

THE "LAWS OF ERETRIA"  
(IG XII.9 1273 AND 1274): EPIGRAPHIC,  
LEGAL, HISTORICAL, AND POLITICAL ASPECTS

FRANCIS CAIRNS

I THE INSCRIPTIONS AND EARLIER SECONDARY LITERATURE

IN MARCH 1912 FOUR INSCRIBED STONES from the sixth century B.C. were found built into the ancient city wall of Eretria.<sup>1</sup> The inscriptions were first published, from photographs, by G. Papabasileiou in 1913,<sup>2</sup> and they reappeared in 1915, again from photographs, among the *Ad-denda Ultima* to Erich Ziebarth's IG XII.9 as nos. 1273 and 1274, with the supplements of Hiller von Gaertringen. The two earliest editors were somewhat confused about the relationship of the stones, and the measurements which they give, and some of their readings and restorations, are unreliable. That the inscriptions are regulations was obvious, but the first, and inevitably provisional, attempt to extract sense in detail from them was made by Ziebarth only in 1929.<sup>3</sup> He recognised certain of the regulations as procedural, as are most surviving sixth-century inscribed laws, and others as prescribing payment for sailors on longer voyages.

In 1964 Vanderpool and Wallace<sup>4</sup> re-edited the inscriptions and paraphrased lines 1-4 of them as follows:

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<sup>1</sup>The circumstances of discovery are described in A. Georgiades, "Εἰς τὴν ἀνω Ερετρικὴν ἐπιγραφὴν," *ArchEph* (1913) 214-215.

<sup>2</sup>G. Papabasileiou, "Ἐρετρικὸς νόμος," *ArchEph* (1913) 210-214.

<sup>3</sup>E. Ziebarth, *Beiträge zur Geschichte des Seeraubs und Seehandels im alten Griechenland* (Hamburg 1929, Hamburgische Universität *Abhandlungen aus dem Gebiet der Auslandskunde* [Fortsetzung der Abhandlungen des Hamburgischen Kolonialinstituts] Reihe A. Rechts- und Staatswissenschaften. Band 2) 123 f.

<sup>4</sup>E. Vanderpool and W. P. Wallace, "The Sixth Century Laws from Eretria," *Hesperia* 33 (1964) 381-391 and plates 67-69; henceforth referred to as "Vanderpool-Wallace."

- 1273.1274 [1] ← δίκεν : ἐπεὰν : κατομόσει : τίν[υ-] FRONT  
 1 [2] → σθα(ι) : τρίτει ημε[ρ]ει : χρέματα  
 [3] ← δόκιμα : κα[ῖ φ]υγία ἰάν : με τέισ-  
 [4] → ε<ι> [ : ἡέρραι]
- 1273.1274 [5] ← <sup>υυ</sup> ἐπὶ Γόλο : ἄρχ[ο]ντος : ἐν πολε[ ]ι[.]  
 2 [6] → [ - - - - <sup>15-20</sup> - - - ]ιν : τῇ <sup>υ</sup>υστέρει : δόφε  
 [6 bis] ← [ - - - - - - - - - - - - - - - ]
- 1273.1274 [7] ← [ - <sup>ca 7</sup> - ]ει[ . . . ]ει : δέκ[α : σ]τατῆρας : ὀφέλεν[:]  
 3 [8] → ἰάν · με τέισει : ἀρχός : ἀπό βρετῶν : ποιῆσα[ι]  
 [9] ← <sup>υυ</sup> <sup>υ</sup>ὸςτις ἂν : με ποιῇ · αὐτόν : ὀφέλεν
- 1273.1274 [10] ← τὸς πλέοντας : ἀρ[ - <sup>ca 5</sup> - ]θαί μισθὸν SIDE  
 4 [11] → <sup>υ</sup>οίτινες ἂν · π[ <sup>ca 2</sup> - Π]ε[ταλας : ἔ Κέναιον  
 [12] ← [ἀ]μείπονται : φε[ - <sup>4-5</sup> - ]εν δὲ πάντας <sup>υ</sup>  
 [13] → <sup>υυυυυ</sup> <sup>υ</sup>τος ἐπι[ - <sup>ca 6</sup> - ]μος · εον [ - <sup>ca 6</sup> - ]  
 [14] ← [ - <sup>ca 6</sup> - ]ος · γνον[ - <sup>ca 5</sup> - ]νασεν *vacat*  
 [15] → 8-10 *vacats* <sup>υ</sup>ὸς[ - <sup>ca 5</sup> - ]ν <sup>υ</sup>ηλοῖ[ - <sup>ca 7</sup> - ]  
 [16] ← [ - <sup>7 or 8</sup> - ]ιαρφιν[ - <sup>ca 6</sup> - ] <sup>υ</sup>ἀναφισβετεῖ

Justice is to be done only after oaths have been administered

Fines are to be paid on (or before) the third day in good money

Exile is the penalty for non-payment of fines

[Note: the new line numbering in square brackets on the left has been imposed by me to avoid confusion—see below]

Vanderpool-Wallace constituted a brilliant and radical improvement on previous publications. Working from autopsy, squeezes, and photographs (the quality of its plates could not be surpassed), it revealed the stones as having once formed a single large block, originally sited prominently—probably at the corner of a building or wall. In the authors' view the block contained four texts, three on the face inscribed horizontally, and one on the side inscribed vertically. Vanderpool-Wallace also recovered many new readings, especially along the horizontal break (i.e., lines 5–7 in my own numbering). One of these new readings, δέ[κα σ]τατῆρας (7), was discussed by them in combination with χρέματα | δόκιμα (2-3), and they interpreted the two phrases as references to the early coinage of Eretria, a hypothesis which naturally gave the inscriptions an important additional dimension of interest. Vanderpool-Wallace dated the inscriptions, following L. H. Jeffery,<sup>5</sup> to 550–525 B.C.

<sup>5</sup>L. H. Jeffery, *The Local Scripts of Archaic Greece* (Oxford 1961) 84 (hereafter cited as *LSAG*). See also the revised edition with supplement by A. W. Johnston (Oxford 1990) 84. This edition modifies the treatment accorded to IG XII.9 1273 and 1274 by the first edition only in a remark (434) about lines 2–3. The "transcription" (402) thus still takes no account of Vanderpool-Wallace.

