

A DECREE OF THE COUNCIL OF THE AREOPAGUS

(PLATES 63, 64)

IN 1436 Cyriacus of Ancona copied thirteen consecutive lines of an inscribed text from a block which he saw probably along the line of the Post-Herulian Fortification Wall near the Eleusinion;¹ this area is currently included in the Agora Excavations. The copy, apparently starting from the top of a column, begins in the middle of a set of procedural regulations governing the cases of those in arrears in payments to the public treasury and the disposition of property held as security against such payments. Clearly one or more columns of text from the beginning of the document are lacking. The block was subsequently broken up and lost. A large piece has turned up among the Elgin Marbles in the British Museum (Pl. 63, a).² The texts of A. Boeckh (*C.I.G.*, 354), W. Dittenberger (*I.G.*, III, 39) and J. Kirchner (*I.G.*, II², 1104) combined this with the transcript from the manuscripts of Cyriacus. To this piece A. E. Raubitschek has found three additional joining pieces, two from the Athenian Agora (I 3155 and I 5740) (Pl. 63, b) and one in the Epigraphical Museum in Athens (EM 3013) (Pl. 63, c);³ all of these preserve portions of the text copied by Cyriacus. One of the pieces from the Athenian Agora (I 3155) preserves portions of a second inscribed face (Face A) (Pl. 64, d) which Cyriacus did not see. Raubitschek identified also a fourth piece, again from the Athenian Agora, (I 5198) (Pl. 64, e) which preserves additional lines from the text of Face A and a portion of an unscribed face to its left (Face D). These new fragments have been edited by E. W. Bodnar, S. J.⁴ The reconstruction of the text of the face read by Cyriacus (Face B) has since been improved by J. H. Oliver.⁵ To the preserved fragments one more can be added which preserves the heading of the document from the top probably of Face A (I 6783) (Pl. 64, f). Photographs of all of the inscribed surfaces are here supplied for the first time, as well as certain details of the dimensions and proveniences of the various pieces. The individual fragments thus far identified are:

¹ E. W. Bodnar, S. J., *Cyriacus of Ancona and Athens*, Collection Latomus, XLIII, Brussels, 1960, p. 36, pl. III, and p. 40, no. 50.

² E. L. Hicks, *The Collection of Ancient Greek Inscriptions in the British Museum*, London, 1874-1916, p. 122, no. 50. I am indebted to B. F. Cook, Assistant Keeper, and William Cole, Museum Assistant, of the Department of Greek and Roman Antiquities, the British Museum, for a squeeze and a description of the stone. The photograph is reproduced by courtesy of the Trustees of the British Museum.

³ Mrs. Dina Peppas-Delmousou has generously assisted in locating the provenience of this stone. The photograph is reproduced by courtesy of the Greek Archaeological Service.

⁴ Bodnar, *op. cit.*, pp. 137-138, 145-150.

⁵ "The Athens of Hadrian," *Les Empereurs Romains d'Espagne*, Paris, 1965, pp. 129-130.

a) Four joining pieces (Pls. 63, 64, a-d) which preserve a small portion of Face A (on I 3155), the complete width of Face B, and a small uninscribed portion of Face C to the right of Face B (on EM 3013); otherwise broken away above, behind, and below. A small bit of uninscribed area at the top of EM 3013 on Face B indicates that the topmost line is also the first line of text on that face. The two pieces from the Athenian Agora were found the one on December 17, 1935, in a modern house wall over the east end of the South Stoa (N-O 16), and the other on March 27, 1939, in a Byzantine context west of the Panathenaic Way, southwest of the Eleusinion (S 22). The fragment in the Epigraphical Museum was inventoried on August 17, 1871. It was purchased after having been discovered in the Daskalakis House at the northern foot of the Acropolis.

Height, 0.22 m.; Width (Face B), 0.589 m.; Width (Face A), 0.215 m.
Inv. *B.M.I.*, no. 50, EM 3013, I 3155, I 5740.

b) A large fragment preserving portions of Face A and of the uninscribed Face D to its left; broken away on all other sides, above and below. Found on January 29, 1938, at the surface outside the Market Square in the area south of the Church of the Holy Apostles (F 19).

