

FROM GENNĒTAI TO CURIALES

(PLATE 2)

AMONG THE AGORA INSCRIPTIONS that of the Gephyraei from the time of Mark Antony seems to connect with its background and promise the problems of the 6th century B.C. and those of the Late Roman Empire. It leads in both directions if one considers the questions it raises, first about the Athenian military-political organization before the Reforms of Cleisthenes, secondly about the new kind of *genos* found in Roman Athens, one which may have had an unexpected similarity of purpose with the *curiae* of North African cities. The question finally leads the student into the meaning of the word *curiales*. The title "From *Gennētai* to *Curiales*" best expresses the subject, which is both a new edition of a well-published but important text and an investigation into a basic early institution in the background and into the history of an idea down to the late 3rd or 4th century after Christ.

I. THE ATHENIAN ORGANIZATION OF THE 6TH CENTURY B.C.

At least one piece of evidence for the levy in the 6th century has not previously been weighed despite the prevailing opinion that all the evidence on early Athens has been exhaustively studied. Recently A. M. Snodgrass in several works, M. Detienne in his article "La phalange" among J.-P. Vernant's *Problèmes de la guerre en Grèce ancienne*, Paris-the Hague 1968, and R. Drews in a penetrating study of the first tyrants, *Historia* 21, 1972, pp. 129-144, have filled out the stages in the hoplite revolution but have left room for a further treatment of the change from a hoplite élite and *epikouroi* to a hoplite *demos* in Attica.

The warriors, past and present, i. e. active and veteran, were in the early city first the army and then the political assembly. Among the most important steps in the development of a polis were the political determination of those with a right to formulate plans on a regular basis and the establishment of a method of carrying out a levy of troops and of marshaling them into divisions and subdivisions. Great political changes accompanied or followed great changes in defense such as the city-wide introduction of hoplite training or the creation of a large navy.

In the Archaic Greek world the military organization often took the form of three *phylai* among the Dorians and four *phylai* among the Ionians. For Sparta the Great Rhetra¹ prescribed a marshaling into *phylai* and *ōbai* as the basic divisions and subdivisions. For early Athens the Lexicon of Patmos, s. v. *γεννήται* records a fragment (fr. 3) from the lost portion of Aristotle's *Athēnaion Politeia* to the effect that there were at one time four *phylai* divided into twelve trittyes or phratries which were

¹ Plutarch, *Lycurgus* 6, reported in every discussion of early Sparta.

marshaled into thirty *genē* with thirty men for each *genos*. The extract is ambiguously worded so that one can take it to mean that there were 360 *genē* or, as the writer would prefer, thirty *genē* with a contingent of thirty men from each of twelve phratries, in either case producing a total levy of 10,800 men.² In either case, the writer insists, we are dealing with the ideal complete levy, the only satisfactory explanation of the precise number of thirty men. It is of less importance whether the pre-Cleisthenean military *kosmos* was divided into six city-wide *lēxeis* of sixty small *genē* each or into six *lēxeis* of five city-wide *genē* each. Further on we shall come back to the *lēxeis* and their *lēxiarchoi*. The reasons for preferring an interpretation allowing for thirty crosscutting *genē* are first that the *genē* appear more prominently than the *lēxeis* in the tradition, second that noteworthy subdivisions of fewer than a hundred hoplites would not have been customary in the field, and also that a somewhat similar military organization might be expected for the early Roman levy and political organization which were based on three *tribus* and thirty *curiae*. Since military improvements in weaponry and order of battle are adopted more readily and quickly than political or religious reforms, even from enemies, there is no reason to disregard the Romans and Etruscans of the same period. As the Spartan levy functioned with three *phylai* to produce an unknown number (thirty?) of *ōbai*, the Athenian levy functioned with four *phylai* having three trittyes each to produce a hoplite and cavalry army of thirty *genē*.³

This arrangement at Athens predates the Reforms of Cleisthenes and presup-

² The end reads, *εἰς δὲ τὴν πατρίαν τριάκοντα γένη διακεκοσμησθαι, καθάπερ αἱ ἡμέραι εἰς τὸν μῆνα, τὸ δὲ γένος εἶναι τριάκοντα ἀνδρῶν*. As K. von Fritz and E. Kapp, *Aristotle's Constitution of Athens and Related Texts* (The Hafner Library of Classics 13), New York 1950, pp. 208f., noted in their commentary, "Aristotle was not concerned with the *γενῆται*, but with the alleged analogy of the numbers of tribes, trittyes and clans with the numbers of seasons, months and days respectively . . . and . . . was probably quoting other people." The *phylai*, trittyes and *genē* were thus represented as parts of a natural order. That is the whole meaning. The best and certainly the most complete study of the *genē* and of modern theories concerning the *genē* is by F. Bourriot, *Recherches sur la nature du génois: Étude d'histoire sociale athénienne—périodes archaïque et classique*, Paris 1976, but on pp. 460-491 and 516-521 his treatment of *Ath. Pol.* fr. 3, which he does recognize as not at all absurd, differs from mine because he fails to approach it from the military point of view. He cites, however, one predecessor who did so approach it, namely H. Jeanmaire, *Couroi et courètes: Essai sur l'éducation spartiate et sur les rites d'adolescence dans l'antiquité hellénique*, Lille 1939, pp. 131-133. Jeanmaire, however, has not connected fr. 3 with the introduction of city-wide hoplite training and has envisaged the order of the Athenian army in terms which seem to the writer anachronistic.

³ C. Hignett, *A History of the Athenian Constitution to the End of the Fifth Century B. C.*, Oxford 1952, p. 59 dismisses fr. 3 with the comment, "it is incredible that there ever were at Athens 360 *genē* each containing thirty citizens." He misunderstands the kind of *genos* here implied. That each *genos* contingent from each trittys was fixed at thirty makes excellent sense for the military levy. The question is not discussed by A. M. Snodgrass, "The Hoplite Reform and History," *JHS* 85, 1965, pp. 110-122, but N. G. L. Hammond, *JHS* 81, 1961, pp. 76-82 and especially Bourriot (footnote 2 above) have some good remarks.

poses the use of hoplite formations. Apart from the number 10,800, which is easier to accept for the late 6th century than for the 7th, there is no indication of date. The organization into new military *genē* could have occurred at any time, though once it had been established in principle, the complement of a *genos* could have been raised or lowered.

How did it happen? It happened on some occasion after the need for an army of more modern type became painfully clear, and it was sanctioned by the Delphic Oracle, as we know from Aelius Aristides, *Panathenaic* ⁴ 261 Oliver, 382 Lenz, 313f Dindorf.

Of course one impressive thing that they say about the constitution of the Lacedaemonians is that the god originally ordained the laws for them. But this is the same god who clearly made for our city its divisions into *phylai* and *genē*, when he appointed for each the proper sacrifices to offer.

Where Aristides obtained this information he does not say. He knew Athens well, past and present, and one cannot pretend that he meant Cleisthenean tribes and demes. The reference is to an earlier consultation than that of Cleisthenes about the *eponymoi* for the ten new tribes.

In the organization of Cyrene as it is known from the famous 4th-century inscription most conveniently accessible in Meiggs-Lewis ⁵ no. 5, the colony was to function in *phylai*, phratries and nine *hetaireiai*, where the special mention of the number of *hetaireiai* has special significance (the *phylai* and phratries of the colony could have been identical in number with those of the mother city). The *hetaireiai* of Cyrene, Thera and Crete presumably corresponded in the 6th century to the military *genē* of Athens, if we think of the levy as one of the prime considerations of the planners. The military contingent from the Cyrenaeen *hetaireia* may not have been the same as the military contingent from the Athenian *genos*, but if they were of the same size, the total levy of Cyrene would be nine thirtieths or three tenths of that of Athens. The phratries of Archaic Cyrene corresponded to the trittyes or phratries of Archaic Athens, i. e. to the trittyes because at Athens citizens who were not represented in the hoplite levy may have formed additional phratries of their own like the Demotionidai without *gennētai*.⁶

Gaetano de Sanctis ⁷ began his chapter on the most ancient social community of the Athenians with the significant sentence: "Ufficio principale dello Stato primitivo era quello di unire e dirigere in guerra i cittadini." He studied first the *phylai*, then

⁴ J. H. Oliver, "The Civilizing Power," *TransAmPhilosSoc* 58, 1968, pp. 45-194; F. W. Lenz and C. A. Behr, *P. Aelii Aristidis opera quae extant omnia* I, Leyden 1976.

⁵ R. Meiggs and D. Lewis, *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B. C.*, Oxford 1969. See also S. Dušanić, *Chiron* 8, 1978, pp. 55-76.

⁶ *IG* II², 1237 = *SIG*³, 922 with Hignett's analysis, *op. cit.* (footnote 3 above), pp. 313-315 and Bourriot's criticism, *op. cit.* (footnote 2 above), pp. 639-662.

⁷ G. de Sanctis, *Atthis: Storia della repubblica ateniese dalle origini alla età di Pericle*, 2nd ed., Turin 1912, p. 41 = *Atthis*³, p. 51.

the phratries, and finally the *genē*, which he dismissed as a superfetation within the organization of the phratries and *phylai*. He denounced fr. 3 as utterly absurd.⁸

The fundamental error of De Sanctis and others in respect to the Athenian *genē* is that they equated the institution of the *genos* with the Latin *gens* and did not realize that there existed a *genos* which for military purposes corresponded to the *hetaireia* of other cities, the *ōba* of the Lacedaemonians and the *curia* (*co-viria*) of the Romans. We do not deny the role of certain sacerdotal families or clans in the religious life of Athens. The Eumolpidae of Eleusis and their old Athenian counterparts, the Kērykes, were τὰ γένη περὶ τῷ θεῷ, the clans to whom the priesthoods and rites for the worship of Demeter and Persephone were entrusted after the annexation of Eleusis. Similarly the Eteobutadae were a clan entrusted with very important priest-hoods and cults. Certainly the Eumolpidae and Kērykes as clans were quite distinct from the military *genē*, though as individuals they presumably found themselves also in military *genē*. One must bear in mind, however, that there were in Attica two main institutions called *genē*,⁹ the sacerdotal, eupatrid family or clan and the military *hetaireia*, if the term is not restricted to the local contingent.

If one compares *Ath. Pol.* fr. 3 with the way Herodotus, 1.65 describes the military reforms that made the Lacedaemonians superior to the Tegeates, namely ἐνωμοτίας καὶ τριηκάδας καὶ συσσίτια, one sees the way the perfection of hoplite tactics was developed. Something like the same reform with encouragement from Apollo occurred at Athens. The local trittys in Attica produced *triakades* of *gennētai* or *hetairoi* for thirty *enōmotiai*, which at Athens were founded with an ongoing religious purpose as *genē*. References both to Attic *triakades* and to Attic *enōmotiai* as *genē* would have been sloppy terminology but comprehensible within proper frames. Certainly the members of the *triakas* as well as of the *enōmotia* in the Athenian organization were rightly called *gennētai* as distinct from those who were not subject to the hoplite levy and never had been. The local contingent, i.e. the *triakas* or *hetaireia*, had to undergo training and practice frequently in association with other *triakades* of the same *genos*. So they met together and ate together, less frequently than Lacedaemonians, but on a regular basis and had sacrifices to make in accordance with an oracle from Delphi.

The peculiarity of the Athenian system, however, must not be forgotten. It

⁸ *Atthis*², pp. 57-59 = *Atthis*³, pp. 71-74.

