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THE ATHENIAN STANDARDS DECREE (IG I³ 1453): 'THE (?)PRECEDING
DECREE WHICH KLEARCHOS PROPOSED'

aus: Zeitschrift für Papyrologie und Epigraphik 118 (1997) 169–173

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THE ATHENIAN STANDARDS DECREE (IG I³ 1453):
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IG I³ 1453, § 10 of the composite text: προσγράψαι δὲ πρὸς τὸν ὄρκον [τ]ὸν τῆς βολῆς τὸν γραμματέα τὸν τῆς [βολῆς - - c. 10 - - τα]δί· ἐάν τις κόπτη νόμισ[μα] ἀργυρίο ἐν τῆσι πό[λεσι] καὶ μὴ χρῆται νομ[ίσμασιν τοῖς] Ἀθη[να]ίων ἢ σταθμοῖς ἢ μέτ[ροις ἀλλὰ ξενικοῖς νομίσμασι]ν καὶ σταθμοῖς καὶ [μ]έτροις, [- - c. 14 - -]τ[- c. 6 - κατὰ τὸ πρότε]ρον ψήφισμα ὃ Κλέαρχ[ος εἶπεν - - c. 19 - - ?].

The beginning of this decision to add a clause on currency offences to the bouleutic oath²³ features in several of the surviving fragments of the Standards (a.k.a. Coinage) Decree; but the closing mention of the decree of Klearchos, as is well known, occurs only in Baumeister’s majuscule transcript of the one he saw at Smyrna.²⁴

κατὰ τὸ πρότε]ρον goes back to Wilhelm, and is the foundation of the orthodox view that the decree of Klearchos here referred to was a different, non-extant decree – perhaps about coinage, perhaps not: see ii below – enacted earlier than the present one.²⁵ (The alternatives δεύτε]ρον and ὕστε]ρον, canvassed by Segre in the course of his publication of the Kos fragment,²⁶ carry the same implication.)

Heterodoxy, on this point, began with ATL II (1949) 67. ‘There was, we hold, no such other decree, for the provisions and penalties that each councillor swore to enforce must have been those of this present text. It is just possible that Klearchos, in phrasing the oath, called his own decree πρότερον, because for the future swearer the decree would be “earlier” than his oath. But we note the possibility that the letter read by Baumeister as P was really N; this would allow the restoration γενόμε]νον’. They accordingly referred to the Standards Decree itself, throughout, as ‘the decree of Klearchos’; and the same robust line has been taken, over the years, by the *doyen* of epigraphical heterodoxy, Harold Mattingly.²⁷ How ATL sought to avoid the obstacle (to their view) of πρότε]ρον is explained in the quotation just given. Mattingly, for his part, expressed approval²⁸ of the restoration of the clause by

²³ On the oath see generally P. J. Rhodes, *The Athenian Boule*² (Oxford 1985) 194–9. Versions of §10 which end it with the ATL supplement [τιμωρήσομαι καὶ] ζ[ημιώσω κατὰ τὸ πρότε]ρον ψήφισμα have nowadays had to bow to a fresh reading, incompatible with this, in the Siphnos fragment; see the apparatus to IG I³ 1453, E.

²⁴ A. Baumeister, *Bericht . . . der königl. Preuss. Akad. der Wiss. zu Berlin* 1855, 196–7, no. 22. Cf. Wilhelm’s text for IG XII.5.480 (this fragment subsumed under the one from Siphnos); ATL II 61–8 (D14), at 66–7; E. Erxleben ‘Das Münzgesetz des delisch-attischen Seebundes’, *AfP* 19 (1969) 91–139 (with 212), at 123–9 and 135–6 (hereinafter Erxleben).

²⁵ For this view see most recently R. Develin, *Athenian Officials 684–321 BC* (Cambridge 1989) 81.

²⁶ M. Segre, ‘La lega ateniese sull’ unificazione della moneta’, *Clara Rhodos* 9 (1938) 151–78, at 174.

²⁷ H. B. Mattingly, ‘The Athenian Coinage Decree’, *Historia* 10 (1961) 148–88 (now reprinted ‘with necessary corrections’ in his *The Athenian Empire Restored: epigraphic and historical studies* (Ann Arbor 1996) 5–52), at 151 (= 8) and passim; cf. e.g. idem, ‘Formal dating criteria for fifth century Attic inscriptions’, *Acta of the Fifth Epigraphic Congress 1967* (1971) 27–33 (= *The Athenian Democracy Restored* 315–32, at 29 (= 318); idem, ‘The second Athenian Coinage Decree’, *Klio* 59 (1977) 83–100 (= *Athenian Democracy Restored* 403–26), at 86 n. 11 (= 406 n. 11). But for his present position see below, final footnote.

