

NICHOLAS F. JONES

ENROLLMENT CLAUSES IN GREEK CITIZENSHIP DECREES

aus: Zeitschrift für Papyrologie und Epigraphik 87 (1991) 79–102

© Dr. Rudolf Habelt GmbH, Bonn



## ENROLLMENT CLAUSES IN GREEK CITIZENSHIP DECREES

Among the honors and privileges conferred by the typical Greek citizenship decree is a formulaic clause calling for, or permitting, the enrollment of the honorand(s) in one or more segments of the honoring state's citizen population. Only with such enrollment might the grant of citizenship be utilized, since customarily many, if not all, of a state's public functions were conducted through the organizational apparatus that these segments provided. Barring enrollment, full, or even partial, participation in the public life of the honoring state was simply not possible.

To take the best known example, at Athens the enrollment clause in its fully developed form enabled the honorand "to enroll himself in phyle, deme, and phratry, whichever he wishes, in accordance with the law." Besides Athens, the present study collects and examines comparable formulas from no fewer than fifty-two additional states. Geographically, the record spans mainland Greece, the Aegean islands, and western Asia Minor (with a particular concentration in Ionia and Karia). With regard to chronology, the great bulk of the evidence belongs to the fourth, third, and early second centuries - only from Athens are fifth century texts extant, and no more than a handful of examples are securely dated later than ca. 150.

Except for editions of individual inscriptions, scholarly study of the subject hardly exists. Nearly a century ago, Szanto, with less than half the present evidence at his disposal, commented briefly upon the two main types, choice and sortition (see below), but took neither the categorization nor the detailed analysis of the formulas any further.<sup>1</sup> More recently, the Athenian decrees have received a comprehensive new edition and commentary by Osborne;<sup>2</sup> less comprehensively, the "honors and privileges" of these same decrees, including the enrollment formulas, have been scrutinized by Henry.<sup>3</sup> My own inclusive treatment of the public organizations,<sup>4</sup> while providing the general setting for all the formulas under review here, does not attempt a systematic comparison or analysis of this particular aspect of the subject. It is time that this gap in the literature be filled.

As a perusal of the catalogue below will readily reveal, the texts contain a high degree of purely verbal variation, not only from state to state and from region to region, but even

---

<sup>1</sup> Emil Szanto, *Das griechische Bürgerrecht*, Freiburg 1892, 53-57.

<sup>2</sup> M.J. Osborne, *Naturalization in Athens*, 4 vols., Brussels 1981-1983. The formulas are also dealt with in an earlier article, "Attic Citizenship Decrees: a Note," *ABSA* 67, 1972, 129-158. Throughout, I reproduce his numbering of the decrees, e.g. D1, D2.

<sup>3</sup> Alan S. Henry, *Honours and Privileges in Athenian Decrees. The Principal Formulae of Athenian Honorary Decrees*, Hildesheim, Zürich, New York 1983. For the enrollment formulas, see pp. 68-73.

<sup>4</sup> Nicholas F. Jones, *Public Organization in Ancient Greece: a Documentary Study*, *Memoirs of the American Philosophical Society*, vol. 176, Philadelphia 1987.

within a single state during a relatively brief period of time. The elucidation of all such variation, however, has not been the primary goal of my analysis. Rather, the emphasis throughout is on procedure, for from it alone can we learn something about the nature of ancient Greek government. Accordingly, the principal contribution of the study is the establishment and description of five main procedural types: choice, choice by persuasion, sortition, qualified sortition, and assignment. Such nuances of procedure as can be elicited from the formulas will receive due attention. That done, we shall comment upon the "integrity" of the procedures, their geographical distribution, and, finally, the historical development of the five types.

## I CATALOGUE

Ordered by region and state, the texts are cited by the standard or most authoritative edition(s); more recent editions are generally given only where the text of the formula itself has been improved. Dates are usually those of the publications cited. Although the citations are hopefully complete, the actual quotation of formulas is normally confined to a single example of each type of procedure (e.g. choice, sortition); no attempt has been made to illustrate variations in orthography, word order, use of connectives, etc. for which no corresponding variation in procedure is evident. It has proved analytically useful to distinguish the enfranchisement of single honorands (by far the most common case) from that of a small number greater than one<sup>5</sup> or of an entire population - hence the designations "one," "group," and "block."<sup>6</sup> Throughout, I have also included the occasional use of (ἐξ)εἶναι vel sim. to introduce the formula proper; thereby, the important point is made that the actual implementation of the enrollment rested with the honorand and was not itself commanded by the decree.

### MAINLAND GREECE

1. **Athens.** Standard formula before ca. 229: καὶ γράψασθαι αὐτὸν φυλῆς καὶ δήμου καὶ φρατρίας ἧς ἂν βούληται κατὰ τὸν νόμον; after ca. 229 (without phratry restriction): either καὶ γράψασθαι φυλῆς etc. or καὶ εἶναι αὐτῶι (δοκιμασθέντι) γράψασθαι φυλῆς etc. (Osborne, *Naturalization I*, pp.16-17; for additional verbal variations, see Henry, *Honours*, pp.68-72.)

block grants: see below, II.E.

---

<sup>5</sup> Although honors are frequently conferred not only upon the (single) honorand but upon his descendants (ekgonoi) as well, often in these cases only the honorand himself is enrolled. When, and only when, the "descendants" (sons and/or grandsons, etc.) are actually included in the enrollment, do I regard the number as greater than one, i.e. as a "group."

<sup>6</sup> Because, as inspection of the catalogue will prove, these categories cut more or less uniformly across the five types of enrollment, I have refrained from a tabulation and from separate treatment of, say, "group" enrollment, except insofar as it and the others are taken up below under III ("The Integrity of Procedure"). The one rarity is the use of choice in block enfranchisements; but, for examples, see note 39.

enrollment verb: ἐ[γ]γράφω[σθαι]/[αί: IG I<sup>3</sup> 113.10-11 (= D3; ?early 407); ἐλέσθαι: Π<sup>2</sup> 25.12 (= D9; ca. 388); Π<sup>2</sup> 237+.21 (= D16; 338/7); Π<sup>2</sup> 336.I 22 (= D23; 333/2); εἶναι: Π<sup>2</sup> 103.30-31 (= D10; 369/8); Π<sup>2</sup> 109.45 (= D11; 363/2); Π<sup>2</sup> 350+.20-21 (= D39; 318/17); Paton-Hicks, ICos no. 17.11 (= D51; 306-303/02); γενέσθαι (insertion): Π<sup>2</sup> 336.II 4 (= D23; 333/2); ἀδουσιάζασθαι: Π<sup>2</sup> 553.15 (= D44; 304/03)

omission of unit: deme omitted: IG I<sup>3</sup> 102.16-17 (= D2; 410/09); phratry omitted: IG Π<sup>2</sup> 17.31 (= D8; 394/3); unit omitted unknown: Hesperia 40,1971,197-199, no.51.20-21 (= D105; ca. 190-155/4).

order of units: phyle last: IG I<sup>3</sup> 113.11 (= D3; ?early 407); Hesperia 9,1940,352-354, no. 48.12 (= D77; ca. 286 aut p.p.); deme last: IG Π<sup>2</sup> 19.9 (= D7; 394/3; Π<sup>2</sup> 17.31 (= D8; 394/3); deme-phyle-phratry: Π<sup>2</sup> 222.21-22 (= D22; ca. 334)

relative clause: ἡὼς [ἢ] ἂν βόλεται: IG I<sup>3</sup> 102.16-17 (= D2; 410/09); ἡέντινα / [ἂν βόλεται: 113.11-12 (= D3; ?early 407); ἦντι[ν] ἂν / βόλωνται: Π<sup>2</sup> 25.12-13 (= D9; ca. 388); no clause: Π<sup>2</sup> 19.9 (= D7; 394/3); ἴ[ν] ἂν βόληται: Π<sup>2</sup> 17. 31 (= D8; 394/3); ἦστινος ἂν ἀπογράφηται: Π<sup>2</sup> 109.47 (= D11; 363/2); ἦστινος ἂν βούληται εἶναι: Π<sup>2</sup> 207(a).7 (= D12; ?ca. 361) (restored); ἦς ἂν βο[ύλων]ται εἶναι: Π<sup>2</sup> 237+.22 (= D16; 338/7); Π<sup>2</sup> 336.I 22 (= D23; 333/2) (restored); ὅπο[ι]ας ἂν β[ούληται: Π<sup>2</sup> 251.4-5 (= D19; ca. 350); ἦς ἂν θέλει: Π<sup>2</sup> 851.15 (= D91; ?ca. 224)

phratry restriction: ὧν οἱ νόμοι λέγουσιν: IG Π<sup>2</sup> 405.20-21 (= D21; 334/3) (restored); Π<sup>2</sup> 222.23 (= D22; ca. 334); πλὴν ὧν οἱ νόμοι ἀπαγορεύουσιν: Hesperia 13,1944,231-233, no. 5.12-13 (= D26; just before 321/0) (restored); Π<sup>2</sup> 385. 14 (= D49; 307-303/02) (restored); Paton-Hicks, ICos no. 17.12 (= D51; 306-303/02) (restored); Π<sup>2</sup> 578.9-10 (= D73; ?307-286) (restored); Π<sup>2</sup> 718.10 (= D80; ca. 273-262) (restored); ὧν οἱ νόμοι κελεύουσιν: Π<sup>2</sup> 448.23 (= D38; 318/17); Π<sup>2</sup> 806. 2-3 (= D48; 303/02)

additional clause: καθάπερ οἱ πρόγ[ονοι αὐτοῦ: IG Π<sup>2</sup> 652.26 (= D75; just after 286/5)

deme Peiraeus: IG Π<sup>2</sup> 1214 (ca. 300-250), 17-19: κατανεῖμαι δὲ αὐτὸν καὶ εἰς τριακάδα ἦν ἂν αὐτὸς βούληται (choice, one)

