

AN ATHENIAN LAW ON SILVER COINAGE

(PLATES 25–27)

AMONG the many remarkable epigraphic discoveries of the recent Agora Excavations one of the most important for students of Greek numismatics and Athenian political institutions is the complete marble stele discussed in this paper. Valuable new evidence about the Nomothetai, the circulation of silver coins in Athens and Peiraeus, and about a hitherto little-known official, the Dokimastes, is preserved in considerable detail in this document. In addition to specific information about ancient counterfeit coins there are also no fewer than ten different public officials mentioned in this text which is fifty-six lines long and well-enough preserved to require very little restoration.¹

Agora Inventory I 7180 (Pls. 25–27). Complete stele of fine-crystaled, white marble mended from two pieces; crowned by a molding 0.082 m. in height consisting of an ovolo topped by a plain taenia. Back rough picked; sides and bottom 0.08 m. of front dressed with toothed chisel. Stele has a slight vertical taper.

Found on August 4, 1970 built into the west wall of the Great Drain in front of the Royal Stoa, J 4.5. Height, 1.268 m.; width, at base, 0.457 m., below molding, 0.428 m.; thickness, 0.126 m.

Height of letters, lines 1–2, 0.009 m., lines 3–56, 0.005–0.006 m.

a. 375/4 a.

NON – ΣΤΟΙΧ.

ἔδοξε τοῖς νομοθέταις, ἐπὶ Ἱππο[δάμαντος]

ἄρχοντος: Νικοφῶν εἶπεν·

τὸ ἀργύριον δέχεσθαι τὸ Ἀττικὸν οἱ[....⁹....τ]-

ΣΤΟΙΧ. 39

αι ἀργυρῶν καὶ ἔχει τὸν δημόσιον χα[ρακτῆρα. ὁ δὲ]

5 δοκιμαστῆς ὁ δημόσιος καθήμενος με[ταξὺ τῶν τρ]-

απεζῶν δοκιμαζέτω κατὰ ταῦτα ὅσαι ἡ[μέραι πλήν]

ὅταν ἡ[ι] χρημάτων καταβολή, τότε δὲ ἐ[ν τῷ βουλευτ]-

ηρίῳ. εἰ δὲ τις προσενέγκῃ ξ[.]ν[....¹².....]

¹ My text is the result of study of the stone in Athens supplemented by squeezes and an independent transcription kindly prepared by T. Leslie Shear, Jr., Field Director of the Agora Excavations. Stephen G. Miller also supplied helpful notes on uncertain readings.

I am greatly indebted to Professor Shear for assigning me the publication of this fascinating document and for his advice and encouragement. I am also grateful to him and to Raymond Bogaert, Moses Finley, David M. Lewis, and W. Kendrick Pritchett for reading and improving an earlier draft of this paper. Dina Peppas-Delmousou, J. R. Melville Jones, John Traill, and John Kroll have been most generous and helpful with their comments. I would also like to thank Robert Bauslaugh and Margaret Thompson.

- ἔχον τὸν αὐτὸν χαρακτῆρα τῷ Ἀττι[κῷ]; ε[....?...]
- 10 ἀποδιδότω τῷ προσενεγκόντι. ἐὰν δὲ ὑπ[όχαλκον]
ἢ ὑπομόλυβδον ἢ κίβδηλον, διακοπτέτω πα[...⁶...]-
α καὶ ἔστω ἱερὸν τῆς Μητρὸς [τ]ῶν θεῶν καὶ κ[αταβαλ]-
λέτω ἐς τὴν βολήν. ἐὰν δὲ μὴ καθῆτ[α]ι ὁ δοκι[μαστής]
ἢ μὴ δοκιμάζηι κατὰ τὸν νόμον, τυπ[τ]όντων [αὐτὸν ο]-
- 15 ἰ τῷ δήμῳ συλλογῆς πεντήκοντα πληγὰς τ[ῇ] μάστιγι-
γι. ἐὰν δὲ τις μὴ δέχεται τὸ ἄ[ρ]γ[ύριον] ὃ τ[ι] ἂν ὁ δοκι-
μαστής δοκιμάσῃ, στερέσθω ὧν ἂμ [π]ωλῇτ[αι] ἐκείν]-
ηι τῇ ἡμέρᾳ. φαίνειν δὲ τὰ μὲν ἐν [τ]ῷ σί[τῳ] πρὸς
τοὺς σιτοφύλακας, τὰ δὲ ἐν τῇ ἀγορᾷ κ[α]ὶ [ἐν τῷ ἄλ]-
- 20 λωι ἄσται πρὸς τοὺς τῷ δήμῳ συλλογέ[ας], τὰ [δὲ ἐν τῷ]-
ι ἐμπορίῳ καὶ τῷ Πει[ρ]αιεὶ πρὸς τοῦ[ς] ἐπιμελητ]-
ὰς τοῦ ἐμπορίου πλὴν τὰ ἐν τῷ σίτῳ, τὰ δὲ [ἐν τῷ σί]-
τῳ πρὸς τοὺς σιτοφύλακας. τῶν δὲ φανθέ[ντων], ὅπο]-
σα μὲν ἂν ᾖ ἐντὸς δέκα δραχμῶν, κύριοι ὄ[ντων] οἱ ἄ]-
- 25 ρχοντες διαγιγνώσκουσιν, τὰ δὲ ὑπὲρ [δ]έ[κ]α [δραχμᾶς],
ἔσαγόντων ἐς τὸ δικαστήριον. οἱ δὲ θε[σμ]οθ[έται] π]-
αρεχόντων αὐτοῖς ἐπικληρόντες δικα[στήριον] ὃ]-
ταμ παραγγέλλουσιν ἢ εὐθυνέσθω[ν .] δραχ[μαῖς]. τῷ
δὲ φήναντι μετέστω τὸ ἥμισυ, ἐ[ὰ]ν ἔλῃ ο[...⁸....]
- 30 ἐὰν δὲ δόλος ᾖ ὁ πωλῶν ἢ δόλη, ὑπ<α>ρχέτω μ[ὲν] αὐτῷ
τύπτεσθαι β[ῆ] πληγὰς τῇ μάστιγι ὑπὸ [τῶν ἀρχόντων]-
ν οἷς ἕκαστα προστέτακται. ἐὰν δὲ τις [τῶ]ν ἀ[ρχόντ]-
ων μὴ ποιῇ κατὰ τὰ γεγραμμένα, εἰσαγ[αγέτω] αὐτὸ]-
ν ἐς τὴν βολήν Ἀθηναίων ὁ βολόμενος οἷς [ἔξεστιν].
- 35 ἐὰν δὲ ἄλῳ, ὑπαρχέτω μὲν αὐτῷ πεπαῦσθ[αι] ἄρχον]-
τι καὶ προστιμάτω αὐτῷ[ι] ἡ βολὴ μέχρι [β] δραχμῶν. ὃ]-
πως δ' ἂν ᾖ καὶ ἐμ Πειραιεὶ δοκιμαστής [τοῖς ναυκ]-
λήροις καὶ τοῖς ἐμπόροις καὶ τοῖς ἄλλο[ις] πᾶσιν],
καταστησάτω ἡ βολὴ ἐκ τῶν δημοσίων ἐὰ[ν] ...⁷....]
- 40 ἢ ἐσπριάσθω, τὴν δὲ τιμὴν οἱ ἀποδέχεται [μεριζόντ]-
ων. οἱ δὲ ἐπιμελῆται τοῦ ἐμπορίου ἐπιμελέ[σ]θω[ν] ὅπ]-
ως ἂν καθῆται πρὸς τῇ στήλῃ τοῦ Ποσειδῶνος[ς] κα]-
ὶ χρῆσθων τῷ νόμῳ καθάπερ περὶ τῷ ἐν ἄστ[ει] δοκ]-
ιμαστῷ εἴρηται κατὰ ταῦτά. ἀναγράψαι δὲ ἐν σ[τήλ]-
- 45 ηι λιθίνῃ τὸν νόμον τόνδε καὶ καταθεῖναι ἐν [ἄσ]-
τει μὲν μεταξὺ τῶν τραπεζῶν, ἐμ Πειραιεὶ δὲ πρό[σ]-
θεν τῆς στήλης τοῦ Ποσει[δ]ῶνος. ὁ δὲ γραμματε[ὺ]ς [ὁ]
τῆς βολῆς παραγγειλάτω μίσθωμα τοῖς πωλ[ηταῖς].

- οἱ δὲ πωληταὶ ἐσενεγκόντων ἐς τὴν βολήν. τ[ὴν δὲ μ]-
 50 ισθοφορίαν εἶναι τῷ δοκιμαστῇ τῷ ἐν τῷ [ἐμπ]-
 ορίῳ ἐπὶ μὲν Ἱπποδάμαντος ἄρχοντος ἀφ' οὗ [ἀν κα]-
 τασταθῇ, μεριζόντων οἱ <ἀ>ποδέκται ὅσομπερ τ[ῷ]
 ἐν ᾧ δοκιμαστῇ, ἐς δὲ τὸν λοιπὸν χρόν[ον ἔνα]-
 ι αὐτῷ τῇ μισθοφορίαν ὅθεμπερ τοῖς ἀργυ[ροκό]-
 55 ποῖς. εἰ δέ τι ψήφισμα γέγραπται πο ἐστήληι πα[ρὰ τ]-
 ὄνδε τὸν νόμον, καθελέτω ὁ γραμματεὺς τῆς βολ[ῆς].

TRANSLATION

Resolved by the Nomothetai, in the archonship of Hippodamas; Nikophon made the proposal: Attic silver currency is to be accepted when [it is shown to be] silver and bears the official die. Let the public Tester, who sits among [the] tables, test in accordance with these provisions every [day except] whenever there is a cash payment; at that time let him test in [the Bouleuterion.] If anyone brings forward [foreign silver currency] which has the same device as the Attic, [if it is good,] let the Tester give it back to the one who brought it forward; but if it is [bronze at the core,] or lead at the core, or counterfeit, let him cut it across [immediately] and let it be sacred to the Mother of the Gods and let him [deposit] it with the Boule.

(Line 13) If the Tester does not sit at his post or if he does not test according to the law, let the Syllogeis tou demou beat [him] fifty lashes with the [whip]. If anyone does not accept whatever silver currency the Tester has approved, let everything that he offers for sale on [that] day be confiscated. Let denunciations for offences in the grain-market be laid [before] the Sitophylakes, for those in the agora and in [the rest] of the city before the Syllogeis tou demou; those [in the] market and in Peiraieus before the [Epimeletai] of the market, except for offences in the grain-market; offences [in the] grain-market are to be laid before the Sitophylakes. For [all those] denunciations which are up to ten drachmai the magistrates [are to be] competent to give a verdict; for those over ten [drachmai] let them bring them into the law court and let the Thesmothetai assist them by allotting a court whenever they request one or let them be subject to a fine of [?] drachmai. Let [the one who] makes the denunciation receive a share of one-half, if he wins a conviction[---]. If the seller is a slave or a slave woman let [him] be beaten fifty lashes with the whip by [the magistrates] to whom the various denunciations have been assigned. If anyone of the magistrates does not act in accordance with the written instructions, let anyone of the Athenians who wishes, and to whom [it is permitted], bring [him] before the Boule. And if he is convicted, let him cease serving [as a magistrate] and let the Boule fine him up to [five hundred drachmai].

(Line 37) In order that there may also be a Tester in Peiraieus for [the] ship-owners and the merchants and [all] the others, let the Boule appoint one from among

the public slaves [---] or let it purchase one. Let the Apodektai [allot] the price and let the Epimeletai of the market see to it that he sits at the stele of Poseidon and let them apply the law in the same way as has been stated in the case of the Tester in the city.

(Line 44) Inscribe this law on a stone stele and place one in the city among the tables, another in Peiraieus in front of the stele of Poseidon. Let the Secretary of the Boule report the price to the Poletai and let the Poletai introduce it into the Boule. Let the payment of the salary for the Tester in the market begin from the time he is appointed in the archonship of Hippodamas. Let the Apodektai allot the same amount as for the Tester in the city. For the future let his salary come from the same source as for the mint workers.

(Line 55) If there is any decree recorded anywhere on a stele contrary to this present law, let the Secretary of the Boule tear it down.

EPIGRAPHICAL COMMENTARY

Lines 1–2: The lettering in these two lines is not nearly as careful as that in the rest of the text. Stoicheidon order was not used and the letters are *ca.* 0.009 m. in height. In cutting *τοῖς* in line 1 the mason originally carved ΤΟΣ which he then “corrected” by cutting two verticals over the sigma and following them with the terminal sigma in its proper position. Line 1 begins 0.05 m. below the bottom of the crowning molding.

Line 3: Of the dotted nu only the tip of a vertical stroke is visible in the lower left corner of the stoichos.

Line 6: In the thirtieth letter-space there are dim traces of two vertical strokes with the surface between them damaged; eta, nu, and pi are the only possible readings.

Line 8: In the twenty-fifth stoichos there is the tip of an unattached horizontal stroke in the bottom left corner and perhaps the very tip of another horizontal stroke at the left side of the stoichos about mid-way up toward the top. Zeta might conceivably be the only other possible reading.

Line 9: In the thirty-first stoichos there is the bottom tip of a centered vertical.

Line 11: Epigraphically the thirtieth letter could be either zeta or tau; only the top half is preserved.

Line 14: Of the dotted pi in the twenty-seventh space only the bottom tip of a vertical stroke survives in the lower left corner of the stoichos.

Line 16: Of the dotted alpha there survives only the tip of a diagonal in the lower left corner of the stoichos.

Line 17: In the thirty-second stoichos there is preserved a small segment of a centered vertical.

Line 18: The tip of a horizontal stroke can be seen in the bottom right corner of the twenty-ninth stoichos. At this point the surface is broken in such a way as to limit the possible readings to zeta, xi, and omega. Of the thirty-second letter, after the sigma, no trace survives on the stone but the original surface is preserved for a distance of 0.007 m. to the right of sigma thus restricting possible readings to iota, tau, upsilon, and psi.

Line 28: The bottom half of the nineteenth letter-space is damaged in such a way as to permit chi as an alternate reading. In the twenty-third stoichos the only surviving stroke is a horizontal along the top of the space.

Line 29: The circular letter in the thirty-first space could also be theta as only the outline is preserved.

Line 30: Only the apex of a triangular letter survives in the second stoichos. The cross-bar of the alpha in the twenty-sixth stoichos was never cut. In the thirty-first space there is the dim outline of the top of a circular letter.

Line 39: In the thirty-first stoichos there is part of the left diagonal of a triangular letter but not enough original surface is preserved to determine whether or not it was joined by any other strokes.

Line 41: Of the dotted lambda in the thirty-second stoichos only the lower half of the left diagonal is visible.

Line 43: In the lower left corner of the twenty-ninth stoichos there is part of the arc of a circular letter.

Line 51: Of the dotted upsilon only the lower part of a centered vertical survives.

