

I.G., I², 95, AND THE OSTRACISM OF HYPERBOLUS

HYPERBOLUS the demagogue figures twice in Attic inscriptions, apart from ostraka. In *I.G.*, I², 84, his name is partly restored in line 5 as the mover of the regulations concerning the worship of Hephaestus: in *I.G.*, I², 95, his name is preserved on the stone in full, and he appears to be moving an amendment to a decree the main part of which was recorded on the lost upper part of the stone. *I.G.*, I², 95, is a fragment from the middle of the stele; no edge is preserved, and the subject matter shows no sign of coming to an end when the fragment breaks off.

The text is given in the *Corpus* as follows:

ΣΤΟΙΧ.

----- πι -----
 ----- ι νομο -----
 ----- ι τὰ δεμιορ[γικὰ ---- καλέσαι δὲ -----
 ----- ἐπὶ δείπ]νον ἐς τὸ πρυτανεῖον ἐς [αὔριον -----
 5 ----- σι ὁ ἔδοχσεν τῷ δέμοι ἀπο -----
 ----- τα^v ἠνὲρβολος εἶπε· τὰ μὲν ἄ[λλα καθάπερ --
 ----- τὲν δ]ὲ Αἰαντίδα πρυτανείαν, ἐπει[δὲν -----
 ----- ἐκκλεσίαν ποι]ῆσαι δέκα ἡμερῶν, ἠοπόθεν τ -----
 ----- μ, τὲν δ' ἐκκλεσίαν ποιῆν -----
 10 ----- τῆς Αἰγείδος πρυταν[είας -----
 ----- προβολευσάτο δ' ἐ βολ]ῆ περὶ τούτου πέν[τε ἡμερῶν ἀφ' ἐς ἂν --
 ----- ---- Ι. ΡΙΓ .!αντι -----
 ----- εν -----

The sense and continuity of the inscription seem definitely to stop in line 6 at the *vacat* preceding Hyperbolus' name. It is clear that it must be so if a fresh amendment is to be offered, but two further pieces of evidence confirm that at this point we are, as it were, at the end of a chapter. (i) We have the formula whereby someone is invited to dinner at the Prytaneum; this formula almost always concludes a decree, when it occurs.¹ (ii) The phrase ἔδοχσεν τῷ δέμοι shows that, whatever the matter in question, the people had voted to perform some or all of it.² As the inscription would no doubt have begun with the usual formula ἔδοχσεν τῷ βολεῖ καὶ τῷ δέμοι, covering the decree as a whole, I suggest that the people are here taking a decision on a specific point left to their judgment. Hyperbolus' amendment may have followed directly upon the main decree, or may have been one of a series of amendments. In either case we are enabled to make a tentative restoration following the formula τὰ μὲν ἄ[λλα

¹ For examples of the formula preceding an amendment see *I.G.*, I², 19, lines 14-15; 58, lines 8-9; 67, lines 6-7; 144, lines 11-12; 148, lines 1-2. Also *Hesperia*, VII, 1938, p. 275, no. 10 (emended *ibid.*, X, 1941, p. 337). Cf. W. Larfeld, *Handbuch der Griechischen Epigraphik*, Vol. II, pp. 811-812, and examples there.

² See below, p. 81.

καθάπερ]. The subsequent [τὸν δ] ἐ Αἰαντίδα πρυτανείαν looks very much as if it begins the substance of what Hyperbolus has to say, the δέ balancing the μέν of τὰ μὲν ἄ[λλα]. Following the formula τὰ μὲν ἄλλα καθάπερ (*sc.* ἔδοχσεν), τῷ βολῷ will fill eight letter spaces; eight to ten letters are the average for an Athenian name;³ hence we may establish provisionally a length of line of 45-47 letters, which can at least serve as a basis for reconstruction.

