

DECELEANS AND DEMOTIONIDAE AGAIN<sup>1</sup>

The *dossier* of decrees concerning the Deceleans and the Demotionidae of Athens (IG ii<sup>2</sup> 1237) presents fascinating problems and has attracted plentiful discussion. For a long time there has been a division between the view of Wilamowitz and his followers, that the Demotionidae were a phratry and the Deceleans a privileged *genos* within it, and that of Wade-Gery refined by Andrewes, that the Deceleans were a phratry and the Demotionidae a privileged *genos* within it.<sup>3</sup> Each of these interpretations gave rise to problems; and since the work of Bourriot and Roussel on the *gene*<sup>4</sup> there has been a reluctance to believe in *gene* as aristocratic clans able to control their phratries. Recently Hedrick has argued that the Demotionidae were the phratry and the Deceleans the members of the deme of Decelea; and Lambert has argued that the Demotionidae were the phratry and the Deceleans a *genos*-like body (but not a *genos*, and not controlling the phratry) which formed a semi-independent group within the phratry and which in these decrees was extending its independence further.<sup>5</sup> These interpretations also give rise to problems: in this paper I attempt to continue the debate and to show that an interpretation on Wade-Gery's lines is after all the most likely to be right.

I give Hedrick's text, based on the most recent examination of the stone, my own translation, an analysis, and a discussion.

<sup>1</sup> I cite by author's name: A. Andrewes, *JHS* 81 (1961), 1–15; C. W. Hedrick, Jr, *The Decrees of the Demotionidai* (*American Classical Studies* xxii) (Atlanta, 1990); S. Ito, *J. Hist.* 71 (1988), 677–713 (in Japanese, with English summary 828: his interpretation is on the lines of Wade-Gery as modified by Andrewes); S. D. Lambert, *The Phratries of Attica* (Ann Arbor, 1994); W. E. Thompson, *SO* 62 (1968), 51–68; H. T. Wade-Gery, *CQ* 25 (1931), 129–43 = his *Essays in Greek History* (Oxford, 1958), pp. 116–34; U. von Wilamowitz-Moellendorf, *Aristoteles und Athen* (Berlin, 1893) (references are to vol. ii, where the chapter devoted to this inscription is on pp. 259–79).

I was prompted to write this paper by reading Lambert's book, to review it for *Electronic Antiquity* 2(4) (December 1994). I am grateful to Assoc. Prof. G. R. Stanton for reading and commenting on a draft.

<sup>2</sup> Strictly, on Wilamowitz' own version of this interpretation, the Deceleans are not a *genos* but the members of the phratry who live in the deme of Decelea, who in this particular phratry have taken over the privileges of a *genos* (273–4).

<sup>3</sup> Wade-Gery saw the Demotionidae as a body of experts, Andrewes as a *genos* (cf. below, p. 114). This kind of interpretation was first advanced by E. Szanto, *RM* 40 (1885), 506–20; I accepted it, in Andrewes' version, in *A Commentary on the Aristotelian Athenaion Politeia* (Oxford, 1981), pp. 69, 501.

<sup>4</sup> F. Bourriot, *Recherches sur la nature du génos* (Paris, 1976); D. Roussel, *Tribu et cité* (Paris, 1976). Both regard the Demotionidae as a phratry.

<sup>5</sup> The suggestion that the phratry of the Demotionidae had split into smaller phratries, of which the Deceleans were one, was first made by C. Schaefer, *Altes und Neues über die attischen Phratrie* (Naumburg a. S., 1888).

