

# HYPERBOREUS

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STUDIA CLASSICA

ναυσὶ δ' οὔτε πεζὸς ἰὼν κεν εὔροις  
ἔς Ὑπερβορέων ἀγῶνα θαυμαστὰν ὁδὸν

(Pind. *Pyth.* 10. 29–30)

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# THE SELECTIVE INSCRIBING OF LAWS AND DECREES IN LATE CLASSICAL ATHENS\*

## 1. Introduction

In a recent paper, Michael Osborne has argued against the conventional view that only a selection of Athenian decrees was inscribed on stelai.<sup>1</sup> He concludes:

...it may reasonably be suggested that the perceptibly official status of inscribed stelai of public decrees implies that all must have been inscribed...

His argument is not to my mind very persuasive;<sup>2</sup> but he has done a service in highlighting the need for the case for the selective publication of decrees on stone to be articulated more fully than it has been hitherto.<sup>3</sup> The issue is important. Inscriptions may yield certain types of specific factual historical information without our needing to understand whether all were inscribed or only a selection, but as soon as we wish to start using inscriptions, in groups or in aggregate, to address historical questions

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\* This contribution is based on a paper I gave in the presence of Christian Habicht at the epigraphy seminar at the Institute for Advanced Study, Princeton, in February 2013, while enjoying the privilege of Membership of the Institute, supported by the Patrons' endowment fund and the Loeb foundation. I am grateful to him and the other members of the seminar on that occasion for their comments and delighted to have this opportunity to express my warm appreciation of his immense contributions to the epigraphy and history of hellenistic Athens, and for his support, behind the scenes, of the *IG II<sup>3</sup>* project. The paper was finalised in the summer of 2016 in the excellent library of the Seminar für Alte Geschichte, Heidelberg, where I am grateful to Professors Kai Trampedach and Christian Witschel for their hospitality.

<sup>1</sup> Osborne 2012.

<sup>2</sup> For another critique of Osborne's views see now Mack 2015, 13–17, though he does contemplate the possibility that, in fourth-century Athens, all proxeny decrees were routinely inscribed.

<sup>3</sup> Osborne cites a number of authors who assert selectivity of inscription, without arguing for it in detail: e.g. Hansen 1984 and Hansen 1987, 123 (see also 108–118); Sickinger 1999, 91–92; Davies 2003, 328; Lambert 2011, 198–200.

at a higher level of generality, for example, “How does the corpus of inscribed decrees, taken not individually, but as a whole, suggest the direction of Athenian policy developed between date x and date y?”, or “Was political influence concentrated in the hands of an elite?”, questions about selectivity in the evidence base immediately arise. Understanding selectivity of inscribing – not only the fact of it, but also the reasons for it – is also crucial to understanding the fundamental question about what inscribing was for.

Osborne seeks to address the issue across a wide time span, from the fifth to the third centuries BC. This is commendable in theory, but unworkable in practice given the vast quantity of relevant evidence. Moreover, it is important to appreciate that we are not dealing with a static situation that would justify treating three centuries as a single moment, but a dynamic one that changes over time. My approach to the issue will be somewhat different from Osborne’s. I shall focus mainly on the inscribed laws and decrees of the period 352/1–322/1, which I have recently edited for *IG* (*IG II<sup>3</sup> 1, 292–572*).<sup>4</sup> The period has the advantage that it produced a large number of inscribed laws and decrees, and also that there is a quantity of relevant literary evidence for laws and decrees, mainly in the orators, which supplies a contrasting perspective which is illuminating.

## 2. Two Preliminaries

To start with an important point that Osborne overlooks: at the end of the fifth century Athens undertook a revision of its laws and thereafter made a distinction between laws and decrees. From the archonship of Eukleides (403/2), decrees of the Council and Assembly were required to be within the law.<sup>5</sup> About a dozen laws on stone survive from the period 403–322, and about 550 decrees. We can not address the issue of selective inscribing without thinking about this statistic: why was the number of laws that were inscribed so small when compared with the number of decrees?

Second, certainly by our period and probably from about the same time as the revision of the laws was undertaken, copies of all laws and decrees were lodged in papyrus copies in the state archive in the Metroon.<sup>6</sup> So for

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<sup>4</sup> Translated at [www.atticinscriptions.com](http://www.atticinscriptions.com).

<sup>5</sup> Gagarin 2008, 182–185; now Canevaro 2015.

<sup>6</sup> Sickinger 1999, 93–138, especially 114–122. Archival copies of laws and decrees begin to be referred to in the orators only in around the period of our corpus (Aeschin. 2. 89, Dem. 19. 129; 25. 90; Lyk. 1. 66, Din. 1. 86), but it seems clear enough that the archive itself had existed since the last decade of the fifth century, and that it,

this period the issue is: what laws and decrees were inscribed *in addition to* being lodged in papyrus copies in the archive, and why?

### 3. The epigraphical evidence

Appendix 1 lists the inscribed laws and decrees of 352/1–322/1 by subject matter. In summary the types break down as follows:

- Honorific: 180 (87%)
- Religious: 9 (4%)
- Treaties and other foreign policy: 13 (6%)
- Other: 4 (2%)

Probably these are broadly a representative sample of all that were inscribed on stone. While we can not absolutely rule out that there are whole categories of inscribed laws and decrees that have not been discovered, it is not likely. At this period the large majority of inscribed decrees were set up on the Athenian acropolis,<sup>7</sup> and it and the rest of Athens and Attica have been quite thoroughly explored. Moreover, it seems that stone, of which there were plentiful local supplies, was the permanent medium of choice for Attic inscriptions. A small number of bronze inscriptions survive or are attested indirectly, and bronze may very occasionally have been used for laws and decrees, particularly those that

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rather than inscriptions, was the normal source for texts of laws and decrees quoted by the orators. There is no direct reference to it in the inscribed laws and decrees of our period, but the prytany secretary (otherwise known as the secretary of the Council) was responsible not only for the inscribing of decrees, but also for their custody (τὰ ψηφίσματα τὰ γιγνόμενα φυλάττει), and for “making copies of everything else” (τὰλλα πάντα ἀντιγράφεται, *Ath. Pol.* 54. 3), while the secretary in charge of the laws was responsible for making copies of all laws (54. 4). Not mentioned by *Ath. Pol.* there was also a secretary called the *anagrapheus* (“recorder”), responsible “for writing up the documents” (ἐπιμεμέλητ[α]ι τῆς ἀναγραφῆς τῶν γραμμάτων, *IG II*<sup>3</sup> 1, 469, 14–15), but this may mean documents other than laws and decrees. Similarly the archive is the most likely source not only for the texts of earlier decrees honouring Herakleides of Salamis, *IG II*<sup>3</sup> 1, 367, inscribed only in 325/4 (see below), but also for most or all of the texts of decrees that had been lost and reinscribed (e.g. *IG II*<sup>2</sup> 172 = *SEG* 32. 67, a proxeny which had disappeared and was reinscribed before 350 BC), or destroyed and reinscribed, e.g. the proxenies destroyed by the Thirty and reinscribed by the restored democracy, *IG II*<sup>2</sup> 6 = *SEG* 29. 93, *IG II*<sup>2</sup> 52, *Agora* 16. 39 etc.; and the decrees destroyed by the oligarchic regime established after the Lamian War and reinscribed by the restored democracy of 318, for Euphron of Sikyon, *IG II*<sup>3</sup> 1, 377 and 378, and for Theopantos, *IG II*<sup>3</sup> 1, 342 and 343.

