

# ATHENS AND STYMPHALOS: *IG* II<sup>2</sup>, 144+

(PLATES 71–76)

THE INSCRIPTION published as *IG* II<sup>2</sup>, 144 has an interesting history, and presents a number of problems for the epigraphist.<sup>1</sup>

In 1860 there was published an inscription fragment that became *IG* II, 533 in the first edition of the *Corpus* and *IG* II<sup>2</sup>, 635 in the *Editio Minor*, by which time scholars had lost sight of the stone.<sup>2</sup> In 1952 G. A. Stamires pointed out that this fragment was, in fact, E.M. 7091, which had been discovered by A. Wilhelm in the storerooms of the Epigraphic Collection and had been attributed by him to the same stele as that to which belonged three other published, as well as several unpublished, fragments: the whole collection was republished from Wilhelm's notes as *IG* II<sup>2</sup>, 144, fragments *a* to *l*.<sup>3</sup> E.M. 7091 was there designated as fragment *l*, but Stamires rejected Wilhelm's attribution of it, on the grounds that the treatment of its edge was not in conformity with that of any other fragment of this stele.<sup>4</sup> Stamires also identified two other early finds, both originally published in 1877,<sup>5</sup> as probable fragments of this stele: these had been republished in the *Editio Minor* as *IG* II<sup>2</sup>, 318 and 319. *IG* II<sup>2</sup>, 319 is actually E.M. 7095, which Wilhelm had thought to be unpublished and had attributed to *IG* II<sup>2</sup>, 144 as fragment *f*; *IG* II<sup>2</sup>, 318 remains lost, and it is thus impossible to confirm or deny Stamires' attribution of it to the same stele as all the other fragments.

<sup>1</sup> I am grateful to Mrs. C. Peppas-Delmousou, the Director of the Epigraphic Museum in Athens, and to her Assistant, Mrs. Ch. Karapa-Molisani, for permission to study and to republish the EM fragments. I am also grateful to Professor H. A. Thompson, the Director Emeritus of the Agora Excavations of the American School of Classical Studies in Athens, for permission to study and republish the Agora Fragment I 2025 and to publish for the first time the Agora Fragments I 5278, I 5751, and I 5803. Photographs of all the existing fragments have been provided by the authorities concerned. I am indebted to Professor D. M. Lewis and to Mr. A. G. Woodhead for their advice. Some of the conclusions embodied herein were first delivered in a different form at the General Meeting of the Archaeological Institute of America in Washington, D.C., in December, 1985.

Special abbreviations used herein are as follows:

- Cohen = E. E. Cohen, *Ancient Athenian Maritime Courts*, Princeton 1973  
 Gauthier = P. Gauthier, *Symbola. Les étrangers et la justice dans les cités grecques*, Nancy 1972  
 Staatsv. = *Die Staatsverträge des Altertums*, II, *Die Verträge der griechisch-römische Welt von 700 bis 338 v.Chr.*, H. Bengtson, ed., Munich and Berlin 1962; III, *Die Verträge der griechisch-römische Welt von 338 bis 200 v.Chr.*, H. H. Schmitt, ed., Munich 1969  
 Naucrélès = J. Véligaropoulos, *Les naucrélès grecs*, Geneva/Paris 1980  
 Ziegler = W. Ziegler, *Symbolai und Asylia* (diss. Bonn, 1975)

<sup>2</sup> First published by K. S. Pittakys, 'Εφ' Ἀρχ 53, 1860, no. 3717.

<sup>3</sup> Wilhelm reported the association in *Jahreshefte der österreichischen Institutes im Wien* 1, 1898, Beiblatt, p. 45, but never published a full text. The inscription has attracted little sustained interest since then.

<sup>4</sup> G. A. Stamires, *Πολέμων* 5, 1952–1955, pp. 153–157. In fact, the treatment of the left lateral *is* in conformity with that of other edge fragments from this stele; more serious objections to this attribution are based upon the script and its spacing (see below, pp. 345–348).

<sup>5</sup> First published as *IG* II, 502 and 503.



In 1957 A. G. Woodhead identified yet another fragment, which had been found in the 1934 excavations of the Athenian Agora (inv. no. I 2025), as part of *IG II*<sup>2</sup>, 144.<sup>6</sup> This new fragment provided the first indication of the date and identity of this document: it is a series of commercial and diplomatic provisions agreed to mutually by Athens and the Arcadian city Stymphalos, probably around 368 B.C.

In 1982 Mrs. C. Peppas-Delmousou observed that fragments *a* (E.M. 7097) and *d* (E.M. 7098) of *IG II*<sup>2</sup>, 144 joined, an observation that was independently confirmed by me in 1985.

In 1983 I identified two further fragments from the Athenian Agora as parts of this same stele (I 5803 and I 5278, deriving respectively from the obverse and from the reverse faces) and added another obverse fragment (I 5751) in 1985. Also in 1985, I confirmed that *IG II*<sup>2</sup>, 305 (E.M. 2673) almost certainly belonged to the obverse face, as D. M. Lewis and I had conjectured earlier independently of each other.

No editor has attempted, so far, to reconstruct this document in any but the most general terms: it is not even known, for instance, what were the line length or original dimensions of the stele, nor which face was the obverse and which the reverse.

Now, however, if all 17 fragments *do* derive from the same stele, it should be possible to arrive at the approximate position on the stone of most, if not all, of the fragments, as a result of an examination of their physical condition, dimensions, letter forms, letter height, and horizontal and vertical spacing, even though there is no certain physical join, nor even any strong ground for a hypothetical association through restorations, between any of the fragments (except, of course, E.M. 7097 and E.M. 7098).<sup>7</sup>

A new examination of this document has therefore been undertaken by me, and, as a result, I have renumbered all the published fragments, adding in the four new fragments where appropriate, and have reversed the order assigned by earlier editors to the two inscribed faces, for reasons that will become apparent later.

For convenience, I repeat the physical data on the previously published fragments, together with photographs of all but the lost stone *IG II*<sup>2</sup>, 318.

## THE FRAGMENTS

Seventeen non-joining fragments of an opisthographic stele of bluish white, Pentelic marble, found at different times and places.<sup>8</sup>

<sup>6</sup> A. G. Woodhead, "Greek Inscriptions," *Hesperia* 26, 1957 (pp. 221–236), pp. 223–225, no. 84 (= *SEG* XVII, 18).

<sup>7</sup> Nevertheless, I argue (below, pp. 345–348) that the pattern of variations in the vertical spacing is so distinctive that the repetition of the same pattern on two or more fragments can be used as a means of associating them, especially when possible contextual links can be discerned on the same fragments.

<sup>8</sup> The evidence of the findspots suggests that the stele was originally placed upon the Akropolis, whence several of its fragments were subsequently removed after its initial destruction. At least one other *symbola* document (*SEG* XVII, 17: the Troizen decree) was also opisthographic and was set up on the Akropolis. The opisthographic nature of the documents suggests that they must have been erected at some spot where both faces could be seen and consulted without difficulty; indeed, their purpose was clearly to compare and to integrate the law codes of the contracting cities, so that, in effect, they served as joint law codes. I wonder,

Fragment *a* (Pls. 71, 74).

Left lateral partially preserved, though severely abraded, together with both inscribed faces. The stone is badly damaged by acid, so that the inscribed faces are in very friable condition: much less is visible today than was seen by previous editors. Provenance unknown. *Ed. princeps*, *IG II*<sup>2</sup>, 144c.

P.H. 0.348 m.; p.W. 0.236 m.; Th. 0.148 m.

L.H., Face A, 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.012 m. to 0.016 m. and vertical checker varying from 0.011 m. to 0.013 m.

L.H., Face B, 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.0155 m. to 0.0175 m. and vertical checker varying from 0.016 m. to 0.017 m.

E.M. 64

Fragments *b*+*c*.

Fragment *b* joins the upper left side of fragment *c*, well below the surface of either face.

Fragment *b* (Pls. 72, 75).

Broken all around. Parts of both inscribed faces are preserved. Provenance unknown. *Ed. princeps*, *IG II*<sup>2</sup>, 144d.

P.H. 0.136 m.; p.W. 0.098 m.; Th. 0.148 m.

E.M. 7097

Fragment *c* (Pls. 72, 74).

Broken all around. Parts of both inscribed faces are preserved. Found on the Akropolis in 1855. *Ed. princeps*, A. R. Rangabé, *Antiquités helléniques II*, Athens 1855, p. 231, no. 593 (= *IG II*<sup>2</sup>, 144a).

P.H. 0.328 m.; p.W. 0.176 m.; Th. 0.148 m. (top)—0.0149 m. (bottom).

E.M. 7098

Combined dimensions, fragments *b* and *c*.

P.H. 0.405 m.; p.W. 0.25 m.; Th. 0.148–0.149 m.

L.H., Face A, 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.011 m. to 0.0125 m., and vertical checker varying from 0.011 m. to 0.0135 m.

Face B, 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.015 m. to 0.018 m. and vertical checker varying from 0.016 m. to 0.018 m.

Fragment *d* (Pls. 71, 75).

Right lateral and both inscribed faces preserved. Found in the Athenian Agora amongst marbles collected from the south central part of the Market Square (O 11), in November 1934. *Ed. princeps*, A. G. Woodhead, *Hesperia* 26, 1957, pp. 223–225, no. 84 (= *SEG XVII*, 18).

P.H. 0.136 m.; p.W. 0.098 m.; Th. 0.148 m.

L.H., Face A, 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.0115 m. to 0.013 m. and vertical checker varying from 0.0115 m. to 0.013 m.

L.H., Face B, 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.016 m. to 0.018 m. and vertical checker varying from 0.0155 m. to 0.017 m.

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therefore, whether these and similar documents were all collected in the same place, perhaps as a wall of stelai (and so similar in form and purpose to the walls on which were inscribed the Law Code of Nikomachos at the end of the 5th century B.C. [*SEG XV*, 114]. See also footnote 37 below).

Fragment *e* (Pl. 71).

Broken all around and at the back. Obverse face preserved. Found on May 6, 1939 in a Byzantine context west of the Panathenaic Way and the Eleusinion (S 20). Unpublished.

P.H. 0.204 m.; p.W. 0.132 m.; p.Th. 0.053 m.

L.H. 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.012 m. to 0.0128 m. and vertical checker varying from 0.0125 m. to 0.013 m.

Agora Excavations Inv. No. I 5803

Fragment *f* (Pl. 72).

Broken all around and at the back. Obverse face preserved. Contrary to what is implied in *IG II<sup>2</sup>*, the left edge is *not* preserved. Found on the Akropolis in 1895. *Ed. princeps*, *IG II* 5, 135*d* (= *IG II<sup>2</sup>*, 144*i*).

P.H. 0.187 m.; p.W. 0.212 m.; p.Th. 0.121 m.

L.H., 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.011 m. to 0.013 m. and vertical checker varying from 0.012 m. to 0.013 m.

E.M. 7101

Fragment *g* (Pl. 72).

Broken all around and at the back. Obverse face preserved. Found in a modern wall on March 31, 1939, at the foot of the Areiopagos (Q 22). Unpublished.

P.H. 0.112 m.; p.W. 0.085 m.; p.Th. 0.090 m.

L.H. 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.0135 m. to 0.014 m. and vertical checker varying from 0.012 m. to 0.0135 m.

Agora Excavations Inv. No. I 5751

Fragment *h* (Pls. 73, 74).

Right lateral and both inscribed faces preserved. Found on the Akropolis in 1855. The right lateral is not quite at right angles to the face but undercuts it slightly. Obverse right margin, 0.01 m.; reverse left margin, 0.012 m. (top) to 0.013 m. (bottom). *Ed. princeps*, A. R. Rangabé, *Antiquités helléniques II*, Athens 1855, p. 231, no. 631 (= *IG II<sup>2</sup>*, 144*b*).

P.H. 0.218 m.; p.W. 0.11 m.; Th. 0.149 m.

L.H., Face A, 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.0125 m. to 0.0165 m. and vertical checker of 0.014 m.

L.H., Face B, 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.016 m. to 0.0165 m. and vertical checker varying from 0.0145 m. to 0.018 m.

E.M. 7099

Fragment *i* (Pl. 73).

Obverse face preserved, although badly damaged by acid. Part of reverse face also preserved (at the bottom) and seems to be uninscribed. The left side is probably original, though badly corroded by acid. Found on the Akropolis after 1895. *Ed. princeps*, *IG II<sup>2</sup>*, 305.

P.H. 0.385 m.; p.W. 0.220 m.; Th. 0.154 m. (left) to 0.156 m. (right).

L.H., Face A, 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.01 m. to 0.012 m. and vertical checker varying from 0.012 m. to 0.0135 m.

E.M. 2673

Fragment *j* (Pls. 73, 75).

Right lateral and obverse face preserved. Provenance unknown. The right lateral bears a

projecting flange 0.017 m. in width at the bottom. The face of this flange is uninscribed. Above this flange, the side very slightly undercuts the obverse face. The obverse margin is 0.014 m. at the top and can be calculated as 0.015 m. at the bottom, after making allowance for the flange. *Ed. princeps*, *IG II*<sup>2</sup>, 144*k*.

P.H. 0.174 m.; p.W. 0.152 m.; p.Th. 0.153 m.

L.H., Face A, 0.006–0.007 m.; stoichedon, with horizontal checker varying from 0.012 m. to 0.013 m. and vertical checker varying from 0.011 m. to 0.013 m.

E.M. 7092

Fragment *k* (Pl. 75).

Broken all around and at the back. Reverse face preserved but acid damaged and badly abraded.

Provenance unknown. *Ed. princeps*, *IG II*<sup>2</sup>, 144*h*.

P.H. 0.09 m.; p.W. 0.09 m.; p.Th. 0.051 m.

L.H., Face B, 0.007–0.008 m.; stoichedon, with horizontal checker of 0.017 m. and vertical checker of 0.017 m.

E.M. 7093

Fragment *l* (Pl. 75).

Broken all around and at the back. Reverse face preserved but acid damaged and badly abraded.

Provenance unknown. *Ed. princeps*, *IG II*<sup>2</sup>, 144*g*.

P.H. 0.248 m.; p.W. 0.146 m.; p.Th. 0.11 m.

L.H. 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.015 m. to 0.0165 m. and vertical checker varying from 0.015 m. to 0.017 m.

E.M. 7094

Fragment *m* (Pl. 76).

Broken all around and at the back. Reverse face preserved but acid damaged and badly abraded.

Provenance unknown. *Ed. princeps*, *IG II*<sup>2</sup>, 144*e*.

P.H. 0.192 m.; p.W. 0.072 m.; p.Th. 0.063 m.

L.H. 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.016 m. to 0.017 m. and vertical checker varying from 0.0155 m. to 0.019 m.

E.M. 7096

Fragment *n* (Pl. 76).

Broken all around and at the back. Reverse face preserved. Found on the Akropolis. *Ed. princeps*, *IG II*, 503 (= *IG II*<sup>2</sup>, 319; also published, as if for the first time, as *IG II*<sup>2</sup>, 144*f*).

P.H. 0.152 m.; p.W. 0.119 m.; p.Th. 0.112 m.

L.H. 0.007–0.008 m.; stoichedon, with horizontal checker varying from 0.0155 m. to 0.018 m. and vertical checker varying from 0.0155 m. to 0.019 m.

E.M. 7095

Fragment *o* (Pl. 76).

Broken all around and at the back. Reverse face preserved. Found on March 1, 1938, in late fill west of the Late Roman Fortification at the north foot of the Akropolis (T 23). Unpublished.

P.H. 0.082 m.; p.W. 0.047 m.; p.Th. 0.04 m.

L.H. 0.007–0.008 m.; stoichedon, with horizontal checker of 0.0155 m. and vertical checker varying from 0.015 m. to 0.016 m.

Agora Excavations Inv. No. I 5278

## FRAGMENTS DOUBTFULLY ATTRIBUTED TO THE STELE

Fragment *p* (Pl. 76).

Left lateral and reverse face preserved. Found in 1858 on the Akropolis. Left margin, 0.011 m. The left side is not quite at right angles to the face but overcuts it slightly. *Ed. princeps*, K. S. Pittakys, 'Εφ'Αρχ 53, 1860, no. 3717 (= *IG II*<sup>2</sup>, 144*l*; also published as *IG II*<sup>2</sup>, 635).

P.H. 0.121 m.; p.W. 0.086 m.; p.Th. 0.041 m.

L.H. 0.007–0.0075 m.; stoichedon, with horizontal checker varying from 0.013 m. to 0.0165 m. and vertical checker varying from 0.013 m. to 0.016 m.

E.M. 7091

Fragment *q*.

Found on the Akropolis before 1873 and now lost. *Ed. princeps*, *IG II*, 502 (= *IG II*<sup>2</sup>, 318). It was tentatively assigned to *IG II*<sup>2</sup>, 144 by G. A. Stamires.<sup>9</sup>

The order in which the texts of the fragments are arranged here corresponds with that suggested below as a result, first of all, of my discussion of the physical characteristics of the stele, secondarily, of the script and spacing on both faces, and, finally, of such contextual links as may be established with any certainty. Face A: *a*, *b+c*, *d*, *e*, *f*, *g*, *h*, *i*, and *j*; Face B: *a* and *k*, followed by *b+c*, *l*, *d*, *m*, *h*, *n*, *o*, and *i*; fragment *p* is doubtfully assigned to Face B; fragment *q*, if it belongs, may come from either face.