## TEXT

## Face A

- Διὸς Φρατρίο.  
 ἱερεὺς Πθεόδωρος| Εὐφαιντίδ|ο ν| ἄν-  
 ἔγραψε καὶ ἔστησε τὴν στήλην. ν  
 ἱερεῶσυνα τῷ ἱερεὶ διδόναι τ-  
 5 ἄδε· ἀπὸ τὸ μείο κωλῆν, πλευρόν, δ-  
 ς, ἀργυρίο |||. ν ἀπὸ τὸ κορείο κωλῆ-  
 ν, πλευρόν, δς, ἐλατῆρα χοινικια-  
 ῖον, οἶνο ἡμίχον, ἀργυρίο|. vacant 4  
 <I.> τάδε ἔδοξεν τοῖς φράτερι ἐπὶ  
 10 Φορμίωνος ἄρχοντος Ἀθηναίoi-  
 ς, φρατρίαρχόντος δὲ Παντακλέ-  
 ος ἐξ Οἴο. vacant 18  
 Ἱεροκλῆς εἶπε. ὅποσοι μήπω διεδικάσ-  
 θησαν κατὰ τὸν νόμον τὸν Δημοτιωνιδ-  
 15 ῶν, διαδικάσαι περὶ αὐτῶν τὸς φράτερ-  
 ας αὐτικά μάλᾳ, ὑποσχομένος πρὸς τὸ Δ-  
 ιὸς τὸ Φρατρίο, φέροντας τὴν ψῆφον ἀπ-  
 ὸ τὸ βωμῷ. ὃς δ' ἂν δόξῃ μὴ ὦν πρᾶττηρ ἔσα-  
 χθῆναι, ἐξαλειψάτω τὸ ὄνομα αὐτὸ ὁ ἱερ-  
 20 εὺς καὶ ὁ φρατρίαρχος ἐκ τὸ γραμματεῖ-  
 ο τὸ ἐν Δημοτιωνιδῶν καὶ τὸ ἀντιγράφ-  
 ο. ὁ δὲ ἔσαγαγὼν τὸν ἀποδικασθέντα ὀφε-  
 λέτω ἑκατὸν δραχμὰς ἱεράς τῷ Διὶ τ-  
 25 ῷ Φρατρίῳ· ἐσπράττεν δὲ τὸ ἀργύριο-  
 ν τοῦτο τὸν ἱερέα καὶ τὸν φρατρίαρχο-  
 ν, ἢ αὐτὸς ὀφείλεν. τὴν διαδικασίαν  
 τὸ λοιπὸν εἶναι τῷ ὑστέρωι ἔτει ἢ ῶι ἂ-  
 ν τὸ κόρεον θύσῃ, τῇ Κορεώτιδι Ἀπατ-  
 30 ορίων· φέρεν δὲ τὴν ψῆφον ἀπὸ τὸ βωμῷ. ἔ-  
 ἂν δὲ τις βόλῃται ἐφεῖναι ἐς Δημοτιων-  
 ίδας ὧν ἂν ἀποψηφίσωνται, ἐξεῖναι αὐ-  
 τῷ· ἐλέσθαι δὲ ἐπ' αὐτοῖς συνηγόρος τ-  
 ὸν Δεκελειῶν οἶκον πέντε ἄνδρας ὑπέ-  
 35 ρ τριάκοντα ἔτη γεγονότας, τούτους δὲ  
 ἐξορκωσάτω ὁ φρατρίαρχος καὶ ὁ ἱερε-  
 υς συνηγορήσεν τὰ δικαιότατα καὶ ὁκ  
 ἔασεν ὁδένα μὴ ὄντα φράτερα φρατρίζ-  
 40 ειν. ὅτο δ' ἂν τῶν ἐφέντων ἀποψηφίσωντα-  
 ι Δημοτιωνίδαι, ὀφειλέτω χιλίας δρα-  
 χμὰς ἱεράς τῷ Διὶ τῷ Φρατρίῳ, ἐσπρ-  
 αττέτω δὲ τὸ ἀργύριον τοῦτο ὁ ἱερεὺς  
 τὸ Δεκελειῶν οἶκο, ἢ αὐτὸς ὀφειλέτω. ἐ-  
 45 ξεῖναι δὲ καὶ ἄλλωι τῷ βολομένωι τῷ-  
 ν φρατέρων ἐσπράττεν τῷ κοινῷ. ταῦ-  
 [τ]α δ' εἶναι ἀπὸ Φορμίωνος ἄρχοντος. ἐπι-  
 ψηφίζεν δὲ τὸν φρατρίαρχον περὶ ὧν ἂ-  
 ν ἰδιαδικάζεν δεῖν κατὰ τὸν ἐνιαυτὸν  
 50 ἕκαστον. εἰάν δὲ μὴ ἐπιψηφίσῃ, ὀφελέτ-  
 ω πεντακοσία[s] δραχμὰς ἱεράς τῷ Διὶ  
 [τ]ῷ Φρατρίῳ[i]. ἐσπράττεν δὲ τὸν ἱερέα  
 [κ]αὶ ἄλλο[ν τὸν βο]λόμενον τὸ ἀργύριον  
 55 [τ]ῷ κοινῷ. τὸ δὲ λοιπὸν ἄγειν τὰ  
 [μεῖα καὶ τὰ κόρει]α ἐς Δεκέλειαν ἐπὶ τ-  
 [ὸν βωμόν]. εἰάν δὲ μὴ θύσῃ ἐπὶ τὸ βωμῷ, ὀφ-  
 [ε]ιλέτω πεντήκοντ]α δραχμὰς ἱεράς τω-

[ι Διὶ τῷ φρατρίῳ, ἐ]σπραττέτω δὲ ὁ ἱερ-  
[εὺς τὸ ἀργύριον τοῦτο ἢ αὐτὸς οφειλέ-  
[τω . . . <sup>28</sup> . . .]

