




- [. . . .¹⁰ μι]σθωταιῖς ἐγγνητὰς λαμβάνου[σι. τοὺς δ]
 [ἐ πωλητὰς τῆ]ν πεντηκοστὴν πωλεῖν τὴν ἐν τῆ[ι Νέαι χω]
 [ρὶς τῶν ἄλλω]ν. τοὺς δὲ πρυτάνεις προγράφει[ν βουλή]ς
 [ἔδραν εἰς τῆ]ν μίσθωσιν τῆς Νέας διαρρήδην [καὶ τῆς π]
 15 [εντηκοστῆ]ς τὴν πρᾶσιν τῆς ἐν τῆῖ Νέαι χωρὶ[ς . . .⁸ . . .]
 [. . .⁶ . . . ἢ πρό]σοδος γένηται δυοῖν ταλάντο[ιω . . .⁶ . . .]
 [. . .⁹ τ]ῶν κτημάτων τῶν ἐν τῆῖ Νέα[ι κ[. . .⁹]
 [. . . .¹⁰]ρχειν τῆῖ Ἀθηνᾶι. τοῦτο [. . . .¹³]
 [. . .⁷ . . . Παν]αθηναίων τῶν μικρῶν τ[. . .⁹ . . . οἱ δὲ ἄ]
 20 [ποδέκται με]ριζόντων αὐτὸ εἰς ταύ[τα τοῖς ἱεροποιο]
 [ῖς⁹]ον δ' εἶναι καὶ τὸμ προ[. . . .¹⁴]
 [. . . .¹¹]αι μισθοῦν καθὸ   [. . . .¹⁸]
 [. . . .¹¹]ι. τὸν δὲ ταμίαν [. . . .¹⁹]
 [. . . .¹²]οντασθησ.  [. . . .²⁰]
 25 [. . . .¹³]^[------]

COMMENTARY

Line 2: The approximate date of the inscription has never been in doubt and receives confirmation from the name of the proposer of the law. It comes from the Lykourgan period of religious organization, and is unlikely to date before 336 or after 330. Within this period we can only be guided by considerations of spacing, and those so uncertain that I abstain from reproducing my calculations. I am inclined to say that, even if we restore as little as possible to the right of the fragment, that is, one letter less than I have allowed in my text, the shortest possible restoration [ἐπὶ Νικήτου ἄ]ρχοντος (332/1) will still be a little too long to sit symmetrically in the center of the stele. If the line started fairly near the left-hand edge, still on the assumption that we have as little as possible to the right, ἐπὶ Κτησικλέους (334/3) and ἐπὶ Νικοκράτους (333/2) will be a little too long, ἐπὶ Πυθοδήλου (336/5) and ἐπὶ Εὐαινέτου (334/4) a little too short. As the right-hand margin is moved out, 336/5 and 335/4 become possible, as do the even shorter archons of 337/6 and 332/1. The archons of 331/0 and 330/29 are too long to come into consideration. The year 332/1 has the attraction that during it similar provision for the financing of the Amphiareia was worked out by the atthidographer Phanodemos (*S.I.G.*³, 287, lines 10-16), but special conditions applied in Oropos and I am inclined to follow all previous editors and place this law rather earlier. The spacing I have adopted here allows the restoration of the archons of either 336/5 or 335/4.

Line 3: Vanderpool and I are fairly confident that the letter in the seventeenth space is *sigma* of the straight type found in this inscription. The horizontal bottom stroke is clear, and there appears to be the start of a diagonal leaving its left end.

Neither of us would exclude the possibility of an unusually small *delta*, but consider it much less likely epigraphically. *Sigma*, however, cannot be fitted into any formula we have in the prescript of an Athenian law (cf. *I.G.*, II², 140, 244, 333; *Hesperia*, XXI, 1952, no. 5; Demosthenes, XXIV, 71). But the five prescripts we possess exhibit such diversity that we cannot claim to have an exhaustive list of possibilities, and, although *delta* will allow either a calendar date, e. g. [Σκιροφοριῶνος ἐβ]δ[όμηι], or an abbreviated prytany-indication [ἐπὶ τῆς . . . ἴδος ἐβ]δ[όμης], I have thought it best to put in the text the most likely *reading*.