N.B. Those parts of fragments *a* (both faces) and *i* (obverse) that *survive today* are underlined in the following edition of the text; the remainder for these fragments is based on Wilhelm's readings (see Epigraphical Commentary, *ad loc.*).

<sup>9</sup> *Op. cit.* (footnote 4 above).

## FACE A

ca. 368 B.C.

ΣΤΟΙΧ.

a.

[ . . . . .<sup>10</sup> . . . . . ] ουστρ[ ----- ]  
 [ . . . . .<sup>9</sup> . . . . . δ ] ἐ διδόν[ι ----- ]  
 [ . . . . .<sup>8</sup> . . . . . ] ν ἄρχειν δὲ [ ----- ]  
 [ . . .<sup>3</sup> . . . ] πρ[οξένων πρεσβ[ ----- ]  
 5 [ . . .<sup>3</sup> . . . ἐπι]τίμ[ι]α? ἀποτινε[----- ]  
 [ . . .<sup>5</sup> . . . ] την ἐ[λ]ευθέραν ι[----- ]  
 [ . . .<sup>5</sup> . . . ] νηι ἐκ τῆς προδοσ[----- ]  
 [ . . .<sup>5</sup> . . . ] τούσης τι ποιῇ π[----- ]  
 [ . . .<sup>6</sup> . . . ] Ἀθήναζε κατὰ γε[γρα ----- ]  
 10 [ . . .<sup>5</sup> . . . ] ι προσθεῖναι δὲ [----- ]  
 [ . . . Ἀθη]ναίων μηδὲ τοῖς ----- ]  
 [ . . . . .<sup>7</sup> . . . ] - | | αμη[ ----- ]

b.

[-----] ἐ[-----]  
 [-----] νο[-----]

c.

[-----] ο[ . . . . .<sup>9</sup> . . . . . ] ⌘ [-----]  
 [-----] ου[-----]  
 5 [-----] ειν[-----]  
 [-----] θαι κ[-----]  
 [-----] τα ἐπ[-----]  
 [-----] τιμι[-----]  
 [-----] Ἀθην[-----]  
 10 [-----] ραν τ[-----]  
 [-----] ην εμο[-----]  
 [-----] λω[-----]  
 [-----] εγ[-----]  
 [-----] ον[-----]  
 15 [-----] συμμε[-----]  
 [-----] μενωι[-----]  
 [-----] ν κατὰ [-----]  
 [-----] ἐπιμ]ελητα[-----]  
 [-----] κα]ταδικ[-----]  
 20 [-----] αημαγ[-----]  
 [-----] λαιωνο[-----]

[-----]αι τὸ ψή[φισμα -----]  
 [-----]σα δ' ἄν [-----]  
 [-----]ηνδι[-----]  
 25 [-----]ιερ[-----]

d.

[-----]I[. . . . .<sup>6</sup> . . .]O[. . . . .<sup>8</sup> . . .]  
 [-----]Ω[. . . . .<sup>11</sup> . . .]  
 [-----]Λ[. . .<sup>3</sup> . . .]Σ[. . . . .<sup>9</sup> . . .]  
 [-----]α [δ']πως ἄν στρ[. . . . .<sup>6</sup> . . .]  
 5 [-----]O[. . .]Σ[. . .]NHΣ[. . . . .<sup>8</sup> . . .]  
 [-----]ΣΙΔ[. . .]O[. . . . .<sup>13</sup> . . .]  
 [-----]O[. . . . .<sup>18</sup> . . .]  
 [-----]ΑΛΛ[. . .<sup>3</sup> . . .]I[. . . . .<sup>12</sup> . . .]  
 [-----]Λ[. . . . .<sup>5</sup> . . .]Σ[. . . . .<sup>12</sup> . . .]  
 10 [-----]Α[. . . . .<sup>6</sup> . . .]ΛΕ[. . .<sup>4</sup> . . .]  
 [-----]ΩΜΕΑΣ[. . .]Ε[. . .<sup>4</sup> . . .]  
 [-----]ΩΝΔΕΣΜ[. . .<sup>3</sup> . . .]  
 [-----]τ]ῆς πρώτης ἡμ[έρα]-  
 [s -----]αὐ? ]τῶν δέσηι ἡ[. . . . .<sup>5</sup> . . .]  
 15 [-----]τίμιον[. . . . .<sup>5</sup> . . .]  
 [-----]αρας δε[. . . . .<sup>6</sup> . . .]  
 [-----]O[. . .<sup>3</sup> . . .]N[. . . . .<sup>6</sup> . . .]  
 [-----]Λ[. . . . .<sup>5</sup> . . .]ΔΡΑ[. . . . .<sup>5</sup> . . .]  
 [-----]Λ[. . . . .<sup>6</sup> . . .]Ζ[. . . . .<sup>6</sup> . . .]  
 20 [-----]Α[. . .] [. . .]  
 [-----]ΤΥΦΛ[. . .]Σ[. . .]  
 [-----]οσια[. . .]ε[. . .]  
 [-----]λόγ[τ]ων[. . .]

e.

[-----] τοὺς] πριαμέν[ους? -----]  
 [-----]κατ?] ἀγιγνωσκ[-----]  
 [-----]α τὰς πράξ[εις -----]  
 [-----]μέχρι] οὐδ' ἂν λυθῇ[ι -----]  
 5 [-----]ἀξ]ιοχρέων τ[-----]  
 [-----]ἐ]κτος Σου[-----]  
 [-----]ἐν] θέρει στει[-----]  
 [-----]ισαν δρα[πετ? -----]  
 [-----] ἐννεοβ[-----]



10 [----- τ]ήν ἡμέ[ραν? -----]  
 [-----]Ω[.Ι[-----]

f.

[----- τοῦ]ς πρακτ[όρ]ας -----]  
 [----- τῇ]ς Θεὸ τό τε [-----]  
 [----- ὀφε]ιλόντων τὸ ὄ[γδοον? -----]  
 [--- οἱ στρατη]γοὶ κατὰ ταύτα [-----]  
 5 [----- αὐτ]ὸς [ὁ]φειλέτω τὸ [-----]  
 [-----]ον ιδιώτην ἀπαλ[λα-----]  
 [----- αὐτ]όθι ξενοδίκας ὑ[-----]  
 [----- ὑπ]ηκόων εἰ μ[ὴ] ἀνα[-----]

g.

[-----]ΕΣ[-----]  
 [----]ους πο[-----]  
 [----]του φον[-----]  
 [----]ωι χρησ[-----]  
 5 [----]δικαι[-----]  
 [----]ς ἐξε[-----]  
 [----]συν[-----]  
 [----]ωγῃ[-----]

h.

[-----]Ω[. .]Λ-  
 [-----]ν δὲ θυ-  
 [-----]ν ἐξέσ-  
 [τω? -----]νιαιτ

i.

[ἐπιμέ]λειαν στ[-----]  
 [...<sup>5</sup>...] λειτουργου[----- ἐ]-  
 [κ τῶν] ιδίων ἐκπε[μπ-----]  
 [... ὅπω]ς ἀν ταφῶσι [-----]  
 5 [...<sup>5</sup>...]ν Ἀθηναίων [-----]  
 [...<sup>4</sup>...]παίνους, ἐψ[ήφισθαι -----]  
 [...<sup>5</sup>...] ἦν εἰχο[ν -----]  
 [...<sup>3</sup>...]πρ[εσβεὺς [-----]  
 [...<sup>5</sup>...]κηθελε[ν -----]  
 10 [...<sup>5</sup>...]ιων κεκο[μι -----]

[. . .<sup>4</sup> .] αν καὶ τὴν [-----]  
 [. . .<sup>5</sup> .] υσαν καὶ [-----]  
 [. . ἀγα] θοῖς του [-----]  
 [. . λο] ιπὸν χρόν ον [-----]  
 15 [. . .<sup>4</sup> .] τὴν ἡμέρ αν [-----]  
 [. . .<sup>4</sup> .] ο καὶ τῆς [-----]  
 [. . τ] ρίτηι ἡμ έραι [-----]  
 [. . .<sup>3</sup> .κ] αθ έκάσ τ [-----]  
 [. . .<sup>6</sup> . . .] εσθαι το [-----]  
 20 [. . .<sup>7</sup> . . .] τοῖς ἐν [-----]  
 [. . . . .<sup>9</sup> . . .] ωνιω [-----]  
 [. . . . .<sup>10</sup> . . .] οι [-----]

j.

[-----] ελι  
 [-----] κομετο  
 [-----] οντος ἐγ δ-  
 [-----] οντος ἀπὸ  
 5 [-----] ἐὰν ἀποκ τείνηι ἐκ  
 [προνοίας -----] ἀπο κτείνηι μὴ  
 [-----] υλος τὸν ε-  
 [-----] σεντοι [.]  
 [-----] Λ [ . . .<sup>3</sup> .]

## FACE B

ca. 368 B.C.?

ΣΤΟΙΧ.

a.

[-----] ωι [ . . .<sup>6</sup> . . .]  
 [-----] ἐξέστω [ . . .<sup>4</sup> .]  
 [-----] έκαστ [ . . .<sup>5</sup> .]  
 [-----] Ν | βά λ ληι δ [ . . .]  
 5 [-----] σασθαι ε [ . . .<sup>4</sup> .]  
 [-----] μαρτ υ ρι [ . . .<sup>4</sup> .]  
 [-----] τὸ ἐπιδέ κατο -  
 [ν -----] τερτο [ . . .<sup>6</sup> . . .]  
 [-----] θαι εκ [ . . .<sup>6</sup> . . .]  
 10 [-----] ασο [ . . .<sup>8</sup> . . .]

- [-----]οσ[. . . . .<sup>9</sup>. . . . .]  
 [-----]υκ[. . . . .<sup>9</sup>. . . . .]  
 [-----]ον[. . . . .<sup>9</sup>. . . . .]  
 [-----]οτ[. . . . .<sup>9</sup>. . . . .]  
*k.* -----  
 [-----]υ[-----]  
 [-----]ον[-----]  
 [-----]αζ[-----]  
 [-----]μ.ε.νε[-----]  
 -----  
*b.* -----  
 [-----]η[-----]  
 [-----]τηρι[-----]  
 [-----]υοιν[-----]  
 [-----]προ]δικ[ίαν? -----]  
 5 [-----]ειο[-----]  
 [-----]κην[-----]  
*c.* [-----]υ[. .<sup>3</sup>. .]κωι[-----]  
 [-----]ατ[-----]  
 [-----]Ἀ]θήνη[σι -----]  
 10 [-----]δ]ραχμ[ὰς -----]  
 [-----]ουσηι[-----]  
 [-----]τέχνηι [-----]  
 [-----]πρώτον [-----]  
 [-----]υτα ἦ αὐτ[-----]  
 15 [-----]ξενοδικ[-----]  
 [-----]ληι ὀφει[λ -----]  
 [-----]κατ]ὰ τὰς σ[υμβολὰς? -----]  
 [-----]Ἀθηνα]ίων<sup>υυ</sup>[-----]  
 [-----]δραχμὰ]ς ἀργ[ύριου? -----]  
 20 [-----]νοθε[ν -----]  
 [-----]χω[-----]  
 -----  
*l.* -----  
 [---] ὑπὸ [. ]ν[-----]  
 [---]τα ἑαυτ[-----]  
 [---]α Ἀθηνα[-----]  
 [---]λεισ]θα[ι? -----]  
 5 [---]ς καὶ το[-----]  
 [---]τονομο[-----]  
 [---]σα[-----]

[---]στ[.]ι[-----]  
 [---]τῶ[ι] δῆ[μωι]-----  
 10 [---]ατ[-----]  
 [---]τ[-----]

*d.*

[...] ἐ[κατ]ἐρωθι παρ[-----]  
 [. ο]ἱ Στ[υμ]φάλιοι σ[-----] ὅπως ᾶ]-  
 [ν ἦ]ι δ[ι]καιότατα υ[-----]  
 [οὔ]τε [αὐ]τὸς ἐγὼ οὔ[τε]-----  
 5 [...]M[.]ΑΠ[.]ΟΙΜΙ Υ[-----]  
 [...]τ[ο]ς ξέ[νο]-----  
 [...]Στ[υμ]φάλωι δ[ι]-----  
 [...]δικαζ[ι]-----  
 [...]ο[ς] ἐ[π]ε[ι]δὰν η[ι]-----  
 10 [...]Σ[τ]υμφάλ[ι]-----  
 [...]ερον· ἐὰν δὲ [-----] το]-  
 [ν] δαμιοργ[οὺς] πο[-----]  
 [.]ΑΘΕΣΩΣΙ[.]Ι[.]ΙΔ[ι]-----  
 [...]ιος ἐν δ[ι]κα[ι]οι[-----]  
 15 [...]ατ[.]ι[ε]ρω[-----]  
 [...]ΑΘΕΣΩΣΙΜ[ι]-----  
 [.]ο[π]-----

*m.*

[-----]νε[-----]  
 [-----]πα[-----]  
 [-----]ντ[-----]  
 [-----]ικα[-----]  
 5 [---]δραχ[μῶν] ε[-----]  
 [-----]ατος [-----]  
 [-----]ῆ βο[υ]λή [-----]  
 [-----]ηκα[-----]  
 [-----]νηι[-----]  
 10 [-----]ν[-----]

*h.*

[...]ν[-----]  
 ντω[-----] ᾿Α]-  
 θήνη[σι]-----  
 ωθηι[-----]

5	ων κα[ι -----]
	σαγο[ -----]
	ην ὀφ[ειλ -----]
	τριτ[ -----]
	ναν δ[ἐ -----]
10	Ἀθην[ -----]
	ικα[ -----]
	οσ[ -----]
	ν[ -----]
	-----
<i>n.</i>	-----
	[-----]σεως[ -----]
	[-----]όντων[ -----]
	[-----]ν ὅσοι ο[ -----]
	[-----]νιαετο[ -----]
5	[-----]νς ἐν ν[ -----]
	[-----]απλο[ -----]
	[-----]σ[ -----]
	-----
<i>ο.</i>	-----
	[-----]δ[ -----]
	[-----]τόδ[ε τ[ὸ ψήφισμα -----]
	[-- ἐν στήλῃ λιθ]ίν[ηι -----]
	[-----]εἰς τήν] ἀναγ[ράφην -----]
5	[-----]αι[ -----]
	-----
<i>i.</i>	(uninscribed?)
<i>j.</i>	(not preserved)

## FRAGMENT DOUBTFULLY ATTRIBUTED TO FACE B

<i>p.</i>	-----
	[-----]δ[ -----]
	[π]ω[ς? -----]
	σθι[ -----]
	ηθη δ[ἐ -----]
	αθυστ[ -----]ἀ[ -----]
5	δίκως[ -----]
	λεων[ -----]
	υς[ -----]
	-----

## FRAGMENTUM SEDIS INCERTAE

q.

-----  
 [----- δραχμὰς ἀργ]υρί[ου? -----]  
 [-----]στω[-----]  
 [----- δ]ὲ Νεπο[-----]  
 [-----]ητ[-----]  
 5 [-----]λε[-----]  
 [-----]υ[-----]  
 -----

## EPIGRAPHICAL COMMENTARY

Examples of *symbola* documents are few, and those that do survive are often too fragmentary to provide useful analogies for restoration.<sup>10</sup> In attempting to reconstruct the sense of this document, I have drawn upon the following Athenian examples: *SEG* XVII, 17 (= *IG* II<sup>2</sup>, 46+, Athens and Troizen, ca. 400–375 B.C.?); *SEG* XVII, 19 (Athens and Siphnos, ca. 362–355 B.C.); *IG* II<sup>2</sup>, 179 (= *Staatsv.* 321, Athens and Naxos, before 353/2 B.C.); and *SEG* XVII, 20 (Athens and an unknown Cretan city, ca. 350 B.C.). I have also made extensive use of certain non-Athenian documents, despite the distance in time and place: *Staatsv.* 482 (Miletos and three Cretan cities, after 260 B.C.); *Staatsv.* 558 (Delphoi and Pellana, ca. 300–250 B.C.); and *Staatsv.* 567 (Stymphalos and Aigeira, ca. 250–200 B.C.). The last is particularly valuable, since one party to it (Stymphalos) is, albeit at a distance of well over a century, one of the two involved in the document under consideration here; thus, judicial procedures developed in Stymphalos in the 4th century may well have been used as a precedent for similar conventions adopted in the late 3rd century.

<sup>10</sup> The most recent discussion of this type of document are Gauthier's monograph and the unpublished dissertation of Ziegler. Gauthier has collected all the surviving decrees, together with the literary references: these are listed in his "Index des conventions judiciaires citées" on pp. 389–390; the Athenian documents are discussed, at varying length, on pp. 157–173. The document under discussion here is to be found in Gauthier, p. 167. Ziegler deals with the Athenian documents on pp. 36–65: his discussion of *IG* II<sup>2</sup>, 144+ is limited to an examination of the role of the *xenodikai* (pp. 54 and 58–60). The *xenodikai* have also attracted the attention of Vélissaropoulos, who discusses them in the context of the *dikai emporikai* in *Naucrâtes*, pp. 235–267 (see also footnote 50 below).

