

THE AFTERLIFE OF A TREATY¹

What happened to the stela of a treaty in ancient Greece once the text of its treaty was no longer valid? Today, we speak of ‘tearing up a treaty’, but copies remain preserved in national archives even after a treaty is violated. For the ancient world, it is frequently a given in current scholarship on writing and literacy in archaic and classical Greece that the stela of a treaty was removed or destroyed once the treaty was no longer in force.² But no good evidence exists for this supposition. Rather, the evidence we have from literary accounts and from the epigraphic texts themselves suggest that a treaty-stela remained whole and intact even when its treaty was no longer whole and intact. Only under very specific circumstances was a treaty-stela removed or altered, or subjected to the possibility of removal. In this article, I review the ancient evidence, focusing on the period 550–350 B.C., and argue that the ancient Greek impulse was to preserve treaty-stelae no longer in force.

THE PRESERVATION OF TREATY-STELAE

There is evidence that treaty-stelae were allowed to stand long after they had any legal force. In the year 420 B.C., the states of Athens, Argos, Mantinea and Elis made a treaty: [σπονδὰς ἐποιέσαντο ἑκατὸν Ἀθηναῖοι ἔτε καὶ Ἀργεῖοι καὶ Μαντινῆς καὶ Ἑλεῖοι] πρὸς ἀλλήλους ἡ[ὐπὲρ σφὸν αὐτῶν καὶ τὸν χυμμάχων ἦν ἄρχοσι ἑκατέρωι ἀδόλος καὶ ἀβλαβὲς καὶ] κατὰ γέν καὶ κα[τὰ θάλατταν, ‘The Athenians and the Argives and the Mantineans and the Eleans made a treaty for a hundred years with each other on behalf of themselves and of the allies whom they each lead to be without harm or deceit both by land and by sea’ (*IG* 1³ 83.2–4; Thuc. 5.47.1).³ Thucydides quotes a provision of the treaty at 5.47.11 (not on the preserved stela) to the effect that copies were erected at Athens on the Acropolis, in Argos at the temple of Apollo in the agora, in Mantinea at the temple of Zeus in the agora, and at Olympia on a bronze pillar. There is nothing unusual in the treaty itself or in the passage quoted, with one exception: a treaty meant to last 100 years lasted but three (Thuc. 5.57–80), yet Pausanias, travelling to Olympia over 500 years later, saw an

¹ This article originated in a chapter of my doctoral dissertation (S. Bolmarcich, *Thucydidean Explanations: Diplomacy and Historiography in Archaic and Classical Greece*, University of Virginia, 2003, pp. 68–78), and I would to thank the readers of that dissertation for their comments and help with this article: J. S. Clay, J. Dillery, P. D. Kovacs and E. Meyer (to whom the title is also owed). I would also like to thank A. Scafuro, J. Sickinger and C. Welser for discussing parts of this paper with me, and the anonymous reader for *Classical Quarterly* for comments.

² Cf. Steiner (1994), 71; Thomas (1989), 51–4. The observations of Thomas include treaties but are not limited to them. See also Sickinger (1999), 79. The views of these authors on this subject differ greatly from those of W. Larfeld ([1907], 239, 241), who took the position that ancient inscriptions were with few exceptions destroyed by invaders, natural disasters, or time, hardly ever by those who had erected them. The only exceptions that he admits are those decrees taken down by the Thirty Tyrants of Athens, the decrees on Alcibiades (see discussion below), and those grave stelae utilized in the rebuilding of the walls of Athens after the Persian Wars.

³ The text quoted here is the epigraphic text. See Tod (1946), no. 72 for the problems of the stela in relation to Thuc. 5.47, which quotes the full text of the treaty, but with some differences. In this article, all Greek has been translated, and all translations are my own unless otherwise noted.

Elean copy of the treaty still standing at Olympia: *στήλαι δὲ ἄλλαι τε ἐστήκασιν καὶ ἡ πρὸς Ἀθηναίους καὶ Ἀργείους τε καὶ Μαντινέας ἔχουσα ὄρκον παρὰ Ἑλλείων ἐς συμμαχίαν ἐτῶν ἑκατόν*, ‘among the other stelae set up [at Olympia] is the one that has the oath of the Eleans for the hundred-years’ alliance with the Athenians and the Argives and the Mantineans’ (5.12.8). One of Pausanias’ strongest features as a historian is his employment of autopsy;⁴ he is unusual in seeking out material evidence, especially inscriptions.⁵ His viewing of the stela and judgement of it as worth noting for his readers only stresses its continued existence.

