

MORTGAGE HOROI FROM THE ATHENIAN AGORA

(PLATES 53–54)

THE following is a presentation of seven mortgage inscriptions found during excavations in recent years in and around the Athenian Agora.¹

1. ΜΙΣΘΩΣΙΣ ΟΙΚΟΥ (Pl. 53)

Fragment of Hymettian marble broken all around with the last two lines erased and re-inscribed in a different hand. Found July 9, 1970, in the upper destruction fill of Room 2 of Roman House H in Section Ω (Area P 20).

Preserved height, 0.20; preserved width, 0.17; preserved thickness, 0.056; height of letters, 0.018.

Inv. No. I 7164.

[--] παιδὶ [--]
[--] φάντο[υ]
[--] δρωι Γα
[ργητ] τίωι " "

Since both margins of the stone are lacking, the division of the lines is rather arbitrary. The division presented above is based on the assumption that the *rasura* will have been confined to the last two lines which bear the creditor's name. There are several possibilities for the complete names of both the father and the creditor. Although only the right oblique stroke of the delta of the latter name is preserved, and alpha or lambda are also possible, this name should probably have been *-ανδρος* (Εὔανδρος).²

2. ΑΠΟΤΙΜΗΜΑ ΠΡΟΙΚΟΣ (Pl. 53)

Block of hard white limestone found July 25, 1971, built into the north wall of the room with the fish mosaic in Roman House H in Section Ω.³ Stone complete except

¹ For permission to study and present these horoi I would thank T. Leslie Shear, Jr., the Director of the Athenian Agora Excavations. For helpful suggestions in the preparation of this presentation I would thank J. Camp, J. W. Graham, and E. Vanderpool. For my introduction to the field of Attic horoi, as well as to so many other areas of Greek History, I would thank J. V. A. Fine. My debt to Mr. Fine as a scholar and student of Attic mortgage institutions is witnessed throughout this presentation; my debt to Mr. Fine as a teacher and counselor can be appreciated only by those who have studied with him.

² Cf. *I. G.*, II², 1493 and 1616.

³ See the report on the excavations in the Athenian Agora for 1971 by T. Leslie Shear, Jr. later in this volume of *Hesperia*.

for chips and foot wear. Upper area worked smooth for inscription, lower half rough picked.

Height, 0.33; width, 0.35; thickness, not determinable; height of letters, 0.016-0.018 (0.03 for numerals).

Inv. No. I 7342

ὁ[ρ]ο[ς οἰκ]ία[ς ἀπ]οτ[ετ]ι[μ]
 ημένης προικὸς [ΚΛ]
 εἰταρέτης τῆς Σ[κύ?]
 θο Φρεαρ(ρ)ίο θυ[γ]α[τ]
 5 ρός ΧΓ^Β

Although somewhat battered, especially in line 1 (Pl. 53), the general outline of the text is quite clear and needs no explanation. More noteworthy is the prosopographical and chronological information to be derived from the stone.

The patronymic in lines 3-4 clearly had a stem of 4 or 5 letters which began with sigma and ended with theta. I have restored Σκῦθης which is not common ⁴ but is the only attested Attic name which fits the epigraphical requirements.

The name Κλειταρέτη in lines 2-3 is otherwise known only once in Attica, and there is a possibility that both references are to the same woman. In the speech of Isaios, *On the Estate of Pyrrhos*, III, 30, a Kleitarete appears as the mother of the Pyrrhos whose estate is being contested. This Pyrrhos, having died without issue, left his estate to his nephew and adopted son, Endios. The latter, having enjoyed the estate for 20 years, also died without issue and shortly thereafter began the legal battle in which Isaios played a part. The date of Isaios' speech is not known, but the decade 350-340 B.C. is generally agreed upon as the proper period.⁵ To arrive at the period when Kleitarete, the mother of Pyrrhos, would have been concerned with her dowry, one must add 20 years for Endios' use of the estate.⁶ Then there must be added on the space of Pyrrhos' lifetime plus a few years (perhaps no more than one) between Kleitarete's betrothal with the conferring of the dowry and the birth of Pyrrhos.