**2. Aigina.** IG IV, 1 (= Michel 340, OGIS I 329; 158-144), 43-44: καὶ [ἐγγρ]άψασθαι / φυλῆς καὶ δήμου, οὗ ἂν [βούλη]ται (choice, one)

**3. Eretria.** BCH 78,1954,316-322, no. 1 (393-377), 4-5: οἱ δὲ στρ]ατηγοὶ φυλὴν κ[αὶ χῶρον δό]/[ντων αὐτῶι ἐν] ᾧ ἄμ μέλληι πολιτεύ[εσθαι (assignment, block)

**4. Histiaia.** BCH 78,1954,319 (= IG XII 5, no. 594; SIG<sup>3</sup> 172; Tod II 141; 363/2), 9-11: οἱ δὲ]/[στ]ρατηγοὶ φυλὴν καὶ δῆμον [δόντων αὐτῶι ἐν] ᾧ ἄμ[/ μέλληι πολιτεύεσθαι (assignment, block)

**5. Metropolis.** Klio 52,1970,139-147 (ca. 200), 5-7: καὶ φυλῆς / εἶναι ἦς ἂν βούλωνται - εἶλοντο / Ὀνθυρέων (choice, group)

**6. Krannon.** IG IX 2, no. 458 (s. III), 7-10: καὶ φυλᾶ[ς] / [ἔμ]μεν τᾶς κε δε[ίλη]/[τα]ι. Εἶλετο ἔμμεν Ἄ/[γε]λάουν (choice, one). Also no. 459 (s. III), 3-4 (choice, group)

**7. Atrax.** ZPE 51,1983,157-161 (ca. 230-200), 7-9: κ[αὶ φυ]/λῆς εἶναι ἦ(ι)ς ἂν βούληται· καὶ [εἶλετο] / Ἀῦρογιώνδων (choice, one); 161-162 (same date as preceding?), 3-4 (choice, one)

**8. Phayttos.** IG IX 2, no. 489 (s. III), a 18: καὶ φυλῆς εἶναι ἐμ Φαύττωι ἦς ἄ[ν] αὐτὸς βούληται (choice, one)

**9. Larissa.** IG IX 2, no. 513 (s. III), 6-8: καὶ φυλ/ᾶς ἐλέστειν ποίας κε βέλλ/ουνθειν, καὶ εἶλοντο Βοᾶτες (choice, group); SEG 27.202 (ca. 220-210), 20-21: φυλᾶς ἐλο/[μ]έν[ο]ν τᾶς κε βέλλ.εἶται (choice, one); IG IX 2, no. 517 (217 or 216), 19-20: φυλᾶς ἐλομέ/νοις ἐκάστου

**10. Argoura.** ZPE 35,1979,241-253 (init. s. II), 2: καὶ φυλῆς εἶνα]ι ἦς ἂν βούληται καὶ εἶ[λετο] C[ (choice, one)

**11. Corinth.** TAPA 110,1980,161-193 (ca. 325-275), 20-26: τὰν δὲ / βουλὰν διακλαρῶσαι εἰς / ἡμιόγδοον καὶ τριακάδα / καὶ φυλὰν καὶ φάτραν· διεκλα/ρώθην· ἡμιογδόου νν AC νν F / [ἀ]ρχαίας νν φυλᾶς νν Ἄορέων· / [φ]άτρας νν Ομακχιάδας (sortition, group)

**12. Troizen.** IG IV 748+ (= Michel 176, SIG<sup>3</sup> 473; 369?), 20-23: εἶμεν δὲ αὐτὸν καὶ φυ/λᾶς ἅς κα λάχη, τὸν δὲ δεκαδῆ ἐ/πικλαρῶσαι ἤδη. Φιλήσιος εἶπε. / [ἔλ]αχε φυλᾶς Cχελιάδας (sortition, one)

**13. Argos.** Schwyzer 90 (s. III ante 251), 10-13: τὸνς δὲ στραταγόνς...ἀ[ν]/γράψαι.../...ἐ[ν]ς φυ/λὰν καὶ φάτραν καὶ πεντηκοστύν, ἂν κα αὐτὸς προαιρῆται (choice, one)

**14. Dyme.** BCH 2,1878,94-96, no. 2 (= SGDI 1614, SIG<sup>3</sup> 531; s. III), 29-32: διακλαρωσάν/[τω αἰ συναρ]χίαι ὡς ἰσότατα ἐπὶ τὰς φυλάς, καὶ λα/[χόντω ἐπὶ τὰν] Cτρατίδα, ἐπὶ τὰν Δυμαίαν, ἐπὶ τὰν Θεσμι/[αίαν] (sortition, block)

**15. Theisoa.** IG V 2, no. 510 (s. III aut II in.), 4-5: καὶ εἰ/ε φάτρων ἔρπειν ὁποῖαν ἄν βόληται (choice, one)

#### AEGEAN ISLANDS (WITH KYRENE)

**16. Thasos.** IG XII 8, no. 267 + XII suppl.p.154 (= Michel 354, SGDI 5464; s. III in.), 9-10: ἰέναι δ' αὐτοὺς καὶ εἰ[ε] / πάτρην ἣν ἄν πείθωσιν; XII suppl. no. 355 (p. 154; s. III in.), 4 and no. 362 (p.156; s. II in.), 7 (choice by persuasion, group)

**17. Lesbos.** IG XII suppl. no. 136 (= IG XI 4, no. 1064; ca. 200-167), b 27: ἀπογράφεσθα]ι πρὸς τοῖς στρατάγοις καὶ εἰς φύλαν ἄν κ[ε βόλληται ἐπικλάρωσθαι (procedure?, block)

**18. Samos.** Many examples among: Michel 366 (= SIG<sup>3</sup> 312, SGDI 5698), 367 (= SIG<sup>3</sup> 333), 368, 369; I.Magnesia am Maeander no. 103; MDAI(A) 9,1884,194-196, a and b; 44,1919,1-46 passim; 72,1957,152-274 passim; 87,1972,196-210, nos. 2-8 passim. E.g. MDAI(A) 72,1957,164-169, no. 2, 17-19: καὶ ἐπικληρῶ/[σαι ἀό]τὸν ἐπὶ φυλὴν καὶ χιλια/[ετ]ὸν καὶ ἑκατοστὸν καὶ γένος; 172-173, no. 5, 13-17: ... καὶ προσανα]/γράψαι εἰς τὸ γένος ὃ ἄν [λάχη καθότι καὶ] / τοὺς ἄλλους πολίτας; MDAI(A) 44,1919,16-20, no. 7, 35-36: Ἐλαχε φυλὴν Χησιεῖς, χιλιαστὺς Οἴνωπες,/ γένος καὶ ἑκατοστὺς Ἐλανδρίδαι; 8-9, no. 5K, 35-38 (all texts in or after 322 or early 321) (sortition, one and group)

**19. Keos** (Federal State). BCH 78,1954,316-322, no. 1(s. IV in.), 8-9: οἱ δὲ θεμοφύλακες δόντω[ν] / [αὐτῶι φυλῆ]ν καὶ τριττὸν καὶ χῶρον; op.cit., p.319, 5-6 (= IG XII 5, no. 594, SIG<sup>3</sup> 172, Tod II 141; s. IV in.) (assignment, block)

**20. Karthaia.** IG XII 5, nos. 540 (= Michel 404; s. III), 13-15: μετέχον/τας πάντων ὧν καὶ οἱ ἄλλοι πολῖται,/ [κα]ὶ φυλῆς ἧς ἄν βούλωνται καὶ οἴκου; 528, 14-15 (+ IG XII suppl., p.113, Michel 403); 541, 12-13 (+ BCH 78,1954,336-338, no. 13); 1061, 15-16 (all s. III) (choice, group)

**21. Andros.** IG XII 5, nos. 716 (s. III), 8-9; 717, 7-8 (= Michel 397; s. II); 720 (s. II ex.), 3-5 (all three with improved texts at IG XII suppl., p.120); IG XII suppl., nos. 246 (s. III ex.); 6-7 and 248 (s. II), D IV, 37-40: all read, or are restored to read: ἐξεῖναι δ' αὐτοῖς καὶ φυλῆς γενέσθαι ἧς ἄν βούλωνται καὶ φρατρίας ἧς ἄν προσπέϊωνται (with minor verbal variations) (choice and choice by persuasion, group)

**22. Tenos.** IG XII 5, no. 798-848 passim (s. IV aut III/II). E.g. no. 798 (s. III), 22-24: καὶ πρὸς / [φυλὴν] καὶ φάτραμ προσγράψασθαι ὁποῖ/[αν ἄμ βούλ]ονται (with minor verbal variations) (choice, one and group)

**23. Delos.** IG XI 4, no. 547 (ca. 300-250 or earlier), 12-13: καὶ πρὸς φράτραν ἦν ἄν βούλων/ται προσγράψασθαι (choice, group)

**24. Aigiale.** IG XII 7, no. 392 (= Michel 385, SIG<sup>2</sup> 472; s. I aut p.p.), 16-19: ἐπικε/κληρῶσθαι δὲ αὐτὸν ἐπὶ τὴν τῶν / συνγενῶν φυλὴν τὴν Βασιλειτῶν κα/λουμένην (qualified sortition, one)

**25. Kyrene.** Meiggs/Lewis no. 5 (s. IV), 15-16: καὶ καταστᾶμεν ἐς φυλὰν καὶ πάτραν ἔς θε / ἐννήα ἐταιρήας (assignment?, block)

**26. Kalymna.** Many examples in M.Segre, Tituli Calymnii, ASAA 22-23,1944-1945 passim. E.g. (with expanded result) no. 29, 22-24: ἐπικλα/ρῶσαι δὲ αὐτὸν καὶ ἐπὶ φυλὰν καὶ δᾶ/μον; 29-31: Ἐπεκλαρώθη ἐπὶ φυλὰν καὶ δᾶ/[μ]ον, ἔλαχε φυλᾶς Κυδρηλείων, δάμου / Ἄμφιπετρῶν; so nos. 28, 38, 55B; without expanded result: nos. 30-31, 33, etc.; without deme: nos. 9B, 18, 19A+C, etc.; (sortition, one and group). No. 17D: μετέχειν δὲ αὐ]/τοὺς καὶ φυλᾶς ἐν [Καλύμναι] (assignment?, group). No. 21: φυλὰν δὲ αὐτῷ ὑπάρχειν καὶ συγγένειαν, ἄν καὶ τῷ πατρὶ μέτεστι Ἄγοράνακτι (assignment, one). For dates, see Gnomon 25,1953,458-459.