⁹ The Kērykes were a special case, an artificial clan of later date, and so not quite like the Eumolpidae or like the Eteobutadae either. Another peripheral question concerns the *genos* of the Eupatridae implied by Isocrates, 16.25 and attested by the scholiast to Sophocles, *OC* 479. The scholion to Sophocles could perhaps be explained away as containing an error of transmission, γένος for ἔθνος, inasmuch as *Ath. Pol.* 13.2 refers to the order of the eupatridae as an ἔθνος but that would still leave Isocrates, 16.25 unexplained where descent from the Eupatridae on the father's side is coupled with descent from the Alcmeonidae on the mother's side. Though the situation is not clear, perhaps one might infer that within the eupatridae one clan had for a while successfully asserted its right of ritual exegesis in questions of religious dispute and therefore claimed to be the Eupatridae par excellence.

consisted in the fact that the *genē* cut across the trittyes or phratries in the way that the Cleisthenean tribes were later to cut across the three regions of Attica for the same reason, namely to unify the city. If more were known about the early *startoi*, which were the military *genē* of Gortyn,¹⁰ or about the *genē* of Samos, the Athenian system might not seem unique, but in most or many places the phratries remained as units within both the military and political organizations of the city.

The archon list began in 683/2 B.C.;¹¹ the Athenian unwritten constitution went back well before Solon, by whose time many laws were connected with the name of the lawgiver Draco. No one today believes that a Council of Four Hundred and One was established by Draco, but a division into four *phylai* and possibly twelve phratries antedated both Solon and Draco. The *phylai* were called Geleontes, Hopletes, Argadeis and Aigikoreis. It is not our purpose to go into the political, economic and social crisis which brought Solon to the archonship in 594/3 B.C. and gave him the authority to recast and codify the laws of Athens.¹² The writer can agree with M. Zambelli,¹³ who argues that the small and medium landowners who provided <most of> the hoplites had been in decline for about a century and were relieved by Solon's *seisachtheia* and restored to citizenship, and that it was Solon who admitted the thetes to the Assembly. There was a military crisis in that the Athenians had suffered humiliating defeats at the hands of the Megarians in a struggle over Salamis. It is tempting to connect the reform of the fighting force into an army chiefly of trained hoplites and some cavalry with the aftermath of these defeats, but this reform is not attributed to Solon. Solon did, however, ignore the eupatrid order and establish or recognize census classes, which identified those who could serve as hoplites, providing their own armor. Aristotle (*Ath. Pol.* 8.4) says that Solon established also a second council, the Council of the Four Hundred, with one hundred members drawn from each *phylē*. The Athenians always believed in the historicity of this council, and in Roman times it was taken for granted that the minimum age for a councilor was that set by Solon.¹⁴ A few modern scholars reject the Council of the Four Hundred in their reconstructions but without valid evidence. De Sanctis,¹⁵ Hignett¹⁶ and Zambelli, for example,

¹⁰ R. F. Willetts, *The Law Code of Gortyn* (*Kadmos*, Suppl. 1, Berlin 1967), p. 11.

¹¹ Meiggs-Lewis (footnote 5 above), no. 6.

¹² A. Masaracchia, *Solone*, Florence 1958; E. Will, "La Grèce archaïque," *Congrès et colloques* 8, fasc. 1, 1962 [1965], pp. 41-96; E. Ruschenbusch, *Solonos Nomoi* (*Historia Einzelschriften* 9, 1966); R. S. Stroud, *Drakon's Law on Homicide* (*CPCP* 3, 1968) and *The Axones and Kyrbeis of Drakon and Solon* (*CPCP* 19, 1978). On the political crisis see E. Lévy, *Historia* 27, 1978, pp. 513-521.

¹³ M. Zambelli, "L'origine della Bule dei Cinquecento," *Quarta Miscellanea greca e romana* (*Studi Pubblicati dall'Istituto Italiano per la storia antica* 23, 1975), pp. 103-134. But see also H. W. Pleket, "The Archaic Tyrannis," *Talanta* 1, 1969, pp. 19-61.

¹⁴ Juncus in Stobaeus, *Anth.* IV.1060 Hense. Plutarch confidently attributed the Council of the Four Hundred to Solon.

¹⁵ *Atthis*², p. 251 = *Atthis*³, p. 319.

¹⁶ Hignett, *op. cit.* (footnote 3 above), pp. 92-94.

argue that if the Council of the Four Hundred had existed in the time of Pisistratus and the Pisistratidae, it would have exerted a moderating influence. Alas, we do not know enough about the political action of the time to infer that it did not exert an influence or to infer that the influence would have been used against Pisistratus. The new men who were appointed to the Council of the Four Hundred were accustomed to defer to traditional leaders but may have given their warmest support to Pisistratus and his sons. Furthermore, it is not likely that Solon, who gave the people only enough, would have assigned much real power to the Council of the Four Hundred at its inception. One should not expect from the council which Solon created prescience or even self-confidence. And one should not expect it to have resembled the Council of the Five Hundred more than the contemporary council at Chios.¹⁷

Solon's reforms did not prevent political unrest. After the attempt of Damasias to establish a tyranny based on repeated or permanent tenure of the archonship a board of ten was chosen to restore the constitution.¹⁸ According to *Ath. Pol.* 13.2 it consisted of five eupatridae and five others, of whom three were *ἄγροικοι* and two were *δημιουργοί*. In the writer's opinion the word *ἄγροικοι* subsumed more than one census class of landholders, three rather than two, while *δημιουργοί* included men, often rich, who had little or no land but engaged in shipping and industry. If also the eupatridae were landholders, the landholders outnumbered the others four to one, and the equal division between eupatridae and non-eupatridae suggests that the eupatridae in Solon's new State still supplied political leaders out of proportion to their own number.

The *ὄπλα παρεχόμενοι* belonged to the three upper classes of the Solonian census. The *pentakosiomedimnoi* were the smallest group; they provided the very rich who could be called upon for naucraric contributions in an emergency as well as for their share of cavalry and hoplites. The *hippeis* were a larger group from whom cavalry and hoplites but not *εἰσφοραί* were expected. The *zeugitai* supplied most of the hoplites. In our reconstruction the *ὄπλα παρεχόμενοι* were those who filled the *genē*, which arose for military reasons and later survived by inheritance and religion, not by military necessity. For we assume that the thirty trittyes of the Cleisthenean reform replaced the thirty *genē* of the earlier constitution and functioned in the levy without achieving the same independence. The ten classical *phylai* controlled the thirty classical trittyes, but the essential role, hitherto unrecognized, of the Cleisthenean trittys was, we think, in the levy.

Athenians who had lost their citizenship and were restored to citizenship by Solon were small landowners of the pre-Solonian city, where the landless did not belong to the Assembly. Without a redistribution of land those who had already lost their land or found it inadequate could not be re-established as members of the old *genē*, but they had to be readmitted to the Assembly and their restored citizenship had to be recog-

¹⁷ Meiggs-Lewis (footnote 5 above), no. 8.

¹⁸ See now Carl Roebuck, *Hesperia* 43, 1974, pp. 485-493 = *Economy and Society in the Ancient Greek World*, Chicago 1979, pp. 85-93.

nized by readmittance to *phylē* and phratry. Since, being unable to equip themselves as hoplites, they could not be readmitted to the phratry as *gennētai*, who at that time were called *ὁμογάλακτες*, they had to be admitted as *ὀργεῶνες*. Philochorus of Athens (*Atthis* fr. 35) is cited as follows: "Regarding *orgeōnes* Philochorus also has recorded a law that the phratries shall of necessity admit both the *orgeōnes* and the *homogalaktes* whom we now call *gennētai*."¹⁹ The *homogalaktes* (= *gennētai*) were already members of the phratries, but a new law forced the phratries to accept also the *orgeōnes* as members, i.e. as Athenian citizens. This was surely an outcome of Solon's work, whether or not the law was enacted immediately or pressure was applied some-time later. In the last decade of the 6th century Cleisthenes admitted large numbers to citizenship without disturbing the old phratries. Presumably he did so by creating for them new phratries with merely *thiasoi* of *orgeōnes* and of course no *gennētai*.

Zambelli persuasively connects the neutrality of Pisistratus in Greece and his expansion overseas with the tyrant's distrust of the *ὄπλα παρεχόμενοι* including the *zeugitai*. His support came largely from the thetes and those who feared that they would fall again into the distress from which Solon had rescued them and their fathers. The middle class, however, prospered under Pisistratus, and a reconciliation with noble opponents began before his death and continued under his son Hippias. Cleisthenes the Alcmeonid became archon in 525/4.²⁰ In 519 the Athenians defeated the Thebans and detached Plataea. Zambelli rightly credits Athenian hoplites, and not just "mercenaries", with the victory. But the new policy of the tyrants broke down in 514 with the assassination of Hipparchus. In the account of Herodotus, 5.55-61 the prominence of the *genos* of the Gephyraei, whom the writer would claim

¹⁹ *Suda* s.v. *ὀργεῶνες* and Harpocration, s.v. *γεννήται*. See W. S. Ferguson, "The Attic Orgeones," *HThR* 27, 1944, p. 65 and F. Jacoby, *FGrHist* III b, 1, Leyden 1954, p. 322. This quotation from Philochorus, Book IV, has elicited a thorough investigation from Bourriot, *op. cit.* (footnote 2 above), pp. 539-710. Finding in *homogalaktes* an Old Attic term for local residents or villagers, he demolishes effectively many theories of his predecessors. These good arguments need not be repeated here, but since he does not consider *genē* military formations, he does not recognize the word *gennētai* in its later military and political meaning as those enrolled in once hoplite-producing *genē*. Since Book IV deals with the 5th century, Bourriot dates the law to the 5th century, whereas the writer thinks that Philochorus was giving the earlier background of something in the lost context. On p. 661 Bourriot interprets the law as specifying which applicants might be automatically accepted into the phratry without examination. The writer disagrees. In this same chapter Bourriot has much to say about the Alcmeonidae not being called a *genos* until the second half of the 4th century when allegedly the concept of "genos" had changed. Earlier the term "genos" Bourriot restricts to its use for sacerdotal and royal families. The writer, who has no trouble with the idea that the Alcmeonidae were eupatridae, is willing to accept even the Alcmeonidae as a sacerdotal family before the Cylonian conspiracy, though the question is here merely peripheral. For the Archaic period the writer recognizes two main types of *genē*, first great eupatrid houses (including royal and sacerdotal families) and secondly the military units. The *orgeōnes* meant by Philochorus were former *gennētai* or their sons.

²⁰ Meiggs-Lewis (footnote 5 above), no. 6 with B. D. Meritt's reading in *Hesperia* 8, 1939, pp. 59-65.

as a military *genos*, leads Zambelli to agree that Harmodius and Aristogeiton were not the only members involved in what he calls the conspiracy of the Gephyraei. In 510 the tyrants were driven out, and their triumphant opponents instituted a scrutiny of the citizen lists to eliminate those with a dubious claim. The two most prominent leaders of this "oligarchical" movement based on the *genē* (my term) or *hetaireiai* were Isagoras and Cleisthenes. When Cleisthenes saw himself losing to Isagoras, he espoused the cause of the lowest class and others of dubious citizenship with the well-known result of final victory and a new constitution in 508-502.

It is interesting that according to Herodotus (5.72), when Cleomenes I intervened and put the government of Athens into the hands of Isagoras and his supporters, the new government, which briefly took the place of the legitimate council, was a government of Three Hundred. The number is probably significant; the "oligarchs" no longer operated with a council based on one hundred from each of four tribes. Were the Three Hundred based on thirty *genē*?

Likewise it is interesting the way Aristotle (*Ath. Pol.* 20.1) expressed the change of policy by Cleisthenes: "Having been defeated by the *hetaireiai*, Cleisthenes won over the demos by offering the citizenship to the whole lot of them," ἡττημένος δὲ ταῖς ἑταιρείαις ὁ Κλεισθένης προσηγάγετο τὸν δῆμον, ἀποδιδούς τῷ πλήθει τὴν πολιτείαν. Similarly Herodotus (5.66) expressed it, ἐσσούμενος δὲ ὁ Κλεισθένης τὸν δῆμον προσεταιρίζεται.