Lines 3-4: Ἀριστόνικος Ἀρι[στοτέλους Μαραθῶνιος]. About the demotic, there can be no doubt. This is *P. A.*, 2028, the well-known politician of this period, known as a colleague of Lykourgos in 335/4 from *I.G.*, II², 1623, lines 280-282. It has always been likely, and I consider it certain, that he is to be identified with the Aristonikos of Alexis, frags. 125-126 (Kock), who is a noted νομοθέτης, who, according to Alexis at any rate, is turning his attention to the fish-trade. I quote the most relevant passages:

οὐ γέγονε κρείττων νομοθέτης τοῦ πλουσίου
 Ἀριστονίκου
 οὐ γέγονε μετὰ Σόλωνα κρείττων οὐδὲ εἰς
 Ἀριστονίκου νομοθέτης· τά τ' ἄλλα γὰρ
 νενομοθέτηκε πολλὰ καὶ παντοῖα δῆ,
 νυνὶ τε καινὸν εἰσφέρει νόμον τινά.

It is satisfying to find a real law proposed by Aristonikos. Like Eukrates, the proposer of the first law published from these excavations (*Hesperia*, XXI, 1952, no. 5), he came to an unpleasant end, and he is linked with him by Lucian (*Demosthenis Encomium*, 31).

For the patronymic, I have adopted a suggestion made to me by A. M. Woodward. Despite the size of the deme, political families from Marathon are rare, and it is extremely tempting to see the father of Aristonikos as Aristoteles (*P.A.* 2065), proposer of *I.G.*, II², 43, the foundation-charter of the Athenian confederacy, and active precisely a generation earlier. There are, of course, other names in Ἀριστο- which fit equally well, but the probability that a rich colleague of Lykourgos will be found to have a prominent father is considerable enough to justify the admission of the conjecture to the text.

Line 4: τύχηι ἀγαθῆι. The reverse order is more usual (*Hesperia*, XXI, 1952, no. 5, line 5; *I.G.*, II², 244, line 2), but there are ample parallels, even one from Aristonikos' putative father (*I.G.*, II², 43, line 7).

Line 5: I was at first inclined to read another letter, ὡς κάλλιστα [ῆι], and there is of course ample evidence for the construction, but the trace seems to lie too

far to the left, and I think I have been misled by a scratch. I therefore prefer καλλίστ[η] (cf. *S.I.G.*³, 287, lines 13-14 ὅπως ἀν ἧ τε πεντητηρὶς ὡς καλλίστη γίγνηται).

Line 6: [Παναθηναίους τοῖς μ]ικροῖς and compare line 19. This is a surprising variation in terminology, since the old fragment (line 32) uses the term τὰ Παναθήναια τὰ κατ' ἐνιαυτόν. It is clear that Deubner (*Attische Feste*, p. 23) was wrong to conclude from this and from Harpokration *s.v.* that τὰ κατ' ἐνιαυτόν was the official terminology, against Lysias, XXI, 2 and Menander frag. 428 (Koerte), which use μικρά. If the nomothetai use one form and the demos another, there can be no official terminology.

Lines 6-7: For the thought, compare again *S.I.G.*³, 287, lines 13-16. Line 16, as well as the whole subject matter, makes it clear that πρόσσδος here means 'revenue.' This makes [τοῖς ἱερο]ῖς a much less likely restoration than [ἱεροποιο]ῖς. For these hieropoioi, see the old fragment, line 6, with Kirchner's note, which rests on Ziehen, *Rh. Mus.*, LI, 1896, p. 212.

Lines 7-11: I take it that these lines order the leasing of the Νέα, for which a special meeting of the boule is ordered in lines 13-14. If this is so, it is most likely that the reference to the Νέα will stand first in the sentence, and I do not see that]σαν is likely to be anything but the end of the late form of the third person plural imperative (cf. *I.G.*, II², 204, line 47, of 352/1, for a fourth-century epigraphic use of this form). There is of course no reason to try to find room for the eccentric mixed form μισθούντωσαν of *I.G.*, II², 1241, line 52.

What is the Νέα? In Theophrastos, *De Causis Plantarum*, III, 20, 7, the sense is clearly the same as in the cognate νεῖός or νεός, land which is being rested from cereals and planted with some kind of pulse, as a modification from the ordinary two-year cycle. The word comes twice in leases. In one, *S.I.G.*³, 963, lines 45-46 (Arkesine), it seems that the ground contains an area of νέα already, which the tenant is required to dig up, for line 8, though the reading and interpretation are uncertain, seems to make the use of this method in the future optional. In *I.G.*, II², 2493, lines 7-9, the situation is rather different, since the tenant is to be compelled to keep a quarter of his ground in this condition, leaving a quarter completely fallow, and there is a near parallel in the *I.G.*, II², 1241, lines 21-23, where the word does not appear, but where the tenant has always to leave half the land uncultivated for cereals, but can use his judgment about how much he will sow with pulse. Having said so much, I hope it is now clear that we must be dealing with something rather different here and that Liddell-Scott-Jones is wrong to include *I.G.*, II², 334, line 17 as an example of the basic use of the word, since no one could have been expected to pay a large rent for ground which could only be sown with pulse. I therefore assume that the Nea must be a specific and well-known area of state-owned land, which may have been put under this form of cultivation to restore it, and I have given it a capital letter. It must have been fairly considerable in size, since we learn from line 17 of the old fragment