In a paper published in 1983<sup>6</sup> I concentrated on the numismatic aspect of the inscription. By then the interpretation of Vanderpool-Wallace had come to involve a chronological difficulty. The former scholarly view that the first Greek silver was early sixth century B.C. had been overtaken by downdating, more or less radical.<sup>7</sup> A scenario such as that of Kroll and Waggoner (above, note 7) which puts Athenian silver at ca 550 indicates the last quarter of the sixth century B.C. as a more reasonable time slot for the first Eretrian coinage, given the comparatively lower economic status of Eretria. The letter forms of the inscriptions and the phrase read by Vanderpool-Wallace as  $\chi\rho\acute{\epsilon}\mu\alpha\tau\alpha \mid \delta\acute{o}\kappa\iota\mu\alpha \kappa\alpha\iota \phi\upsilon\lambda\gamma\acute{\iota}\alpha$  (2 f.) appeared to point in the same direction. Of course, given the paucity of comparative material, letter forms can give only approximate guidance. But a number of features assembled by me there (148) also suggested the last quarter of the sixth century; and the late Miss Jeffery, in private correspondence, helpfully noted that "I'm still prepared to think that some of *LSAG*'s dates were too high" and "I would be happy to take it [e.g., *IG* XII.9 1273 and 1274] down to ca 525 at least." Again, Vanderpool-Wallace's restoration  $\phi\upsilon\lambda\gamma\acute{\iota}\alpha$  is not sound Greek and yields no sense. I suggested instead (152)  $\eta\lambda\upsilon\gamma\acute{\iota}\tilde{\alpha}$ , and backed the suggestion with a wide-ranging study of the adjectives  $\delta\acute{o}\kappa\iota\mu\os$  and  $\upsilon\gamma\eta\tilde{\eta}\varsigma$ , which unearthed a number of interesting parallels. With this restoration the phrase  $\chi\rho\acute{\epsilon}\mu\alpha\tau\alpha \mid \delta\acute{o}\kappa\iota\mu\alpha \kappa\alpha\iota \eta\lambda\upsilon\gamma\acute{\iota}\tilde{\alpha}$  refers not to coinage but to objects of fixed value such as spits, tripods, and bronze bowls used in a pre-monetary situation, objects which are of "acceptable" type or quality

<sup>6</sup>F. Cairns, "XPEMATA ΔΟΚΙΜΑ: *IG* XII.9 1273 and 1274 and the Early Coinage of Eretria," *ZPE* 54 (1984) 145–155. I know of no recent substantive treatments of the "Laws of Eretria" apart from this and Vanderpool-Wallace (1964); for briefer enquiries into specific aspects, cf. J. Vélissaropoulos, *Les Naoclères grecs* (Geneva and Paris 1980, Centre de recherches d'histoire et de philologie de la IV<sup>ème</sup> section de l'École pratique des hautes études. III: Hautes études du monde gréco-romain 9) 24–26; M. Gagarin, *Early Greek Law* (Berkeley etc. 1986) 91–93; R. Koerner, "Beamtenvergehen und deren Bestrafung nach frühen griechischen Inschriften," *Klio* 69 (1987) 450–498, at 480.

<sup>7</sup>Cf., e.g., M. Price and N. Waggoner, *Archaic Greek Silver Coinage: The "Asyut" Hoard* (London 1975). There have of course been dissentient voices, mainly from those arguing for the truth of literary sources, and it would be idle to suggest that certainty has been achieved. But the trend seems established; cf., e.g., more recently J. H. Kroll and N. M. Waggoner, "Dating the Earliest Coins of Athens, Corinth and Aegina," *AJA* 88 (1984) 325–340. My own proposals about  $\chi\rho\acute{\epsilon}\mu\alpha\tau\alpha \delta\acute{o}\kappa\iota\mu\alpha$  etc. (above, n. 6) provoked immediate (unsupported) opposition in the final note (153, n. 1) of D. Musti, "Il giudizio di Gorgia su Cimone in tema di  $\chi\rho\acute{\epsilon}\mu\alpha\tau\alpha$ ," *RivFil* 112 (1984) 129–153; but the findings of M. C. Caltabiano and P. R. Colace, "ΑΡΓΥΡΙΟΝ ΕΥΔΟΚΙΜΟΝ (Pollux, 3,87)," *AnnPisa* (Class. lett. e fil.) 3 ser. 15 (1985) 81–101, and "ΑΡΓΥΡΙΟΝ ΔΟΚΙΜΟΝ . . . ΤΟ Δ'ΕΝΑΝΤΙΟΝ ΠΑΡΑΣΗΜΟΝ (Pollux, 3,86)," *AnnPisa* (Class. lett. e fil.) 3 ser. 13 (1983) 421–447, seem to me to provide a framework into which my proposals can be fitted. On  $\delta\acute{o}\kappa\iota\mu\os$  and its cognates, cf. further D. Knoepfler, "Tétradrachmes attiques et argent 'alexandrin' chez Diogène Laërce, I," *MusHelv* 44 (1987) 233–253, esp. 235 ff.

and "sound." The closest linguistic parallel was the later IG VII 3073.33–35 = VII 3074.13–15:

καὶ ἐάν τινα ὑγῇ λίθον διαφθεῖρη κατὰ τὴν ἐργασίαν ὁ τῆς θέσεως ἐργώνης, ἕτερον ἀποκαταστήσει δόκιμον τοῖς ἰδίους ἀνηλώμασιν . . . .

Hence the earliest of the texts refers to the pre-coinage period at Eretria, which, if the first text is ca 525, will have lasted at least until then. As for δέκ[α σ]τατῆρας in line 7, I was agnostic, pointing out that words like δραχμή, ὀβελός, and στατήρ need not, even later, i.e., in the first quarter of the fifth century, refer to coined money, but may still refer to weights of silver.<sup>8</sup> Hence the texts could be documenting two pre-coinage situations at Eretria. However, I left open the other possibility, namely that δέκ[α σ]τατῆρας could refer to the abundant Eretrian coinage issue of the last decade of the sixth century.<sup>9</sup>

The present paper will discuss epigraphic (*passim*), legal (Section IV), and politico-historical (Sections V, VI) aspects of the inscriptions, and will take account also (Section IV) of the further implications of my earlier restoration *h|nyā* (line 3).

## II THE PHYSICAL RELATIONSHIP OF THE STONES

Vanderpool-Wallace concluded (384) that at least one line had been lost at the horizontal break on the block, i.e., my 6 *bis*. I believe that this is incorrect and that no line has been lost at this point. My arguments are as follows: (i) there is no mechanical reason why even a single line must have been lost when the original poros block was split for re-use; (ii) the surviving lines on the face of the block are consistently boustrophedon except at Vanderpool-Wallace's hypothesised 6 *bis*. One might of course hypothesise that R-L was used for the beginning of a new text at line 7, as it is for the first text on the face, and for the new text on the side. But, as will be seen, the sense appears to continue from line 6 to line 7. If the hypothesis of a new text beginning at line 7 is not valid, then at least two lines (or a multiple of two lines) have been lost in the splitting (which is even more implausible), or no line has been lost at all. The latter is the economic conclusion.

6 *bis* should therefore, in my view, be struck out. The matter is not a trivial technical one, for on it depend *inter alia* our decisions about what supplements are acceptable in lines 10–13 on the side of the stone (see below, Section VI). The ease with which plausible supplements to lines 10 ff. were made in the past (and can be made now) on the hypothesis that no line has

<sup>8</sup> Cf. now especially Caltabiano-Colace (above, n. 7).

<sup>9</sup> My view of this matter may not have been made sufficiently clear there since the summary of the paper in *SEG* 34 (1984) 232 no. 895 does not report it correctly.

been lost after 6 is of course a further confirmation that this is indeed the case.

### III THE HANDS ON THE BLOCK

Vanderpool-Wallace distinguished four different hands on the block: lines 1-4, 5-6 *bis*, 7-9, and 10-16 (in my numbering). Their view needs, I believe, to be modified in two ways, one minor, one major.