The report of Pausanias on the treaty of Argos, Athens, Elis and Mantinea suggests that a treaty-stela was not obliterated when its treaty was no longer in effect. If, once the terms of a Greek treaty were broken and no longer valid, its stela was taken down, this might explain why we have no extant copies of famously failed treaties like the Peace of Nicias or the Thirty Years’ Peace. But why then has a stela⁶ recording a failed treaty been kept intact for half a millenium?⁷ The problem is compounded by Pausanias’ description of another treaty he saw at Olympia: *ἔστι δὲ πρὸ τοῦ Διὸς τοῦτου στήλη χαλκῇ, Λακεδαιμονίων καὶ Ἀθηναίων συνθήκας ἔχουσα εἰρήνης ἐς τριάκοντα ἐτῶν ἀριθμόν*, ‘There is in front of this [statue of] Zeus a bronze stela, which holds the articles of the Thirty Years’ Peace between the Lacedaemonians and the Athenians’ (5.23.4). If treaties were removed in classical Greece once they were no longer valid, we would not expect this particular treaty to remain standing, since, according to Thucydides, it was widely believed to have been breached even before the advent of the Archidamian War (Thuc. 1.53, 1.68–71, 1.87).

There is also the example of the Spartan–Tegean treaty of c. 550 B.C.⁸ (Plut. *Quaest. Rom.* 277C, *Quaest. Graec.* 292B), which survives in a quotation by Plutarch of a lost work of Aristotle, possibly *The Constitution of the Tegeans* (fr. 592 Rose). The stela of this treaty was seen by Aristotle anywhere from 100 to 200 years after it was made, when Sparta was no longer lord of the Peloponnese and Messenia was her own mistress, thus invalidating one of the terms of the treaty, namely that the Tegeans should expel the Messenians from their land. Yet the stela was allowed to stand into the fourth century, suggesting again that no one expected it to be taken down.

Two last passages suggest that in fact a treaty never lost its validity. In 391 the orator Andocides, offering his opinion on the proposed Athenian peace with Sparta in that year, called upon the Athenians to consider the terms of the 404 B.C. truce on the stela upon which they were inscribed: *σκεψασθε δὲ ἐξ αὐτῶν τῶν γραμμάτων, ἃ τε ἡμῖν ἐν τῇ στήλῃ γέγραπται, ἐφ’ οἷς τε νῦν ἔξεστι τὴν εἰρήνην ποιείσθαι*, ‘look at the provisions that have been inscribed on the stela for us against those by which you can now make peace’ (3.12). The 404 truce had certainly been broken by 391, first by an Athenian revolt in 403 (Xen. *Hell.* 2.4.10–43), and then by their actions in the

⁴ Arafat (1996), 15–17, 33, 64; Habicht (1985), 4, 63–4.

⁵ Higbie (1999), 80–1.

⁶ It is impossible to determine from Pausanias’ description whether or not the stela he describes is the same as the one Thucydides mentions. The word *στήλη* is used to describe both bronze and stone.

⁷ Lalonde (1971), 183 calls the treaty a ‘monument to the perfidy of Argos and Mantinea’ in the eyes of the Eleans. But note the emphasis in Thucydides’ text (5.47.11) on the fact that the stela erected at Olympia was a common (*κοινῇ*) stela, erected by all four allies together at the Olympic games of 420, suggesting that this stela was not so much the Elean copy as a Panhellenic copy. Cf. Andrewes, citing Gomme (1945–81), 4.61.

⁸ On the disputed date, see *SVA* 2.112 (550 B.C.); Cawkwell (1993), 368–70: first half of the fifth century; Schaefer (1972 [1932], 80): mid-fifth century, refuted by Highby (1963), 58–65.

Corinthian War from 395 to 386. The stela was certainly humiliating to Athens, yet it stood on. There is no good reason for the Athenians to have allowed it to remain standing unless such preservation was a habit for them.