## OBVERSE, FACE A

Fragment *a*.

This must be placed at roughly the same point on the stele as the other surviving obverse fragments that preserve both faces, since it is only slightly thinner than any of them (it is possible, however, that the stele, as often occurs, was thicker at one side than at the other. Moreover, if I have correctly placed *bc* in relation to *d*, this will be an indication that the stele was actually thicker at the left than at the right, so that an even greater gap will be required between *a* and the rest). Very little of what Wilhelm reported on either face of this fragment survives today: what is preserved is underlined in the text. What survives appears to be suitable for the opening clauses of a *symbola* document.

Line 1: [τ]οῦ στρ[ατηγοῦ].

Line 2: [δίκας δ]ὲ διδόναι[ι καὶ δέχεσθαι? κατὰ τὰς συμβολάς?] The phrase *δίκας διδόναι καὶ δέχεσθαι* (or its participial form) is found in several 5th-century documents in which trade agreements are discussed or mentioned.<sup>11</sup> If it is correctly restored here, its presence may be further evidence that fragment *a* contains parts of the opening clauses, or preamble, of the decree.

Line 3: ἄρχειν δέ. This may specify the time at which the agreement is to come into force.

Line 4: A new clause may begin after [προ]ξένων. The conclusion of an agreement such as this is unlikely to have altered or diminished the role of the *proxenoi* of each of the cities involved:<sup>12</sup> indeed, in the preliminaries to the acceptance of the terms of the *symbolai*, it is easy to envisage a role for both *proxenoi* and *presbeutai*.

Line 5: For ἐπιτίμια (penalties or payment of damages?), cf. SEG XVII, 17, fragment *a*, line 22.

Line 8: ἐκ τῆς προδοσ[ίας?]. Cf. SEG XVII, 17, fragment *q*, lines 8 and 10 (as tentatively restored by Oikonomides: see SEG).

Line 9: καταγε[γραμ---?], Wilhelm. Perhaps, καταγε[γραμμεν---] or καταγέ[γραπται]?

Face A, line 7 corresponds to Face B, line 5.

Fragments *bc* and *d*, on the one hand, and fragments *e*, *f*, and *g*, on the other hand, share certain coincidences of vertical spacing, so, *prima facie*, *bc*, lines 11–25 = *d*, lines 1–15; *d*, lines 5–15 = *e*, lines 1–11; *d*, lines 15–22 = *f*, lines 1–8; and *d*, lines 18–23 = *g*, lines 1–6. The terminology of fragments *bc* and *d*, however, does not seem to match that found in the other three fragments, despite the apparent coincidence of vertical spacings; thus, although the connection between *bc* and *d* seems assured, because of the combination of contextual and spacing links upon their reverse face, I believe that *e*, *f*, and *g* should be placed elsewhere upon the stele. Nevertheless, because the coincidences of vertical spacing *do* exist, I have thought it best to treat all these fragments separately but in the order that is suggested by the vertical spacings alone, despite possible contextual links that may appear.

Fragments *bc*.

The vertical spacing of these fragments suggests that lines 11–25 of this face may be set alongside lines 1–15 of fragment *d*. There is a similar vertical coincidence between

<sup>11</sup> IG II<sup>3</sup>, 6, lines 41–43; 66, lines 15–16; 113, lines 22–24(?); 127, lines 17–18.

<sup>12</sup> See Gauthier's discussion of the role of *proxenoi*, pp. 17–61, esp. p. 60: "En réalité, avant comme après la conclusion d'une convention, les proxènes accueillent et protègent matériellement les étrangers."

fragments *bc* and *d* on the reverse face of the stele, as well as a probable contextual link, and I think that there is no doubt that *bc* and *d* belong together, although their precise relationship cannot be defined.

Fragment *b*, lines 1–3. Only four letters are preserved here.

Fragment *c*.

Line 8: [ἐπι]τίμι[α ἀποτινε--?]. Cf. fragment *a*, line 5, above.

Line 12: Or δω? The apex of a triangular letter survives.

Line 13: [γ]εγ[ραμμεν--] or [γ]εγ[ραπται]? (cf. fragment *a*, line 9, above); or else ἐγ[γύη] or ἐγ[γυητ--]? (pledges or sureties).

Line 15: Or συμπε? The bottoms of the two outer strokes survive, neither quite vertical. Pi on this stone is sometimes cut with slanting rather than vertical uprights, as, of course, is mu.

Line 18: [ἐπιμ]εληται[ι?]. These may be the ἐπιμεληταὶ τοῦ ἐμπορίου, the officials responsible in the 4th century for administration of the harbor of Peiraeus.<sup>13</sup>

Line 21: A genitive plural, perhaps an ethnic. If so, the subject of this face of the stele is likely to be a state other than Stymphalos: this may be an indication that Faces A and B are not related. Alternatively, it may be the ethnic of a state neighbor to, and in some way linked with, Stymphalos, or the title of a group of officials or of private persons in either Stymphalos or Athens. For such a possibility, cf. *Staatsv.* 567, line 174, where a group of metics is included in the terms of the Stymphalos-Aigeira convention.

Line 22: [ἀναγράφ]αι? τὸ ψή[φισμα?]. This, too, may be an indication that this face preserves a decree unrelated to that of Face B of the stele.

Line 25: ἱερ[---]? Place of publication? Alternatively, this may be part of a clause by which certain funds are designated as sacred property. Cf. fragment *f*, line 2.

Face A, lines 1 and 25, respectively, correspond to Face B, lines 4 and 17.

Fragment *d*.

Restorations are mostly those of Woodhead.<sup>14</sup> I have added to or emended his readings in lines 4, 11, 12, 14, 22, and 24. Above the first preserved line there is space for *ca.* 2–3 lines; nothing can be read here with assurance, but there is a possible omega in the line above, and three stoichoi to the right of, the omicron of line 1.

Line 3: The apex of a triangular letter survives, in the fourth stoichos to left of sigma.

Line 4: ΡΩΞΛ[.]ΣΤ (or ΙΩΞΔΥΣΤ), Woodhead. In place of ἄν, one might instead read δέ: the horizontal of the first letter seems very low, and all that survives of the letter to its right is a left vertical but coupled with marks that resemble more the bars of an epsilon than the diagonal of a nu.

Line 5: The right tip of an upper diagonal survives; traces elsewhere in this stoichos suggest that the correct reading may be a very shallow upsilon, rather than sigma.

Line 12: Woodhead's readings support a restoration [ὑπόδικοι ἔσ]των [ἐν] δεσμω[τηρίωι --- ἕως ἂν ἡῖ δίκη τούτων], on the lines of that suggested by A. N. Oikonomides for *SEG* XVII, 17, fragment *q*, line 3.<sup>15</sup>

Line 13: ξ πρότης, Woodhead.

<sup>13</sup> I doubt whether the board of *Epimeletai*, who, in the 5th century, seem to have been a legal board presiding in cases of non-payment of tribute by allied states, would still have existed, even with different duties (for these, see *IG* I<sup>3</sup>, 68, lines 47–49, and 236, line 5?). For ἐπιμεληταὶ τοῦ ἐμπορίου at Athens, see [Aristotle], *Ath. Pol.*, 51.4; Demosthenes, xxxv.51, and lviii.8 and 9. They are attested as early as 375/4 B.C.: see R. S. Stroud, "An Athenian Law on Silver Coinage," *Hesperia* 43, 1974 (pp. 157–188), pp. 180–181. For similar boards elsewhere, see also *Staatsv.* 482, line 63 (at Miletos); for ἐπιμεληταὶ τῶν ξένων, see *SIG*<sup>3</sup>, 619, line 50 (Rhodes).

<sup>14</sup> See footnote 6 above.

<sup>15</sup> A. N. Oikonomides, in *Λεξικὸν κοινωνικῶν Ἐπιστημῶν*, s.v. *Εἰσαγγελία*, pp. 2101–2102, restored line 3 of *SEG* XVII, 17*q* as follows: [ὑπ]όδικος ἔ[στω ἐν δεσμωτηρίωι ---].



Line 14: Ω[.]ΛΗΣΗΙ, Woodhead.

Line 15: τῖμιον, Woodhead.

Line 16: ΡΑΞΔΕ, Woodhead.

Line 17: No traces reported by Woodhead before O.

Line 18: Δ, Woodhead. Perhaps, δρα[χμὰς ---?].

Line 21: ΥΦΛ[.]Ε, Woodhead. Woodhead's "epsilon" is definitely a sigma. This section seems to echo the language of the Troizen decree (IG II<sup>2</sup>, 46+ = SEG XVII, 17, fragments *b*dm [+ *a*?]). Perhaps one should restore [ἐκ]τυφλ[ώ]σ[η] ἢ τὸν ἕτερον ὀφθαλμὸν ἐκκόψῃ, μὲν ἑκατέρου ---], following the restoration put forward in IG II<sup>2</sup>, 46 for fragments *b* and *a*A, line 15. This section of the stele may therefore contain clauses in which damages are specified for various categories of wounding of citizens of one of the contracting states by citizens of the other: blinding, wholly or partial, maiming, and loss of limbs.

Line 22: ΣΙΑ[.]Ε, Woodhead. Perhaps, [δραχμὰς πεντήκοντα καὶ διακ]οσμία[s?]; cf. IG II<sup>2</sup>, 46, *a*A, line 14. προδ[οσμία[s] seems less likely, in view of the probable context.

Line 23: ΑΟΝ[.]Ω, Woodhead. I could detect no traces of the bar of this alpha. Perhaps, [ὀφει]λόν[τ]ων?

Face A, lines 1 and 18, respectively, correspond to Face B, lines 4 and 17.

### Fragment *e*.

Line 1: [τοὺς] πριαμέν[ους?]; the bottom of the left hasta of nu survives. In the Delphoi-Pellana agreement (*Staatsv.* 558) the clause beginning at IB, line 5 is concerned with the sale into slavery without authority of free citizens of either state. The same concern may be expressed here (cf. also *Staatsv.* 482, lines 18ff.).

Line 2: Or [ἀν]αγιγνωσκ[---]? The right foot of alpha survives. The context, so far as it is recoverable, suggests that the correct reading is [κατ]αγιγνωσκ[---]; cf. IG II<sup>2</sup>, 179, fragment *c*, line 7.

Line 3: Recovery of debts? Cf. *Staatsv.* 482, lines 33ff.: τῶν δὲ δικασθέντων τὰς πράξεις εἶναι ἐν Κν(ω)σῶι μὲν κατὰ τὸν νόμον τὸν προξενικόν, ἐμ Μιλήτῳ δὲ κατὰ τὸν νόμον τὸν ἐμπορικόν (variants of the formula recur at lines 48ff. and 62ff.).

Line 5: This may relate to the requirement for a pledge or deposit of value equivalent to the claim to be made before the judgment of a case involving the illegal sale of a free citizen or of a slave or animal; cf. *Staatsv.* 482, lines 10ff. and *Staatsv.* 558, IA, line 15, IB, line 9, and IIA, line 16.<sup>16</sup>

Line 6: A topographical reference, apparently, but I doubt whether the Attic deme Sounion is mentioned here, unless it is a question of defining areas of trade, or other activities, by sea, as in [Aristotle], *Ath. Pol.*, 22.8, as D. M. Lewis suggests (*per ep.*).

Line 7: ΟΕΠΕΙΣΤΡ. [ἐν] θέρει seems inevitable, perhaps followed by some form of the verb στρατεύεσθαι. It is possible that this phrase anticipates the procedure followed at Athens after *ca.* 355 B.C. of holding special maritime courts (δίκαι ἐμπορικαί) which sat only in the winter months to judge suits that had arisen during the summer sailing-and-trading season.<sup>17</sup>

Line 8: Or [ἐλέσθαι τρεῖς ἀνδρα[s] (or [το]ῖς ἀνδρα[ποδισταῖς?]; D. M. Lewis, *per ep.*). More likely, in the possible context of the capture and return of runaway slaves, is some form of the word δραπέτης. Cf. *Staatsv.* 567, lines 150–159 and *Staatsv.* 558, IIA, lines 22–25.

Line 9: The bottom of beta survives. The restoration is probably ἐννέ'ὀβ[ολός (or -ολῶν)], indicating the maximum daily sum to be recovered by the magistrates of either state for the maintenance of captured runaway slaves.<sup>18</sup> See also line 10, where the restoration [τ]ῇν ἡμέ[ραν] suggests a continuation of the same clause.

Line 11: The tops of these letters are preserved.

<sup>16</sup> This may indicate a clause that offered protection to defendants in cases arising under the terms of the *symbola* agreement, permitting them to offer pledges or securities instead of suffering arrest or confinement until the day of judgment. See Gauthier, pp. 194–195, on this point. See also my comments on fragment *f*, lines 6–7 (footnote 21 below).

<sup>17</sup> Demosthenes, xxxiii.23: αἱ δὲ λήξεις τοῖς ἐμπόροις τῶν δίκων ἔμμηνοί εἰσιν ἀπὸ τοῦ Βοηδρομιῶνος μέχρι τοῦ Μουνιχιῶνος, ἵνα παραχρῆμα τῶν δικαίων τυχόντες ἀνάγωνται.

<sup>18</sup> Cf. *Staatsv.* 567, lines 150–159, where the amount is 2 dr. *per diem*. For the elided form ἐννέ'ὀβολός (or ὦν)], see L. Threatte, *The Grammar of Attic Inscriptions*, I, *Phonology*, Berlin/New York 1980, p. 423.

Fragment *f*.

The vertical spacing suggests that this fragment may correspond to fragment *e*, lines 1–8; there is a possible contextual link also.

*Line 1:* [εἰς]πραττό[ντων], Stamires.<sup>19</sup> The kappa of πρακτόρ[as] is, however, perfectly clear, though damaged; the following three letters are only partially preserved, as is the sigma at the left edge. The topic is likely to be the collection of debts.<sup>20</sup>

*Line 2:* Ε.γ. [τοὺς ταμίας τῶν τῆς Θεοῦ τό τε ἀργύριον καὶ τὸ χρυσίον?], D. M. Lewis (*per ep.*).

*Lines 6–7:* ο ἡ ιδιώτην ἀπαλ[λα--- ἀμφοτέρ]οι ξενωδίκας, Wilhelm (*ap. IG II*<sup>2</sup>). The interpretation and spacing that I have adopted here derive from Stamires, whose text seems more in conformity with the letter traces. For the *xenodikai*, see also Face B, fragments *bc*, line 15 and also, perhaps, Face A, fragment *e*, line 5. These were special magistrates in several states (possibly at Athens also) who tried suits involving foreigners.<sup>21</sup> [αὐτ]όθι presumably refers to Athens. ἀπαλ[λα---], if it is the active form of the verb, may refer to slaves and their release, thus, perhaps, providing a contextual link with the matter discussed in fragment *e*, lines 8–10. If ἀπαλ[λα---] is the passive form of the verb, the topic may be release (by acquittal, for instance) from a court of law.<sup>22</sup>

*Line 8:* [ὕπ(or ἐπ)]ηκόων (witnesses?); cf. *Staatsv.* 558, line 15 and *IG XII* 5, 128, line 8. Court procedures, perhaps before the *xenodikai*, dealing with the collection of debts, seem to be the over-all topic of this fragment.

<sup>19</sup> See footnote 4 above.

<sup>20</sup> For the *Praktōres*, the officials responsible for executing judgments for debt, especially public debt, see *IG I*<sup>3</sup>, 59, line 48; Andokides, I.77; Antiphon, VI.49; Demosthenes, xxv.28.

<sup>21</sup> For mention of the *Xenodikai* in 5th-century Athens, see *IG I*<sup>3</sup>, 439, line 75 and 440, line 126 (in both cases, as a source of funds for public works). In the 4th century they appear in the *symbola* document *SEG XVII*, 17a, line 11; *bdm*, line 11; *k*, line 6; *l*, line 1 (the agreement between Athens and Troizen), and in the present document. Despite the evidence for their existence at Athens in the 5th century, Gauthier (pp. 189–192) argues that they were not an Athenian institution and that specially constituted courts were not established at Athens to deal with cases arising out of *symbola* agreements; rather, the courts employed were those normally in existence at Athens. *Xenodikai* were a feature of the legal systems of Phokis and Lokris, where they seem to have been magistrates, rather than courts; Gauthier suggests (p. 192) that the role of the *Xenodikai* may have been similar in Stymphalos, Troizen, and other Peloponnesian states: in each case, their function was “à contrôler la désignation des jurés, dont le nombre était vraisemblablement fixé par un article des conventions elles-mêmes.” Vélissaropoulos (pp. 253–257) argues that the *xenodikai* at Athens were created to deal with cases that arose under the Periclean citizenship law and that, when the law was suspended during the Peloponnesian War, they disappeared as an institution; when the law was reinstated in 402/1 B.C., the *xenodikai* were replaced by the *nautodikai*.