The minor modification springs from the fact that the letters from  $\dot{\iota}\acute{\alpha}\nu$  on in line 3 are cut more deeply than those preceding. One instant explanation might be that, taking advantage of the break in sense (cf. Section IV), the mason sharpened his chisel or changed to a new one at this point. However, there are other differences from  $\dot{\iota}\acute{\alpha}\nu$  on: the most obvious is that the interpuncts are triple in what precedes, whereas in  $\dot{\iota}\acute{\alpha}\nu$  etc. the interpuncts are double; and there is no interpunct before  $\dot{\iota}\acute{\alpha}\nu$ . Again none of the Es in what precedes are tailed except that of  $\delta\iota\kappa\acute{\epsilon}\nu$  (1) which is (slightly) so, whereas the three visible Es of  $\dot{\iota}\acute{\alpha}\nu$  etc. are all (slightly but noticeably) tailed; yet again the Is of  $\dot{\iota}\acute{\alpha}\nu$  etc. are less tall than those preceding. Finally many of the letters of  $\dot{\iota}\acute{\alpha}\nu$  etc. have a higher base alignment than what precedes. But—for all this—the hands of  $\dot{\iota}\acute{\alpha}\nu$  etc. and of what precedes are very similar. Hence, despite the differences, the same mason may have cut both sections, possibly after a lapse of time; or a new (younger?) hand from the same workshop cut  $\dot{\iota}\acute{\alpha}\nu$  etc. as part of the same commission. I have considered a third possibility, namely that whoever erased  $\hbar\epsilon\text{PAI}$  in line 4 (see Section IV) deepened  $\dot{\iota}\acute{\alpha}\nu$  etc. This may have occurred, but it cannot be the full explanation, since it would not account for the double in place of the triple interpunct, or for the shorter Is, or for the higher base alignment of some letters.

The major modification has to do with Vanderpool-Wallace's claim that their "Text 2" (lines 5-6 *bis*) and their "Text 3" (lines 7-9) are in different hands. My own view of lines 5-9 is different. Vanderpool-Wallace's arguments and my responses to them are set out below. It should be stressed that in my responses I am making a sharp distinction between line 5 and line 6. It should also be stressed that the poros stone being inscribed clearly caused the cutters difficulties with various letters, difficulties which they sometimes encountered when first inscribing a letter and then sought to avoid in subsequently inscribing the same letter. So for example there is damage within the first O of  $\Gamma\acute{o}\lambda\omicron$  which could be original and which is absent from the second O. This feature had an effect on letter-forms and will be relevant to the arguments advanced below.

- 1) Vanderpool-Wallace argued (383 f.) that O and P in "Text 2" (i.e., lines 5-6 *bis*) are not compass-cut, whereas O, P, and  $\Phi$  in "Text 3" (i.e., lines 7-9) are.

I would reply that there are no Os or Φs in the surviving portion of line 6, and that the single P of line 6 (in *ἡυστέπει*), although cut deeper than those in 7–9, has the same shape, i.e., its second stroke is curved. In particular it conforms exactly in shape to the P of *ἀρχός* in line 8. The Ps of lines 7 f. are definitely compass-cut. The P of line 6 may have been compass-cut first and subsequently chiselled or scored more deeply.<sup>10</sup> Here the feature of this block noted above, i.e., that cutters learnt by experience how to inscribe specific letters, comes into play. If the P of *ἡυστέπει* was this mason's first attempt at a P, then the slight internal damage visible in the curve of the P (if it is original) may have caused him not to chisel or score his subsequent Ps after compass-cutting. In contrast the single P in line 5 is definitely angular.

- 2) Vanderpool-Wallace also argued (383 f.) that A in "Text 2" (lines 5 f.) has a curved second hasta and high crossbar, unlike those of "Text 3" (lines 7–9).

I reply that this is correct for line 5, but that there is no A in line 6; hence this argument does not apply to line 6.

- 3) Finally Vanderpool-Wallace (384) argued that examples of N in "Text 2" (5 f.) with a "shallow, slightly obtuse, second angle . . . seem distinct from the bolder, sharper-angled nus" of "Text 3" (7–9).

I reply that this may be a true account of the difference between the preserved remains of N in line 5 and those of lines 7–9. But I cannot see a significant divergence between the single preserved N of line 6 and those of lines 7–9. Some of the Ns of lines 7–9 are admittedly larger than the single N of line 6. But the N of *ἰάν* in line 8 is identical in appearance to that of line 6. There is the same identity of shape between other letters of line 6 (especially T and E) and these letters in lines 7–9. The letter E is particularly telling. The E of *ἐπὶ* in line 5 is definitely not tailed, whereas the Es of lines 7–9 are all more or less tailed. The situation in line 6 is partially obscured by damage along the horizontal split in the block, but enough survives of the base of the first E of *ἡυστέπει* to show that it was tailed. The only overall difference then which I can see between 6 and 7–9 (apart from the greater subsequent surface damage suffered by 6) is that the surviving letters of 6 are cut slightly closer together.

What then is happening in lines 5–9? As explained above, Vanderpool-Wallace's arguments about letter forms apply not to line 6 as opposed to 7–9, but only to line 5 as opposed to lines 7–9.<sup>11</sup> Vanderpool-Wallace are

<sup>10</sup>If this procedure seems strange, it should be noted that the Os of *Γόλο* (5) also seem to have been first compass-cut and then chiselled.

<sup>11</sup>This conclusion does not vitiate the observations of Vanderpool-Wallace 384 about the sense of their "Text 2" and "Text 3."

right in thinking that the heading ἐπὶ Γόλο etc. is in a different hand from that of lines 7–9. But (contrary to their view) line 6 is in the same hand as lines 7–9. On this account one would suppose that the hand of line 5 erased ἡΕΡΑΙ in line 4 (cf. Section IV) and then inscribed the heading ἐπὶ Γόλο etc. However, the next enactment (lines 6 ff.) was not inscribed by the same hand (cf. Section IV) but was cut by a different hand. Hence my “Text 2” consists of line 5, and my “Text 3” of lines 6–9.

#### IV THE ENACTMENTS OF LINES 1–9

The first text starts abruptly with ΔΙΚΕΝ (line 1); and the smoothed top of the block shows that nothing above it has been lost. Of course another large block carrying words preceding ΔΙΚΕΝ might originally have sat on top of, or alongside, our block, i.e., on its left. But the notion of another block seems less likely, since ΔΙΚΕΝ may be the first word of the enactment. A number of archaic laws and compacts begin abruptly. *LSAG* 337, note 3 includes this inscription in a list of enactments etc. with abrupt beginnings, viz. Ozolian Locrians 4a, Chios 41, Thessaly 1, and Crete 7 (Gortyn Code). The enactment section of the archaic law of Dreros (Meiggs-Lewis 2) might perhaps be added, although it does have a prescript. None of these “parallel” abrupt starts is of course absolutely parallel, but the fact that the Eretrian enactment is procedural may make its abrupt beginning less problematic: since the enactment was of general application, it was unnecessary to define the crime or type of judgement involved.