There are also several examples of treaties that forbid their own destruction. In fact, one of the earliest known Greek treaties, that between Elis and Heraea, dating to the sixth century B.C., contains such provisions: *Αἰ δέ τιρ τὰ γράφεια: ταῖ καδαλείοιτο: αἴτε Ῥέτας αἴτε τηλεστά: αἴτε δᾶμος: ἐν τ' ἐπιάροι κ' ἐνέχ|οιτο τοῖ 'νταῦτ' ἐγραμένοι*, 'If anyone injures this inscription, whether clansman or official or community, he shall be liable to the sacred penalty [a talent to Olympian Zeus] here written' (SVA 2.110.7–11; ML 17.7–10). The last clause of the treaty, establishing a penalty (ἐπιάροι) for anyone, no matter their identity, who harmed the treaty, suggests that it was the inscription itself that was subject to harm, as *γράφεια* makes clear. Either the legibility of the treaty was regarded as essential, or the alteration of the original form of the document was an act perceived as destructive to the treaty itself.⁹ The list of those who might harm the tablet is comprehensive: magistrates (who might seek to deface or remove a decree that had become inconvenient); the community (which in wrath might also deface the writing); or clansmen (who might seek to influence the two states' relations by harming the decree).¹⁰ The concern shown to preserve the original document suggests that there was something necessary, which needed to be preserved, in the original publication itself. This example does not suggest anything about what might have happened to the treaty once it had expired (after 100 years, line 2),¹¹ but it does suggest the value placed upon the preservation of such documents.

Some other types of archaic inscriptions express an interest in their own preservation as well. The second inscription (in Attic letters) on the archaic monument of Phanodicus asks the Sigeians to preserve it even if it is injured: *ἐὰν δέ τι πάσχο|ο μελεδαίνειν: με, δ | Σιγειῆς* (SIG 1.2.8–10). Again, the emphasis is on the preservation of the inscription. Some Tean curses also threaten those who break their stelae, cut out the letters, or render them illegible, that is, remove the paint of the letters.¹²

Later, in 430s Athens, the Megarian Decree supposedly prohibited its own effacement, as suggested by a passage in Plutarch's *Life of Pericles*:

They say when an embassy from Lacedaemon had come to Athens about these matters [the Megarian decrees], and when Pericles put forward as his defense [for not repealing them] a certain law [*νόμον τινά*] forbidding that the tablet upon which the decree was inscribed be taken down, Polyalces, one of the ambassadors, said, 'But don't take it down, rather turn the tablet to the wall; for there is no law forbidding that.' (30.1)

⁹ Steiner (1994), 71 (applying arguments about the preservation-clauses of Near Eastern treaties to Greek treaties in general): 'The powers of the artifact cluster in the alphabetic signs: to efface or in any way to harm the writing is to reverse the situation or relationship that it documents, while safeguarding the text means respecting the alliance.'

¹⁰ No other Greek treaty contains such harsh penalties for defacement (as opposed to violation of the terms), with the partial exception of the 362 B.C. Athenian treaty with Ceos, which contains a clause punishing the Iulietae, a Cean city-state, because *τάς τε στήλας ἐξέβαλο[ν]* (IG 2² 111.31; cf. Rhodes and Osborne [2003], 39.31). But that refers to an action previous to the making of the treaty.

¹¹ Note that no date is given on the stela for the commencement of the treaty, except for the phrase *ἄρχοι δέ κα τοί*, 'beginning from this [year]'. Thus there was no way for a viewer to tell when the treaty would expire, and when the tablet might have been expected to be removed.

¹² ML 30. Cf. Ziebarth (1895), 57–70, for other such public curses.

The Greek indicates that there was a specific Athenian law which prohibited the dismantling of published decrees, and νόμον τινά further indicates that this was a separate law from the Megarian Decree itself;¹³ that is, the Megarian Decree, unlike the archaic inscriptions noted above, did not make itself irrevocable by stipulating that its stela could not be removed.¹⁴ While the Megarian Decree was not a treaty, both it and treaties were decrees of the Assembly; the fact that the Megarian Decree could not be removed may suggest a widespread habit of epigraphic preservation at Athens, including the preservation of treaties and other documents dealing with foreign policy.¹⁵ Plutarch is of course a late source, and his report may not be accurate, but this passage does at least suggest the possibility that the Athenians tended on the whole to preserve the stelae of their inscribed decrees.