There is no way to be certain about the number of years which Pyrrhos lived, but the indications are that he was relatively young when he died. In the speech of Isaios (17), the speaker (Endios' brother) refers to Pyrrhos as a young man who might have been overcome with passion for a woman, and it is apparent that Pyrrhos had not married at the time of his death despite the claim of the opposition to the contrary. Finally, at the time of the speech in the 340's three of Pyrrhos' uncles (brothers of

⁴ Cf. *I. G.*, I², 504 and Demosthenes, XLV, 8.

⁵ E. S. Forster, *Isaeus* (Loeb Classical Library), New York, 1927, p. 75.

⁶ Isaios, III, 57.

Kleitarete) were still alive. It is clear, then, that Pyrrhos was probably not much more than 30 years of age when he died.

For the date of Kleitarete's betrothal and the conferring of her dowry, one must go back 20 years (Endios) plus another *ca.* 30 years (Pyrrhos) from the decade of the 340's. This puts us in the decade of the 390's, or perhaps slightly earlier. Such a date for the Kleitarete of Isaïos could well fit with the Kleitarete of our stone. The letter forms in no way preclude such a date, and the spelling of the genitive *-ov* by means of a simple omicron should point to a date in the first half of the fourth century B.C. Finally, the infrequency of the name itself would support the identification of the two Kleitaretēs as one and the same person. While this suggested identification cannot be regarded as proven, it would, if it is correct, provide a patronymic for the brothers of the Kleitarete of Isaïos as well as a demotic for the whole family.

3. ΠΡΑΣΙΣ ΕΠΙ ΑΤΣΕΙ (Pl. 53)

This is a large piece of Acropolis limestone which formed one block of the polygonal wall of a house west of the Areopagus (Area F 30).⁷ The inscription on the stone was noted by J. W. Graham in 1964, and it may have been noticed by the German excavators of this area in the 1890's.⁸

Height, 0.58; width, 0.71; thickness, 0.33; height of letters, Text A, 0.018-0.027; Text B, 0.009-0.021.

Inv. No. I 7209

Text A

ὄρος οἰκί
[α]ς πεπραμ
ένης ἐπὶ λύσ

Text B

ει . ΗΗΗ . . . ἐρανιστ
5 αἰς τοῖς μετὰ Πυθο
δώρον [Ἀθμ]ονέως ΑΝΘ
ΠΤΑ.Α.Σ ΔΑΘΕΙ

The drawing presented below makes superfluous any detailed comments on the extant letters or parts of letters in the two texts. There are, however, two noteworthy facts which are irrelevant to the following discussion. The first of these is that there appear to be scanty remains of an earlier inscription with much smaller letters beneath parts of Text B. These consist of part of a theta at the end of line 4, a nearly

⁷ This house will be published by J. W. Graham as an architectural unit and will be referred to in that publication as the House of the Wheel Mosaic.

⁸ On the plan of this area in *Antike Denkmäler*, II, Berlin, 1908, pl. 38, there is an arrow pointing precisely to the point where this stone is located. The arrow is in square D5 of that plan just below the printed K.

complete theta beneath the alpha of the later inscription near the end of line 6, and, also in the sixth line, two slightly oblique strokes, one above the sigma which precedes the aforementioned alpha, one within the nu which follows the alpha. The second interesting fact is the double cutting of the epsilon near the end of line 7.

As is visible in both drawing (Fig. 1) and photograph (Pl. 53), there is a striking difference in the surface treatment of the areas of the two texts. The area of Text A is slightly deeper and much smoother than the rest of the stone. The surface of Text B has been "erased" by means of nearly vertical gouges made with a single point. In some areas of Text B, especially near the beginning and end of lines,