<sup>22</sup> Alternatively, this clause might relate to the release of those illegally detained or imprisoned: cf. [Andokides], IV.18 (whose dramatic date is 415 B.C. but which was probably composed between 390 and 380 B.C.), in which the author says: καὶ πρὸς μὲν τὰς ἄλλας πόλεις ἐν τοῖς συμβόλοις συντιθέμεθα μὴ ἐξεῖναι μὴθ' εἰρξαι μῆτε δῆσαι τὸν ἐλευθέρον· ἐὰν δέ τις παραβῇ, μεγάλην ζημίαν ἐπὶ τούτοις, ἔθεμεν. This implies that it was a regular function of such *symbola* agreements to offer protection to the citizens of either of the contracting states against arbitrary arrest or detention (as might otherwise have happened in lawsuits involving foreigners). On the date of this speech and its authorship, see K. J. Dover, in A. W. Gomme, A. Andrewes, and K. J. Dover, *A Historical Commentary on Thucydides*, IV, Books V 25–VII, Oxford 1970, pp. 287–288, esp. p. 287: “The speech is therefore a piece of historical fiction, and as such may well belong to the fourth century and even to Andocides himself.” On the language, style, and authorship of this speech, see S. Ferrabino, “Lingua e stile della orazione ‘contra Alcibiade’ attributa ad Andocide,” *StItal* 44, 1972, pp. 5–37.

Fragment *g*.

The vertical spacing suggests that this fragment may lie alongside fragment *j*, lines 4–8, but both these fragments are quite small, so that the range of vertical coincidences is limited.

*Line 2:* [τ]ὸνς πο[λιτάς?]; see, however, SEG XVII, 17, fragment *b*<sup>1</sup>, line 36: πόλῃι ὁ πολίτ[---]; the context in that document seems to be the consequences of murder of citizens of either state, and the same may be true here.

*Line 3:* [περὶ] τοῦ φόν[ου?].

*Line 4:* [τ]ῷι χρεῖσ[τηι?] (a creditor or a debtor: see LSJ<sup>9</sup>, s.v. *χρήστης* II, 1 and 2), or [αὐτ]ῷι χρεῖσ[θαι?], or some form of the word *χρήσιμος*.

*Line 5:* Perhaps [ξενο]δίκαί? Another possible reading is αἰ καί.

*Line 6:* A dotted upsilon is also possible in the first stoichos, instead of sigma. ἐξέ[στω?]: the circumstances in which a plaintiff is permitted to go to law? Cf. *Staatsv.* 567, lines 1–2; see also fragment *h*, line 3 and Face B, fragment *a*, line 2.

*Line 8:* Some form of the word ἀγωγή or of ἀγωγήμος should probably be restored here: for the latter, cf. IG II<sup>2</sup>, 179, fragment *c*, line 8. In either case, transport of goods may be involved, suggesting possible links with fragment *i*, lines 3 or 10, or, perhaps more likely, with fragment *j*, line 2.

Such terms as can be restored with any confidence suggest that this fragment is concerned with cases of murder (line 3), possibly with debts arising out of such cases (line 4), perhaps in the court of the *xenodikai* (line 5), and with a plaintiff's right to go to law (line 6). This seems to accord better with fragment *j* than with any other fragment, but I hesitate to place *g* next to *j* because so little survives in each case.

Fragment *h*.

The gap between *h* and the bottom of *d* is likely to be *ca.* 11–12 lines.

*Line 2:* θύ[ειν?] Cf. IG II<sup>2</sup>, 179, fragment *c*, line 10: [χοί]ρους τέτταρας θ[ύειν].<sup>23</sup>

Fragment *i*.

The restorations printed here are those of *Kirchner* (IG II<sup>2</sup>), based on *Wilhelm's* notes and transcript. The stone has suffered severe damage since it was seen by *Wilhelm*: I have underlined in my text what can still be read today. Lines 13–22 have suffered greater damage, but from the depressions left where letters have vanished it is still possible today to exercise a modicum of control over *Wilhelm's* readings and also to measure the horizontal and vertical checkers. My readings in lines 1–14 confirm the accuracy of *Wilhelm's* and *Kirchner's* text, except that *Wilhelm* placed lines 1–5 one space too far to the right.

*Line 1:* Cf. fragments *bc*, line 18, above.

*Line 2:* λειτουργοῦν[ν?] or λειτουργοῦν[ντας?]. Less likely is some form of the noun *λειτουργός*.

*Line 3:* This clause apparently refers to the export, at the personal expense of the exporter, of some commodity; it should, perhaps, be taken with the public service (liturgy) mentioned in line 2. What this commodity may be is suggested by line 4.

<sup>23</sup> Gauthier remarks (p. 202) that such agreements generally involved quite small states whose citizens envisaged short-term visits to Athens for the purposes of trade or attendance at festivals; the text here so fragmentarily preserved may relate to such festival visits.

*Line 4:* Provision for the burial of citizens of one or other of the states involved? This is the sort of duty that might fall upon a *proxenos*, and it is worth noting that *proxenoi* are mentioned, probably in a different context, in fragment *a*, line 4, above. My reconstruction of lines 2–4 is that these clauses deal with the remains, material and bodily, of citizens of one of the contracting states who die on the territory of the other: money and goods (families, too?) are to be sent home, and corpses are to be given burial (at the local *proxenos*' expense?). Line 5, which mentions the Athenians in the genitive, may be a continuation of this clause, and the praises of line 6 may therefore be the official recognition of his services that the *proxenos* liturgist may expect.

*Line 6:* A decree is to be passed by some organ of one or other of the contracting states, perhaps relating to the praises already discussed. Line 7 is probably therefore a clause to be inserted in such a decree, citing some quality exhibited by the honorand.

*Line 8:* Cf. fragment *a*, line 4, above, where *proxenoi* and *presbeutai* seem to be linked.

*Line 10:* [ἐκ τῶν ἰδ]ίῳν?; conveyance of goods or persons, perhaps linked with the activities of the *presbeus* of line 8.

*Line 14:* [ἐς τὸν λο]ιπὸν χρόν[ον?]; some activity to be undertaken, or continued, in the future.

*Line 17:* Action to be taken on the third day (after passage of the decree of line 6?).

*Line 18:* Wilhelm reported (*ap. IG II*<sup>2</sup>) that, after epsilon, the letter sigma had been erased (and, presumably, replaced by kappa). No trace of such an erasure is visible today.

### Fragment *j*.

Since the full thickness of this fragment is apparently not preserved, it must be placed lower on the stele than fragment *i*; how far below it is impossible to say.

*Line 2:* Before omicron, the stone is abraded, but traces remain of letter strokes, best interpreted as parts of a kappa; nu is also possible, however. [ἐ]κομ<ι>έτο? (or [προσε]κομ<ι>έτο?) [τὸ ἐπιδέκατον]? Cf. *SIG*<sup>3</sup>, 972, lines 58 and 65; see also fragment *i*, line 10 and perhaps also fragment *g*, line 8.

*Lines 5–6:* Cases of homicide are dealt with here, probably deliberate homicide in line 5 and accidental homicide in line 6; cf. *SEG XVII*, 19, lines 9–13, and *SEG XVII*, 17, fragments *b*<sup>1</sup> and *d*. There is a possible link with line 3 of fragment *g*.

*Line 7:* [δο]ῦλος τὸν ἐ[λευθερὸν ---], Stamires (*SEG XVII*, 91). The first letter, however, is *not* a complete upsilon, and its shaft may extend too high, so that iota may be a better reading, despite the attractiveness of Stamires' restoration.

*Line 8:* [---]σεν τοῦ[ς], Stamires (*SEG XVII*, 91).

The text of *j* seems remarkably close to that of *SEG XVII*, 17, fragment *b*<sup>1</sup>, lines 2–4: I believe that the latter served as the model for this section of our decree and have restored fragment *j* accordingly. If, indeed, the Troizen decree as a whole served as the model for the Stymphalos decree, this observation may aid in the reconstruction of that document as well: for instance, the clause in the Troizen decree that relates to homicide appears on a fragment that has been thought to be the opening clause of that document, because it is inscribed upon a fragment whose top is preserved and upon which there is no trace of a preambular formula (fragment *b*<sup>1</sup>). If, however, the clauses of the Troizen decree appeared in the same general order as they do in the Stymphalos decree, the absence of a preamble on fragment *b*<sup>1</sup> of the Troizen decree should cause no surprise; this also implies, however, that the so-called reverse face of the Troizen decree is, in fact, the obverse, and *vice versa*.

### REVERSE, FACE B

#### Fragment *a*.

Even less is preserved of what Wilhelm reported on this face than survives on the obverse face. What does survive is underlined in my text. There is space for *ca.* 2–3 lines above

Wilhelm's first line. This section seems to be concerned with witnesses and with the giving of evidence. Analogies are provided by *SEG* XVII, 17, fragment *a*, lines 8–9, by *IG* II<sup>2</sup>, 179*a*, line 15, and by *Staatsv.* 567, lines 40ff., 58ff. I have numbered fragments *k*, *f*, and *m* quite arbitrarily, since the only criterion by which they may be assigned to one part of the stele or another is the friable, acid-damaged surface that they share with fragment *a*. Fragment *k* is the most badly damaged of these fragments, and I have therefore assumed that it lay close to fragment *a*.

*Line 2:* The circumstances in which a plaintiff is permitted to go to law? Cf. Face A, fragment *g*, line 6 and fragment *h*, line 3.

*Line 4:* [κ]ατ[α]βά[λ]λη? (or [παρὰ]ατ[α]βά[λ]λη?); a deposit to be made by the party (or parties) in the case? Cf. *Staatsv.* 567, lines 39–40 and 58–60.

*Line 6:* μαρτ[υ]ρη[σα-] or [τὰ δὲ] μαρτ[υ]ρί[α?]; cf. *SEG* XVII, 17, fragment *aB*, lines 8 and 9, for the first of these restorations.

*Line 7:* A deposit (or a penalty?) of one tenth? Cf. *IG* II<sup>2</sup>, 179, fragment *a*, line 15; also *Staatsv.* 567, line 58: εἰ δέ κα ὁ μὲν παρκαταβάλλ[η]ται τὸ ἐπιδέκατον, ὁ δὲ μὴ παρκαταβάλληται ἐ[πι]δέκατον, ὑπακούων ὁ παρκαταβαλλόμενος [τὸ] ἐπιδέκατον νικῆτω τὰν δίκαν. Cf. also *SIG*<sup>3</sup>, 587, line 25: καὶ προ[δ]ικίαν ἄνευ ἐπιδέκατωγ.

### Fragment *k*.

So little is preserved that speculation about the placing of this fragment is of little value; nonetheless, its vertical patterns appear closest to those of fragment *a*. The surface is so badly damaged that the *vacat* shown in line 1 must be regarded as quite uncertain.

*Line 3:* αζη, Wilhelm; ατη, Stamires. I can detect no trace of the eta, but there appears to be a horizontal bar at the bottom of the preceding stoichos, where Stamires printed a dotted tau. Part of the upper horizontal of this letter survives at the left; there is no trace of any central bar, so that Wilhelm's zeta is confirmed.

*Line 4:* The readings of mu and epsilon are those that receive most support from the surviving letter traces, but the surface is badly damaged here.

### Fragments *b* + *c*.

The pattern of variations in the vertical checker pattern on this face, as well as that found on the obverse face, suggests that these fragments lay alongside fragment *d*; the formula in line 12 is apparently part of an oath formula and, as such, may be linked with the partial oath formula of *d*, line 4.

*Line 2:* HPI, Köhler (*IG* II); —ΠPI, Stamires. The right tip of the bar of tau survives at the left edge; the next letter is definitely eta, not pi.

*Line 3:* \OIN, Köhler and Stamires. The left two thirds of this stoichos have perished. No trace of the diagonal is visible today; indeed, this stoichos appears to be uninscribed, unless there was a central vertical on the portion of the stone that is now lost.

*Line 4:* Wilhelm (*IG* II<sup>2</sup>).<sup>24</sup> Another possible restoration is [δια]δικ[ασι---].

*Line 10:* δραχμ[άς], Stamires. No trace survives today of the delta, but part of the right diagonal appears on squeezes of the 1930's. If this word is in the accusative, cf. *Staatsv.* 567, lines 98–99 (also 139): ἂ[ποτεισάτω τριά]κοντα δραχ<μ>ὰς Αἰγιναίᾱς. If it is in the dative, cf. *Staatsv.* 567, lines 50–51: [δικαστᾶν δὲ] τὸν μὴ παρόντα ζαμωσάτω ἂ ἂ[ρ]χ[ᾶ δ]ραχμαῖς Αἰγιναίᾱς ἀνεπι[---].

<sup>24</sup> Cf. *SIG*<sup>3</sup>, 587, line 25 (Peparethos, ca. 196 B.C.): προ[δ]ικίαν ἄνευ ἐπιδέκατωγ. Cf. also Face A, fragment *a*, line 7.

*Line 12:* For such an oath formula, cf. Demosthenes, xxiv.149–150, esp. 150: . . . οὐδὲ δῶρα δέξομαι τῆς ἡλιάσεως ἔνεκα οὐτ' αὐτὸς ἐγὼ οὐτ' ἄλλος ἐμοὶ οὐτ' ἄλλη εἰδότος ἐμοῦ, οὔτε τέχνη οὔτε μηχανῇ οὐδὲμιᾶ. . . .<sup>25</sup> The persons who are to take this oath may be jurors, or, perhaps, the *xenodikai*, or else magistrates in each city.

*Line 13:* πρῶτον. Note that in fragment *h*, which I place just below fragment *d* (and thus, if *bc* and *d* lie alongside one another, just below *bc* as well), the word τρίτ[ον?] is preserved in line 8: the word to be restored in line 11 of fragment *d* might therefore be [δεύτ]ερ[ον].

*Line 15:* See my commentary on Face A, fragment *f*, line 7.

*Line 16:* ὀφεί[λ]ε[τω]?

*Line 17:* Stamires.

*Line 19:* Stamires. [δραγμαῖ]ς is just as likely; see line 10, above.

*Line 20:* ποθε, Wilhelm and Stamires. No trace survives of the horizontal of their pi; rather, the stone breaks along the line of a clear diagonal stroke, which I interpret as that of a nu.

*Line 21:* O, Köhler and Kirchner; NO, Stamires. The tips of two diagonals survive at the top of the first stochos: their angle and spacing suggest chi, rather than upsilon, and certainly not the nu printed by Stamires. The second surviving letter is definitely omega, not omicron or theta.

### Fragment *l*.

The vertical spacing appears to match that of fragments *bc*, lines 5–16.

*Line 1:* ΥΠΟ[.]Τ, Wilhelm; ΤΕΘ[.]Τ, Stamires.

*Line 3:* I wonder whether this line contains a reference to the goddess Athena, perhaps in the context of the oath that is to be taken (see fragments *bc*, line 12 and *d*, line 4).

*Line 4:* ΛΕΙΣΘΑΙ, Wilhelm; [ἐπιμε]λείσθαι, Stamires. Only the theta and the alpha survive today. The surface to left of them is completely destroyed, but traces of the lost letters are clearly visible on squeezes made in the 1930's; cf. *SEG* XVII, 20, lines 7–8: [ὁ δὲ πολέμαρχος (?) τῶν διαδικασιῶν ἐπι]μελείσθω καθάπ[ερ τοῖς Κνωσίοις]. Perhaps [ἐπιμε]λείσθαι [δὲ τῶν διαδικασιῶν Ἀθήνησι --- τὸς ἐννέ' ἄρχοντα]ς καὶ τ[ὸς στρατηγὸς?] (cf. *SEG* XVII, 20, line 9). If I am correct in speculating that line 3 of this fragment contained the names of the divinities who were to be invoked as protectors of an oath, the *epimeleia* of this line should be a duty laid upon the authorities who are to administer the oath, either the act of administration itself or actions to be taken against those who transgress the oath (see *d*, line 1). Another possibility is that the *epimeletai* of Face A, fragments *bc*, line 18 may be involved (cf. also Face A, fragment *i*, line 1).

*Line 6:* τον ὁμό[σαι] ---?] (cf. *SEG* XVII, 20, line 18, as tentatively restored by Woodhead). Another possibility is [αὐ]τονόμο[υς].

*Line 11:* A, Stamires. I can detect no trace of this alpha, but there is a faint horizontal bar at the top of the stochos that might be part of a tau.

### Fragment *d*.

A little more can be read from the stone than was reported by Woodhead, whose readings I have augmented or emended in lines 1, 3, 5, 7, 9, 10, and 12–16; line 17 is not reported by him. The restorations are mostly those suggested by Woodhead. This fragment's vertical checker patterns probably match those of fragments *bc*, lines 9–21. This provides confirmation of Woodhead's suggestion (p. 223) that "from its content it seems to come from the same general area as fragment *a* (E.M. 7098) even though no direct relationship between the two fragments can be plausibly established." E.M. 7098 is my fragment *c*.

<sup>25</sup> For variations of this formula in Attic decrees, see also *IG* II<sup>2</sup>, 111, lines 58–69; 204, lines 10 and 15–16; 1126, lines 3–12; 1135c, lines 8–16; and 1196B, lines 1–22. An oath of the same sort may be envisaged in the *symbola* agreement *SEG* XVII, 20, line 18 (Athens and an unknown Cretan city).

*Line 1:* This line appears to contain provisions for actions to be taken by persons, perhaps magistrates or jurors, in each city. A new clause may begin after ἐ[κατ]έρωθι.

*Line 3:* The traces are sufficiently obscure for a kappa not to be ruled out. In this case, one might restore, e.g., κ[αὶ εὐσεβέστατα].

