27</sup> *S.-Peterburgskije vedomosti* 1756 [С.-Петербургские ведомости], 8, 27, 7/2.

<sup>28</sup> Büsching 1766, 242–244.

<sup>29</sup> Lemmerich 1862, 46–47.

to the bicentenary of the St. Peter's Evangelical Lutheran community in St. Petersburg.<sup>30</sup> All three versions have minor differences, stated above, and the two later ones do not seem to follow Büsching's edition exactly. For example, there is no line division in the prose part of the text in the *editio princeps*, while both Lemmerich and the jubilee edition introduce it but in different ways.

The German section of the inscription is clear except for the date of the event. The text identifies the foundation day as "am Christians Tage den 11. Mai" – the date is given according to the "old style" because Russian civil calendar was Julian at that time. However, the closest day associated with this particular saint is 14 May in Catholic tradition: Christian was a legendary youth who suffered martyrdom under the Emperor Diocletian at the beginning of the fourth century.<sup>31</sup>

Could these inconsistencies be explained by a mistake in Büsching's edition, which was simply repeated in the later ones? On the one hand, it is easy, of course, to take number '4' for '1', on the other, Büsching refers to the foundation date as 11 May several times.<sup>32</sup> However there are slight variations in the later editions of the text (which means that they might depend on other sources than Büsching) they preserve the same date. If one assumes that '11 May' is correct, there is still a question whether it was admissible for a Lutheran pastor to follow Catholic tradition and to refer to its saint. I have found an example that proves that this was possible at least in the seventeenth century. The journal "Theatrum Europaeum" tells a story about one hundred families who in May 1667 left their homes in Northern Germany (Schlensburg in Schleswig-Holstein) and swore allegiance to a new landlord Christian Abrecht, a Duke of Holstein Gottorp, who settled them on the island of Arnis. According to the text, this happened "den 14. dieses <sc. Mai – OB> als am Christians Tage".<sup>33</sup> Therefore, if there was really no text corruption I would propose to take the indication to the St. Christian's day not literally but to understand it rather as "next to St. Christian's day" because it was the closest church holiday to 11 May at that time.<sup>34</sup>

Let us turn to the Latin section of the inscription. This is a poem composed by Zuckmantel in elegiac meters. The text shows that he was

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<sup>30</sup> *St. Petri-Gemeinde* 1910, 133–134.

<sup>31</sup> Ökumenisches Heiligenlexikon (<https://www.heiligenlexikon.de/BiographienC/Christian.htm>).

<sup>32</sup> Büsching 1766, 242 (twice) and 243.

<sup>33</sup> *Theatrum Europaeum* 1667, 753.

<sup>34</sup> Now the Lutheran church commemorates St. Cyril and St. Methodius on that day.

not a very skillful and experienced poet, and having faced a number of difficulties, he could not always cope with them. At the very beginning, he intends to express in Latin the year 1760 (which is not very easy, of course). He exercises his wit, and the line reads as follows:

Saecula bis octo, plus uno, lustraue bis sex.

The vowel ‘i’ in ‘bis’ is short which makes the hexameter impossible. A similar fault occurs in the last line:

Finem orbis lapidem sede moveri sine.

The syllable ‘ri’ in ‘moveri’ is long but, according to the author, it should be scanned short. Another grave weakness of the poem is elision over the caesura in the pentameter that is to be avoided:

Ingenii cultur(ae), artibus atque bonis.

One can also mark not a very happy usage of ‘cultura’ in the sense of ‘culture’ in the same line. To sum up, the text does not meet the highest standards of versification; nevertheless, it deserves consideration as the earliest known Neo-Latin building inscription in St. Petersburg.

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- A. S. Zakharov, V. V. Nikolajeva, “Dyadya ili plemnyannik? Kto založil pervyj kamen’ v fundament Petrishule?” [“Uncle or Nephew? Who Laid the First Stone into the Foundation of the Petrishule?”], *Istorija Peterburga* 54: 2 (St. Petersburg 2010) 11–13.