And perhaps most interesting of all is the oath which the Athenian ephebes swore in the 4th century B.C.²¹ and which began "I shall not disgrace the sacred *hopla* nor shall I abandon the man at my side wherever I take my stand in battle." It promised obedience in archaic terms, τῶν αἰὲ κραινόντων καὶ τῶν θεσμῶν τῶν ἰδρυμένων, and ended with a list of divine witnesses which went back "à une époque beaucoup plus antique que le IV^e siècle" and called even upon "limits of the fatherland, wheat, barley, vines, olive trees and fig trees." This is doubtless the oath which the Athenian *ἐνωμοταίαι* swore when the perfected hoplite tactics were formally introduced in the reorganization for which Apollo specified the sacrifices the *phylai* and *genē* were to offer.

In summary a hitherto neglected piece of evidence from the *Panathenaic* of Aelius Aristides helps us to understand the true meaning of *Ath. Pol.* fr. 3 and to realize that in Attica of the 6th century beside the *genē* that were clans there existed military units called in other places *hetaireiai* but here usually *genē*, which were not aristocratic or plutocratic but of just ordinary landowners for the most part, who served as hoplites. The Athenian oligarchic *hetaireiai* or *synōmosiai* of the 5th and 4th centuries were descended from the military *genē* (= *hetaireiai* or *enōmotiai*) of the 6th.²² That

²¹ The inscription from Acharnae published by L. Robert, *Études épigraphiques et philologiques* (Bibl. de l'École des Hautes Études 272), Paris 1938, pp. 296-307.

²² G. M. Calhoun, *Athenian Clubs in Politics and Litigation* (Bulletin of the University of Texas, No. 262, Humanistic Series 14), Austin 1913, and Franco Sartori, *Le eterie nella vita politica ateniese del VI e V secolo a. C.*, Rome 1937, are the two chief studies; but in that period neither of them understood the military background, although Sartori, p. 58, did draw attention to the military term *ἑταιρείαρχης*, cited *s.v.* in the *Suda*.

is why Isocrates (4.79) could say that (the ancient Athenians) had organized the *hetaireiai* not for private interests but for the benefit of the whole city.

For what Cleisthenes did later, whoever introduced the army of thirty *genē* set a precedent by substituting units of five *genē* which cut across all four old Attic *phylai*; the same anonymous statesman established six *lēxiarchoi*,²³ who probably replaced the phylobasileis for all but religious purposes. Our main source, Pollux, VIII. 104, attests that the *lēxiarchoi* were six in number and were assisted by thirty associates. Though Pollux does not say so, the writer infers that the thirty associates were drawn one each from the thirty *genē*.

Cleisthenes has received from modern scholars the credit for all the brilliant political ideas of the period, just as Simonides of Ceos received from the ancients credit for magnificent epigrams, not only his own but those of many contemporaries. Cleisthenes, however, was not so original. Fundamentally he effected a change to a cavalry and hoplite army of ten "thousands", perhaps in apparent accord with what many *gennētai* advocated. But this military reorganization was accompanied by a political reorganization with a slightly concealed purpose. Chiliarchs and chiliastyes in other cities and armies were familiar to Herodotus, who was struck rather by the device of reforming and renaming the tribes to undercut opposition as the homonymous grandfather had done at Sicyon.

II. THE GEPHYRAEI

The question must be asked to which type of *genos* the Gephyraei belonged. Were they an old clan like the Alcmeonidae or were they a *genos* chiefly of middle-class landholders who provided hoplites and who drew their name from the locality where some of them lived or once lived? This question has not previously been asked. If we limit

²³ On the *γραμματεία ληξιαρχικά*, a term derived from the noun *ληξίαρχος*, see H. van Effenterre, "Clisthène et les mesures de mobilisation," *REG* 89, 1976, pp. 1-17. On *ληξίαρχοι* Pollux, VIII. 104 reads: *ἕξ καθίσταντο τῶν πολιτῶν ἐγγεγραμμένων ἐν λευκώματι, καὶ τριάκοντα ἀνδρῶν αὐτοῖς προσαυρεθέντων τοὺς ἐκκλησιάζοντας ἐξήταζον καὶ τοὺς μὴ ἐκκλησιάζοντας ἐξημίουν καὶ σχοινίον μιλτώσαντες διὰ τῶν τοξοτῶν συνήλαννον τοὺς ἐκ τῆς ἀγορᾶς εἰς τὴν ἐκκλησίαν*. The number reminded van Effenterre of the six thesmothetae and reminds the writer of the six tribes one finds in many an early Greek city across the Aegean (Carl Roebuck, "The Tribal Organization in Ionia," *TAPA* 92, 1961, pp. 495-507 = *Economy and Society in the Early Greek World*, Chicago 1979, pp. 69-83). For in a division into six major units or tribes the writer is tempted to see an ideal military levy of 6,000. If one thinks of a *chiliastys* as the military representation of a tribe and remembers the tendency to refer to the tribal regiment as the tribe, it becomes easier to explain the subordination of old to new tribes in a reform reported for Ephesus by Ephorus (*FGrHist* 70, F 126) into five new tribes. One tribe, that of the Epheseis or Ephesioi (both names are attested), is known to have had at least six *chiliastyes* and thought to have had eight, to wit, the Boreis, Oinopes, Argadeis, Geleontes, [Aigikoreis?], [Hoplites?], Lebedioi, and Salaminioi (all names of what would be tribes in other Asian cities). The *chiliastys* of the reform, which M. B. Sakellariou, *La migration grecque en Ionie*, Athens 1958, p. 133, note 7 dates persuasively (for the writer at least) to the first half of the 6th century, no longer meant a levy of 1,000 *astoi*. For an early list see J. Keil, "Die ephesischen Chiliastyen," *JOAI* 16, 1913, pp. 245-248. See also P. Frisch, *I. Lampsakos*, no .6.

ourselves to what Herodotus (5.55-61) says about them, there is no reason whatsoever to think that they were nobles, though every military *genos* doubtless included a few nobles. They were descended from late-comers to Attica. They themselves claimed that their ancestors came originally from Eretria; others said that the ancestors came from Tanagra in Boeotia, indeed were even Phoenicians before that. Jacoby²⁴ has rightly labeled the last version a slander fed to Herodotus by enemies. Herodotus (5.57) points out that the Gephyraei were excluded from certain rites or privileges, and this too strengthens the view that in the 6th century they were not a noble clan.

But they had taken the first daring action against the Pisistratidae. Two of their members, Harmodius and Aristogeiton, had slain Hipparchus and were honored thereafter as the tyrannicides. It was not the lowest census class that four years later expelled the Pisistratidae and liberated Athens but the hoplites with help from outside. The Gephyraei, particularly Harmodius and Aristogeiton, represented the freedom fighters who failed in 514 but succeeded in 510.

Statues of Harmodius and Aristogeiton by Antenor were erected on the Acropolis but were carried off by Xerxes. In 477/6 new statues were erected with an epigram allegedly by Simonides of Ceos, "A great light indeed was it for the Athenians when Aristogeiton and Harmodius slew Hipparchus." Podlecki²⁵ is probably justified in connecting with enemies of the Alcmeonidae the extraordinary development of the cult of Harmodius and Aristogeiton at Athens. Among the enthusiasts, however, were certainly those who wanted a free but more limited republic.

In 510 the *zeugitai* found their leaders usually in aristocratic families, but the struggle should not be interpreted merely as that between aristocratic factions; rather it lay between those who put more faith in property qualifications and those who co-operated with Cleisthenes first in the *hetaireiai* and later in an alliance with the lowest class, in an extension of citizenship and in a transfer of power to the expanded *demos*. Some held that the tyrannicides lighted the way to *isonomia*; others praised rather Cleisthenes for freeing Athens and establishing the *demos* in power.²⁶

An inscription from the latter half of the 5th century, which systematized grants

²⁴ F. Jacoby, *Atthis: The Local Chronicles of Ancient Athens*, Oxford 1949, pp. 152-168 with notes. See especially p. 337, note 40.

²⁵ A. J. Podlecki, "The Political Significance of the Athenian 'Tyrannicide' Cult," *Historia* 15, 1966, pp. 129-141.

²⁶ The rivalry expressed itself in drinking songs, that of the Gephyraei and their allies on the *isonomia* of Athens, that of the supporters of Cleisthenes on the sacrifices suffered at Leipsydriion by good men who were eupatrid. The song of the Gephyraei was in reply to that of the upper- and middle-class supporters of Cleisthenes. The word for democracy as contrasted with tyranny was *isonomia*: see J. A. O. Larsen, "Cleisthenes and the Development of the Theory of Democracy at Athens," *Essays in Political Theory Presented to George H. Sabine*, Cornell 1948, pp. 1-16. *Demokratia*, "control by the lowest class," was the way enemies described the kind of *isonomia* advocated, if not by Cleisthenes, at least by his successors who introduced sortition of archons, etc. See further P. Lévêque and P. Vidal-Naquet, *Clisthène l'athénien*, Paris 1964, pp. 25-32.

of maintenance in the Prytaneion and added certain categories of recipients to those already on the list,²⁷ includes maintenance in perpetuity for the closest descendant of Harmodius and Aristogeiton each. The Gephyraei with heroes like that in their tradition stood in a different category from the other *genē* and their *hetaireiai* and perhaps assimilated themselves to a clan. As the other *genē* declined and as the word *hetaireia* acquired an evil connotation, the Gephyraei maintained themselves and survived. With the passage of years and centuries they produced sacerdotal families.

They burst into our view again in a mutilated inscription of three fragments from around 37/6 B.C. Two fragments were copied by Pittakys and reproduced by others, notably J. Kirchner, *IG II²*, 1096 and Adolf Wilhelm, *AnzWien* 1924, pp. 119-126. When the top (a new fragment a) and the lost old fragment (b) were rediscovered in the American excavations of the Agora, the whole extant part of the inscription with a photograph of all three fragments was published by B. D. Meritt, *Hesperia* 9, 1940, pp. 86-96 with a valuable commentary. The inscription reads:

Θ ε ο [ι]

- Ἀγαθῇ Τύχῃ. Ἐπὶ Θεοπέιθον ἄ[ρχοντος, τοῦ δὲ γέ]
 νους τοῦ Γεφυραίων Φιλων[ίδου ἄρχοντος Παι]
 [α]νιέως ὕ Σκιροφοριῶνος ὕ [-----]
 5 [Ἐπιστολὴ παρὰ τοῦ γένους πρὸς Δελφούς]
 [Γεφυραίων τὸ γένος Δελφῶν τῇ πόλει χαίρειν . ὕ Φι]
 [λίας ἀπ]εστά[λκαμεν παλαιᾶς εἰς ἀνανέωσιν Θεόφιλον]
 Διοδώρου Ἀλαιέα [καὶ Παμμένην Ζήνωνος Μαραθώνιον]
 καλλιερῆσοντας [καὶ ἐπερωτήσοντας τὸ μαντεῖον]
 10 καθὼς ἔστιν τῷ γέ[νει πάτριον ὑπὲρ τοῦ Βουζύγου]
 καὶ ἱερέως Διὸς ἐμ Πα[λλαδίῳ Διοτίμου τοῦ Διοδώρου]
 Ἀλαιέως ὕ ὑμεῖς οὖν καλῶς [ποιήσετε ἀποδεξάμενοι αὐ]
 τοὺς καὶ εἰσαγαγόντες εἰς τ[ὸ χρηστήριον καὶ τοῦ δο]
 θέντος χρησμοῦ διαπεμψ[άμε]νοι τῷ γέ[νει ἀντίγραφον]
 15 Ἐπιστολὴ παρὰ Δελφῶ[ν πρ]ὸς τὸ γένος []
 Δελφῶν οἱ ἄρχοντες καὶ <ἀ> π[ό]λις τῷ γένει τῷ Γ[εφυραίων]
 χαίρειν ὕ Γινώσκετε τοὺς [ἀπ]εσταλ<μ>ένους ὑφ' ὕ[μῶν ἐπὶ]
 τὰν μαντείαν καὶ <ἐ>περώτασ[ιν ὕ]πὲρ τοῦ Βουζύγου κ[α]ὶ ἱ[ερέως]
 [Δ]ιὸς ἐμ Παλλαδίῳ Διοτ[ίμου] τοῦ Διοδώρου Ἀλαιέως [Θε]
 20 [όφιλ]ον Διοδώρου Ἀλ[αιέα] Παμμένην Ζήνωνος Μα[ρα]
 θώνιον ἀπ[ὸ]δε[δωκότας ἀμ]εῖν τὰ παρ' ὕμῶν πεμφθέντ[α]
 [γράμματα περὶ τὰς μαντεί]ας καὶ ἀνανεωμένους τὰν
 [ὑπάρχουσιν ποτὶ τε τὰν] πόλιν ἀμῶν καὶ τὸν θεὸν οἱ
 [κειότατα τῶν Γεφυραίων] καὶ κεκαλλιερηκότας καὶ

²⁷ *IG I²*, 77 in the edition of W. E. Thompson, "The Prytaneion Decree," *AJP* 92, 1971, pp. 226-237. A further study by E. J. Morrissey, "Victors in the Prytaneion Decree," *GRBS* 19, 1978, pp. 121-125 does not deal with what concerns us here.