*Line 4:* ο[ὐτε ἄλλωι πείσομαι], Woodhead. This line clearly contains part of an oath formula: see my commentary on fragments bcB, line 12.

*Line 10:* If this line actually corresponds to line 18 of fragments bcB, the restoration is likely to be [Σ]τυμφαλ[ίων], matching the genitive [Ἀθηνα]ίων of fragments bc.

*Line 11:* [δεύτ]ερον? See my commentary on fragments bc, line 13B.

*Line 12:* [δ]αμιορ[γ. . .]π, Woodhead. The *Damiorgoi* are attested as magistrates at Stymphalos; among their duties were the registration and enforcements of judgments. Thus, we might restore along the lines of *Staatsv.* 567, lines 73–75, which read as follows: [τ]ὰς δὲ δίκας τὰς καταδικασθείσας τοὺς ἄρχον[τας, ἐν Αἰγείρ]αι μὲν το[ύ]ς [. . . 8–10. . . . , ἐν Στυ]μφάλοι δὲ τοὺς δαμιοργούς, πένψαι τοῖς ταμ[íαις, ἐφ’ὧι κ]ατατιθεσθ[αί] [παραλαβόντες ἐν τῷ τα]μείῳ ἐν τριάκοντ’ ἡμέραις.

*Line 13:* The same word (or words) seem to appear in line 16.

*Line 14:* Σ . Ν . . . Α . Ο, Woodhead.

*Line 16:* Α . . Ν . Σ, Woodhead. These letters are misplaced one space to the right in Woodhead’s text; his “nu” is, in fact, a partial sigma.

Although I believe that fragments *bc*, *l*, and *d* lay alongside one another on the stele, I have been unable to devise a coherent and convincing restoration that involves all three stones. It is likely that the preamble to and the text of an oath are contained in *d*, lines 1–5 and that the oath takers are named in *bc*, lines 9–12 and *l*, lines 5–8; *d*, line 2, however, presents problems that I have not been able to resolve except by unsatisfactory and desperate means, and, moreover, the gaps between the several fragments cannot be estimated accurately. The sense, however, seems to be as follows: “If anyone in either city transgresses the oath (or the terms of the *symbola* agreement?), the magistrates in each city shall deal with them, at Athens, the nine archons and the generals, at Stymphalos, the *damiorgoi* (and some other group?); failure to do so shall invoke a fine of --- drachmai against each of them, with a tenth part going to the gods; they shall swear as follows, so that the terms of the agreement may be carried out most justly (and expeditiously/honestly/reverently?): ‘I shall not myself take bribes (in respect of this agreement), (nor shall any other man by my persuasion?), nor shall any other man or woman acting on my behalf with my knowledge, by any trick or subterfuge whatsoever; I swear this by ---; may destruction fall upon myself and upon my household if I in any way break this oath; I pray that my prosperity shall depend upon my loyal observance of this oath.’” On these lines I offer the following tentative and partial restorations:

Fragment *d*, line 1: [ἐὰν δέ τις] ἐ[κατ]έρωθι παρ[αβαίνη]---; *bc*, line 10 and *l*, line 5: [Ἀ]θήνη[σι μὲν τοὺς ἐννέ] ἄρχοντα[ς καὶ τοὺς στρατηγούς] ---; *bc*, line 10 and *l*, line 6: [εἰ δὲ μή, ὀφείλειν ἕκαστον αὐτῶν] --- δ[ραχμ]ὰς καὶ τῶν θεῶν τὸ ἐπιδέκα[τον] ὁμό[σαι δὲ κατὰ τὰδε] ---; *d*, line 4 and *bc*, line 12: [οὐδὲ δῶρα δέξομαι] --- ἔνεκα οὐ[τε] [αὐ]τὸς ἐγὼ οὐ[τε] (ἄλλωι πείσομαι οὐτε) ἄλλος ἐμοὶ οὐτ’ ἄλλη εἰδότης ἐμοῦ, οὐτε] τέχνηι [οὐτε μηχανῇ οὐδεμαῖ] ---. It is a counsel of despair to restore *d*, line 2 as [παρὰ δὲ τοῖς <Σ>τυμφαλίοις [τοὺς δαμιοργούς] ---]. Another way of treating this line is to assume that these clauses were not set up as a contrasting pair (with μέν and δέ) but simply linked by καί; this, too, is a not very satisfactory solution.

Fragment *d*, line 5 ought therefore to contain the invocation formula, unless, as I have

suggested above (see fragment *l*, line 3), this is set outside the text of the oath, in the preamble to the oath process: since two different states are involved, we should, perhaps, look for some such formulation as appears in Thucydides, v.18.9 (in the context of the Peace of Nikias, sworn to by Athens and Sparta): ὁμνύντων δὲ τὸν ἐπιχώριον ὄρκον ἑκάτεροι τὸν μέγιστον. This might then be followed by a μὲν ---, δὲ --- clause in which these divinities are named for each state.

Whatever restorations are adopted, however, it is clear that the line length is likely to be at least 90, perhaps as many as 120, letters.

#### Fragment *m*.

This fragment, too, has suffered recent damage, since less is now visible than was reported by Stamires in 1955. The vertical spacing appears to match that of fragment *d*, lines 6–15.

*Line 5*: μωνε, Wilhelm; [δρα]χμῶν ε, Stamires. No trace of either the chi or the epsilon is visible on the stone today, but both can be seen on squeezes made in the 1930's.

*Line 7*: βου[λή], Wilhelm and Stamires. The upsilon has now disappeared, but the tip of its left arm is visible on early squeezes. There may be a contextual link between this line and line 9 of fragment *l*: perhaps, the *Boule* is to refer some matter to the *Demos*?

*Line 8*: ηκα-, Wilhelm; ηκαλ, Stamires. No trace survives of the partial letter reported by Wilhelm and Stamires, either on the stone or on early squeezes.

#### Fragment *h*.

This must lie close below fragment *d*, although it does not join with it.

*Line 8*: τρ[ίτ]ον? See my commentary on fragments *bcB*, line 13.

#### Fragment *n*.

The vertical spacing appears to match closely that of fragment *h*, lines 2–8.

*Line 3*: The letter traces are confusing at the right edge. Previous editors printed a dotted omicron, and there is, indeed, a nearly complete circular letter here; it is, however, considerably smaller and more irregular in shape than the other omicrons in this line, and there is also a horizontal cut at the bottom of this stoichos, with a less well defined vertical joining it at the left side of the stoichos. This might, therefore, be a beta, rather than an omicron, and the reading β[ούλωνται] might be suggested.

*Line 4*: λιαετο, Stamires.

*Line 7*: ΜΑ, Stamires. I can detect no trace of these letters on the stone or on early squeezes. Rather, there is a diagonal stroke below the lambda of line 6 that suggests a sigma.

#### Fragment *i*.

No letters survive upon this face of this fragment, but its thickness suggests that it lay higher on the stele than fragment *j*, since *j*, although its back is not preserved, is only slightly thinner than *i*. It is probable, therefore, that fragment *i* was, in fact, originally inscribed upon its back, as well as on its front: the acid-damaged condition of both faces makes unsurprising the loss of any trace of letters on the reverse face.

#### Fragment *o*.

The vertical spacing does not appear to match that of any other fragment; its text, in any case, suggests that it derives from near the bottom of the stele.



Fragment *p*.

The letter sizes are slightly less than those of the rest of the fragments that derive from this face of the stele, and there are other indications that it does not belong with the rest.

*Line 1:*  $\omega\mu$ , Stamires. I can detect no trace of Stamires'  $\mu$ .

*Line 3:*  $\eta\theta\eta$  / , Stamires. Part of the base of this delta is also preserved, so that the reading is assured.

*Line 4:*  $\text{A}\Theta\Upsilon\text{T}$ , Wilhelm;  $\text{A}\text{O}\Upsilon\text{T}$ , Stamires. The apparent alpha has no bar; the circular letter has a shallow central dot; after upsilon the lower left part of the stoichos is preserved: in this there are shallow cuts that may represent the bottom left angle and lowest diagonal of a sigma. To right of this is the bottom of a left vertical.

*Line 5:* Both kappa and omega are damaged, so that in a certain light the kappa resembles a nu and the omega an alpha, or even another kappa.

Fragment *q*.

The readings are those reported in *IG* II and *IG* II<sup>2</sup>, as emended by Stamires.

## THE STELE: PHYSICAL CHARACTERISTICS

The surviving fragments seem to fall into several categories, depending upon their present condition, which probably reflects the vicissitudes suffered by the stele after it went out of use and was first broken up. The differences are such that I believe that the stele may originally have been broken into at least three large fragments, which later were smashed into smaller pieces.

The foliation of the marble provides useful clues for the restoration of the stele. As is often the case with Attic stelai, the planes of foliation are not parallel either to the vertical or to the horizontal axes of the stele; instead, the foliation is slightly diagonal to the inscribed faces, from bottom left to top right (of the obverse face), and not parallel to the sides but, again, diagonal, from left rear to right front. The lines of cleavage resulting from the first breaking up of the stele follow the planes of foliation.

When the stele was first broken up, it seems to have been split vertically into at least three blocks, comprising respectively 1) fragments *a*, *i*, *k*, *l*, *m*, and, perhaps, *e*, *f*, *g*, and *n*; 2) fragments *b* and *c*; and 3) fragments *d*, *h*, and *j*. Fragment *o* is a mere flake, deriving from somewhere near the bottom of the stele, and fragments *p* and *q* are of doubtful attribution to this stele; fragment *p*, if it does belong here, probably derives from the reverse face; fragment *q*, now lost, cannot be placed with assurance on either face.

These three large blocks were broken up subsequently into smaller pieces. Of these, fragments *a*, *i*, *k*, *l*, and *m* were first of all separated from fragments *e*, *f*, *g*, and *n* and then appear to have been used, as parts of a single block, in a sewer or cesspit: the inscribed faces and original left lateral are in extremely friable condition as a result of acid damage, but the broken edges are not damaged by acid, so that it is likely that the block was first removed from its acid bath and then broken up into smaller pieces. Since three of these fragments (*a*, *i*, and *k*) are more severely damaged by acid than are the other two, it is likely that these derive from below, or well to the side of, the other two, and that the block was set up on edge, so that part of it was immersed continuously in acid and part of it only splashed. Fragment *a* is the thinnest of all those fragments that preserve the full thickness of the stele: thus, I believe that it and fragment *k* formed parts of the upper section of the stele, while

fragment *i* must derive from considerably lower down, though not, probably, from the very bottom of the stele (see my commentary upon Face B, fragment *i*, above). What happened to fragments *e*, *f*, *g*, and *n* is unknown.

Fragments *d*, *h*, and *j* formed parts of a block from the right side of the stele; this was then broken into several smaller pieces. The subsequent fate of *h* and *j* is unknown. Fragment *d* was used as a threshold block, probably twice, since both inscribed faces are badly abraded by the passage of feet and the obverse face bears a circular cutting for a door pivot. Its thickness places it higher on the stele than fragment *h* but considerably further down than fragment *a* and equally far above fragment *j*, which derives from near the bottom of the stele. Fragments *bc* also seem to have served as parts of a threshold block: fragment *c*, Face A, bears a similar circular cutting for a door pivot, but its face is not worn as is that of fragment *d*.

Fragment *j* preserves on its right lateral a projecting flange, a feature of the original stele. This is probably part of the base and is likely to have been matched by a similar flange on the left lateral. The preserved thickness of *j*, in any case, places it lower than any of those fragments that preserve both faces of the stele, except fragment *i*, and it also has the widest margin.

It is on fragment *i* that I have based my reversal of the traditional order of faces: previous editors have assigned to Face A, the obverse face, all fragments whose letter height was 0.007–0.008 m. and whose checker pattern is *ca.*  $0.016 \times 0.016$  m. On fragment *i*, however, the inscribed face belongs to the group of fragments originally assigned to Face B, the reverse face, whose letter height is 0.006–0.007 m. and whose checker pattern is *ca.*  $0.013 \times 0.013$  m. In the absence of any other evidence, of course, there is no reason why the apparently uninscribed face of fragment *i* should be assigned of necessity to the reverse face of the stele: the stele could, for instance, have borne two unrelated decrees, one upon each face (as may be suggested by fragments *bc*, lines 21 and 22, of Face A). Moreover, the acid-damaged condition of the stone makes it impossible to say any more than that nothing can be read today upon the reverse face of fragment *i*; or, if the two faces do form parts of a continuous text, the change in letter height and spacing might indicate that the mason realized at the end of the earlier face that he had left himself too little space on the other face for the remaining text of the decree to be accommodated there and so reduced letter size and spacing. Even then, he found himself constrained to carry the text down onto what had been intended as the base of the stele. This is undoubtedly what led previous editors to assign the two faces as they did.

Another fragment, however, the unpublished fragment *o*, indicates that, in fact, the face with the larger script and wider spacing was probably the reverse face of the stele: this fragment preserves part of a publication formula. Such formulas generally are found at, or very near, the end of a decree. Fragment *o*, however, belongs to the group of fragments that have the larger lettering and wider spacing: thus, if the two faces do, indeed, comprise a continuous text, fragment *o* and its companions are likely to derive from the reverse rather than from the obverse face. By contrast, the text preserved upon the obverse face of

fragment *i* is of a kind probably more suited to the body, rather than to the end, of a decree; this is true, also, of the text preserved upon the obverse face of fragment *j*. Thus, the mason's choice of a greater letter height and wider spacing for the reverse face is based upon the shortness of the text remaining to be inscribed in relation to the space available for it, not upon its inordinate length.

Fragments *b* and *c* derive from a third block that must have been at the center of the original stele, between the two blocks already discussed. These two fragments join below the surface on the reverse face, fragment *c* being the lower of the two. The thickness of fragments *bc* places them at about the same level on the stele as fragment *d*, perhaps slightly above it.<sup>26</sup> What happened to the block from which derive fragments *b*, *c*, and their lost companions is unknown.

Two further criteria may be employed in the placing of the various fragments in relation to one another: these are variations in the horizontal and vertical checker patterns and similarities of content.

As I shall discuss at greater length below, the horizontal and vertical spacing on both faces is remarkably irregular, so much so, in fact, that the occurrence of the same sequence of variations in either axis on two or more fragments is an indication that these fragments belong to the same horizontal or vertical level of the stone. It is thus possible to argue that fragments that do not preserve the full thickness of the stele, and whose texts are not obviously linked, do, nevertheless, belong at the same level on the stele, alongside others whose original thickness is preserved. This is how I have arrived at the tentative placement of fragments *bc*, *d*, *e*, and *f* (perhaps also of fragment *g*), for instance, upon the obverse face, and of fragments *bc*, *d*, *l*, and *m*, as well as that of fragments *n* and *h*, on the reverse face: in all these cases, there are matching sequences of variations in the vertical spacing. In addition, there are possible linkages of content between the obverse fragments *bc* and *d* and more secure links on their reverse faces: these have already been discussed in the epigraphical commentary (above). The primary reason, however, for my association of these fragments with one another is the pattern of variations in vertical spacing.

### THE SCRIPT: IDENTITY OF THE MASON

Although the two faces exhibit differences in letter size and spacing, there is no doubt in my mind that they are the work of the same mason. Apart from peculiarities of letter forms, such as the shapes of mu, rho, and sigma, in particular, the irregularity of the spacing, both horizontal and vertical on both faces, makes it clear that the same none-too-skilled workman was involved. Indeed, as I have indicated above, the pattern of irregularities, particularly in the vertical register, makes it possible to assign the various fragments to one part or another of the stele with reasonable assurance.

<sup>26</sup> If, however, my placing of fragments *c* and *d* is correct (see p. 340 above), *c* will actually be slightly higher on the stele than *d*, and, thus, the stele will have been a little *thicker* on the left than on the right, so that fragment *a* will have to be moved yet further up the stele.

