

was a party during this festival. The hymn's invocation to the god to bless the new citizens (θόρε κέξ ν[έος πο]λεΐτας) together with Itanos and her allies (θόρε κέξ πόληας ἄμῶν) recognized the festival's dual function and perhaps further the presence of officials sent by the allied *poleis* to witness the swearing of the alliance oaths.⁴³ The location of the sanctuary at the territorial *eschaton* may well explain why such a rite of passage was celebrated there. As demonstrated by de Polignac, the ritual pattern of initiation was frequently expressed in spatial terms by the withdrawal of the celebrants to extra-urban sanctuaries.⁴⁴ Together, the sanctuary located at the border and the rite of passage celebrated there helped to preserve the territorial and social integrity of the *polis*.

IV. THE ARGUMENTUM

The story of Zeus' birth and childhood is narrated in strophes 2 and 3. The essential elements of the story are set out in the second strophe. The content of the third is irretrievable. With strophe 4 we seem to have left behind the myth of Cretan Zeus. In the past, year after year (κατῆτος), Justice governed men and Peace, the bringer of prosperity, did something. This strophe has been variously understood to reflect Hesiod's Golden Age, an Orphic version of the past, and the spirit of fifth century progressivism.⁴⁵ If we read the hymn within its ritual framework and historical context, the language and rhetoric of the fourth strophe seem particularly apposite. What little we know about the social and political conditions in east Crete indicates that the early Hellenistic period was a time of civil and interstate unrest. This is suggested by the revision of the civic oath of Itanos with its clauses concerning treachery and sedition (*IC* iii 4.8), by the role played by Patroklos in protecting the territory of Itanos from external aggression and ensuring the maintenance of political stability there (*IC* iii 4.2 & 3) and by the prehistory to the conflict between Itanos and Hierapytna as outlined in Magnesia's arbitration settlement for these two east Cretan *poleis* (*IC* iii 4.9). Those interested in the preservation of social and political order might well call upon the divine guardian of the oath to ensure compliance by recalling how in the past he brought peace which nurtures prosperity and justice through which peace is maintained.⁴⁶

⁴³ The agreements listed in n. 40 above provide that officials from the allied *polis* shall be on hand to witness the annual swearing of the alliance oath by their treaty partners.

⁴⁴ De Polignac (n. 27) 66-85. Cf. the promise of the ephebes of Dreros to protect the guard posts presumably located at the borders of the *polis* (*IC* i 9.1, lines 52-53).

⁴⁵ Hesiod's Golden Age: West (n. 3) 157-58; Verbruggen (n. 3) 105-06; Orphic history: Bosanquet 1908-1909 (n. 30) 354-56; spirit of fifth century BC progressivism: Bowra (n. 2) 191.

⁴⁶ The final three strophes of the hymn do seem to echo the advice given by Hesiod to his brother, Perses, in the *Works and Days*, lines 225-247. There, Peace attends where men give straight judgements and abide by what is just (cf. strophe 4). The earth bears abundant produce, the sheep are rich with wool and women are fertile (cf. strophe 5). When men fail to abide by what is just, famine, infertility and the utter destruction of the *oikos* result (cf. strophe 6).

If we allow such a political reading of the *argumentum*, a rhetorical strategy for the hymn well suited to the ritual context which I have proposed for its performance emerges. The invocation (refrain and strophe 1) serves not only to summon the god but also to establish the spatial and temporal context for the hymn's performance. The Greatest Kouros is asked to come to Dikte ἐξ ἐνιαυτῶν to delight in the hymn.⁴⁷ The annual performance of the hymn is echoed by κατῆτος in the *argumentum* (strophe 4). The god who now comes yearly to Dikte in the past year after year brought to mortals Justice and Peace who fosters prosperity. The *petitio* asks the Greatest Kouros to accomplish now what he did unbidden in the past, namely provide the well-being which attends Justice and Peace. The hymn does not aver that Justice and Peace accompany the Greatest Kouros when he comes yearly to Dikte. Rather, it was the function of the ritual context of the hymn to ensure their attendance. The annual replenishment of the citizen body, the oath sworn by the ephebes to protect the *polis*, its *chora*, the citizens and the laws, and the oaths of alliance renewed each year by the new citizens together worked to maintain the social and political climate requisite to the blessings of prosperity and well-being provided by the god.