25 [ἐπερωτακότας τὸ ἔδος? ᾗ]γιον· τὰν οὖν ἐπερώτασιν
 [καὶ τὸν χρησμὸν τοῦ θεοῦ ἀπε]στάλμεθα π[ο]θ' ὑμέ
 [σφραγισάμενοι τᾷ δαμοσίαι σφρα]γείδι *vacat*
 [-----]

Restorations: 1-5 Meritt. 6-7 see commentary. 8 Kirchner. 9, line overlooked by Pittakys and added by Meritt. 10-12 Wilhelm. 13 τ[ὸ χρηστήριον Wilamowitz (τ[ὴν ἐκκλησίαν Wilhelm); καὶ τοῦ δο] Rangabé (ἀποδο] Meritt). 14 τὸ ἀντίγραφον Wilhelm and Meritt. 16 see commentary. 17-21 Wilhelm. 22 γράμματα Pomtow, περὶ τὰς μαντεῖ]as Crönert (καὶ ἐμπεφανικό]τας Wilhelm). 23 Wilhelm. 24 κειότατα Wilhelm, τῶν Γεφυραίων Meritt. 25 [ἐπερωτακότας τὸ μαντεῖ]ον Wilhem, μαντ] <ε>ιον Meritt, ἔδος? ᾗ]γιον Oliver. 26 καὶ τὸν χρησμὸν and ἀφε]στάλμεθα Wilamowitz, τοῦ θεοῦ Meritt. 27 Kirchner (but it could have been ἐσφραγισμένον as in a text at Perge studied by A. Wilhelm, "Neue Beiträge . . . IV," *SBWien* 179, No. 6, 1915, p. 54).

One letter is omitted in lines 16 and 18. N is engraved for M in line 17.

The inscription contains two documents, first a letter from the *genos* of the Gephyraei to the Delphians and second a letter from the Delphians to the *genos*. A third document, an authenticated copy of the oracle from Apollo, stood below but is now lost. The formulaic close of neither epistle was recorded on the stone. The headings of the two epistles had, however, been engraved and are recoverable. In *FD* III, iv (1970), nos. 287 and 301 Trajan addresses the Delphians *Δελφῶν τῇ πόλει*, and so does Hadrian in *FD* III, iv, nos. 302 and 303. This is significant, because the Roman chancery always addressed a city properly, as one may recognize by consulting the imperial letters to Athens or any other city. The address used by Claudius in the epistle *FD* III, iv, no. 286 is not preserved, but the lacuna implies that here too it read *Δελφῶν τῇ πόλει*.

When the city of Delphi writes to others, the formula seems to the writer to be *Δελφῶν ἄρχοντες καὶ ἡ πόλις*, and this formula may probably be restored in *FD* III, iv, no. 307, *Δελφῶν ἄρχοντ[ες καὶ ἡ πόλις]* and no. 308, *Δελ[φῶν ἄρχοντες καὶ ἡ πό]λις*, both letters to Hadrian. Perhaps in reply to this formula Domitian in *SIG*³, 821 C and Marcus Aurelius in *FD* III, iv, nos. 326 and 327 addressed the city as *Δελφῶν ἄρχουσι καὶ τῇ πόλει*. But *FD* III, iv, no. 367 (pre-Augustan) has *Δελφῶν τοῖς ἄρχουσι καὶ τῇ πόλει*.

In the Athenian inscription of the Gephyraei, line 16 records a garbled version of the latter formula, *Δελφῶν οἱ ἄρχοντες καὶ π[ό]λις*. Clearly it should have been *Δελφῶν οἱ ἄρχοντες καὶ ἡ πόλις*.²⁸ In line 6 the epistle of the Gephyraei is not a reply and should presumably contain the normal address such as we have seen for the epistles of Trajan and Hadrian and inferred for the epistle of Claudius to the Delphians, *Δελφῶν τῇ πόλει χαίρειν*. Meritt, on the other hand, restored an elsewhere unattested form derived from

²⁸ L. Robert, *Études épigraphiques et philologiques*, p. 303 speaks of the "liberté qu'ont toujours pris les Anciens dans la transcription des documents." They were not as determined as we are to cite with literal accuracy. For a shocking example of their unconcern see in "The Michigan-Berlin Apokrima," *ZeitPapEpig* 31, 1978, pp. 139f. two copies of an advocate's speech and of Caracalla's oral response.

the garble in line 16. It is in our opinion wrong and should be rejected, and when it is rejected, the opening sentence of the epistle has to fill a longer lacuna. Moreover, since Meritt's restoration in line 7, *εἰς ἐπερώτησιν τοῦ θεοῦ*, anticipates his good restoration in line 9, one or the other restoration is redundant. Preferably that in line 7 should be eliminated and replaced with something else. The word *ἀνανεωμένους* in line 22 in the Delphian reply suggests the kind of thing which was mentioned at the beginning of the epistle of the Gephyraei. They were renewing an old custom or contact which had lapsed for years, probably for centuries. Therefore, the writer restores *Φιλίας ἀπ'εστάλκαμεν παλαιᾷς εἰς ἀνανέωσιν* instead of Meritt's too short *Ἀπε]στάλμεθα εἰς ἐπερώτησιν τοῦ θεοῦ*.

In line 9 there may have been a reference to the oracle as *τὸ ἔδος ? ἅγιον* as in line 25 where *ἵγιον* is the only possible reading. Even *τὴν μαντείαν* (cf. line 18) might come into consideration, but Meritt's restoration conveys the right sense.

Among the parallels for the restoration of line 27 is that in Pleket, *Epigraphica* II, no. 8, lines 45f., *ἐξαπεστάλκαμεν ὑμῖν τὸ ἀντίγραφον σφραγισάμενοι τῇ δημοσίᾳ σφραγίδι*. Also *GRBS* 12, 1971, p. 222, lines 81-83, *πεπόμ[φαμεν ὑμ]εῖν [τὸ ἀν]τίγραφον . . . σημην[άμενοι τῇ] δημο[σίᾳ σ]φραγίδι*.

The main question which arises is when and why the Gephyraei first practiced an annual or periodic consultation of the oracle on behalf of the *Bouzyges* and priest of Zeus in Palladion. To this we have no reference in ancient texts. If it is permissible to argue from their role as early freedom fighters, the practice perhaps went back to 510 B.C. as special recognition for their courage in 514. *IG* II², 5007 for Harmodius and Aristogeiton, an oracle engraved according to Graindor at the beginning of the Empire in archaic letters, reveals something about the atmosphere in Roman Athens.

The second question surely concerns the *Bouzyges* and priest of Zeus in Palladion. Meritt has already cited the evidence in *IG* II², 3177 and 5055, both of Roman date. One might consult also a late inscription published in *TAPA* 71, 1940, p. 308.

The family of the *Bouzyges* and priest of Zeus in Palladion, to which incidentally the two envoys seem to have belonged, is known from other inscriptions cited by Meritt. We do not need to repeat the evidence. In Pammenes son of Zenon we have a man who belonged to the Gephyraei and to the distinguished genos of the Erysichthonidae, but if the Gephyraei were, as we have argued, originally a military genos or *hetaireia*, there is nothing strange about that. In Diotimus we have a man who belonged to the Gephyraei and to the *Bouzygai*, but again with our interpretation there is nothing strange about that either. It is noteworthy, however, that Diotimus appears prominently among the Kerykes in the famous decree of 20/19 in honor of the daduch Themistocles;²⁹ so, as Meritt notes, he belonged to the Kerykes also. Who were the Kerykes originally? They too constituted what was called a genos, but they were not

²⁹ K. Clinton, *The Sacred Officials of the Eleusian Mysteries* (*TransAmerPhilosSoc* 64, 1974, Part 3), pp. 50-57, an improved version of the text originally published by I. Threpsiades in *K. Kourouniotes*. *Ἑλεσινιακά* 1, 1932, pp. 223-236 with photograph.

like the Erysichthonidae. With the annexation of Eleusis an Athenian group to counterbalance the Eleusinian clan of the Eumolpidae was selected perhaps from many priestly families, so that membership in the Kerykes excluded membership in the Eumolpidae and vice versa but not membership in old Athenian clans.³⁰ It still remains likely that no one could belong to more than one old Athenian clan.

III. THE *ISONOMIA* OF ROMAN ATHENS

Around 38/7 B.C., perhaps when Antony was in Athens, the Gephyraei, represented by very prominent men of sacerdotal families, were renewing their regular contact with the sanctuary of Apollo at Delphi and were calling attention to an old priesthood. In 20/19 (or 21/0) the Athenians passed a decree in honor of the daduch Themistocles,³¹ and listed many distinguished men belonging to the Kerykes, who had proposed the honor and recalled the old priesthoods which had been passed down in the family of Themistocles. The evocation of a glorious past and the appeal to old traditions cannot fail to strike a reader, but there is another matter even more interesting. In lines 67-68 the decree says that "in the investigation which occurred in connection with the *apographai* (Themistocles) has accomplished many valuable services." The *apographai* were candidacies³² and registrations of some sort, probably of property and property owners. Between 27/6 and 18/7 a new list of the *genos* of the Amynandridae was published in which the Amynandridae appear evenly divided among the Cleisthenean (and post-Cleisthenean) tribes. What was happening at Athens in the generation which ran from 45 to 15 B.C.?

Athens was still recovering from the political chaos and revolution just before and after the destructive capture of the city by Sulla, when the assassination of Julius Caesar occurred and the Roman civil wars were fought out on Greek soil. It was a period of rapid change and wide collapse, in which several types of republicanism were tried but the ancient frame of the government of classical Athens was zealously preserved.

In this turbulent period the men who protected property rights found much more sympathy among the Romans, who were sick of riots. These Athenians were the spiritual descendants of the so-called oligarchical circles of earlier generations, but they could not resort to extreme and thoroughly discredited measures like depriving

³⁰ On the Kerykes see Clinton, *op. cit.*, *passim* and the earlier studies, W. Dittenberger, "Die eleusinischen Keryken," *Hermes* 20, 1885, pp. 1-40; J. Töpffer, *Die attische Genealogie*, Berlin 1889, pp. 80-92; P. Foucart, *Les mystères d'Éleusis*, Paris 1914, pp. 136-159.