²⁸ In 1977: see preceding footnote. In 1961 (*loc.cit.*) he had followed Segre.

Erxleben 125–126, which eliminates by other means any reference to a ‘preceding’ decree: κατὰ τὸ ἡμέτε]ρον ψήφισμα.

In what turned out to be his last discursive treatment of these matters, the late David Lewis expressed dissatisfaction with the suggestions, of ATL and Erxleben alike, to oust πρότε]ρον.²⁹ Concerning γενόμε]νον his comment was that ‘the advantage of that restoration would seem to be that it means nothing’; on ἡμέτε]ρον he declared himself doubtful ‘whether the Athenian Council would describe a decree of the Athenian Assembly as “our decree”’ (cf. IG I³ 1453, apparatus: ‘decretum populi, non senatus foret’).

Lewis’s remarks – part of a discussion which addresses more issues than the one I have so far broached – were described by the SEG editors as ‘inconclusive’ (SEG 37.6), and one can anticipate much the same (fair) comment being passed on what follows here. Gratifying as it would be to proffer a new and convincing solution to this ‘tiresome’ (Lewis) old problem, I have none to give. I will, however, argue that the choices, still open, which the problem throws up would benefit from some clarification. On that basis I here treat (I) the word to be restored before ψήφισμα and (II) the meaning and implications of what results from it.

I

There are, in my opinion, three possibilities for this, and three only: Wilhelm’s πρότε]ρον, ATL’s γενόμε]νον (*pace* Lewis), and what I believe is a new suggestion of my own, κοι]νόν.

The three other supplements mentioned above – ἡμέτε]ρον (Erxleben) and either δεύτε]ρον or ὕστε]ρον (Segre) – lack any kind of precedent or parallel, and in the case of ἡμέτε]ρον one may put the additional, substantive objection cited by Lewis even more strongly. ‘Our decree’ is simply not a formulation which Athenian documents use.

For a ψήφισμα to be described as γενόμενον (‘passed’) does, on the other hand, seem to conform better to Athenian usage than one would have supposed from Lewis’s dismissal of it as meaningless:

(a) IG I³ 68 (decree of Kleonymos on tribute collection: supplement Meritt and McGregor, with Bradeen), 40–41: κα[τὰ τὸ γενόμενον φ]σέφισμα³⁰

(b) IG II² 583 (grant of *isoteleia*, late fourth century: supplement Wilhelm), 8–9: προσαναγράψαν[τα τὸ ψήφισμα τόδε] καὶ τὸ πρότερον γενόμενον αὐτοῖ[ς]

(c) SEG 19.152 (fragment of a catalogue, third century: supplement Meritt), 3: - - τὸ γενόμενον ψήφισμα

(d) IG II² 1091 (PanHellenic decree, reign of Antoninus Pius), 2: [ψήφισ]μα τὸ γενόμενον ὑπὸ τῶν Πανελλήνων.

As is self-evident, we have to track many centuries later than any decree of Klearchos before finding, in *d*, an unsupplemented case of a ψήφισμα γενόμενον; and alternative restorations of a contextless fragment like *c* are obviously possible. With examples *a* and (especially) *b*, however, one might reasonably juxtapose the following literary testimony: Lysias 13.56, ἐπειδὴ δὲ τοῦτο τὸ ψήφισμα ἐγένετο, μηνύει ὁ Μενέστρατος; Aristoph. *Ekkles.* 649, ἀλλ’ οὗτος μὲν πρότερον γέγονεν πρὶν τὸ ψήφισμα γενέσθαι; Xen. *Hell.* 2.2.15, ἐγένετο δὲ ψήφισμα μὴ ἐξεῖναι περὶ τούτων συμβουλεύειν, Xen. *Cyr.* 2.2.21, ὁ δὲ Κύρος ἐβούλετο καὶ αὐτῶν ἕνεκα τῶν ὁμοτίμων γενέσθαι τοῦτο τὸ ψήφισμα.³¹

²⁹ D. M. Lewis, ‘The Athenian Coinage Decree’, in I. Carradice (ed.), *Coinage and Administration in the Athenian and Persian Empires*, BAR 343 (Oxford 1987) 53–63, at 59–60 (hereinafter Lewis). A misprint there, in the quotation from ATL II on p. 59, has Baumeister’s reading as Π, not P.