Line 52: The cross-bar of the alpha in the twenty-first stoichos was never cut. In the thirty-seventh stoichos only the bottom of a centered vertical survives.

Line 55: The fifth stoichos is occupied by two letters, EI. In the thirty-sixth space only the dim outline of a triangular letter is perceptible.

COMMENTARY

Unlike lines 1–2, on which see the commentary, above, p. 160, the rest of the text is neatly arranged in stoichedon order with spacious checker-units of *ca.* 0.0105 m., horizontally, and *ca.* 0.016 m., vertically. Apparently, this order was broken only in the fifth stoichos of line 55 which carries two letters, EI. This stoichos provides an interesting glimpse of the stonecutter's thinking as he neared the end of this beautifully inscribed text, for when he began to carve line 55 he had ruled spaces available in this and the next line for seventy-eight letters. There were, however, seventy-nine letters remaining in the text from which he was copying, so that in order to finish neatly with two full lines and avoid having to inscribe the final sigma of $\beta\omicron\lambda[\eta\varsigma]$ as the only letter in a hypothetical line 57, he had to squeeze two letters into one stoichos. Iota is the letter most often used in such combinations but there were no iotas in the last forty-four letters of his copy. The squeezing of two letters into one stoichos had to be done, therefore, in line 55 and the mason did it early in the line perhaps preferring to place iota next to epsilon in the fifth stoichos as a tidier combination than OI in the second space.

The omission of the nu-movable of $\epsilon\delta\omicron\xi\epsilon\nu$ is remarkable in an Athenian document; I have found no earlier certain examples and only two others from the rest of the fourth century, *I.G.*, II², 123, line 6, 357/6, and *I.G.*, II², 207, line 1, 349/8.²

Lines 1–2: A firm date for this law is established by the references in lines 1 and

² Pittakes' reading ΕΔΟΞΕ in *I.G.*, II², 71, line 1 was shown to be erroneous when the fragment was rediscovered in the Agora Excavations; see Eleanor Weston, *A.J.P.*, LXI, 1940, pp. 347–353; B. D. Meritt, *Hesperia*, XIV, 1945, p. 118, with photograph. This may cast some doubt on the same reading in line 1 of *I.G.*, II², 207, since the text of this part of the stone, which is now lost, is known only from the transcription in the same author's *L'ancienne Athènes*, Athens, 1835, p. 500. "Εδοξε is certain in line 6 of *I.G.*, II², 123 but the cramped spacing of this line may have forced the mason to omit the final nu; see Dittenberger, *S.I.G.*³, 192, note 2 and M. N. Tod, *G.H.I.*, II, 156. "Εδοξε has been restored in at least six other decrees of the fourth century; *I.G.*, II², 58, line 1; 276, line 4; 561, line 2; 592, line 4; 1145, line 1; *S.E.G.*, II, 8, line 7. In none of these texts is such a restoration totally convincing. For $\epsilon\delta\omicron\xi\epsilon\nu$ from 323 to 146 B.C. see A. S. Henry, *Cl. Quart.*, XVII, 1967, p. 283, note 1, " $\epsilon\delta\omicron\xi\epsilon\nu$... always has the nu in all periods in the formula $\epsilon\delta\omicron\xi\epsilon\nu$ τῆς βουλῆς/τῶι δήμῳ."

51 to Hippodamas, the archon of 375/4; see Diodoros, XV, 38 and *I.G.*, II², 96–100, 1425, 1445, 1622, 1635 B, 3037.

The form of the preamble, which contains no references to the Boule or the Demos, is unique in state documents of this period and provides the earliest explicit evidence on stone for the activities of the Nomothetai. That such legislative officials had been in existence at least as early as 403/2 has always been clear from the decree of Teisamenos quoted by Andokides, I, 83–84,³ and there is abundant evidence for their activities in the third quarter of the fourth century in the orators⁴ and in inscriptions.⁵ Since, however, their duties in the decree of Teisamenos seem to have been limited to a scrutiny of the revised law code and since we have no other evidence about Nomothetai until 353/2, there has been an uncomfortable gap of about fifty years in our knowledge of these officials, which the present inscription will now help to fill.

Taken by itself the brief preamble might be regarded as supporting evidence for U. Kahrstedt's theory⁶ that the Nomothetai, once appointed, worked independently of the Boule and Ekklesia and were not required to seek ratification of new laws from any other branch of the government. It is clear, however, from Andokides, I, 82–85, that in 403 B.C. the Nomothetai worked closely with the Boule and that sanction for the revised law code had to be secured from the Ekklesia.⁷

³ For the distinction to be made between the two boards of Nomothetai mentioned in the decree of Teisamenos and a convincing interpretation of Andokides' remarks about them in I, 81–82 see A. R. W. Harrison, *J.H.S.*, LXXV, 1955, pp. 32–33; cf. D. M. MacDowell, *Andokides, On the Mysteries*, Oxford, 1962, p. 123.

On the exact date of the institution of the Nomothetai and on their powers Harrison's caution, *op. cit.*, pp. 33–35, is preferable to the extreme positions taken by U. Kahrstedt, *Klio*, XXXI, 1938, pp. 1–25; *Gnomon*, XVI, 1940, pp. 377–379, and Kathleen M. T. Atkinson, *Bulletin of the John Rylands Library*, XXIII, 1939, pp. 107–150. See also E. Ruschenbusch, *ΣΟΛΩΝΟΣ ΝΟΜΟΙ, Historia, Einzelschriften* IX, p. 55. On Nomothetai in Thucydides, VIII, 97, 2 and their restoration in line 16 of *I.G.*, I², 63 = *A.T.L.*, II, A9 see R. Stroud, *Drakon's Law on Homicide: University of California Publications: Classical Studies*, III, 1968, pp. 21–24; P. J. Rhodes, *The Athenian Boule*, Oxford, 1972, pp. 90, note 5; 230.

⁴ Demosthenes, III, 10; XX, 89–94, 99, 137; XXIV, 17–38; Aischines, III, 38–40; cf. also Pollux, VIII, 101; Athenaios, XIII, 92, 610E. For modern discussions of the Nomothetai see G. Busolt, H. Swoboda, *Griechische Staatskunde*, II, Munich, 1926, pp. 1011–1015, with earlier literature; U. Kahrstedt, *op. cit.*; Kathleen M. T. Atkinson, *op. cit.*; F. Wotke, *R.E.*, Suppl. VII, 1940, s.v.; C. Hignett, *A History of the Athenian Constitution*, Oxford, 1952, pp. 299–305; A. R. W. Harrison, *op. cit.*; A. P. Christophilopoulos, *Ἀθηνᾶ*, LXIX, 1967, pp. 17–53; P. J. Rhodes, *The Athenian Boule*, pp. 49–52, who rightly stresses the need for a full scale study of *Nomothesia* at Athens.

⁵ *I.G.*, I², 140, 353/2 B.C.; 222, ca. 344 B.C.; 244, 337/6 B.C.; *S.E.G.*, XII, 87, 337/6 B.C.; *I.G.*, II², 334 with *Hesperia*, XXVIII, 1959, pp. 239–247, 336–334 B.C.; *I.G.*, II², 330 and 333, 335/4 B.C.; VII, 4254 = *S.I.G.*³, 298, 329/8 B.C.; *I.G.*, II², 487, 304/3 B.C. Dina Peppas-Delmousou has kindly pointed out to me an unpublished Athenian decree from Brauron containing the clause *δεδόχθαι τοῖς νομοθέταις* which she dates ca. 250 B.C.; cf. *Ergon*, 1961, pp. 24–25; J. and L. Robert, *Rev. ét. gr.*, LXXVI, 1963, p. 135, no. 91.

⁶ *Klio*, XXXI, 1938, pp. 1–25. Cf. also E. Weiss, *Griechisches Privatrecht*, I, Leipzig, 1923, pp. 104–105; Busolt-Swoboda, *Gr. Staats.*, II, p. 1012; P. J. Rhodes, *The Athenian Boule*, pp. 51–52.

⁷ For the interaction of Nomothetai and Boule see J. H. Lipsius, *Berlin. Philol. Wochenschrift*, XXXVII, 1917, pp. 902–912; Mrs. Atkinson, *op. cit.*, pp. 123–126.

Later evidence for the participation of the Boule in Nomothesia is meager. In a decree cited by Demosthenes, XXIV, 27, the Boule is instructed to *συννομοθετεῖν* with the Nomothetai but it is conspicuously absent from the law quoted in section 33 of the same speech which outlines nomothetic voting procedure.⁸

Although the preamble on our newly discovered stele lacks any reference to the Boule or the Ekklesia, it is still possible that the Nomothetai sent their approved version of the law of Nikophon to the Boule. If for no other reason, it would seem necessary to do this in order to have the Secretary of the Boule arrange for the publication of the law on the two stelai which are mentioned in lines 44–47.⁹ It is also the Secretary of the Boule who is instructed in lines 55–56 to seek out and destroy stelai which carry measures contradictory to the law of Nikophon. The words *ἔδοξεν τῇ βουλῇ καὶ τῷ δήμῳ* are missing because this is a law, not a decree, but the absence of this clause may not by itself constitute evidence that these two bodies were excluded from the law-making process.¹⁰

There is no indication in the text of when in the archonship of Hippodamas the Nomothetai presented their legislation about the Dokimastes. Nomothetai were generally appointed in the first prytany but the law quoted in Demosthenes, XXIV, 23¹¹ suggests that the length of time required for their report was determined on an *ad hoc* basis by the Ekklesia. In line 51 it is clear that the Dokimastes in the Peiraieus is to take office and receive his salary before the expiration of Hippodamas' archonship but we are not told how much time there was left in this year. For speculation about the historical setting of the law see pp. 185–188 below.

The name of the orator in line 2 is too common to permit a certain identification. Of the fourteen or so known Nikophons perhaps the most likely candidate is *Νικοφῶν Τιμαγένοῦς Θημακειεύς* who was a member of the Boule in 367/6 and is listed as having dedicated a phiale to Athena in an inventory of 368/7.¹² Other contenders include *Νικοφῶν Ἀθμονεύς* who was Epistates in a decree of 405/4,¹³ *Νικοφῶν Ὑβάδης* who appears on a dikast's pinax of the fourth century,¹⁴ *Νικοφῶν Ἀχαρνεύς* who was buried

⁸ The Proedroi in this law are probably to be identified as the *πρόεδροι τῶν νομοθετῶν*; cf. *I.G.*, II², 222, lines 49–50; 330, lines 19–23; VII, 4254, lines 39–45; Aischines, III, 39; Rhodes, *op. cit.*, pp. 28, 51, who so identifies the Proedroi in the preamble of *S.E.G.*, XII, 87, the law on tyranny.

⁹ In the law on tyranny, the Secretary of the Boule is to supervise the erection of the two inscribed stelai and the expenses are to be met *ἐκ τῶν κατὰ ψηφίσματα ἀναλίσκομένων τῷ δήμῳ*, *S.E.G.*, XII, 87, lines 22–29; cf. *I.G.*, II², 140, lines 31–38.

¹⁰ This point is well argued by W. Bannier, *Berl. Philol. Wochenschrift*, XXXVIII, 1918, pp. 113–120.

¹¹ Cf. Demosthenes' comment on this provision in XXIV, 25.

¹² W. K. Pritchett, *Hesperia*, XI, 1942, p. 233, no. 43, line 45; *I.G.*, II², 1425, line 335. Pritchett, p. 239, plausibly suggests that these two texts refer to the same person.

¹³ *I.G.*, II², 1, line 6.

¹⁴ *I.G.*, II², 1871; J. Kroll, *Athenian Bronze Allotment Plates*, Cambridge (Mass.), 1972, p. 108, no. 1.

in the fourth century on Salamis,¹⁵ and possibly *Νικοφῶν Θήρωνος*, the comic poet who was a contemporary of Aristophanes.¹⁶

Lines 3–4: For the phraseology compare the opening words of the Amphiktyonic decree of ca. 96 B.C., δέχεσθαι πάντα[s] τοὺς Ἑλληνας τὸ Ἀττικὸν τέτραχμ[ον] ἐν δραχμαῖς ἀργυρίου τέταρσι, *S.I.G.*³, 729, lines 3–4; H. Pleket, *Epigraphica*, I, no. 13. Cf. also the monetary decree from Gortyn, *I.C.*, IV, 162, lines 3–5, τὸδ δ' ὀδελὸνς μὴ δέκεσθαι τὸνς ἀργυρίος. As is clear from line 16, δέχεσθαι means “accept in trade”;¹⁷ the law begins with the firm statement that Attic silver coins, when they are shown to be silver and have the official *χαρακτήρ*, must be accepted in trade.

On stone Athenians usually refer to their own currency as ἡμεδαπὸν but Ἀττικόν is also attested; *I.G.*, II², 1369, line 42; 1492, lines 131, 133; 1652, line 13. Cf. E. Babelon, *Traité des monnaies grecques et romaines*, I, Paris, 1901, p. 492.

The words καὶ ἔχῃ in line 4 indicate that a verb in the third person singular, subjunctive, middle or passive, once stood in the damaged area at the end of line 3. The two verbs were probably introduced by ὅταν or ὅ τι ἂν and, although the exact wording is perhaps irretrievable, it seems clear that the clause defines the two characteristics which Attic silver coins must exhibit before the law enforces their acceptance. A possible restoration for line 3 might be ὅτ[αν δεικνύητ]αι ἀργυρῶγ. Attractive, but in violation of the stichedon order to the extent of one letter are also ὅτ[αν δοκιμάζητ]αι and ὅ τ[ι ἂν φαίνητ]αι.

Genuine Attic silver coins have a *χαρακτήρ* which is δημόσιος, public, official, and authorized. The second category of silver coins described in lines 8–10 has “the same *χαρακτήρ* as the Attic”; on its relation to the δημόσιος *χαρακτήρ* see below, p. 169. Strictly speaking, the *χαρακτήρ* was the punch die which produced the reverse design of the coin, the owl on Athenian tetradrachms with the letters ΑΘΕ.¹⁸ Actual examples have been found¹⁹ and the punch and anvil dies, called *χαρακτῆρες καὶ ἀκμονίσκοι*, which were used to strike the emergency gold coinage of Athens at the end of the fifth

¹⁵ *S.E.G.*, XXI, 839.

¹⁶ *R.E.*, XVII.1, s.v. His last recorded activity falls in 388, but J. M. Edmonds has suggested that his *Birth of Aphrodite* is as late as 375, *The Fragments of Attic Comedy*, I, Leiden, 1957, p. 935.

¹⁷ Cf. Aristophanes. *Ekklesiazusai*, 821–822, ἀνέκραγ' ὁ κῆρυξ μὴ δέχεσθαι μηδένα χαλκοῦν τὸ λοιπὸν ἀργύρῳ γὰρ χρώμεθα. For δέχεσθαι used in a different sense to indicate the value of a coin see Josephos, *Jew. Ant.*, III, 195.