Face B

- 60 ἐὰν δέ τι τούτων διακωλύη, ὅποι ἂν ὁ ἱ-  
ερεὺς προγράφη, ἐνθαῦθα ἄγεν τὰ μεί-  
α καὶ τὰ κόρεια. προγράφεν δὲ προπέμ-  
τα τῆς Δορπίας ἐν πινακίῳ λελευκωμ-  
ἐνωι μὴ ἴατον ἢ σπιθαμαίῳ ὅπο ἂν Δ-  
εκελείης προσφοιτῶσιν ἐν ἄστει. τὸ δ-  
65 ἐ ψήφισμα τόδε καὶ τὰ ἱερεῶσυνα ἀναγ-  
ράψαι τὸν ἱερεῖ ἐν στήλῃ λιθίνῃ πρ-  
όσθεν τὸ βωμὸ Δεκελείᾳσιν τέλεσι το-  
ῖς ἑαυτο. <Π.> Νικόδημος εἶπε. τὰ μὲν ἄλλα κατ-  
70 [ὰ τὰ πρότερα ψηφίσματα ἃ κέται περὶ τ-]  
[ῆς εἰσαγωγῆς τῶν παίδων καὶ τῆς διαδ-]  
[ικασίας. τὸς δὲ μάρτυρας τρεῖς ὃς εἴρη-]  
[ται ἐπὶ τῇ ἀνακρίσει παρέχεσθαι ἐκ τ-]  
[ῶν ἑαυτὸ θιασωτῶν μαρτυρόντας τὰ ὑπερωτώμε (να)]  
καὶ ἐπομύνοντας τὸν Δία τὸν Φράτριον.  
75 μαρτυρεῖν δὲ τὸς μάρτυρας καὶ ἐπομύ-  
ναι ἐχομένος τὸ βωμὸ. ἐὰν δὲ μὴ ὥσι ἐν τ-  
ῷ <ι> θιάσῳ τότε τοιοῦτοι τὸν ἀριθμόν, ἐ-  
κ τῶν ἄλλων φρατέρων παρεχέσθω. ὅταν  
80 δὲ ἦ ἡ διαδικασία, ὁ φρατρίαρχος μὴ πρ-  
ρότερον διδόντω τὴν ψήφον περὶ τῶν παί-  
δων τοῖς ἄπασιν φράτερι πρὶν ἂν οἱ αὐ-  
τὸ τὸ εἰσαγομένον θιασῶται κρύβδην ἀ-  
πὸ τὸ βωμὸ φέροντες τὴν ψήφον διαψηφ-  
ίσωνται. καὶ τὰς ψήφους τὰς τότε ἐναν-  
85 τίων τῶν ἀπάπτων φρατέρων τῶν παρόν-  
των ἐν τῇ ἀγορᾷ ὁ φρατρίαρχος διαρ-  
ιμησάτω καὶ ἀναγορευέτω ὅποτερ' ἂν  
ψηφίσωνται. ἐὰν δὲ ψηφισαμένων τῶν θ-  
ιασωτῶν ἔναι αὐτοῖς φράτερα οἱ ἄλλ-  
90 ι φράτερες ἀποψηφίσωνται, ὀφείλονται  
ἑκατὸν δραχμὰς ἱερὰς τῷ Διὶ τῷ Φ-  
ρατρίῳ οἱ θιασῶται, πλὴν ὅσοι ἂν τῶν  
θιασωτῶν κατήγοροι ἢ ἐναντιόμενοι  
φαίνωνται ἐν τῇ διαδικασίᾳ. ἐὰν δὲ  
95 ἀποψηφίσωνται οἱ θιασῶται, ὁ δὲ εἰσά-  
γων ἐφῆι εἰς τὸς ἅπαντας, τοῖς δὲ ἅπασ-  
ι δόξει ἔναι φράτηρ, ἐνγραφέσθω εἰς τ-  
ὰ κοινὰ γραμματεῖα. ἐὰν δὲ ἀποψηφίσω-  
νται οἱ ἅπαντες, ὀφειλέτω ἑκατὸν δρα-  
100 χμὰς ἱερὰς τῷ Διὶ τῷ Φρατρίῳ. ἐὰν δὲ  
ἀποψηφισαμένων τῶν θιασωτῶν μὴ ἐφῆ-  
ι εἰς τὸς ἅπαντας, κυρία ἔστω ἡ ἀποψηφ-  
ις ἢ τῶν θιασωτῶν. οἱ δὲ θιασῶται με-  
τὰ τῶν ἄλλων φρατέρων μὴ φερόντων τὴν  
105 ψήφον περὶ τῶν παίδων τῶν ἐκ τὸ θιάσο  
τὸ ἑαυτῶν. τὸ δὲ ψήφισμα τόδε προσαναγ-  
ραψάτω ὁ ἱερεὺς εἰς τὴν στήλῃν τὴν λι-  
θίνῃν. ὄρκος μαρτύρων ἐπὶ τῇ εἰσαγω-  
γῇ τῶν παίδων· μαρτυρῶ ὃν εἰσάγει ἑα-  
110 ντῷ ὅν ἐναι τότε γνήσιον ἐγ γαμετ-  
ῆς· ἀληθὴ ταῦτα νῆ τὸν Δία τὸν Φράτριο-

- ν· εὐορκῶ<ν>τι μὲν μοι πολλὰ καὶ ἀγαθὰ ἐν-  
 [αι, εἰ δ' ἴ] ἐπιορκοίην, τὰναντία. vacant 7  
 <III.>Μενέξενος εἶπεν. δεδοχθαι τοῖς φράτεροι περι  
 115 τῆς εἰσαγωγῆς τῶμ παίδων τὰ μὲν ἄλλα κα-  
 τὰ τὰ πρότερα ψηφίσματα, ὅπως δ' ἂν εἰδῶσι οἱ  
 φράτερες τοὺς μέλλοντας εἰσάγεσθαι, ἀπο-  
 γράφεσθαι τῶι πρώτῳ ἔτει ἢ ὧι ἂν τὸ κούρεο-  
 ν ἄγει τὸ ὄνομα πατρόθεν καὶ τὸ δῆμον καὶ τῇ-  
 120 ς μητρὸς πατρόθεν καὶ τοῦ [δ]ήμου πρὸς τὸν  
 φρατρίαρχον, τὸν δὲ φρατρία[ρχον ἀπογραψ-]  
 αμένων ἀναγράψαντα ἐκ[τιθέναι ὅπου ἂν Δεκ-]  
 ελέες προσφοιτῶσι, ἐκτιθέναι δὲ καὶ τὸν ἱερέα]  
 ἀναγράψαντα ἐν σανιδ[ίῳ λευκῷ ἐν τῶι ἱερ-]  
 125 ῶι τῆς Λητοῦς. τὸ δὲ φρ[ατερικὸν ψήφισμα ἀναγρ-]  
 [άψαι εἰς τὴν σ]τήλην [τὴν λιθίνην τὸν ἱερέα...]