The mason who engraved this stele employed on each face a different set of chisels (wide, intermediate, and narrow), with another, wider set of chisels for such letter strokes as the horizontals of zeta and xi and the vertical of phi; he is, however, less consistent in this practice upon the reverse face. The set used for the obverse face included chisels of width 0.006–0.007 m., 0.004 m., and 0.003 m.; that employed for the reverse included chisels of width 0.007–0.008 m., 0.006 m., and 0.004–0.005 m.<sup>27</sup> In each instance, the widest chisel is that employed for letters of full height, thus establishing the letter height for each face, and the checker pattern seems to be related to it proportionally, as was normal practice in the 4th century: on each face, the checker pattern averages about twice the height of the letters, so that each letter is surrounded by a clear space of about its own area in every direction.<sup>28</sup> Despite occasional lapses, the mason was remarkably consistent in his choice of individual chisel widths for specific letter strokes, so that the hand itself is neat and regular, despite the vagaries of the checker pattern, which are not, in fact immediately obvious. Apart from making such distinctive letter forms as mu, rho, and sigma, the mason had a tendency to make certain letter strokes by means of two converging rather than parallel cuts, the resulting letter stroke being shallower at its narrower end, so that letters such as epsilon, mu, and sigma, in particular, seem almost to be serified.<sup>29</sup>

On one fragment only, fragment *p*, is there any significant variation from this: here the shapes of epsilon and sigma differ slightly from those found on the other fragments, and the letter height seems slightly less than that found elsewhere on Face B, to which I have tentatively assigned this fragment. It might derive from near the top of the stele, since its margin

<sup>27</sup> Face A: 0.006–0.007 m. Verticals of B, Γ, E, H, I, K, N, Ξ, P, T, Φ, Ψ; first vertical of Π; diagonals of A, Δ, Λ, N, X; outer diagonals of M, Σ; horizontals of Ξ, T; arms of K (in some cases). 0.004 m. Horizontals of Γ, Δ, H, Π, Ω; outer horizontals of E; arms of K (in some cases); inner diagonals of M, Σ; arms of Y, Ψ. 0.003 m. Horizontal of A; inner horizontal of E; second vertical of Π; vertical of Y. Θ has a diameter of 0.005–0.006 m.; O a diameter of 0.005 m. The ellipse of Φ is 0.003 m. high and 0.008 m. wide; Ω is horseshoe shaped, 0.005 × 0.005 m. Face B: 0.007–0.008 m. Verticals of B, Γ, E, Z, H, I, K, N, Ξ, P; first vertical of Π; diagonals of A, Δ, Λ, N, X; outer diagonals of M, Σ; horizontals of Δ, Z, Ξ, T. 0.006 m. Vertical of T; second vertical of Π; horizontals of Γ, H, Π; outer horizontals of E; arms of K; inner diagonals of M (in some cases) and Σ. 0.004–0.005 m. Horizontal of A; inner horizontal of E; vertical of Y; arms of Y. The diameter of Θ is 0.007–0.008 m.; that of O is 0.007 m. The ellipse of Φ is 0.005 m. high and 0.008 m. wide; Ω is horseshoe shaped, 0.006 × 0.006 m. There is more variation overall on Face B: the horizontals of T and Ξ are 0.009 m. long, as, in some cases, are the outer diagonals of M (when the inner diagonals are 0.006 m. in length). The feet of Ω are sometimes only 0.003 m. in length.

<sup>28</sup> One might compare, for instance, the securely dated documents in *IG* that were inscribed within about 10 years on either side of this decree: *IG* II<sup>2</sup>, 39–45 (379–377 B.C.), 95–101 (377–372 B.C.), and 103–119 (369–359 B.C.). Of these 30 documents, 24 have square checker patterns, of which 10 have checker units twice the letter height (*IG* II<sup>2</sup>, 42, 95, 103, 109, 111, 112, 113, 115, 116, 117); 10 have checker units between 1½ and 2 times the height (*IG* II<sup>2</sup>, 40, 43, 44, 96, 97, 98, 106, 107, 108, 118); and 4 have checker units over two times the height (*IG* II<sup>2</sup>, 41, 104, 105, 114). 4 have checker patterns in which one component is greater than the other (vertical: *IG* II<sup>2</sup>, 39, 99, 101; horizontal: *IG* II<sup>2</sup>, 119), and 2 (*IG* II<sup>2</sup>, 45 and 100) are non-stoichedon. *IG* II<sup>2</sup>, 144+ is thus fairly typical of the documents inscribed during the 370's and 360's B.C.

<sup>29</sup> I am not aware that the checker patterns of this document have attracted the attention of any previous writer: in earlier publications the letter heights have been given as 0.006 m. and 0.009 m., respectively, and the document described merely as “stoichedon”.

is the narrowest of all those that are preserved, and this might account for its differences;<sup>30</sup> alternatively, it may derive from a totally different stele.

Even more distinctive than the letter forms, though less obvious at first glance, is the irregularity of both the horizontal and vertical checkers, especially the former. Although it would be correct to say that the checker pattern of the obverse face averages  $0.013 \times 0.013$  m., and that that of the reverse averages  $0.016 \times 0.016$  m., the actual range of the horizontal register is from 0.01 m. to 0.016 m. on the obverse face and from 0.013 m. to 0.018 m. on the reverse, while that of the vertical register is from 0.011 m. to 0.0145 m. on the obverse and from 0.013 m. to 0.019 m. on the reverse.<sup>31</sup>

What is puzzling about all this is that on no single fragment is precisely the same sequence of variations in the horizontal checker found that appears on any other fragment (though such repeated patterns are quite frequent in the case of the vertical register), yet the mason is consistently “irregular”. This probably indicates that the surviving fragments make up only a small part of the original whole, and that each of these fragments was set at a considerable horizontal distance from all its neighbors. This presents immense problems of restoration, of course, since contextual links are few and uncertain.

The mason’s irregularity in respect of his checker patterns is sharply at odds with the practices of other masons contemporary with him: variations of the sort found here are not uncommon, particularly in the horizontal register, during the 5th century, though their frequency diminishes with time,<sup>32</sup> but, by the beginning of the 4th century, the techniques of stoichedon engraving had apparently become standardized, so that such variations disappear. I do not know of any other document of this date in which such extreme variations in both the horizontal and vertical checkers are found.<sup>33</sup>

Since the margins, where they are preserved or can be estimated, show a progressive widening from top to bottom of the stele, it can be assumed that, once the mason had established the spacing of any pair of horizontal stoichoi at the top of the stele, this spacing would be reproduced throughout the entire length of the document on that face: this, in fact, is what happens in the case of the three obverse fragments that preserve the right edge of the stele (fragments *d*, *h*, and *j*), and also in the case of two, at least, of the reverse fragments

<sup>30</sup> If, for instance, the mason began to inscribe the reverse face according to the schema that he had adopted for the obverse, fragment *p* might represent the point of change to the new schema.

<sup>31</sup> Here, too, fragment *p* is an anomaly: if its spacings are not included in this discussion, the horizontal range of the reverse is 0.015 m. to 0.018 m., and the vertical range is 0.0145 m. to 0.019 m.

<sup>32</sup> In this judgment I agree, on the whole, with what is said by R. P. Austin (*The Stoichedon Style in Greek Inscriptions*, Oxford 1938, p. 31): “For the engravers ruled out the stone beforehand with remarkable regularity, and a measurement of the chequer in one part will generally be found to correspond exactly to its dimensions in another part. This is particularly true of Attic decrees of the later fifth and of the fourth centuries.”

<sup>33</sup> *SEG* XVII, 17 also exhibits noticeable variations in the checker patterns: as D. M. Lewis has commented (“Athens and Troizen,” *Hesperia* 28, 1959 [pp. 248–250], p. 248): “It is clear that no rigid chequer was drawn on either face.” Nevertheless, it is considerably less irregular than is the present document, while, at the same time, it is engraved with less skill, with a “tendency to double-cutting” (Lewis, p. 248).

that preserve the left edge (fragments *d* and *h*); the exception on this face is fragment *p*, whose spacing pattern is different. Thus, as I have already suggested when discussing letter forms,<sup>34</sup> this fragment may derive from another, unrelated stele, as, indeed, was suggested by Stamires but on other grounds.<sup>35</sup>

### DIMENSIONS OF THE STELE

Of the surviving 16 fragments attributed to this stele (not counting the lost fragment *q*), 6, possibly 7, preserve both inscribed faces and, thus, the full thickness of the stele. Thickness ranges from 0.14 m. (fragment *a*) to 0.156 m. (fragment *i*). It is thus clear that the stele was thinner at the top than at the bottom, and it is therefore possible to place the other four obverse/reverse fragments by relative thickness, although a *caveat* must be entered on this point, since stelai were not always made with the same thickness at both sides of the stele. Since the margins, where they are preserved or can be estimated, show a progressive widening proportional to the increase in thickness of the stele, it is clear that the stele was wider, as well as thicker, at the bottom than at the top. Indeed, fragment *j* indicates that the stele also had a projecting flange at the bottom, certainly at one side and probably at both sides, forming a kind of “false base”.

“Dow’s formula” indicates that Attic stelai were normally constructed according to a ratio of 1 : 4½ : 9, for thickness compared to width compared to height.<sup>36</sup> Thus, if our stele was normal, its width is likely to have been something over 0.69 m. and its height at least 1.38 m. Since the horizontal and vertical checkers, as well as the letter height, are greater on the reverse than on the obverse face, it can be calculated that Face A, having an average checker pattern of 0.013 × 0.013 m., contained over 100 lines at least 53–55 letters in length, and that Face B had room for *ca.* 85 lines at least 43–45 letters in length. Indeed, if my tentative linking of Face B, fragments *bc*, line 12 and fragment *d*, line 4 is correct, the restoration of the clause therein contained demands a line length in excess of 75 letters; if, too, fragments *l* and *m* are included in this part of the stele, the line length may be even greater, perhaps involving as many as 90 letters. This, in turn, affects the line length of Face A: if *bc*, *d*, *e*, and *f* all belong at the same level on the stone, the lack of definite contextual links between them implies that the line length of Face A was something in the region of 110 letters. From this it follows that the original width of the stele must have been at least *ca.* 1.40 m. If “Dow’s formula” is followed rigidly, such a width would require a height of *ca.* 2.50 m., which I believe to be unlikely, since the primary function of a document such as this would have been to permit easy consultation of its terms.<sup>37</sup>

<sup>34</sup> See pp. 346–347 and footnote 30 above.

<sup>35</sup> See footnote 4 above.

<sup>36</sup> S. Dow, review of B. D. Meritt, *Epigraphia Attica*, CP 37, 1942, p. 324.

<sup>37</sup> The Attic document that most closely resembles this textually is *SEG* XVII, 17, the record of a convention entered into by Athens and Troizen, perhaps, as Lewis tentatively suggested (*op. cit.* [footnote 33 above], p. 250), dated to about the same time. Lewis has calculated that the Troizen stele was *ca.* 0.85 m. in width, with a line of *ca.* 90 letters. If “Dow’s formula” be applied to this stele, too, its thickness of *ca.* 0.165 m. will

Although the largest fragments of the stele are quite substantial (fragments *a*, *bc*, *d*, and *i*), in no case is more than a quarter of the lowest estimated height or a third of the lowest estimated width of the stele preserved; in fact, several fragments are quite small. Thus, as the divergences in checker patterns have already suggested, far more of the stele is lost than is preserved, and the gaps, both horizontal and vertical, between the fragments are likely to have been large.

### CONCLUSIONS

The document that I have been discussing belongs to a class of interstate agreement of which the surviving examples are relatively few and often uninformative. For this reason, I have had to make use of documents far removed both in space and in time in my efforts to reconstruct its terms.<sup>38</sup>

The purpose of such *symbola* documents was to enable the citizens of each of the contracting parties to obtain justice in whichever they chose of the cities involved in the agreement, particularly in suits arising from commercial dealings. In practice, this meant that cases were judged in whichever state the claim arose, regardless of who was plaintiff and who defendant, but that judgments so obtained were enforceable in either city.<sup>39</sup>

Athens, during the period of her Empire, had concluded such *symbolai* with several of her allies, but many of these are likely to have been one-sided in favor of Athenians and to have lapsed when the Empire was dissolved at the end of the Peloponnesian War.<sup>40</sup> In the 4th century, particularly during the period when she was establishing her Second Maritime

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give a height of *ca.* 1.50 m. and a width of *ca.* 0.75 m. The extra width calculated by Lewis suggests that the height, too, should perhaps be extended to *ca.* 1.70 m. This allows room for a text of about 120 lines on each face. Part of one face is taken up by a list of names, but the length of this list is unknown. Lewis believed that the stele contained only one decree. If my calculations regarding *IG* II<sup>2</sup>, 144+ are correct, the Stymphalos document will have been much longer than the Troizen document; this, too, may be an argument in favor of regarding Face A and Face B of this stele as two different decrees, involving two different states allied to Athens but having similar content. I suggested earlier (see footnote 8 above) that the Stymphalos stele and its fellows may have been set up somewhere where they formed a continuous wall, having the texts of all extant *symbola* agreements inscribed on both faces: if I am correct in arguing that the height of the Stymphalos stele was equal to its width (rather than twice its width, as was “normal”), this would place it close to the height of the Troizen stele, the degree of closeness depending upon the line length adopted. Moreover, if the Stymphalos stele and its fellows did form a continuous wall, this might explain the curious flange or “false base” that appears on the right lateral of the Stymphalos stele (fragment *j*): it could be a sort of base molding at the end of this hypothetical wall. The Troizen stele, if it is dated several years earlier than the Stymphalos stele and its fellows, may not have been part of this “wall” but is likely to have been somewhere near to it.

<sup>38</sup> Others have faced the same problem, with the same solution: see Gauthier, p. 180.

<sup>39</sup> Thus, Gauthier, pp. 180–181. G. E. M. de Ste Croix argues that the surviving documents “show concern not with contractual suits but with what we should call actions in tort or for crime. Of anything that might be called ‘commercial’ suits there is no sign. This does not suggest, of course, that ‘commercial’ suits were not foreseen at all, but it does suggest that they were by no means the principal concern of these *συνβολαί*” (“Notes on Jurisdiction in the Athenian Empire,” *CQ*, n.s. 11, 1961 [pp. 94–112 and 268–280], pp. 109–110).

<sup>40</sup> See the list in Gauthier, pp. 157–166. The only one out of this list that definitely survived into the 4th century is the agreement between Athens and Samos, which was renewed in 403/2 B.C. (*IG* I<sup>3</sup>, 127 = II<sup>2</sup>, 1); see also Ziegler, pp. 62–65.

Confederacy, after 379/8 B.C., Athens concluded new agreements with several states, of which the present example may be one of the earliest.<sup>41</sup>

The *symbolai* entered into by Athens during the 5th century seem to have been very general in tone and frequently biased in Athens' favor, thus reflecting her status as an imperial power. By contrast, conventions entered into during the 4th century, called *symbolai* before ca. 355 B.C. and *symbola* after that date,<sup>42</sup> were often extremely detailed and specific, involving lengthy statements of crimes and penalties and of legal procedures to be followed in each of the contracting cities. In this, they reflected the diversity of the states involved, as well as, perhaps, a growing recognition on the part of the Athenians that *their* laws were not necessarily sufficient in dealings involving foreigners.<sup>43</sup>

These *symbolai* and *symbola*, so far as we can tell, were primarily judicial in character; they thus had some, but by no means all, of the features that appear in modern treaties and trade agreements. Their primary function was to ensure that citizens of either of the contracting states in dealings with citizens of the other enjoyed legal rights equal to those available to them in their own city or to their adversaries in the other city. Where the legal machinery of one state was different from that existing in the other, adjustments were, perhaps, made in one or the other in order to bring the two systems into line; these adjustments might even sometimes have entailed the creation of special courts or boards of magistrates.<sup>44</sup>

Such agreements did not do away with the earlier and less specialized institution of the *proxenia*: some of the functions of the *proxenoi* were unaffected by the existence of *symbolai*; others would have been carried on parallel to the activities envisaged in the *symbola* agreement; still others may have been enhanced thereby.<sup>45</sup> Moreover, it is likely that the

<sup>41</sup> See Gauthier, pp. 166–169 and Ziegler, pp. 52–61: Athens and Troizen, ca. 400–375 B.C. (but possibly later, ca. 368 B.C.? The letter forms, however, suggest a date near the beginning of the century; see A. G. Woodhead, "Greek Inscriptions," *Hesperia* 26, 1957, pp. 225–229, no. 85 and D. M. Lewis, *op. cit.* [footnote 33 above], p. 250), *SEG* XVII, 17 (= *IG* II<sup>2</sup>, 46+); Athens and Stymphalos, ca. 368 B.C.? *IG* II<sup>2</sup>, 144+ (the document here discussed); Athens and Kyzikos, ca. 363–357 B.C., Demosthenes, *xxi.173*; Athens and Siphnos, ca. 362–355 B.C., *SEG* XVII, 19 (Gauthier considers this an unlikely candidate for the category of *symbola* document; p. 169, note 2); Athens and Naxos, ca. 376–350 B.C., *IG* II<sup>2</sup>, 179; Athens and an unknown Cretan state, perhaps Kydonia, before ca. 360–350 B.C., *SEG* XVII, 20; Athens and Knossos, ca. 360–350 B.C., implied by *SEG* XVII, 20, lines 10–12 and 16.

<sup>42</sup> See Gauthier, p. 157 and pp. 189–193; Ziegler, pp. 62–65.

<sup>43</sup> See Gauthier, pp. 189–194.

<sup>44</sup> For instance, the *xenodikai*, whose existence at Athens is attested only in inscriptions (see footnote 21 above). They are not mentioned, however, in the Aristotelian *Athenaion Politeia*, and this suggests that they were an *ad hoc* board (rather than a regular part of Athenian legal machinery) or that, as Gauthier suggests (see footnote 21 above), they were not Athenian at all, at least not during the 4th century B.C. See also Vélisariopoulos, pp. 253–257 and Ziegler, pp. 58–61.