It is a remarkable fact that, in the body of Hyperbolus' amendment, mention is made of two prytanising tribes, Aiantis and Aigeis. In any conciliar year the outgoing prytany drew lots to determine its successor, so that no prytany could be identified in advance with any tribe, save in the ninth prytany, when a process of elimination would make the next, and last, prytany known.⁴ The result is that we have here the possibility of various combinations. (a) The tribe of Aiantis, as a prytany, is to do something or to have something done to it. If it is being instructed to take some action, then it must either be the tribe at present in prytany, or else it will be the tenth prytany, the decree being passed in the course of the ninth prytany. If it is the object, it might also be a past prytany to which, for some reason, a reference back is being made. (b) In line 10 the tribe of Aigeis is mentioned as a tribe in prytany. Again it may be a past prytany; it may be prytany IX if Aiantis is prytany X; or it may be prytany X with Aiantis as prytany IX. Unless we are in prytany IX at the time of the decree, neither of these names can refer forward. Otherwise, either they both refer back, or one refers to the present and the other refers back.

If there is a reference back, there is room to consider, as a clue to the subject matter, in what circumstances such a reference might have been warranted: it might well have been that some mistake or malpractice had taken place for which the prytany had been collectively responsible. The matter is evidently pressing. In line 8 something is to happen within ten days, and in line 11 the council is to take some action within five days. I suggest, in making the restoration, that this emphasis on speed is made in order to get the business through before the end of the conciliar year. If the council was soon to go out of office, it was clearly desirable that the prytaneis be dealt with while it was still in being, before the end of their year of membership of it.

On this hypothesis we may look for a suitable year in which Aiantis or Aigeis served as the tenth prytany. Our knowledge of the prytanies at this period is not full, but we do know from I.G., I², 94, that Aigeis was in fact the tenth prytany in the year 418/7—but with Pandionis, not Aiantis, as prytany IX.⁵ This will allow us to eliminate all but one of the choices proposed above for the relationship between the two prytanies named in the amendment. Τὸν δὲ Αἰαντίδα πρυτανείαν must refer to a

³ Cf. H. T. Wade-Gery, *Class. Phil.*, XXVI, 1931, p. 310.

⁴ Cf. W. Ferguson, *The Athenian Secretaries* (*Cornell Studies in Classical Philology*, VII, 1898), pp. 19-27; B. D. Meritt, *A.J.P.*, LVII, 1936, pp. 180-182; *Cl. Qu.*, XL, 1946, pp. 45-46.

⁵ B. D. Meritt, *A.J.P.*, LVII, 1936, pp. 180-182; *Cl. Qu.*, XL, 1946, pp. 45-46; Milton Giffler, *Hermes*, LXXV, 1940, pp. 215-226.

past prytany. We may perhaps assume a proposal to cite the prytany of Aiantis as a prytany, not simply as ordinary members of the council, with instructions to Aigeis, as the tribe in prytany, to see to it that the business was completed before the end of the conciliar year.

The year 418/7 is further made likely by the evidence of the stone itself. Examination of the stone in the Epigraphical Museum at Athens, and of the squeeze in the Institute for Advanced Study at Princeton, shows that the probable reading in line 12 is ΕΙ. ΕΙΕΓΙΑΝΤΙΦ, which I take to be [τῆι βολ]ῆι [τ]ῆι ἐπὶ Ἀντιφ[όντος ἄρχοντος]. Antiphon was archon in 418/7. No other archon name of the period will suit; the only other tenth prytany we know at this time is that of 417/6, but this was Antiochis, and the archon was Euphemus.⁶ The two pieces of evidence that Aigeis was the ninth or tenth prytany and that there is a reference to Antiphon as archon combine to date the decree almost certainly to the tenth prytany of 418/7.

In the course of Hyperbolus' amendment there is instruction for holding the ἐκκλησία. The definite article in the phrase τὴν δ' ἐκκλησίαν in line 9 implies that mention has already been made of an ἐκκλησία, and Hartel⁷ and Bannier⁸ proposed to read [ἐκκλησίαν ποι]ῆσαι in line 8. But this would make Aiantis the summoning prytany, which, if our argument holds, it cannot have been, and I suggest that the operative word was probably [ἀνακαλ]ῆσαι,⁹ the main proposal being to summon the prytaneis of the tribe Aiantis for a public investigation of some kind. The first mention of the ecclesia to which τὴν δ' ἐκκλησίαν refers is implied in the phrase ἐπει[δὴ τῷ δέμοι δοκέ], and this fits also with the length of line already suggested.