## TRANSLATION

- 1 Of Zeus *Phratríos*.
  - 2 The priest [Theodorus son of Euphantides] inscribed and set up the *stele*.
  - 4 The following are to be given as priestly dues to the priest: from the *meion* a thigh, a rib, an ear, 3 obols of money; from the *koureion* a thigh, a rib, an ear, a cake weighing a *choinix*, half a *chous* of wine; 1 drachma of money.
- <DECREE I.>
- 9 The following was resolved by the *phrateres* in the archonship of Phormio among the Athenians, in the phratriarchship of Pantacles of Oeum.
  - 13 Hierocles proposed: Those who have not yet undergone adjudication in accordance with the law of the Demotionidae, the *phrateres* are to adjudicate about them immediately, after swearing by Zeus *Phratríos*, taking their ballot from the altar. Whoever has been introduced but is judged not to be a *phrater*, the priest and the phratriarch shall delete his name from the register in the keeping of the Demotionidae and from the copy. The man who introduced the candidate who has been rejected<sup>6</sup> shall owe a hundred drachmae sacred to Zeus *Phratríos*: this sum of money shall be exacted by the priest and the phratriarch, or they themselves shall owe it.
  - 26 The adjudication is to take place in future in the year after that in which the *koureion* is sacrificed, on the *Koureotis* day in the Apaturia. They shall take their ballot from the altar. If any of those who are voted out wishes to appeal to the Demotionidae, that shall be permitted to him: the *oikos* of the Deceleans shall elect as advocates in their cases<sup>7</sup> five men over thirty years old, and the phratriarch and the priest shall administer the oath to them to perform their advocacy most justly and not to allow anybody who is not a *phrater* to be a member of the phratry. Whoever of those who appeal is voted out by the Demotionidae, he shall owe a thousand drachmae sacred to Zeus *Phratríos*: this sum of money shall be exacted by the priest of the *oikos* of the Deceleans, or he himself shall owe it; it shall be permitted to any other of the *phrateres* who wishes to exact it for the common treasury.
  - 44 This shall apply from the archonship of Phormio. The phratriarch is to take the vote each year on those who have to undergo adjudication:<sup>8</sup> if he does not take the vote, he shall owe five hundred drachmae sacred to Zeus *Phratríos*; the priest and any other who wishes shall exact this sum of money for the common treasury.
  - 52 In future the *meia* and the *koureia* shall be taken to Decelea to the altar. If <the

<sup>6</sup> But Hedrick, 38–42 cf. 15, argues that τὸν ἀποδικασθέντα must mean not ‘the one who has been rejected’ but ‘the one who has not been judged’.

<sup>7</sup> I.e. advocates to represent the Deceleans against them: cf. *Ath. Pol.* 42.1 on the procedures for admission to a deme (using the term *kategoroi*); and for *synegoroi* as advocates for the authorities against an individual cf. *Ath. Pol.* 54.2. But Wade-Gery, 138–9 = 128–9, followed by Andrewes, 3 with n. 10, interpreted the *synegoroi* as assessors to sit with the Demotionidae.

<sup>8</sup> But Hedrick, 62–3 cf. 15, thinking that this refers to the extraordinary adjudication (cf. below), interprets it to mean ‘take a preliminary vote on whether they need to adjudicate about anybody’ rather than ‘take the vote in the adjudication’.

phratriarch> does not sacrifice at the altar, he shall owe fifty drachmae sacred to Zeus *Phratrios*: this sum of money shall be exacted by the priest, or he himself shall owe it. [. . .] But if any of these things prevents it, wherever the priest prescribes, the *meia* and the *koureia* shall be taken there. The priest shall prescribe on the fifth day before the *Dorpia* on a whitewashed board of not less than a span, at whatever place the Deceleans frequent in the city.

- 64 This decree and the priestly dues shall be inscribed by the priest on a stone *stele* in front of the altar at Decelea at his own expense.

<DECREE II.>

- 68 Nicodemus proposed: In other respects in accordance with [the previous decrees which exist concerning the introduction of the boys and the adjudication. But the three witnesses, who it is said are to be provided for the *anakrisis*, shall be provided from the members of the <introducer's> own *thiasos* to give evidence in response to the questions<sup>9</sup> and to swear by Zeus *Phratrios*. The witnesses shall give evidence and swear while holding on to the altar. If there are not that number in this *thiasos*, they shall be provided from the other *phrateres*.
- 78 When the adjudication takes place, the phratriarch shall not administer the vote about the boys to the whole phratry until the members of the introducer's own *thiasos* have voted secretly, taking their ballot from the altar. The phratriarch shall count the ballots of the introducer's *thiasos* in the presence of the whole phratry present at the meeting, and shall announce which way they vote. If the members of the *thiasos* vote that the candidate should be a *phrater* of theirs but the other *phrateres* vote him out, the members of the *thiasos* shall owe a hundred drachmae sacred to Zeus *Phratrios*, apart from any members of the *thiasos* who accuse him or are shown to be opposed to him in the adjudication.<sup>10</sup> If the members of the *thiasos* vote him out, but the introducer appeals to the whole <phratry> and the whole <phratry> decides that he should be a *phrater*, he shall be inscribed on the common registers, but if the whole <phratry> votes him out, he shall owe a hundred drachmae sacred to Zeus *Phratrios*. If the members of the *thiasos* vote him out and he does not appeal to the whole <phratry>, the unfavourable vote of the *thiasos* shall stand. The members of the *thiasos* shall not cast a ballot with the other *phrateres* in connection with boys from their own *thiasos*.
- 106 This decree shall be inscribed additionally by the priest on the stone *stele*.
- 108 The oath of the witnesses at the introduction of the boys: 'I witness that this candidate whom he is introducing is his own legitimate son by a wedded wife. This is true, by Zeus *Phratrios*: if I keep my oath, may there be many benefits for me, but if I break it, the opposite.'

<DECREE III.>

- 114 Menexenus proposed: That it should be resolved by the *phrateres* concerning the introduction of the boys in other respects in accordance with the previous decrees. But, so that the *phrateres* may know those who are going to be introduced, they shall be recorded with the phratriarch in the first year after which the *koureion* is brought, by name, father's name and deme and by mother and her father's name and deme; and, when they have been recorded, the phratriarch shall inscribe it, and display it at whatever place the Deceleans frequent, and the priest shall display it, inscribing it on a white tablet in the sanctuary of Leto.
- 125 The phr[atry decree shall be inscribed on the stone s]tele [by the priest . . .?].

## ANALYSIS

### 1–8. Preliminaries.

The inscription begins with a heading in large letters, followed by the name of 'the

<sup>9</sup> Hedrick, 13–14, reports that what has been inscribed in the erasure has (or would have had if two letters had not been omitted) forty more letters than the text which would have occupied that space if inscribed regularly.