<sup>7</sup> Cf. Lambert (forthcoming).

were condemnatory or of religious significance, but there is no reason to believe its use for laws and decrees was widespread in our period.<sup>8</sup>

#### 4. Literary evidence for laws and decrees

It would be a major task to analyse all the literary evidence for fourth century laws and decrees,<sup>9</sup> and it is unnecessary for our purposes. A sample is sufficient to make my case, and as it so happens the known laws and decrees proposed by Demosthenes present quite a good sample for our purposes. All but one are known from the literary evidence and, coincidentally, they span precisely the same period as our epigraphical evidence, 352/1–322/1. 42 decrees proposed by him are known from literary evidence (about a fifth of all fourth century decrees known from the literary record), and 1 law. There is a full list at Appendix 2. Adopting the same categories as for the epigraphical record, they break down as follows:

Honorific: 11 (26%)  
 Religious: 1 (2%)  
 Treaties: 3 (7%)  
 Other: 28 (65%)

#### 5. Comparison of epigraphical and literary evidence: overview

There is some degree of convergence: honorific decrees, religious measures and treaties are represented both among the inscribed record and the laws and decrees proposed by Demosthenes. However, while only a very

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<sup>8</sup> Stroud 1963, n. 1 remains the primary point of reference on bronze inscriptions in Attica; see now also the remarks of Meyer 2013, nn. 17, 51 and 53. Unlike stone the reuse of bronze usually entailed obliteration of the text and very few inscribed fragments survive. They include a record of bronze dedications from the acropolis, *IG I<sup>3</sup> 510*, ca. 550 BC?, cf. *IG II<sup>2</sup> 1498*, 3–22 (bronze stelai dedicated by treasurers in the late 5<sup>th</sup> cent.); *IG I<sup>3</sup> 235*, a small fragment apparently of a sacred law, ca. 450?. Several bronze stelai referred to in the literary record suggest that this material may have been used for inscriptions of a condemnatory character, e.g. the decree condemning Archeptolemos and Antiphon, [Plut.] *Lives of the Ten Orators* 834 b; the bronze stele with names of traitors next to the “old temple”, *schol. Ar. Lys.* 243, Stroud 1978, 31–32, though the authenticity of many or all of these is not beyond question, cf. Habicht 1961. Further work on this topic is a desideratum.

<sup>9</sup> For some initial findings based on such an analysis in relation to honorific decrees see now Liddel 2016.



small number of inscriptions, 2%, fall into the “other” category, 65% of Demosthenes’ decrees do not belong in any of the ordinary categories represented by the inscribed record. This can naturally, I think rightly, be taken to imply that there were some types of decree proposed by Demosthenes that were not generally inscribed.

Now, one of the features of inscribing on stone was that it endowed the measure, or the message it was intended to convey, with a quality of durability or enduring validity. This is the case with all three of the main categories of extant inscribed laws and decrees in our period. In 355/4 Demosthenes was concerned to argue against Leptines’ proposal that financially valuable (and to Athens costly) honours and privileges awarded to distinguished foreigners should not be revoked and that the stelai inscribed with such honours guarantee them, or ought to, in perpetuity (Demosthenes 20. 64):

Ἡκούσατε μὲν τῶν ψηφισμάτων, ὧ ἄνδρες δικασταί. τούτων δ’ ἴσως ἔνιοι τῶν ἀνδρῶν οὐκέτ’ εἰσίν. ἀλλὰ τὰ ἔργα τὰ πραχθέντ’ ἔστιν, ἐπειδήπερ ἅπαξ ἐπράχθη. προσήκει τοίνυν τὰς στήλας ταύτας κυρίας εἶν τὸν πάντα χρόνον, ἵν’, ἕως μὲν ἂν τινες ζῶσι, μηδὲν ὑφ’ ὑμῶν ἀδικῶνται, ἐπειδὴν δὲ τελευτήσωσιν, ἐκείναι τοῦ τῆς πόλεως ἥθους μνημεῖον ᾧσι, καὶ παραδείγμαθ’ ἔστώσι τοῖς βουλομένοις τι ποιεῖν ὑμᾶς ἀγαθόν, ὅσους εἰ ποιήσαντας ἡ πόλις ἀντ’ εἰ πεποίηκεν.

You have heard the decrees, gentlemen of the jury. Some of these men are perhaps no longer, but the works which they accomplished exist, when once they were done. It is fitting, therefore, to allow these stelai to be valid for all time, so that as long as any of these men are alive, they may suffer no wrong at your hands, and when they die, those (scil. stelai) may be a memorial of the city’s character, and may stand as evidence to all those who wish to do us good, of how many benefactors the city has benefited in return.

Inscribed honorific decrees were meant to endure.

As for religious inscriptions, religion was a sphere of the city’s life in which there was a particularly strong idea that arrangements should be durable. Generally one did things “according to ancestral tradition” (κατὰ τὰ πάτρια) and did not make changes; but if one did make new arrangements, they too were to endure. In our corpus *IG* II<sup>3</sup> 292, 18 requires that the sacred orgas and the other sacred precincts be cared for “for all time” (εἰς τὸν ἀεὶ χρόνον); at 447, 33 arrangements are made for the Little Panathenaia festival to be celebrated finely “for all time” (εἰς τὸν ἀεὶ χρόνον).

With treaties too it was a commonplace that they should be valid “for all time”.<sup>10</sup>

Category VIII on the list of decrees proposed by Demosthenes lists a number that provide for meetings of public bodies on specific forthcoming dates. Now clauses providing for matters to be discussed at a forthcoming meeting occur quite commonly in the texts of inscribed Athenian decrees, but the fixing of the date of a meeting is never the decree’s sole or main purpose. The sole purpose of the decree proposed by Demosthenes on 8 Elaphebolion 346 (A5) was apparently to provide for the Assembly to meet on 18 and 19 Elaphebolion. It was not a decree which had enduring validity. There would scarcely indeed be time to inscribe it before the relevant meeting took place. It is surely out of the question that this decree of Demosthenes was ever inscribed.

Category IV on the list of decrees proposed by Demosthenes are decrees providing for embassies. Again, inscribed decrees do quite frequently make provisions for embassies, but these are usually embedded in decrees with a more enduring purpose, honorific decrees or treaties. Decrees whose sole or main purpose was to despatch embassies were naturally quite common, but inscribing such decrees on stone would have served no enduring purpose.