¹⁸ For this technical meaning see the evidence collected by A. Körte, *Hermes*, LXIV, 1929, pp. 71–75; L. Robert, *Revue Numismatique*, IV (sixth series), 1962, pp. 18–24; J. Hangard, *Monétaire en Daarmee Verwante Metaforen*, Groningen, 1963, pp. 17–22.

¹⁹ G. Dattari, *Journ. Int. d'Arch. Num.*, VIII, 1905, pp. 110–111; C. C. Vermeule, *Some Notes on Ancient Dies and Coining Methods*, London, 1954, pp. 10–12, nos. 2–5. Two of these dies are of lead and may have been used for purposes similar to that which is found in *I.G.*, II², 1013, line 64, χρῆσθ[αι] τῷ αὐτῷ μέτρῳ κεχ[α]ραγμένῳ τῷ χαρακτῆρ[ι] μολυ[βδίν]ωι; Hangard, *op. cit.*, p. 7, note 1. The authenticity of these dies has been questioned by several numismatists.

century, appear in the fourth-century inventories of the Opisthodomos.²⁰ The meaning of τὸν δημόσιον χα[ρακτήρα] is, therefore, strictly “the official die” or, since χαράκτηρ also comes to mean that which is produced by the die, “the official device”, which perhaps need not be restricted to the reverse stamp on the coin.²¹ The Attic silver coins mentioned in lines 3–4 had to carry the official stamp of the state.

It seems unlikely that χαράκτηρ in our inscription can mean a particular kind of coin, as it appears to do in the troubled passage Aristotle, *Ath. Pol.*, 10,2, ἦν δ' ὁ ἀρχαῖος χαράκτηρ δίδραχμον.²² The coin which replaced the didrachm and which remained the standard Attic unit was the tetradrachm, but if the Nomothetai had intended to restrict their law to Athenian tetradrachms in lines 3–4 and to other tetradrachms which resembled the Attic in lines 8–9, they surely would have used a more precise formulation than the two phrases which are on the stone. Moreover, it is likely that transactions involving smaller denominations than tetradrachms were envisaged by the Nomothetai since in lines 24 and 30 their law is applicable to slave shopkeepers and to disputes involving sums under ten drachmai.

The Nomothetai are careful to specify that the coin must be both pure silver and struck from the official die, for falsification could be practiced in the mint itself by using the state dies on adulterated metal. This seems to have been what Diogenes the Cynic did at his native Sinope ca. 362–345 B.C.; see the convincing reconstruction of Giuseppina Donzelli, *Siculorum Gymnasium*, XI, 1958, pp. 96–101, followed by Bogaert, *Banques*, pp. 226–229. Most scholars reject this story; see recently P. von der Mühl, *Mus. Helv.*, XXIII, 1966, pp. 236–239, but in their reconstructions the frequency of test cuts in Sinopean silver coins of this period is usually unexplained. J. Graf, *Num. Zeitsch.*, XXXV, 1903, pp. 77–79, has an interesting discussion on the frequency of ancient counterfeiters working out of the state mint.

Lines 4–8: ὁ δοκιμαστής ὁ δημόσιος. This inscription contains by far our earliest and most explicit information about this little-known Athenian official.²³ That private banks in Athens often employed “testers” to verify the genuineness of coins used in

²⁰ *I.G.*, II², 1408, lines 11–13; 1409, line 5; 1424a, lines 115–120; 1425, line 375; 1438 + *Hesperia*, VII, 1938, p. 285, line 23; 1469, line 107; 1471, line 56. For the identification of these dies see A. M. Woodward, *J.H.S.*, XXIX, 1909, pp. 176–177; *Num. Chron.*, XI (4th series), 1911, pp. 351–356, and the works cited above in note 18.

²¹ Cf. τὸν τῆς πόλεως χαράκτηρα in the Menas inscription from Sestos, ca. 130–120 B.C., Dittenberger, *O.G.I.*, no. 339, lines 44–46; H. von Fritze, *Nomisma*, I, 1907, pp. 1–13; J. R. Melville Jones, *Num. Chron.*, XII (seventh series), 1972, p. 40. For other examples of this use of χαράκτηρ see note 18.

²² For this meaning of χαράκτηρ compare Diodorus, XVII, 66, ὑπῆρχεν ἐνακισχίλια τάλαντα χρυσοῦ χαράκτηρα δαρεϊκὸν ἔχοντα; A. Körte, *Hermes*, LXIV, 1929, p. 75. In *Critica Storica*, IV, 1964, pp. 393–396, G. Nenci has attempted to interpret χαράκτηρ in [Aristotle], *Oik.*, II, 1347 a 8 as meaning the “modulo monetario”.

²³ Our Dokimastes is clearly to be distinguished from his homonym who appears in the Athenian naval lists, e.g. *I.G.*, II², 1604, line 56.

private transactions has always been clear from Menander fr. 581 (Körte); scattered references in inscriptions and the lexicographers show that this practice was followed in several other Greek cities.²⁴ In the public sphere there is evidence for Athenian Dokimastai²⁵ concerned with testing coins in a financial document of 306–304 B.C., *I.G.*, II², 1492 B, where [δοκι]μαστὰ τάλλ[α]ντα (line 102) and τὸ χρύσιον [ἐδ]οκίμασεν Σπο[υδ---] (line 137) can be read. U. Köhler's conjecture that the man named in line 137 was a Dokimastes and a public slave (cf. line 111 where two δημόσιοι are listed as participants in the transactions of 306/5) now finds welcome confirmation in the law of 375/4.²⁶

The Dokimastes of our inscription, who sits among the tables and who is distinguished from his newly appointed colleague in the Peiraieus by the phrase ἐν τῶι ἄστει (line 43), is already an established Athenian official. This seems clear from the phraseology of lines 4–8 and from the reference in lines 52–53 to his (unstated) salary which is to serve as a model for his counterpart. We do not know for certain how much earlier than 375/4 the Athenians had appointed such an official but we may probably think of him as already a familiar figure in the banking district at the time when the Nomothetai passed their law. I shall suggest below, pp. 176–177, that there was an official Dokimastes in Athens as early as 398 B.C.

His duties, as now defined, are to test Attic silver coins for the two properties mentioned in line 4 every day among the tables and in the Bouleuterion whenever there is a payment to the state. In lines 8–10 he is told what to do with a second category of silver coins, which I shall discuss presently, and in lines 10–13 the Nomothetai instruct him how properly to deal with counterfeit coins. To avoid misunderstanding of this law, a copy of it is to be inscribed on a stele to be erected among the tables, where the Dokimastes sits, for immediate reference (lines 44–46). Failure of the Dokimastes to remain at his post or to test coins in accordance with the law will result in a beating of fifty lashes administered by the Syllogeis tou demou who are, presumably, his supervisors. The mandatory acceptance of coins pronounced genuine by the Dokimastes (lines 3, 16–17) is to be enforced by others; the public slave is charged only with making accurate pronouncements. His salary is not specified since the new law brings no change in it but the Apodektai in lines 52–53 know what it is because they are instructed to pay the Dokimastes in Peiraieus at the same rate. They are the most likely paymasters for both of these public slaves and it is probable that the Dokimastes in the city worked closely with the Apodektai on the occasions when he tested coins in the Bouleuterion.

²⁴ For good collections of the testimonia and secondary literature see Hangard, *op. cit.*, pp. 26–27; R. Bogaert, *Banques et banquiers dans les cités grecques*, Leiden, 1968, pp. 44–47, 238, 318.

²⁵ It is conceivable that one appears in line 4 of *I.G.*, II², 413 where [δοκι]μαστής is a possible restoration but the date is uncertain and the context unclear.

²⁶ *Ath. Mitt.*, V, 1880, p. 279. For *demotioi* as guardians of official weights and measures see *I.G.*, II², 1013 + *Hesperia*, VII, 1938, p. 127, no. 7 and O. Jacob, *Les esclaves publics à Athènes: Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège*, XXXV, 1928, pp. 110–121.

Μεταξὺ τῶν τραπεζῶν: In this inscription “the tables” are defined only in general terms as being ἐν [ἄσ]τει, line 45. From the duties of the Dokimastes in the city and the position occupied by both his counterpart in Peiraieus and the stele to be erected there (ἐν τῷ [ἐμπ]ορίῳ, line 50) it is a legitimate inference that “the tables” in the city were in or near the center of commercial activity. The finding-place of our stele adds a little weight to this suggestion although its re-use in the Great Drain considerably reduces its evidential value. Two passages in Plato, however, explicitly place “the tables” in the Agora,²⁷ so that we are safe in seeking the original position of our stele and the Dokimastes’ seat there.

That the tables in question were those of bankers and money-changers seems assured by the evidence of the present law;²⁸ the Dokimastes is stationed where the interchange of silver coins is most intense. There is still little decisive evidence as to the position of the banking district within the Agora but some indications point in the direction of the northwest corner where our stele was found. In Theodoretos, *Therapeutika*, XII, 175,17 the tables and the Herms are mentioned together as favorite haunts of Socrates. If this combination of names in so late a source (5th century after Christ) can be taken as indicating their propinquity, we might place “the tables” in the northwest corner of the Agora where the Stoa of the Herms is now known to have been situated.²⁹ Bankers and money-changers would have found many customers in a location so close to the principal entrance to the square.³⁰

For ὄσαι ἡ[μέραι] in line 6 cf. *I.G.*, II², 1368, line 153 and *Hesperia*, XVI, 1947, p. 165, no. 64, line 22; Aristotle, *Ath. Pol.*, 43,3.³¹

Line 7: χρημάτων καταβολή. The wording is very close to Aristotle, *Ath. Pol.*, 47,5, ὅταν δ’ ἡ χρ[ημάτων καταβ]ολή, where the Apodektai receive payments of public revenue in the Bouleuterion, cf. 48,1. The demosios who assists them in *Ath. Pol.*, 47,5 was probably an ἀντιγραφεὺς who kept the records.³² Aristotle does not mention the Dokimastes here (or elsewhere) but it is clear from our line 7 that after 375/4 he too was present on such occasions to verify the genuineness of silver coins paid to the Apodektai. The ninth prytany seems to have had a concentration of καταβολαί in the

²⁷ Plato, *Hippias Minor*, 368 b; *Apology*, 17 c. Cf. Theophrastos, *Characters*, V,7; Plutarch, *Moralia*, 70 e. For other testimonia see R. E. Wycherley, *The Athenian Agora*, III, Princeton, 1957, pp. 192–193, 206. For banks in Athens see Bogaert’s good summary, *Banques*, pp. 60–92.

²⁸ Previous suggestions that the words αἱ τράπεζαι designated either counters for the display of saleable goods or the dining rooms in South Stoa I in the Agora now seem very unlikely. For these see R. E. Wycherley, *op. cit.*, p. 192; J. Travlos, *Pictorial Dictionary of Ancient Athens*, London, 1971, p. 534.

²⁹ J. Threpsiades, E. Vanderpool, *Δελτ.*, XVIII A, 1963, pp. 108–109.

³⁰ Another attraction of this part of the Agora might have been the concentration of stoas in the northwest corner. For stoas as favored positions for bankers’ tables see R. Bogaert, *Banques*, pp. 186, 231, 253, 375. I am indebted to H. A. Thompson for advice on the position of the banking tables in the Agora. See H. A. Thompson and R. E. Wycherley, *The Athenian Agora*, XIV, Princeton, 1972, p. 171.

³¹ I owe this restoration to D. M. Lewis.

³² See Jacob, *op. cit.* (above, note 26), pp. 127–130.

Bouleuterion³³ but some payments fell due each prytany³⁴ and, on the days when the Apodektai received them, the Dokimastes in the city would not have been at his post among the banking tables.

Lines 8–10: The restorations here are uncertain. Something is brought forward which is neuter singular (ἔχον, line 9) and which has the same *charakter* as the Attic. The Dokimastes is instructed to do one of two things to it: he either gives it back (ἀποδιδότω)³⁵ to the one who presented it or, if it is fake, he is told διακοπτέτω. Since the second imperative, διακοπτέτω, is immediately preceded by a conditional clause, which begins near the end of line 10, it is possible that the first imperative, ἀποδιδότω, was similarly qualified and that a very brief protasis is lurking behind ε[...?...] at the end of line 9. It is to be noted that the protasis preceding διακοπτέτω is introduced by ἐὰν δὲ and contains no verb.

The thing brought forward in line 8 is obviously money and, since what the Dokimastes “cuts across”³⁶ in lines 10–11 is fake money, we might reasonably suggest that the thing which he is told to hand back to the one who has brought it forward in lines 9–10 ought to be good money. In line 3 the first category of money to be scrutinized by the Dokimastes is τὸ ἀργύριον τὸ Ἀττικόν which has the δημόσιος χαρακτήρ. The second category in lines 8–11 cannot also be Attic money because it is defined as “having the same *charakter* as the Attic.” Using these indicators from the preserved text, I tentatively suggest the following restoration, which is translated above, p. 159: ἐὰν δέ τις προσενέγκῃ ξ[ε]ν[ικὸν ἀργύριον] ἔχον τὸν αὐτὸν χαρακτήρα τῷ Ἀττικῷ, ἐ[ὰν καλόν,] ἀποδιδότω τῷ προσενεγκόντι.³⁷

The Dokimastes’ instructions at this point in the law do not extend to foreign silver coins in general, only to those having the same *charakter* as the Attic. If these are

³³ Aristotle, *Ath. Pol.*, 47,4, διὸ καὶ πλείστα χρήματα ἐπὶ ταύτης συλλέγεται τῆς πρυτανείας. Cf. section 3 of this same chapter and 54, 2; Andokides, I, 73; Dem., XXIV, 40, 93; LIX, 7; *I.G.*, I², 94, lines 15–17.

³⁴ Aristotle, *Ath. Pol.*, 47, 2–48, 2; Demosthenes, LIX, 27; *I.G.*, II², 1622, line 570.

³⁵ The technical meaning of ἀποδίδομαι = πωλέω, as in exchange transactions involving two kinds of coins, does not seem appropriate in the present context where the imperative is active; on this meaning see Bogaert, *Banques*, pp. 43–44.

³⁶ For the meaning of διακόπτω, see below, pp. 173–174.

³⁷ For the dotted xi in line 8 see above, p. 160. Νόμισμα is a possible restoration at the end of line 8 but it seems unlikely in view of the use of ἀργύριον in line 3 and the fact that, if ξ[ε]ν[ικόν] is right, νόμισμα fails by one letter-space to fill up the stoichedon line.

The fact that ξενικὸν ἀργύριον in Attic inscriptions usually designates regular coinages of foreign states, e.g. *I.G.*, I², 313, line 55; 314, line 64; Meiggs and Lewis no. 45, need not militate against the suggested restoration; the qualifying participial clause in line 9 makes it clear that the reference is to foreign currency of a special sort.