<sup>10</sup> It is not clear how this is to be reconciled with secret voting. It is usually assumed (e.g. Wilamowitz, 263), that there was a debate before the rest of the phratry voted, and the members of the *thiasos* could make their own position clear in that.

priest' who inscribed the *stele* (changed, Hedrick seems to have established, each time a document was added to the *dossier*<sup>11</sup>), and a note of the dues to be given to 'the priest' (as ordered at the end of Decree I: 65–6). The fuller expression, 'the priest of the *oikos* of the Deceleans', is used only in 41–2: I agree with most previous scholars<sup>12</sup> that all references to the priest are to the same priest.

#### 9–68. Decree I.

The name of the archon, Phormio (396/5), links specifically to this decree (cf. 44–5) the prescript (9–12), which identifies what follows as decreed by the *phrateres* and names the current archon and phratriarch.

This decree provides for (a) an immediate adjudication, concerning their membership of the phratry (18–19), by the *phrateres*, of those who have not already undergone an adjudication according to the law of the Demotionidae (13–26); (b) a regular, annual adjudication, concerning membership of the phratry (36–8), under the presidency of the phratriarch, from which a rejected candidate may appeal to the Demotionidae, in which case the *oikos* of the Deceleans is to elect *synegoroi* to state the case against him (26–64); (c) the publication by the priest at Decelea of the decree and the priestly dues (64–8). There is a register in the keeping of the Demotionidae, and a copy whose location is not specified (20–2). The priest can collect a fine from the phratriarch (48–52), but in many matters they are to work together, and the natural reading of the text is that they are officers of the same body of people. As we have noticed, the priest is once called the priest of the *oikos* of the Deceleans (41–2); the altar at which sacrifices are to be offered (53–4) and in front of which he is to set up the *stele* (64–8) is at Decelea; and he is to give notice, probably of sacrifices to be offered elsewhere than at Decelea, at the place in the city frequented by the Deceleans (59–64).

#### 68–113. Decree II.

This decree contains no reference by name either to Decelea or the Deceleans or to the Demotionidae. It is framed as an amendment to the previous decrees (plural) about the regular adjudication: that is a phenomenon for which there are parallels;<sup>14</sup> without the text of all the decrees in question, it is hard to be sure how much of the contents of this decree is new and how much is repeated from previous decrees.

What is most clearly new is the first clause, that 'the three witnesses, who it is said are to be provided for the *anakrisis*' (a requirement which must have been first stated in the law of the Demotionidae, or else in a decree which is not on the *stele*), are to come from the introducer's own *thiasos* if possible, but 'from the other *phrateres*' otherwise (71–8).<sup>15</sup> The bulk of the decree is concerned with a regular adjudication, concerning

<sup>11</sup> Hedrick, 11–12, 22–5.

<sup>12</sup> But not Hedrick 82–3.

<sup>13</sup> Hedrick, 56, 61–8, thinks that the whole decree is concerned with an extraordinary but on-going adjudication on claimants to membership of the phratry who have somehow evaded the regular adjudication, from which only lines 26–9 and 52–68 are digressions referring to the regular adjudication concerning the boys. His case depends on attributing more precision to the wording of the decree than I think an Athenian decree can bear: for instance, because 'in future' is used both in 27 and in 52, he assumes that what is stated before 52 is not to be done 'in future' but is to be done 'immediately' (cf. 16). Moreover, as Lambert, 126 n. 101, points out, the extraordinary adjudication should not need to be on-going.

<sup>14</sup> E.g. *IG* ii<sup>2</sup> 140, a law amending a previous law.

<sup>15</sup> In Athenian lawsuits, an *anakrisis* before the appropriate magistrate preceded the trial in a law court: see e.g. A. R. W. Harrison, *The Law of Athens*, ii (Oxford, 1971), 94–105.

admission to the phratry (89, 96), in two stages: by the *thiasos* and by the whole phratry ('the whole body of *phrateres*', with *ᾗπαντες* placed between article and noun). If the *thiasos* accepts a candidate, there is compulsory reference to the rest of the phratry; if it rejects, the introducer may appeal to the rest of the phratry (78–106). As in Decree I, there is a plurality of registers (98). The priest is to add this decree to the *stele* (106–8); appended to the decree is the oath to be sworn by the witnesses (108–13).

#### 114–end. Decree III.

This, like I, is explicitly a decree of the *phrateres* (114); like II, it is framed as an amendment to the previous decrees (114–6). It simply adds a requirement that, for the information of the *phrateres*, notice of candidates for admission is to be given to the phratriarch, and is to be published by him at the place frequented by the Deceleans and by the priest in the sanctuary of Leto (116–25). The stone probably ended with an order to the priest to publish the decree.

### DISCUSSION

The most straightforward interpretation of these texts is that all three decrees are decrees of the phratry (as I and III are explicitly said to be), and that the priest and phratriarch are both officers of the phratry;<sup>16</sup> and, since the priest is the priest of the *oikos* of the Deceleans, and notices are to be published at the place frequented by the Deceleans, that the *oikos* of the Deceleans is the phratry. This is the view of Szanto, and of Wade-Gery and his followers; the word *oikos* is used of phratries or phratry-like bodies in hellenistic decrees of Carthaea, on Ceos.<sup>17</sup>

Decree I was enacted and published before the others, and should be intelligible without them.<sup>18</sup> But, if the view just given is correct, admission to the phratry of the Deceleans is governed by the law not of the Deceleans but of the Demotionidae,<sup>19</sup> the 'first' copy of the register is kept by the Demotionidae, and in the regular adjudication the Demotionidae are the body to which an appeal against rejection is made: Lambert regards this as the principal obstacle to Wade-Gery's interpretation.<sup>20</sup> On the other hand, in the extraordinary adjudication it is the *phrateres* who take their ballots from the altar and vote (15–18), and there must be a strong presumption that in the regular adjudication, under the orders of the phratriarch, those who take their ballots from the altar and vote (26–9) are again the *phrateres*. Lambert accepts the force of this, and

<sup>16</sup> The attempt of Lambert, 121–3, to show that 'while the priest was exclusively priest of the Dekeleieis, the phratriarch represented a body that was to some extent external' does not seem to me to succeed.