**27. Kos.** Abh. Berlin 1928, no. 6, p.42 (ca. 325-246): τοὶ δὲ προστάται ἐπικλαρωσάντω αὐτοὺς ἐς φυλὰν καὶ τριακάδα καὶ πεντηκοστὺν· ὁποῖας δὲ κα λάχωντι φυλᾶ[ς, ε]ῦντω (sortition, group); SGDI 3611, 21-22 (= IBM II 247; ca. 227): sortition injunction only (sortition, one)

#### ASIA MINOR

**28. Byzantion.** SIG<sup>3</sup> 645 (= Michel 535; ca. 172), V 60-61: ἐξεῖμεν δ' αὐτῷ καὶ ποτ[ι]/γράφασθαι ποτὶ τὰν ἑκατοστὺν ἄγ κε θέλητι (choice, one); CIG II 2060, 29-30 (= SGDI 3059; aet. Tib. aut Calig.) (verbal variation; choice, one); Milet I 3, no. 153 (s. II), 30-32 (verbal variation; choice, group)

**29. Lampsakos.** I.Lampsakos no. 6 (ca. 170), 16-17: καὶ ἐπικληρῶσα]ι εἰς ἑκατοστ[ὺν] / [ - - - ] (sortition?, one)

**30. Iliion.** I.Iliion nos. 24 (= IG XII suppl., p.68; Michel 527; SIG<sup>3</sup> 355; s. III), 14-15: καὶ εἰς εἰσιόντα/ς ἦν ἄν θέλωσιν; 25A (= Michel 524, OGIS I 218, RIJG II 2557; s. III in.), 30-31: [κα]ὶ εἰς [φυλ]ῆν ἐξέεττω αὐ[τ]ῶ[ι] / εἰσελθεῖν ἦν ἄν βούληται; 34, 19-21 (= CIG II 3596, Michel 526, OGIS I 220; 275-269?) (similar to foregoing); 53 (s. II), 15-16; 67 (s. III sive II), 1-2: κ[αὶ εἰς] / φυλῆν ἐ[γγ]ράψασθαι ἢ[ν] ἄν βούληται[ι] (choice, one and group)

**31. Skepsis.** Festschrift für Heinrich Kiepert (Berlin 1898) 225-240, 3-4: καὶ ἐπὶ φυ[λῆν προσεγγ]/[ραφῆ]ναι ἦν ἄν θέλ[η], restore [...καταχωρ]/[ι]σθη[ναι?] (choice, one); G.E.Bean in J.M.Cook, *The Troad* (Oxford 1973) 399-400, no. 13, 6-7: καὶ καταχωρι[ς]----τοὺς πρυ]/τάνεις (assignment?, number?)

**32. Kyme.** *Epigraphica Anatolica* 2,1983,1-16, no. 1 (after 133), 108-109: ἐπικληρωσάτω δὲ καὶ ὁ ἐκόμενος ἔμμηνο[ς] / στρατηγὸς...ἐπὶ τε φυ[λῆ]ν καὶ φράτραν (sortition, one)

**33. Temnos.** BCH 57,1933,492-498, no. 1 (= OMS I 436-442; s. III), 11-13: ἐπι/κλαρῶσ[αι δὲ αὐτὸν καὶ ἐ]πὶ φυ/λᾶν ἄγ κ[α] βόλλεται (qualified sortition?, one); MDAI(I) 29,1979,242-249 (s. III ex. sive II in.), 17-19: καὶ εἰς βούληται ὁ Τήϊος ἐπικλη[ρ]ωσθαι ἐπὶ φυλῆν, ἐπικληρωθῆναι αὐτὸν ὑπὸ τῶν τιμο[ύ]χων (sortition, one)

**34. Smyrna.** OGIS I 229 (= CIG II 3137, Michel 19; ca. 244), 52-53: Ἐπικληρωσάτωσαν δὲ οἱ ἐξεταστ[αὶ] εἰς τὰς φυλὰς τὰ ἀνενεχθέντα ὀνόματα πάντα καὶ ἀνα/γραψάτωσαν εἰς τὰ κληρωτήρια; 75: κ[αὶ] εἰς φυλὰς αὐτοὺς ἐπικληρώσασα καταχωριῶ εἰς ἦν ἄν ἕκαστοι λάχωσιν (sortition, block)

**35. Erythrai.** I.Erythrai no. 14 (s. IV), 2-3: φυ[λῆν] / ἦντινα] ἄν θέλη (choice, one); ZPE 44,1981,45-47, no. 1 (s. IV), 16-17: καὶ εἰς γέν[ος ἰ]/έναι ὅ τι ἄν θέλ[η] (choice, one); I.Erythrai no. 113 (= IG XII 5, no. 871; s. I), 10-11: ἐπεκ[ληρω]θήσαν καὶ ἔλαχον φυ[λῆν] Νυ]σαίδα (so also lines 14-15) (sortition, block)

**36. Kolophon.** AJP 56,1935,377-379, no. 3 (fin. s. IV), 26-27: καὶ εἶναι αὐτὸν γένους ὁποῦ ἄμ βούληται (choice, one); BCH 39,1915,36-37 (ca. 250-200), 11-12: καὶ εἰς γένος ἐπελθεῖν ὅ τι / [ἄ]ν βούληται (choice, one); AJP 56,1935,380-381, no. 6 (revised in Jones, *Public Organization*, pp. 310-311; s. III post 281?): ἐκ[ληρω]θή δὲ ὑπὸ τῶμ[---εἰς χιλιαστὸν] / Γελέοντας καὶ φυλῆν Σελευκ[ί]δα (sortition, one)

**37. Ephesos.** Many examples in I.Ephesos, including no. 1447 (= Hicks 447), 16-17: ἐπι[κ]ληρω̄σαι δὲ αὐτοὺς εἰς φυλὴν κ]αὶ χιλιασ/τὸν τοὺς ἐσση[νας; 21-22:[ἔ]λαχον] φυλὴν Ἐφεσεῖς,/[χι]λιαστὸν Λ[εβέδιοι; no. 8 (= Michel 496, SIG<sup>3</sup> 742; 86/85), 46-47: ...οἱ / καὶ ἐπικληρωσάτωσαν αὐτοὺς εἰς φυλὰς καὶ χιλιαστῶς; no. 2004, 10-11 (phyle only); no. 2005, 11,13 (participle) (all sortition, one and group)

**38. Pygela.** Milet I 3, no. 142 (s. IV ante 323), 17/18: τοὺς δὲ πρυτάνει[ς ἐπικληρω̄σαι] / [εἰς τὰς] φυλὰς τοῦ[ς ἀπογραψαμένους; JÖAI 23,1926, Beiblatt 73-90 (= SEG 4.513; ca. 300), 6-9: ἐπικληρω̄σαι δὲ / αὐτὸν τοὺς πρυτάνεις εἰς φυλὴν / καὶ γένος· ἔλαχε φυλῆς / Ἄγαμεμονίδος, γένος Εὐρίδης (sortition, one and block)

**39. Magnesia ad Maeandrum.** I.Magnesia am Maeandrum nos. 2, 4, 5, 9, 10, 12 (ca. 300-250). E.g. no. 5 (ca. 250), 34-35: ἐπικληρω̄σαι[ι] δ' αὐ[τὸ]ν καὶ εἰ[ς] φυ[λ]ῆν ἦν ἂν αὐτὸς βούληται· ἔ[λ]αχε φυλῆ Διάς (qualified sortition, one and group)

**40. Priene.** I.Priene no. 12 (soon after 300), 21: καὶ ἐπὶ φυλὴν ἐπικληρω̄σαι; 31: [ἐπιγράψαι δὲ εἰς] τὴν κτήλην τῆμ φυλῆ[ν] ἐ[φ] ἦν ἄ[ν] ἐπικληρω[θῆι] (sortition, one)

**41. Herakleia ad Latmum.** cf. Milet I 3, no. 150 (April 180?), 56-57: τοὺς δὲ πρυτάνεις ποιεῖς/θαι αὐτῶν τὴν ἐπικλήρωσιν ὁμοίως ἐν τῷ αὐτῷ μηνί (sortition, block; see Miletos [42])

**42. Miletos.** Milet I 3, no. 37d (after 200), 63-64: ἐπικληρωσάτωσαν δὲ / [αὐτοὺς οἱ πρ]υτάν[ει]ς καὶ ἐπὶ φυλὰς, ἅς ἂν ὁ δῆμος ἀποδείξῃ; so also nos. 143 (212/11), 146 (209/08) (minor verbal variations) (qualified sortition, block); no. 141 (228?), 39: καὶ ἐπικληροῦν αὐτοὺς ἐπὶ τὰς φυλὰς; similarly no. 142 (ante 323?) (sortition, block); no. 150 (April 180?), 49-50: ἐπικληρουμένων αὐτῶν πρὸς μέρος ἐφ' ἑκάστην / φυλὴν (sortition, block)

**43. Amyzon.** J. and L.Robert, Fouilles d'Amyzon en Carie I, pp. 212-215, no. 26 (no date), 6-9: οἱ δὲ πρυτάν[ει]ς / οἱ πρυτανεύοντες ἐπικληρωσάτωσαν αὐτοὺς ἐπὶ φυλὰς τὰ[ς] / ἐλαχίστας τρεῖς παραχρῆμα μερίσαντες τὰ ὀνόματα εἰς ἑκά[ς]την / φυλὴν (qualified sortition, group)