that its leasing fetched 41 mnai. No Attic rent is anywhere near as large as this; the only comparable figure is 7110 dr. for all the sacred land on Rheneia in 432 (Tod, *Greek Historical Inscriptions*, no. 54, line 24) and perhaps we should not be too ready to assume from its name that its value was only for cultivation.

A solution for the end of line 8, which will provide us with the exact date required, should be easy to find, but I have failed to find a satisfactory one, either with the *nu*, which seems to me the more likely reading, or with *mu*, which, though malformed, would be possible. I offer as a remote possibility Ν[εμεσίων] (cf. J. Pouilloux, *Forteresse de Rhamnonte*, no. 15, line 28). The Nea would then presumably be in the neighborhood of Rhamnous.

Lines 9-10: [δέκ]<α> ἔτη. It is with some reluctance that I assume a mistake in cutting (for the first letter of line 9 certainly has no crossbar) in order to support a restoration. But I can make nothing of ΛΕΤΗ; a term of years is certainly required, and ten years is the duration of state leases of *temene* (Cf. *Ath. Pol.*, 47, 4).

κατὰ δικληρίαν. This is the first instance of *δικληρία* in Greek. I do not see that it can mean anything but 'in two sections,' and this seems to be confirmed by the appearance of *μισθωταί* in the plural in line 11.

τῶι τὸ π[λείστον διδόντι]. Cf. *I.G.*, II², 2492, line 36.

The end of line 10 is completely bewildering, but Vanderpool and I are in complete agreement on the readings and regard even the *nu* as nearly certain. Various suggestions, presupposing greater or lesser mistakes in cutting, have been made in conversation or correspondence, but none of them gives any kind of sense. The two most promising, ἡ ἀλ[λ]ακτι[κῆ] and ἡ (ἀ)δα[μ]αντί[νη] will suffice to show how far we are from an interpretation. A subjunctive like γένηται will be required to complete the subordinate clause,² and the amount of space available makes it unlikely that [μι]σθωταῖς ἐγγυητὰς λαμβάνου[σι] is anything but a curiously curt phrase in apposition to τῶι τὸ π[λείστον διδόντι]. For λαμβάνειν ἐγγυητήν cf. Demosthenes, XXXIII, 7, which is not an exact parallel, since there it is the creditor who is the subject of λαμβάνειν. We would expect rather some form of καθίστημι, but I can think of no way of turning the sentence.

Lines 11-13: Taken together with line 15, these lines must certainly indicate that the *πεντηκοστή* on the Nea is to be farmed. I have no wish to embark here on a re-examination of the Athenian taxation-system, and therefore curtail my references to modern literature, but this information suggests that such a re-examination is certainly desirable. The general view, held, for example, by Boeckh, Francotte, Busolt-Swoboda and Andreades, which brings all references to a *πεντηκοστή* in Attica under the single heading of a 2% import and export tax, as described in various forms by the lexicographers, and as seen in operation in Demosthenes, XXXIV, 7, XXXV,

² Woodward suggests that another estate is named here and the subjunctive is *μισθωθῆι*.