The orator Isocrates offers support for this notion several times in the *Panegyricus*. While criticizing the Peace of Antalcidas, he complains that it included clauses humiliating to Greece: ἃ χρῆν ἀναιρεῖν καὶ μηδὲ μίαν ἑὴν ἡμέραν, 'these [humiliating clauses] ought to be erased and not allowed [to remain] a single day' (4.176). So too the clauses concerning the autonomy of the cities πάλαι λέλυται καὶ μάτην ἐν ταῖς στήλαις ἐστίν, 'long ago have been broken and are empty on the stela' (4.176). Yet the stela still stood, and at 4.180 Isocrates refers to it as a trophy: πολὺ κάλλιον τρόπαιον τῶν ἐν ταῖς μάχαις γιγνομένων, 'a much more glorious trophy [for the Great King] than those that are on battlefields'. Even with all these noxious associations, Isocrates complains, the stela still stands, a situation that only makes sense (even given Isocrates' powerful rhetoric) if that were the norm in ancient Athens.

ERASURE

I do not wish to suggest that treaty-stelae, although unlikely to be obliterated, were always immutable, for that was not the case. The Stela of Aristoteles itself in fact has an erasure of some key lines (12–15), which Accame was able to reconstruct as a reference to the King's Peace.¹⁶ As Rhodes observes, '[t]his erasure is in fact puzzling, because at the only time when Athens would be likely to want to delete that reference [to the King's Peace], in 367 B.C. when the Persians had given their blessing to the anti-Athenian terms put to them by the Thebans, Athens had for two years been allied to Sparta and we might expect the preceding hostile reference to Sparta to be

¹³ Stadter (1989), 272–3.

¹⁴ For the possibility that in this passage Plutarch refers to emendation of the Megarian Decree, see Fornara (1975), 218 and n. 17; Stadter (1989), 273. Emendation of treaties is possible on the stela, but tends to involve relatively minor changes, such as the addition of names to the Stela of Aristoteles (*IG* 2² 43.79–90, and left side; Rhodes and Osborne [2003], 22.79–90 and left side). Cf. also Thuc. 5.23.6 (Spartan–Athenian alliance after the Peace of Nicias); *IG* 1³ 89.24 (treaty between Athens and Perdiccas II); *IG* 2² 14.11–12/Rhodes and Osborne (2003), 6 (the 395 B.C. alliance between Boeotia and Athens), in all of which any emendation to the terms of the treaty must be approved by both parties.

¹⁵ Other Athenian documents may not have enjoyed such immunity. Thomas (1989), 52–4 cites documents such as the Stela of Patrocleides (And. 1.77–9), which gave elaborate instructions for the removal of stelae that recorded debts, but financial documents, as she observes, are to some degree impermanent in intent and are always prone to erasure. Documents in the Metroön could presumably be destroyed (And. 1.77–9; Lyc. *Leocr.* 66, construing such an erasure as a crime; Thomas (1989), 39–40; Wilhelm (1909), 270). No mention, however, is ever made of treaties in the Metroön being destroyed.

¹⁶ Accame (1941), 49–52. Rhodes (2001), 137 notes that Accame's restorations have been confirmed by the work of Crowther (1996), 4–5, not yet fully published to my knowledge. Cf. Cargill (1981), 28–32.

deleted at the same time'.¹⁷ As autopsy of the stone suggests, the erasure is far from complete,¹⁸ and is usually assumed to be state-sanctioned. We do not, however, know the context of the erasure or the procedures by which it was accomplished.