At the end of line 9 there does not seem to be room for a longer adjective such as γνήσιον or δόκιμον on which see H. Volkmann, *Hermes*, LXXIV, 1939, pp. 99–102. For the restoration of καλόν compare Menander fr. 581 (Körte) ἵνα εἰ τὰργύριον καλὸν ἔσθ’ ὁ δοκιμαστὴς ἴδῃ. All the other words for genuine coins listed by Pollux, III, 86, are too long to fit the space in line 9.

genuine, he hands them back to the one who presented them. If they are counterfeit, he is to follow the instructions of lines 10–13. We have, therefore, a category of silver coins not struck in Attica but having the same *charakter* as the Attic about the authenticity of which there seems to have been sufficient doubt to prompt this official statement by a special legislative commission. The Nomothetai are also concerned in line 3 to enforce the acceptance in trade of genuine Attic silver coins and in lines 16–18 strict penalties are laid down for anyone who does not accept τὸ ἀ[ρ]γ[ύρ]ιον ὃ τ[ι] ἂν ὁ δοκι[μαστῆς] δοκιμάσῃ, which must include the category of coins in lines 8–9. What then are these foreign silver coins which have the same *charakter* as the Attic and which have apparently been causing such difficulties in the agora of Athens and in the *emporion* in Peiraieus in 375 B.C.?

The answer lies, I think, in the meaning of the word *χαρακτήρ*. Unlike Attic silver coins, which have the *demosios charakter*, the coins in lines 8–10 have a *charakter* which is the same as the Attic. The word must then mean the same thing in both passages. For the reasons stated above, pp. 164–165, it is very unlikely that *χαρακτήρ* in line 4 is to be interpreted as meaning a variety or denomination of coin. Although weight might have been a factor in determining the genuineness of a silver coin, it seems, therefore, that the Dokimastes is not being specifically instructed in lines 8–10 about coins which are merely on the same weight standard as the Attic. It is better to interpret ἔχον τὸν αὐτὸν χαρακτήρα τῶι Ἀττι[κῶ]ι in line 9 to mean “having the same type (or device or die) as the Attic”, i.e. the owl and ΑΘΕ and probably, by extension, the head of Athena. Such coins would have exhibited the Attic types but, not having been struck at the official Athenian mint, they were “foreign”. Among them, as lines 10–13 imply, there must have been some fakes about which the Dokimastes is given precise instructions. Most of these coins, however, were probably genuine, struck abroad in imitation of Athenian owls in good faith, and the Nomothetai now legislate their mandatory acceptance on the same basis as silver currency from the Athenian mint.

The need for such legislation and the special form in which it was drafted probably indicate that by 375/4 a considerable quantity of such silver coinage was arriving in Athens and that for some reason it was being rejected by Athenian merchants. Some speculation on the reasons for this rejection is offered below, pp. 186–187. Here we must only note some of the possible origins of foreign silver currency struck with dies that resembled those of Athens.

Egypt must be regarded as a leading candidate. In the first quarter of the fourth century she was herself without an active local currency;³⁸ and yet numerous Greek

³⁸ See J. Mavrogordato, *Num. Chron.*, VIII (fourth series), 1908, pp. 197–207; G. K. Jenkins, *ibid.*, XV (sixth series), 1955, pp. 144–150; J. G. Milne, *Journ. Egypt. Arch.*, XIX, 1933, pp. 119–121; XXIV, 1938, pp. 200–201; J. W. Curtis, *ibid.*, XLIII, 1957, pp. 71–76; E. Will, *Rev. ét. anc.*, LXII, 1960, pp. 262–264; C. M. Kraay, P. R. S. Moorey, *Rev. Num.*, X (sixth series), 1968, pp. 227–228.

mercenaries were retained by the Pharaohs in their struggles against Persia.³⁹ It is probable that the large numbers of silver Athenian tetradrachms and their local imitations which are found in Egyptian hoards indicate that these mercenaries, many of whom were Athenian, demanded payment in one of the most respected currencies of their homeland.⁴⁰ Many of the owls from Egyptian hoards are stylistically indistinguishable from tetradrachms struck in Athens with Attic silver;⁴¹ others, however, are clearly imitations⁴² and evidence that Egypt probably did produce silver coins "with the same *charakter* as the Attic" is supplied by the discovery at Tel el-Athrib of one of the actual dies used to mint such pieces.⁴³ It is perhaps doubtful that the Athenian state sent official dies abroad for the use of foreign potentates, nor would the latter necessarily have needed them, provided that their coins were of good silver and consistent in weight.⁴⁴ The official Athenian dies were apparently copied closely in some cases and we hear of no attempt on the part of Athens to discourage such foreign

³⁹ H. W. Parke, *Greek Mercenary Soldiers*, Oxford, 1933, pp. 57–62, 105–112; Curtis, *op. cit.*; F. K. Kienitz, *Die politische Geschichte Ägyptens vom 7. bis zum 4. Jahrhundert vor der Zeitwende*, Berlin, 1953, pp. 76–121, especially 115–121.

⁴⁰ G. Dattari, *Journ. Int. d'Arch. Num.*, VIII, 1905, pp. 103–111; J. W. Curtis, *op. cit.*; F. K. Kienitz, *op. cit.*; J. G. Milne, *op. cit.* and *Journ. Egypt. Arch.*, XXV, 1939, pp. 182–183.

A similar situation seems to have arisen in Sicily during the second half of the fourth century when Corinthian silver Pegasoi became so predominant a medium of exchange that not only Corinthian dependencies in western Greece but also at least nine cities in Sicily and Magna Graecia were minting them. Some of the Pegasoi minted at Syracuse even carry the koppa of the metropolis below the horse on the obverse. These pieces, from a Corinthian viewpoint, could be described as ξενικὸν ἀργύριον ἔχον τὸν αὐτὸν χαρακτήρα τῷ Κορινθιακῷ. On this subject see R. J. A. Talbert's valuable study in *Num. Chron.*, XI (seventh series), 1971, pp. 53–66.

⁴¹ Jenkins, *op. cit.*, pp. 146–147, especially note 26.

⁴² See J. N. Svoronos, *Les monnaies d'Athènes*, Munich, 1923–26, pls. 108–109. On the whole question of imitations of Attic silver coins in the east see the valuable and detailed study by D. Schlumberger in *Trésors monétaires d'Afghanistan: Mémoires de la Délégation Archéologique Française en Afghanistan*, XIV, 1953, pp. 1–30.

⁴³ G. Dattari, *Journ. Int. d'Arch. Num.*, VIII, 1905, pp. 110–111. J. N. Svoronos' theory that this die was stolen from the Athenian mint by a thief who fled to Egypt is unnecessary, *Corolla Numismatica. Numismatic Essays in honour of Barclay V. Head*, Oxford, 1906, pp. 285–295. See also G. F. Hill, *Num. Chron.*, II (fifth series), 1922, p. 14. J. G. Milne, *Journ. Egypt. Arch.*, XIX, 1933, pp. 119–121, has suggested that the 54 Athenian tetradrachms in perfect condition which belong to the Beni Hasan hoard of ca. 360 were minted in Egypt.

⁴⁴ As they frequently were; cf. for instance, the weights of the "barbarous" Athenian tetradrachms in the Tell el-Mashkuta hoard from Egypt, E. S. G. Robinson, *Num. Chron.*, VII (sixth series), 1947, p. 118, and those from Al-Mina, *ibid.*, XVII (fifth series), 1937, p. 186. See also G. K. Jenkins, *ibid.*, XV (sixth series), 1955, p. 146.

E. Will, *Rev. ét. anc.*, LXII, 1960, p. 264, note 1, is rightly skeptical of the theory of J. W. Curtis, *Journ. Egypt. Arch.*, XLIII, 1957, p. 72, that the Athenians sent official dies to Egypt as part of their agreement with the Pharaoh Hakoris and Euagoras of Kypros. J. G. Milne, *loc. cit.*, felt that the Pharaoh Tachos probably obtained old tetradrachm dies from Athens through his war-minister Chabrias but since we know that the monarch had Athenian-type dies made for his gold coins, his craftsmen could also have produced dies for silver. Also, the Beni Hasan tetradrachms do not on the whole appear to have been struck from worn dies.

imitations. Indeed in the first quarter of the fourth century, when the Laureion mines and the Athenian mint seem to have been operating considerably below capacity,⁴⁵ Athens may have welcomed what was in some respects a compliment to the reputation of her owls.

Not all the imitations of Athenian silver coins of this period come from Egypt. On the basis of hoard evidence, Al-Mina in Syria⁴⁶ has also been suggested as a center where such coins were struck. Arabia, Palestine, Philistia, and even the Persian satraps have been cited as probable sources.⁴⁷

Lines 10–13: Counterfeit silver coins are here defined as being ὑπ[όχαλκον], ὑπομόλυβδον, or κίβδηλον. The first two terms are specific; κίβδηλον is apparently generic and covers any other variety of falsification. On ὑπόχαλκον, see Pollux, VII, 104: ὑπάργυρον δὲ τὸ κίβδηλον χρυσίον. ἀπὸ δὲ χαλκοῦ ὑπόχαλκον νόμισμα and III, 86; Souda Lex., s.v.; Hangard, *op. cit.*, p. 24.⁴⁸ Subaerate coins are the most common type of fake currency from antiquity⁴⁹ and I shall illustrate some particularly interesting specimens from Athens presently. They were also on occasion issued by the state as official currency, as at Athens in 407/6,⁵⁰ but it is unlikely that the Dokimastes was

⁴⁵ A break in Athenian minting activity soon after the emergency gold and bronze issues of 406 and a resumption of silver coinage in 394 B.C. has been postulated by E. S. G. Robinson, *Num. Chron.*, XVII (fifth series), 1937, pp. 188–190; *ibid.*, VII (sixth series), 1947, pp. 119–120; *A.N.S. Museum Notes*, IX, 1960, pp. 12–15; C. M. Kraay, *Coins of Ancient Athens*, Newcastle-upon-Tyne, 1968, pp. 7–8. To judge from the number of Attic dies used in this period, however, the recovery of the mint was not a rapid one. Reduced production of Laureiot silver in the first quarter of the fourth century is a likely inference also from the loss of large numbers of slaves in the last decade of the Peloponnesian war, Thucydides, VII, 27, and perhaps from the recommendations in Xenophon, *Poroi*, 4, but other evidence, including the Attic mining leases, cannot be considered decisive. On this question see R. J. Hopper, *B.S.A.*, XLVIII, 1953, pp. 247–254.

⁴⁶ E. S. G. Robinson, *Num. Chron.*, XVII (fifth series), 1937, pp. 188–189.

⁴⁷ E. T. Newell, *Miscellanea Numismatica: Cyrene to India: Numismatic Notes and Monographs*, LXXXII, 1938, pp. 53–75, 82–88; E. S. G. Robinson, *Num. Chron.*, VII (sixth series), 1947, p. 115; D. Schlumberger, *op. cit.*; H. A. Troxell, W. F. Spengler, *Museum Notes*, XV, 1969, pp. 1–19.

⁴⁸ In *Num. Chron.*, XII (seventh series), 1972, pp. 39–43, J. R. Melville Jones demonstrates that χάλκεος is often to be interpreted as a synonym of ὑπόχαλκος in inventories of temple treasures in the Hellenistic period. See also the condemnation of counterfeiters from Dyme who are put to death because [νό]μισμα ἔκοπτον χάλ[κεον], H. W. Pleket, *Epigraphica*, I, no. 11.

⁴⁹ See the classic study of J. Graf, "Münzverfälschungen im Altertum", *Num. Zeitsch.*, XXXV, 1903, pp. 1–130, where numerous examples from over fifty Greek states are listed. E. Schmalzriedt, "Systematisches zum Problem der Falschen Münzen antiker Zeit", *Studium Generale*, XIII, 1960, pp. 299–312, mainly theoretical. Counterfeit specimens of the earliest series of coins from mints such as Aigina and Corinth, as well as an electrum-plated subaerate from Samos, 600–550 B.C. (E. S. G. Robinson, *Centennial Publication of the American Numismatic Society*, New York, 1958, pp. 591–594, no. 9), show that this type of falsification was developed very early in the history of Greek coinage. For bibliography see Hangard, *op. cit.*, pp. 10–12; Bogaert, *Banques*, pp. 315–318. On the technical aspects, W. Campbell, "Greek and Roman Plated Coins", *Numismatic Notes and Monographs*, LVII, 1933.

⁵⁰ For Athens, Aristophanes, *Frogs*, 718–737 with Scholiast; *Ekklesiastusai*, 815–822. E. S. G. Robinson, *A.N.S. Museum Notes*, IX, 1960, pp. 8–15. Other examples include Perdikkas of Macedon, who struck bronze mixed with tin, Polyainos, IV, 10, 2; Thibron the Spartan harmost, 400/399, Pollux,

exclusively concerned with these particular subaerates in 375/4, for they had been recalled in the late 'nineties,⁵¹ and it is clear from the protasis of lines 8–9 that we are here dealing with currency which, unlike the subaerates of 407, did not carry the official Attic *charakter*. The *ὑπόχαλκα* in question must be silvered owls struck either by individual forgers or by foreign states who issued them as part of a policy of deliberate debasement. For speculation on the motives of such a policy see below, pp. 186–187.

ὑπομόλυβδον seems to be a *hapax legomenon*. I have accented it on the analogy of *ὑποσίδηρον*, *ὑπόχαλκον*, *ὑπάργυρον* and other similar compounds collected by Hangard, *op. cit.*, pp. 66–67. Counterfeit coins with a lead core are rarely found in the Greek world,⁵² but this particular variety of fake may be as early as the third quarter of the sixth century. Herodotos' story, III, 56, that Polykrates of Samos used gilded lead coins to buy off the besieging Spartans may rightly be called "an idle tale" by the historian but there have survived at least five lead coins of Samos, *ca.* 550–525 B.C., which were probably once covered by a thin coat of gold or silver and passed for a time as genuine.⁵³ An Archaic counterfeit coin from the sanctuary of Poseidon at Isthmia (below, p. 175) may have had a lead core and the practice is attested also by Demosthenes, XXIV, 214: ἀργυρίῳ μὲν πολλὰ τῶν πόλεων καὶ φανερώς πρὸς χαλκὸν καὶ μόλυβδον κεκραμένῳ χρώμεναι σφύζονται.

We are not told how the Dokimastes went about detecting a fake coin,⁵⁴ but his

III, 86; Photios s.v. *Θιβρώνειον νόμισμα*; Klazomenai, [Aristotle], *Oik.*, 1348 b. See J. Graf, *op. cit.*, pp. 42–45; K. Regling, *R.E.*, IV A, s.v. *Subaeratus*, coll. 471–474; Hangard, *op. cit.*, pp. 10–16. For a possibly official subaerate from fourth-century Corinth see Joan E. Fisher, *Hesperia*, XLI, 1972, pp. 177–178.

⁵¹ Aristophanes, *Ekklesiazusai*, 821–822, quoted above, note 17. The exact date of the play is not known but 392 B.C. is a likely inference from the scholiast's note at line 193; K. J. Dover, *Aristophanic Comedy*, Berkeley and Los Angeles, 1972, p. 190. The abandonment of the bronze coinage probably followed closely Konon's return in 393 for he brought vast sums of Persian gold to Athens, Xen., *Hell.*, IV, 8, 9–10.