Another ephemeral matter on which Demosthenes proposed decrees is the disposition of military forces. Most of the decrees in Category VI are of this type. They were, in a sense, very important, but they did not have the enduring qualities that would have justified inscribing them in stone. There is, in fact, only one inscribed decree of this period which provides for a military expedition: the decree of 325/4 providing for a naval expedition to found a colony in the Adriatic, *IG II<sup>3</sup> 1, 370*; but significantly it is not a self-standing decree, erected at the initiative of the Council or Assembly, but embedded in a naval inventory. It is an exception which proves the rule that decrees making provisions for military expeditions were not generally inscribed on stelai.<sup>11</sup>

Category IX furnishes further examples. Decrees of a judicial character, ordering a death sentence (A10) or the arrest or imprisonment

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<sup>10</sup> That there is no such clause in the Athenian treaties of 352/1–322/1, which are mostly rather fragmentarily preserved, is due merely to accident of survival. An example from elsewhere from this period is furnished by the treaty between Miletus and Kyzikos of ca. 330, *Staatsverträge* III 409, which provides (ll. 11–12) that “the cities shall be friends for all time” (τὰς μὲν πόλεις φίλας εἶναι ἐς τὸν ἅπαντα χρόνον).

<sup>11</sup> An exception from an earlier period is *IG I<sup>3</sup> 93*, relating to the launch of the Sicilian expedition in 415 BC. See Osborne and Lambert, <https://www.atticinscriptions.com/inscription/IGI3/93> n. 1.

of an individual (A9, A36), or instigating processes by other institutions (A15, A37) were important, but also ephemeral and not, for the most part, inviting durable commemoration.

One might select other examples, but these are enough, I think, to show that there were some categories of decree that were of an ephemeral nature which did not normally justify inscription in stone. This absence of inscription does not, of course, mean that the decrees were in some way invalid. What gave them their validity was the fact that they had been approved by the Assembly; and there were papyrus copies available in the Metroon to verify that. Texts of a number of the decrees proposed by Demosthenes that we have been discussing were read out in court. Not one of the decrees he proposed, however, is cited from an inscription. The texts that were read out had presumably been obtained from the archive.

There is another question, however: in the categories that *are* commonly represented in the inscribed record, is there reason to think that every decree was inscribed on stelai? Was every honorific decree, every treaty and every religious regulation inscribed?

## 6. Honorific decrees – not all inscribed

Much the largest category of inscribed decree in our corpus is honorific, and since there are so many it might be tempting to suppose that all such decrees were inscribed. One has only, however, to scratch the surface of the evidence to establish that this was not the case.

(a) *Honours could be commemorated in ways that did not involve inscribing the decree.*

This is particularly clear with decrees honouring Athenians. From the 340s onwards we have a regular series of inscribed decrees honouring Athenian officials. Before that, inscribed decrees honouring Athenians are extremely rare. There is a remote theoretical possibility that, for some reason, we have simply failed to discover all decrees of this type from before the 340s;<sup>12</sup> but it is much more likely that these decrees were never inscribed, and that that was because, before the 340s, commemoration of the honour generally took other forms:

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<sup>12</sup> Liddel 2016, 312–313, observes that there is more evidence for Athenian honorands before the 340s in the literary than in the epigraphical record.

(i) Proclamation of the honours in the Council, Assembly or at the City Dionysia.

It is interesting that, in the debate between Demosthenes and Aeschines in the *Crown* case there is never any discussion of whether or not the decree honouring Demosthenes was, or should have been, inscribed or otherwise commemorated monumentally. Instead the dispute centres around proclamation of the honour at the City Dionysia. Aeschines (3. 32–48) alleges that this was illegal, and that honorands had normally to be content with proclamation of the honour in the Council (for decrees awarded by the Council) or Assembly (for decrees awarded by the Assembly); Demosthenes (18. 120–121) that proclamation at the City Dionysia was permitted if special provision was made for it in the decree. Apart from durability, another criterion for inscribing a decree was that it delivered a message, whether to a specific, or to a wide, group of viewers; and we may perhaps conceptualise proclamation of honours as, in this respect, an alternative to inscribing them.

(ii) Inscribed dedications

For decrees honouring Athenians, another alternative way of commemorating the honour was by an inscribed dedication. These might be inscribed with suitable commemorative wording, but did not necessarily carry the text of the decree, e.g. *IG II<sup>3</sup> 4, 246*.<sup>13</sup>

Ταξίαρχοι ἀνέθεσαν οἱ ἐπὶ Ἐλπίνο ἄρχοντο[ς] (356/5)  
στεφανωθέντες ὑπὸ τῷ δήμῳ καὶ τῆς βολῆς  
*List of taxiarchs follows*

(b) *Non-inscription of more minor honours.*

Decrees awarding crowns of foliage rather than gold to Athenians were probably quite common. It seems that they were not, however, usually inscribed at this period.<sup>14</sup>

<sup>13</sup> “The taxiarchs of the archonship of Elpinos (356/5) dedicated this, having been crowned by the People and the Council”. One of the quite numerous dedications by Athenian officials in *IG II<sup>3</sup> 4* dating to before 346/5 (year of first inscribed decree in the series honouring Athenian officials, *IG II<sup>3</sup> 1, 301*) explicitly commemorating the award of crowns by the Council and People.

<sup>14</sup> See Lambert 2004, 88 [= 2012, 8].

Unlike for Athenians, the city did at this period sometimes inscribe decrees awarding mere foliage crowns to foreigners, in cases where the award was accompanied by other honours, such as citizenship or proxeny or other privileges.<sup>15</sup> It is notable, however, that decrees awarding an individual foreigner a crown of any kind, and no other substantive honours, seem rarely to have been inscribed.

Again one of the few exceptions at this period is suggestive. In 325/4 Athens awarded proxeny to the grain trader Herakleides of Salamis, *IG II<sup>3</sup> 1, 367*. Exceptionally, the decree honouring him on that occasion, the first on the stone, contained a provision requiring the secretary to inscribe not only the proxeny, but also previous decrees in his favour, and the stone is duly inscribed with a sequence of three decrees honouring him which dated up to five years earlier, 330/29 or shortly after. The natural implication is that these earlier decrees had not previously been inscribed and that copies of them had been obtained by the secretary from the archive. The character of the three decrees is indeed exceptional in several ways: the first (at ll. 47 ff.) is merely the Assembly's decree commissioning the Council to come forward with a *probouleuma* relating to Herakleides, a purely procedural decree of a type which was not normally inscribed. The second, beginning in l. 52, is the resulting *probouleuma*, which awards Herakleides a gold crown and permission to "seek from the People what good he can"; and the third, at ll. 29 ff., is the Assembly's resulting decree which confirms the award of a crown, and also makes provisions for an embassy to be sent to Dionysios, tyrant of Herakleia, to recover Herakleides' sails, which Dionysios had apparently confiscated (note that, though this was no doubt an important measure from Herakleides' point of view, it was essentially of ephemeral significance). None of this earlier series of three decrees contains an inscribing provision. Decrees awarding crowns to foreigners, but no enduring privilege, were doubtless quite common. The first decree on the list of those proposed by Demosthenes, A2, a crown for the actor Aristodemos of Metapontum, is probably an example; but they were not, it seems, normally inscribed.