ΔΙΚΕΝ could be (1) the accusative of δίκη, with ellipse of a verb. But since no suitable verb, and no reason for such an ellipse, can easily be suggested, it seems more plausible to suggest (2) that ΔΙΚΕΝ is either the present infinitive of δικάω (if it exists), or (more likely) an aorist infinitive derived from ἔδικον. On supposition (2) its meaning would lie in the range “make an award,” “judge,” “fine.” Forms of ἔδικον appear, e.g., in Pindar *Ol.* 10.72, *Pyth.* 9.123, *Bacchyl.* 17.63, and in Greek tragedy: Aesch. *Cho.* 99, Eur. *Phoen.* 665, *Bacchae* 600, *HF* 498. W. J. Slater, *Lexicon to Pindar* (Berlin 1969) notes s.v. that δικαιῶω (*Fr.* 169.3) might mean “punish.” ἔδικον is usually glossed “cast,” “throw”; some examples (such as the compound in tmesis at Pindar *Pyth.* 9.123; cf. Slater s.v. ἐπιδικεῖν) arguably verge on the meaning “award.”<sup>12</sup> For the form of the infinitive, compare in this inscription ὄφελεν (lines 7 and 9).

<sup>12</sup>On the various problems involved, cf. esp. P. Chantraine et al., *Dictionnaire étymologique de la langue grecque. Histoire des mots* (Paris 1968–80) s.vv. δικάω, δίκη etc. (esp. 283 col. 1, 284 col. 1). The links between both words and δεικνύμι indicated there, and the suggested possible basic sense of δίκη “ligne marquée” (284 col. 1), are also helpful. In the light of J. H. Oliver’s likely suggestion (*Hesperia* 21 [1952] 391 = *SEG* XII.95) when discussing δικηθήσεται in *IG* II<sup>2</sup> 1092 B.17 = Oliver 6, that the verb

Line 1 continues with ἐπεὰν κατομόσει. The subject of κατομόσει could be one of the parties to the legal action, i.e., either the defendant or the plaintiff; alternatively the subject could be the judge (or arbiter). It all depends on whether the sentence continues or not after κατομόσει. The defendant's (or plaintiff's) oath can of course be paralleled.<sup>13</sup> But there is a confluence of evidence in favour of taking the judge (or arbiter) as the subject: first of all the initial prominence of δίκην speaks for the judge (or arbiter) being the oath-taker; then the "Subjektswechsel" comes more easily at τίν[υ]||σθα(ι) than at κατομόσει. Such abrupt changes of subject are standard in early Greek enactments, and the alternation as subject between judge and defendant (or plaintiff) is well paralleled in the Gortyn Code; cf., e.g., I 2-5, 7-9, 27-29. I quote the first of these passages only:<sup>14</sup>

ὅς κ' ἐλευθέρῳ ἔ δόλοι μέλλει ἀν-  
 πιμόλῃν, πρὸ δίκας μὲ ἄγεν. αἱ δ-  
 ἐ κ' ἄγει, καταδικασάτῳ τῷ ἐλευθέρ-  
 ῳ δέκα στατῆρανς . . . .

Whosoever may be likely to contend about a free man or a slave is not to seize him before trial. But if he make seizure, let (the judge) condemn him to (a fine of) ten staters for a free man . . . .

The subsequent emphasis on payment and penalties for non-payment without any further references to oaths also speaks against the defendant (or plaintiff) being the oath-taker.

This confluence of evidence suggests then that the institution being referred to is the oath of the judge or arbiter taken before he decides the penalty. It is well paralleled in the Gortyn Code and in Attic law.<sup>15</sup> From the Gortyn Code cf., e.g., I 11-14:

τῷ δὲ κρίνῳ τὸν δι[κ]αστ-  
 ἄν ὁμνόντα κρίνεν. *palmula* αἱ δ' ἀννίοιτο  
 μὲ ἄγεν, τὸν δικαστὰν ὁμνόντ-  
 α κρί[ι]νεν αἱ μὲ ἀποπνίοι μαῖτους.

in question is in fact ἐκ|δικηθήσεται (lines B.16 f. = Oliver 35 f.), no account should be taken of that form in this context.

<sup>13</sup>Cf. A. R. W. Harrison, *The Law of Athens. II. Procedure* (Oxford 1971) 70 f., 99 f., 150-153; J. Kohler and E. Ziebarth, *Das Stadtrecht von Gortyn und seine Beziehungen zum gemeingriechischen Rechte* (Göttingen 1912) 84 f. Vanderpool-Wallace 389 seem to follow an interpretation along these lines.

<sup>14</sup>The Gortyn Code is cited here and below in the text and translation of R. F. Willetts (ed.), *The Law Code of Gortyn* (Berlin 1967, *Kadmos* Supp. 1).

<sup>15</sup>For the oath of the judge / juror / arbiter, cf. R. J. Bonner, *The Administration of Justice from Homer to Aristotle 2* (Chicago 1930) ch. 7, esp. 152, 156; Harrison (above, n. 13) 66, 68, cf. 48; and, for the closest parallels, from the Gortyn Code, cf. Kohler and Ziebarth (above, n. 13) 127, Willetts's introduction 33 f., and the examples quoted above.



and the judge is to decide on oath as to the time; but if he should deny the seizure, unless a witness should testify, the judge is to decide on oath.

Hence I translate: "The judge (or arbiter) shall determine the penalty after taking an oath."

A new clause clearly referring to the party found against begins at τίν[υ]σθα(ι) (lines 1 f.). I translate: "he shall pay on the third day in goods which are acceptable and sound." The third day is also a period in which legal decisions were to be implemented at Gortyn (cf. Gortyn Code I 6 f., καὶ δικακασάτῳ λαγᾶσαι | ἐν ταῖς τρισὶ ἀμέραις, "and let him give judgment that he release him within [?the] three days").

In lines 3 f. the text continues with ἰάν (= ἔάν; cf. line 8) μὲ τείσ[ει]<sup>16</sup> ἡΕΡΑΙ, i.e., "if he does not pay, ἡΕΡΑΙ." The final word, which is followed by a *vacat*, has been neatly chiselled out in antiquity and has not been replaced. Vanderpool-Wallace correctly read :ἡΕΡΑΙ in the erasure. They hesitated, however, over the heta, saying they saw no sign of its bottom bar, and declaring that the rho, "if it is one," is very close to the alpha (386). My own squeeze shows, I believe, a trace of the bottom bar of the heta, and the rho (which is also visible in the squeeze) does not seem to me overclose to the alpha. Vanderpool-Wallace thought that the mason had mistakenly started to inscribe something about a tithe of the fine being paid to the goddess Hera, and had then erased ἡΕΡΑΙ as a mistake. Now neither Hera's importance in Euboea, nor the payment of tithes of fines etc. to goddesses, needs documenting. But there are other problems; a minor objection was made by Vanderpool-Wallace themselves (386), when they questioned whether the Attic form of Hera is possible at Eretria so early. However, the main difficulty is syntactical: Vanderpool-Wallace's interpretation of ἡΕΡΑΙ rested on their unacceptable restoration φῳγία, which they thought meant "exile," and on the basis of which they paraphrased a sentence supposedly beginning at καί and ending at ἡΕΡΑΙ. But with the restoration ἡῳγιά (see above, Section 1) that syntax is impossible, since a new sentence must begin with ἰάν<sup>17</sup>—"if."