The article deals with the foundation stone inscription from the Petrishule, the oldest school in St. Petersburg. Text of the inscription in German and Latin was written by pastor of the Petrikirche J. W. Zuckmantel for the ceremony of laying of the foundation of the new school building on 11 May 1760. The Latin part is the earliest known Neo-Latin building inscription in St. Petersburg.

В статье идет речь о надписи на закладном камне Петришуле, старейшей школе С.-Петербурга. Ее текст на немецком и латинском языках был составлен пастором Петрикирхе И.-В. Цукмантелем для церемонии основания нового здания школы 11 мая 1760 г. Латинская часть представляет собой самую раннюю из известных неолатинских надписей на зданиях в Санкт-Петербурге.

## Key Words

### BRENNAN

Boncompagni Ludovisi family; P. Aelius Hiero; temple of Hercules  
П. Элий Гиерон; семья Бонкомпаньи Людовизи; храм Геркулеса

### BUDARAGINA

Petrishule; foundation inscription; Latin inscriptions in St Petersburg  
латинские надписи в Санкт-Петербурге; надпись на закладном камне;  
Петришуле

### CHANIOTIS

Aphrodisias; epigram; inscriptions  
Афродисии; надписи; эпиграмма

### DEMANDT

Jerusalem, Roman law, zelotism  
Иерусалим, Римский закон, зелотизм

### GAVRILOV

Chersonesian Decrees *IosPE* I<sup>2</sup> 352 and 353; Diophantos; Mithridates VI;  
Pairisades V; philological and historical hermeneutic; Saumakos; Scythians  
герменевтика (филологическая и историческая); Диофант; Митрадат VI;  
Перисад V; Савмак; скифы; херсонесские декреты *IosPE* I<sup>2</sup> 352 и 353

### HALLOF

Neo-Greek metrical inscription; Museo Maffeiiano di Verona; Renaissance  
Italy  
Италия эпохи Возрождения; неогреческая метрическая надпись; музей  
Маффеи в Вероне

### HARRIS

Antiphon's *Tetralogies*; assault in Athenian Law; Athenian Law; Draco;  
homicide; self-defense  
афинское законодательство; Драконт; самооборона; *Тетралогии* Анти-  
фонта; убийство; афинский закон о нападении

## KEYER

*arcus*; *comissatio*; drill bow; Horace

*arcus*; *comissatio*; Гораций; лучковая дрель

## LAMBERT

Athens; decrees; fourth century BC; inscriptions; laws

Афины, декреты, законы, надписи, четвертый век до н. э.

## OSBORNE

Athenian Assembly; non-probouleumatic decrees; probouleumatic decrees

афинское народное собрание; непробулевматические декреты; пробулевматические декреты

## PAVLICHENKO–SOKOLOVA

lead letters; Nymphaion; opistograph

Нимфей; опистограф; письма на свинцовых пластинках

## PANCHENKO

athletics; Eupalinus; foot; Herodotus; metrology

атлетика; Геродот; метрология; фут; Эвпалин

## RIGSBY

actors; dancers; festivals; guilds

актеры; пантомимы; празднества; союзы

## TRACY

Athenian generals; ephebes; Lykourgos

афинские стратеги; эфебы; Ликург

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Thuc. I, 2, 4. 6 (*м. е. 1-я кн., 2-я гл., §§ 4 и 6*); 5, 2–3 (*м. е. та же кн., 5-я гл., §§ 2 и 3*).

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J. S. Traill. *The Political Organization of Attica*, Hesperia Suppl. 14 (Princeton, NJ 1975).

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A. V. Podossinov, “O granice mezhdru Asiej i Evropoj v Severnom Pricher-nomorje” [“On the Boundary between Asia and Europe in Northern Black Sea Region”], *Aristeas* 7 (2013) 189–191.

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