There is some confirmation in the record of decrees honouring not individual foreigners, but whole cities. Such decrees did not usually make substantive awards, such as citizenship or proxeny (though there were occasionally mass citizenship grants), but they normally awarded crowns and there are several inscribed examples from this period. Interestingly, the texts seem to imply that such decrees were not necessarily inscribed.

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<sup>15</sup> For example, *IG II<sup>3</sup> 1, 418*, which awards Asklepiodoros the right to equal taxation with Athenians (*isoteleia*) and other honours as well as a foliage crown.

*IG II<sup>3</sup> 1, 304* honours the city of Pellana. The original decree is the second on the stone, at ll. 23 ff., and the provision to inscribe it is made in the first decree on the stone (see ll. 7–12), apparently passed in the following year in response to an embassy from the city. Similarly, *IG II<sup>3</sup> 1, 401* honouring Aratos of Tenedos and his brothers, and the People of Tenedos, was only inscribed as a consequence of a rider to the decree, passed in the Assembly (decree 2, ll. 19–23). No provision to inscribe the decree had been included in the *probouleuma*.

How should we explain this tendency not to inscribe decrees that merely awarded crowns to foreigners? An obvious explanation is that the award of a crown, without substantive honours, was a relatively minor matter and, as such, did not usually justify an inscription. That explanation works up to a point, but it does not explain why decrees awarding gold crowns and no other substantive honours to Athenians were regularly inscribed, at least from the 340s, whereas decrees awarding only crowns to foreigners apparently were not.

Perhaps we should think here rather in terms of durability of intention. Most substantive honours, such as citizenship and proxeny, had extension in time. They conferred privileges which lasted through the lifetime of the honorand and indeed were usually hereditary. They met the durability criterion and were therefore wholly appropriate to be inscribed in stone. An award of a crown to a foreigner, on the other hand, was a momentary gesture which did not have or require the same kind of durable commemoration. For Athenians, embroiled in a fierce competition for honour, central to the public life of the city, past honours were of much greater, enduring, importance – or at least came to be, for we have here an implicit reason why decrees honouring Athenians with crowns only were not inscribed *before* the 340s.<sup>16</sup> One of the points indeed that Demosthenes (18. 257) makes in justification of his crown in 330 is that he was a man who had been crowned by the city on many previous occasions. Past honours, on this view, came to be of durable utility to Athenian honorands in political debate in the Assembly and in litigation in the law courts and this influenced decisions to inscribe them.

Whatever the explanations, there seem to have been some categories of honorific decree that, at this period, were not usually inscribed, including decrees awarding foliage crowns to Athenians and decrees awarding crowns of any kind but no enduring privileges to foreigners. Of those types that were commonly inscribed, we may further ask, were they all inscribed, or only a selection? With decrees awarding citizenship or proxeny, for

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<sup>16</sup> For discussion of other reasons for this change see Lambert 2011, 197–198.

example, can we assume that every such decree was inscribed? Here, we come to Michael Osborne's argument from "authority". As he points out, and others have pointed out before him, there is a lot of evidence to suggest that the inscribed version of a decree was or could be treated as, as he puts it, "authoritative". With honorific decrees this applies particularly to proxenies, where the identification of the honour with the stele recording it is so close that the stele can be conceived of as actually being the proxy, and where there are cases of measures being taken to re-erect, and hence re-validate, proxy stelai that had been destroyed by the Thirty.<sup>17</sup> The tendency to conceptualise inscribed citizenship decrees as *being* citizenship is less strong, perhaps because citizenship consisted, to a greater extent than proxy, of a concrete set of identifiable rights, responsibilities and privileges; but the inscription is still an important guarantee. The grant to the Akarnanians after the battle of Chaironeia is a good example.<sup>18</sup>

There are two general points I would make about Osborne's argument here. First, his characterisation of inscribed decrees as "authoritative" seems to me somewhat wide of the mark, insofar as it implies an actual or potential contrast or conflict between the inscribed version and the archival version of the decree. In the fourth century, and I think more generally, the primary assumption is that the archival copy and the inscribed copy of a decree will be in harmony, not that they might be inconsistent.<sup>19</sup> The type of "authority" that is inherent in a proxy stele is not essentially about the detail of the text, but about the overall validity of the measure, which is conceived of as being intimately connected with the stele on which it is inscribed.

Second, there is a question of "epigraphical habit". What one might describe as this strong concept of the validity, or agency (to use the anthropological term), of stelai has its origins in the archaic period, well before the archive in the Metroon existed. The earliest inscribed proxenies

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<sup>17</sup> *IG* II<sup>2</sup> 52, cf. Lambert 2011, 209 n. 30.

<sup>18</sup> *IG* II<sup>3</sup> 1, 316, in which, in 338/7, the Athenians confirm for Akarnanian exiles the validity, in effect the practical activation, of citizenship grants that had been made to their grandfather two generations previously (ca. 400). At ll. 17–18 it is mentioned explicitly, as evidence for the honorands' entitlement to citizen rights, that the original award had been inscribed on the acropolis.

<sup>19</sup> This is exemplified by the one clear fourth-century case of a decree of which both an inscribed version and one deriving from the archive is extant, Stratokles's decree honouring Lykourgos in 307/6, *IG* II<sup>2</sup> 457+3207 and [Plut.] *Vit. X or.* 852. The inscribed version is fragmentary, but there is enough to see that, while the text is not precisely same, it is consistent with the literary version, which most likely derives from the archive.

and citizenship decrees date to before the foundation of the archive in the Metroon.<sup>20</sup> Especially in a world in which there was no public state archive, such stelai did indeed have a special quality of validity, or of guaranteeing or securing it; and this strong idea of their validity survived after the introduction of the archive had in fact, one might think, weakened its logic.