Height, 0.15 m.; Width (Face A), 0.39 m.; Width (Face D), 0.59 m.
Inv. I 5198.

c) A fragment preserving portions of Face A, of an uninscribed area of Face B, and of the top of the monument; broken away below and on the other sides. A moulding 0.10 m. high has been chipped away across the upper edges of both preserved faces. Found in May of 1957 in modern house walls south of the Market Square.

Height, 0.21 m.; Width (Face A), 0.15 m.; Width (Face B), 0.45 m.
Inv. I 6783.

From these preserved pieces the following composite dimensions can be given:

Height, greater than 0.30 m.; Width of Face B, 0.589 m.; Width of Face A,
greater than 0.39 m.

Height of letters, 0.012-0.013 m.

Face A

vacat 0.10 m. to moulding

| | | |
|----------------------------|-------------------------|----------------------------|
| [ἐπὶ ἄρχοντος ----- Παλλ] |]ηνέως κηρυ | Face B unin- scribed |
| [κῆσαντος ----- το] |]ῆ Ἀμφίου ^{vv} | |
| [ἐξ Οἴου ----- ἔδο] |]ξεν τῆι ἐξ Ἀ | |
| [ρείου πάγου βουλῆι -----] |]λασιω τοῖς | |
| 5 [-----] |]ΙΔΟ[. . . .] | |

| | | |
|----|---|------------------------|
| | [----- lacuna of indeterminate length -----] | |
| | [-----] μέρος πρὸς | Face B lines 1-3 |
| | [-----] ἡς τοὺς λαμ | |
| | [βάνοντας -----] ον ἀπὸ θα[. .] | |
| | [----- traces -----] | |
| | [----- lacuna of indeterminate length -----] | |
| 10 | [... ^{ca. 9} ...] ἀνδρασιν τῆς πανεπο [-----] | |
| | [Μαρ Αὐρήλιο]ν Ἀλκαμένην Λαμπρέα [-----] | |
| | [... ^{ca. 8-9} ...] οἱ παρέσχον αὐτοῖς τὸν κα[-----] | |
| | [... ^{ca. 8-9} ...] ἢ δεήθωσιν τῆς ἐν τῇ [-----] | |
| | [-----] | |

Face B

vacat

| | | |
|-------------|--|----|
| Face A | δέχονται τὸ ἀργύριον, ἐπιτίμιον ὀριζέτωσαν αὐ | |
| lines | τοῖς κατὰ τὴν τῆς ἀπειθείας ἀξίαν. εἰ δὲ οἱ παρα | |
| 6-9 | δόντες εἰσφέρειν μὴ βούλονται [ἐξήκο]ντα ἡμ[ερῶν]. | |
| Face A | ὑπεύθυνοι ἔστωσαν πρῶτον μὲν ἑκατοστιαίῳ τόκῳ | |
| Traces of | ἀφ' οὗ δέον ποιήσασθαι τὴν εἴσοδον οὐκ ἐποίησαν | 5 |
| three lines | το, μέχρι μηνῶν ἄλλων δύο τῆς τελευταίας ἀπο | |
| | δόσεως, μετὰ δὲ τοὺς μῆνας τούτους εἰ μένειν | |
| | μὴ πειθόμενοι, ἀποδόσθωσαν οἱ ἀργυροταμίαι μετὰ | |
| | τοῦ κήρυκος τὰς ὑποθήκας, ἐ[χόν]των αὐτὰς ἐξουσίαν | |
| | λύσασθαι ἐξήκοντα ἡμερῶν πρῶτον μὲν τῶν δεδοκό | 10 |
| | των, εἶτα καὶ τῶν ἐγγυητῶν οἵτινες ὑπέθ[υνοι] ἄν | |
| | ῶσι τῶν ἐνδεησάντων, ὅφ[λόντες] ἐξήκοντα ἡμαιρῶν | |
| | ἂ [ὀ]φίλουσιν ἐκτεῖσ[α]ι. | |

Critical Apparatus: Face A, line 8 Bodnar ΝΑΠΠΟΙΙ. Additional letters have been read in lines 11, 12, and 13. Face B is basically Bodnar's text as revised by Oliver. The underlined letters are no longer visible on the stone. Additional letters from the stone are read in lines 2, 4, 6. For a fuller apparatus see Oliver.