Working on the basis, then, of a line of forty-five letters, the latter half of the inscription may be restored to give the full arrangements for dealing with the prytaneis of Aiantis. The shortage of time available required a definite programme and timetable to be laid down. The prytaneis were to be individually summoned (line 8) within ten days. The ecclesia which was to hear the business was to be held within five days from the time that the agenda came before the βουλή.¹⁰ And the reason for so precise a programme was, we may conjecture, also stated in lines 11-12. The βουλή of Antiphon's archonship was to be the βουλή under whose jurisdiction the whole affair should fall. Lines 13-14 presumably contained the usual penalties for the βουλευταὶ if the programme were not carried out.¹¹

The amendment of Hyperbolus does not give any information about the reason for bringing the prytaneis of Aiantis to account: but there is some slight hint of this

⁶ *I.G.*, I², 302, line 30, where, however, Antiochis might be ninth prytany.

⁷ W. Hartel, *Studien über Attisches Staatsrecht und Urkundenwesen* (Vienna, 1878), p. 185, 5.

⁸ W. Bannier, *Berliner Philologische Wochenschrift*, 1917, col. 1343.

⁹ Cf. ἀνακαλεῖν used also of the βουλή in *Andoc.*, I, 45—ἀνακαλέσαντες τοὺς στρατηγούς.

¹⁰ The outstanding example of a programme laid down in a decree is *I.G.*, I², 63 (= A9 in *Athenian Tribute Lists* [B. D. Meritt, H. T. Wade-Gery, M. F. McGregor], Harvard, 1939, pp. 154-157, to be republished in the forthcoming Vol. II of the same work). For five days as a "programme time" cf. *I.G.*, I², 55, line 8; 76, line 18.

¹¹ Cf. the provisions of *I.G.*, I², 94, lines 9-10, and Meritt, *loc. cit.* For particularly stringent penalties *I.G.*, I², 63 (*A.T.L.*, A9) is again a good example.

in the closing passage of the resolution preceding that of Hyperbolus. Markellos T. Mitsos, Director of the Epigraphical Museum at Athens, has very kindly made a special examination of line 3 of this inscription, sending his conclusions, with squeezes, to the Institute for Advanced Study. On his advice I read a pi after *δεμιο*, where the *Corpus* has rho, with an alpha in the fourth letter space beyond it. The word seems to be, therefore, not *δεμιορ*[γκά], as Hiller has it, but *δεμιόπ*[ρατ]α, goods confiscated and sold on public orders, the proceeds going to the public treasury.¹² It may well be, then, that in the prytany of Aiantis there had been some sales of this kind, about which doubt had now arisen. Certain persons are to be honoured with entertainment in the Prytaneum. The use of *δεῖπνον* and not *ξένια* in this connection is some indication that those so honoured were probably citizens,¹³ and I suggest that they were the informers whose evidence had uncovered the illegal business, if such it was.

The letters *σιο*, which precede the full stop before *ἔδοχσεν*, end a short clause, and may be the genitive termination of *δημοσίου*. The previous speaker may well have rounded off his motion with the proposal of a cash reward to the informers, to be paid from the public treasury. Twenty-two letter spaces are available, and the lacuna can be exactly filled by the phrase [*ἔναι δὲ μένυτρα ἐκ δεμιο*]σίου.¹⁴ The sentence beginning with *ἔδοχσεν* was also very short, extending only to . . . τα in line 6. It formed no part of the decree itself, and must have recorded action taken by the people on a point referred to them by the *βουλή*.¹⁵ Probably the earlier part of the decree contained alternatives suggested for them; this would explain the brevity of their decision. There are two good parallels for the recording of such a resolution at the end of a decree.¹⁶ The inscription regulating Athenian relations with Aphytis shows in lines 17-18 a decision of the people taken on a provision which the *βουλή* had left open, introduced, as here, by the word *ἔδοξεν*. In the Methone inscription both the resolution to submit the final choice to the assembly, and the assembly's vote, are preserved. The word used is, however, not *ἔδοξεν* but *ἔχειροτόνησεν*. In both instances the people's decision concludes the matter of the decree, and in the case of Aphytis, as in *I.G.*, I², 95, further points continue to be brought forward.