If we turn from generalities to the inscribed record of the honorific decrees, the actual situation is in fact, within certain parameters, clear enough. Proxeny grants, the most abundant genre of inscribed honorific decree of this period, can be probouleumatic or non-probouleumatic in form, and in either case provision for inscription may be included in the main text of the decree.<sup>21</sup> In other words, provision to have the decree inscribed could be included in the Council's *probouleuma*, or in the text of a proxeny grant as formulated in the Assembly on the basis of we know not what *probouleuma*. However in *IG II<sup>3</sup> 1, 294*, for Theogenes of Naukratis, the Council's proposal to create Theogenes a proxenos is agreed by the Assembly, but it did not include a provision for inscription. Inscription and invitation to hospitality in the city hall are only included as a rider, added to the main proposal in the Assembly.<sup>22</sup> The impression is given that inscribing is an optional extra, not an essential element of a proxeny grant. This gains confirmation from *IG II<sup>3</sup> 1, 398*, awarding proxeny to some Euboeans. The decree is probouleumatic, but the inscribing clause is prefaced explicitly by the qualification, "if it also seems good to the People",<sup>23</sup> the implication being that if it had not seemed good to the People the proxeny might have been awarded without provision to inscribe it. An uninscribed proxeny would be missing some element or aspect of traditional validity, or guarantee of validity; one suspects that most were in

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<sup>20</sup> Precise dating is mostly difficult. Mack 2015, 81–82, discusses *IG I<sup>3</sup> 27* (ca. 430?) and *IG I<sup>3</sup> 80* (421/0) as early cases. Cf. Meyer 2013, 467–468 n. 69. The earliest extant inscribed decree awarding citizenship to an individual is *IG I<sup>3</sup> 102* = Osborne–Rhodes forthcoming, no. 182 of 410/9, but the mass grant of 427 to the Plataians also apparently entailed an inscription, [Dem.] 59. 105–106.

<sup>21</sup> Probouleumatic examples: *IG II<sup>3</sup> 1, 324* Decree 1 for Euenor of Akarnania; 426 for -machos. Non-probouleumatic: 312 for Phokinos et al.; 432 for Sopatros of Akragas.

<sup>22</sup> The rider was proposed by Hierokleides son of Timostratos of Alopeke, the same man who had proposed the Council's *probouleuma*. One can imagine several possible reasons for this, including that Hierokleides was unable or unwilling to obtain the Council's agreement to the inscription and hospitality provisions. *IG II<sup>3</sup> 1, 390*, for Kleomis of Methymna, also probably had the provision to inscribe added in a rider.

<sup>23</sup> ἀ[ναγράφαι δὲ καὶ τὴν προξενίαν, ἔαν καὶ τῶι δήμ[ωι] δοκῆι, τὸν γραμμ[ατέα] τῆς βουλῆς ἐν στήλῃ λ[ιθίνῃ καὶ στήσαι] ἐν ἀκροπόλει δέκα ἡμερῶν (II. 17–20).



fact inscribed; but it is clear from these decrees that an uninscribed proxeny would not actually be invalid. Ultimately the validity depended on the vote of the People, and after the archive existed there was evidence for that in the papyrus copy lodged in the Metroon.<sup>24</sup>

Decrees awarding substantive honours to foreigners other than proxeny and citizenship would seem to belong in the same category, as regards inscription, as proxenies. We have already noted the rider adding an inscribing provision to *IG II<sup>3</sup> 1, 401*. *IG II<sup>3</sup> 1, 302*, Decree 1 (probouleumatic), awarding protection to Dioskourides of Abdera and his family and hospitality to Dioskourides himself also contains no inscribing clause. Provision to inscribe was presumably included in the incompletely preserved rider, Decree 2, which also granted further residence and taxation privileges.

The imperative to inscribe citizenship decrees at this period looks stronger. All the extant decrees, most of which are non-probouleumatic, include inscribing clauses in the main text;<sup>25</sup> there are no inscribing provisions added in riders or qualified as subject to the decision of the Assembly. A citizenship decree was such a major, and relatively unusual, award that it seems that it was natural and normal for it to be inscribed. Still we can not be certain that every citizenship decree was inscribed, or, if it was, whether this was a legal requirement of citizenship decrees or simply normal practice.

## 7. Treaties

The argument regarding treaties is similar to that for proxenies, in that the validity of the treaty was intimately associated with the stelai on which they were inscribed; and it is notable that treaties too are a very early species of inscription, with examples pre-dating the foundation of the archive in the Metroon.<sup>26</sup> In order to rescind a treaty you pull down the

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<sup>24</sup> In some cities there were inscribed official lists of proxenoi, but there seems to be no evidence for one in Athens (and had there been one one might expect it to have been referred to in our abundant epigraphical and literary evidence, e.g. in relation to the proxenies destroyed by the Thirty). Cf. Mack 2015, 13–14, 286–342. Citizens by decree were usually enrolled in the lists of a deme and phratry, there being no centrally maintained list of Athenian citizens.

<sup>25</sup> E.g. *IG II<sup>3</sup> 1, 333; 335; 378; 480*. The same applies, however, to the probouleumatic 411 and to 452, which may or may not be probouleumatic.

<sup>26</sup> E.g. among the more securely dated examples, *IG I<sup>3</sup> 48* = Osborne–Rhodes forthcoming, no. 139, treaty with Samos, 439; *IG I<sup>3</sup> 53* and 54 = Osborne–Rhodes forthcoming, no. 149, treaties with Rhegion and Leontinoi, 433/2.

stele on which it is inscribed. The decree by which the Athenians declared war on Philip II (category III A17 on the list of Demosthenes' decrees) is a good example of this:

ὁ δὲ δῆμος ... Δημοσθένους ... ψήφισμα γράψαντος, ἐχειροτόνησε τὴν μὲν στήλην καθελεῖν τὴν περὶ τῆς πρὸς Φίλιππον εἰρήνης καὶ συμμαχίας σταθεῖσαν, ναῦς δὲ πληροῦν καὶ τὰ ἄλλα ἐνεργεῖν τὰ τοῦ πολέμου.

The People ... on the proposal of Demosthenes ... voted to destroy the stele concerning the Peace with Philip, and establishing an alliance, to fill the ships and to prosecute hostilities.

This shows, incidentally, rather clearly that not every decree resulted in a stele; a copy of the decree by which the Assembly agreed to make war on Philip was presumably lodged in the archive, but the effect on the inscribed record was to remove a stele not to put up a new one. My sense is that this association between treaties and stelai recording them is so strong that one's default expectation is that treaties would normally have been inscribed; but again, what actually makes the treaty is the decision of the Assembly and in the fourth century and later there would be a copy in the Metroon.

## 8. Religious Regulations

Laws and decrees with primarily religious content are more common in the epigraphical record than the literary, which consists largely of the corpus of the Attic orators. That is because, unless it involved something like making Alexander a god (category II A39 on the list of Demosthenes' decrees), the city's religion was not generally a matter of political or legal contention, whereas it was strongly appropriate for inscriptions. They were typically erected in sanctuaries; as with dedications, one face of laws and decrees erected in such locations was metaphorically directed to the gods, and epigraphical habit is relevant here too: most of the handful of inscribed Athenian decrees pre-dating the Periclean rebuilding of the acropolis were religious in content.<sup>27</sup> Our sources do not perhaps emphasise the sort of strong connection between the inscribing of a religious measure and its validity that we get with treaties and proxenies, but that may be because the validity of religious measures was rarely politically contentious. I think that there would be an assumption in favour of inscribing such measures,

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<sup>27</sup> On these points see Lambert (forthcoming).

but (aside from the possibility of inscription on bronze, discussed above) I can not immediately see an argument to the effect that every one would necessarily be inscribed on a stone stele. As with other kinds of law and decree one might expect those making durable arrangements and those with a strong message to deliver (perhaps to the gods in this case as much as to men) to be inscribed.