⁵² E. Babelon, *Traité*, pp. 372–373; J. Graf, *op. cit.*, p. 34.

⁵³ E. S. G. Robinson, *Centennial Publication of the American Numismatic Society*, New York, 1958, pp. 591–594; *B.C.H.*, LXXXII, 1958, p. 655. Robinson's objection to Babelon's classification of these pieces as "statères en plomb doré", *Traité*, II, p. 221, because no trace of gilding or silver survives on them today, is refuted by the *B.C.H.* coin from the German excavations at Samos which carries a tiny amount of gilding. In discussing these coins J. P. Barron, *The Silver Coins of Samos*, Oxford, 1966, p. 17, speaks of six specimens but he includes the electrum subaerate mentioned in note 49 which was probably minted on a different occasion. Barron holds that Herodotos' "misplaced scepticism is refuted by the survival of the coins themselves."

⁵⁴ His task, as Bogaert, *Banques*, pp. 316–318, and others have remarked, was probably not an easy one since many genuine coins exhibit minor imperfections in dies and method of striking and many fake coins probably originated at the mint where the official dies were available for clandestine striking; above, p. 165. Among other devices, the Dokimastes probably employed a touchstone, Theophrastos, *De Lap.*, 46 with the notes of D. E. Eichholz ed., Oxford, 1965. See also the important passage of Arrian, *Epiktetos*, I, 120. For useful discussions with testimonia and bibliography on this question, Babelon, *Traité*, I, p. 873; J. Graf, *loc. cit.*, pp. 22–25; Hangard, *op. cit.*, pp. 14, 26, 39, 51–61; L. Robert, *Études de numismatique grecque*, Paris, 1951, pp. 163–164; Bogaert, *op. cit.*, pp. 320–322.

instructions for dealing with it once detected are explicit and revealing: διακοπτέτω πα[...⁶...]α. The restoration is uncertain since the lost letters might have indicated how, where, or when the Dokimastes was to cut the coin; πα[ραυτίκ]α, however, is appealing. Counterfeit coins so cut by the Dokimastes are to be deposited by him with the Boule and become sacred property of the Mother of the Gods.

For this use of διακόπτειν the Souda Lexikon is helpful: διακέκοπται· οἶον ἀδόκιμόν ἐστι. διέκοπτον γὰρ τὸ ἀδόκιμον νόμισμα οἱ παλαιοί. What was the purpose of this cut and what form did it take? It is unlikely that the cut was a test of the coin's genuineness, for, as we have seen, the Dokimastes had other means of making this determination, and the language of lines 10–13 clearly implies that the cutting came after the detection of the forgery. Also, this is what the Souda passage says, if we can interpret it so exactly; it is the base coin which is cut, not that coins are cut to determine their baseness. Coins were certainly cut in antiquity to test for impure cores, especially in the Near East where silver coinage was not the normal medium of exchange,⁵⁵ but the prefix δια- suggests something more serious than test cuts which, on coins from hoards in Greece, tend to be relatively small and are usually made at the edges of the flan. Moreover, a Dokimastes is not needed if someone wishes to test a coin by this method. It is more likely that the Dokimastes was ordered to “cut through” or “cut across” the coin in order to deface it after he had determined its impure nature. Although the date and circumstances of the story remain obscure, defacement seems clearly to have been the motive of the Athenians in the anecdote preserved in a scholiast to Gregory Nazianzenos: οἱ Ἀθηναῖοι Χίλους μισοῦντες ἐν τοῖς ἀδοκίμοις ἐαυτῶν νομίσμασι Χ ἐγχαράττοντες ἐκάλουν χίβδηλα· εἶτα πρὸς τὸ εὐφωνότερον μετέβαλον τὸ Χ εἰς Κ, Migne, *Pat. Graeca*, XXXVI, p. 1212 d.⁵⁶

Since the counterfeit coins of our law were retained under the protection of the Mother of the Gods, the prefix δια- probably does not mean that they were broken up completely⁵⁷ and I would feel happier about the suggestion of Liddell-Scott-Jones, 9th ed. that διακόπτειν means to punch a hole through the coin if we had several such examples from Athens. It seems much more likely that the cut made by the Dokimastes was the same as that found on a number of known subaerates some of which come from Athens and are illustrated on Plate 25. A broad gash deep into the face of these coins exposes the rotten core and seems clearly to have been designed to deface, rather than merely to test, while the coin remains whole and capable of being

⁵⁵ This is especially, though not exclusively, the case in Egypt, G. Dattari, *Journ. Int. d'Arch. Num.*, VIII, 1905, p. 104; E. S. G. Robinson, *Num. Chron.*, VII (sixth series), 1947, p. 116; M. M. Austin, *Greece and Egypt in the Archaic Age: Proc. Cambridge Phil. Soc.*, Supplement II, 1970, p. 72.

⁵⁶ Cf. *Et. Mag.*, s.v. κίβδηλον; Schol. ad Aristophanes, *Birds*, 158. According to the latter it was the coins of the Chians which the Athenians defaced and put back into circulation as counterfeit.

⁵⁷ As in the case of the counterfeit or inaccurate measures in *I.G.*, II², 1013, lines 5 and 28 where ἀφανίζω and κατακόπτειν are used.

deposited with the Boule and turned over to the Mother of the Gods.⁵⁸ We shall see presently that the finding-places of several of these counterfeit pieces add some weight to this suggestion.

After confiscating and depositing the defaced counterfeit coins with the Boule, the Dokimastes' competence ends. We are not told what action the Boule took or if the possessor of fake coins was liable for prosecution. He could of course have been completely innocent, the coins having been faked and in circulation for some time before a merchant finally challenged their authenticity. After formulating such a detailed law for the detection of counterfeit coins, however, it is unlikely that the Athenians would have neglected to provide for some kind of an investigation into the ultimate origins of such coins as the Dokimastes confiscated. Initiative on this point may have rested with the Boule and presumably the procedure was outlined in an existing law against debasing the coinage but, to my knowledge, we have no detailed evidence about this law except that it was attributed by some to the time of Solon and that it carried with it a penalty of death.⁵⁹

Confiscated false coins became sacred property of the Mother of the Gods, line 12, which probably means that the Boule placed them in that part of the Old Bouleuterion which housed the shrine of the Mother. This building, sometimes called the Metroon, was a convenient repository since before the erection of its Hellenistic successor it served as the state archive and possibly as one of the depots for the official weights and measures.⁶⁰ The important gain in line 12 is that counterfeit coins were officially consecrated and presumably remained in the shrine of a deity. The existence of fake coins in excavated temples and in treasury records at Athens and elsewhere has often been remarked and various theories have been proposed to account for their presence. Now, however, for the first time we have in the present law concrete evidence as to how some of them got there and the law itself finds its best commentary in this numismatic and inscriptional evidence.

The deposit from the pronaos of the Archaic temple of Poseidon at Isthmia contained several counterfeit specimens, three of which are silver-plated and exhibit

⁵⁸ Διακόπτειν could possibly mean to cut all the way through, i.e. into two halves. T. V. Buttrey, *A.J.A.*, LXXVI, 1972, p. 31, has recently drawn attention to this method of exposing Greek counterfeit coins as exemplified by two halved subaerates in Syracuse. We will not be able accurately to assess the popularity and geographical extension of this and other methods of defacing forgeries until we have a catalogue and a full-scale study of counterfeit coins in the Greek world. It is to be hoped that numismatists will soon turn their attention to this fascinating topic.

⁵⁹ Dem., XXIV, 212; XX, 167. J. H. Lipsius, *Das Attische Recht und Rechtsverfahren*, II, Leipzig, 1908, p. 409; Bogaert, *Banques*, pp. 318–319. For the death penalty at Dyme, above, note 48.

⁶⁰ R. E. Wycherley, *The Athenian Agora*, III, pp. 128–137, 150–160. For Tamiai of the Mother chosen from the members of the Boule in the fifth century, *I.G.*, I², 79, lines 11–12, and 300, lines 8–9, as interpreted by D. W. Bradeen, *Gr. Rom. Byz. St.*, XII, 1971, pp. 479–482.

a deep gash across the obverse.⁶¹ One is a Corinthian stater struck with dies which resemble those of the earliest series of "colts" (Pl. 25, a);⁶² the second is a sixth-century stater of Aigina (Pl. 25, b).⁶³ Both are ὑπόχαλκα and appear to have been deliberately defaced. A third example, also a stater of sixth-century Aiginetan type with a deep gash across the obverse,⁶⁴ had as its core a soft, whitish substance which disintegrated when the coin was cleaned, leaving only the thin outer shell of silver (Pl. 25, c). It is possible that this powdery white substance was disintegrated lead and that in this specimen we have an example of a defaced ὑπομόλυβδον. As the excavator O. Broneer observed, these coins probably belong to a deposit, rather than to a hoard, which was kept in the left side of the pronaos of the temple. All of the genuine coins were undoubtedly dedications but this can hardly have been true of the fakes, especially the defaced ones which, we may now suggest, were probably confiscated and officially consecrated to Poseidon for safekeeping, perhaps by a sixth-century predecessor of our Athenian Dokimastes.⁶⁵

More evidence for false coins in Greek temples and sanctuaries is preserved on stone, especially in inventories and treasury records. It has often been claimed that these coins were dedicated, either singly or in groups, by individuals seeking to hoodwink the deity⁶⁶ but, in view of the newly found Athenian law, it seems much more likely that most, if not all, of the counterfeits were consecrated to the god officially. Like the dies used to strike the gold coins of Athens,⁶⁷ the fakes were not destroyed; they were kept in a safe place under the care of a god where they could never be used again.

L. Robert and J. R. Melville Jones have collected examples of counterfeit coins in treasury records from Delos and elsewhere.⁶⁸ More relevant in the present context are the references to fake coins in Attic inscriptions where their existence is attested at least as early as the beginning of the fourth century. The [ἀργύριον κί]βδηλον τὸ

⁶¹ O. Broneer, *Hesperia*, XXIV, 1955, pp. 135–136; *Isthmia*, I, *The Temple of Poseidon*, Princeton, 1971, pp. 1–5.

I am indebted to Professor Broneer for kindly examining these coins with me, for much helpful advice, and for permission to illustrate and discuss them prior to the final publication of this important deposit.

⁶² IC 76. These coins are now all in the Corinth Museum.

⁶³ IC 333.

⁶⁴ IC 37. Broneer, *Hesperia*, XXIV, 1955, p. 135.

⁶⁵ There is perhaps evidence for official scrutiny of silver coins at Eretria in the sixth century in the clause τὴν[v]σθα(ι): τρίτει ημεῖ[ρ]ει: χρέματα δόκιμα from the laws restudied by E. Vanderpool and W. P. Wallace, *Hesperia*, XXXIII, 1964, pp. 381–391; *I.G.*, XII, 9, nos. 1273–1274. The state may have employed a Dokimastes to test coins at the time when these fines were paid.

⁶⁶ References in L. Robert, *Études de numismatique grecque*, p. 164, note 4, who rejects this suggestion as did Graf, *op. cit.*, p. 43, who aptly cited the presence of an ἀργυροσκόπος at the mysteries of Adania in Messenia as a deterrent, *I.G.*, V, 1, no. 1390, line 48.

⁶⁷ Above, note 20.

⁶⁸ Robert, *loc. cit.*; Melville Jones, *Num. Chron.*, XII (seventh series), 1972, pp. 39–43.

Ἐ[λ]ευσινόθεν of *I.G.*, II², 1393, line 33 and in other records of the Hekatompedon, 398-*ca.* 390 B.C.,⁶⁹ may have been confiscated at the sanctuary in Eleusis and officially consecrated to Demeter before being later transferred to the care of Athena on the Acropolis. False money is also found in *I.G.*, II², 1445, line 16, the inventory of the Tamiai of the Other Gods for 376/5,⁷⁰ and in 1636 B, line 18, mid-fourth century.⁷¹

The most instructive counterfeits in Attic inscriptions are the *στατῆρες κίβδηλοι ἐγ κιβωτίῳ σεσημασμένοι παρὰ Λάκωνος* which appear for the first time in the Hekatompedon inventory of 398/7 and recur in lists of at least seven subsequent years.⁷² Dina Peppas-Delmousou showed in 1961⁷³ that these fakes can hardly be private dedications to Athena;⁷⁴ her suggestion that they were confiscated by the Boule and placed in the temple for safekeeping now finds striking confirmation in the procedure outlined in the law of 375/4. In turn our new text might throw some light on these false staters for, as we have seen, the Nomothetai are not establishing the office of Dokimastes in the city *ab initio*; he has been operating for some time. Now the origin of the false staters in the Hekatompedon accounts is recorded as *παρὰ Λάκωνος* which could mean simply that they were confiscated from Lakon.⁷⁵ Since the name, however, appears here without patronymic or demotic, it is possible to suggest another interpretation. The fact that Lakon is also attested at Athens as a slave's name in this period⁷⁶ permits the conjecture that, like the Dokimastes of our inscription, Lakon

⁶⁹ *I.G.*, II², 1388 B, line 53; 1393, line 33; 1400, line 52 (restored); 1401, line 39 (restored).

⁷⁰ This item might be restored as ἀργύριον κίβδη[λον τὸ Ἐλευσινόθεν], Woodward, *Hesperia*, XXV, 1956, pp. 95–96, note 31; the next entry in line 17 is [ἀργύ]ριον σύμμεικτον Ἐλευσινό[θεν].

⁷¹ Cf. the corresponding entry in a Delian inventory of 364 B.C., T. Homolle, *B.C.H.*, X, 1886, pp. 461–475, lines 60–61, and the interpretation of J. R. Melville Jones, *op. cit.*, pp. 41–42. Woodward, *op. cit.*, p. 95 has restored [στατῆρες κίβδη]λοι in fr. d, Face A, line 4, of an unidentified inventory of the late fifth century from the Agora.

⁷² *I.G.*, II², 1388 B, line 61; 1400, line 57; 1401, line 44; 1407, line 43 (restored); 1415, line 19; 1443, line 207; 1424 a (Addenda, p. 800), line 311; 1428 (Addenda, p. 806), line 149. This entry has also been recognized in a small fragment of an unidentified inventory of the late fifth century by A. M. Woodward, *op. cit.*, pp. 88–90, no. 6, who suggests that the staters, like the counterfeit money from Eleusis, were moved from some other sanctuary to the Hekatompedon before 398/7. Below, note 77.

⁷³ *Annali dell' Istituto Italiano di Numismatica*, VII–VIII, 1960–61, pp. 25–34.

⁷⁴ As suggested by Woodward, *loc. cit.*

⁷⁵ For this name at Athens in the fifth and fourth centuries, *I.G.*, II², 1951, line 374; 12025. Later examples include *I.G.*, II², 1008, line 91; 1069, line 2; 3189, line 3, Addenda p. 349; 2097, line 155; 11829; 2133, line 10; *Hesperia*, XXXVIII, 1969, p. 426, line 79.