<sup>17</sup> *IG* xii. 5 528 (= Michel 403), 540 (= Michel 404), 541, 1061, cited in this connection by M. Guarducci, *RFIC* 63 (1936), 504–6; Ito, 609 n. 18; see also N. F. Jones, *Public Organization in Ancient Greece* (Philadelphia, 1987), p. 206.

<sup>18</sup> Wade-Gery, 136 = 124–5, thought that I and II, which are inscribed by the same hand, might have been enacted on the same day (cf. Wilamowitz, 259–60). Hedrick confirms that they were inscribed by the same hand (11), but he has shown (5, 55; cf. his observation on the three names of priests, n. 11, above) that II was not inscribed at the same time as I. It may also be noted that, whether orthography is to be attributed to the proposer, to the secretary, or to the cutter, I regularly uses such forms as *τούτος* (34) but II regularly uses such forms as *τότωι* (77).

<sup>19</sup> However, as Andrewes in particular stressed (5 n. 15, 14), 'the law of the Demotionidae' is modified by these decrees of the phratry.

<sup>20</sup> Lambert, 103. Wilamowitz, 261, had claimed that 'no one other than the plenum can decide appeals'.

regards it as the principal obstacle to Wilamowitz' interpretation.<sup>21</sup> If we adopt this straightforward interpretation, then we shall have to accept with Wade-Gery that in the regular adjudication on candidates for admission the phratry is the body of first instance, and that there is another body which gives its name to the law about adjudication, acts as the body of final instance, and keeps the principal copy of the register of members.

In Thompson's variant on Wade-Gery's view, the extraordinary adjudication ordered by Decree I is only for those who claim membership of the phratry but are not members of the *genos* of the Demotionidae and are not subject to the law of the Demotionidae; members of the Demotionidae are either exempt from the extraordinary adjudication or subject to a separate adjudication according to the law of the Demotionidae (55–6). If this were correct, the law of the Demotionidae would govern not membership of the phratry but membership of the *genos*, and the decrees on this *stele* would not modify the law of the Demotionidae. It would still be true that the Demotionidae keep the principal copy of the phratry's register, and that in the regular adjudication an appeal can be made to the Demotionidae against rejection by the phratry—but Thompson finds the latter point so embarrassing that he supposes the right of appeal to be available only to the members of the *genos*, and not to the other would-be members of the phratry. On his main point, as noted by Hedrick (35–6), it is an unnatural interpretation of the Greek to take 'those who have not yet (*μήπω*) undergone adjudication according to the law of the Demotionidae' to be those who will never undergo adjudication according to that law.

On Wilamowitz' view, that the Demotionidae are the phratry, various problems arise. The *phrateres*, i.e. the Demotionidae, conduct the extraordinary adjudication, but in the regular adjudication he thought it must be the Deceleans who decide in the first instance, after which they elect *synegoroi* to defend their rejection if an appeal is made to the Demotionidae, i.e. to the *phrateres*. The priest is the priest of the Deceleans; but the phratriarch is presumably the phratriarch of the Demotionidae, and the priest of the Deceleans is entitled to collect a fine from the phratriarch of the Demotionidae. It need not be a problem that the altar is at Decelea and that the sacrifices are offered there, but it is a problem that notices are to be published at the place frequented by the Deceleans rather than by the Demotionidae. This seems to me to be a less natural reading of the text, and to give rise to more serious problems, than Wade-Gery's interpretation.

Hedrick believes that there is no evidence to suggest that the Deceleans are ever anything but the members of the deme of Decelea, and that *oikos* here derives from a building and refers to the assembly of the deme of Decelea.<sup>22</sup> As we have seen above, he takes most of Decree I to refer to the extraordinary adjudication, which he thinks is intended for those who have somehow managed to by-pass the regular adjudication; he thinks that the Demotionidae are the phratry and 'the *phrateres*' of line 15 are not all the *phrateres* but only those belonging to the candidate's *thiasos*;<sup>23</sup> and that, because of the overlap between deme membership and phratry membership, the deme was allowed to elect *synegoroi* to defend its interests when a candidate rejected by his

<sup>21</sup> Lambert, 99–102. Wilamowitz, 260–1, had to reject that presumption and claim that the *phrateres* were the voters in 15–18, in the extraordinary adjudication, but the Deceleans were the voters in 26–9, in the regular adjudication. This seems an unnatural interpretation of the text.

<sup>22</sup> Hedrick, 44–52.

<sup>23</sup> Hedrick, 78–80, cf. 69–73 on the relationship between decrees I and II (discussed below).



*thiasos* appealed to the phratry.<sup>24</sup> I am not persuaded that the relationship between *thiasos* and phratry in Decree II is to be read back into Decree I (cf. below), or that this is a plausible interpretation of Decree I: in particular, I find it hard to believe that 'the *phrateres*' in line 15 are to be understood as the *phrateres* of one *thiasos* only, when there is nothing in Decree I to indicate that.