**44. Alinda.** BCH 58,1934,291-298, no. 1 (202), 7-8: ἐπικληρω̄σαι δὲ αὐτοὺς καὶ εἰς / [φυ]λὴν καὶ συνγ[ένειαν, 9: ἔ]λαχεν φυλῆς Ἐρεχθίδος (sortition, group)

**45. Mylasa.** Le Bas-Waddington II 360 (no date), 2-3: ...] / ἐπὶ τὰς φυλὰς καὶ

κυ[νγενείας (sortition?, block)

**46. Labraunda.** I.Labraunda III 1, no. 11 (ca. 250-200), 10-11: εἶναι δ' αὐτὸν φυλῆς / [Ἰβρα]νώλλιος μετέχοντα ἱερῶν καὶ τῶν λοιπῶν πάντων (assignment, one)

**47. Iasos.** Michel 464 (s. III), 4: κατατάξαι αὐτὸν εἰς φυλὴν καὶ πατρίαν (assignment, one) Michel 470 (s. II ex.), 29-30: ἐπικληρῶσαι δὲ αὐτὸν καὶ ἐπὶ φυλὴν ἐν τοῖς / ἐννόμοις χρόνοις (sortition, one)

**48. Halikarnassos.** ASAA 4/5 (1921/1922) 465-466, no. 5 (= SEG 4.183; s.III), 15-16: τοὺς δὲ ἐξετ]ατὰς προγράψαι αὐτὸν / [κληρωθ]εόμενον? τ]ῆς φυλῆς, ἣν ἂν βούληται (line 16 Wilhelm; [εἰς τὸ κληρωτήριον] Klaffenbach, comparing OGIS I 229, line 53: see Smyrna [34]) (choice, one)

**49. Theangela.** IG XI 4, no. 1054 (s. III), b 11: ἐπικληρῶσαι δὲ αὐτὸν καὶ ἐπὶ φυλὴν; 22: ἐπικληρώθη καὶ ἔλαχεν (nomen tribus); ZPE 25,1977,229-235, no. 1 (s. III), 4: ἔλαχε φυλῆ[ς sive -ν; ZPE 34,1979,213-215, no. 2 (s. I), 14-16: καὶ ἐπικληρῶσαι αὐτὸν ἐπὶ φυλὴν / ...ἐπεκληρώθη καὶ ἔλαχεν φυλὴν Ὑλλίδα (sortition, one)

**50. Plataseis.** I.Labraunda III 2, ii, no. 42 (ca. 250-200), 17-18: ἐξέεττω δὲ / αὐτῶι καὶ εἰς φυλὴν προγράφεσθαι ἣν ἂν βούληται (choice, one)

**51. Stratonikeia.** I.Stratonikeia II 1, no. 1039 (= Michel 477; IGRR IV 247; ca. 150), 18-19: καὶ ἐπικληρῶσαι αὐτὸν / [ἐ]πὶ φυλὴν καὶ δῆμον (sortition, one)

**52. Seleukeia-Tralleis.** Milet I 3, no. 143 (212/11), B 59-60: τοὺς δὲ καταχωρίζειν εἰς φυλὴν / τὸν ἀπογραφόμενον, εἰς ἣν ἂμ βούληται (choice, block); BCH 10,1886,516, no. 4 (no date), 5-6: Ἔλα/χε φυλὴ Περικληίς (sortition, one)

**53. Aspendos.** SB Wien 179, no. 4 (1915) 60-62, no. 3 (no date), 15-17: ἐὰν δὲ / [τι]ς αὐτῶν βούληται καταχωρι[σθ]/[ῆν]αι εἰς φυλ]ήν (assignment?, group)

## II TYPES OF PROCEDURE

### A. choice

With examples from twenty-one states, including Athens where (with the exception of block grants) it is used exclusively, enrollment by the choice of the honorand(s) occurs somewhat less widely than sortition. The procedure occurs with all numbers of honorands -

one, group, and block.<sup>7</sup> Where sufficiently preserved to allow a determination, the formula typically consists of the following elements: (1) a dependent infinitive (or participle) calling for the enrollment of the honorand in one or more units; (2) a relative clause, of which the unit or units are the referent, adding that the selection thereof is to be by the choice of the honorand; and, very occasionally, (3) a separate sentence indicating the result of the selection procedure.<sup>8</sup> Of the three elements, while the infinitive (or participle) only rarely reveals the nature of the procedure, the relative clause and the statement of the result normally do so. (Excluded here, however, are those formulas of which the infinitive [or participle], though qualified by a relative clause permitting choice by the honorand, calls for enrollment by sortition: see below, D. qualified sortition.)

1. the dependent infinitive (or participle)

Procedurally, the various instances of the main construction fall into two broad types: those in which the honorand himself is called upon to "enter" or "choose" or "enroll himself in" etc. the unit(s) (a, b, c below) and those in which a state officer or board is enjoined to "enroll" or "distribute" the honorand(s) in the unit(s) (d below).

a. intransitive verb; honorand the subject: (i) verb of motion with preposition εἰς and accusative: εἰσελθεῖν Ilion (30), εἰσιόντας Ilion (30), ἐπελθεῖν Kolophon (36), ἔρπειν Theisoa (15), [ἰ]έναι Erythrai (35), cf. Thasos (16; B. choice by persuasion); (ii) verb meaning "to be of" or "to partake of" with genitive: ἀδουσιάσασθαι Athens (1), γενέσθαι Athens (1), cf. Andros (21; B. choice by persuasion), εἶναι Athens (1), Metropolis (5), Krannon (6), Atrax (7), Phayttos (8), Argoura (10), Troizen (12), Karthaia (20, no. 1061), μετέχουσιν or μετέχοντες Karthaia (20, nos. 528, 540, 541).

b. middle aorist infinitive or participle of αἶρεῖν with the honorand the subject: Athens (1, with accusative) Larissa (9).<sup>9</sup>

c. middle, usually aorist, infinitive of γράφειν or one of its compounds; honorand the subject; passive occurs occasionally: [---ἀπογράφεσθαι]...εἰς Lesbos (17); γράψασθαι Athens (1, with genitive<sup>10</sup>); [ἐγγρ]άψασθαι Aigina (2, with genitive); [ἐ]γράφειν [c-θ/αι] Athens (1, construction not preserved); προσγράψασθαι Tenos (22: πρός with accusative; infinitive: thirteen examples; participle: six examples), Delos (23: πρός with accusative), Byzantion (28: various forms and constructions), Plataseis (50: εἶς); [προσεγγ]/[ραφή]ναι Skepsis (31: ἐπί with accusative).

<sup>7</sup> On the infrequency, however, of block enrollments, see above, note 6, and E below ("Assignment") with note 39.

<sup>8</sup> For the unique Athenian practice of limiting access to the phratries signaled by the addition of a special clause, see Athens (1) in the Catalogue and below, 2, the relative clause ad fin.

<sup>9</sup> The construction is both infinitival (no. 513) and participial (SEG 27.202 and no. 517). For the genitive φυλάς in place of IG's accusative plural in no. 517, see SEG loc.cit., where the singular subject guarantees the former case.

<sup>10</sup> For the one exception to the genitive construction, see IG II<sup>2</sup> 17 (= D8), 31: γρά[ψ]ασθαι...εἰς.

d. active infinitive of transitive verb with officer or board as subject and honorand as the object (in the example from Peiraeus, no subject is expressed): (i) "to inscribe," "to enroll": ἀ[ν]γράφαι...ἐ[ν] Argos (13), προγράφαι Halikarnassos (48, construction not preserved); (ii) "to distribute": κατανείμαι...εἰς deme Peiraeus, Athens (1), καταχωρίζειν Seleukeia-Tralleis (52, with εἰς), cf. Skepsis (31).

## 2. the relative clause

Turning to the relative clause, we find as the typical configuration a relative pronoun in agreement in gender and number with the last-named unit of the main construction while referring, as will be seen, to all the units named. The relative introduces a verb of "choice" or "preference" of which the honorand is the subject in the present subjunctive with ὄν or κε. Sometimes the point that the honorand will make the selection himself is underscored by a form of the emphatic αὐτός. What variations are there?

Besides the relative pronoun ὅς, ἥ, ὅ (with dialectal forms), our record reveals occasional uses of other relative words, as follows:

ἵ[ν] ἀ[ν] βόλ[ηται]: Athens (1), IG II<sup>2</sup> 17 (= D8; 394/3). No alternative has yet been offered to this use of ἵνα, which, if correctly restored, would be unique among Greek enrollment clauses. But the reading of the stone reproduced here is confirmed by the squeeze at the Institute for Advanced Study, Princeton; nor is any alternative restoration at hand. What of the sense? Just possibly, since the clause follows immediately upon, not the phratry or phyle, but the deme - the only Athenian formula in which this is the case - the word was meant to impart something of its literal local significance. In any event, the effect of the oddity is perhaps diminished by the fact that the formula is also unique in its use of the construction γράψαι...εἰς instead of the simple genitive and in the omission of the phratry from the list of units (apart from block grants).

Apparently merely verbal variations are (ὁ)πόιος Athens (1), Larissa (9; nos. 513, 517), Theisoa (15), Tenos (22; in the infinitive construction, eight occurrences vs. five of ἥν; in the participial construction, no occurrences vs. six of ἥν), and Kolophon (36); and ὅστις Athens (1),<sup>11</sup> [Andros (21)],<sup>12</sup> Erythrai (35). By and large, the Athenian examples are early compared with the rest of the record and so may reflect uncertainty about, or experimentation in, formulation. Otherwise, it is noteworthy that, with the exception of the Athenian and Larissan formulas, the antecedent of (ὁ)πόιος is a non-public phratry or genos. Possibly, an allusion to qualitative differences among these units is to be imagined.

Throughout the record, the relative remains singular with compound antecedents and agrees in gender with the nearest member. Only one arguable instance of the plural can be

<sup>11</sup> Of the four texts cited in the Catalogue, the reading in IG II<sup>2</sup> 207 a (= D12) represents Osborne's restoration of Pittakys' transcription (lines 6-7).