Face A, line 5: only the tops of the dotted letters are preserved. Line 8: the dotted omicron and theta are based on clear traces of circular letters. Only the top of the dotted alpha is preserved. Line 11: only the ascending leg of the dotted alpha is preserved. Line 12: the outline of a triangular letter beneath the corrosion attests the dotted alpha. Line 13: the dotted iota is preserved on the break.

Face B, line 1: the lower halves of the dotted letters are preserved. Line 3: only the upper extremities of the dotted letters on the central piece of the fragment are preserved. Traces of all strokes of the dotted final nu are preserved very faintly beneath a gouged portion of the stone. Only the initial vertical bar of the dotted final mu is preserved.

Two other Athenian documents with their headings preserved have been identified as actions of the Council of the Areopagus: the hypomnematismos honoring Titus Statilius Lamprias⁶ of A.D. 40-42 and the decree honoring Marcus Ulpius Eubiotos⁷ of A.D. 230. The heading of the former includes the archon date, the civil date within the year, the identification of the decreeing body and its meeting place, and finally the name of the speaker followed by *λόγους ἐποιήσατο* (= *verba fecit*). The text of the decree follows, introduced by the single word *ἔδοξε* (= *censuere*).

The latter document, which is preserved in two fragmentary copies, is not without problems. That portion of the text identified usually as the decree of the Council of the Areopagus (*Gerusia*, no. 31, lines 32-43 and lines 44-60 on fragment d; *Gerusia*, no. 32, lines 21-29) was initially restored by Oliver as a decree of the demos. The restoration was altered to that suitable to a decree of the Council of the Areopagus when he believed that fragment *Gerusia*, no. 31 a belonged to *Gerusia*, no. 32, and paralleled lines 24-33 of *Gerusia*, no. 31. Meritt's rejection of *Gerusia*, no. 31 a, as part of *Gerusia*, no. 32, and his addition of a new fragment of *Gerusia*, no. 32, would result in the following composite text of lines 21-22 (Meritt):

[-----] καὶ τοῦ αὐτοῦ μηνὸς ν εἰ ν. γνώμην ἀγορεύσαντος
 Ἀὐρ[----- ἐν τῷ σεμνοτά]
 [τῷ συνεδρίῳ τ]ῆς βουλῆς vacat ἐπηρώτησε ὁ πρόεδρος vac[at
 ἔδοξεν τῇ ἐξ Ἀρείου πάγου βουλῆ vacat]

The underlined letters were supplied from Oliver's text of *Gerusia*, no. 31 a, and were retained by Meritt. There is not even confirmation from length of line for these restorations. Meritt has restored lines 28-29 on the basis of Oliver's initial restoration of *Gerusia*, no. 31, lines 39-40: *καθάπερ ἡ βου*][λή *περὶ το*[ύτων *προ*]-*εβουλεύσατο*, although Oliver would hesitate to accept such in a decree of the Council of the Areopagus. *I.G.*, II², 3699, and the occurrence of the word *ὑπομνηματίσαι* (*Gerusia*, no. 31 d, line 56) argue to the participation of the Council of the Areopagus, but the placement of fragment d on the stele containing *Gerusia*, no. 31, is not guaranteed. Without the inclusion of *Gerusia*, no. 31 a, there is no reason to see a decree of the Council of the Areopagus in *Gerusia*, no. 31, lines 32-43, or no. 32, lines 21-29. If this document is again identified as a decree of the demos, Meritt's restoration of a prytany date at the beginning of line 21 can stand unaltered. On the

⁶ *I.G.*, IV, i, 83 (= *S.I.G.*³, 796 B, II).