³⁰ κ[. . . 14 . . . φ]σέφισμα Mattingly, ‘Athens and Eleusis: some new ideas’, in ΦΟΡΟΣ: *Tribute to Benjamin Dean Meritt* (Locust Valley NY 1974) 90–103, at 101 (= *The Athenian Empire Restored* 325–45, at 341).

³¹ I also note (with no especial emphasis) extra-Athenian instances such as IG XII.5.662.16–8 (Syros) and IMylasa 604.7–8.

Consequently, the only obstacle in the way of accepting κατὰ τὸ γενόμε[ν]ον ψήφισμα ὃ Κλέαρχ[ος] εἶπεν as a possible supplement in the Smyrna fragment of the Standards Decree is Baumeister's reading itself,]PON. Since that reading can no longer be checked, the normal caveats against basing an argument upon the assumption of error by either mason³² or transcriber do not fully come into play.

Furthermore, as indicated above, by contemplating]γον ψήφισμα another possibility is generated: κοι]γὸν ψήφισμα. Parallels for this come in IG I³ 61, the early-Peloponnesian-War dossier of decrees about Methone: καὶ ἐὰν [κοινὸν] φσέφισμά τι περὶ τῶν ὀφειλεμάτων τῶν ἐν τῆ[ισι] σα[νί]σι γίγνεται, μεδὲν προσηκέτο Μεθοναίο[ις] ἐὰμ μ[ὲ] χ[ο]ρις γίγνεται φσέφισμα περὶ Μεθοναίων (decree I, lines 13–16); ἡὸ τι δ' ἂν κοινὸν φσῆφ[ισμα] περὶ τῶν χυσιμάχο[ν] φσεφίζονται Ἀθηναῖοι κτλ. (decree II, lines 41–2). Here the restoration in lines 13–14 is justified by the reading in lines 41–42, as well as being an inescapable requirement of the stoichedon line-length.

The other possible supplement for the Klearchos clause, Wilhelm's πρότε]ρον, has of course the advantage of faithfulness to Baumeister's transcript. Here the parallels³³ are:

- (a) IG I³ 68 (see above), 33–34: [Κλεόνυμος εἶπε· τὰ μὲν ἄλλ]α κατὰ τὸ πρότερο[ν] | [φσέφισμα
- (b) IG I³ 89 (treaty with Perdikkas, ?417–413), 59–60: τὸ δὲ φσέφισμα τόδε τὸν γραμματέα τῆς βολῆς π]ροσγράψαι [πρὸς τὸ πρότε]ρον φσέφισμα
- (c) IG I³ 107 (honorific decree, c. 409), 6–7: τ]ἄλλα α[ὐτ]οῖν εἶναι κατὰ [τὸ πρότερον ψήφισμα ὃ . . . ιπ]πος εἶ]πε περὶ τῶν εὐεργ[ετῶν τῷ δήμ]ο τ[ῶν] πρότερον] ἐξελέλυθόντων ἐκ τῶν πό[λεω]ν
- (d) IG I³ 146 (decree fragment, 445–430), 3–4: - - τὸ πρότ]ερον φσέφ[ισμα]
- (e) IG II² 182 (proxeny decree, before 353/2), 4–6: τόδε τὸ ψήφ[ισμα] καὶ τὸ | [πρότ]ερον ψήφ[ισμα] ὃ Φιλοκρά[της] εἶπεν περὶ τ[ῆς] προξενίας
- (f) IG II² 682 (honours for Phaidros of Sphettos, mid third century), 93–96: τὰ μὲν ἄλλ]α | [πά]ντα π[ράττειν] περὶ τῆς δωρεᾶς ἧς εἴτηκεν | Φαῖδρος κατὰ τὸ πρότερον ψήφισμα ὃ Λύανδρο[ς] εἶπεν.