<sup>12</sup> ἥστινος, originally restored in varying degrees in IG XII 5, nos. 716, 717, and 720, has been supplanted by Sauciuc's ἥς mutatis mutandis: see IG XII suppl., p. 120.

adduced:  $\text{h}\hat{\omega} \quad [\nu \ \acute{\alpha}\nu \ \beta\acute{o}\lambda\epsilon\tau\alpha\iota$  in the Athenian decree of 410/09 IG I<sup>3</sup> 102 (= D2). Henry<sup>13</sup> suggests as an alternative  $\text{h}\acute{o}/[\text{c}$ ; but this must mean either  $\acute{\omicron}\text{c}$  or  $\acute{o}\acute{\upsilon}\text{c}$ , which are grammatically impossible, or  $\acute{\omega}\text{c}$ , which is without parallel anywhere.

When two or more units are given, the singular relative, instead of standing after the final unit (as usual), on occasion interrupts the sequence of units. Athens affords examples. Normally placed after the phratry, in two instances, IG II<sup>2</sup> 109 (= D11; 363/2) and 251 (= D19; ca. 350), the relative clause is moved forward to attach to the first, the phyle. Relevant here, too, are two cases in which the phyle, instead of standing first, stands *last* in the sequence and with the relative clause attached (that is, rather than being moved forward with the phratry): IG I<sup>3</sup> 113 (= D3; ? early 407) and Hesperia 9,1940,352-354, no. 48 (= D77; ca. 286 aut p.p.). Both ways, then, the phyle, not the phratry, is immediately followed by the relative clause. Additionally, in one instance, IG II<sup>2</sup> 17 (= D8), just discussed, the clause is attached to the deme. What is the meaning, if any, of these perturbations? Perhaps the most pertinent observation is that four of the five decrees cited are relatively early in date, and that in three there is found at least one additional variation in formulation;<sup>14</sup> that is, as with some of these other peculiarities, we may be dealing (again) with symptoms of experimentation or at least uncertainty. Even so, they prove - what could hardly be doubted in any case - that the relative clause, though grammatically modifying a single unit, in fact refers to them all. The alternative would be to assume a series of rather short-lived reforms in procedure - hardly an economical hypothesis. Nor are these Athenian examples alone in question. At Karthaia (20), in three of four preserved formulas the choice clause is attached to the phyle alone, while the second unit, the non-public oikos (like the Athenian phratry in the first four examples just discussed) is left unmodified; but in the fourth, the clause follows the second (restored) unit alone. No less here, too, it would be rash to infer that we are dealing with two fundamentally different procedures.

Not so, however, elsewhere. In all five preserved texts from Andros (21) the formula calls for enrollment in two units, the phyle and the phratry. Uniquely, each of the two is equipped with its own distinctive relative clause: the honorand is to become a member of the phyle, "whichever he wishes," but of the phratry, "whichever he persuades." Evidently, as I shall suggest (see B, below), the difference in treatment comes down to the difference between the public and non-public segments of the citizen population. What is to be emphasized here is that it is only explicit evidence of this kind that would justify our finding significance in the aforementioned variations in the Athenian (and Karthaian) formulas.

Other differences in the clause seem to be similarly without procedural importance. By far the most common verb, with attestations in seventeen states, is  $\beta\acute{o}\acute{\upsilon}\lambda\epsilon\text{c}\theta\alpha\iota$  (with dialectal

<sup>13</sup> Henry, Honours p. 97, note 68.

<sup>14</sup> Viz., IG II<sup>2</sup> 251: use of relative  $\acute{\omicron}\rho\omicron] \acute{\iota}\alpha\text{c}$ ; IG I<sup>3</sup> 113: use of infinitive  $\acute{\epsilon}] \text{c}\gamma\rho\acute{\alpha}\phi\alpha\text{c}[\text{c}\theta]/[\alpha\iota$ ; IG II<sup>2</sup> 17: use of  $\gamma\rho\acute{\alpha}] \langle\psi\rangle\alpha\text{c}\theta\alpha\iota\dots\acute{\epsilon}\iota\text{c}$ , etc.

variants),<sup>15</sup> although θέλειν, besides an isolated occurrence at Athens (IG II<sup>2</sup> 851 = D91; ca. 224?), enjoys a localized vogue in northwestern Asia Minor (Byzantion [28], Ilion [30],<sup>16</sup> Skepsis [31], and Erythrai [35]). Other synonymous expressions for "choice" are ἔλουν[ται] (Krannon [6; no. 459]) and προαιρῆται (Argos [13]). Quite without parallel in the rich Athenian record is the formulation εἶναι.../ ἦστινος ἂν ἀπογράφηται, in which a verb signifying enrollment is relegated from the principal construction to the relative clause: IG II<sup>2</sup> 109 (= D11; 363/2). The clause ἐν ᾧ ἂμ μέλληι πολιτεύεσθαι, which may have been formed on analogy with the clauses under review here, occurs in assignment-type block grants at Eretria (3) and Histiaia (4) (see below, E).

At Athens (1) alone the relative clause is regularly followed between 334/3 and ca. 229<sup>17</sup> by a second phrase, which at different times takes a variety of forms: ᾧν οἱ νόμοι λέγουσιν, πλὴν ᾧν οἱ νόμοι ἀπαγορεύουσιν, κατὰ τὸν νόμον, and ᾧν οἱ νόμοι κελεύουσιν. As Osborne argues, all the phrases have an identical purpose - viz. they restrict entry into the phratry.<sup>18</sup> That the relative ᾧν, which might otherwise be taken to refer to all three units, must in fact refer to the phratry alone is proven by the intrusive addition in IG II<sup>2</sup> 336 II(b) (= D23), line 4; [εἶναι δ' αὐ]τῶι φρατρίας γενέσθαι πλὴν ᾧ[ν οἱ νόμοι ἀπαγορεύουσιν], supported by the fact that, when the clause occurs, the phratry always stands last in the order of units.<sup>19</sup> So understood, the historical context of the restriction was explored by Osborne, with the attractive result that it was probably ultimately connected with religious sentiment and, as such, may have belonged to the work of Lykourgos.<sup>20</sup> What of the non-Athenian record? No verbally equivalent parallel exists. But, as we shall see momentarily (below, B), certain other states, in contrast with the direct intervention by the Athenian central government, might cede to kinship associations the privilege of denying entry to all except those who could "persuade" the association of their choice. That is, in these other states the responsibility for protection from invasion by enfranchised foreigners came to reside with the associations themselves.

### 3. the result

Separate clauses indicating the outcome of the choice are, unlike in the case of sortition, virtually everywhere absent, with all the known instances being from Thessalian states:<sup>21</sup> Metropolis (5), Krannon (6), Atrax (7), Larissa (9), and Argoura (10). All the preserved

<sup>15</sup> Rarely - viz., at Athens, IG II<sup>2</sup> 207(a) (= D12) and 237 (= D16) - the construction is completed through the addition of a dependent infinitive εἶναι.

<sup>16</sup> At Ilion, like Athens, both verbs are attested.

<sup>17</sup> Osborne, ABSA 67,1972,135-136, 143; Naturalization IV, pp. 176-181.

<sup>18</sup> Osborne, ABSA 67,1972,141-142; Naturalization IV, pp. 176-177.

<sup>19</sup> Osborne, ABSA 67,1972,142-143 with notes 56 and 57; Naturalization IV, p. 177.

<sup>20</sup> Osborne, Naturalization IV, pp. 177-180.

<sup>21</sup> For R.Herzog's now discarded restoration of a result clause in line 13 of the Athenian decree Paton-Hicks, I.Cos no. 17 (= D51), see Osborne, Naturalization I, p. 127.

clauses comprise a middle aorist form of ἀίρειν plus the chosen unit - always the phyle - in the genitive or, in one case (Larissa), the nominative.

#### B. choice by persuasion

From two states we have formulas, otherwise indistinguishable from the remaining examples of the choice procedure, of which the relative clause departs strikingly from the model just discussed. From Thasos (16) the three extant formulas read (or, in one case, is restored to read) in part: "...and they are also to enter a patre, ἦν ὃν πείθωσιν." In the five texts from Andros (21), already mentioned, separate relative clauses are attached to the phyle and the phratry; the former is conventional, but the latter reads (or is restored to read): ...ἦν ὃν προπεύκωνται. On the (I think necessary) assumption that this latter compound verb is built upon πείθειν,<sup>22</sup> both groups of texts would appear to refer to a *negotiation* of some kind between the honorand and the prospective patre or phratry of his enrollment.

Just possibly, still another instance of the phenomenon might be found at Athens (1) in a text of 304/3, IG II<sup>2</sup> 553 (= D44), in which, in place of the normal principal verb γράψασθαι, stands the unique ἀδουσιάζασθαι (line 15). Rejecting Johnson's contention that the word indicates that the honorand Neaios was thereby given certain "festival privileges,"<sup>23</sup> Osborne favored Dittmar's suggestion that it is an idiosyncratic usage on the part of the proposer of the decree by citing Hesychios' gloss - the only other attested use of the verb - ἀδουσιάζαμενοι· ὁμολογηζόμενοι. Thus, says Osborne, the verb in the decree must mean "to agree to be a member of (vel. sim.)."<sup>24</sup> Granting the correctness of this translation, it remains to be said that such agreement must have involved not only the honorand but of necessity the phyle, deme, and phratry as well. In this connection, it is probably significant that, almost without parallel in this period, the phratry restriction is absent.<sup>25</sup> That is, we may speculate, in this extraordinary instance the restriction was possibly waived in order to let Neaios - a distinguished honorand? - *negotiate* his entry into the phratry (and phyle and deme) of his choice.<sup>26</sup> Thus, the two anomalies would help to explain each other.

<sup>22</sup> Wilhelm understood the verb as a compound of πρό and σπένδομαι, with reference to a σπονδή supposedly performed during the process of enrollment in the phratry: GGA 1898, p. 231. For the interpretation of Hiller von Gaertringen, followed here, see IG XII suppl., p. 120.

<sup>23</sup> A.J. Johnson, AJA 18, 1914, 176.

<sup>24</sup> Osborne, Naturalization II, p. 119.