What was left to the people's choice was perhaps the ultimate fate of the *δημιόπρατα*. If the sale of these had been questionable, there were good grounds for having them returned to the government, and yet this would weigh hardly on the citizens who had bought them in all good faith. The letters *ἀπο*. . . . strongly suggest *ἀποδιδόναι*,

¹² Aristophanes (*Wasps*, 659) includes *δημιόπρατα* as an important item of public revenue, along with the market and harbour dues, the mines, litigants' deposits, etc., making, with the *φόρος*, a total income of 2,000 talents per annum.

¹³ See Larfeld, *Handbuch*, II, p. 811.

¹⁴ Cf. the offer of *μήνυτρα* at the public expense for information leading to the arrest of the mutilators of the Herms in 415 (Thuc., VI, 27). The rewards offered were of 100 minas (Andoc., I, 40).

¹⁵ See above, p. 78.

¹⁶ The Aphytis decree, *I.G.*, II², 55 + *Hesperia*, XIII, 1944, p. 211, no. 2, shortly to be republished in *A.T.L.*, II: and the Methone decree, *I.G.*, I², 57 (= *A.T.L.*, D3). See B. D. Meritt in *Hesperia*, *loc. cit.*, pp. 220-221.

and I restore therefore the ultimate decision of the assembly that the property disposed of should be given back by the purchasers. Hyperbolus' amendment, as we have seen, did not deal with this section of the previous proposals, but altered or supplemented a section now lost to us.

The text of *I.G.*, I², 95, can now be fitted together, with the aid of these tentative restorations, as follows:

418/7 B.C. ΣΤΟΙΧ. 45

[-----¹⁶-----]ππ[-----²⁷-----]
 [-----¹⁴-----]ι νομο[-----²⁶-----]
 [-----¹³-----]ι τὰ δεμίο[ρατ]α, [καὶ καλέσαι τὸς μενύσα-]
 [ντας ἐπὶ δέλπ]νον ἐς τὸ πρυτανεῖον ἐς α[ῦριον· ἐναι δὲ μέν-]
 5 [ντρα ἐκ δεμο]σίο. Ἔδοχσεν τῶι δέμοι ἀπο[διδόναι χάπαντα]
 [τὰ δεμίοπρα]τα. Ἦ υπέρβολος εἶπε· τὰ μὲν ἄ[λλα καθάπερ . . .]
 [. . .⁶. . . τὲν δ]ὲ Αἰαντίδα πρυτανείαν, ἐπει[δὲν τῶι δέμοι δ-]
 [οκῆι, ἀνακαλ]έσαι δέκα ἔμερον ἠοπόθεν το[ῖς ἑκάστοις ἡ-]
 [ε ἀνάκλεισις ἄν]εῖ· τὲν δ' ἐκκλησίαν ποιῆν [περὶ τῆς Αἰαντί-]
 10 [δος τὸς πρυτάνες] τῆς Αἰγείδος πρυταν[είας εὐθὺς ἀφ' ἑς ἄ-]
 [ν προβολεύσει ἡε βο]λὲ περὶ τούτον πέν[τε ἔμερον, ἡόπος ἄ-]
 [ν δικάζειν ἔχσει τῆι βολ]εῖ [τ]εῖ ἐπὶ Ἀντιφ[όντος ἄρχοντος·]
 [ἐὰν δὲ μὲ διαπράχσοσι κατὰ τὰ εἶρεμ]έν[α εὐθύνησθαι χιλ-]
 [ίασι δραχμῆσι ἑκάστον αὐτῶν . . .⁴. . .]π[-----¹⁵-----]
 15 [-----]