29-30, will certainly not cover this case. Nor is it certain that all the other references should be so interpreted. The *πεντηκοστή* farmed first by Agyrrhios and then by Andokides around 400 (Andokides, I, 133), may or may not have been such a tax. The *πεντηκοστή τοῦ σίτου* of 368 (Demosthenes, LIX, 27), which involved a separate farming-operation of its own, may have been a tax on imported corn or it may have been a produce-tax on home-grown corn. We are too easily inclined to think that a produce-tax disappeared from Attica with the Peisistratids. Such a tax may be the explanation of the mysterious *δεκάτη* of the first Kallias Decree (*A.T.L.*, II, D 1, line 7). Other passages which may have to be borne in mind include the neglected Demosthenes, XXIV, 120, which certainly seems to imply that some people were farming *τὰς δεκάτας τῆς θεοῦ καὶ τὰς πεντηκοστὰς τῶν ἄλλων θεῶν*, and *I.G.*, II², 404, line 16 (a produce-tax extended to Keos?). All that can be said now of the passage before us is that the *πεντηκοστή* on the Nea is not an import-tax, and is quite possibly a produce-tax. It seems also that this tax covers a wider area than the Nea, but that the tax on the Nea is to be farmed separately, in order to make it easier to earmark it for the Panathenaia, but, in default of a satisfactory restoration for the end of line 15, my restoration here [*χωρὶς τῶν ἄλλων*]ν (*sc. πεντηκοστῶν*) is by no means certain. To farm a tax to be collected from two people is odd procedure, but need imply no more than demanding an itemized bid from the general farmers.

Line 13: *προγράφει*[ν βουλῆς ἔδραν] I have not yet found a parallel for the complete phrase, but in *I.G.*, II², 244 it is a certain restoration in lines 36-37 and a likely one in line 9. Something like it seems to be required here, cf. *Ath. Pol.*, 47, 2. Perhaps, alternatively, *προγράφει*[ν ἐν τῇ βουλῇ καὶ τῇ]ν μίσθωσιν (Woodward).

Line 14: *διαρρήδην*. The restoration here may arouse legitimate doubts. It seems to give *διαρρήδην* a sense much nearer 'exclusively' than its normal 'explicitly,' but, when *I.G.*, II², 244, line 9, wishes to say this, it has *αὐτὸ καθ' αὐτό*. What it ought to mean is that the prytaneis shall give this operation a special item on the agenda, instead of including it among other *μισθώσεις*, but the parallels (Lysias, XXXI, 27; Demosthenes, XX, 133) for the word standing on its own and not in close association with a word of stating, witnessing, allowing or forbidding are hardly close. But the alternative, to suppose that we should imagine a comma before the word and take it with a participle in line 15 beginning with *χωρι*[has not yet for me yielded any restoration which fits or makes sense.

Lines 16 ff.: My original approach was to suppose that line 16 fixes a reserve-price below which the leasing of the land and the farming of the two-per-cent tax should not be sold. But since we learn from lines 16-17 of the old fragment that the Nea was in the event leased for only 4100 drachmai, this makes Aristonikos absurdly unrealistic. Woodward would meet this difficulty by supposing that the other estate he hypothesizes for line 10 was referred to also in lines 17-18. Our combined suggestions for lines 15-18 would then run:

χωρι[σθείσαν],
 [ὄπως ἂν ἡ πρό]σοδος γένηται δυοῖν ταλάντο[ιν κατὰ ἐν]
 [ιαυτὸν ἀπὸ τ]ῶν κτημάτων τῶν ἐν τῇ Νέα[ι] κ[αὶ] τῆς]
 [. . . ὥστε ὑπά]ρχειν τῇ Ἀθηνᾶι τοῦτο [τὸ ἀργύριον . . .]

It is however doubtful if this version really provides enough space for the second estate, nor is it easy to find a satisfactory continuation. Finley points out that there is no satisfactory parallel for fixing a reserve-price in these terms, and would prefer an alternative approach, providing for the contingency that too much money would come in from the lease. Something along these lines might then be possible:

χωρι[ς τῶν ἄλλ]
 [ων. ἐὰν δὲ πρό]σοδος γένηται δυοῖν ταλάντο[ιν κατὰ ἐν]
 [ιαυτὸν ἀπὸ τ]ῶν κτημάτων τῶν ἐν τῇ Νέα[ι] κ[αὶ] τῆς πεντ]
 [ηκοστῆς, ὑπά]ρχειν τῇ Ἀθηνᾶι.

But unless some phrase expressing a surplus can be found to replace κ[αὶ τῆς πεντ]ηκοστῆς] the result is curt and obscure, though the distinction between two funds, that of the hieropoioi and Athena's own, might be clear enough.

My feeling is that there ought to be a full stop after Ἀθηνᾶι. I have considered the possibility of continuing the sentence τοῦ τό[που], but this is hardly an official word, and is used of a district in Attica only in the rather colloquial passage, Demosthenes, XXI, 158. τοῦ τό[κου] is of course out of place here. The trouble with τοῦτο is that both it and αὐτό in line 20 suggest that some word like ἀργύριον has come before, and I can think of no way of introducing it into lines 17-18 without involving the absurdity mentioned above. τοῦτο [δὲ καταβάλλειν|αἰεὶ πρὸ Παν]αθηναίων τῶν μικρῶν τ[—] would be satisfactory enough for lines 18-19, if the lengthened form αἰεὶ be admitted as late as this. The sentence will be completed either with those making the payment or with those to whom they pay it. In any case, some reference to the *apodektai* is indispensable in the gap of lines 19-20, for the first letter of line 20 is a nearly certain *rho*, which implies [με]ριζόντων and it would be perverse to separate them from their normal function.