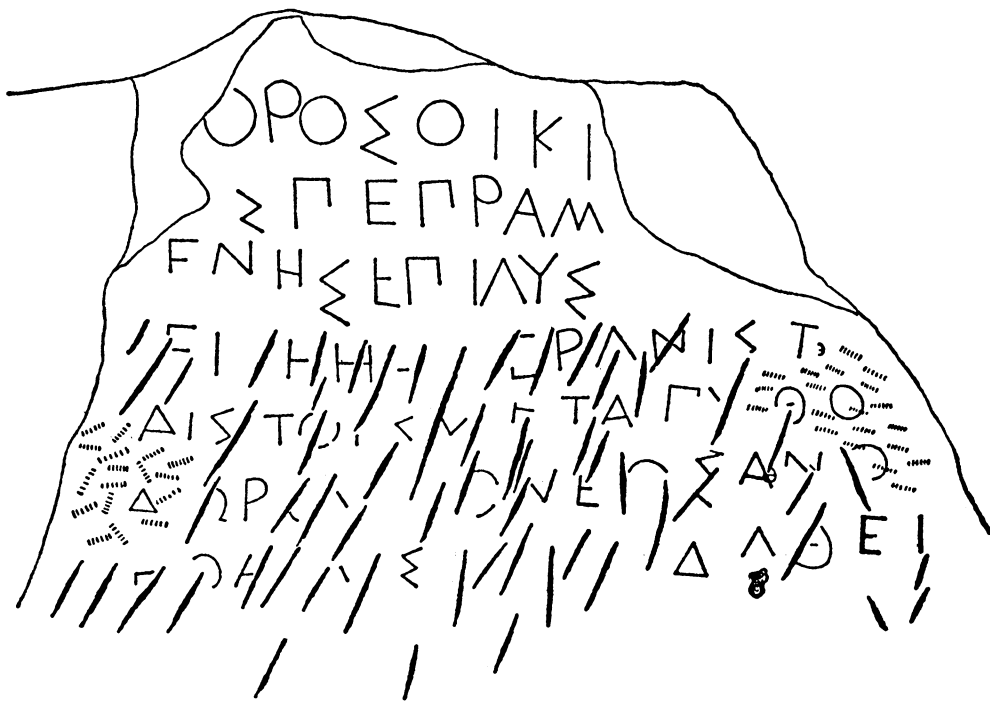


FIG. 1. Drawing of No. 3, Inv. No. I 7209.

there are the remains of surface originally worked with a tooth chisel unlike the smoother, slightly stippled surface of Text A. This difference of surface treatment, as well as the difference in hands as witnessed by the letter forms and sizes, demands the division of the whole stone into two texts.

Such a division should imply a chronological difference between the two texts, and one would normally assume that Text B represents a later sale *ἐπὶ λύσει* of the same property to a new creditor, perhaps for a different sum of money. This sort of reworking of a mortgage stone is paralleled, for example, by Agora I 5881⁹ and

⁹ J. V. A. Fine, *Horoi*, *Hesperia*, Supplement IX, 1951, p. 13, no. 26.

means that Texts A and B were used together although not necessarily of the same original date. This interpretation is enforced by the fact that to the right of the sigma at the end of line 3 the surface of the stone is not damaged and never was inscribed. The epsilon-iota of λύσει has to be sought elsewhere on the stone, and the appearance of an epsilon-iota at the beginning of Text B can hardly be fortuitous. The "erasure" by means of the heavy single strokes through Text B will represent the voiding of the mortgage to the *eranistai*, probably by the paying off of the loan.

There are two objections to this interpretation which I can pose, but am unable to answer. Firstly, why is the surface of Text A more recessed into the stone than that of Text B? If, as suggested above, Text B is a later, or second, sale ἐπὶ λύσει of the house, one would expect that Text B would be the more deeply cut into the stone. Secondly, why are the only traces (which I have been able to find) of an earlier inscription beneath Text B in a different hand and in letters so small as to preclude their association with Text A in an earlier mortgage of the property? These traces (see above pp. 276-277) can be relevant only to a completely different inscription, not to an earlier extension of Text A. One possible explanation would be that the original text did not include the name of the creditor but rather ended, as sometimes happens,¹⁰ with ἐπι λύσει and a sum of money. This interpretation would mean that the original text continued into a fourth line and spilled over out of the area worked down in preparation for it.