II

What is the 'decree which Klearch[os] proposed'? Three substantive theories have been advanced. One, mentioned here already, is that of ATL (and Mattingly *olim*): the decree in question is none other than IG I³ 1453 itself, to which an internal cross-reference is hereby made. A second and longer-standing view, nowadays more often left implicit than made explicit,³⁴ is that reference is being made to an earlier decree, moved by Klearchos, on the same subject. Thirdly there is the line of interpretation, owing its origins to the scepticism of Tod,³⁵ taken by J. M. Balcer.³⁶ Adopting Erxleben's ἡμέτε]ρον ψήφισμα, Balcer sees in both that phrase and in lines 74–76 (περὶ δὲ τοῦτον ἔφεσιν ἕνα|ι Ἀθέναζε ἐς τὸν ἐλιαίαν τὸν τῶν θεσμοθ]ετῶν κατὰ τὸ φσέφισμα τῷ δέμ]ο) of the post-revolt regulations for Chalkis,

³² I note the remarks of Mattingly, 1977 art. cit. supra (n. 27) 88 (= 409): 'The Syme, Siphnos and "Smyrna" copies are non-stoichedon, they vary considerably in line-length among themselves and from the other three, and they are altogether more carelessly and roughly executed. They were clearly the work of local magistrates'. Cf. ATL II 66–7.

³³ Once again (cf n. 31 supra) there are extra-Athenian ones too, such as IG XI.4.1043.4–7 (Delos); IErythrai 503.19; Milet I 3.37.37.

³⁴ Note however ML 45 ad loc. (p. 114): 'It is probably, but not necessarily, to be inferred that the present decree was also moved by Klearchos, and the subject of the former decree is probably related to the present decree rather than to a different subject'.

³⁵ Tod, *GHI* 67 ad loc. (p. 166): 'All scholars have hitherto held that Clearchus' decree aimed at establishing uniformity of currency, weights, and measures throughout the Empire, but this does not seem a necessary inference from ll. 13–18 [§ 10]. The penalty therein prescribed may have been for some other offence, and we may have here an example of that "assimilation" which Glotz has shown to be characteristic of Greek criminal law (*CRAI* 1906, 513ff.).'

³⁶ J. M. Balcer, *The Athenian Regulations for Chalkis, Historia Einzelschriften* 33 (1978) 119–142.

IG I³ 40, an allusion to a general imperial decree transferring the trial of capital crimes from the allied cities to Athens.³⁷

The same decree (1); another decree on the same subject (2); another decree on another subject (3). These indeed are the only logical possibilities. Let us now juxtapose them with the three possible restorations of the word before ψήφισμα ὃ Κλέαρχ[ος εἶπεν: πρότε]ρον (α), γενόμε]νον (β), and κοι]γόν (γ).

My findings are that α – the only restoration of the three which takes Baumeister’s transcript at face value – and β are compatible in broadly equal measure with 1, 2 and 3, while γ lends itself best to 2 or 3:

α1 is of course the combination argued for in ATL II, quoted earlier, and has latterly featured – with no warnings to the untutored – in McGregor’s general study of the Athenian Empire.³⁸ ML 45 ad loc. (p. 114) commented as follows: ‘We cannot, with ATL ii.67, believe that the words [‘the former decree of Klearchos’] refer to our decree on the ground that “for the future swearer the decree would be ‘earlier’ than his oath”; such a superfluous addition of πρότερον would be very un-Greek’. (David Lewis’s later comment on this, in 1987, was that ATL’s thesis had been stated ‘not very convincingly’. He nevertheless went on to imply that its essence – ‘that it [*sc.* πρότερον] need mean no more than “previous to the present time” – is conducive to my α2 or, if there were no regulations on coinage (etc.) earlier than IG I³ 1453, α3.)³⁹ It may be useful here to draw a distinction between the *ipsissima verba* with which the bouleutic oath would ultimately be augmented and the way this might be described, beforehand, in IG I³ 1453. For the former, κατὰ τὸ πρότε]ρον ψήφισμα does indeed look implausible. For the latter, the operative context is not (yet) the oath but the decree itself. Parallels for πρότερον in this internally cross-referencing sense have been quoted above, at the end of section i: see there items *a* and *f*, both of them amendments to decrees ‘above’.⁴⁰

α2 and α3 can be taken together, since πρότερον in the sense of a truly earlier decree provides of itself no means of identifying the subject of that decree. Parallels for πρότερον in this sense have likewise been quoted in section i: see there items *b*, *c*, and *e*.⁴¹ As regards the second and third of them, the subject-matter of the earlier decree is summarily alluded to; and Lewis pointed out that there appears to be space for something similar in IG I³ 1453, § 10 (see the opening quotation of it).

β1 lacks an explicit parallel amongst the γενόμενον passages cited above (section i), though IG I³ 68.40–41 looks as though it might have provided one. All one can say – and it is a point which would apply to decree and oath alike (see above, under α1) – is that the sense it produces is not intolerable.