<sup>25</sup> With IG II<sup>2</sup> 394 (= D33), 321/0-319/18, the only instance between ca. 334 and 294 (Osborne, Naturalization II, p. 119). However, as Osborne observes (op. cit., p. 120, note 489), the words "according to the law" do follow the clause requiring the second vote (lines 17-18). This opens up the possibility that the phrase has been misplaced or that it is to be understood as covering both the preceding clauses.

<sup>26</sup> This will have been in contrast with the normal procedure, first appreciated by Osborne, of requiring the honorand to enter the same deme (hence also the phyle) and presumably the phratry of the proposer of the decree: see below, section III.

With the (partial) exception of Neaios' decree, all the above examples involve what are conventionally known as "kinship" associations. Evidently, in a minority of states resistance to entry by newly enfranchised foreigners resulted in a degree of legal protection for such non-public groups. With "negotiation" we are dealing with the mildest degree of restriction. More severely, at Athens (again) the typical formula between 334/3 and ca. 229 calls for the outright prohibition on entry into certain (privileged) phratries, while the others presumably remained open. Most severely, to take the extreme case of the enfranchisement of an entire foreign population, the state might, as Athens did, opt for a third course of action, which was simply to exclude the kinship association(s) from the formula altogether (see below, E).<sup>27</sup>

### C. sortition

Most widely attested of the five procedures, enrollment by sortition is documented for twenty-four states, not counting the aberrant "qualified" examples discussed below (D). As with choice, sortition is employed not only in the case of solitary honorands but also in that of groups and whole populations. More uniform in construction from state to state than the choice formulas, however, the standard sortition formula comprises: (1) the infinitive ἐπικληρῶσαι (or imperative or participle) with an officer or board or organ of government as the expressed or implied subject and, except for an anomalous text from Troizen (12) discussed in detail below, with the unit or units into which the enrollment is to be made in the accusative governed by εἰς or ἐπί; (2) in a small minority of cases, a statement that the allotment has taken place; and (3), quite frequently, the result of the allotment introduced by ἔλαχε (-ον).

#### 1. the infinitive (or imperative etc.) with various subordinate constructions

Passing over a number of insignificant variations, we must acknowledge two occurrences of the alternative compound διακλαρῶσαι, one (with διεκλα/ρώθην preceding the result) at Corinth (11) in a decree enfranchising two honorands, the other at Dyme (14) in a block enrollment. What is the procedural meaning of the prefix δια-? The fact that in both cases more than one person is under consideration suggests as a possibility the allotment of the honorands "severally"<sup>28</sup> into the units of the organization - that is, they were not to be allotted en masse. Yet, while this explanation will work for the block enrollment, the fact that both Corinthian honorands are allotted into precisely the same four units tells strongly against any such interpretation. Alternatively, the meaning is "...into the 'several' levels or units," with the implication that all levels or units will be included. Thus, perhaps, Corinth allots into no fewer than four - certainly the full number - levels of organization and at Dyme the main construction specifies three - all three? - phylai by name.

<sup>27</sup> For another example, see Pygela (38), where the genos present (with the phyle) in the sortition of an individual (SEG 4.513) is absent from a somewhat earlier block enrollment (Milet no. 142).

<sup>28</sup> H.W.Smyth, *Greek Grammar* (Cambridge, Mass. 1920) § 1685.3 (p. 375).

Several times the basic formula is elaborated by apparently superfluous clauses or sentences. From Temnos (33) an isopolity agreement with Teos states that "the Teian, if he wishes to be allotted into a phyle, is to be allotted by the timo[u]choi." This "if" clause is paralleled elsewhere only at Aspendos (53), where, however, the (incomplete) formula may be of the assignment type (see below, E). But for the sense, compare the not-infrequent use of (ἐξ)εἶναι vel sim. with the meaning "that it be possible..." to introduce the formula.<sup>29</sup> Both the clause and the verb underscore, that is, the voluntary nature of the enrollment. Elsewhere, seemingly redundant sentences serve to reinforce the sortition injunction. From Kos (27) a decree enfranchising a group adds a sentence, quite otiose when compared to other Koan texts (in which it is altogether lacking): "and of whichever phyle they get by lot, let them be." Similarly, in the block enrollment from Smyrna (34), following the main construction in lines 52-53 an oath ordains compliance with the results of the allotment: "and once I have allotted them into phylai, I will place them into whichever each receives by lot" (line 75). For a third text, however, a somewhat different explanation would seem to be required. From Troizen (12): εἶμεν δὲ αὐτὸν καὶ φυ/λᾶς ᾧς κα λάχη, τὸν δὲ δεκαδῆ ἐ/πικλαρῶσαι ἤδη, κτλ. Where content is concerned, the otherwise superfluous leading clause is inseparable from the two preceding examples. But the *form* of that same clause sheds valuable light, I believe, on the evolution of the enrollment formula. Namely, the wording of the Troizenian clause is in essentials the same as that of several of the choice formulas discussed above - more particularly, of those formulas combining the dependent infinitive εἶναι (A.1.a.ii) with the typical relative clause (A.2). The only significant difference is the presence of the key operative term λάχη in place of βούληται in the relative clause. For comparison with the Troizenian text, consider from Metropolis in Thessaly (5) the choice formula: ...καὶ φυλῆς / εἶναι ἧς ἂν βούλωνται. The remaining instances, though with some variation, incorporate these same elements. Chronological indications, too, are favorable. The Troizenian text was dated by its editor on historical grounds to the year 369.<sup>30</sup> The earliest dated choice-formula with εἶναι, from Athens, IG II<sup>2</sup> 103 (= D11), belongs to 363/2, but the construction is restored in IG II<sup>2</sup> 103 (= D10) of 369/8. Since, too, enrollment of individuals is documented at Athens as early as 410/09 (IG I<sup>3</sup>102 = D2) and their enfranchisement from ca. 476 (or soon thereafter),<sup>31</sup> the εἶναι-formula may very well in fact be still earlier. Furthermore, since IG IV 748+ is the earliest dated example of enrollment by sortition, it is itself an excellent candidate for a transitional phase whereby, at

<sup>29</sup> E.g. Athens (1; εἶναι), Andros (21; ἐξεἶναι).

<sup>30</sup> M.Fraenkel, IG IV 748+, citing Diodoros 15.69. External evidence apart, the lettering indicated a date *ante medium saeculum quartum*

<sup>31</sup> For the testimonia regarding grants of citizenship prior to the earliest extant text (viz. the enfranchisement of the Plataians in 427), see Osborne T 1-6 (vol. III, pp. 12, 20-30: "certain or highly probable cases") and PT 124 (vol. III, pp. 16, 108-109: "possible cases"). For none of these are details on the mode of enrollment preserved.

Troizen at least, the sortition formula developed out of an already-existing enrollment by choice.

### 2, 3. performance and result of allotment

In contrast with the choice formulas, sortition injunctions are frequently followed by separate clauses indicating the outcome. Provision for such a clause is made in an unusually explicit decree from Priene (40), reliably restored to order the responsible party "to engrave on the stele the phyle to which he is allotted" - oddly, however, the clause does not occur within the completely preserved text. Where the result clause does occur, it is preceded in a small minority of cases by a statement that the allotment has actually taken place: ἐπεκληρώθη(σαν): Kalymna (26), Erythrai (35), Theangela (49). Twice, at Corinth (11, διεκλα/ρώθην) and at Kolophon (36, ἐκ]ληρώθη), the verb introduces the result without interruption. Normally, however, the result is introduced by ἔλαχε (-ον), followed by a bewildering variety of case-constructions of the unit and its proper name.<sup>32</sup>

### D. qualified sortition

Sortition, when allowed to operate freely, permits neither the honorand nor the enrolling party to exercise any control over the selection of the unit(s). But for a number of reasons such a set of circumstances might be thought undesirable. It is therefore not surprising that from several cities we have examples of sortition formulas qualified in the interest of the one party or the other.

From Magnesia ad Maeandrum (39) all six surviving texts show (or can be restored to show) sortition into (a) phyle, "whichever he himself (they themselves) wish;" from Temnos (33) a similar clause has been restored with high probability. Comparable formulas in texts from Lesbos (17) and Halikarnassos (48), the former a block grant, the latter enfranchising an individual, however, depend wholly upon restoration: in neither is the crucial reference to sortition preserved, and the Halikarnassian clause (q.v.) might well be of the choice type pure and simple. But there can be no question about the late Hellenistic inscription from Aigiale (24), in which the honorand, evidently because he was the son of a person, viz. his mother, who was already a citizen, is ordered to be allotted into "the phyle of his syngeneis called the (phyle) of Basileitai." Here, as in the other examples, the allotment has been reduced, by the restriction of the field to a single candidate, to a fiction to the advantage of the party being enrolled.

<sup>32</sup> The principal types of construction are: (i) genitive of the unit and its proper name (Kalymna [26], Alinda [44]); (ii) genitive of the unit with the proper name in the nominative (Troizen [12], cf. Corinth [11]); (iii) accusative of the unit and its proper name (Kalymna [26], Erythrai [35], Magnesia ad Maeandrum [39], Theangela [49]); (iv) accusative of the unit with the proper name in the nominative (Samos [18], Ephesos [37]); (v) accusative of the unit with the proper (collective) name in the genitive (Kalymna [26]); (vi) nominative of the unit and its proper name (Magnesia ad Maeandrum [39], Seleukeia-Tralleis [52]); (vii) hybrids of these (e.g. Pygela [38]: i and iv).