Given that a new sentence begins at ἰάν, we would expect that, if the mason had made a mistake over ἡΕΡΑΙ, he would, after erasing the mistake, have replaced his error with the correct penalty. Otherwise the sentence (and the sense) would have been left defective. But there is no replacement. How can this be explained?

An explanation worth considering is this: that the erasure is later in time than the original inscribing, and that it is (as its neatness and professionalism may confirm) an official, state-approved act. This explanation would require the word ἡΕΡΑΙ to have been the original ending of

<sup>16</sup>As Vanderpool-Wallace note (386), the mason first erroneously inscribed ΤΕΙΣΕΤ and then tried to remove the cross bar of the second T.

<sup>17</sup>As observed by Gagarin (above, n. 6) 91, n. 34.

the sentence which begins with  $\iota\acute{\alpha}\nu$ , and would require the sentence  $\iota\acute{\alpha}\nu \mu\grave{\epsilon} \tau\acute{\epsilon}\iota\sigma\mid\epsilon\iota \hbar\epsilon\tilde{\rho}\alpha\iota$  to have prescribed a penalty for non-payment—one which in later, changed circumstances was abolished. For this to be the case,  $\hbar\epsilon\tilde{\rho}\alpha\iota$  would have to be an aorist infinitive with prescriptive force—of the type found in  $\tau\acute{\iota}\nu[v]\mid\sigma\theta\alpha(\iota)$  (1f.),  $\omicron\phi\acute{\epsilon}\lambda\epsilon\nu$  (7, 9) and  $\pi\omicron\iota\acute{\epsilon}\sigma\sigma\alpha\mid\iota$  (8). But the question then arises: of what verb could  $\hbar\epsilon\tilde{\rho}\alpha\iota$  be the aorist infinitive?

A first aorist infinitive form  $\tilde{\alpha}\rho\alpha\iota$  from  $\tilde{\alpha}\rho\nu\mu\alpha\iota$  /  $\acute{\alpha}\epsilon\iota\rho\omega$ , with eta replacing long alpha, would give Eretrian  $\tilde{\eta}\rho\alpha\iota$ ; cf. LSJ s.v.  $\acute{\alpha}\epsilon\iota\rho\omega$  for examples in various dialects. But what we have on the stone is  $\hbar\epsilon\tilde{\rho}\alpha\iota$ . How can the *asper* in place of the expected *levis* be justified? Curiously, justification is not very far to seek. Line 3 of a mid-fifth-century B.C. inscription upon a herm from Histiaia in Northern Euboea first published by me in 1983<sup>18</sup> contains a close linguistic parallel:

$\lambda\iota\sigma\sigma[\acute{o}]\mu\epsilon\nu\omicron\varsigma \delta\acute{\epsilon} \theta\epsilon\delta\iota \nu\acute{\iota}\kappa\eta\varsigma \hbar\alpha\beta\rho\acute{o}\nu \hbar\acute{\epsilon}\rho\epsilon\tau\omicron \kappa\acute{\upsilon}\delta\omicron\varsigma$

The aberrant form  $\hbar\acute{\epsilon}\rho\epsilon\tau\omicron$  (for  $\tilde{\eta}\rho\epsilon\tau\omicron$ ) is the third person singular second aorist of  $\tilde{\alpha}\rho\nu\mu\alpha\iota$  /  $\acute{\alpha}\epsilon\iota\rho\omega$  through confusion with  $\alpha\iota\rho\acute{\epsilon}\omega$ . I have discussed this previously in some detail ([above, note 18] 22, q.v.) noting the explanation of Thumb-Kieckers in parallel Locrian cases that the intrusive *asper* is due to the influence of  $\acute{\epsilon}\lambda\acute{\epsilon}\sigma\theta\alpha\iota$ . Given that in addition to the Locrian parallels the phenomenon has now been exemplified at Histiaia, and seems again to be present in  $\hbar\epsilon\tilde{\rho}\alpha\iota$  at Eretria, it looks as though this particular confusion was firmly established along both shores of the Euboean Gulf.<sup>19</sup>

On this basis the meaning of  $\iota\acute{\alpha}\nu \mu\grave{\epsilon} \tau\acute{\epsilon}\iota\sigma\mid\epsilon\iota \hbar\epsilon\tilde{\rho}\alpha\iota$  will be: "if he (the defendant) does not pay, then let him (the creditor or plaintiff) seize him (the defendant)," i.e., as a debt-slave—or to sell as a slave, or (less likely) remove him, i.e., sell him abroad as a slave. We find then again here the *Subjektswechsel* already exemplified in line 1, plus ellipse of the object "him" after  $\hbar\epsilon\tilde{\rho}\alpha\iota$ . The terse style is absolutely characteristic of archaic legal enactments, as can be seen from the material from the Gortyn Code cited at the beginning and end of the present Section. In these terms the (subsequent) erasure of  $\hbar\epsilon\tilde{\rho}\alpha\iota$  now suddenly becomes explicable: personal seizure (followed by bond-servitude or even enslavement) for unpaid judgement debt, which was legally prescribed under one regime, has become unacceptable under another. It is perhaps superfluous to refer to Solon's legislation at Athens as a parallel for this process.<sup>20</sup>

<sup>18</sup>F. Cairns, "A Herm from Histiaia with an Agonistic Epigram of the Fifth Century B.C.," *Phoenix* 37 (1983) 16–37, at 22.

<sup>19</sup>Intrusive aspiration can of course be widely exemplified in the Greek world, although this does not exclude the possibility of local patterns. It is notable, however, that unaspirated  $\acute{\alpha}\rho[\acute{\epsilon}\sigma]\theta\alpha\iota$  appears in the later inscription on the side of the block (line 10).

<sup>20</sup>Cf. P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford 1981) 111, 118 ff., esp. 125–127, but noting (126) that "slavery for debt was not entirely impossible in later Athens." If the suggestion about  $\hbar\epsilon\tilde{\rho}\alpha\iota$  made above is correct, then

Presumably in lines 6–9 personal seizure for judgement debt is being replaced by a lesser penalty. The erasure of *hērai* alone, and not of the whole enactment of which it was part, might seem to suggest that the sense of *ἰάν* etc. (3 f.) was to be continued after the heading of line 5. But equally well *hērai* may have been erased to render null and void the enactment of which it was part, and also to remove a hated concept; and a complete new replacement enactment may have begun after the heading of line 5, with e.g., “If he does not pay.” In either circumstance something more may have been said about the archon of line 5. There is room for 5/6 letters after the heading of line 5, and for 17/25 letters at the beginning of line 6.<sup>21</sup> So no secure hypothesis can be advanced about the sense of what has been lost. However, the lost portion of line 7 can now be restored *exempli gratia* so that 6–7 will read as:

[ – – – 17–25 – – – ]ιν:τῆι ἡυστέρει:δύρε  
[στατῆρε:τ]ῆι [τρίτ]ει:δέκ[α:σ]τατῆρας:ῥφέλεγ[:]

This restoration (which is by no means the only possible one but which would actually fill the gaps on the stone exactly),<sup>22</sup> would prescribe a monetary penalty increasing on a daily basis. The Gortyn code has similar prescriptions for daily (although not increasing) penalties (cf. I 8–11 καταδικαδδέτῳ τῷ μὲν | ἐλευθέρῳ στατῆρα, τῷ δολῷ [δα]ρκν|ὰν τῆς ἀμέρας φεκάστας, πρὶν κα λα|γάσει, “let [the judge] condemn him to [a fine of] a stater for a free man and a drachma for a slave, for each day until he do release him,” 28–35 δικακ|σάτῳ νικῆν τῷ μὲν ἐλευθέρῳ | πεντέκοντα στατῆρας καὶ σ|τατῆρα τῆς ἀμέρας φεκάστ|ας, πρὶν κα λαγάσει, τῷ δὲ δολῷ | δέκα στατῆρας καὶ δαρκνὰν | τῆς ἀμέρας φεκάστας, πρὶν κ' ἀ|ποδοῖ ἐς κῆρας, “let [the judge] give judgement that the [successful party] be entitled, in the case of the free man to fifty staters and a stater for each day until he releases him, in the case of the slave ten staters and a drachma for each day until he gives him back in hand.”