³¹ Clinton, *op. cit.* (footnote 29 above), pp. 50-52.

³² The phrase *τὴν νενομισμένην ἀπογραφὴν* (IG II², 1338, line 34) is rightly translated by M. N. Tod, *Sidelights on Greek History*, Oxford 1932, p. 87, "the usual notice of candidature," but the most common use of the word *ἀπογραφαί* was for registrations of property. See A. M. Harmon, "Egyptian Property Returns," *YCS* 4, 1934, pp. 133-234 and H. J. Wolff, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats* (= *Handbuch der Altertumswissenschaft* X, v, 2, Munich 1987), pp. 221-255. The *καταγραφὴ* disappears and the *ἀπογραφαί* begin in Egypt in the middle of the 1st century after Christ.

the many poor of citizen rights, even if they had wished to do so. The internal history of Athens could not be disregarded. Every reform had to be recommended virtually as a return to the custom of the ancestors. But some limitation which brought only men of the upper and middle economic classes to high office, even to the Council of the Six Hundred, must have taken place, because men of the same families continually reappear in the inscriptions. Since the priests and the holders of high political office came out of the same environment, the advertisement of priesthoods has political meaning. The Gephyraei too were not only a religious group, but historically they were the most prominent of the old hoplite-producing groups of landholders.

Though the elections continued, the candidates were no longer screened in the traditional way. This is obvious from the foreigners who appear in the list of archons, e.g. Cotys and (C. Julius) Laco under Augustus, King Rhoemetalces II in 36/7, C. Carrinas [Secundus] in 64/5, Trebellius Rufus and Philopappus in the Flavian Period, Hadrian under Trajan, etc. There was some kind of *destinatio*, to use the term now familiar from the Tabula Hebana.³³ *Destinatio* was prescribed at Rome in A.D. 5 with special centuries of senators and judicial knights to choose who should be a candidate, but the new centuries at Rome were abandoned a few years after the effective choice had been moved to the senate. Though *προαίρεσις* was recommended by Plato in certain cases, we know nothing about the way it functioned in Athens under Augustus; the *apographai* in which the daduch Themistocles had accomplished great results may have had something to do with the organization of serviceable lists.

A serious change, not in the Athenian constitution, but in how the Athenian constitution functioned, may accordingly be traced from the reign of Augustus. The incumbents of office are more carefully chosen from within a narrower circle, and if we connect the change with the need of re-examining or re-establishing or reorganizing the *apographai*, we must date the change shortly before 20/19 (or 21/0) B.C., the date of the decree in honor of the daduch Themistocles. The visit of Augustus in 19 B.C.³⁴ is so close to the date of the decree in honor of the daduch that we ask whether this change did not follow the indignation expressed by Augustus, who in 21 notified the Athenians that he would sojourn on Aegina. Though Athens had been a principal residence of Antony, it was one of the most important cities in the world from the standpoint of its ancient prestige and value as a model. Augustus was very cautious in the way he

³³ J. H. Oliver and R. E. A. Palmer, *AJP* 75, 1954, pp. 225-249 or V. Ehrenberg and A. H. M. Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*, 2nd ed., Oxford 1955, no. 94a. The Tabula Hebana first revealed the lex Valeria Cornelia of A.D. 5, which has been interpreted as an attempt to eliminate riots and bribery from the Campus (e.g. by G. Tibiletti, *Principe e magistrati repubblicani*, Rome 1953, chap. III, M. Pani, *Comitia e senato*, Bari 1974, p. 108 and A. J. Holladay, "The Election of Magistrates in the Early Principate," *Latomus* 37, 1978, pp. 874-893). The *centuria praerogativa*, however, seems to me a less potent inspiration than the kind of *destinatio* adopted at Athens after urgent consultation with Augustus.

³⁴ [Plut.], *Reg. et Imp. Apophth.* 207F: τοῦ δ' Ἀθηναίων δήμου ἐξημαρτηκέναι τι δόξαντος ἔγραψεν ἀπ' Αἰγίνης οἴεσθαι μὴ λανθάνειν αὐτοὺς ὀργιζόμενος· οὐ γὰρ ἂν ἐν Αἰγίνῃ διαχειμάσειεν. ἄλλο δ' οὐδὲν οὐτ' εἶπεν αὐτοὺς οὐτ' ἐποίησε. For the date see G. W. Bowersock, "Augustus on Aegina," *CQ* 58, 1964, pp. 120f.

treated it. Cassius Dio (51.2) reports that Octavian (Augustus) deprived popular assemblies of power, and in 54.7 he reports that the Athenians lost the right to sell their citizenship. They lost also Aegina and Eretria, but the citizenship had to do with their constitution. It is not that Augustus changed their constitution; he forced them rather to respect it by disapproving evasions and by throwing his support behind the upper and middle classes. Athens remained a free city, aware of the precariousness of that status, but free nevertheless. The gratitude of the upper- and middle-class Athenians who now constituted the government was very real.⁸⁵

Accepting Bowersock's date for the sojourn on Aegina and assuming that the expressed indignation of Augustus had an immediate effect, we place the *apographai* in 21 B.C. and connect it with IG II², 2338, the catalogue of the Amyndridae who are listed with ten names in Erechtheis, seven in Akamantis, nine in Oineis, at least nine in Attalis, at least seven in Ptolemais, etc., a fairly equal division that could not have been the result of chance and bears the appearance of a new attribution of members with selection from every tribe. For a reason which we are inclined to connect with the indignation of Augustus against the Athenian demos a new organization took place which by the accident of survival we can prove in the case of one, but only one, *genos*. This, however, suffices to raise in our minds the suspicion that the same kind of reorganization took place in other *genē*, especially in view of the lead taken by the Gephyraei in re-establishing contact with Delphi. Furthermore, the Amyndridae like the Gephyraei do not seem to have been a clan. The distribution of membership so evenly through the twelve tribes seems too artificial and too political to be anything but a recent reorganization inspired by someone or some people with antiquarian knowledge and political experience. The writer presents as a working hypothesis the theory that a reorganization of *genē* was proposed and adopted as a kind of return to the system of levies by which thirty *genē*, each with members distributed through twelve trittyes or phratries, supplied hoplites. They were in the Augustan Period expected to supply, not hoplites, but candidates for magistracies and for the Council of the Six Hundred. If so, they were thirty in number and were quite distinct from the Eumolpidae and Kerykes and whatever old Athenian clans were still around.

Aristotle had criticized the election of Spartan ephors ἐκ πάντων because it led to the election of just anyone, often men who were poor and easily bribed, but he found the Cretan cosmi even worse because (*Politics* II.1272a) they too were chosen by chance ἐκ τῶν γενῶν (his word for *startoi* according to Susemihl and Willetts) in a way that did not produce men of ability. The cosmi seem to have been chosen by rotation of

⁸⁵ On Athens under Augustus see first P. Graindor, *Athènes sous Auguste*, Cairo 1927, and J. Day, *An Economic History of Athens under Roman Domination*, New York 1942, chap. IV; then also G. A. Stamires, *Hesperia* 26, 1957, pp. 260-265, a fine republication of IG II², 1071 in the style of B. D. Meritt; A. Benjamin and A. E. Raubitschek, "Arae Augusti," *Hesperia* 28, 1959, pp. 65-85; G. W. Bowersock (footnote 40 below); R. Bernhart, "Athen, Augustus und die eleusinischen Mysterien," *AthMitt* 90, 1975, pp. 233-237; D. J. Geagan, "The Third Hoplite Generalship of Antipatros of Phlya," *AJP* 100, 1979, pp. 59-68.

startoi rather as the prytaneis were appointed by rotation of tribes more safely in the Athenian Council of the Five (Six) Hundred. In view of Aristotle's criticism it is not likely that the statesmen of Augustan Athens wanted anything like Cretan *cosmi* in Athenian magistracies; there is no reason to think they would have espoused or considered a system of automatic rotation, but they presumably wished to avoid the election of irresponsible men. Furthermore, the old system of census classes, already denounced as too old-fashioned by Theophrastus,³⁶ was too unpopular for open advocacy. *Prohairesis*, however, remained as a less invidious safeguard.

The two purposes of the reform, apart from the desire to appease Augustus, were to assure the orderly continuation of the government and religion of Athens and to preclude emotional outburst by Athenians of the lowest class. That it precluded certain types of social reform is true also. The reform was made in a way that left the old constitution³⁷ with the two councils still in effect and preserved the citizenship of all Athenians. The responsibility of all propertied Athenians to serve in the Council of the Six Hundred was fixed and thus the continuation of government was assured. The property owners whose responsibility was recognized were presumably compensated or overcompensated by certain privileges and by confidence in the protection of their rights. Only their proposals came before the Assembly.

Since the twelve tribes and government by two councils with the old archons, hoplite general and heralds continued, one could not expect to find a trace of the reform in the kind of inscriptions which were engraved apart from the rare chance of a stone publication of a list of members who belonged to one of these *genē*. Lists of members were undoubtedly published year after year but not on stone. The one extant list, *IG* II², 2338, that of the Amynandridae, was published, not by the *genos* itself, but by the archon of the city at his own expense, presumably because he, Areios son of Dorion of Paeania, was the architect of the reorganization or one of the chief sponsors and was also the archon of the *genos* to which he was assigned. The heading reads:

- Ἀγαθῇ Τύχῃ. Ἐπὶ Ἀρείου τοῦ Δωρίωνος Παιανιέως
 ἄρχοντος τῆς πόλεως ἄρχων τοῦ γένους
 τοῦ Ἀμυνανδριδῶν Ἀρείος Δωρίωνος Παι
 ανιεύς τούσδε ἀνέγραψεν γεννήτας ἐπιδεξά
 5 μενος τὸ δαπάνημα ἐκ τῶν ἰδίων.
 ἄρχων τοῦ γένους
 [Ἀρείος] Δωρίωνος Π[αι]α[νι]εύς
 ἱε[ρ]εὺς Κέκρο[π]ος
 Ἀρίστων Σωσιστράτου Ἀθμονεύς
 10 ταμίας τοῦ γένους
 Ἑλιόδ[ω]ρος [Β]ατήθην

³⁶ *GRBS* 18, 1977, p. 326.

³⁷ D. J. Geagan, *Hesperia*, Suppl. XII, *The Athenian Constitution after Sulla*, Princeton 1967.

Then follow in three columns the names of the *gennētai* divided by tribes, the twelve tribes being listed in official order.

The three officers indicate three areas of concern, namely politics, religion and finance. The *genos* had funds or property of its own.

Another inscription (from the Acropolis) records a commendation made a year or two later by a new archon of the *genos* of the Amyndridae, their same priest of Cecrops and their same treasurer in honor of someone, who Graindor³⁸ thought might have been an unknown royal friend of Athens but who, since βασι[λέ]α cannot be read in line 7, seems rather to have been an Athenian, whose name or patronymic was Διον]υσιο[. Graindor says that the inscription (Pl. 2) could have been on either a base or a stele; hence it may have been a statue base.