By contrast, the interests of the enrolling party appear to be served in certain other instances. From Miletos (42) procedure for mass enrollments provided for by isopolity agreements with other states calls for allotment into phylai, "whichever the demos designates." Apparently, by the state's decree only some of the phylai were eligible to receive the new citizens. Why? An obvious guess, that the phylai so designated were relatively low in population, is supported by the text from Amyzon (43): "let the prytaneis in office allot them into phylai, the three smallest, immediately distributing the names into each phyle."<sup>33</sup> Somewhat differently, a later Milesian formula instructs the prytaneis to allot *πρὸς μέρος ἐφ' ἑκάστην / φυλήν* (no. 150, lines 49-50; the same procedure is to obtain for Milesians enrolling at Herakleia ad Latmum [41], lines 56-57). By this language, unlike that of the other texts, the state has explicitly committed itself to a distribution of enrollees over all the phylai, since the allotment is to proceed "in proportion"<sup>34</sup> into each phyle" - not merely into "the smallest." Perhaps similarly, from Dyme (14) a third century inscription calls for the authorities to allot "as equally as possible"<sup>35</sup> into the phylai, which are then given by name - Stratis, Dymaia, and Thesmi[aia]. If this is a complete roster of the Dymaian phylai, then the meaning is probably the same as that of the later Milesian formula. Alternatively, it may not be complete but rather resemble the earlier Milesian formulas calling for enrollment only in the phylai designated by the demos.<sup>36</sup> In that event, the purpose might have been to bring up the numbers of less populous phylai, etc.

#### E. assignment

A procedure whereby public affiliations are simply assigned to the honorand might be thought the easiest solution to the sorts of problems we have seen arising from the use of choice and sortition. Yet actual examples are few, and even these few are in some cases subject to doubt, especially where it is possible that the wording that I will interpret as calling for "assignment" is really a vague expression for one of the specific procedures already discussed. Be that as it may, the case for a separate category is nonetheless strong enough to merit attention.

Some of the more or less clear-cut examples involve block grants. At Athens (1), choice, otherwise the invariable procedure, is not documented for any of the (admittedly few) mass enrollments. According to Apollodoros' brief against Neaira, the decree of 427 enfranchising the Plataians read in part: *κατανειῆμαι δὲ τοῦς Πλαταιέας εἰς τοῦς δήμους καὶ τὰς*

<sup>33</sup> Cf. from Miletos (42) the fragmentary Milet I 3, no. 33d (s. II): *τρεις φυλάς [---] (line 5)...[--- ἐπι?]/κλήρωσι* (lines 9-10).

<sup>34</sup> For the meaning of *πρὸς μέρος*, compare with LSJ<sup>9</sup> s.v. *μέρος*, IV.2, Thucydides 6.22 (with Gomme-Andrewes-Dover, H.C.T., ad loc.) and Demosthenes 36.22.

<sup>35</sup> Translating *ὡς ἰσότητα*. For the meaning, see LSJ<sup>9</sup> s.v. *ἴσος*, I.1, "equal in size, strength, or number."

<sup>36</sup> Working against the assumption of completeness is the simple fact that the phylai are given by name, since we can only presume that the Dymaians already knew the names of their own phylai.

φυλάς ([Demosthenes] 59. 104 = D1). The use of the same (though un-compounded) verb in the decree for the Samians, IG I<sup>3</sup> 127 (= D4/5), of 405/4, shows that the very fragmentary formula, however it is restored, certainly did not call for any of the other procedures: καὶ νῆμαί / [.....τ]ὰς φυλάς δέκαχα (lines 33-34).<sup>37</sup> Of the decree for the heroes of Phyle, IG II<sup>2</sup> 10 (= D6; 401/0), in which the formula, if it ever existed, is wholly lost, it can at least be said that a similar injunction can be restored in the stoichedon text.<sup>38</sup> Elsewhere, at Eretria (3), Histiaia (4), and Keos (19), boards are instructed to carry out enrollments in block grants: in one of the two Kean texts the imperative δόντω[ν] is preserved and, on its basis, has been partly or wholly restored by editors in the three others; furthermore, in none of the latter texts is there sufficient space for restoration of language appropriate to the other procedures. Finally, for what it is worth, the clause from the Kyrene decree (25) incorporates a verb so vague as at least to be consistent with the foregoing examples: καταστᾶμεν ἐς φυλὰν καὶ πάτρην ἕκθε / ἐννήα ἐταιρήα.

Where choice is otherwise the method in use, assignment makes sense in block grants as a means of avoiding stampedes to enroll in desirable units and the concomitant wholesale neglect of others.<sup>39</sup> But when individuals or small groups are in question, the advantages to the enrolling party - not to mention the honorand - are not immediately obvious. Yet the use of κατατάξαι in the main construction of one of the two formulas from Iasos (47) hardly admits of any other interpretation. The formula from Labraunda (46) simply uses the εἶναι-construction to assign a single honorand to a particular phyle. A fragment from Skepsis (31) may preserve the infinitive καταχωρί[σαι] in the main construction, but the remainder of the formula is lost.<sup>40</sup> Likewise, an isolated "if" clause from Aspendos (53) "...and if anyone wishes to be placed (καταχωρί[σθ]/[ῆν]αι) in a phyle..." does not necessarily by itself reveal the procedure in use. Unambiguously, however, from Kalymna (26), where sortition alone is otherwise attested, a decree (no. 21) reads in part: "...and to obtain for him (αὐτῷ ὑπάρχειν) the phyle and syngeneia of which his father Agoranax is a member." Unlike the similar case at Aigiale (24; above, D), there is no attempt to maintain the fiction of normal procedure; rather than have recourse to the subterfuge of "qualified" allotment, the state straightforwardly asserts that a son must belong to the same units as his father.

<sup>37</sup> For a recent discussion of the restoration of the formula, see David Whitehead, "A Questionable Restoration in IG I<sup>3</sup> 127 (The Athenian Decree of 405 B.C., Honoring the Samians)," ZPE 52, 1983, 113-114.

<sup>38</sup> Thus, for example, Osborne, *Naturalization I*, D6 (between pp. 38 and 39), Face A (a), line 6. Cf. P. Krentz, "Foreigners against the Thirty: IG 2<sup>2</sup>.10 Again," *Phoenix* 34, 1980, 298-306, at p. 304, where he finds it preferable not to restore a grant of citizenship.

<sup>39</sup> Nonetheless, the use of choice in block grants is attested: see Larissa (9, no. 517) and Seleukeia-Tralleis (52).

<sup>40</sup> Moreover, the same verb is used in the oath appended to the sortition formula from Smyrna (34) and in the main construction of a choice formula from Seleukeia-Tralleis (52).

### III THE INTEGRITY OF PROCEDURE

In choice by persuasion and qualified sortition we have recognized formal and explicit relaxations of the two principal modes of enrollment. For both, modifications of the enrollment clause itself brought about the required change. But this is not the entire story. Additional, incontrovertible evidence exists that, without alteration of the formula, the, as it were, spirit of the procedure might be violated in the course of its implementation.

Regarding the enrollment of single honorands, the well documented case of Athens provides a telltale instance. The Athenian formula, taken at face value, permits the honorand a free choice among 139 demes (the selection of any of which, of course, would determine the phyle) and among an unknown, but probably not small, number of phratries. Yet Osborne has noted that in all the three instances in which are known (or, in one case, can be conjectured with probability) both the deme eventually chosen by the honorand and the deme of the mover of the decree conferring citizenship, they are the same.<sup>41</sup> There are no counter-instances. Obviously, given the number of demes, it is virtually impossible that these agreements are due to coincidence. Some prior understanding apparently obtained between proposer and honorand concerning the outcome of the latter's "choice" of deme (and hence phyle) and presumably phratry. Possibly, we may speculate, it was considered the proposer's responsibility to assume the burden of paving the way for the admission of the honorand - a task that might most easily be carried out if he appealed to those units of which he himself was a member. But the important point is that, in view of these three positive examples from Athens, we have no right to assume otherwise concerning the integrity of practice in those Greek states for which evidence of this kind is lacking.

When a small number greater than one are to be enrolled, the divergence from what the formulas, taken literally, would lead us to expect becomes even more pronounced. For in *every* instance in which a clause of result has been preserved, all the enrolled find their way into the very same unit or units. The observation holds true, moreover, regardless of the type of procedure in use. Where enrollment is by choice, unspecified numbers of honorands at Larissa (9; no. 513) and Metropolis (5) are accorded membership in a phyle, "whichever they wish," and all "choose" Boates (Larissa) or Onthyreis (Metropolis). Still more striking are the examples of multiple sortition from Corinth (11) and Samos (18; no. 5K = SEG 1.355) for which the result is recorded: in both, although no fewer than four levels of organization are in question, the honorands (two at Corinth; two [brothers] at Samos) are allotted into the very same unique combination of units. Fewer levels are involved in similar multiple allotments at Kalymna (26; no. 31: number of honorands unknown; cf. no. 33 in which, although the result clause is lost, room is available for only one phyle-and-deme combination for two honorands), Magnesia ad Maeandrum (39; no. 9: two honorands), Ephesos (37; I.Ephesos nos. 1418.Ib [number of honorands unknown], 1420 [= Schwyzer

---

<sup>41</sup> Osborne, *Naturalization IV*, pp. 172-173.

708a(2); two], 1424 [three?<sup>42</sup>], 1430 [number unknown], 1447 [four]), and Alinda (44; two). Again, not a single counter-instance can be adduced. Perhaps, incidentally, it is in pointed contrast with such practice that we find two isolated choice clauses - the exceptions that prove the rule? - specifying that *each* is to select his own units: Athens (1; Hesperia 26,1957,58-59, no. 13 = D119; ca. 202-192?): ...ἥς ἂν ἕκασ[τος αὐτῶν βούλ]η[τα]ι (line 11); and Larissa (9; no. 517; 217 or 216): φυλᾶς ἐλομέ/νοιοις ἐκάστου ποίας κε βέλλεται (lines 19-20).

Since in most cases under review here the number of honorands is small, often only two or three, we may confidently dismiss as the explanation economy of procedure or, alternatively, shortage of space on a stele to record the results. For enrollment by choice, the answer may lie in Osborne's speculation about the individual honorands at Athens: by prior arrangement, honorands agreed to choose the affiliations of the sponsor of the enfranchisement. Self-evidently, if the enrollees were sponsored by a single person, only a single outcome would have been possible; and, of course, none of the decrees concerned records more than one proposer. What of sortition? Procedurally, limitation of the field to a single phyle, deme, phratry, etc. is a possible *modus operandi*. But why? One cannot help but think of the probable differences in status, real or perceived, among the units at a given level of organization. Perhaps when more than one person was to be enrolled, it was thought objectionable that the luck of the draw might place one man in a desirable unit, another in a unit that was less so. The object of sortition was (among other things) impartiality, and obviously such could not be achieved in the event of unequal treatment of those upon whom equal honors were being conferred.