Lambert's solution is to believe that, as in Wilamowitz' interpretation, the Demotionidae are the phratry, but the Deceleans are not a *genos* with a privileged role in the admission procedures of the whole phratry. Rather, the Deceleans are a sub-group within the phratry (like a *genos* as understood by Lambert, yet not a *genos* since they are called not *genos* but *oikos*), which enjoys a measure of independence. Thus he combines the view that the Demotionidae are the whole phratry with the view that the *phrateres* who enact these decrees, and whose adjudications are regulated by these decrees, are not the whole phratry of the Demotionidae but the sub-phratry of the Deceleans.<sup>25</sup> This, for him, explains why the Deceleans have immediate but the Demotionidae ultimate responsibility; it makes the various references to the Deceleans non-problematic; and he suspects that the whole phratry of the Demotionidae had more than one phratriarch and that the singular phratriarch mentioned here is the one with particular responsibility for the Deceleans.<sup>26</sup> This is cleverly worked out, and if it were correct it would remove many difficulties, but it goes against what seems to me to be a very strong *prima facie* presumption, that the prescript in lines 9–12 identifies the decree, enacted when Pantacles was principal if not sole phratriarch, as a decree of the whole phratry, concerned with membership of the whole phratry. If the decree is a decree of the Deceleans, but the Deceleans are only a sub-group within the whole phratry of the Demotionidae and the whole phratry is to have the last word, then I should not expect the Deceleans to refer to themselves as *phrateres* without further qualification.

Let us proceed to Decree II, which, as we have seen, names neither the Deceleans nor the Demotionidae. The requirement that witnesses for the *anakrisis*, the preliminary enquiry, should if possible come from the introducer's own *thiasos* is certainly a new requirement in this decree. It is not quite so certain that the part played by the *thiasos* in the adjudication is a new requirement in this decree, but it probably is,<sup>27</sup> and even if it is not new in this decree I am prepared to agree with Lambert that it is subsequent to Decree I. This stipulation about witnesses will be an appropriate supplement to the new involvement of the *thiasos* in the admission procedure.

In this decree a separate vote in the *thiasos* has been filtered out from the vote of 'the whole phratry'; here there is no mention of the Demotionidae, whereas previously there was no involvement of the *thiasos*. On Wilamowitz' view, that the Demotionidae are the phratry, Decree II deprives the Deceleans of the privileged position which they enjoyed in Decree I, and transfers the decision of first instance from them to the introducer's *thiasos*<sup>28</sup>—a change of such importance that it would be surprising not to find it announced more militantly and to find this new decree inscribed as an amendment below the old. On Wade-Gery's view, that the Deceleans are the phratry,

<sup>24</sup> Hedrick, 80–5. <sup>25</sup> Lambert, 119–20.

<sup>26</sup> Lambert, 123. On 225 he cites *IG ii<sup>2</sup> 1241* = his T 5 and *Hesp.* 51 (1982), 48–50 no. 7 = his T 12 as evidence for a plurality of phratriarchs in other phratries.

<sup>27</sup> Lambert, 102, is perhaps too confident here. However, I cannot accept the argument of Hedrick, 56, 61–72, that Decree I is concerned (apart from digressions) with the extraordinary adjudication and Decree II with the regular adjudication, that Decree I is not among the decrees amended by II, and that the separate vote of the *thiasos* is not a new requirement in Decree II.

<sup>28</sup> Wilamowitz, 264–5.

the vote of the *thiasos* is an extra stage detached from the vote of the phratry as a whole. On this view the further stage of appeal to the Demotionidae against rejection by the phratry still exists: Wade-Gery did not state this explicitly, but he claimed that Decrees I and II 'may well have been passed at the same meeting; they certainly are intended to be read together';<sup>29</sup> and, although it cannot now be maintained that they were passed together, I am nevertheless inclined to infer from the inscription of II below I that the appeal to the Demotionidae mentioned in I has not been abolished.

Hedrick, regarding Decree I as concerned with the extraordinary adjudication and II as concerned with the regular, thinks that in spite of the differences of language the two decrees envisage the same procedure for their different adjudications, and that what is made explicit in II can be read back into I: since the two bodies voting in II are the *thiasos* and the phratry, the two bodies voting in I must also be the *thiasos* and the phratry, and therefore, as we have seen above, he believes that in I the Demotionidae are the phratry and 'the *phrateres*' of line 15 are those of the candidate's *thiasos*. It seems dangerous to me to use the later decree to interpret the earlier in this way. We must in any case admit that there was at least one measure amended in Decree II which has not been inscribed on this *stele*, a measure which required an *anakrisis* with three witnesses but did not require the witnesses to come from the introducer's own *thiasos*; however, Hedrick's interpretation requires us to believe that Decree II was inscribed with none of the measures which it amended but with a measure which it did not amend.

Lambert interprets Decree II as a sign that the sub-phratry of the Deceleans is breaking further away from the parent phratry of the Demotionidae: the Deceleans 'are assuming more of the competence over decisions on admissions to themselves', so that the decision of first instance is transferred from the Deceleans to the introducer's *thiasos*, and the decision of final instance is transferred from the Demotionidae to the Deceleans.<sup>30</sup> He regards the possibility of further appeal from the Deceleans to the Demotionidae as unlikely, and claims that 'this was not a multilayered process'; but the involvement of *thiasos*, Deceleans, and Demotionidae in this process seems no less likely to me than the involvement of deme, law-court, and council which is attested for the process of admission to a deme.<sup>31</sup> This decree, in contrasting the phratry with the *thiasos*, refers to 'the whole phratry' (*οἱ ἅπαντες φράτερες* in different cases, 81, 85; *οἱ ἅπαντες* in different cases, 96–102), which on Lambert's view must denote not the Demotionidae but the Deceleans, and he sees that as the assertion of greater independence, perhaps complete independence, on the part of the Deceleans; but the expression is adequately explained as pointing out the contrast with the *thiasos* which forms a part of the phratry,<sup>32</sup> and Lambert's seems to me to be too militant an interpretation of a decree which says nothing at all about the Demotionidae and is inscribed below Decree I.