It should be noted that, if τ]ῆι [τρίτ]ει is restored in line 7, a further statutory three-day period with inclusive reckoning (on which see above) would be being given at Eretria to the judgement debtor. He would be obtaining this second period of grace by paying a monetary penalty increasing daily;

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an exception has been found to the judgement of G. E. M. de Ste. Croix, *The Class Struggle in the Ancient Greek World. From the Archaic Age to the Arab Conquests* (London 1981) 162, that “we cannot name any other single city [i.e., apart from Athens] which certainly did away with debt bondage.”

<sup>21</sup>Vanderpool-Wallace indicate 15–20 letters as missing at the beginning of line 6, but this is almost certainly an underestimate, since there are 17 letters and 2 interpuncts in the surviving (lesser) portion of the line.

<sup>22</sup>Professor M. B. Wallace points out to me that τ]ῆι [τρίτ]ει gains further support from the fact that the bottoms of the four letters before the second εἰ of line 7 are all single verticals.

this may represent a concession by the state to the creditor or plaintiff, whose ultimate right of personal seizure of the defendant was simultaneously being removed. For the final penalty, should payment not be made, is specified in line 8 simply as "The ἀρχοί should act in accordance with the ῥητά." This Eretrian procedure, which replaces personal seizure, is again paralleled in the Gortyn Code, where the ἐγραμ(μ)ένα are regularly invoked (cf. Index of Words and Phrases in the Code s.vv. ἐγραμμένα τὰ etc.).

#### V THE POLITICAL IMPLICATIONS OF LINES 1-9

Line 5 begins: ἐπὶ Γόλο ἀρχ[ο]ντος. If Vanderpool-Wallace's interpretation of the vestigial letters which follow as ἐν πόλει is correct,<sup>23</sup> and if these words are to be taken together, the sense will be either "In the archonship of Golos in the city," or (since this would be less redundant) "When Golos was 'archon in the city'." Alternatively a new sentence may begin at ἐν πόλει. At all events, a new hand begins at ἐπί, and the words are very probably a heading, since the letters are larger and deeper cut than those of the following line, and ἐπί is indented three letter spaces, which is almost certainly unique on the face of the block. The only other line on the face which is possibly indented is 9, but 9 is neither parallel to 5 nor certain. If 9 is indented, the indent is only two letter spaces, which would indicate the beginning of an additional, although consequential, regulation; but equally well 9 may originally have begun with the iota desiderated at the end of ποιῆσθ[αι] (8) plus an interpunct—for the *vacat* indicated by Vanderpool-Wallace at the beginning of 9 is in fact (as can be seen in their photographs) a hole in the stone. The general situation as regards word-division between lines in these inscriptions is too complex to assist with the question of an indent at line 9. Words are definitely split between lines at 1 f. and 3 f. in the first inscription; but there is no sure instance in the subsequent texts on the face of the stone; and what is preserved of lines 10-16 on the side of the block seems to avoid it. Word-division at lines 8 f. is therefore possible, but only possible. The hole in the stone at the beginning of line 9 may be original, as certain holes and flaws on the side of the stone certainly were (see below). In the last event the desiderated iota would have come at the end of line 8. The text on the side of the stone is also unhelpful over indents, since apparent indents there at lines 13 and 15 are, as will be explained (Section VI), illusory.

If ἐπί etc. is a heading, as it seems to be, it is all the more significant as such since there is no heading before δίκην, or upon the side of the block before lines 10-16. The erasure of ἡἔραι, together with the heading

<sup>23</sup> Vanderpool-Wallace are properly cautious about these letters. If it were secure, the form πόλει would be slightly unusual at Eretria.

announcing the ἄρχων (ἐν πόλει, if that is indeed his title),<sup>24</sup> immediately of course raises the question whether the change in the law signals the emergence of a "democracy," since it is particularly under such a regime that we could expect personal seizure to be replaced with a less stringent penalty. Again, the fact that different hands inscribed line 5 and lines 6–9 may be explicable in terms of enthusiasm outrunning full formal procedure. Presumably the abolition of personal seizure for debt was an easy and swift decision, and the name (and role?) of the archon were facts. But working out a practical alternative to debt-enslavement may have taken time and involved argument, possibly in an assembly. Hence the replacement penalty perhaps could not be inscribed simultaneously with the heading. On the other hand, a simpler explanation of the change of hands between 5 and 6–9 might be that, of two masons working together, one cut the heading and the other the body of the text, a circumstance perhaps similar to that which caused the change of hand in line 3 (cf. Section III). If ἐν πόλει has been read correctly and is the archon's title, Golos could be the Eretrian equivalent of the Athenian eponymous archon, with his leading political role and his judicial functions in cases between citizens. But an archon and the abolition of debt-slavery does not necessarily mean a transformation to democracy. Similarly his appearance in this inscription need not imply that his office had not existed previously, only that it was currently more relevant or prominent. The Athenian parallel mentioned above also speaks for caution, since the eponymous archonship continued at Athens throughout the Peisistratid period. The parallel also underlines further the fragility of the democracy hypothesis, although naturally it does not overthrow it. Although Athens after Solon may have been more democratic, greater (but still not full) "democracy" came only with Kleisthenes and after an intermediate period of "tyranny"; and in any case the Attic tyranny and the Eretrian oligarchy will not have employed, and have been followed by, identical arrangements.

Is there then any hope of supporting the democracy hypothesis from Eretrian history? The sixth-century history of Eretria is poorly documented, but various pieces of information have survived, some of which may hesitantly be brought to bear. Thus it is known that Eretria was ruled by the oligarchic ἱππεῖς at least up to the time of Peisistratus' second exile, when the ἱππεῖς gave him refuge there, i.e., the mid 540s.<sup>25</sup> The ἱππεῖς

<sup>24</sup>Herodotus' account of the fall of Eretria to the Persians in 490 calls the Eretrian official who warned the Athenian cleruchs to escape ἐὼν τῶν Ἐρετριέων τὰ πρῶτα (6.100). He uses the same phrase at 9.78 of the Aeginetan, Lampon son of Pytheas. But such a vague designation does not in itself necessarily suggest that these men were archons in their respective cities.