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⁴⁷ If West's suggestion (n. 3) 156, n. 27, that ἐξ ἐνιαυτῶν means 'at year's end' is correct, the celebration of the festival is more likely to have been coordinated with the calendar than the agricultural year.

The date of the institution of proedroi

The epistates of the prytaneis is last attested in 403/2¹ and the epistates of the proedroi is first recorded in 379/8.² So much for the direct epigraphic evidence. Though Rhodes believed that the proedroi might not have been in existence as late as the 390s, MacDowell and Hansen proposed that they were instituted soon after 403/2.³ But a little noted passage of Apollodorus suggests a low date for the introduction of proedroi.

The new and lower terminus for the creation of proedroi must be extracted from the forbidding realm of Athenian naturalization procedure. Apollodorus tells us that the law required a quorum of 6,000 to confirm an award of citizenship made in the previous ekklesia,⁴ and describes something of the procedure followed at assemblies which confirmed a naturalization decree: 'And the law orders the prytaneis to set out the ballot boxes and to give the ballots to the people as they approach' (τοὺς δὲ πρυτάνεις κελεύει τιθέναι τοὺς κἀδίσκους ὁ νόμος καὶ τὴν ψήφον διδόναι προσ-

¹ *JG* ii² 1.41-42.

² *CSCA* v (1972) 164-69.

³ P.J. Rhodes, *A commentary on the Aristotelian Athenian Politeia* (Oxford 1981) 534; D.M. MacDowell, 'Law-making at Athens in the fourth century BC', *JHS* xciv (1975) 68; M.. Hansen, *The Athenian Assembly in the age of Demosthenes* (Oxford 1987) 37.

⁴ [Dem.] lix 89.

ίόντι τῷ δήμῳ).⁵ Now Aristotle in his description of the duties of presiding officers says that 'they determine the votes, and are in charge of all other arrangements' (τὰς χειροτονίας κρίνουσιν, καὶ τὰ ἄλλα πάντα διοικουῦσιν).⁶ Once the proedroi had been instituted, the prytaneis had no role in matters of voting;⁷ any law which gives them such a role should antedate the introduction of proedroi. The naturalization law therefore serves as a terminus post quem for the creation of proedroi.

Unfortunately, the precise date of the naturalization law is not known. Apollodorus, the only literary source to deal with the law, does not date it. Nevertheless, the upper and lower termini of the law can be established on the basis of epigraphic evidence. In extant naturalization decrees the figure 6,000 first appears in 369/8,⁸ and the last decree without a second vote of 6,000 dates to ca. 388;⁹ the latest securely dated decrees in which a second vote is lacking date to 394/3.¹⁰ So the prytaneis were still presiding at least as late as ca. 388, since they were entrusted with presiding in the later naturalization procedure described by Apollodorus. The twenty-year period for the passage of the law has been narrowed down by Osborne, who dated the law requiring quorate votes to 'the year 384/3 (or a point soon after)'. The last men born from foreign mothers before the archonship of Euclides (403/2) entered the demes in 385/4, and the Periclean laws of citizenship became fully valid again in 384/3, so this year 'offers an eminently suitable occasion ... for a tightening up of the procedure for naturalization.'¹¹

The twenty-four-year period to which the creation of proedroi is currently assigned can be reduced by nine years with certainty, and by a further ten years with probability. We know at a minimum that the prytaneis still presided in 394/3, before the quorate vote in naturalization was introduced. The terminus post quem for the creation of proedroi is lowered to ca. 388 if Osborne's date for *IG* ii² 25 is accepted. If we accept Osborne's date for the law recorded by Apollodorus, the institution of proedroi can be closely dated to the five-year period from 384/3 to 380/79.

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⁵ [Dem.] lix 90.

⁶ *Ath. Pol.* 44.3.

⁷ It might be thought that *Ath. Pol.* 44.3 is too vague to allow us to identify those who administer the voting with those who preside, and that the prytaneis acted as assistants to the proedroi in distributing the ballots. But the referee of the journal pointed out that such a role for the prytaneis would render the creation of proedroi nonsensical, if the proedroi were instituted to ensure that the identities of those in a position to influence the assembly were not known in advance.

⁸ *IG* ii² 103 = Tod 133.