The final question which needs to be raised concerns the meaning of the last line of the combined texts. Up to this point the texts have defined the property mortgaged, the type of contract, the amount loaned, and the creditors. One additional piece of information which commonly appears in such a context is the deposit of the mortgage contract with a third party: κατὰ τὰς συνθήκας τὰς κειμένας (or αἱ κείμεναι) παρὰ δέινι. The remaining traces of letters at the end of line 6 and in line 7 show, however, that no such formula was in this space. Another piece of information which might have been recorded would concern some temporal qualification in the mortgage loan. It might then be possible to think of the last lines of Text B as a conditional and to read them as: Πυθο|δῶρον [Ἀθμ]ὸν ἕως ἂν ὁ |[noun διεξ]έλθει.¹¹ Such a reading would require an abbreviated demotic for Pythodoros, an explanation for the oblique strokes in the fifth letter space from the end of line 7, a misspelled subjunctive (emphasized by the double cutting of the epsilon at the end of line 7), and the restoration as subject of the clause of a suitable noun which would fit the epigraphical requirements of the strokes still visible at the beginning of line 7. Since I have been unable to find such a noun-subject, since the requirements necessary for such a reading demand so many explanations, and since I can find no other horos formula which

¹⁰ *Ibid.*, pp. 31-32, no. 13, p. 34, no. 21.

¹¹ Note the similar construction on another mortgage horos presented by Fine, *op. cit.*, pp. 16-22, no. 28.

fits the area under discussion, it seems better to leave the end of line 6 and line 7 as presented in the text above. Thus, the precise significance of the end of Text B remains unknown.

4. ΠΡΑΣΙΣ ΕΠΙ ΑΤΣΕΙ (Pl. 54)

Large red conglomerate building block found on May 14, 1971, re-used in the north wall of Roman House H in Section Ω (Area Q 20). The inscription, upside down in the present position of the block, is scratched on a relatively small area where there is a natural smooth surface formed by a lime deposit.

Length, 1.30; height, 0.60; thickness, *ca.* 0.50; letter height, 0.013-0.016.

Inv. No. I 7343

ὄρος οἰκίας
[π]επ[ρα]μένης
[ἐπὶ λύσει --] ΕΡΚΗΙΔΑΙΣ

The text of this very informal inscription, scratched on an available smooth surface, has no proper borders. This, as well as the subsequent destruction of much of the surface, makes any attempt at restoration in line 3 ill-advised. Since the surface to the right of the final sigma of line 3 is fairly well preserved, it may be safe to say that we have to do with a dative plural signifying some group as the creditor of this mortgage.

5. ΠΡΑΣΙΣ ΕΠΙ ΑΤΣΕΙ (Pl. 54)

Block of Pentelic marble found on July 15, 1969, in Room I of Philosophical School C in Section Ω (Area O 21). Edges battered but nearly original. Back surface rough picked.

Preserved height, 0.23; preserved width, 0.155; thickness, 0.089; height of letters, 0.013.

Inv. No. I 7060

ὄρος ο[ικ]
ίας πεπ
ραμένη
ς ἐπὶ λύσ
5 ει Φηγαι
εὔσι . . Η

For demes as creditors in mortgages compare *I.G.*, II², 2760 and Agora I 5376.¹² In the last line between the iota and the eta there are traces of three vertical

¹² *Ibid.*, pp. 12-13, no. 23.

strokes with an illegible space between the second and the third. The sum of money will then have been either 300 (HHH) or 700 (ΠHH) drachmai.

6. ΠΡΑΣΙΣ ΕΠΙ ΑΤΣΕΙ (Pl. 54)

Fragment of blue-gray marble with heavy brown streaks found on June 13, 1970, re-used in a Byzantine wall in Section ΒΔ (Area N 6). Broken all around, but left side may be original although badly battered. Back surface rough picked.

Preserved height, 0.166; preserved width, 0.123; thickness, 0.054; height of letters, 0.010-0.011.

Inv. No. I 7141

[ὄ]ρος χω[ρίο]
 πεπρα[μέν]
 ο ἐπὶ λ[ύσει Κ]
 ἀλλίπτ[ωι Πα]
 5 λληνξ[ῖ . . .]
 ο.γ — —

The readings in line 6, which cannot be reconciled with a sum of money, indicate that there were two creditors of whom only the name of one is preserved.