ταῦτα in line 20 presumably refers to the Panathenaia. The rest seems quite hopeless. In line 22, it seems difficult to see anything but what would be, I think, the first appearance of καθὸ in epigraphic Attic. In lines 23-24 there seems to be a reference to the ταμίας τῶν στρατιωτικῶν, who has functions connected with leases (*Ath. Pol.*, 47, 2), but it does not seem possible to resolve line 24 with any certainty.

I hope that the difficulties in this document will receive attention from others and that more satisfactory solutions will be reached. It seems to me a document of considerable importance. Our knowledge of Athenian financial procedure as laid down

by νόμοι is still extremely slight. Demosthenes, XXIV, 96-98 and *Ath. Pol.*, 48 give us some foundation for an account of the law on the μερισμός, and the need for a νόμος to establish new and permanent financial obligations has long been known from such passages as *I.G.*, II², 222, lines 41-46, *S.I.G.*³, 298, lines 39-45.³ What is new here, besides the fact of actually having an instance of the nomothetai at work on financial matters, is the earmarking of specific sources of revenue for a specific purpose.⁴ Even at a lower level than that of the state, *I.G.*, II², 1172 is not an exact parallel, for there the deme is merely making sure that it has a regular income, out of which it hopes to fulfill all its religious obligations. The concept of making sure that there are specific funds for a specific purpose seems quite new in Athenian public finance. The need to do this in this case seems to arise from the date of the Panathenaia, towards the end of the first prytany of the year. Admittedly, the biggest inflow of Athenian revenue came in the ninth prytany (*Ath. Pol.*, 47, 4), but this was probably followed by the biggest out-payments. At the end of the tenth prytany, officials would have to be paid off and deficits might have to be met on certain funds. At the beginning of the first prytany, floats would have to be provided for the new boards. The Panathenaia would fall a little later than these big demands on the revenue, and in a bad year there might not be enough to meet the proper demands of the festival. I suspect that we find this happening as early as the last years of the Peloponnesian War. In 415 the tamiai hand over 9 talents to the hellenotamiai for the athlothetai of the Lesser Panathenaia.⁵ The payment is indicated by ἐδανείσα[μεν], not by παρέδομεν, and, despite the doubts of Meyer,⁶ this ought to indicate a difference in the circumstances of the payment. That difference consists, I suggest, in the lack of precedent for the payment. The Panathenaia would normally be financed out of ordinary revenue, but in this case the ordinary revenue was not in a position to meet what may have been an extraordinary demand. The payment was made out of what was technically the wrong fund, and ἐδανείσαμεν, I think, expresses this.⁷ Similar payments follow in 410 (*I.G.*, I², 304, lines 5-6) and 405 (*I.G.*, I², 305, lines 8-9).

But the possibility of such a crisis is most clearly documented in the fourth century by Demosthenes, XXIV, 26-29. There is some uncertainty as to whether we are dealing with the Lesser or the Greater Panathenaia here, since, although Dionysios of Halikarnassos (*Ad Ammaeum*, I, 4) dates the speech to 353/2, there is a case for

³ See, most recently, for the whole topic, A. H. M. Jones, *Athenian Democracy*, pp. 102-103.

⁴ But compare Isokrates, *Areopagiticus*, 27, where he seems to complain that, while lavish state-aid is given to ἐπίθετοι ἑορταί, some traditional sacrifices are forced to depend on μισθώματα.

⁵ *I.G.*, I², 302, lines 56-58. The amount seems large, and it may have been thought that a lavish celebration was in order after the departure of the great fleet and the political troubles of the year. For an alternative view of this and the later payments, see Davison, *J.H.S.*, LXXVIII, 1958, pp. 32-33.

⁶ *Forschungen zur Alte Geschichte*, II, p. 135, note 1.

⁷ Cf. the later similar use of προδανείζω, *S.I.G.*³, 298, line 39, *I.G.*, II², 330, line 62.