⁷ J. H. Oliver, *The Sacred Gerusia, Hesperia*, Supplement VI, 1947, pp. 125-142, nos. 31-32. In *Hesperia*, XX, 1951, pp. 350-354, Oliver reassigned fragment *Gerusia*, no. 31 a, to the text of *Gerusia*, no. 32, and restored it as paralleling the text of *Gerusia*, no. 31, lines 24-33. In *Hesperia*, XXXII, 1963, pp. 26-30, no. 27, B. D. Meritt displaced this fragment back to *Gerusia*, no. 31, and added a new fragment to *Gerusia*, no. 32, which paralleled the text of *Gerusia*, no. 31, lines 14-40.

other hand the heading does not resemble those of other actions of the demos. The speaker is introduced by the phrase *γνώμην ἀγορεύσαντος* (= *sententiam pronuntiantis?*⁸), and the statement that the presiding officer “put the question” is another oddity.

The heading of the document copied by Cyriacus probably began with the archon date. Because the length of line is undetermined, the function of the man from Pallene is not clear. Likewise it is impossible to state whether he is to be identified with the herald. Amphias appears to be the patronymic of a man whose name is given in the genitive case. The action is introduced by the phrase *ἔδοξε τῆι ἐξ Ἄ[ρείου πάγου βουλῆι*. We may presume that, like the other two actions of the Council of the Areopagus cited above, this also was a *hypomnematismos*.⁹

Amphias (line 2) is not a common name at Athens in the centuries after Christ except in a family from the deme of Oion of the tribe Leontis. In A.D. 155/6 two sons of Amphias of Oion were epebes, Eisarchos and Amphias (*I.G.*, II², 2068). One of these, restored as the former by Kirchner, was *cosmete* somewhat later while the other served as *anticosmete* (*I.G.*, II², 2110). A member of the next generation, Amphias, son of Amphias, was epebe around A.D. 200 and served as *gymnasiarch* and as *agonothetes* of the Hadrianeia (*I.G.*, II², 2199). An earlier generation may be represented in a list of *prytaneis* of Leontis if we can restore [...^{ca.}·^{s.}... Ἄ]μφί[οι] (B. D. Meritt, “The Inscriptions,” *Hesperia*, III, 1934, pp. 55-56, no. 42). The restoration at the beginning of line 3 cannot be certain, but the rarity of the name coupled with the date at which the family became prominent makes it likely.

Marcus Aurelius Alkamenes of Lamprai (line 11) belongs to a well-documented family.¹⁰ He is probably the hoplite general of A.D. 209/10. Roman citizenship seems to have been granted during the reign of Commodus (*I.G.*, II², 2119, lines 18, 24, and 238) before or at the time when he was an epebe; surprisingly enough he appears to be the first member of the family to have received it (*I.G.*, II², 2191, lines 1, 2 and 128-138). His real prominence came under Septimius Severus and his sons (*I.G.*, II², 1077, lines 8-9), when Alkamenes reached the hoplite generalship. Another fragmentary Athenian document¹¹ has been dated to his hoplite generalship because of a reference to the price of grain (line 2) coupled with a reference to Alkamenes’

⁸ Th. Mommsen, *Römisches Staatsrecht*³, Leipzig, 1888 (reprinted 1971), III, pp. 986-987, cites references from Cicero’s letters.

⁹ On the *hypomnematismos* see most recently D. J. Geagan, *The Athenian Constitution after Sulla*, *Hesperia*, Supplement XII, 1967, pp. 42-44. To the examples there cited add K. Clinton, *Ἄρχ. Ἐφ.*, 1971, pp. 121-124, no. 17. The term continued to be used of actions of the Council of the Areopagus after it had ceased to occur in dedications.

¹⁰ Geagan, *op. cit.*, pp. 172-173.