The letter forms and the spelling of the genitive singular -ο indicate a date in the first half of the fourth century B.C. It is probably too early, then, to allow identification of the creditor in lines 4-5 with one of the two Kallipoi of Pallene known from the late fourth or early third century B.C.¹³

7. ANTICHRISIS¹⁴ (Pl. 54)

Fragment of poros found June 11, 1964, in overlying fill behind a rough late wall at the west end of an andron south of the Lesche west of the Areopagus (Area C 29).¹⁵ The stone is broken all around except for the top which is beveled sharply down back from the face. The inscribed surface is very irregular and pitted.

Preserved height, 0.215; preserved width, 0.25; preserved thickness, 0.06; height of letters, 0.011-0.019.

¹³ Cf. *I. G.*, II², 1631, c. 462 and Diogenes Laertius, V, 57.

¹⁴ This is the term used by Fine, *op. cit.*, pp. 38, 95, for that type of hypothec in which the creditor took possession of the mortgaged property and, rather than interest on his loan, had the usufruct of the property. M. I. Finley, *Studies in Land and Credit in Ancient Athens 500-200 B. C.*, New Brunswick, 1952, p. 205, note 12, objects to the use of the word *antichresis* as not being attested in Greece in pre-Roman times. Nevertheless, our inscription does belong to a special category of hypothec which Finley himself implicitly recognizes. Although we do not know what name the Greeks used for this sort of transaction, the term *antichresis* is certainly a useful and acceptable means of defining the type of inscription under consideration in the following presentation.

¹⁵ This andron is located in square B4 on the plan *Ant. Denk.* II, pl. 38.

Inv. No. I 6983

[ἐπὶ .^{ca.}.^{4.}.] εῖ[υ]ς [ᾗ] ρχ[ο]ντ[ος]
 [μηνὸς] Μουνιχιῶν[ος]
 [ὄρος οἰκία]ς ὑποκε[ιμέν]
 [ης .^{ca.}.^{4.}.] σ[ι] κ[ε] [ῖ] Θρι[ᾶσι]
 5 [.^{ca.}.^{5.}. ὥσ]τε ἔχειν κ[αὶ κρα]
 [τεῖν κ]ατὰ συνθή[κας τὰς]
 [κειμ]ένας παρ[ὰ] — — — —
 — — — — —

Line 1. This line has been heavily erased, but a few strokes survive: epsilon—lower horizontal stroke; omicron—top $\frac{1}{3}$ of arc; sigma—lower stroke slightly oblique to true horizontal; rho—lower part of vertical stroke; chi—one diagonal stroke from upper left to lower right; nu—right vertical and lower part of oblique stroke; tau—both horizontal and vertical strokes.

Line 1. Based on the above readings, it is clear that the name of the archon was a third declension noun. Since the left margin of the stone can be estimated on the basis of line 2, the archon's name must have been short. Diokles, Epikles, Theokles, and Prokles are all possibilities, but the last three are so late that they may be excluded from the discussion with some security (131/0, 103/2, 99/8 B.C., respectively). Diokles, then, is left, but there are three archons of that name. The latest (139/8 B.C.) is probably too late, but the other two are both possible (286/5 and 215/4 B.C.). Because of the appearance of a month in line 2 (see below), the latter Diokles (215/4 B.C.) is perhaps to be proposed. The fragility of the suggestion is, however, obvious.

Line 2. The use of a month in mortgage horoi of Attica has been unknown until quite recently. Such usage occurs now on a horos from Sounion which is to be dated to the newly recognized archonship of Hoplon, probably in 217/6 B.C.¹⁶ Months are more commonly used in horoi from Amorgos (cf. *I.G.*, XII, 7, 55; 60; 412).