⁷⁶ On this point see Woodward, *op. cit.*, p. 89, note 24, who suggested that Lakon might have been a metec, and cf. the foreigner listed in *I.G.*, II², 2352, line 8, *ca.* 300 B.C. For a slave called Lakon see *I.G.*, II², 1951, line 122, *fin. saec.* V.

Mrs. Peppas-Delmousou's view (above, note 73) that Lakon, as Epistates of the Prytaneis, demonetised these fake coins by stamping them with the public seal is not necessarily ruled out by this interpretation. Counterstamping each coin with the public seal, however, as J. and L. Robert observe, *Rev. ét. gr.*, LXXVII, 1964, p. 153, no. 127, might have had the opposite effect by actually guaranteeing the value of the piece. Apparently no counterfeit specimens stamped in this manner have survived, whereas the normal

was a *demosios* from whom some state agency, possibly the Boule, received the counterfeits prior to their consecration. Interpreted in this way and in the light of the procedure outlined in our law of 375/4, this entry in the Hekatompedon inventories might provide evidence for the office of Dokimastes at Athens as early as 398/7. Since most of the counterfeit coins appear in inventories of temples on the Acropolis, the Nomothetai may have introduced a new procedure in 375/4 when they instructed the Boule to place confiscated fakes under the care of the Mother of the Gods.⁷⁷

Finally, some fake silver coins from Athens may be adduced as evidence for the procedure in lines 10–13 of our law. The coins on Plate 25, d–f are all subaerate owls which have been “cut across” the flat part of the flan, like those from Isthmia, in the manner in which I should like to interpret *διακοπτέτω* of line 11.⁷⁸ Two of these (Pl. 25, f) come from the Agora Excavations and provide a remarkable footnote to the text of line 12. Of the twenty-two plated owls which have been recovered in the Agora Excavations⁷⁹ only three exhibit the deep gash of defacement. The two on

procedure seems to have been defacement, above, pp. 172–173. It is probably better to interpret *σεσημασμένοι* in the entry recording the fakes in the Hekatompedon (note 72) as loosely referring to the public seal on the box in which the staters were kept.

⁷⁷ For the Metroon as the repository in the fourth century, above, p. 174. A. M. Woodward, *Hesperia*, XXV, 1956, pp. 98–101, has persuasively argued on the basis of *I.G.*, II², 1445, lines 24–26 and other passages that before ca. 392 B.C. the Metroon contained certain vessels which were transferred to the Hekatompedon where they were later entrusted to the Treasurers of the Other Gods. These objects may in the fifth century have been under the care of the *Tamiai* of the Mother to whom I have referred above, note 60. Listed with these vessels as coming from the Metroon are some unidentified objects described as *ἐξάγιστα ἐν κ[...]¹... σεσημασμέν]α τῇ δημοσίαι σφραγίδι*, *I.G.*, II², 1445, line 25; 1453, line 10, with Woodward's improved readings p. 100. Woodward's interpretation of *ἐξάγιστος* to mean “deconsecrated” or “banned” was questioned by Dina Peppas-Delmousou, *op. cit.*, p. 29, who cited a study by P. Chantraine and O. Masson in which it was shown that the word had the same ambivalence as Latin *sacer* and could also mean “completely sacred.” If *ἐξάγιστα* could mean “banned” in these passages it might be possible to see in them a reference to confiscated objects, such as coins, in the Metroon but too much depends on restoration; i.e. *ἐξάγιστα ἐν κ[ιβωτίω] ...⁴ σεσημασμέν]α τῇ δημοσίαι σφραγίδι*.

It is possible that the fifth-century inventory which records the false staters taken from Lakon before they reached the Hekatompedon, see above, note 72, may have listed objects in the Metroon. If so, the Nomothetai in 375/4 may have restored a fifth-century procedure.

⁷⁸ Plate 25, d: tetradrachm of late fifth-century type. Wt. 16.79 gr. National Numismatic Collection, Athens no. 1911/12 KH 1; J. N. Svoronos, *Les monnaies d'Athènes*, Munich, 1923–26, pl. 15, no. 18.

Plate 25, e: triobol of fifth-century (?) type. Wt. 1.59 gr. National Numismatic Collection, Athens no. 1911/12 KH 5; cf. Svoronos, pl. 15.

Plate 25, f: tetradrachm of fourth-century type. Wt. 12.55 gr. Agora Excavations E 2420. Cf. Svoronos, *op. cit.*, pl. 11, 19, 30.

Plate 25, f: tetradrachm of fourth-century type. Wt. 13.56 gr. Agora Excavations E 1365. Cf. Svoronos, *op. cit.*, pl. 11, 19, 30.

Mrs. Mando Oeconomides has generously sent me casts, weights, and information about Athenian *kibdela* in the National Numismatic Collection in Athens.

⁷⁹ I am greatly indebted here and throughout this paper to John Kroll for supplying me with information and photographs of Agora subaerates and for much helpful discussion.

Plate 25 become even more significant when their finding-places are examined, for these two coins were discovered in the immediate vicinity of the Metroon-Bouleuterion complex,⁸⁰ the buildings which housed the shrine of the Mother of the Gods to whom the Boule was instructed to entrust defaced counterfeit coins. So striking is the coincidence between the text of our law and the condition and finding-place of these coins that we may conclude that the latter had once been confiscated, cut, and placed in the shrine of the Mother.

Lines 13–15: Failure to be at his post or to test coins according to the provisions of the law brings the Dokimastes the normal punishment for demosioi of fifty lashes. For the distinction in penalties between a free man and a slave see Demosthenes, XXII,55; XXIV,167. For whipping of demosioi see *I.G.*, II², 333, line 7; 1013, line 46.⁸¹ Fifty lashes are also to be inflicted on slave shopkeepers who refuse to accept money authenticated by the Dokimastes, lines 30–31. The number of lashes seems to have been fixed at Athens; see Aischines, I, 139; *I.G.*, II², 380, line 40; 1013, line 5; 1362, lines 9–13. In *I.G.*, II², 1369, lines 40–44, of the second century after Christ, a fine of twenty-five drachmai is perhaps equated with the punishment of fifty lashes but the text is uncertain. For a valuable discussion of corporal punishment of slaves in Greece see G. Glotz, *Comp. Rend. Acad. Insc.*, 1908, pp. 571–587.

The beating is to be administered on the Dokimastes in the city by the Syllogeis tou demou. Since the Epimeletai of the market are to see to it that the Dokimastes in Peiraieus follows the instructions of this law (lines 41–44), they presumably would inflict similar beatings on their demosios for neglect of duty or failure to sit at the stele of Poseidon. The official title of the Syllogeis, which is known only from inscriptions, makes its earliest certain appearance in our law, but inasmuch as this board of thirty assisted the Lexiarchoi in punishing truancy from the Ekklesia and in supervising the *μισθὸς ἐκκλησιαστικός*, its origin is probably to be sought near the beginning of the fourth century.⁸² Nikophon's law assigns two new duties to the Syllogeis: supervision of the Dokimastes in the city (line 15) and legal competence to deal with those who refuse to accept silver coins which this Dokimastes has verified (line 20). We thus find them with considerably more power than our other preserved sources would have suggested, and it is perhaps in partial recognition of competence in

⁸⁰ E 2420 was found on May 30, 1935 in section E at the stylobate of the Hellenistic Metroon. E 1365 comes from the same section at grid reference 15:E and was discovered on February 3, 1932.

⁸¹ O. Jacob, *Les esclaves publics*, p. 153–155.

⁸² On the Syllogeis see Pollux, VIII, 104; *I.G.*, II², 1425, lines 129, 224; 2821, 1257, 1749, 1496; U. Köhler, *Ath. Mitt.*, VII, 1882, pp. 102–108; G. Busolt, H. Swoboda, *Griech. Staatsk.*, II, pp. 973, 994; *R.E.*, IV A, coll. 1045–1046; P. J. Rhodes, *The Athenian Boule*, pp. 129–130, where the emphasis falls on their priestly duties.

If the restoration [τ]ὸς συν[ο]γέας could be trusted in *I.G.*, I², 129, line 3, we would have fifth-century evidence for this board since in the context of this decree on the Herakleion at Kynosarges the only other Athenian Syllogeis we know (Bekker, *Anecdota Graeca*, p. 304.4) are not likely to have been mentioned.

administering their new powers that the first honorary crowns for the Syllogeis appear shortly after Nikophon's law.⁸³

Lines 16–18: The Nomothetai introduced their law with the strong statement that Attic silver coins must be accepted in trade; then they provide machinery for establishing the authenticity of such coins and of owls struck abroad. In line 16 they turn to violators who refuse to accept “whatever silver currency the Dokimastes has approved.” It is clear from the apodosis of this sentence that the main targets of the law are Athenian shopkeepers. Henceforth, their rights to refuse payment in particular silver coins will be severely restricted. All the buyer has to do is to have the Dokimastes verify his owls and the seller must accept them. The strong opening clause of the law, the elaborate legal provisions in lines 16–36, which include slaves and transactions under ten drachmai, and the fact that the state is prepared to fund two official Dokimastai who will be on duty in the marketplaces all indicate that the Nomothetai were called into special session to deal with an emergency situation in which shopkeepers were refusing to accept silver coins with Athenian types. This much we can infer from the text of the law and I shall speculate later on the reasons why Athenian coins were regarded with suspicion (pp. 185–188).

Refusal to accept silver coins verified by the Dokimastes can result in confiscation of the merchandise offered for sale that day. For similar confiscations see *I.G.*, II², 1100, lines 26, 31, 43.⁸⁴

Lines 18–29: Violators of the law are to be prosecuted through the procedure of phasis,⁸⁵ denunciations being made to the two groups of Sitophylakes for offences in the grain markets in the city and in Peiraieus and to the magistrates in charge of the Dokimastai for offences occurring elsewhere in Athens and in Peiraieus. By empowering these three different boards of readily accessible magistrates to handle this phasis procedure the Nomothetai doubtless encouraged customers to complain and made the immediate consequences more dangerous for merchants who continued to refuse silver owls. It is also specified in lines 23–24 that these magistrates are competent to pronounce judgment on their own in denunciations which involved up to ten drachmai.⁸⁶ Any case involving more than this sum had to be introduced by these magistrates into a law court which the Thesmothetai are instructed to allot upon their request.

⁸³ Crowns of the Syllogeis are recorded in the inventories of the Treasurers of Athena in 369/8 and 368/7, *I.G.*, II², 1425, lines 129, 224; D. M. Lewis, *B.S.A.*, XLIX, 1954, p. 45. In 324/3 the Syllogeis made a dedication to the Mother of the Gods, *I.G.*, II², 1257.

⁸⁴ Cf. the monetary law from Olbia, Dittenberger, *S.I.G.*³, 218, lines 17–19, *στερήσεται δὲ μὲν [ἀποδ]-όμενος δ' ἂν ἀποδῶται, ὃ δὲ πριάμ[ενο]ς ὅσου ἂν πρήται*; the law on the wool trade from Erythrai, H. W. Pleket, *Epigraphica*, I, no. 4, lines 18–20.

⁸⁵ On phasis see the excellent discussions with testimonia in J. H. Lipsius, *Attische Recht*, II, pp. 310–316 and A. R. W. Harrison, *The Law of Athens: Procedure*, Oxford, 1971, pp. 218–221.

⁸⁶ The Apodektai and the Forty had similar rights of adjudication in certain cases; Aristotle, *Ath. Pol.*, 52, 3; 53, 2.

Specification of a stringent fine⁸⁷ for the Thesmothetai if they did not co-operate (line 28) probably guaranteed that such cases came swiftly to trial.

In line 29 the denouncer receives the half-share of the proceeds, which is normal in phasis procedure, if he secures a prosecution.⁸⁸

Τὰ μὲν ἐν [τ]ῶι σί[τωι]: is this a general term "transactions involving grain" or is *σίτος* here a place, "the grain market", as are all the other designations in this sentence? Although I have not found an Attic parallel for this use of the noun, the latter explanation is probably right for two reasons: (1) The Athenians often named the market where a particular commodity was sold after the commodity itself; Aischines, I, 65, *τίς γὰρ ὑμῶν πώποτε εἰς τοῦτον ἀφίκεται* and the scholiast, *τοῦτον. ὃ ἐστι ἐν τῇ ἀγορᾷ, ἔνθα τὰ ὄψα οἴονεῖ πάντα τὰ ἐδέσματα πιπράσκειται. ἀπὸ γὰρ τῶν πιπρασκομένων ἐν τινι τόπῳ ἐκάλουν οἱ Ἀθηναῖοι τὸν τόπον*, cf. Pollux, IX, 47; X, 18; Schol. Homer, *Odyssey*, VIII, 260. (2) If *σίτος* meant generally all transactions involving grain in line 18, there would seem to be no logical reason for repeating the phrase *ἐν τῶι σίτωι* in line 22 to refer to transactions in the Peiraieus. The exact locations of the grain markets in the city and in Peiraieus are as yet unknown.⁸⁹

Our text provides no new evidence as to the number of Sitophylakes in Athens and in Peiraieus,⁹⁰ but it does demonstrate clearly for the first time the legal competence of these magistrates both to deal independently with phasis procedure for sums up to ten drachmai and to initiate trials, over which they presided, for denunciations involving more than this sum.⁹¹

The legal competence of the *Syllogeis tou demou* is also attested here for the first time and our law provides the earliest evidence for the existence of the *Epimeletai tou emporiou* in Peiraieus. There is no indication of how long this board had been

⁸⁷ In line 28 the figure is lost: *εἴθυνέσθω[ν.] δραχ[μαῖς]*. Similarly worded fines for magistrates in the fifth century are usually of one thousand or ten thousand drachmai; e.g. *I.G.*, I², 76, line 20; 94, lines 18–20.

⁸⁸ *I.G.*, II², 412, lines 7–9: *τῶν δὲ φανθέντων τὸ μὲν ἡμισυ ἔστω] τοῦ φ]ήναντος, τὸ δὲ ἡμισυ[ν τοῦ δημοσίου]*; 43, lines 44–46; 1100, line 32; 1128, lines 18, 28, 37. *Dem.*, LVIII, 13. E. Ziebarth, *Hermes*, XXXII, 1897, pp. 609–628. J. H. Lipsius, *op. cit.*, p. 310, note 5; Harrison, *op. cit.*, p. 220.

⁸⁹ W. Judeich, *Topographie von Athen*², Munich, 1931, pp. 364–365, 448; R. E. Wycherley, *The Athenian Agora*, III, p. 193; H. A. Thompson, R. E. Wycherley, *ibid.*, XIV, pp. 76, 82, 172.