⁹ *IG* ii² 25 + *SEG* xv 86. The date is provided by M.J. Osborne, *Naturalization in Athens* (Brussels 1981-83) ii 54-56.

¹⁰ Cf. Osborne (n. 9) i 42-44, ii 56.

¹¹ Osborne (n. 9) ii 56-57; cf. iv 152 and n. 69, 161.

Julien d'Ascalon?

"Je me propose de faire un jour une étude sur les notes de métrologie dont on a rempli les parties laissées en blanc dans nos manuscrits médiévaux (...) Tout de même que sur le dos de nos cahiers nous avons l'habitude d'imprimer des tables de multiplication, tout de même les Byzantins utilisaient les bas de page de leurs manuscrits pour y inscrire des répertoires arithmétiques que la complication de la métrologie ancienne rendaient particulièrement indispensables."

A. Dain, *Histoire du texte d'Élien le Tacticien des origines à la fin du Moyen Age* (Paris, 1946) 158

Dans un article fort intéressant du numéro de 1992 du *JHS*, le Professeur J. Geiger prend comme point de départ de son étude l'attribution d'une table métrologique à un auteur désigné comme Julien d'Ascalon.¹ Cette attribution nous paraît fautive, pour des raisons à la fois codicologiques et métrologiques, et nous allons tenter de nous en expliquer dans cette note.²

Comme l'indique le Professeur Geiger, la table métrologique en question, reproduite dans les *Metrologorum Scriptorum Reliquiae* de F. Hultsch (pp. 200-201), sous le titre '*Tabula Iuliani Ascalonitae*', est tirée de *l'Hexabiblos*, compilation de droit byzantin rédigée au milieu du quatorzième siècle par Arménopoulos, un juriste de Thessalonique. Cette table se trouve au livre ii, où elle constitue le paragraphe 12 du titre 4, intitulé *περὶ κοινοτομιῶν*.

Dans les deux éditions généralement utilisées de *l'Hexabiblos* (édition Reitz, 1780, édition Heimbach, 1851), la table est précédée du titre: ΕΠΑΡΧΙΚΑ ΑΠΟ ΤΩΝ ΤΟΥ ΑΣΚΑΛΩΝΙΤΟΥ ΙΟΥΛΙΑΝΟΥ ΤΟΥ ΑΡΧΙΤΕΚΤΟΝΟΣ ΕΚ ΤΩΝ ΝΟΜΩΝ ΗΤΟΙ ΕΘΩΝ ΕΝ ΠΑΛΑΙΣΤΙΝΗ. En effet, Arménopoulos a utilisé dans sa compilation un texte rédigé très probablement au VI^e siècle après Jésus-Christ, et attribué à un architecte d'Ascalon dénommé Julien. Ce texte concernant les rapports de voisinage³ avait été intégré à un recueil de droit urbain où il faisait suite au *Livre de l'Éparque*:⁴ une confusion entre l'écrit de Julien d'Ascalon et le *Livre de l'Éparque* explique l'intitulé dont Arménopoulos coiffa les extraits du texte dans son ouvrage.

Le recueil organisé autour du *Livre de l'Éparque* nous est connu essentiellement par le manuscrit *Genauensis*

¹ J. Geiger, 'Julian of Ascalon', *JHS* cxii (1992) 31-43.

² Nous présentons ici quelques résultats de notre travail sur l'écrit de Julien d'Ascalon (établissement du texte, traduction et commentaire). Nous avons effectué l'essentiel de cette enquête au *Max-Planck-Institut für Europäische Rechtsgeschichte*, Frankfurt am Main, où nous avons bénéficié en particulier de l'aide de M. Th. Fögen, que nous remercions. Les arguments présentés ici de façon synthétique sont repris au long de notre introduction et de notre commentaire à l'écrit de Julien d'Ascalon, à paraître dans la série des 'Monographies' de la chaire d'études byzantines du Collège de France.

³ Il semble inutile de reprendre la présentation faite par le professeur Geiger de ce texte et du problème de sa datation. Le lecteur voudra bien se reporter à son article. Voir aussi notre étude à paraître (cf. note précédente).

⁴ J. Koder, *Das Eparchenbuch Leons des Weisens* (Wien 1991) (35-36 en particulier).