Line 5. The expression beginning with ὥστε ἔχειν κτλ. (or ἐφ' ᾧτε ἔχειν) might be expected to include τὸν θέμενον (*I.G.*, II², 2758) or τὸν ὑποθέμενον following the pair of infinitives. However, there is no space on the present stone for this to have appeared, and the creditor is to be understood as the subject of the infinitive clause.¹⁷

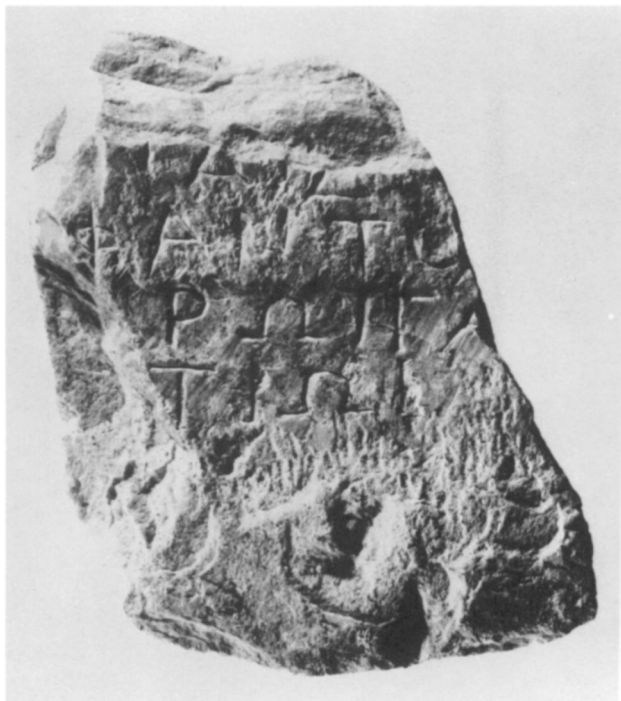
Line 8. Heavily erased and completely illegible.

STEPHEN G. MILLER

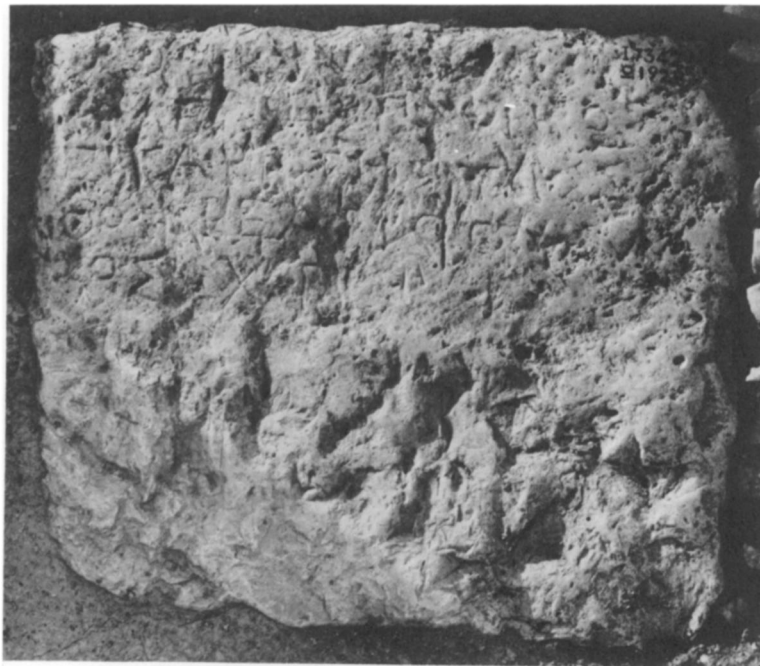
AMERICAN SCHOOL OF CLASSICAL STUDIES
ATHENS

¹⁶ E. Vanderpool, "Hoplon, An Athenian Archon of the Third Century B.C.," *Hesperia*, XL, 1971, pp. 109-111.

¹⁷ This also happens in an inscription from Lemnos; cf. Fine, *op. cit.*, p. 38.