When we turn to block awards, our task is made more difficult by the general absence of information about the resulting enrollments. Whether or not some of these were in fact ever committed to inscription on stone, with the exception of Smyrna (34),<sup>43</sup> can not be determined. From Erythrai (35), however, the sortition of the population of Tenos (no. 113) - more precisely, of "the [demos], the dik[ast] and the grammat[eus]" (lines 5-6) - resulted in their allotment into a single phyle, Nysaiis; since other states seem to have been involved,<sup>44</sup> they were presumably allotted into different phylai. But, except for this solitary instance, what indications we have point to the taking of measures to avoid, as was the case with groups, the possibility of mass "choices" of, or sortitions into, single combinations of units: again, block sortitions are ordered at Dyme (14) to be conducted "as equally as possible" into the phylai and on one occasion at Miletos (42; no. 150) "in proportion into each phyle." Less clear is the force of δέκαχα in the Samians' decree, IG I<sup>3</sup> 127 (= D4/5), but, on the

<sup>42</sup> For the number of honorands, see Wilhelm, JÖAI 16,1923,233.

<sup>43</sup> Cf. the inscription from Halikarnassos (48), line 16, where Klaffenbach, comparing the text from Smyrna (34), restored a similar reference to "the kleroterion." Working against the suggestion, on the other hand, is the fact that the formula calls, not for sortition, but for choice.

<sup>44</sup> See Engelmann and Merkelbach's comments, I.Erythrai, ad loc.

understanding that all Athenians in 405/4 already knew that they had ten phylai, there would be real point to "(all) *ten* phylai."<sup>45</sup> Somewhat differently, at Miletos again, provision is known to have been made for the ongoing enfranchisement of aliens in accordance with treaties of isopolity; enrollment at intervals will have compelled the authorities to repeat the sortition, thereby virtually precluding the entry of an entire population into the same unit(s).<sup>46</sup> Together, these indications suggest, in contrast with the enrollment of individuals and groups, that the results of a block enfranchisement in most cases - Erythrai remains an exception - actually corresponded to what the language of the formula, taken at face value, would have led one to expect.

#### IV GEOGRAPHICAL DISTRIBUTION OF THE TYPES

Szanto, in his 1892 publication *Das griechische Bürgerrecht*, under the general heading "Verleihung des Bürgerrechtes" cited or alluded to formulas from twenty-one of the fifty-three states under review here. On this basis, he asserted the existence of a boundary separating the use of choice in the north from that of sortition in the south.<sup>47</sup> The fuller record, however, fails to corroborate such a mapping of the types: choice is now found as far south, in the Peloponnese, as Argos (13) and Theisoa (15), in the islands, as Delos (23), and in Asia Minor, as Halikarnassos (48) and Plataseis (50); while sortition extends to the north as far as Lesbos (17, qualified sortition) and, in Asia Minor, as Lampsakos (29), Kyme (32), and Temnos (33) - all states not appearing in Szanto's discussion. When *all* states are taken into consideration, furthermore, a glance at a map will show that, if the few far-flung peripheral examples (viz. Thasos [16], the Hellespont [29-31], and Propontis [28]) are excluded, the great bulk of the choice centers lie at or near the same latitudes as the great bulk of the sortition centers. To the contrary, far more pronounced is the relative concentration of choice (with choice by persuasion) in the west and of sortition (with qualified sortition) in the east. Exceptions are: for sortition, occurrences at Corinth (11), Troizen (12), and Dyme (14); for choice, occurrences at Byzantion (28), Ilion (29), Skepsis (31), Halikarnassos (48), and Plataseis (50). Not counted here as exceptions, however, are three additional Asia Minor cities - Erythrai (35), Kolophon (36), and Seleukeia-Tralleis (52) - where both choice and sortition are attested, in the first instance with sortition appearing later than choice (in the second and third, the absence of precise date does not permit a determination<sup>48</sup>). If, then, choice by persuasion is included with choice and qualified

<sup>45</sup> Or, could the word mean (sc. assignment) "by tens"?

<sup>46</sup> See, for example, Milet I 3, no. 150, lines 43-48, where Herakleians are envisaged registering in Miletos ἀν' ἑκάστων ἔτος (line 45).

<sup>47</sup> Szanto, *Bürgerrecht*, p. 56.

<sup>48</sup> For Kolophon (36), BCH 39,1915,36-37, with a choice formula, was dated by its editor on epigraphical grounds to ca. 250-200. But AJP 56,1935,380-381, no. 6, the result clause of a sortition formula, if dated by its reference to a phyle Seleuk[is], might be as early as the lifetime of Nikator (d. 281).

sortition with sortition, a total of thirty-eight of forty-six states, or 83%, conform to a division along a north-south line running through the central Aegean east of Thasos (16, choice by persuasion) and west of Aigiale on Amorgos (24, qualified sortition).

## V HISTORICAL DEVELOPMENT

The Athenian decree enfranchising the Plataians, [Demosthenes] 59.104 (= D1), shows the use of assignment in a mass grant in the year 427, making it by far our earliest surviving example of enrollment. On a priori grounds as well assignment is likely to have been an early, perhaps the earliest, mode of enrollment, since that procedure, because it presumably left all to the discretion of government authorities, stood the best chance of avoiding the difficulties besetting both choice and sortition. No early use of assignment in the enrollment of individuals or groups survives, but it is an attractive candidate for the lengthy period of naturalization (at least at Athens) preceding our first dated formulas.<sup>49</sup>

Next, if we confine our attention to the two principal types of formula, we can detect clear signs of the succession of choice by sortition. Mention has just been made of such an apparent succession at Erythrai (35); the two texts in question afford (weak) chronological termini for the change of the fourth and first centuries. Early on within these limits, at Troizen (12), if our speculation is sound (see above, II.C.1), the actual process of transition may be in evidence in a decree dated on historical grounds to the year 369 - the earliest dated example of sortition from anywhere in Greece. Given, however, the overall mapping of the distribution of the two types, it is clear that the Troizenian case would actually belong to only a small minority of successful challenges to choice in the west. Rather it was in the east, particularly in Asia Minor (save the most northern region), that sortition came virtually to monopolize the enrollment of naturalized citizens.

To how early a time can choice by the honorand be traced? At Athens (1), the source of the earliest dated examples, the appropriate relative clause is partially preserved in a decree of 394/3 (IG II<sup>2</sup> 17 = D8) and has been restored in decrees of 410/09 (IG I<sup>3</sup>102 = D2) and ?early 407 (IG I<sup>3</sup> 113 = D3). In view, however, of the almost chaotic variations among these and other early formulas, signifying (as we have stressed) experimentation or at least uncertainty, it is unlikely that the origin of the choice formula actually antedated them by much, certainly not at Athens. Elsewhere, we have few clues, although the diversity of the wording of the formulas, especially in the main construction (see above, II.A.1), over Greece as a whole renders improbable the model of dissemination from some early center, such as Athens - in fact, more than one feature of the developed Athenian formula is found

---

For Seleukeia-Tralleis (52), while Milet I 3, no. 143, with its choice formula, is placed in the year 212/11, BCH 10,1896,516, no. 4, again the result clause of a sortition formula, remains undated.

<sup>49</sup> For Osborne's treatment of this early period, see the references at note 31.

nowhere else.<sup>50</sup> It is more attractive to imagine independent origins of at least the wording of the formulas at various (unknown) dates beginning in the fifth century.

Except for the aforementioned indicators, the advent of sortition remains obscure. It is but one puzzle that at Athens, where sortition otherwise enjoyed such a vogue, this procedure was never adopted, even for a short while. There is, however, a possible clue in the marked consistency of expression in the formulas from one state to another (see above, II.C), suggesting the diffusion of a widely imitated exemplar. But, apart from the early Trozenian date, which might be taken to point to an origin in Old Greece, the circumstances of such a diffusion are unknown.

The outgrowth from choice of choice by persuasion and from sortition of qualified sortition may be less obscure. We can be confident that the former development at least represents an attempt to reconcile procedure with competing social or political forces, to the extent that the choice of units by the honorand appears to have come into conflict with the prerogatives of organizations based on kinship. For it is in respect to the *patre* (Thasos, 16) and *phratry* (Andros, 21) alone that a clause requiring "persuasion" by the honorand is found in the late fourth and third centuries. At Athens (1) at about the same time, the same (or similar) problems appear to have been dealt with more severely through *nomoi* of the state prohibiting entry into certain of the *phratries*. Sortition, by contrast, might work against the interests of *all* the parties involved - especially (or so we are informed) those of the enrollee and of the enrolling party, viz. the state. Difficulties might, and did, arise on either front. Beginning with the third century, the solution was, while preserving the basic procedure intact, to add qualifying language permitting intervention on behalf of the one party or the other.

So stood Greek enrollment procedures at the time of our documentation. Looking back, if a single feature of the record stands out, it is the high degree of procedural variation: namely, among the competing ideologies represented by the various types of enrollment but above all by choice and sortition; between these two procedures and their respective derivative forms, choice by persuasion and qualified sortition; and, finally, as we have seen in our discussion of "integrity," between the procedures' intent as expressed by the written word of the formulas and actual practice. Plainly, the Greeks collectively were of divided minds with respect to the enrollment of foreigners in the segments of their city-states. That they came no closer to achieving uniformity of procedure testifies once again to the persistent particularism of the Greek political experience.

University of Pittsburgh

Nicholas F.Jones

---

<sup>50</sup> In particular, the main construction *γράφασθαι* with the genitive is without parallel: see above, II.A.1.c. For the unique *phratry* restriction, see above, II.A.2, ad fin.