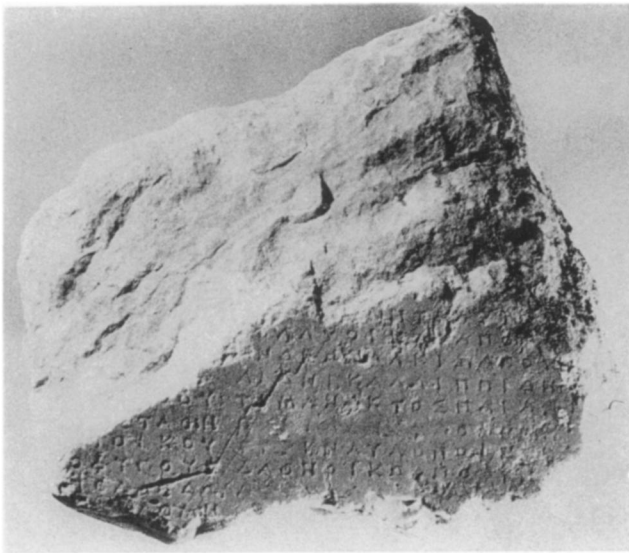
354/3,⁸ which would imply the Greater Panathenaia. Whatever the truth is about this, the meeting of the nomothetai which gave rise to the speech was originally occasioned by an alleged crisis, discovered seventeen days before the festival, about its financing. The nomothetai were summoned *ὅπως ἂν τὰ ἱερά θύηται καὶ ἡ διοίκησις ἱκανῆ γένηται καὶ εἴ τινος ἐνδεὶ πρὸς τὰ Παναθήναια διοικηθῆ*. Demosthenes alleges that there was in fact no crisis and says that no one proposed any law to meet the crisis. The second statement must be true, and it is difficult to think of any law which would have met such a crisis in time for that year's festival. But it is hard to think of the crisis as anything but a fact; it must have at least seemed plausible that the *διοίκησις* would not be able to meet the demands of the festival. Timokrates could have related his law to the crisis by claiming that he was making sure that adequate revenues to carry the *διοίκησις* over its crisis period did at least come in during the ninth prytany. Demosthenes stands the solution on its head, and complains (paragraphs 98-99) that the result will be that no money will come in until the ninth prytany and that there will be a shortage of money during the rest of the year.

Twenty years later the possibilities of such a crisis are still before Aristonikos, and, to protect the Panathenaia, he devises the solution of earmarking specific revenues for it. It seems likely that there was a separate law for the Greater Panathenaia, and that other income besides the revenue from the Nea was provided for it. Our stone continued with general regulations for the conduct of the festival, laid down by normal assembly procedure, after the result of the leasing of the Nea was known. I have little to add on *I.G.*, II², 334. There is a later text in *S.I.G.*³, 271, with a small correction in line 31 and a restoration contrary to the traces on the stone in line 30. The standard discussion is now Deubner, *Attische Feste*, pp. 24-26. There is an important note on the disputed restoration in line 10 by C. J. Herington, *Athena Parthenos and Athena Polias*, p. 31.

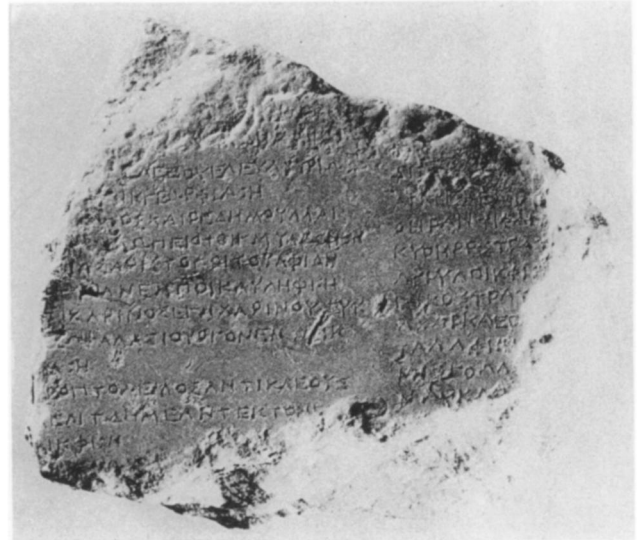
DAVID M. LEWIS

CHRIST CHURCH, OXFORD

⁸ *B.S.A.*, XLIX, 1954, p. 32.



Face A



Face B

Agora I 3183

DAVID M. LEWIS: ATTIC MANUMISSIONS



DAVID M. LEWIS: LAW ON THE LESSER PANATHENAIA