⁹⁰ On this question see Lysias, XXII, 8, with Bergk's emendation of *δύο* to *δ'*, Aristotle, *Ath. Pol.*, 51, 3; Harpokration, *s.v.*; Photios, *s.v.*; *Hesperia*, III, 1934, pp. 42–43, no. 31; VI, 1937, pp. 444–448, no. 2; 457, no. 7; 460, no. 8; XIII, 1944, p. 243, no. 8; XXX, 1961, pp. 225–226, nos. 23–24; W. Göz, *Klio*, XVI, 1919, pp. 187–190; J. J. Keaney, *Historia*, XIX, 1970, pp. 331–332.

⁹¹ A. R. W. Harrison's suggestion, *op. cit.*, p. 26, that the Sitophylakes may have presided over the trial of the grain sellers in Lysias, XXII seems unlikely because the defendants were charged first by the Prytaneis before the Boule which, after a preliminary hearing, then sent the case to a dikasterion. Not only are the Sitophylakes never mentioned as participants in bringing the case to trial but Lysias' remarks in XXII, 16 about penalties for Sitophylakes who neglected their duty might have been turned to better purpose if the current board was actually presiding.

functioning before 375/4 and no reason to consider its institution recent.⁹² To their general supervisory functions in the market at Peiraeus and their judicial competence in cases involving improper importation of grain Nikophon now adds the authority over phasis procedure in Peiraeus for offences against his law and supervision of the newly appointed Dokimastes in the emporion (lines 41–44).

At the end of line 29 the restoration is uncertain: ἐ[ὰ]ν ἔληι ο[. . . .⁸. . .], but the general sense seems clear: “if the ——— secures a conviction”. The subject of ἔληι is probably the same as ὁ φήνας of lines 28–29 but repetition of this participle would seem redundant and awkward in the protasis and three letter-spaces would be left blank at the end of the line. In view of ὁ πωλῶν in the next line, we might restore ὁ [ὠνόμενος], the buyer.⁹³

Lines 30–32: The Nomothetai add a special clause to deal with slave shopkeepers, male and female,⁹⁴ who refuse to accept silver coins verified by the Dokimastes. They are to receive a beating of fifty lashes administered by the appropriate magistrates. Presumably this penalty is additional to the confiscation of the merchandise offered for sale that day, lines 17–18. As we have seen, for cases involving up to ten drachmai the magistrates could give a verdict themselves and, if a slave defendant was pronounced guilty, they probably went ahead with the beating as soon as the confiscation had been effected. In cases involving a sum greater than ten drachmai the slave shopkeeper was brought into court.⁹⁵ Noteworthy is the fact that these slaves seem to be considered by the law as individually responsible; totally lacking is any reference to the liability of their masters for their actions. This is probably to be explained by the fact that the

⁹² For these officials see Aristotle, *Ath. Pol.*, 51,4; Demosthenes, XXXV, 50–51; LVIII, 8–9; Lykourgos, *Leokr.*, 27; Deinarchos, II, 10; Harpokration; Bekker, *Anecdota Graeca*; Souda Lex., s.v.; *I.G.*, II², 1283, lines 16–17; 1013, lines 40, 47; 2336, lines 74, 112, 178, as re-edited by S. Dow, *Harv. St. Cl. Phil.*, LI, 1940, pp. 111–124.

We must now abandon the old view of Wilamowitz, *Aristoteles und Athen*, I, pp. 220–221, that the Epimeletai tou emporiou were not instituted until after Xenophon's *Poroi* (ca. 355 B.C.), which formed the basis for constitutional and legal reconstructions by Lipsius, *op. cit.*, I, pp. 97–98; Göz, *op. cit.*; and especially L. Gernet, *Droit et société dans la Grèce ancienne*, Paris, 1955, pp. 182–183.

U. Kahrstedt's claim that the ἐπιμελητής ἐπὶ τὸν λιμένα, who appears for the first time in 112/1 B.C., *I.G.*, II², 1012, lines 19–20, is the same as, or replaced, the ἐπιμεληταὶ τοῦ ἐμπορίου seems to be contradicted by *I.G.*, II², 2336, where both officials are often listed, once together in the same year, lines 108–113; see his *Untersuchungen zur Magistratur in Athen*, Part II, Stuttgart, 1936, pp. 50–51; M. Crosby, *Hesperia*, VI, 1937, p. 459.

⁹³ Cf. the frequent collocation of these two verbs in the monetary law from Olbia, Dittenberger, *S.I.G.*³, 218. Also possible is [ἀγοράζων], *ibid.*, 330, line 19.

⁹⁴ In this, and other respects, the wording of the Amphiktyonic law on the Attic tetradrachms of the early first century B.C. is illuminating: ἐὰν δέ τις τῶν ἐν ταῖς πόλεσιν οἰκοῦντ[ων] ἢ ξένος ἢ πολίτης ἢ δοῦλος, ἀνὴρ ἢ γυνή, μὴ δέχεται μηδὲ διδῶι καθάπερ γέγ[ραπ]ται, ὁ μὲν δοῦλος μαστιγωθήτω ὑπὸ τῶν ἀρχόντων, *S.I.G.*³, 729, lines 3–6.

⁹⁵ For discussion of the legal rights of slaves, with bibliography, see A. R. W. Harrison, *Law of Athens*, I, pp. 166–177.

law prescribes no fines to be levied against those convicted; penalties did not extend beyond the day's stock and the person of the slave shopkeeper, and both were directly accessible to the magistrates.⁹⁶ It is also possible that many of the slaves in question belonged to the special category of *χωρὶς οἰκοῦντες* who for legal purposes were not always regarded as completely under the control of their masters.⁹⁷

Slave shopkeepers are frequently listed in Attic manumissions: *I.G.*, II², 1554, line 22; 1557, lines 48 and 51; 1566, line 12; 1567, line 19; 1576, line 41. Cf. *I.G.*, II², 2403, line 10; Hypereides, III; *Hesperia*, XXXVII, 1968, p. 370, lines 29–34.

As in the punishment of negligent Dokimastai (line 15), the number of lashes inflicted on convicted slaves is fifty, which Glotz has argued was the maximum corporal punishment at Athens.⁹⁸

The formula *ὑπαρχέτω* plus dative and infinitive, which appears also in line 35, is rarely found in Attic epigraphy although there is a close parallel in *I.G.*, II², 43, line 55 of 378/7 B.C.

Lines 32–36: Failure of the Sitophylakes, Syllogeis tou demou, and Epimeletai tou emporiou to enforce the law of Nikophon exposed them to prosecution before the Boule. The charge could be laid by *Ἀθηναίων ὁ βολόμενος οἷς [ἔξεστιν]*;⁹⁹ the penalty was removal from office and a fine of up to five hundred drachmai, the extent of the Boule's punitive competence.¹⁰⁰ That malfeasant magistrates could be tried by the Boule on charges laid by private citizens is attested by Aristotle, *Ath. Pol.*, 45, 2,¹⁰¹ but there is no mention in our law of the necessity for *Ephesis* to a law court, which is a prominent feature of this passage.¹⁰² Nikophon made their punishment swift and uncomplicated by setting it firmly within the competence of the Boule.

The technical term for the procedure by which any Athenian might prosecute the magistrates in question can only be inferred from the broken words *εἰσαγ*-[...⁹...]ν ἐς τὴν βολήν in lines 33–34. From Aristotle, *Ath. Pol.*, 45, 2 and other sources¹⁰³ *εἰσαγ[γελλέτω]* might seem to be an attractive restoration but spatial considerations seem to favor *εἰσαγ[αγέτω αὐτό]ν* and this may in fact be more technically accurate since it is not clear that such offences fell strictly under the *νόμος εἰσαγγελτικός*.¹⁰⁴

⁹⁶ The master, of course, lost his share of the daily income and the merchandise.

⁹⁷ Harrison, *op. cit.*, pp. 167–168 and Emily Kazakévitch, *Vestnik drevnei istorii*, LXXIII, 1960, no. 3, pp. 23–42, with full testimonia and bibliography. I owe the latter reference to M. I. Finley.

⁹⁸ *Comp. Rend. Acad. Insc.*, 1908, pp. 571–587.

⁹⁹ For the restoration and phraseology cf. Demosthenes, XXI, 47; XXIV, 105; *S.E.G.*, XXI, 494, line 30, etc.

¹⁰⁰ Demosthenes, XLVII, 43; cf. *I.G.*, I², 76, lines 57–59.

¹⁰¹ Cf. Antiphon, VI, 35 and 49. P. J. Rhodes, *The Athenian Boule*, pp. 147–162.

¹⁰² For discussion and bibliography see Rhodes, *loc. cit.*

¹⁰³ See note 101 and *I.G.*, I², 76, lines 57–59.

¹⁰⁴ I am again indebted to Rhodes' valuable discussion of *eisangelia*, *op. cit.*, pp. 162–171, especially p. 170, note 1.

Lines 37–38: The law instructs the Boule to appoint a second Dokimastes for the Peiraieus whose duties are to be the same (line 43) as his counterpart in the city. Nothing is said about his testing in the Bouleuterion on payment days; the Dokimastes in the city probably handled this operation alone. The new man is to serve [τοῖς ναυκ]λήροις καὶ τοῖς ἐμπόροις καὶ τοῖς ἄλλο[ις πᾶσιν]. For the frequent coupling of the first two see *I.G.*, I², 127, line 33; II², 343, line 3; Xenophon, *Poroi*, 3,4; 5,3; Demosthenes, XXXII, 1; XXXIII, 2; LVI, 10, etc.; M. I. Finkelstein, *Cl. Phil.*, XXX, 1935, pp. 320–336. For the restoration of πᾶσιν, *I.G.*, II², 492, line 22; 1013, line 41.

Lines 39–40: Like the Dokimastes in the city, the Tester in Peiraieus is to be a public slave. Although the restoration at the end of line 39 is uncertain, it seems clear from the two imperatives καταστησάτω and ἐσπριάσθω that the Boule is to appoint a man out of the existing pool of demosioi (ἐκ τῶν δημοσίων) or (ἢ, line 40) purchase one. To qualify as a Dokimastes a slave would presumably have to have some skill in assaying and if the Boule did not find the right man on hand, they had to go out and buy one, possibly from a banker or a silversmith.¹⁰⁵ At the end of line 39, ἐὰ[ν ὑπάρχηι] is a possible restoration, though at best it can only be *exempli gratia* since the context is not formulaic enough to warrant printing a supplement in the text. I am indebted to R. Bogaert for this suggestion. For the rare verb ἐσπρίαμαι see *I.G.*, II², 1629, line 698.

If the Boule has to purchase a demosios to serve as Dokimastes in Peiraieus, the cost will be met by the Apodektai, presumably through their normal activity of μερισμός, hence the restoration [μεριζόντ]ων at the end of line 40, cf. line 52.

Lines 41–44: The Epimeletai tou emporiou are to supervise the new Dokimastes whose position in Peiraieus is to be πρὸς τῇ στήλῃ τοῦ Ποσειδῶνος. It is here also that a copy of Nikophon's law is to be erected (lines 46–47). Poseidon's stele ought to have been centrally located in the ἐμπόριον of Peiraieus where the ναύκληροι and ἔμποροι conducted their business but I have not found any other reference to its existence. Apparently the only evidence for the worship of Poseidon in Peiraieus is a vague note in [Plutarch], *Moralia*, 842 A, which contains no topographical information.

Lines 44–47: For the singular ἐν σ[τήλ]ῃ λιθίνῃ used of the two stelai on which Nikophon's law is to be inscribed see *I.G.*, II², 125, lines 17–19, ἀναγράψαι δὲ τὸ [ψήφισμα ἐστῇλῃ λι]θίνῃ καὶ στήσαι ἐν ἀκροπ[όλει καὶ ἐν τῇ ἀγορᾷ] καὶ ἐν τῷ λιμένι.

Lines 47–49: I have not found an exact parallel for the wording of the cost formula. The Secretary of the Boule is instructed to report to the Poletai that a contract is required for the two stelai. The Poletai are ordered to bring the contract into the

Antiphon, VI, 49 uses the words αὐτοὺς . . . εἰσηγον εἰς τὴν βουλήν of his prosecution of magistrates but he was at the time a prytanis not an ιδιώτης.

¹⁰⁵ For the purchase of slaves by the state, Andokides, III, 5; Aischines, II, 173. The present law provides by far our most detailed information about the purchase of a public slave by the state; cf. the discussion in O. Jacob, *Les esclaves publics*, pp. 9–13.

Boule. This is probably what is meant by the words οἱ πωληταὶ ἀπομισθωσάντων at the end of a decree,¹⁰⁶ but it is surprising to find this procedure as late as 375 B.C., for there is no other evidence for the Poletai contracting for stelai in the fourth century.¹⁰⁷ It could be that the publication of laws, as opposed to decrees, was not financed at this time in the same way as other official stelai but this conjecture finds no support in the cost formula on the other preserved enactments of the Nomothetai.¹⁰⁸

Lines 50–54: The text supplies no evidence as to when in 375/4 this law was passed but the Nomothetai were at pains to get the new Dokimastes in Peiraieus into service before the end of Hippodamas' archonship. His salary is to start from the day he is appointed by the Boule but things were not so simple. For the remainder of the present archon-year the Apodektai are to pay his salary, which is to be at the same (unstated) rate as his counterpart in the city, out of funds which they disburse (μερ-ιζόντων, line 52). Thereafter, however, (ἐς δὲ τὸν λοιπὸν χρόν[ον], line 53) his salary will come from the same source as that of the workers in the mint. Presumably he could not be paid from this fund for the rest of the year because the allocation which had already been made to the Argyrokopoi covered only existing personnel.

For the Athenian mint and the slaves who worked there see the testimonia collected by R. E. Wycherley, *The Athenian Agora*, III, pp. 160–161 and the description of the remains of the building in H. A. Thompson, R. E. Wycherley, *ibid.*, XIV, pp. 78–79. Also, Phrynichos Komikos, fr. 5 (Kock); *I.G.*, II², 13180; O. Jacob, *Les esclaves publ.*, pp. 20–24.

Lines 55–56: The final clause establishes the primacy of the present law over any previously inscribed ψηφίσματα. During the process of *Nomothesia* the Nomothetai would have determined that their legislation did not contradict or duplicate any of the κείμενοι νόμοι. To do this for published ψηφίσματα may have been a formidable task and one with which, in any case, the Nomothetai were not charged. The distinction between νόμος and ψήφισμα was still sharp enough that to guarantee that the former was κυριώτερος¹⁰⁹ the Nomothetai had only to declare all contradictory ψηφίσματα null and void. The normal method of removing such contradictory enact-

¹⁰⁶ *I.G.*, II², 3 b, line 4; 4, line 3; 5, line 13.

¹⁰⁷ The three examples in note 106, which are the latest previously attested, all belong to the end of the fifth century. P. J. Rhodes, *The Athenian Boule*, p. 96, note 6, is perhaps too precise in claiming that Poletai are found contracting for stelai "down to 405/4 only" for (*pace* D. M. Lewis, *B.S.A.*, XLIX, 1954, p. 33) *I.G.*, II², 3 could postdate the restoration of democracy (Rhodes, *op. cit.*, p. 259), as could Theozotides' decree, *I.G.*, II², 5. For a convenient summary of the succession of officers who contracted and paid for stelai in the fourth century see W. B. Dinsmoor, *A.J.A.*, XXXVI, 1932, pp. 158–159; Rhodes, *op. cit.*, p. 103, note 7.