## 9. Laws

We come, finally, to the issue about laws. Why are there so few inscribed laws in the fourth century in relation to the number of inscribed decrees? At 2005, 131 [= 2012, 59] I mentioned three factors that I still think are likely to be relevant:

(a) there were simply fewer laws than decrees. Laws dealt mostly with the general, permanent and systematic, decrees with the specific and particular; decrees could be passed at every meeting of the Assembly (normally four each prytany<sup>28</sup>) by simple majority vote of the citizens, new laws could only be made by a cumbersome process involving multiple stages of deliberation;<sup>29</sup>

(b) unlike decrees, the default location for inscribed laws was not the acropolis; they seem to have been spread around the city more, being erected in locations suitable to their content; and this may mean that fewer have been discovered;

(c) though I do not think there is any positive evidence for this, and I do not think it very likely, more of them might have been inscribed in a medium such as bronze, or wood (as Solon's axones).

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<sup>28</sup> *Ath. Pol.* 43. 3 (already in the fifth century, *IG I<sup>3</sup> 40* = Osborne–Rhodes forthcoming, no. 131, 10–14).

<sup>29</sup> That the lawmaking process in fourth-century Athens was constructed against an ideological background which emphasised the ideal immutability of the law is brought out well by Canevaro 2015, who (section 7) reconstructs the process of making new laws as follows (mainly on the basis of Dem. 20, Dem. 24, Aeschines 3. 38–40): following a preliminary vote in the Assembly permitting consideration of new laws, specific proposals were published in front of the monument of the eponymous heroes and read out in three consecutive Assemblies, in the third of which *nomothetai* might be appointed (on Canevaro's view from or equivalent to the jurors [Dem. 20. 93] or to the Assembly [Aeschin. 3. 39]); opposing laws had then first to be repealed (by a court?), with experts (*synegoroi*) appointed by the Assembly to defend them; and improper new laws were subject to being legally overturned by *γρᾶφῆ νόμων μὴ ἐπιτηδείων θεῖναι*.

(a) seems likely to be the most important of these explanations, which may perhaps be sufficient.<sup>30</sup> My sense, however, is that another factor may also be relevant. The small number of laws that are inscribed<sup>31</sup> meet rather well two of the observable criteria for inscribing a decree: they deliver a message (as for example the anti-tyranny law, *IG* II<sup>3</sup> 1, 320, set up at the entrance to the Council chamber of the Areopagos and in the Assembly); or they have religious content (as with several inscribed laws relating to festivals). What, however, about the third criterion, durability? It was a feature of most laws that they were intended to be permanent and durable; and this makes it especially remarkable that so few are extant on stone. The archive in the Metroon, however, was created at the same time as the laws were being revised in the last decade of the fifth century.<sup>32</sup> Archives also preserve texts in a durable fashion. Perhaps the Metroon was designed from the start specifically to be the place where texts of laws made under the new law-making process were deposited. Whereas some types of decree had been inscribed before the creation of the archive and continued to be inscribed after it, fourth-century laws on this view were not normally inscribed precisely because they were available in the archive. They were no less valid and authoritative.

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<sup>30</sup> Canevaro 2015, however, section 8, notes that the relative numbers of attested *γραφαὶ παρανόμων* in 403–322 (35 according to Hansen 1991, 208) and *γραφαὶ νόμων μὴ ἐπιτηδείων θεῖναι* (6) suggests that the epigraphic record may exaggerate the imbalance between the numbers of laws and decrees. On the other hand over his whole career Demosthenes is known to have proposed 39 decrees of the People, 4 of the Council, but only 1 law, see Appendix 2.

<sup>31</sup> Law on silver coinage, 375/4, *SEG* 26. 72 = Rhodes–Osborne 2003, no. 25; grain tax law, 374/3, *SEG* 47. 96 = Rhodes–Osborne 2003, no. 26; law on the Eleusinian Mysteries, 367/6–348/7 (?), *I. Eleus.* 138, cf. *SEG* 30. 61; unpublished law concerning Hephaistos, Athena Hephaistia and silver coinage, 354/3, *SEG* 54. 114; 56. 26; 61. 119; law on Eleusinian first-fruits, 353/2, *IG* II<sup>2</sup> 140; law against tyranny, 337/6, *IG* II<sup>3</sup> 1, 320; law providing for the repair of walls in Piraeus, with appended contract specifications (*συγγραφαί*), ca. 337 BC, *IG* II<sup>3</sup> 1, 429; provisions relating to penalties and “exposure” (*φάσις*) from a law whose content is otherwise unknown, ca. 337–325, *IG* II<sup>3</sup> 1, 431; at least two laws relating to cult objects, on the acropolis and elsewhere, ca. 335, *IG* II<sup>3</sup> 1, 445; law making provision for funding of Little Panathenaia, followed by decree providing for sacrifices at the festival, ca. 335–330, *IG* II<sup>3</sup> 1, 447; and possibly also: *SEG* 58. 95, fragmentary inscription apparently mentioning *nomothetai*, “before mid-IV BC”; *IG* II<sup>3</sup> 1, 448, making provisions for an (Athenian or Macedonian) festival; *IG* II<sup>3</sup> 1, 449, making provisions for a festival; *IG* II<sup>3</sup> 1, 550, the end of text (of a law?) providing for liturgists to dedicate *phialai*, followed by list of liturgists; *SEG* 52. 104, “unpublished” law on repair of sanctuary of Artemis at Brauron.

<sup>32</sup> Creation of archive: Sickinger 1999, 93–138 (cf. above n. 6); revision of laws and creation of new law-making procedure: most recently, Canevaro 2015.

APPENDIX 1

Inscribed Athenian Laws and Decrees 352/1–322/1,  
by Subject

Inscriptions are referred to by number in *IG II<sup>3</sup> 1* plus a one-word title. For translations see [www.atticinscriptions.com](http://www.atticinscriptions.com). Excluded are the “*dubia et incerta*”, *IG II<sup>3</sup> 1*, 531–572, and decrees which are too fragmentary for the subject matter to be determined. Included, however, are those dated to the middle or second half of IV BC (*IG II<sup>3</sup> 1*, 487–530).

Abbreviations:

D = inscribed on a dedication made by the honorand rather than a stele erected by the city;

L = law.