<sup>25</sup>Cf. Rhodes (above, n. 20) 199 ff. (the mid-530s have also been suggested—cf. J. H. Schreiner, "The Exile and Return of Peisistratos," *SymbOslo* 56 [1981] 13–17); cf. also Rhodes 208 for Peisistratus at Eretria and the Eretrian ἱππεῖς.

were overthrown, and democracy established, under the leadership of one Diagoras.<sup>26</sup> There is no firm evidence as to when this happened, but *a priori* the earliest likely date is soon after the fall of Hippias at Athens and the latest soon after the political and military triumph of Kleisthenic "democracy" there. Given the geopolitical and economic realities of this, and indeed almost all periods, of Greek antiquity, which dictated close links between Athens and Eretria, with Athens as the dominant partner, it is most implausible that the Peisistratids, who were active in further-flung places, notably Naxos, the Strymon, and Sigeum,<sup>27</sup> would have tolerated the overthrow of their Eretrian friends the ἱππεῖς while they themselves were still in power.<sup>28</sup> Conversely the Eretrian ἱππεῖς are unlikely to have survived for long the fall of Hippias at Athens, particularly once "democracy" has triumphed. But for all this the abolition of debt-slavery at Eretria could still in theory (as at Athens) have preceded the emergence of Eretrian democracy.

On the other hand, two further features of the "Laws of Eretria" do seem to point to the period of Eretrian democracy. The texts are in chronological order, although how much time lapsed between them is uncertain. If the staters of line 7 are Eretrian currency, they may be the Eretrian cow and octopus coinage issue<sup>29</sup> most probably datable to the last decade of the sixth century, by which time Eretria must surely have been a democracy; these staters turn up on the stone after the appearance of the ἄρχων, and after the abolition of personal seizure for judgement debt. By contrast, the χρέματα | δόκιμα καὶ ἡ]γυῖα would document an earlier non-monetary, and presumably oligarchic, situation. The other feature consonant with the democracy hypothesis comes in lines 10 ff., where (cf. Section VI) pay for sailors on state service is referred to. This will have been a "democratic" feature at Eretria as at Athens, and will have been an additional reason for the abundant issue of the last decade of the sixth century.

<sup>26</sup> Arist. *Pol.* 5.6 1306a35 ff.; cf. R. Weil, *Aristote et l'histoire. Essai sur la 'Politique'* (Paris 1960) 274; Rhodes (above, n. 20) 208.

<sup>27</sup> Cf. Rhodes (above, n. 20) 191 ff. with the bibliography at 191, 207–209, 217.

<sup>28</sup> International, including Eretrian, ramifications of the latter days of the Peisistratids, and links between the fall of the Peisistratids and the emergence of democracy at Eretria, are explored in detail by M. B. Wallace, "Herodotos and Euboia," *Phoenix* 28 (1974) 22–44, at 37–41, esp. nn. 35–37, 44–46. An archaeological feature, viz. the cessation of offerings in the sixth century at the triangular heroon near the West Gate of Eretria—a shrine erected over and near burials of aristocratic warriors from the 670s (on which cf. C. Berard, *L'Heroon à la porte de l'ouest* [Berne 1970, Eretria, Fouilles et recherches 3] 65)—may be connected with the fall of the ἱππεῖς.

<sup>29</sup> Whether or not this late sixth-century issue was the first Eretrian coinage is in my view still an open question; cf. Cairns (above, n. 6) 154. Of the alleged earlier issue, only two examples are extant. This could be an accident of survival, but seems problematic in view of Eretria's size and international trading status. On the financing of near-contemporary naval operations, cf. M. B. Wallace (above, n. 28) 25–29, 41–43.

However, the personal responsibility of the magistrates (line 9), which might be thought to be a further part-confirmation that Eretria is now a "democracy," can only be so in combination with the factors discussed above. In isolation it would not be specifically democratic: there is yet another parallel with Gortyn here, although not from the Code: IC 4.14g-p.1, πεντήκοντα λέβη[τας Ϝ]εκάστῳ κα[τα]στᾶσαι. ὁσμος ὁ ἐπιστάς | αἱ μὴ ἐστεύσατο, ἀφ[ρ]ὸν ὁ]πήλεν | καὶ τὸν τίταν | αἱ μὴ ᾽στείσαιο τ[. But a different political situation obtained at Gortyn; and there are other such examples.<sup>30</sup>

#### VI THE ENACTMENTS OF LINES 10–16 AND THEIR IMPLICATIONS

Lines 10–16 were inscribed on the side of the stone in a single process. The mason was obviously allocated the entire side for his work, and took it liberally. The lettering is later than the last hand on the face: Δ and Ν are perhaps the most diagnostic for this. The side of the stone has been chosen for this text despite the availability of sufficient free space for it at the bottom of the face, and despite the greater difficulty of cutting on the side (see below). The reason may have been that the regulations on the side were of a different category from those on the face, i.e., non-procedural.

The overall appearance of this inscription (and its liberal use of space) might at first sight suggest carelessness or amateurishness. This is not so. The cutter had to inscribe upon a surface which had natural pits and fracture lines, and perhaps was also already damaged. He tried to avoid inscribing at any point where a chisel stroke would cause further damage; he also tried not to introduce a gap into a grammatical phrase. These desires, and not untidiness, are at least in part responsible for the seemingly indented line beginning at line 13: a new regulation or a heading need not therefore be thought to begin here, since there are fracture lines and a pit on the surface which would have caused ἐπιδ[έ]μος to break if the cutter had started inscribing further to the left. Similarly a large area of damage(?) (and an earlier smaller pit) is responsible for the "vacat" at the beginning of line 15 (where again an indent cannot be hypothesised), while (?) ἀναφισβετεῖ (16) skirts that same smaller pit above it and also an area liable to fracture below it. Another important factor which has determined the appearance of the inscription is that the cutting was done while the stone was *in situ*, which probably meant that the mason while cutting had to adopt physical postures as awkward as those now required for studying the inscription in Eretria Museum.

With these factors in mind the text can now be approached. An important consequence of Vanderpool-Wallace's hypothesis of a lost line (i.e., 6 *bis*) at the horizontal break was that their "Text 4"—i.e., lines 10–16, inscribed vertically on the side of the stone—which had made tolerable sense

<sup>30</sup> As noted by Gagarin (above, n. 6) 93; cf. also Kohler and Ziebarth (above, n. 13) 127; Koerner (above, n. 6) 467 ff.

with Hiller von Gaertringen's supplements, now made no sense whatsoever, since the gaps in the lines were all too large to be filled. Hence Vanderpool-Wallace had little to say about "Text 4." A welcome and equally important result of getting rid of 6 *bis* is that something can once more be said about "Text 4." Hiller's supplements ἀρ[έσ]θαι (10), Π[ε]ταλάς (11) φέ[ρ]εν (12) seem to me virtually certain (as does ἐπιδ[έ]μος (13) where he proposed ἐπιδ[έ]μος), and we can add (with Vanderpool-Wallace's help) λός [ἄ]ν ηελοῖ (15).