No. 1



No. 2

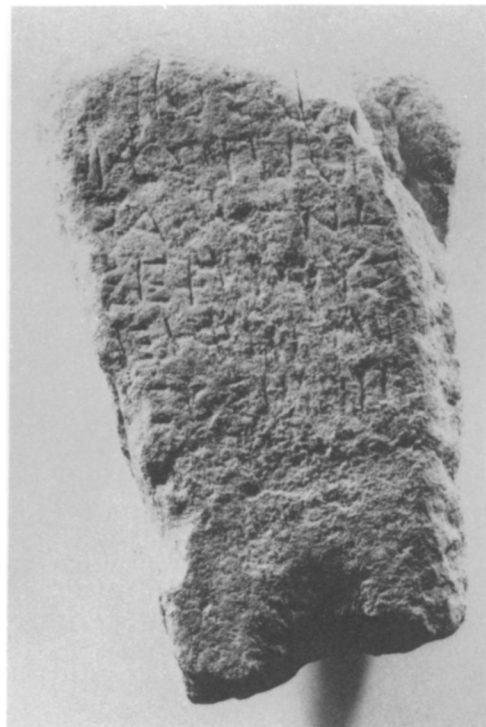


No. 3

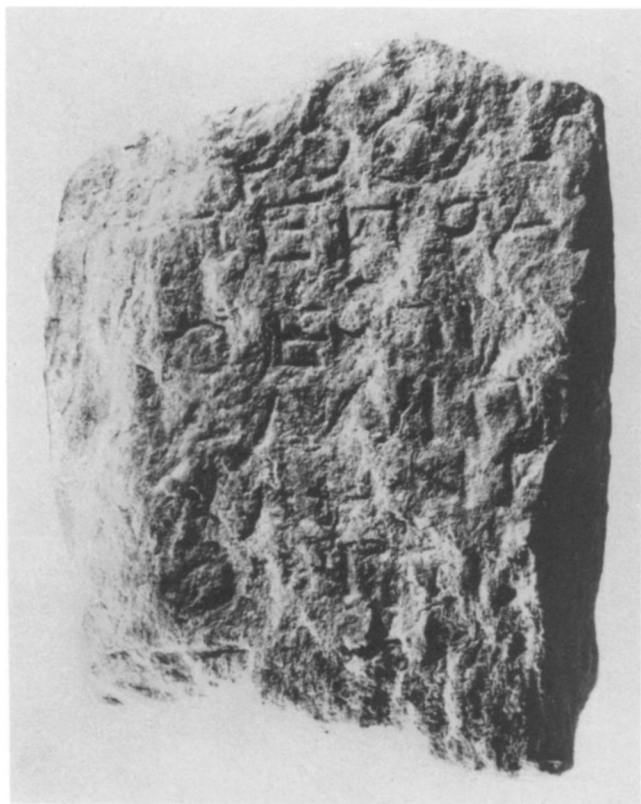
STEPHEN G. MILLER: MORTGAGE HOROI FROM THE ATHENIAN AGORA



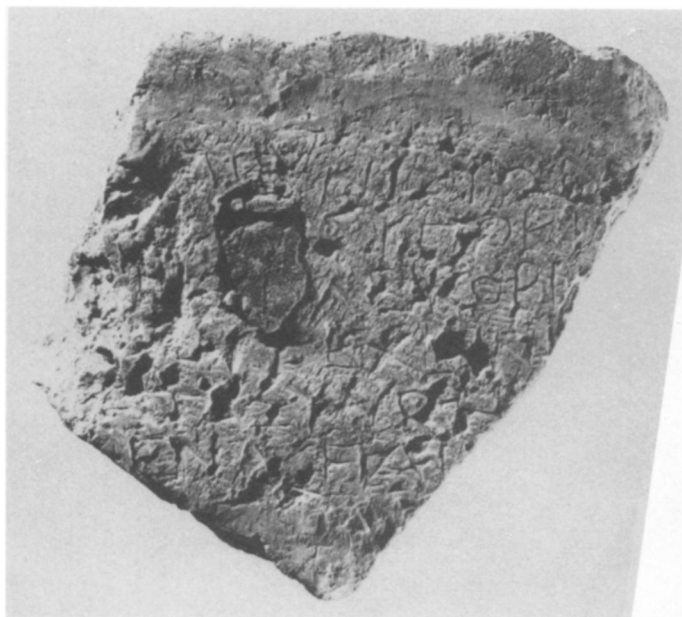
No. 4



No. 5



No. 6



No. 7