**1. Honorific**

(a) Athenians

301; 305; 306 Council (D); 311 (D); 323 Secretary?; 325 Kalliteles; 327 Phyleus; 336 Diotimos?; 338 Pytheas; 348 Phanodemos; 355 Amphiaraia; 359 Androkles; 360 Council; 362 Epimeletai?; 365 Priest; 369 Hieropoioi (D); 389 (D); 402 Kephisophon (D); 416 Priests; 417 Leontis (D); 424; 425 Priest?; 458; 469 Kallikratides; 476 Proedroi?; 481; *IG II<sup>2</sup> 1155* = Lambert 2015; *IG II<sup>2</sup> 1156* = Rhodes–Osborne 2003, no. 89; Lawton 1995 no. 164 = Lambert 2012, 182–183.<sup>33</sup> Total = 29

(b) Gods

349 Amphiaraos. Total = 1.

(c) Foreigners

293 Demokrates; 294 Theogenes; 295 Orontes;<sup>34</sup> 298 Spartokos; 302 Dioskourides; 303 Elaiousians?; 304 Pellanians; 307 Kephallenians or Lampsakenes; 309 Elaiousians; 310 Theoklos; 312 Phokinos; 313 Tenedos;<sup>35</sup> 316 Akarnanians; 317 Drakontides; 319 Alkimachos; 322 Courtier; 324 Euenor; 326 ?; 329 ?; 331 Nikostratos; 333 Archippos; 335 Amyntor; 339 Mnemon;

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<sup>33</sup> Relief from a decree (or dedication?) commemorating honours for a priestess of Athena Nike.

<sup>34</sup> Also contains provisions relating to Orontes and grain supply.

<sup>35</sup> Also contains provisions relating to Tenedos' financial contribution to the Second Athenian League (*syntaxis*).

340 Chian; 342 Theopantos; 343 Theopantos; 344 Actor?; 345 Plataian?; 346; 347 Amphis; 351 Rheboulas; 352 Eudemos; 354 Herakleot?; 356 Larisan; 358 Eurylochos; 361 Thymondas?; 363 Phanostratos; 364; 367 Herakleides; 375 Lapyris; 376 Phokians; 377 Euphron; 378 Euphron; 379 Apollonides; 380; 383; 386; 387 Sestos; 390 Kleomis; 392; 393 Achaians; 398 Euboeans; 401 Tenedos; 403 Apelles; 404 Exiles; 405 Phaselite; 406; 411 Arybbas; 413 Chians; 414; 418 Asklepiodoros; 419 Amphipolitan; 420 Eretrian; 423 Actor; 426; 428 Philomelos; 430 Salaminian; 432 Sopatros; 434 Pydnan; 435; 436 Actor; 437; 439 Dionysios; 440 Potamon; 441 Pandios; 442; 452 Peisitheides; 453; 454 Koan; 455 Iatrokles; 456; 457 Pharsalian; 461; 462; 466; 468; 470; 473 Nikostratos; 474 Prienean; 475; 478; 479 Hestiaian; 480 Plataian; 483 Sostratos; 484 Friends; 485 Kythnos; 490; 491; 492; 493; 495; 496 Praxias; 497 Krotoniate; 498; 501; 502; 503; 504; 505; 507; 515; 516; 517; 519; 528 Eupatas. Total = 116<sup>36</sup>

(d) Athenians or foreigners?

315 Theopantos; 330; 357; 366; 371; 384; 385; 394; 395; 396; 397; 400; 421; 427; 438; 446; 450 Artikleides; 460; 463; 464; 499; 500; 506; 508; 509; 512; 513; 518; 520; 521; 522; 523; 524; 529. Total = 34.

## 2. Religious

292 Orgas; 297 Eleusis; 337 Kitians; 444 Nike;<sup>37</sup> 445 Cult (L);<sup>38</sup> 447 Panathenaia (L + decree);<sup>39</sup> 448 Festival (L?); 449 Festival (L?); 487 Lease?. Total = 9.

## 3. Treaties and other Foreign Policy

296 Echinaioi;<sup>40</sup> 299 Mytilene; 308 Messene; 318 Philip II; 370 Adriatic;<sup>41</sup> 381 Aitolians; 388 Akanthos;<sup>42</sup> 399 Attackers;<sup>43</sup> 412 Eretria; 443 Alexander; 482 Tenos; 488; 489 Chalkidians. Total = 13.

<sup>36</sup> Note also the reliefs Lambert 2012, 181–182 nos. 1–17 and Glowacki 2003, most of which are probably from decrees honouring foreigners from this period.

<sup>37</sup> Provides for priestess of Athena to sacrifice an *aresterion* on occasion of repair of statue of Athena Nike. Also honours the statue-maker, a Boeotian.

<sup>38</sup> Two laws relating to cult objects.

<sup>39</sup> Law and decree relating to Little Panathenaia.

<sup>40</sup> Was or related to a *symbola* agreement.

<sup>41</sup> Decree providing for a colonising expedition to the Adriatic. Inscribed not on a self-standing stele but in naval accounts.

<sup>42</sup> Also praises the envoys from Akanthos and Dion and invites them to hospitality in the *prytaneion*.

<sup>43</sup> Decree prohibiting military expeditions against Eretria or other allies.

#### 4. Other

320 Tyranny (L);<sup>44</sup> 429 Walls (L);<sup>45</sup> 431 Law (L);<sup>46</sup> 433 Sokles.<sup>47</sup> Total = 4

## APPENDIX 2

### Laws and Decrees Proposed by Demosthenes<sup>48</sup>

Abbreviations:

L = law, A = Assembly decree, C = Council decree or *probouleuma*.

Demosthenes' career as a proposer of laws and decrees precisely coincides with the period 352/1–322/1. Taking literary and epigraphical evidence together, he is on record as proposer of more than any other Athenian, viz. 39 decrees of the People, 4 of the Council, and 1 law. Only one of these is attested in the epigraphical record: *IG II<sup>3</sup> 1, 312* (= Hansen A18), honouring Phokinos, Nikandros and Dexi-. One is of unknown content (Din. F 47 Con. = Hansen A35). The remaining 42 are:

#### 1. Honorific

A2. Crown for the actor, Aristodemos of Metapontum, 347/6 (Aeschin. 2. 17).

A4. Foliage crown and invitation to dinner in the *prytaneion*, for the first embassy to Philip, 347/6 (Dem. 19. 234, Aeschin. 2. 46).

A29. Bronze statues in the Agora for Pairisades, Satyros and Gorgippos, rulers of Bosporan kingdom, ca. 330 (Din. 1. 43).

A30–31. Citizenship for Kallias of Chalkis, and his brother Taurosthenes, ca. 330 (Aeschin. 3. 85, Hyp. 1 *Against Demosthenes* 20).

A32–34. Citizenship for Chairephilos and his sons, for Epigenes and for Konon, before 324 (Din. 1. 43).

A38. *Sitesis* in the *prytaneion* and a bronze statue in the Agora for Diphilos, 324/3 (Din. 1. 43; cf. F41 Con.).