¹¹ *Hesperia*, XXXVII, 1968, pp. 279-282. The nature of the lettering is remarkably identical to that of the document copied by Cyriacus, except that it is 0.001 m. smaller, and the intervals from the base of one line to the base of the next are very slightly narrower. Both documents are of Pentelic marble, but the surface dressings differ.

name. This text handles matters very much akin to those in the document copied by Cyriacus; reference is made to the Council of the Areopagus (lines 16 and 23), once apparently as a judicial body, sureties (line 11), moneys (*passim*), and the apprehension of debtors (line 24).

Oliver has associated the document copied by Cyriacus with the Hadrianic recodification, but he suggested that it was inscribed at a later date, when the necessity arose of publishing a reminder. The conjunction of the two documents involving Alkamenes and the Council of the Areopagus indicates the possibility of extensive refurbishing of the financial stability of the city of Athens. Economic indicators of such a need are difficult to find,¹² but it can hardly be doubted that the exactions of Septimius Severus and Caracalla put a strain on the class of men most liable to liturgies.¹³ The tenor of both documents could suggest an increasing reluctance to assume municipal responsibilities. The Council of the Areopagus would then appear in the role of regulating and enforcing such liturgies.

Two of the four faces of the monument seem to have been uninscribed. A moulding ran across the upper edge of one of the inscribed faces, and probably had counterparts on one or more of the other faces. Each of these mouldings would have been balanced by one at the base. It is most likely that the monument was in the form of a statue base, but one so placed that two sides were obscured from view.

DANIEL J. GEAGAN

McMASTER UNIVERSITY

¹² John Day, *An Economic History of Athens under Roman Domination*, New York, 1942, pp. 252-258; J. A. O. Larsen, "Roman Greece," in T. Frank, *An Economic Survey of Ancient Rome*, Baltimore, 1938, pp. 492-493.

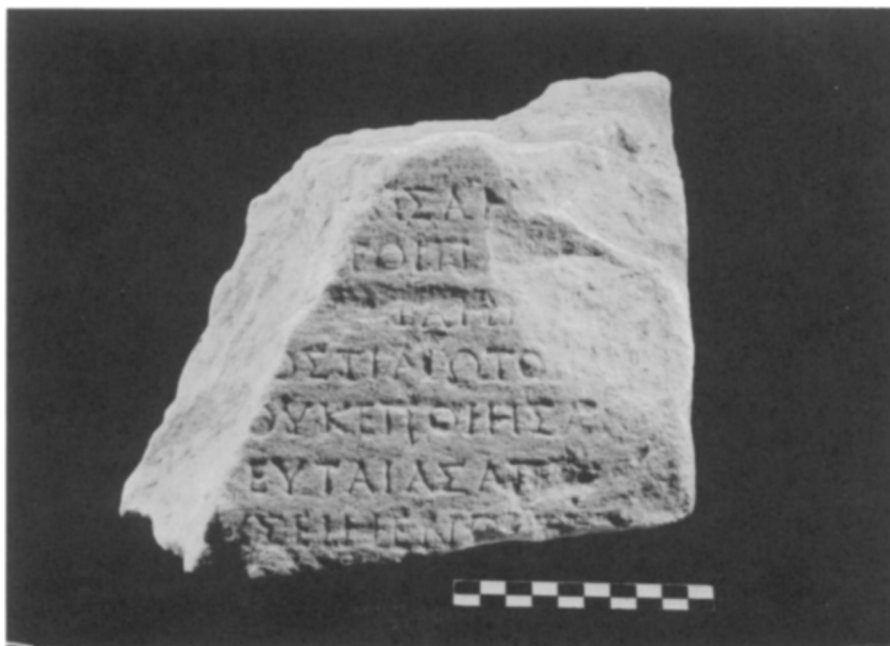
¹³ See M. Rostovtzeff, *The Social and Economic History of the Roman Empire*, Oxford, 1957, translated from the Italian edition of 1933, pp. 406-415 for Septimius and 415-425 for Caracalla and Alexander.



a. *B.M.I.*, no. 50, Face B



b. I 3155 + 5740, Face B



c. EM 3013, Face B



d. I 3155, Face A



e. I 5198, Face A



f. I 6783, Face A