¹⁰⁸ For these see above, notes 5, 9.

¹⁰⁹ Andokides, I, 87, ψήφισμα δὲ μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι; Demosthenes, XXIII, 87; XXIV, 30; U. Kahrstedt, *Klio*, XXXI, 1938, pp. 1–19; A. R. W. Harrison, *J.H.S.*, LXXV, 1955, pp. 26–35; M. Ostwald, *Nomos and the Beginnings of the Athenian Democracy*, Oxford, 1969, pp. 1–3; P. J. Rhodes, *The Athenian Boule*, pp. 49–50.

ments was to tear down the stelai on which they were inscribed and this the Secretary of the Boule is now instructed to do. For the practice at Athens, *I.G.*, II², 43, lines 31–35, [ἐὰν δέ τωι τ]υγχάν[η]ι τῶν πόλεων [τῶν ποιουμένων] τὴν συμμαχίαν πρὸς Ἀθην[αίους] σ]τῆλαι οὖσαι Ἀθήνησι ἀνεπιτήδειοι, τ]ῆμ βουλὴν τὴν αἰεὶ βουλευούσαν κυρίαν ἐ[ῖν]αι καθαιρεῖν; II², 98, lines 9–12, ὅποσοι δὲ ν[όμοι περὶ τῶν Ἀθηνα]ίων κείμενο[ι εἰσι ἐν στήλαις, κ]αθελόντω[ν αὐτίκα μάλα], as restored by E. Schweigert, *Hesperia*, IX, 1940, p. 321, no. 33; ¹¹⁰ II², 116, line 39, [τῇ]ν δὲ στ[ῆ]λ[ην τῇ]ν πρὸ[s] Ἀλ[έξα]νδ[ρ]ον [κα]θελ[εῖ]ν τὸς [ταμῖα]ς τῆς θεῆς [τὴν π]ερ[ὶ τῇ]ς [σ]υμμαχία[s].

We must now try to place Nikophon's law in its proper historical setting in the archonship of Hippodamas, 375/4 B.C. In the absence of explicit literary or archaeological testimony for Athenian concern over the circulation of silver coinage at this period, attempts to account for the passage of our law must be firmly anchored in its text. From the provisions of this document the following inferences may be drawn: (1) the insistence in the opening sentence that genuine Attic silver coinage must be accepted in trade implies that merchants were refusing payment in Athenian owls; (2) the fact that the state orders the Dokimastes in the city to test such coins and is appointing another tester to do the same in Peiraieus implies that such merchants were motivated by suspicion of counterfeit owls at this time. The existence of fake silver coins in significant numbers in the Athenian market may also be inferred from the detailed instructions given to the Dokimastai as to how to deal with them once detected; (3) the explicit inclusion of foreign silver coins with Attic types among the pieces to be tested by the Dokimastes and to be accepted when genuine shows that merchants were also rejecting this form of currency because of fear of counterfeits; (4) the fact that Nomothetai were appointed to legislate on this matter; the appointment of a second Dokimastes; the legal procedures in lines 16–36, which encouraged prosecution of both recalcitrant merchants and negligent magistrates; the cumbersome salary arrangements for the Dokimastes in Peiraieus, dictated by the necessity of making him operative immediately, all indicate that the situation had reached urgent and critical proportions. The Athenians apparently found themselves in the awkward position of having their hitherto respected silver coinage rejected in their own marketplace.

Athens' hegemony of the recently formed sea-league of 377 B.C. made her internal coinage difficulties all the more awkward and urgent in 375. Any attempt to impose Athenian coinage and weights and measures on the new allies, as had been done in the fifth century,¹¹¹ would have been contrary to the spirit of the charter of the new confederacy, *I.G.*, II², 43. On the other hand, confidence in their hegemony might

¹¹⁰ For other restorations see the text in H. Bengtson, *Die Staatsverträge des Altertums*, II, Munich and Berlin, 1962, pp. 225–226, no. 267.

¹¹¹ For full testimonia and discussion of the fifth-century coinage decree, E. Erxleben, *Archiv für Papyrusforschung*, XIX, 1969, pp. 91–139, 212; XX, 1970, pp. 66–132; XXI, 1971, pp. 145–162.

well have been shaken if the Athenians had not moved swiftly to restore the reputation of their silver owls. The years 376 and 375 saw the addition of numerous states to the Athenian alliance¹¹² who probably would themselves have been quick to reject silver owls if such coins continued to be refused as payment in Peiraieus and in the agora of Athens. In this same archonship Athens concluded a peace with Sparta which probably brought increased commerce to her port and city markets. Unfortunately any direct link between our law and the Peace of 375/4 cannot be established until both are more firmly dated, for the law can only be placed at some date before the expiration of Hippodamas' archonship and the ubiquitous Peace has found advocates for at least three different times in this same year.¹¹³ Another motive for prompt official defense of silver owls in the Athenian market may be seen in the insistence that even those pieces which were struck abroad must be accepted when verified by the Dokimastai (lines 16–17). Hoard evidence from the Near East and the existence of Athenian mercenaries in that part of the world during the first quarter of the fourth century¹¹⁴ both show that "foreign silver currency with the same *charakter* as the Attic" was not a novelty to Athenian merchants in 375/4. It is possible, as we shall see, that some of these pieces had actually contributed to the crisis which our law attempts to solve but it cannot be that the importation of such coins, mainly by returning Athenian soldiers, was in itself the cause of general distrust of silver owls. Had this been so, the Nomothetai would hardly have remained so hospitable to foreign imitations of Attic coins and extended to them equal status with local issues. It is much more likely that in passing our law the Athenians were partially prompted by the desire to encourage the striking of genuine owls abroad and that the disrepute which they shared with Athenian owls in 375/4 was enough of a threat to this policy to call for emergency legislation.

Although we may thus account for an Athenian sense of urgency in remedying this embarrassing monetary situation, explanations as to how and why it arose remain more speculative. I have not found any precise ancient evidence to explain why silver owls came to be rejected in Athens. For reasons already stated, however, the existence of fake silver coins with Attic types in significant numbers can probably be inferred in 375/4 from the text of Nikophon's law. This alone could have led directly to the boycott of all silver owls. There may, however, have been other contributing factors which I am overlooking or which have left no trace in the surviving historical sources.

Finally, it is possible tentatively to suggest some reasons which might have encouraged counterfeiters at this time. A recent study of Athenian military finances

¹¹² For a convenient list of these accessions with the ancient evidence see F. H. Marshall, *The Second Athenian Confederacy*, Cambridge, 1905, pp. 59–66; M. N. Tod, *G.H.I.*, II, nos. 123, 126–128; Anne P. Burnett, C. N. Edmonson, *Hesperia*, XXX, 1961, p. 80–91.

¹¹³ On the peace see G. L. Cawkwell, *Historia*, XII, 1963, pp. 84–95; J. Buckler, *Gr. Rom. Byz. St.*, XII, 1971, pp. 353–361, with earlier bibliography.

¹¹⁴ Above, pp. 169–171.

378–375 B.C.,¹¹⁵ though necessarily speculative, has in general supported Xenophon's observation¹¹⁶ that peace with Sparta in 375 was hastened by Athens' financial distress. Symbolic of her depleted resources at this time was the totally inadequate allocation of only thirteen talents to 'Timotheus' expedition to the west in 376/5.¹¹⁷ In the same year the Spartan blockade of Peiraeus and the Saronic gulf was so effective that Athens faced famine.¹¹⁸ Grain prices probably soared and we may imagine that the temptations for counterfeiters greatly increased.

Another possible source of fake silver owls at this time would naturally have been the imitations struck abroad mainly for the payment of Greek mercenaries. As we have seen, the vast majority of these coins were minted in good faith by foreign kings and potentates. In view of the provisions in lines 10–13, however, which presuppose fakes among them, and the pay-day stratagems often used by those who employed mercenaries,¹¹⁹ it is possible that a bad lot of owls had reached Athens from abroad and won its way into circulation before the detection of some pieces began to cause trouble.

If we could follow A. C. Johnson¹²⁰ and W. B. Dinsmoor¹²¹ in their dating of the burning of the Opisthodomos to 377/6 it might be possible to suggest that there is in this incident further evidence for financial confusion in the years immediately preceding Nikophon's law. The treasurers who set fire to this building to cover up their peculations had invested stolen funds with bankers who went bankrupt.¹²² Failure of the banks at Athens in this period of financial stress would not be surprising and the resultant scandal about the treasurers, the burning, and the missing state funds might have stimulated counterfeiters to step up production. Attractive as this date has seemed,¹²³ however, it cannot now be regarded as more than a slim possibility, for D. M. Lewis¹²⁴ has convincingly offered alternate explanations for each of Dinsmoor's supporting arguments. It is equally possible that the Opisthodomos was burned after our law.

More detailed evidence is needed before the historical setting of Nikophon's

¹¹⁵ C. H. Wilson, *Athenaeum*, XLVIII, 1970, pp. 302–326.

¹¹⁶ *Hellenica*, VI, 2, 1; cf. Philochoros, *F. Gr. Hist.*, 328, F. 151.

¹¹⁷ Isokrates, XV, 109; Xenophon, *Hellenica*, V, 4, 66; [Arist.], *Oikonomika*, II, 1350a, 30.

¹¹⁸ Xenophon, *Hellenica*, V, 4, 60; Diodoros, XV, 34, 5; Demosthenes, XXII, 15.

¹¹⁹ For these see [Arist.], *Oikonomika*, II and Polyainos, III, *passim*, and in general Y. Garlan, *La guerre dans l'antiquité*, Paris, 1972, pp. 202–203.

¹²⁰ *A. J. A.*, XVIII, 1914, pp. 1–17.

¹²¹ *A. J. A.*, XXXVI, 1932, pp. 143–172, 307–326.

¹²² Demosthenes, XXIV, 136 with scholia.

¹²³ R. Bogaert, *Banques*, pp. 73–74.

¹²⁴ *B. S. A.*, XLIX, 1954, pp. 47–49. On Lewis' argument about the dating of the Erechtheion fragments XXVII–XXVIII to the fifth century see W. E. Thompson, *Hesperia*, XXXIX, 1970, pp. 56–57.

law can be fully understood. I have tried merely to suggest some possibilities. For the commentary, too, no claim of completeness is made. My *editio princeps* will have served its purpose if it stimulates historians, numismatists, and students of Attic law to examine in more detail some of the many and diverse aspects of this important new document.

RONALD S. STROUD

UNIVERSITY OF CALIFORNIA, BERKELEY



a. Counterfeit
Corinthian Stater



b. Counterfeit
Aiginetan Stater



Obverse



Reverse

c. Counterfeit Aiginetan Stater



d. Counterfeit
Athenian Tetradrachm



e. Counterfeit Athenian Triobol
(enlarged)



E 2420



E 1365

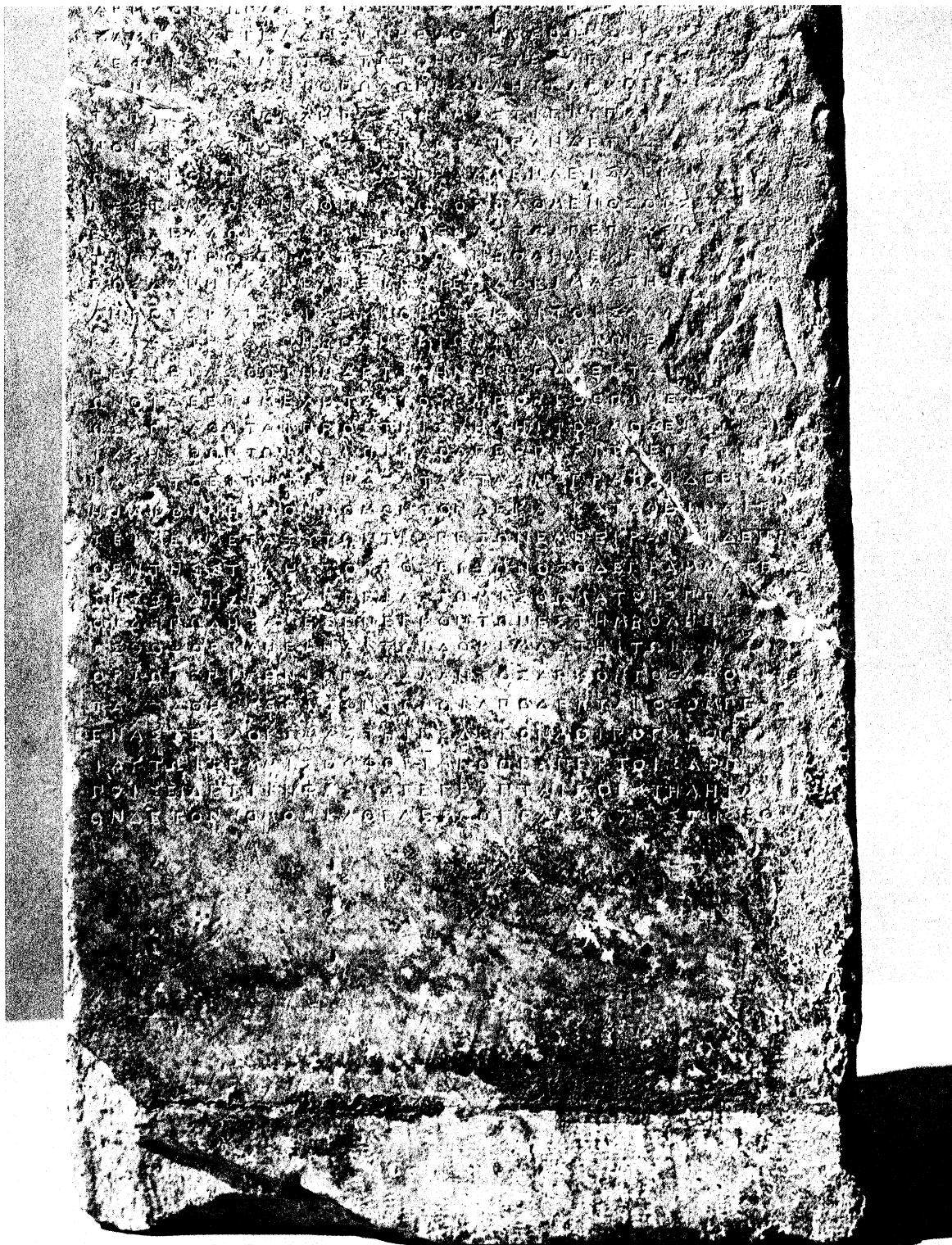
f. Counterfeit Athenian Tetradrachms
from the Agora Excavations



Agora I 7180



Agora I 7180, lines 1-33



Agora I 7180, lines 27-56