Decree III is short and straightforward, adding to the previous decrees a requirement that, 'so that the *phrateres* may know those who are going to be introduced' (116–7), notice of the candidates is to be given to the phratriarch and published by him and by the priest. Like Decree I, this is explicitly a decree of the *phrateres* (114); like Decree I, it calls for notices to be published in the place frequented

<sup>29</sup> Cf. above, n. 18.

<sup>30</sup> Lambert, 134–9.

<sup>31</sup> *Ath. Pol.* 42. 1–2.

<sup>32</sup> Cf. references to 'the whole *demos*', *ὁ σύμπας δᾶμος*, of Cos or Rhodes in decrees of subdivisions of that *demos*: e.g. Halasarna, a deme of Cos, *SIG*<sup>3</sup> 569; Brycus, a deme of Rhodes, *IG* xii.1 1032.

by the Deceleans (121–3). It thus seems to me to support the view that the decrees are decrees of the phratry and that the Deceleans are the phratry.

We have, then, three decrees which have been inscribed together: the first and third explicitly, and the second presumably, enacted by ‘the *phrateres*’; the first and second explicitly, and the third presumably, concerned with admission to the phratry. It ought surely to be the case that the phratry is the same body in all three decrees, and (I should add) that it is the whole phratry, not just a sub-group within the phratry; and Lambert’s interpretation, while disposing of obstacles to other interpretations, runs up against this obstacle.<sup>33</sup> Taking the Demotionidae to be the phratry gives rise to serious problems; taking the Deceleans as the phratry gives rise to none, apart from the position of the Demotionidae with regard to the phratry’s membership in Decree I. After the work of Bourriot and Roussel, is it after all credible that this body should have had a privileged position with regard to the phratry’s membership?

The new orthodoxy is that the *homogalaktes* or *gennetai* who were guaranteed phratry membership by the law of Philochorus 328 F 35 are the *homogalaktes* who are represented as members of a village or extended household in Arist. *Pol.* 1.1252 B 16–18, men who could be accepted automatically in the phratry because they were members of a smaller group which was better able to check their credentials, but not an aristocratic clan which was in a position to dominate the phratry to which it belonged.<sup>34</sup> Lambert goes beyond Bourriot in claiming the priestly *gene* were *gene* of the type covered by that law;<sup>35</sup> but, if that is so, then not all the *gene* which were sub-groups of phratries and were covered by that law could have been non-aristocratic village communities. The ‘aristocratic’ families of archaic Athens were not in fact descended from superior ancestors or ennobled by some fountain of honour, but were simply the families which had emerged most successful from the dark age; but they did regard themselves as an aristocracy,<sup>36</sup> and the families which had acquired major hereditary priesthoods would surely have formed a part of that aristocracy. Whether these families were *gene* of the kind dealt with by Philochorus’ law I do not know; but they existed, and I do not think it can be ruled out *a priori* that the Demotionidae were such a family, and had that special responsibility for the membership of their phratry which follows from Wade-Gery’s interpretation of Decree I.

Wade-Gery himself saw the Demotionidae as experts, *exegetai* (as it were) like the Eumolpidae;<sup>37</sup> as a parallel to the Decelean phratry’s use of the law of the Demotionidae we may consider the ‘traditional law’ cited by Callias in *And.* 1.115, which, if valid, was a law binding on all participants in the Eleusinian Mysteries and which might have been referred to as the law of the *exegetai* or of the Eumolpidae.<sup>38</sup> It was Andrewes who argued that the Demotionidae were a *genos* and that *gene* of that kind were dealt with in Philochorus’ law;<sup>39</sup> whether or not the Demotionidae can be regarded as a ‘priestly *genos*’, I suspect that it is their religious expertise rather than their being a *genos* that is the basis for their special position within the phratry, and after the recent work on *gene* I think it is safer to abandon Andrewes’ modification of

<sup>33</sup> Cf. R. Osborne, *JHS* 115 (1995), 219, in his review of Lambert (published after I had written this comment).

<sup>34</sup> Summarized by Lambert, 59–64.

<sup>35</sup> Lambert, 60 n. 5, 69–70.

<sup>36</sup> Cf. e.g. the use of *aristinden* in Draco’s homicide law, *IG* i<sup>3</sup> 104 = Meiggs & Lewis 86, and the implications of Solon’s law on eligibility for office, *Ath. Pol.* 7.3–8.1, contr. 3.1, 6.

<sup>37</sup> Wade-Gery, 139–42 = 129–33.

<sup>38</sup> Wade-Gery, 141 with n. 1 = 131 with n. 3, wrote: ‘The Law of the Phratry perhaps still resides unwritten in their breasts; if not, it resides written in their keeping’, and compared Lys. 6.10 and passages in Plato’s *Laws*.

<sup>39</sup> Andrewes, 5–9.

Wade-Gery's view.

When we have so little material, it is clearly dangerous to generalize from one instance which may not be typical. I think we should accept that, whatever the exact nature of the Demotionidae, and whatever the implications for the structure of Athenian phratries in general, these decrees are decrees of the phratry of the Deceleans, and the Demotionidae were a body of some kind within that phratry which had a privileged position with regard to the phratry's membership.

And so I offer not yet another new interpretation of these decrees but the suggestion that we should return to Wade-Gery's interpretation, in the form in which he expressed it in 1931, and try to make a fresh start from that.<sup>40</sup>

*University of Durham*

P. J. RHODES

<sup>40</sup> Since this paper was completed two books have been published which briefly and hesitantly support the view championed here, that the Deceleans were the phratry: D. Ogden, *Greek Bastardy* (Oxford, 1996), pp. 47–9; R. Parker, *Athenian Religion: A History* (Oxford, 1996), pp. 321–2 cf. 64.