- Ἀγαθῇ Τύχ[η. Ἐπὶ ----- ἄρχοντος τῆς πόλεως]
 ἄρχων τοῦ γ[έν]ο[υ]ς τοῦ Ἀμυνανδριδῶν -----]
 [τ]είμου ἐγ Μυρρινο[ύττης, ἱερεὺς Κέκροπος Ἀρίσ]
 [τω]ν Σωσιστράτου Ἀθμ[ονεύς, ταμίας τοῦ γένους]
 5 [Ἑλ]ιόδωρος > Βα[τ]ῆθε[ν -----]
 [-----] ΤΡΙΟ[-----]
 ΒΑΣΙ[. .] ΑΤΛΩ μελ[----- διατελεῖ]
 τῷ δῆμῳ τῷ Ἀθηναίῳ[ν διαφυλάττων ----- τὰ δεδο]
 μένα ὑπὸ τῶν προγ[όνων αὐτοῦ, ἔδοσε δ' αὐτὸς ἄλλα]
 10 [φι]λάνθρωπα ἀδισ[τάκτως ----- ὑπὸ τοῦ δῆμου πα]
 [ρακ]ληθεῖς, καὶ ἐπ[----- τὴν]
 [πόλιν] συννοικίας[-----]
 [-----] ασας[-----]
 [---

Except for ἔδοσε δ' αὐτὸς ἄλλα in line 9 and τὴν in line 11 the restorations are by Graindor. The formula ὑπὸ τοῦ δῆμου (ἐπι- or) παρακληθεῖς, which Graindor would read in lines 10f., applies only to a citizen and is impossible for a foreigner; there are parallels in IG IV, 609 (Argos), *IGBulg* I², 13 (Dionysopolis), lines 13ff., *OGI*, 339, lines 53f., *SIG³*, 495, lines 13 and 122, etc. In line 12 the man seems to be credited with the unification of the city.

These two inscriptions for the *genos* of the Amyndridae attest the political and religious purpose of the Athenian *genē* in the Roman period. They attest the existence of the *genē* rather than the survival, and they clearly show the vitality of the institution in the time of Augustus. A decree of the *genos* Theonidae, which the experienced editor³⁹ hesitates to date as early as the 2nd century B.C. or as late as the 1st century after Christ, could easily belong to the same generation (45-15 B.C.). Furthermore, there is an important reference in Philostratus, *VS* 2.3 (p. 57 Kayser), who says of Claudius

³⁸ P. Graindor, *BCH* 51, 1927, pp. 245-247, no. 1.

³⁹ E. Vanderpool, "The *Genos* Theonidai Honors a Priestess of Nympe," *AJP* 100, 1979, pp. 213-216.

Atticus that he frequently sacrificed a hecatomb to Athena and entertained the Athenians by tribes and *genē*. Since Philostratus was educated at Athens, there can be no question that he meant *genē* and not demes. Atticus may have distributed food to all Athenians in the twelve tribes and feasted the élite who belonged to the *genē* more sumptuously. The *genē*, accordingly, had political and religious influence in the time of Trajan and Hadrian. It may seem less certain that they are attested by *The Athenian Agora* XV, no. 460, an improved version of *IG* II², 1077, where it is decreed that for Geta's elevation the Athenians were to sacrifice *πα[ν]γενεί*, but since it is easier to expect and enforce compliance from a *genos* than from a family, here too in A.D. 209/10 the *genē* appear to have been meant. That is, the sacrifices prescribed by Apollo for the *genē* had been extended to include the emperors.

A reader may feel that Athenians of the lowest class would never have allowed the power to be taken from them without a fight. As we have seen, they were cowed by the indignation and proximity of Augustus at Aegina, also by the presence of Agrippa in the East, and they must have shared to some degree in the prosperity that followed. Still in A.D. 13 they rose in revolt against the upper- and middle-class Athenians when Augustus was old. The revolt is well attested and is called *stasis* by a Greek writer, but it did not succeed.⁴⁰ A Roman ambassador, sent to Athens by Augustus, perhaps played a part in this last episode of a long democratic tradition.

In the 6th century B.C. the defense against the tyranny of one man or one family was the main struggle. From the defeat of Xerxes to the reorganization of 21 B.C. the struggle lay more or less between those who wanted power in the hands of the poor and those who wanted power in the hands of the rich. From 21 B.C. to the reign of Gallienus and the end of our documentation the propertied families controlled Athens and once again the struggle was to keep any one family from dominance. Thus it happened that the Athenians, i.e. the upper- and middle-class Athenians, twice appealed to an emperor to save them from tyranny based on the economic power of one family, for they accused both Claudius Hipparchus before Domitian and his grandson Herodes Atticus before Marcus Aurelius of attempting to establish a tyranny.

IV. THE CURIAE AS OPPOSED TO THE TRIBES

Since the even representation of Amynandridae in all twelve tribes has not been explained and calls for an explanation, we have offered one to be tested against new evidence. As a working hypothesis we have suggested connecting the 1st-century renaissance of the old "military" *genē* at Athens, a renaissance which we place in the period 40-20 B.C., with attempts by conservative elements to protect property rights

⁴⁰ The sources—Eusebius, Jerome, Syncellus (*Chron.*, p. 602: 'Αθηναῖοι στρασιάζειν ἀρξάμενοι κολασθέντες ἐπαύσαντο), Paulus Orosius, 6.22.2—are cited and criticized by P. Graindor, *Athènes sous Auguste*, pp. 41-43; V. Ehrenberg, *Studies Presented to David Moore Robinson*, St. Louis 1953, pp. 438-444; G. W. Bowersock, *Augustus and the Greek World*, Oxford 1965, pp. 106-108; R. Syme, "Problems about Janus," *AJP* 100, 1979, pp. 188-212, especially 197-201 on the evidence of Paulus Orosius.

and religious traditions by reversion to a pre-Cleisthenean institution that with its political influence limited the choice of archons, generals and councilors and controlled policy generally. We did show that one such *genos* had recently been remodeled, but we merely suspected that thirty had been revived, replaced or remodeled. The institution, purportedly old, was what the Romans of the Augustan Age, we think, would have described in terms of the thirty *curiae* of archaic Rome. There was nothing in the contemporary *comitia curiata* which could be called parallel. The reader had better forget the *comitia curiata* of Augustan Rome and think of Dionysius of Halicarnassus, 2.7 and 2.23 on the *curiae* created by "Romulus", who, he thought, had the same idea as Lycurgus and the Lacedaemonians.

As a matter of fact, *curiae* are found in municipia and colonies, e.g. at Malaca. The *lex Malacitana*⁴¹ of the late 1st century after Christ uses the words *curiae* and *curiatim* where a modern reader might have expected *tribus* and *tributum*. The *curiae* of Malaca may have had no connection with the idea behind the renaissance of *genē* at Athens, except that they were *curiae* of landowners. The writer sees in the one-sided view we have of the Latin *curiae* of Malaca no other similarity with the revived *genē* of Roman Athens.

But it is not quite the same in Libya, Africa and Numidia where an explosion of *curiae* occurred in the 2nd and 3rd centuries after Christ, starting with Trajan's reign, increasing under Hadrian and Antoninus Pius, and continuing under Marcus Aurelius, Commodus and the Severi.⁴² These North African *curiae* probably had a certain similarity of organization and purpose but they differed in their later development in accord with the local situation. Though the common banquets were a notable feature, they were certainly not derived from the *syssitia* of Punic *hetaireiai*, such as Aristotle noted for 4th-century Carthage, any more than the revived *genē* of Athens were derived from the Athenian *hetaireiai* of the 4th century.⁴³ Some antiquarian may have advertised the *curiae* as an old Punic institution, but they came into Africa, as Gascou against Kotula shows, with Italian settlers.

Most of these North African *curiae* served like those of Malaca in place of tribes.

⁴¹ It is familiar from many editions like *ILS* 6089 and Riccobono, *FIRA*², *Leges*, pp. 208-219, no. 24 but is best consulted in A. d'Ors, *Epigrafía jurídica de la España romana* (Instituto Nacional de Estudios Jurídicos), ser. 5^a, 100, Madrid 1953, no. 9.

⁴² Much discussion has taken place. References and criticism may be found in T. Kotula, *Les curies municipales en Afrique romaine* (Prace Wroslawskiego Towarzystwa Naukowego), ser. A, 128, Wroslaw 1968, with a very valuable list of documents; *idem*, "Nouvelles observations sur les 'portes' de Thugga et sur les curies municipales en Afrique romaine," *Klio* 54, 1972, pp. 227-237; and the masterly article by J. Gascou, "Les curies africaines: origine punique ou italienne?" *Antiquités africaines* 10, 1976, pp. 33-48.

⁴³ Perhaps the *hetaireiai* of 4th-century Carthage were descendants of "military" *hetaireiai* of the 6th century just as the *hetaireiai* of 4th-century Athens may have been transformed or decadent descendants of 6th-century "military" *hetaireiai*. In discussing institutions of the early city one must include the Phoenicians, as Aristotle did and as Robert Drews reminds us in a striking article, "Phoenicians, Carthage, and the Spartan *Eunomia*," *AJP* 100, 1979, pp. 45-58. In "military" *hetaireiai* the Greeks and Phoenicians may have adopted a Carian institution.

Whereas Corinth was founded as a colony with *tribus* and *tribuli*, Lepcis Magna, which became a colony between A.D. 92 and 110, had *curiae* and *curiales*. Corinthian inscriptions never mention *curiae* and *curiales*; the inscriptions of many North African towns like Lepcis Magna never mention *tribus* and *tribuli*. There was surely a reason for rejecting the designation *tribus* and preferring *curia*. Since a *curia* of Thamugadi is known to have had only fifty-two members,⁴⁴ it is clear that a very striking difference existed between tribes and *curiae*: the *curiae* had a much smaller membership. Entrance into *curiae* was connected with something like ownership of land. Since the land was limited in extent, the *curia* may even have had a fixed number of memberships. To the writer it seems undeniable that the *curiales* were full citizens and an élite as Charles-Picard claimed.⁴⁵ An inscription at Ureu⁴⁶ has the significant phrase, *Ob cuius dedicationem decurionib(us) sportulas et epulum curialib(us) et universis civibus dedit*, where the last seven words remind the writer of what Philostratus, *VS* 2.3 (p. 57 Kayser), said about Claudius Atticus, ἐστιῶν δὲ τῇ θυσίᾳ τὸν Ἀθηναίων δῆμον κατὰ φυλὰς καὶ γένη.

The most revealing inscription for the *curia* as a voting unit in elections is of course the *lex Malacitana*. Also very revealing for the political status are the African inscriptions cited by Kotula⁴⁷ on distinctions made by benefactors who gave *sportulas* to the decurions, *epulationes* to the *curiales*, and something else to the "people". Perhaps the inscription which is most revealing in respect to religion is the old one of Simitthus, *CIL* VIII, 14683, with the statutes of the *curia Iovis*.⁴⁸

⁴⁴ Gascou, *op. cit.* (footnote 42 above), pp. 37f.

⁴⁵ G. Charles-Picard, *La civilisation de l'Afrique romaine*, Paris 1959, p. 28.

⁴⁶ Cited by Gascou, *op. cit.* (footnote 42 above), p. 47 from J. Peyras and L. Maurin, *Ureu . . .*, Paris 1974, pp. 27-31, no. 3.

⁴⁷ Cited by Kotula, *op. cit.* (footnote 42 above), p. 55, note 22 and by Gascou, *op. cit.*, p. 165, note 3.

⁴⁸ J. Schmidt, "Statut einer Municipalcurie in Africa," *RheinMusPhil* 45, 1890, pp. 599-611, could not yet cite the parallel in the Iobacchi inscription at Athens. The latter is familiar both from the text in *IG* II², 1368 and from the lecture by M. N. Tod, *Sidelights on Greek History*, Oxford 1932, pp. 71-96. The less familiar statutes of the *curia Iovis*, which Tod does not mention, read:

Curia · Iovis · Acta
 (a. d.) V k(alendas) Decembres
 A.D. 185 Materno et [A]ttico cos.
 natale civitatis. Quot
 5 bonum faustum feli<x sit>:
 placuit inter e<o>s et conve
 nit secundum [d]ecretum
 publicum [o]b[s]ervare:
 Si quis flam[en]e volue[rit],
 10 d(are) d(ebebit) vini amp(horas) III, p[raeterea]
 pane(m) et sale(m) et cib[aria];
 si quis magister [-----]
 vini amp(horas) II[-----]
 [d(are)] d(ebebit) X II[----]
 [-----]

The curia Iovis had a president, a priest and a treasurer just like the Gephyraei and Amyndridae. Since a curia was so much smaller than a tribe, it was more like a club. In fact, the best parallel for *CIL* VIII, 14683 is in *IG* II², 1368 (A.D. 175/6) with the new statutes of the Iobacchi, of whom the priest was no other than the consular Herodes Atticus, friend of Marcus Aurelius. The Iobacchi were a social and religious society in which the priest outranked the president just as in the curia Iovis at Simitthus. Indeed it would not surprise the writer to discover that the Iobacchi were the equivalent of the Gephyraei and Amyndridae, even though their exuberant members boasted of being the finest of all Bacchic societies rather than of all Athenian *genē*.

