THE TRANSLATION OF THE RUBRIC
EK TÔM MH PHTHI

In 403/2 B.C., Athens returned to a democratic form of government.1 Incident to this change, Nichomachos, continuing his revision of the laws, caused to be inscribed on stone a calendrical list of sacrifices. The list of sacrifices was laid out under rubrics. Among the rubrics was a type beginning with the preposition ἐκ, such as ἐκ τῶν κατὰ μῆνα.2 The meaning of the rubrics as a whole, i.e. the significance of the preposition ἐκ, will not concern me here.8 The prima facie interpretation of the rest of the phrases, after the ἐκ, is relatively clear in every instance except for ἐκ τῶν μῆν ἐκτῆς.

This phrase occurs on a fragment of the inscription first published by A. Hauvette-Besnault in 1879. He offered one or two conjectural interpretations but without any supporting evidence.4 U. Koehler republished the text as I.G., II, 844, and referred to Hesychius’ explanation of ἐκτῆς for ἐκτής. Of the more recent editors, L. Ziehen in 1906,5 J. Kirchner in the editio minor, I.G., II3, 1357a, A. Boethius in 1918,6 and J. H. Oliver in 1935,7 none has offered any explanation of the phrase. On the other hand, modern grammarians have been bolder. K. Meisterhans translated ἐκτῆς as an adverb, meaning palam,8 and B. Delbrueck, although he followed Meisterhans’ meaning, considered ἐκτῆς as an adjective dependent on an understood βουλή.9 K. Brugmann reverted to Meisterhans’ adverbial construction10 and E. Schwyzer, the last (1950) to consider the word, implies that he prefers to construe ἐκτῆς as an adverb.11 Since the grammarians are not certain of the meaning and construction of ἐκτῆς, and as none of the epigraphists except Koehler have offered any well attested explanation, it may be useful to call attention again to the meaning of Hesychius and to explain the phrase as a whole more fully.

1 The author expresses his thanks to Professor Sterling Dow who posed the question and helped him in writing this paper.
3 In a paper delivered at the annual meeting of the American Philological Association, 28 December 1956, S. Dow dealt with ἐκ-rubrics, presenting a case for regarding them as indicating sources of law, rather than (as heretofore) funds.
5 Leges Graecorum Sacrae, II, 1, Leipzig, 1906, no. 16B.
6 Die Pythaïs, Uppsala, 1918, pp. 157-159.
10 Griechische Grammatik, edited by A. Thumb, Munich, 1913, p. 468.
To begin with, if the phrase were written out in full instead of in the condensed form which is usual in such inscriptions, there would be at least a noun or participle, agreeing with τὸւ. To this noun or participle, the word ὑπηγή would be subordinate and it in turn would be modified by the μή which immediately precedes. The negative μή instead of οὐ connotes that the following ὑπηγή is generic and collective and not an isolated, specific item. One might compare the clause of Plato, Republic, 486a, ὅταν κρίνειν μέλης φύσιν φιλόσοφον τε καὶ μή. A translation of the phrase so far is 'from those belonging to a class or condition which is not ὑπηγή.'

For the word ὑπηγή, there are two possible constructions: one, that ὑπηγή is an adverb—the final syllable, eta iota, being that of the adverb ἀ, Thucydides, II, 70, 4 and III, 51, 3; the other, that ὑπηγή is an adjective dependent on an understood noun.

As an adverb, ὑπηγή would be formed from the adjective ὑπέτων as ἰδιὰ is from ἰδὼν. The meaning of palam which Meisterhans attributed to ὑπηγή is presumably derived from the definition of ὑπέτων as φανερόν, occurring in Hesychius, Suidas, and Zonaras. Since ὑπηγή as an adverb with or without the meaning palam has not been found by any scholar in the Greek preserved to us, it is only logical to consider the adjectival construction.

The noun with which ὑπηγή would agree must be feminine, singular, and of such frequent occurrence with ὑπηγή that, though omitted, it would still vaguely be sensed as present. Of the feminine nouns that were modified by ὑπηγή, in the De Lineis Insectabilibus of the Aristotelian Corpus, 968b, occurs once or twice γραμμή, and likewise in the Elementa of Euclid, 10, where its usage was so frequent that it was at times elliptically omitted. However, because as a technical, mathematical idiom, meaning 'rational line,' it is not apposite to this inscription, it is excluded from consideration. Although Polybios, XXXII, 22, 7 used ὑπηγήν with ἀπόκρων and Plato, Theactetus, 202b, ὑπής with συλλαβάς, no other such collocations have been found, and the two examples just quoted were doubtless fortuitous and infrequent. ὑπηγή modifying προθεσμία, 'statute of limitations' or 'stated limit of time,' I have found three times, but as the three examples are of the fifth and sixth centuries after Christ, and as the meaning, 'statute of limitations' or 'stated limit of time,' is not germane to a list of sacrifices, it is improbable that it is the noun to be understood with ὑπηγή. The only other feminine singular noun that I have found frequently associated with ὑπηγή is ἡμέρα. Thucydides used ἐν ἡμέρᾳ ὑπηγή three times, IV, 76, 4;

12 E. Schwzyzer, op. cit., p. 596.
14 K. Brugmann, loc. cit., and E. Schwzyzer, op. cit., p. 163.
VI, 30, 1; VI, 64, 3; and ἐς ἡμέραν ῥητὴν twice, VIII, 67, 1; VIII, 93, 3; while Xenophon used the last phrase once, Hellenica, III, 5, 6. Moreover, Thucydides also wrote ἐν ῥηταῖς ἡμέραις, VI, 29, 3, and associated ἡμέρα with the verb ἔρεω in the sentence ἡμέρα δ’ αὐτοῖς ἐξηρτο ἢ ἔδει ἀμα ταύτα πράσσειν, IV, 77, 1, and Xenophon wrote τῶν μὲν προετημένων ἡμερῶν Cyropædia, VI, 2, 38. Since Pollux, I, 67, stated that ῥητῆ was used with ἡμέρα, λέγεται δὲ καὶ εἰς ἡμέραν ῥητὴν εἰς ἴν ὀρισώμεθα, the frequent association of ἡμέρα with ῥητῆ is beyond dispute. Moreover, ἡμέρα when agreeing with an adjective was often elliptically suppressed. Demosthenes, Against Meidias, 541, did so twice in less than one sentence. The ellipse of ἡμέρα in this rubric is to be expected because the shorter form is in accord with the concise, legal style of the inscription. Since the quotidian and legal usage both support the hypothesis that the noun ἡμέρα is to be understood with ῥητῆ, the adjectival construction is to be preferred to the unattested adverbial.

The translation of the phrase then becomes 'from those which do not belong to a stated day.' This translation rests upon a conjecture more probable than any other so far proposed but not proved and is in itself not quickly intelligible. What is meant by a 'stated day'? The answer to this question and the confirmation of the conjecture is furnished by Hesychius' definition of ῥητῆν. Long ago U. Koehler called attention to it, but when Ziehen republished the fragment in Leges Graecorum Sacrae and omitted the reference to Hesychius, the other editors followed suit. When I independently came upon Hesychius' definition, it struck me as the true explanation of the rubric. Thus if we interpret ῥητῆ in the light of τῶν ὀρισμένην ἡμέραν τοῖς θεοῖς εἰς θυσίαν, the translation of the phrase becomes 'from those which do not fall on a stated day of sacrifice.' The rubric so understood parallels some of the other rubrics such as ἐκ τῶν κατὰ μὴνα and is apposite to a list of sacrifices.

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