<sup>45</sup> See footnote 12 above. The *proxenoi* would still have served the short-term needs of visitors, would have acted as commercial agents, perhaps also as bankers, and would have dealt with problems arising out of wills, dowries, and inheritances. They may also have served to make visitors aware of their rights under existing conventions and have guided these visitors through the legal procedures involved. In addition, of course, they had a political role, introducing official delegations to the governing organs of their states and promoting the interests of their clients before these governing bodies (see M. B. Walbank, *Athenian Proxenes of the Fifth*



*proxenoi* themselves would have been deeply involved in the negotiations that brought such agreements into existence.<sup>46</sup>

Nor did the existence of such conventions affect the status of metics in either of the contracting states, since these were covered by the metic law and had well-defined legal rights under the law.<sup>47</sup> Nor did the existence of a *symbola* agreement between his own and another city in any way effect the obligation of a *xenos* to submit himself to the *metoikion* if he wished to stay long term on the territory of the other state.<sup>48</sup>

The persons who *were* affected were thus the ordinary citizens of either contracting state who merely wished to carry on commercial or other dealings with the citizens of the other: under the agreement they obtained direct access to the courts of the other state, access to which they would otherwise have had only through the agency of their city's *proxenoi*, protection against arbitrary arrest or detention, and, moreover, the right of enforcement in each of the contracting cities of any judgment that might so be obtained.<sup>49</sup>

The cases that arose under the terms of these conventions were primarily commercial in nature; many of these, during the 4th century at Athens, might have been equally well and, in some cases, perhaps more expeditiously dealt with by the *dikai emporikai*. These courts, however, had a narrow and specialized function, designed to facilitate the trade, especially in grain, on which Athens relied; moreover, they met only during the winter months.<sup>50</sup>

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Century B.C., Toronto/Sarasota 1978, pp. 2–3, on their duties and roles at Athens: the duties expected of them in the 4th and succeeding centuries were little different from those of the 5th century). In other cities than Athens, the political aspects of the *proxenia* may have been emphasized less, and, as at Delphoi and other religious centers, the *proxenoi* may have been more concerned with matters religious than with commercial or political affairs. For a useful and recent summary of the duties of *proxenoi* throughout the Greek world see C. Marek, *Die Proxenoi*, Frankfurt am Main/Bern/New York 1984, pp. 333–385 (esp. “Politik”, pp. 334–358; “Wirtschaft und Gesellschaft,” pp. 359–375; “Kultur und Religion,” pp. 376–381).

<sup>46</sup> Note the juxtaposition of [πρ]οξένων and πρεσβευτ---] on Face A, fragment *a*, line 4 and the likely involvement of a *proxenos* (as liturgist?) in the affairs of a *presbeus* on Face A, fragment *i*, line 8. See my comments on these in the Epigraphical Commentary (pp. 333 and 338 above).

<sup>47</sup> See D. Whitehead, *The Ideology of the Athenian Metic*, Cambridge 1977, pp. 89–97.

<sup>48</sup> See *ibid.*, pp. 8–9.

<sup>49</sup> See Gauthier, pp. 193–195. [Andokides], iv.18, dated between 390 and 380 B.C., is evidence for the protection that such conventions offered to foreigners against arbitrary arrest or detention (for the Greek text, see footnote 22 above).

<sup>50</sup> See footnote 17 above. At some time, probably around 355 B.C., direct access to special courts was made available to all foreigners who were engaged in maritime trade with Athens. These *dikai emporikai* “were open to individuals of varied citizenship. Special provisions were available for assuring a defendant’s appearance at the ensuing trial, and uniquely strong measures would be taken to enforce the judgement of the maritime tribunals. The courts were summary in procedure, rendering rapid decisions” (Cohen, p. 8). These courts, however, were designed to meet the needs of the interstate grain trade, not those of small-scale and sporadic commercial dealings. Gauthier (pp. 202–203) sees them as the result of a new set of circumstances: of an Empire that had failed (the Second Athenian Maritime Confederation) and of a highly mobile metic population, in a period of political, social, and economic instability; they were designed to attract large traders, principally in grain. One might expect to see references to these *dikai emporikai* in Attic *symbola* agreements made after ca. 355 B.C., but, in the very few documents that survive, no such allusion occurs (see the list of these texts in Gauthier, pp. 168–173). Similar *dikai emporikai* may have existed in Miletos during the 3rd century B.C., to judge by the phrase κατὰ τὸν νόμον τὸν ἐμπορικόν that occurs in the convention entered into

The merchants who made use of the *dikai emporikai* are likely to have come from grain-producing states, far distant from Athens, or from states along the grain routes. The *dikai emporikai* were thus a response both to the importance of the grain trade in the changed conditions of the later 4th century and to the geographical distances involved. By contrast, the *symbolai* and *symbola* of the 4th century seem, for the most part, to involve states that were quite small and often geographically close to Athens.<sup>51</sup> Their citizens will have carried on small-scale, sporadic trade or will have made short-term, casual visits to Athens, not necessarily for the purposes of trade.<sup>52</sup> For these, the conventions agreed to by Athens and by their own cities will have afforded much better and, perhaps, quicker service than could the *dikai emporikai*. The *dikai emporikai*, moreover, did not cover all types of suit that, I believe, might have arisen under the terms of the *symbolai*: certain types of loan, for instance; suits for violence or bodily harm; partnerships; cases involving slaves or animals; and banking cases. All these are classified by [Aristotle], by implication along with cases brought before the *dikai emporikai*, as well as with other types of suit that would not have affected *xenoi*, as *dikai emmenoi*, cases in which a decision had to be made on a monthly basis (or

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by Miletos and three Cretan states (*Staatsv.* 482, lines 35 and 49). Vélissaropoulos (pp. 241–248, esp. pp. 245–247, with earlier bibliography) provides a somewhat different interpretation of the role of the *dikai emporikai*, and, in particular, following Paoli, seeks to interpret the evidence regarding their seasonal nature in a quite different manner, reversing the order of months in Demosthenes, xxxiii.23 (see footnote 17 above). I do not find her arguments convincing. M. H. Hansen also disagrees with Cohen about the character of the *dikai emmenoi* and the date at which the *dikai emporikai* were heard (“Two Notes on the Athenian *Dikai Emporikai*,” *The Scientific Year-book of the Graduate School of Political Sciences ‘Panteios’*, Athens 1981, pp. 167–175: I owe this reference to Mr. A. G. Woodhead, *per ep.*, but have not seen the article in question.

<sup>51</sup> Gauthier, pp. 204–205. Gauthier terms these states part of Athens’ “monde environnant”; propinquity, rather than separation, he suggests, was the cause of the conclusion of such agreements. Not all those for which evidence survives can be placed securely in this category, however: Stymphalos, for instance, though not very distant on the map, is, in fact, remote and inaccessible even today (see E. H. Williams, “Stymphalos: A Planned City in Arcadia,” *Echos du monde classique/Classical Views*, n.s. 2, 1983, pp. 194–204, with earlier bibliography, to which should be added R. Baladié, *Le Péloponnèse de Strabon*, Paris 1980, pp. 103–108). I should judge Stymphalos’ agreement with Athens to partake more of sentiment or religious interest than of propinquity: we know that a sanctuary of Brauronian Artemis existed in the city (for the evidence, see *SEG* XI, 1107, lines 8 and 28), which suggests family or religious ties with Attica. Williams (*op. cit.*, p. 201) suggests that the walls of the city and its orthogonal grid plan can be dated to the second quarter of the 4th century B.C.; I wonder if an infusion of new settlers, perhaps including exiles from Attica, may have been the cause of its rebuilding and fortification (there is no evidence for such an infusion in any of the historical sources, however). Military considerations, too, probably weighed in Athenian minds: Woodhead, *op. cit.* (footnote 6 above), pp. 223–224, suggests that this document should be dated to 368–364 B.C., “the period of rapprochement between Athens and Arkadia,” Stymphalos being probably a founding member of the Arcadian League, which Athens had opposed before 368 B.C.: she had actually sent Iphikrates on a campaign in the northern Peloponnesos, probably in 370/69 B.C., and Woodhead suggests that his attack on Stymphalos (Strabon, viii.8.4) belonged to this campaign. Troizen, too, though far closer to and accessible from Attica, had claims of sentiment that may, in part, have promoted the establishment of its agreement with Athens (*SEG* XVII, 17); also, as it was the closest of the Peloponnesian states, the military advantages of such a bilateral convention in the early years of the 4th century were obvious (see Woodhead, *op. cit.*, p. 227).

<sup>52</sup> For instance, in the Naxos agreement (*IG* II<sup>2</sup>, 179, fragment *a*, line 6 and fragment *c*, line 4) there seems to be a reference to attendance at religious events in either of the contracting states.

within a month of their inception?<sup>53</sup>) and which seem to have involved a streamlined procedure.<sup>53</sup>

I present here in summary my hypothetical reconstruction of the terms embodied in the document here studied:

#### FACE A

Title and Prescript (Lost). Preamble to *symbolai*; process of negotiation and ratification (*a*, lines 2–5). Rights of free citizens of either state in each? (*a*, lines 6–12). *Lacuna*. Several clauses whose full import cannot be gauged but including penalties or damages, and pledges or sureties (*bc*, lines 1–17; *d*, lines 1–6); duties of the *epimeletai*, perhaps those concerned with harbor facilities in Peiraeus (*d*, lines 7–11; *bc*, lines 18–23); incarceration while they await trial of persons accused (*bc*, lines 23–25; *d*, lines 12–14); illegal(?) imprisonment or abduction; penalties thus incurred (*d*, lines 14–16); monetary sanctions (*d*, lines 16–20); wounding, blinding, or maiming of citizens of the one state by those of the other; compensation appropriate in each case (*d*, lines 20–23). *Lacuna*. Illegal sale into slavery of free citizens of either state (*e*, lines 1–2); fines or debts arising from this; terms of payment/confinement until paid (*e*, lines 3–5); clause relating to activities carried on during the summer months, perhaps military operations or maritime trade (*e*, lines 6–7). Capture and return to their masters of runaway slaves; sums authorized to be recovered by magistrates from their masters for daily maintenance of such slaves (*e*, lines 8–11). *Lacuna*. Action to be taken by the *praktoreis* in the collection of debts (*f*, line 1); moneys owed to Athena (*f*, lines 2–3); actions to be taken by the *strategoi* (*f*, line 4); penalties (for non-compliance? *f*, line 5); acquittal (or release of slaves? *f*, line 6); role of the *xenodikai* (*f*, line 7); witnesses (*f*, line 8). *Lacuna*. Clauses relating to reconciliations and truces, secular or religious (*h*, lines 1–4). *Lacuna*. Duties of liturgists, perhaps those serving as *proxenoi* for each of the contracting states, in cases where visiting citizens of one state die on the territory of the other: burial and return of family (?) and property at the expense of the *proxenos* liturgist (*i*, lines 1–5); praise and other honors to be anticipated by such liturgists as a result of these duties (*i*, lines 6–7); duties of ambassadors (or of liturgists in respect of ambassadors from the other state? *i*, lines 8–13); future activities (*i*, lines 14–16); action to be taken within a specified time (*i*, lines 17ff.). *Lacuna*. Deposition of securities and pledges, perhaps the preamble to a new clause (*j*, lines 1–2); homicide, both deliberate and accidental, of slaves and of free men; debts arising from this; right to go to law (*j*, lines 5–8 [+*g*, lines 1–6?]); transport of goods (*g*, lines 7–8?). *Lacuna*.

#### FACE B

*Lacuna*. Processes to be followed in judgment of suits in each city; preliminary deposits (*a*, lines 1–4); witnesses (*a*, line 6); penalties or deposits (*a*, line 7; also *k*?). *Lacuna*. Action to be taken (by the magistrates in each city?), perhaps the administration of an oath to *xenodikai* or other organs of justice (*bc*, lines 1–6; *l*, lines 1–2); deities to be invoked in support of this oath in each of the contracting states (*bc*, lines 7–8; *l*, line 3); preamble to the oath (*l*, line 4); procedures to be followed if the oath is violated; magistrates responsible in each city: at Athens, the Nine Archons and the Generals (?), at Stymphalos, the *Damiorgoi* (? and other magistrates?); fines to be paid if such action is not taken; tithe payable to the gods (*d*, lines 1–2; *bc*, lines 9–11; *l*, lines 5–6); succession of numbered clauses, perhaps relating to duties of the *xenodikai*: first clause, the *xenodikai* (in each city?), fines for non-compliance with the terms of the agreement, perhaps also including requirements for payment of a deposit (*bc*, lines 13–18; *l*, lines 9–11; *m*, lines 1–3; *d*, lines 6–10); second clause, registration and execution of judgments by the *Damiorgoi* at Stymphalos (and by the Nine Archons at Athens?), with penalties for non-compliance (*d*, lines 9–17; *bc*, lines 19–21; *m*, lines 4–9; [+ *h*, lines 1–7; *n*, lines 1–5?]); third clause, relating to separate institutions in each city (? *h*, lines 8–13; *n*, line 6). *Lacuna*. Procedures for publication at Athens (and at Stymphalos? *o*, lines 2–4).

(I have not included in this summary the measures dealt with on fragments *p* and *q*).

<sup>53</sup> [Aristotle], *Ath. Pol.*, 52.2–3.

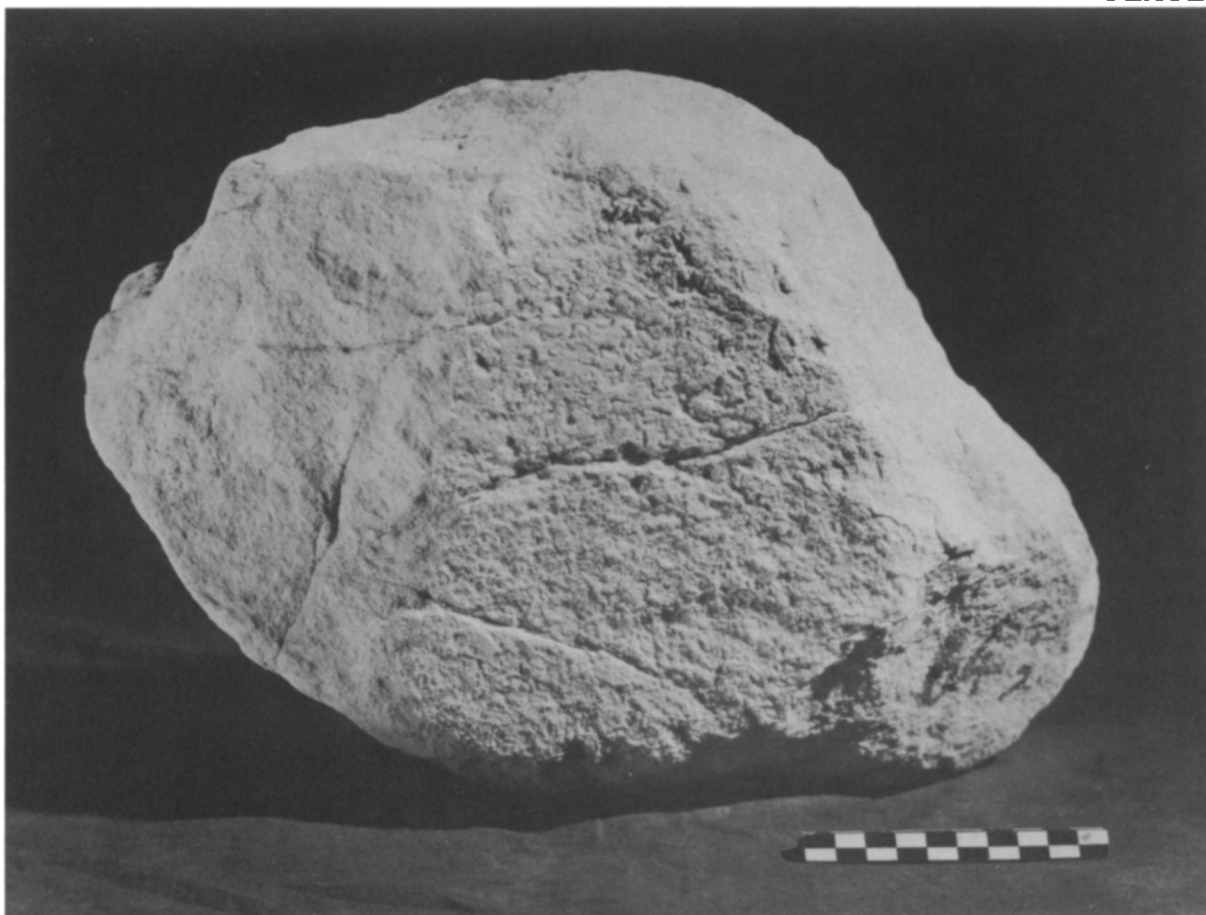
So far as it may be reconstructed, the present document thus includes in its terms many of the features that I have mentioned as being likely to be embodied in such conventions, although not, perhaps, in so much detail as is found in other documents of this type. What has not survived here is any direct reference, except in hypothetical restorations, to Athenian magistracies, such as the Polemarch, the Nine Archons, or the *Thesmothetai*,<sup>54</sup> nor any reference to exemption from the *metoikion*,<sup>55</sup> both of which occur in other Athenian documents of much the same date and which thus might be expected to be found here, too. These omissions, however, need not be surprising, in view of the fragmentary and incomplete nature of this text.