Gascou⁴⁹ has found it impossible, on the basis of African evidence, to trace the history of the institution beyond its appearance in about forty-eight towns of North Africa in the 2nd century after Christ. We believe that it is not necessary to resign ourselves to ignorance about the prehistory of the North African curiae, which were political, social and religious societies (of property owners?) at the same time, and that an investigation along the following lines might be rewarding. The prehistory is the history of an idea, which begins with the revival of old "military" *genē* at Athens. Ideas were even now flowing from Greece to Italy rather than from Italy to Greece. The *cursus honorum* is now known to have had Greek antecedents;⁵⁰ the *destinatio* of the Tabula Hebana was a kind of *προαίρεσις*. Why could not the idea of reviving curiae have been borrowed from the successful experience of the champions of law and order at Athens, the foremost educational center of the Mediterranean world?

The prestige of Roman Athens rises with the reign of Domitian, reaches a new peak under Hadrian, shines forth under the Antonines, and continues on a high level throughout the Severan Period, but the city suffered a blow from which it never quite recovered in A.D. 267 when it was taken by the Herulians. Even in the Claudian-

On the left side

- Si q<u>is at vinu(m) inferend(um) ierit
et abalienaverit, d(are) d(ebebit) duplu(m) ;
si quis silentio qu(a)estoris
aliquit donaverit et ne[g]
5 [ave]rit, d(are) d(ebebit) duplum ;
[s]i quis de propinquis deces
serit at miliarium (sextum) et cui
nuntiatur non ierit, d(are) d(ebebit) X II ;
si quis pro patre et matre, pro socrum [pr]
10 o socra[m] (non ierit), d. d. X V, i[t]em <c>u[i]
propin<qu>us decesserit (et ad eius exequias non ierit),
d(are) d(ebebit) X IIII, qu<a>estor [---]
maioribus at fe[-----]

On the right side

- Si quis flamini maledixerit
aut manus iniecerit, d(are) d. X I [I?] ;
si magister qu<a>estori imp[e]
raverit et non fecerit, d(are) d(ebebit)
5 vini amp(horam) ; si in concilium
pr<a>esens non venerit, d. d. c(ongium) ;
si qu<a>estor alicui non n[u]
ntiaverit, d. d. X I ; si a[liquis]
de ordine decess[erit] [-----]
[-----]

The consulship dates this inscription securely in 185. The Iobacchi inscription is about ten years earlier, as S. Follet, *Athènes au II^e et au III^e siècle*, Paris 1976, pp. 138-141 agrees.

⁴⁹ J. Gascou, *op. cit.* (footnote 42 above), p. 44.

⁵⁰ From the *Laws* of Theophrastus, *GRBS* 18, 1977, pp. 321-339, fr. B, lines 172-215.

Neronian Period there were important Roman contacts with Athens, of which the most striking is that of M. Porcius Cato, who never accepted Athenian citizenship but who did accept membership in the clan of the Eumolpidae.⁵¹ He participated, accordingly, in the social and religious life of Athens.

In the reign of Hadrian the Athenians, whether impressed by what was happening in Rome to the praetor's edict or for some other reason, desired to modernize their own law and called on Hadrian to do it for them. The reference in the *Vers. Arm. ab Abr.* 2137, Jerome, *ab Abr.* 2138 and George Syncellus, *Chronogr.*, p. 659 is to the laws of Draco and Solon.⁵² The Athenians also created a thirteenth tribe (Hadrianis), redistributing demes and changing the Council of Six Hundred back to a Council of Five Hundred as it was in the great days of Athens. If our theory concerning the revived *genē* is correct, they too must have been seriously affected but we have no indication to what degree or even in what way. Constitutional changes occur further under Antoninus Pius and Marcus Aurelius, but the revived *genē* are not mentioned, though the Eumolpidae and Kerykes appear frequently in the inscriptions. There is, however, one remarkable inscription which concerns our subject; it is on a base at Eleusis, published by K. Clinton and discussed further by the writer.⁵³ The corporations of the city of Athens honor a Roman and his two sons. The Roman seems to be the consular Sergius Salvidienus Scipio Orfitus and to be honored as a curio maximus, *κουρί]ωνα μέγ[ιστον Ῥωμαίων]*. What he was doing at Athens is not stated, but the curio maximus, to the best of the writer's knowledge, seldom traveled and the visit is certainly noteworthy.

Under Commodus and Septimius Severus the Cleisthenean tribes were again very important for the religious and political life of the upper and middle classes. Of two Athenian catalogues of Paeonistae republished in *TAPA* 71, 1940, pp. 302-311, one from perhaps the middle of the 2nd century after Christ does not have the names divided according to Cleisthenean tribes; the other, which now tends to be dated A.D. 190-210,⁵⁴ does have the names carefully divided according to Cleisthenean tribes. Since they both seem to have been erected by the [elders?] of the city sanctuary of Asclepius, the difference in style appears to be due to a heightened consciousness in the period of the second list. The fairly even distribution cannot have come about by the

⁵¹ See E. W. Bodnar, S. J., "Marcus Porcius Cato," *Hesperia* 31, 1962, pp. 393-395. Roman senators and knights like Cicero's friend Atticus were inhibited from accepting Athenian citizenship by the old rule against dual citizenship, a rule which did not stop Italian businessmen. In our records the first Roman knight to accept Athenian citizenship was Trebellius Rufus under Domitian, the first with the *latus clavus* to do so was P. Aelius Hadrianus under Trajan, the first emperor was Commodus. It is not recorded that the citizenship was offered to M. Porcius Cato, but it may be assumed that a foreigner who became a Eumolpid could have obtained citizenship if he had wanted it.

⁵² P. Graindor, *Athènes sous Hadrien*, Cairo 1934, pp. 30-32; S. Follet, *Athènes au II^e et au III^e siècle*, Paris 1976, pp. 116-125.

⁵³ *GRBS* 13, 1972, pp. 103-107. The heading across the top should be restored with Clinton's alternate restoration: 'Η ἐξ [Ἀρείου πάγον βουλὴ καὶ ἡ βουλὴ τῶν Φ καὶ ὁ δῆμος ὁ Ἀθηναίων]ν.

⁵⁴ See J. Traill, *Phoenix* 29, 1975, p. 286 and E. Kapetanopoulos, *Talanta* 6, 1975, pp. 24-29.

mere accident of survival. A reform, perhaps connected with the visit of the *curio maximus* sometime between A.D. 166 and 171, would explain it. There is also the great catalogue from the Eleusinion (see footnote 59 below) which D. J. Geagan, *ZeitPap Epig* 33, 1979, pp. 93-115 dates "probably in A.D. 190/1"; here too the names are carefully divided according to the Cleisthenean tribes of the bearers, likewise on *IG II²*, 2340, a slightly later catalogue of Kerykes. For all the influence that the Kerykes must have had, the writer does not think of them as one of the thirty(?) revived *genē*, but the Paeanistae, which cannot have preceded the arrival of the cult of Asclepius in Athens and so cannot have gone back to the 6th century, may have acquired a place in the system when the *genē* were revived and some new *genē* (or the equivalent) had to be substituted for those already extinct. This is pure speculation, suggested by the striking prominence of persons who appear as Paeanistae and who were clearly not chosen for their voices. The cult they served, however, was just as much a city cult as that of Cecrops, for which the Amyndridae supplied a priest. The speculation is suggested also by the fact that Herodes Atticus did not disdain service as priest appointed by the Iobacchi, a similar group.

In the end the prytany system of the Council based on Cleisthenean tribes was ever more difficult to maintain because of expense, and so was the training of ephebes. After 267 we do not meet them again. The Council is first the Council of the Seven Hundred and Fifty,⁵⁵ later the Council of Three Hundred.⁵⁶ The tribes are no longer mentioned. The description Seven Hundred and Fifty or Three Hundred seems to have no connection with the thirteen Cleisthenean (and post-Cleisthenean) tribes. And if it had no connection with the Cleisthenean system, did it arise from the dwindling membership in the vestigial thirty *genē*? Had the Paeanistae and *gennētai* themselves turned into Late Roman *curiales*, saddled with the obligation of serving in a Council of Three Hundred?

Proof has not been forthcoming but enough evidence accumulates to allow a theory of the development from *gennētai* to *curiales*.

The success of the upper- and middle-class Athenians in reviving the *genē* of the 6th century and in the *προαίρεσις* or *destinatio* of candidates so as to keep control of local government and religion in the hands of those who bore the financial burdens may have impressed Romans of the upper classes and encouraged them to visualize the *curiae* of early Latin towns as similar units of citizens who carried the honors and bore the burdens of defense and religion. A tendency to strengthen the property-owning sections of all cities developed. While a movement away from freedom of elections also in the city of Rome occurred in the Augustan Period, free elections continued in many small towns like Pompeii where graffiti give a picture of crafts exerting pressure as groups in favor of this or that candidate.⁵⁷ The cities of Bithynia were notorious for

⁵⁵ *IG II²*, 3669 (A.D. 269/70).

⁵⁶ *IG II²*, 3716 and 4212 (*fin. saec. IV*).

⁵⁷ P. Castrén, *Ordo Populusque Pompeianus* (Acta Instituti Romani Finlandiae), 8, Rome 1975, pp. 114-118 with evidence of some intervention by the emperor Vespasian. When the groups are reported as thieves or runaway slaves the pressure was against the alleged favorite candidate.

their dissensions; Dio of Prusa (45.8), who wished to get away from the evils of demagoguery and dissension, urged rather *μηδὲ καθ' ἑταιρείας πολιτεύεσθαι μηδ' εἰς μέρη διασπᾶν τὴν πόλιν*. In this period the disparaging term *hetaireia* was reserved for pressure groups and factions in a free but selfishly exploited system of elections badly in need of correction.⁵⁸ The ideal was government without factions in a united city. The reigns of the Flavian emperors and Trajan saw a rise of indignation against demagoguery and political factions, and this partly explains the introduction of curiae at just this time, and a strengthening of religious, supposedly non-political, upper- and middle-class societies and *genē*. A wealthier, more cohesive group within each tribe of a city was perhaps more frequently able to control the selections of the tribe, and in the case of new Latin and Roman constitutions many cities from the Flavian Period on tended to be organized in curiae of property owners without the tribes which made all citizens of Rome equal and in the Cleisthenean system made all citizens of Athens equal. An important development occurred in the Antonine Period when a distinction between *honestiores* and *humiliores* was openly admitted and when the curio maximus went to Athens. Gradually the tribes, whether of the city of Rome or of municipal cities, lost their significance. The tribe was not dissolved but disappears from Roman names after the Severan Period; the tribes with which Cleisthenes brought the propertyless into a share of the government were not dissolved but fade from view after 267. The all-embracing aspect of tribes became less important to the city, of which the continuance rested more and more on the property owners alone. At Athens it was the people who met together as Gephyraei, Amyndridae, Iobacchi, Paeanistae and similar old religious groups who kept the councils, archonships, priesthoods in operation and who worked at first conscientiously or cautiously through the ancient machinery of the more and more useless tribes but after 267 without consulting the outdated tribes and without calling for expensive publication. They certainly included all the Areopagites at some date, perhaps after the curio maximus and his sons visited Athens, probably between A.D. 166 and 171.⁵⁹ Through the agony of the 3rd century some *curiales* and