C3. Seats in the theatre at the Dionysia for envoys from Philip II, 347/6 (Dem. 18. 28; Aeschin. 2. 55).

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<sup>44</sup> Law against tyranny, prohibiting the Areopagos from sitting in circumstances of an anti-democratic coup.

<sup>45</sup> Law providing for repair of walls in Piraeus and appended specifications for the work (συγγραφαί).

<sup>46</sup> *Phasis* provisions from a law of unknown content.

<sup>47</sup> Agreement between the city and Sokles for the exploitation of a resource and the sharing of proceeds.

<sup>48</sup> The list is based on Hansen 1989 (Demosthenes at pp. 41–42).

## 2. Religious

A39. Prohibiting the worship of unacknowledged deities, 324/3 (Din. 1. 94).

## 3. Treaties: making or abrogation

A11. Alliance with Chalkis, 342/1 (Aeschin. 3. 92–93).

A17. Declaring war on Philip II, 340/39 (*FGrHist* 328 Philochoros F55).

A20. Alliance with Thebes, 339/8 (Aeschin. 3. 142–145).

## 4. Providing for embassies

A6. To the Peloponnese, 345/4 (Dem. 18. 79).

A8. To Euboea, 343/2 (Dem. 18. 79).

A13. To Eretria and Oreos, 341/0 (Aeschin. 3. 95–101)

A19. To Thebes, 339/8 (Dem. 18. 177–179).

C1. To cities to be visited by Aristodemus, 347/6 (Aeschin. 2. 19).

C4. Instructing second embassy to Philip to leave Athens immediately, 347/6 (Dem. 18. 25–29; 19. 154).

See also A26.

## 5. Miscellaneous Foreign Policy

A3. Providing for truce and safe conduct for herald and envoys from Philip II, 347/6 (Aeschin. 2. 53–54).

A7. Relating to Ainos, member of Second Athenian League, before 342 ([Dem.] 58. 36–37, 43. Attacked by γραφή παρανόμων, 43).

## 6. Relating to disposition of military forces and defence works

A1. Providing for an expeditionary force and a smaller permanent force to operate against Philip II, 352/1 (Dem. 4. 13–29, 30, 33. Apparently not passed<sup>49</sup>).

A12. Providing for expedition against Oreos, 341/0 (Dem. 18. 79).

A14. Providing for an expedition against Eretria, 341/0 (Dem. 18. 79).

A16. Providing for naval expeditions to Chersonese, Byzantium etc., 340/39 (Dem. 18. 80).

A22–24. Providing for military defence works: disposition of the guard-posts (ἡ διάταξις τῶν φυλακῶν), entrenchments (αἱ τάφοροι), funding of the walls (τὰ εἰς τὰ τεῖχη χρήματα), 338/7 (Dem. 18. 248).

A26. Providing for a partial demobilisation and the despatch of embassies, 338/7 (Din. 1. 78–80).

A28. Providing for armed assistance to Thebes, 335/4 (Diod. 17. 8. 6).

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<sup>49</sup> Cf. MacDowell 2009, 215.



### 7. On military-financial matters

L1. On trierarchs, 340/39 (Dem. 18. 102–107, Din. 1. 42).

A21. Providing that “all the money should be stratiotic”,<sup>50</sup> 339/8 (*FGrHist* 328 Philochoros F56A).

### 8. Providing for meetings of public bodies on specific forthcoming dates

A5. Providing for an Assembly on 18–19 Elaphebolion to discuss Peace of Philokrates, 346 (Aeschin. 2. 61).

A27. Providing for tribal Assemblies to meet on 2 and 3 Skirophorion to elect representatives responsible for repair of walls, 338/7 (Aeschin. 3. 27).

C2. Providing for an Assembly on 8 Elaphebolion to discuss Peace of Philokrates, 346 (Aeschin. 3. 67).

### 9. Of a legal or judicial character

A9. Ordering *apophasis* against Proxenos (imprisonment), 346–343 (Din. 1. 63).

A10. Providing for death sentence on Anaxinos (?), 343 (Aeschin. 3. 224).

A15. Providing for the appointment of *nomothetai* for reform of trierarchy, 340/39 (Dem. 18. 102–107).

A25. Concerning the powers of the Areopagos, 338/7 (?) (Din. 1. 62, 82–83).

A36. Ordering the arrest of Harpalos and the confiscation of his money, 324 (Hyp. 1. 8–9, Din. 1. 89).

A37. Instructing the Areopagos to investigate the Harpalos affair, 324/3 (Din. 1. 82–83).

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<sup>50</sup> τὰ δὲ χρήματα ἐψηφίσαντο πάντ’ εἶναι στρατιωτικά. Hansen interprets: “transferring revenue from the theoric to the stratiotic fund”.

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On the basis of a comparison between the extant inscribed Athenian laws and decrees of 352/1–322/1 BC and the laws and decrees proposed by Demosthenes, which fall within the same temporal parameters, but are mainly known from the literary record, this paper argues that, contrary to a position adopted in a recent article by Michael Osborne, only a selection of laws and decrees were inscribed on stone. Some categories of decree were not usually inscribed at all, e.g. those relating to the disposition of forces and other ephemeral matters, and even within the most common inscribed category, the honorific decree, there were types that were not usually inscribed (e.g. decrees awarding crowns, but no enduring honours and privileges, to foreigners). From the end of the fifth century copies of laws and decrees were deposited in the state archive in the Metroon. The validity of some types of decree, such as treaties, was traditionally so intimately connected with the inscriptions carrying them that it is possible that they continued invariably to be inscribed even after the introduction of the archive. However, the existence of the archive, which originated at the same time as the systematic revision of Athenian law at the end of the fifth century, and may have been designed in the first place as a repository specifically for the laws, may help explain why so few laws were inscribed in the fourth-century democracy.

На основании сравнения афинских законов и декретов 352/1–322/1 гг. до н. э., дошедших до нас вырезанными на камне, с декретами того же времени, которые приводит Демосфен, в статье доказывается, вопреки точке зрения М. Осборна, что лишь часть законов и декретов высекалась. Некоторые их категории не публиковались вообще – в частности, все те, которые касались расположения военных сил и прочих преходящих материй. Даже среди декретов об оказании почестей некоторые не высекались – например, об увенчании венком иноземцев, если им не были к тому же даны долгосрочные привилегии и почести. С конца V в. до н. э. копии законов и декретов хранились в государственном архиве в Метрооне. По традиции юридическая сила таких типов декретов, как договоры, была настолько тесно связана с их письменной формой, что, возможно, их продолжали высекать и после того, как стал работать архив. Однако существование архива (который появился в конце V в. – тогда же, когда началась практика систематического пересмотра афинских законов, – и мог задумываться в первую очередь именно как хранилище законов) помогает объяснить, почему в демократических Афинах IV в. высекалось так мало законов.