β2 and β3, by contrast, do seem to have a parallel in IG II² 583.8–9 (προσαναγράψαν[τα τὸ ψήφισμα τόδε καὶ τὸ πρότερον γενόμενον αὐτοῖς]).

γ1 can surely be eliminated, as a contradiction in terms, in the way that β1 could not. If Klearchos’ decree really was referred to, in § 10, as κοινόν, it is thereby being distinguished from (and characterized as a broader measure than?) the Standards Decree itself. The Methone dossier illustrates the

³⁷ For this interpretation of IG I³ 40.74–6 see already ML 52 ad loc. (p. 143): ‘κατὰ τὸ ψέφισμα τὸ δέμο might refer either to the decree which detailed the main settlement with Chalkis (equivalent to κατὰ τὰ ἐψέφισμένα of l. 49), or to a general decree concerning jurisdiction in the empire’.

³⁸ M. F. McGregor, *The Athenians and their Empire* (Vancouver 1987) 77: ‘. . . according to the present [!] decree that Clearchus moved’.

³⁹ His view is crisper in the commentary to IG I³ 1453: ‘fortasse in Clearchi decreto vel decretis non de nummis sed de actionis modis agebatur’.

⁴⁰ In IG II² 682 the mover of the amendment is also, by common consent, the proposer of the primary decree; on this see e.g. Rhodes, *Boule* (n. 23 supra) 252–3, and most recently A. S. Henry, ‘Lyandros of Anaphlystos and the decree for Phaidros of Sphettos’, *Chiron* 22 (1992) 25–33, at 25–6. In IG I³ 68 Meritt’s restoration of the proposer, Kleonymos, as mover also is conjectural. But this does not, I think, affect the present enquiry; I³ 68 remains a single measure as passed and inscribed.

⁴¹ And the extra-Athenian examples in n. 33.

principle that we could have formulated anyway: a decree does not cite a ψήφισμα as κοινόν and thereby mean *itself*.

γ2 and γ3 are as inseparable as α2–3 and β2–3. If Klearchos' decree was a κοινόν ψήφισμα, its general applicability, embodied in that description, could have been *vis-à-vis* coinage (etc.) or all-purpose judicial procedures equally well. (Methone decree II expressly points to one multiplicity of meanings that κοινόν ψήφισμα could bear – περὶ βίβουθειας ἐ ἄλλο τι προ[σ]τάττο[ν]τες τῆσι πόλεσι ἔ [περὶ σ]φῶν [ἔ] περὶ τῶν πόλεων – and it would be a simple matter enough to add others.)

Such are my inconclusive conclusions. It may be appropriate to say once more that πρότερον is the only supplement acceptable in the Smyrna fragment as transcribed; so anyone unwilling to contemplate the possibility of error in either the fifth century B. C. or the nineteenth A. D. may take the decree of Klearchos as any of the three things it has been held to be. If γενόμενον and κοινον are deemed admissible, the overall chances of § 10 containing an internal cross-reference (and there being only one 'decree which Klearch[os proposed]') are somewhat diminished.⁴²

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⁴² Professor Mattingly was kind enough to read and comment on this opusculum. Readers may be interested to know that he was in any case, nowadays, 'no longer happy' with theory (1), now preferring (3); and 'if we can emend' he sees some merit in my γ3.

That we cannot – legitimately – emend is the position put to me, with great emphasis, by another expert and friend who was good enough to read this paper in draft, Christian Habicht. To this I can only venture to reply that 'the possibility that the letter read by Baumeister as P was really N' (ATL) was in the public domain long before me; and that Baumeister's transcript, as Wilhelm's report of it shows, does contain errors. Professor Habicht tells me that from a textual point of view he is content with Wilhelm's πρότερον (so that the proper form of hypothetical alternatives to it would have to be not γενόμενον and κοινον but γενόμε(ν)ον and κοι(ν)όν). He points out that κατὰ τὸ πρότερον ψήφισμα ὁ Κλέαρχος εἶπεν would be a form of words identical to κατὰ τὸ πρότερον ψήφισμα ὁ Λύανδρος εἶπεν in Lyandros' rider to his own decree for Phaidros (IG II² 682, quoted above); and he is accordingly inclined to conclude from this that § 10 of the Standards Decree is likewise a rider added by Klearchos in the assembly to his own decree (α1, in my terms).