⁵⁸ The evil connotation of the word existed in Latin *hetaeria*, too, as we know from Trajan's epistle in Pliny, 10.34. The associations of the word *hetaireia* are visible also in Dio of Prusa, 50. The *hetaireia* may still be conspiratorial but not oligarchical. It now supports a special interest rather than a public program. The Roman attitude will be found also in the edict of a governor who took action to end the bakers' strike at Ephesus. The inscription is republished by W. H. Buckler, *Anatolian Studies Presented to Sir William Mitchell Ramsay*, Manchester 1923, pp. 29-33. Only the end is preserved. Buckler's translation reads: "Thus it comes about at times that the people are plunged into disorder and tumults by the recklessness in evil speaking of the seditious groups of bakers in the market-place, for which they ought already to have been arrested and put on trial. Since, however, it is necessary to consider the city's welfare much more than the punishment of these men, I have resolved to bring them to their senses by an edict. I therefore order the Bakers' Union not to hold meetings as a faction nor to be leaders in recklessness (*μήτε συνέρχεσθαι τοὺς ἄρτοκ[ό]πους κατ' ἑταιρείαν μήτε προεστηκότας θρασύνεσθαι*), but strictly to obey," etc. The edict is cited by T. R. S. Broughton in Tenney Frank, *An Economic Survey of Ancient Rome*, IV, Baltimore 1938, pp. 847f.

⁵⁹ One may assume a kind of parallelism between the Roman term *honestiores* and the Athenian term Ἀρεοπαγῆται from the inscription published in *Hesperia*, Suppl. XII, 1967, pp. 163-186. The

old fraternities of land owners remained, and apart from individuals who escaped the burdens by senatorial status or imperial service or professional immunity they were saddled with the now oppressive burdens of the *bouleutikē taxis*.⁶⁰

If so, the Late Roman term *curiales* for a class is derived, not from the curia of the whole city, but from the plural curiae which in many Western cities were the antithesis of tribes.

REFLECTIONS AND CONCLUSIONS

Lexical data and the emphasis on showing that the *genos* of the Kerykes (*IG* II², 2340) and the *genos* of the Amynandridae (*IG* II², 2338) represented in their membership all twelve (thirteen) tribes lead the writer to the following view of their origins.

1. In the 7th century B.C. the Athenians recognized the Eleusinian rights of the Eumolpidae but appointed the Kerykes (possibly the heralds who assisted the four

plaque has on Face B a heading for a catalogue but no catalogue, as if the engraving had been stopped, Face B turned to the wall, and a new start made on what is known as Face A. Now D. J. Geagan, "The Great Catalogue from the Eleusinion at Athens," *ZeitPapEpig* 33, 1979, pp. 93-115 has convincingly redated it on prosopographical evidence to the sole reign of Commodus. The new heading, that on Face A, may have read:

Ἀρχων [τῆς εἰς Ἐλευσίνα πανηγύρεως Μέμ]
 Ἐπὶ Βωμ[ῆ] Θερίκιος ἀντὶ τοῦ Αὐτοκράτορος]
 ψηφισαμέ[νων τῶν σε]μνοτάτων Κη[ρύκων]
 τὰ ὀνόματα ἀ[νέγραψε]ν ἐν στήλῃ ὅτ[ε ---]
 5 [---]N

Ἀφ' ἐστίας Τ. Φλ. [--- Ἀ]χαρνὲς οὐδ' ἰό[ντος παρήσαν]

Line 6 is so restored (by Oliver) to make the catalogue that of initiates at one particular festival. Lines 1-2 are so restored by Geagan to make the occasion that of the panegyriarchy of Commodus (probably A.D. 190/1). The catalogue is divided into tribal panels, but the tribal panels, each headed by the name of the Cleisthenean (and post-Cleisthenean) tribe in the genitive and the word Ἀρεοπαγείται in the nominative, do not appear to be divided into Areopagites and non-Areopagites (as Oliver once assumed) but contain only masculine names, all of which come under the single heading Ἀρεοπαγείται. Geagan thinks the entire catalogue once offered over 700 names. If, as I think, this is too large a body for the Areopagus, the word Ἀρεοπαγείται meant the male members of an order similar to the senatorial order, which included not only senators but young non-senators with the *latus clavus* who had never held a magistracy. Geagan (*per litteras*) raised the question of whether the list from the Eleusinion had something to do with the *trigonia* requirement for Areopagites. It may well be that a list of over 700 Athenian "Areopagites" included both genuine Areopagites and sons eligible by birth but not yet by office. Perhaps Face B had been started because the emperor, who was paying for the festival, prescribed that the names of all Athenian initiates be engraved κατὰ φυλ[άς]. When he was subsequently informed that the concourse had been too large for all the names to be recorded, he may have told them to record the names of the *honestiores* and perhaps report the mere number of other Athenians and strangers. Does line 5 contain a reference to these instructions? The catalogue, which has on one fragment a run of thirty-three names uninterrupted by a panel heading, is too long to be one of Kerykes only. *IG* II², 2340, which is unquestionably a catalogue of Kerykes, has only nine names under Hadrianis and nine under Oineis, the two complete panels.

⁶⁰ For the phrase see *Hesperia* 21, 1952, p. 382, lines 43f.

phylobasileis) to represent the whole city in carrying on, together with the Eumolpidae, the Eleusinian cult of the two goddesses. Later (first *ca.* 500 rather than 20 B.C.) the descendants of the Kerykes were reorganized (by adoptions?) so that as a *genos* they represented the Cleisthenean rather than the Old Attic tribes.

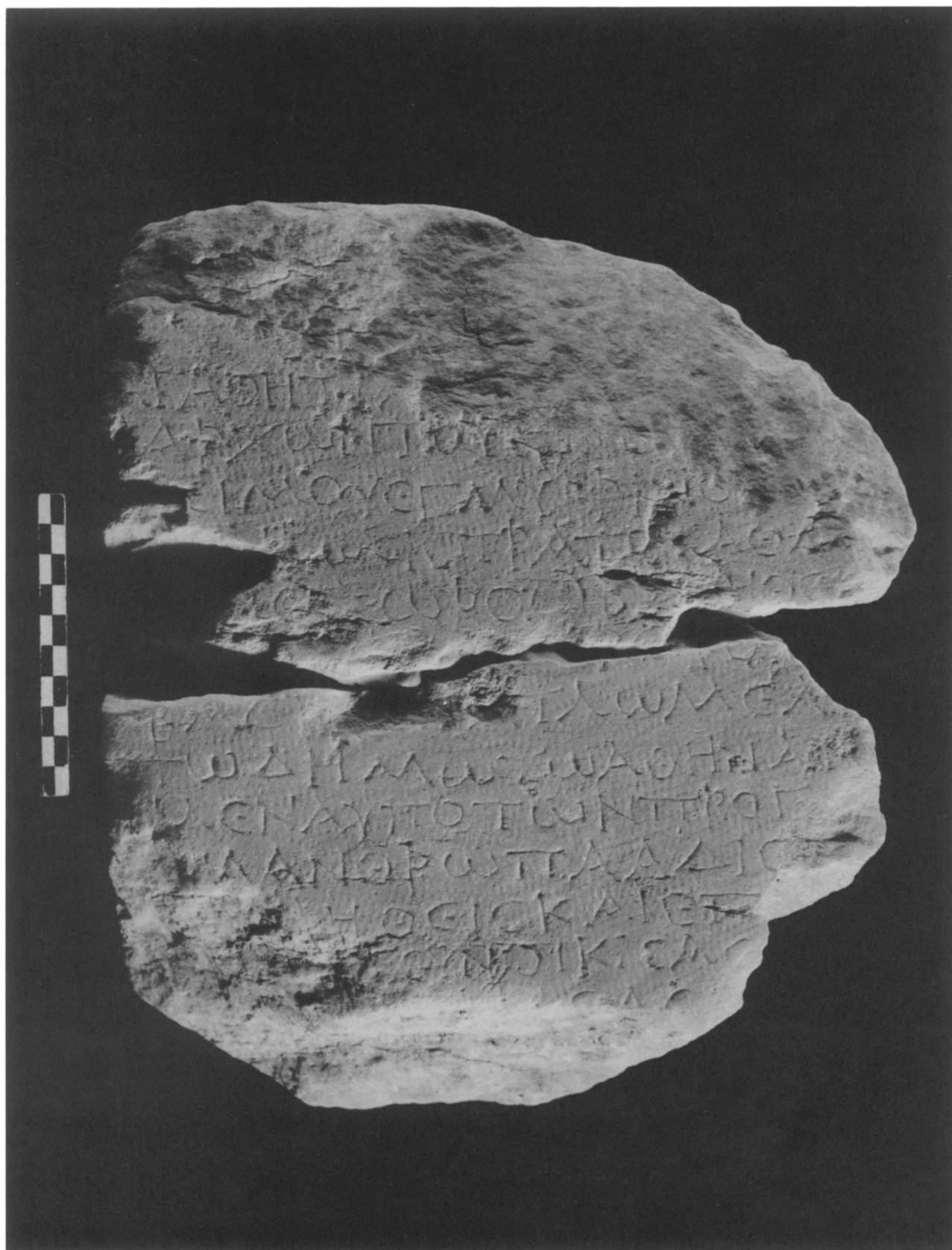
2. In the 7th century B.C. hoplite training was introduced city-wide through the creation of thirty *genē* legitimized by Apollo of Delphi, who gave instructions on what sacrifices to offer. In this military-political reorganization the four phylobasileis probably lost their military and political powers to new officials called *lēxiarchoi*, six in number, and the thirty new *genē* cut across and drew hoplites from all twelve trittyes of the city. In 508-502 B.C. these *genē* lost their privilege of representing the city politically and militarily, but *ca.* 20 B.C. they were revived or reconstituted in such a way that they cut across and represented not the Old Attic trittyes but the Cleisthenean (and post-Cleisthenean) tribes.

The archon list of the Roman Period and the revival of the once "thirty" *genē* at Athens, followed by the appearance of curiae around the Mediterranean, lead the writer to the following view of an increase in the importance of landowners. In the period after the victory and assassination of Julius Caesar, as dissatisfaction with the riots and intrigues of free elections and with the irresponsibility of public assemblies spread, the Athenians turned again to the religious, once hoplite-producing *genē*, which in the 6th century B.C. had embraced the large and medium landowners. The Old Attic tribes and phratries, however, are unattested. The success of reforms, which may have included *prohairesis* = *destinatio*, first satisfied the Romans and later inspired consultation, even some imitation.

The revival (in the 1st century B.C.) of these few remaining old *genē*, supplemented then or two centuries later by other ancient religious societies like the Paeonistae, which went back to the pious poet Sophocles, mark a return to symbols of the ancient piety and to heirs of the ancient pride and patriotism which, it was thought, constituted the inner strength of the pious, patriotic and self-reliant Athenians of the great days. These were the qualities now attributed to the thirty *genē* of pre-Cleisthenean Attica, for which Apollo himself had prescribed ancient rituals. After A.D. 267, when the thirteen Cleisthenean (and post-Cleisthenean) tribes disappear, the number of members in the second council of Solon's new State, the council which planned for and worked with the Assembly, became a multiple of thirty.

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E.M. 5748: Commendation by officers of the Amyndridae, Courtesy of Mrs. Peppa-Delmouzou and the Epigraphical Museum.