MICHAEL B. WALBANK

THE UNIVERSITY OF CALGARY  
The Department of Classics  
2500 University Drive N.W.  
Calgary, Alberta, Canada T2N 1N4

<sup>54</sup> [Aristotle], *Ath. Pol.*, 59.6 (καὶ τὰ σύμβολα κυροῦσι, καὶ τὰς δίκας ἀπὸ συμβόλων εἰσάγουσι), and *IG* II<sup>2</sup>, 179a, lines 10 and 17. Gauthier (p. 188) argues that the *Thesmothetai* had three roles to play in this context: in the first place, they presented the terms of the *symbola* to the tribunal that ratified them (much as they presided over the *dokimasia* that validated grants of citizenship); secondly, they had control of the archives (in the *Thesmoterion*; see *SEG* XVII, 17e, line 5: ἐν τῷ Θε[σμοθεσίῳ]), and, when a plaintiff brought a suit under the terms of the *symbola*, they judged whether he was so entitled; thirdly, they presided over the jury that judged the actual cases that arose from the *symbola*. I have restored the Nine Archons and the Generals on Face A, fragments *bc*, *d*, and *l*, but this restoration is tentative.

<sup>55</sup> For ἀτέλεια τοῦ μετοικίου, see *SEG* XVII, 20, line 11. See also Whitehead, *op. cit.* (footnote 47 above), p. 14 and note 74, especially.



Side A, fragment *a* (E.M. 64)



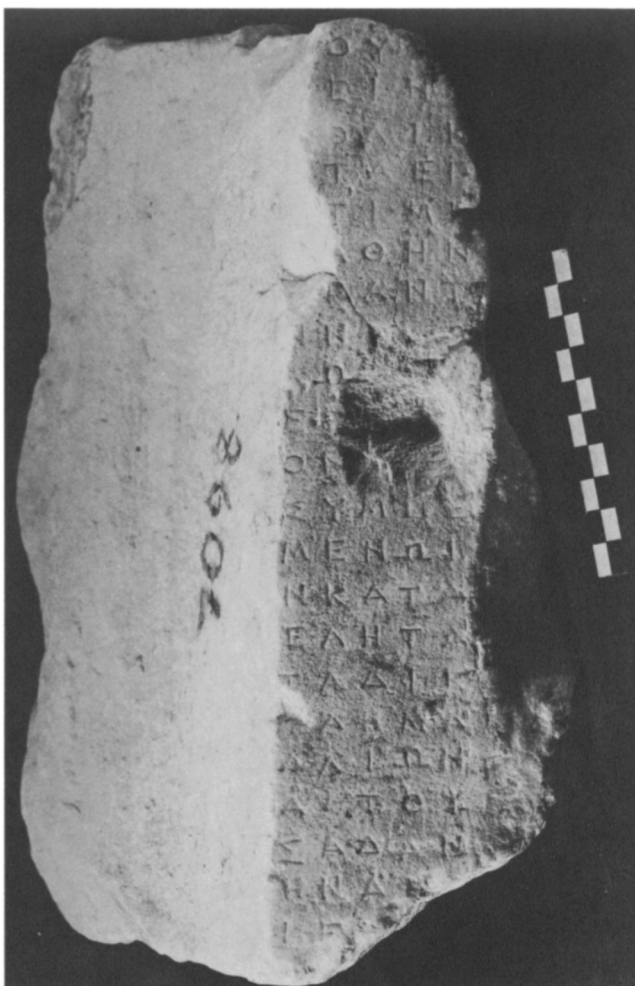
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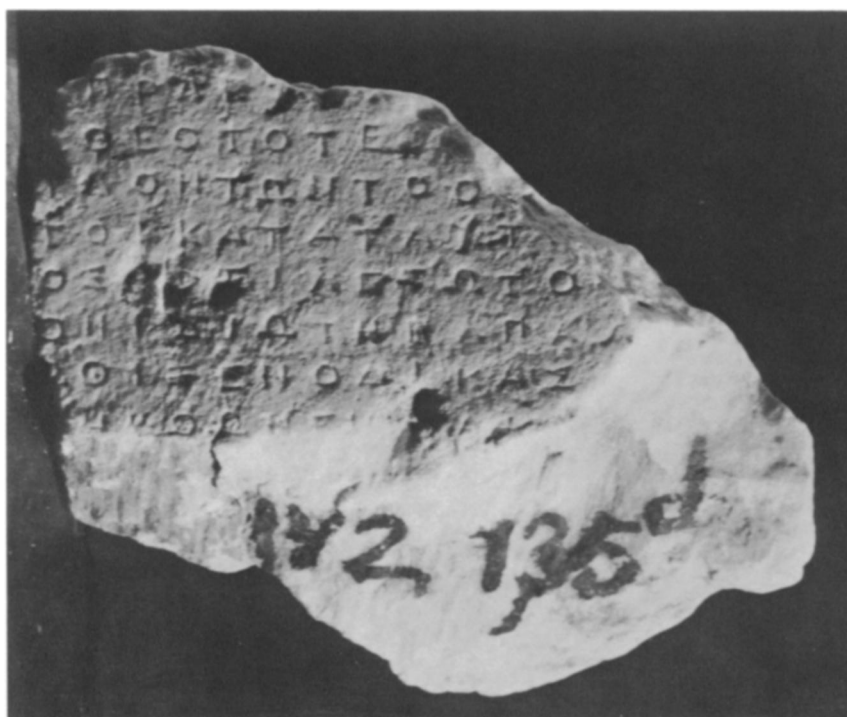
Side A, fragment *e* (I 5803)



Side A, fragment *b* (E.M. 709?)



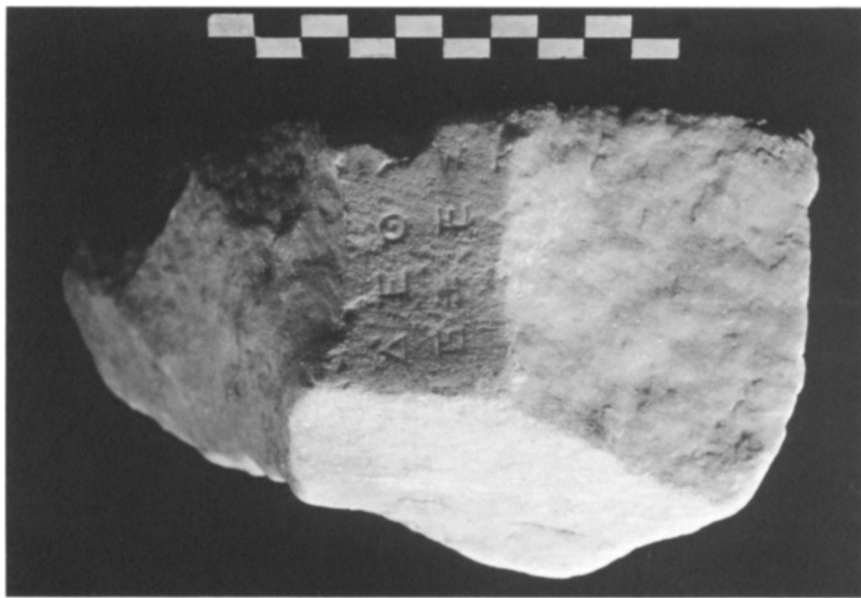
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Side A, fragment *f* (E.M. 7101)



Side A, fragment *g* (I 5751)



Side A, fragment *h* (E.M. 7099)



Side A, fragment *i* (E.M. 2673)

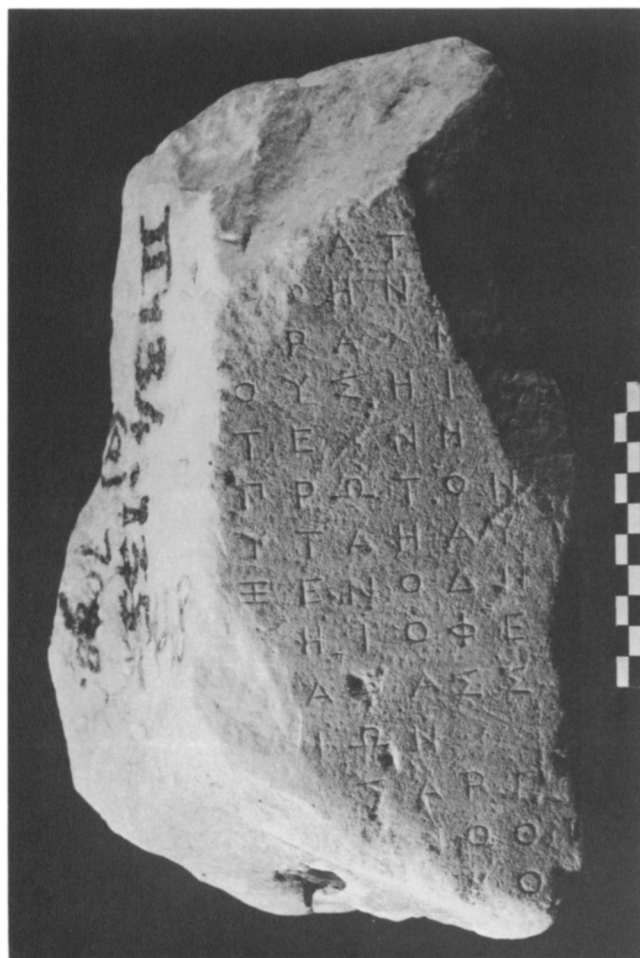


Side A, fragment *j* (E.M. 7092)

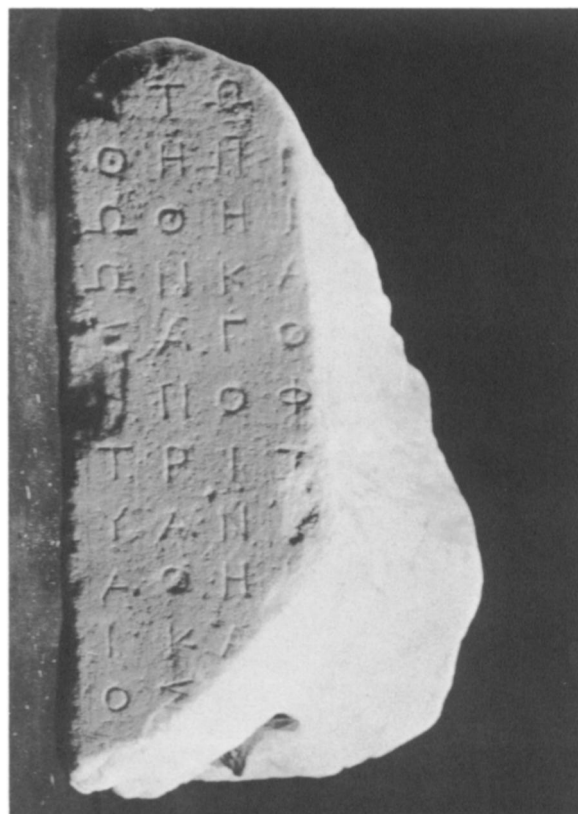




Side B, fragment *a* (E.M. 64)

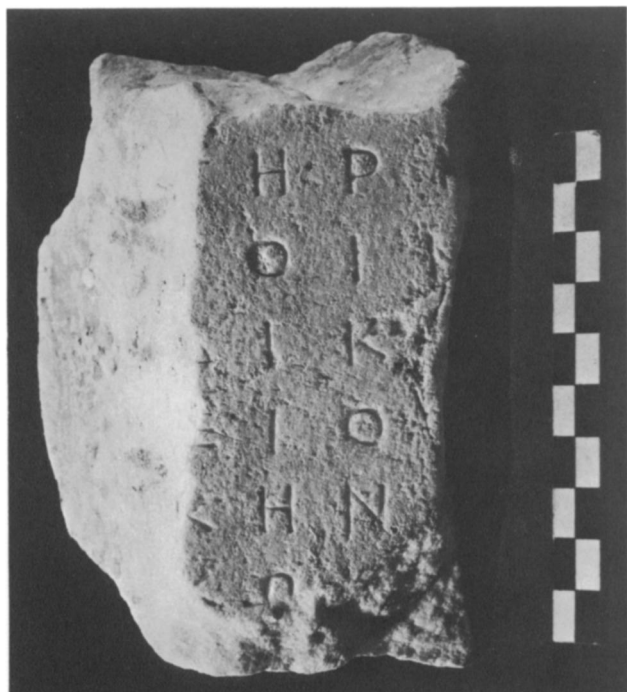


Side B, fragment *c* (E.M. 7098)



Side B, fragment *h* (E.M. 7099)

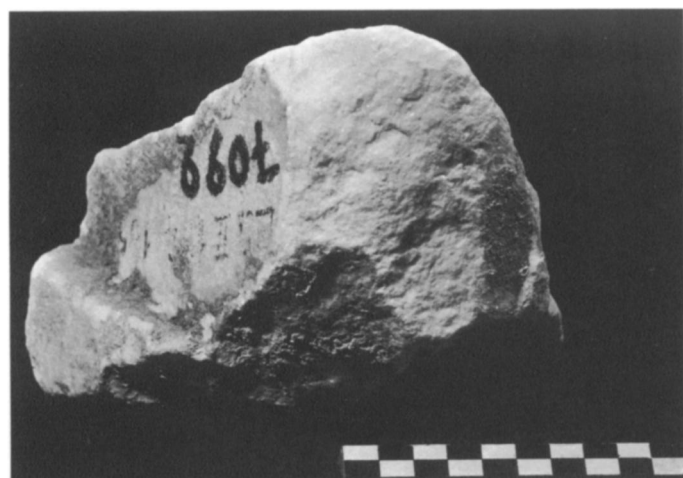




Side B, fragment *b* (E.M. 709?)



Side B, fragment *d* (I 2025)



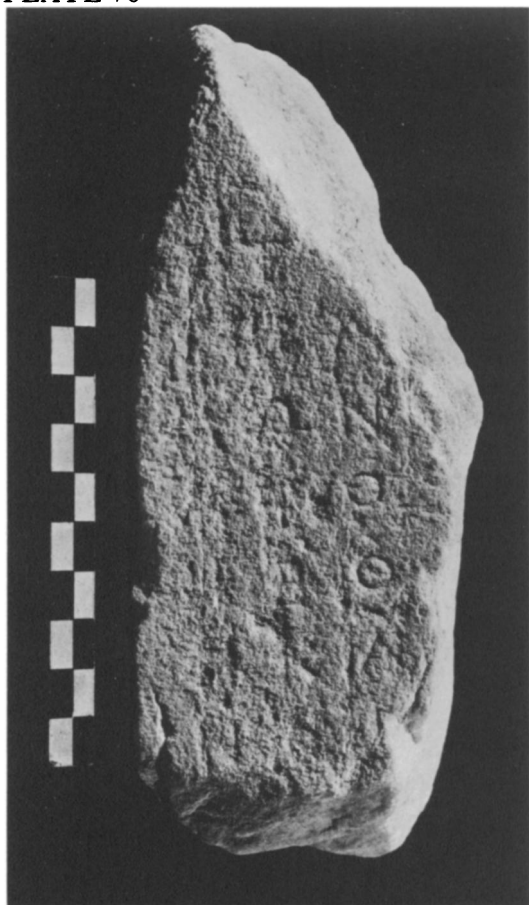
Side B, fragment *j* (E.M. 7092)



Side B, fragment *k* (E.M. 7093)



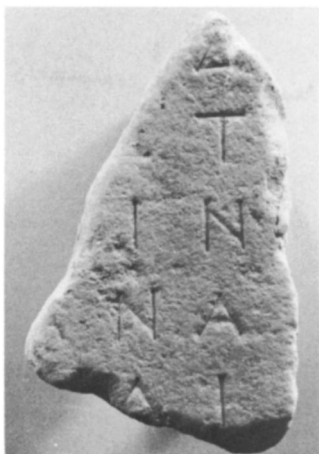
Side B, fragment *l* (E.M. 7094)



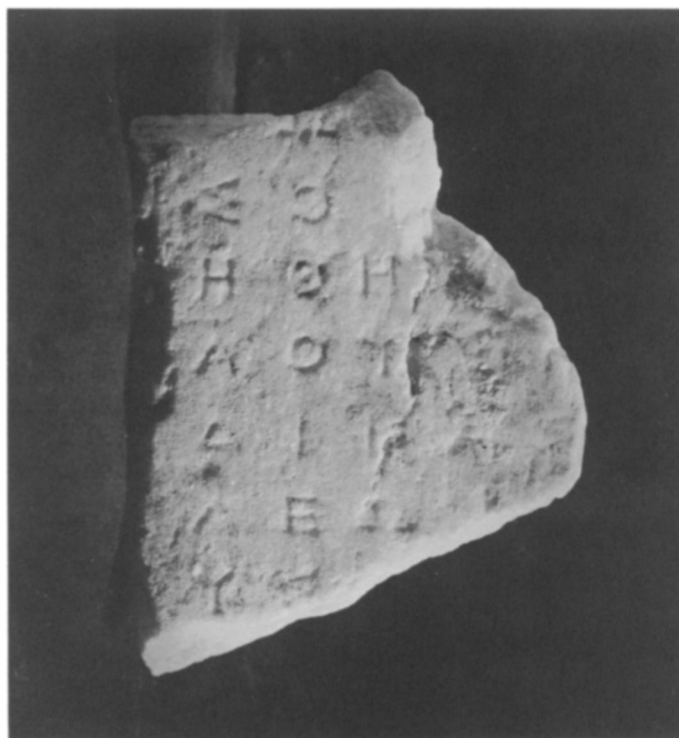
Side B, fragment *m* (E.M. 7096)



Side B, fragment *n* (E.M. 7095)



Side B, fragment *o* (I 5278)



Side B, fragment *p* (E.M. 7091)