It remains to consider what implications this fragment has for Hyperbolus' career, and in particular for the date of his ostracism. Raubitschek shows in *T.A.P.A.*, 1948, that the speech against Alcibiades, preserved as Andocides' fourth, may have some connection with that event, which he proposes to date to 415 B.C. The date previously accepted was 417 B.C., on the basis of a passage of Theopompus.¹⁷ The restoration of *I.G.*, I², 95, suggested above now gives epigraphic grounds for doubting the correctness of the earlier date. The vote to determine whether an ostrakophoria was to be held took place in the sixth prytany (*Arist.*, *Ath. Pol.*, 43, 5), and the actual ostracism must have followed soon afterwards—at any rate before the elections of the στρατηγοί in the seventh or eighth prytany. On the old reckoning, therefore, Hyperbolus was ostracised not later than prytany VIII, 418/7. But in this inscription he appears as addressing the ἐκκλησία in the tenth prytany of that same year. His ostracism cannot, therefore, have taken place before spring of 417/6, at the earliest.

A revaluation of the literary evidence is clearly necessary. If this restoration is accepted, then Hyperbolus appears as addressing the ecclesia after the date usually accepted for his ostracism. If this is so, and if Theopompus did not make a mistake, as Raubitschek thinks, we may assume that he arrived at his six years by an inclusive

¹⁷ Ἐξωστράκισαν τὸν Ὑπέρβολον ἐξ ἔτη. Frag. 96b (Jacoby), = Schol. Ar., *Wasps*, 1007; cf. also Schol. Lucian, *Tim.*, 29.

reckoning of archon years, beginning with 417/6 and ending with 412/1, the year of Hyperbolus' murder according to a passage of Thucydides (VIII, 73, 3) in which it appears to fall in the first half of 411.

The passage of Theopompus implies that Hyperbolus' ostracism had not ended with six years of exile. There was a tradition, found in Philochorus (Frag. 79b, Müller), that, while the term of ostracism was at first ten years, it later became five.¹⁸ In Diodorus XI, 55, 2 (repeated *ibid.*, 87, 1-2) the period of five years is given as obtaining from the beginning of the institution. Diodorus' statement may be rejected. The statement of Philochorus that the term was reduced from ten years to five may possibly be due to a false deduction from the tradition that Cimon returned to Athens immediately after the battle of Tanagra. Even if that tradition was true, it would not however prove that the term of ostracism had been reduced to five years, but Philochorus may have jumped to that conclusion. On the other hand it is just conceivable that he had some evidence which made the interval between Hyperbolus' ostracism and death fall into a period of five years, and argued from this that the term of ostracism had been reduced. If this is so, the ostracism can have taken place as late as 416/5 (the date preferred on other grounds by Raubitschek), and the statement of Theopompus is incorrect or wrongly transmitted. Or there is a final possibility that Philochorus had good evidence of the reduction of the term independently of the fortunes of Hyperbolus. But this appears improbable. In any case, it is hard to see what reason there could ever have been for halving the traditional decennium of exile under ostracism.

The interpretation of the literary evidence cannot be decisively settled by the above restoration of I.G., I², 95, which is admittedly highly conjectural. All that can be said is that the restoration, if it is accepted, rules out any date earlier than the spring of 416 for the ostracism of Hyperbolus. If this is so, then Hyperbolus' design of removing Nicias, Alcibiades, or Phaeax was, in all probability, not the outcome of the ill-starred Mantinea campaign,¹⁹ but formed a part of the political intrigue of the twelve months or so preceding the Sicilian expedition; this long controversy is summed up in Thucydides' debate between Alcibiades and Nicias in Book VI (chs. 9-18). The outcome of this attempt to clear the political atmosphere left the main question unanswered. Apart from removing an apparently undesirable character from Athens, all it did was to bring ostracism into discredit with the people as a whole, and to raise the doubts of its value as an institution reflected by Pseudo-Andocides.²⁰

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¹⁸ This has found its way, as a statement of fact, into the Dictionaries of Antiquities, *e. g.*, Daremberg-Saglio, Smith, Seyffert, etc. See however Busolt-Swoboda, *Griechische Staatskunde* (Munich, 1920-26), p. 885, note 2.

¹⁹ See, for example, W. Ferguson, *C.A.H.*, V, p. 276.

²⁰ I should like to record my thanks to Professors F. E. Adcock and B. D. Meritt for their kind advice, encouragement, and criticism in this and in many other problems of Greek history and epigraphy.