As Ziebarth saw, the first enactment (lines 10–12) states that "those sailing" either beyond Kenaion, the northern cape of Euboea, or the Petalai islands, towards the southern end of Euboea, should receive pay. This cannot refer to private merchant or passenger shipping, where sailors would always have received pay.<sup>31</sup> So it must be a regulation for the payment of men serving in the Eretrian navy, who had to sail beyond these two fixed points. Presumably the phrase τὸς πλέοντας (10) has been chosen with care to cover both sailors and marines. The purpose of the regulation is obvious. Voyages within the Euboean Gulf were brief. Longer patrols or campaigns (like the celebrated Eretrian participation in the Ionian revolt of 498 B.C.) would have caused problematic loss of income for the sailors, who came from the working classes, as well as day-to-day difficulties for them in purchasing provisions. Hence on those longer voyages the state compensated them with μισθός—yet another reason for the Eretrian coinage issue of this period.

What follows is presumably a correlative regulation: it is easy to interpret as far as φέ[ρ]εν δὲ πάντας: "All must contribute," i.e., to the μισθός for the sailors—which would be another "democratic" feature. φέ[ρ]εν would either be absolute or have dependent on it in the gaps at the end of line 13 and beginning of line 14 τὸν? φόρον. But then a question at present unanswerable arises. Does the sentence continue or not after πάντας into the next phrase, plausibly restorable as τὸς ἐπιδ[έ]μος ἐόν[τας]?<sup>32</sup> A number of considerations would favour continuation. First, as explained above, the *vacat* after πάντας in line 12 may be due to the mason's wish to avoid splitting words between lines, rather than to his commencing a new regulation.<sup>33</sup> Again (as noted) the indent before the beginning of line 13 is illusory, being

<sup>31</sup>The texts about ferry charges cited by Ziebarth (above, n. 3) 123 f. are therefore irrelevant.

<sup>32</sup>The remains of an upright can be seen in the break after ἐπὶ in line 13. τὸν ἐπιδέμον at IG I<sup>3</sup> 3.5 (q.v. with bibliography) does not clarify the possible significance of ἐπιδ[έ]μος here, since there too the meaning is in doubt. Cf. D. M. Lewis, "Cleisthenes and Attica," *Historia* 12 (1963) 22–40, at 31: "The ambiguity of the word allows the possibilities either that these are visitors for the festival or that they are new settlers, perhaps on confiscated property, who have come to Marathon since the Cleisthenic reforms."

<sup>33</sup>In a set of legal regulations well inscribed on a good stone the assumption would certainly be that moving to a new line meant the beginning of a new regulation; cf. the Gortyn Code, and M. Gagarin, "The Organisation of the Gortyn Law Code," *GRBS* 23 (1982) 129–146.



due to the mason's need to avoid flaws in the stone. So there is no need to assume that a new regulation starts at line 13. The sentence could continue "All must contribute who are living in the country." The participial phrase, it could be argued, was chosen with the same precision as *πλέοντας* (12)—in this case to cover both citizens and resident aliens. Indeed it might be argued that it was also chosen with some tact to avoid classifying the latter as "metics" with that term—a term which might have offended what was doubtless the largest group of resident aliens at Eretria, viz. Athenians. All this sounds reasonable, but unfortunately the beginning of line 13 also looks similar to the prescriptive formula *τός* etc. which begins line 10, and, if this is not illusory, it would suggest the start of a new regulation in line 13. Hence the verdict for the present must be *non liquet*. The same goes for the situation at the end of line 14 and the beginning of line 15.<sup>34</sup> Line 15 is not truly indented (see above) but a new regulation may well nevertheless commence at line 15. The difference between *λόστις* (9) and *λοίτινες* (11) on the one hand, and plain *λός* (15) on the other, ought to be instructive for understanding the run of thought here, as should (?) *αναφισβετει* (16). Presumably the regulations of 13/14–16 deal with details of the collection of contributions to pay the sailors, with line 16 possibly tackling disputes or claims arising from this. A probable parallel for line 16 appears in Photius' *Lexicon*, in part of an enactment apparently derived by Androtion from "The Laws": καὶ ἐν τοῖς Νόμοις δὲ "ἅν τις ναυκραρίας ἀμφισβητῇ."<sup>35</sup>

# VII TEXT<sup>36</sup> AND TRANSLATION CUM PARAPHRASE

1	1 ← δίκεν : ἐπεὰν : κατομόσει : τίν[υ]-	FRONT
	2 → σθα(ι) : τρίτε <i>ηεμέ[ρ]ει</i> : χρέματα	
	3 ← δόκιμα : κα[ὶ] <i>h</i> υγιᾶ ἰάν : με τέισ-	
	4 → ει [ : <i>h</i> έρραι ]	
2	5 ← <i>υυυ</i> ἐπὶ Γόλο : ἀρχ[ο]ντος : ἐν πόλε[ι]ι [ - - - ]	
3	6 → [ - - - <sup>17-25</sup> - - - ] ιν : τῆι <i>ηυστέρει</i> : δύφε	
	7 ← [σ]τατῆρε : τ]εῖ [τρίτ]ει : δέκ[α : σ]τατῆρας : ὀφέλεν[:]	
	8 → ἰάν με τέισει : ἀρχός : ἀπὸ ρετὸν : ποιῆσα[ι]	
	9 ← ( <i>γυυ</i> ) <i>h</i> όστις ἂν : με ποιῇ αὐτὸν : ὀφέλεν	

<sup>34</sup>I am suspicious of some letters read by Vanderpool-Wallace in lines 14 and 16; but further work is needed before alternative readings can be proposed.

<sup>35</sup>*FGrHist* 323 F 8 (under Kleidemos) = Photius *Lex.*, s.v. ναυκράρια p. 69. The meaning and original context of this and of the other enactment preserved here are highly controversial: cf. V. Gabrielsen, "The Naukrariai and the Athenian Navy," *CIMed* 36 (1985) 21–51, at 26 f., 38–40.

<sup>36</sup>Vanderpool-Wallace appear to print single interpuncts at lines 8, 9, 11, 13, and 14. But these are just as likely to be flaws in or damage to the stone.

- 4 10 ← τὸς πλέοντας : ἀρ[έσ]θαι μισθὸν SIDE  
 11 → ῥοίτινες ἂν Ἰ[ε]ταλάς : ἔ Κέναιον  
 12 ← [ἀ]μείπονται : φέ[ρ]εν δὲ πάντα  
 13 → *υυυυυ* τος ἐπιδ[έ]μος ἐφ[ύ]ν[τας ca 3]  
 14 ← [ca 6]ονγνογ[ca 2]νασεν *vacat*  
 15 → 8–10 *vacats* ἡδὲ [ἄ]ν ἡελοι[ca 7]  
 16 ← [7 or 8]ιαρφιν[ca 2] *υ* ἀναφισβετεει

7. *exempli gratia supplevi* (cf. Section IV)

1. (1–4) The judge (or arbiter) shall award the penalty after he has taken an oath. The defendant will pay on the third day goods which are acceptable and sound. If he does not pay, the plaintiff shall seize (or remove?) him.
2. (5) When Golos was archon (?) in the city(?)
3. (6–9) [(?) If he does not pay(?), he shall] owe on the second day two [staters, on the third day] ten staters. If he does not pay, the magistrates are to act in accordance with the regulations. Any magistrate who does not do so shall himself be liable to pay.
4. (10–12) Those who sail beyond Petalai or Kenaion should receive wages. All should contribute towards this payment.

UNIVERSITY OF LEEDS  
 LEEDS LS2 9JT