An anecdote from Thucydides illustrates the same point, that treaty-stelae were not immutable. At Thuc. 5.56.3 (cf. Ar. *Lys.* 513), Alcibiades induced the Athenians to add to their copy of the stela of the Peace of Nicias or the subsequent Spartan–Athenian alliance (Thucydides is unclear) a note that the Spartans had broken their oaths and failed to fulfil the terms of the treaty: Ἀθηναῖοι δὲ Ἀλκιβιάδου πείσαντος τῇ μὲν Λακωνικῇ στήλῃ ὑπέγραψαν ὅτι οὐκ ἐνέμειναν οἱ Λακεδαιμόνιοι τοῖς ὅρκοις, 'Under the persuasion of Alcibiades, the Athenians inscribed on the bottom of the Laconian stela [their stela of the Peace of Nicias or the subsequent Spartan–Athenian alliance] that the Spartans had not honoured their oaths.' Presumably Alcibiades persuaded the Athenians in the Assembly proper and had a decree passed to emend the stela (as πείσαντος suggests). Alcibiades' action, in terms of the content of his decree (namely, that the treaty had failed) and its addition to the very stela of the failed treaty, was unprecedented in the Greek world at that time. Although the texts of treaties on stone could be expanded or contracted, as on the Stela of Aristoteles the names of later allies were added to those of the original allies (*IG* 2² 43 side/Rhodes and Osborne [2003], 22 side), and as Agesilaus of Sparta threatened to have the name of Thebes removed from the King's Peace (Plut. *Ages.* 28.2), or treaties could be renewed and the heading re-inscribed, as on the stelae of the Athenian treaties with Leontini and Rhegium (*IG* 1³ 53–4),¹⁹ there is no prior record of the terms of a treaty already inscribed on a stela being emended²⁰ for the purpose of casting blame on one party or the other. If Alcibiades wished so much to discredit the Spartans, he could have had the stela taken down in order to signify that the peace was over and done with.²¹ But this was, if the analysis of the previous section is correct, almost as rare an event in the world of treaties as the emendation of the terms of an agreement. Thus Alcibiades was unlikely to go so far as to dismantle the stela of the Peace of Nicias. Alcibiades' action, however, suggests something more than that treaty-stelae were not dismantled once broken, as the Peace of Nicias and the alliance of Sparta and Athens had been broken.²² The stela itself, however, was not to be

¹⁷ Rhodes (2001), 137. For the date of 367 for the erasure, see also Cargill (1981), 31–2 and Ryder (1965), 81 and n. 9, on the grounds that a renewal of the peace had been proposed and the Athenians did not approve of it. Accame (1941), 150 and Cawkwell (1973), 60 and n. 1 propose 375 B.C. as the date for the erasure in the context of the 'common peace' of 375/4 B.C. Neither date given for the erasure is entirely satisfactory, since both occasions would also seem to require an erasure of the preceding anti-Spartan clause (lines 9–12).

¹⁸ Three lines were erased; parts of the first and third lines and the end of the second line can be read on the stone. Cf. *IG* 2² 43.12–15; Rhodes and Osborne (2003), 22.12–5.

¹⁹ Cf. Lewis (1976), 223–5; ML 63–4; Meritt (1946), 85–91.

²⁰ Like other decrees of the Assembly, riders could be attached to treaties, but Alcibiades' motion goes beyond that of a rider, for the Peace of Nicias had already existed for over a year when he made his motion. His motion also does not fall under any of the categories of riders listed by Rhodes (1972), 237–9. It has no function except to attack the Lacedaemonians. Alcibiades' motion is therefore not a rider, but a decree inscribed on the same stela as a decree to which it has relevance (e.g., *IG* 1³ 11–12, the treaties with two Sicilian states, Egesta and Halicyae).

²¹ Cf. also Higbie (1999), 60.

²² As Rhodes (2001), 136 and n. 6 points out, the Peace of Nicias (and also the subsequent Spartan–Athenian alliance) was not technically violated until Thuc. 6.105, and so did not end until that date (414); hence Alcibiades' actions were premature. Pace Rhodes (2001) and Gomme (1945–81), 4.377–8, however, I believe that this is not a reference to the violation and end of the

dismantled, however unpopular and obviously doomed the Peace was. Again, it seems that the Athenian inclination was to leave treaty-stelae standing, even the stela of an unpopular and ineffective peace treaty.

OBLITERATION?

The passages above suggest an ancient Athenian impulse to preserve all treaty-stelae, even invalid ones, but there is evidence that has been taken to show the contrary; I would argue that this evidence in fact is ambiguous. The most famous of these passages is Dem. 16.27.²³ Here Demosthenes urges the Megalopolitans to destroy (καθαρεῖν) the stelae that record the text of their alliance with Thebes. He first cites others who argue this (οἱ μάλιστα δοκοῦντες δίκαια λέγειν, 'those who seem to speak most justly') and subsequently proposes that not only should the Megalopolitans be requested to destroy the stelae, but that the Spartans must also be requested to keep the common peace. The context of this passage is not only hypothetical but also highly rhetoricized; simply because some Athenians propose the removal of treaty-stelae (and Demosthenes approves of them) does not mean that this was standard practice. Demosthenes attempts to convince his audience that these are extraordinary times that require extraordinary measures like the removal of treaty-stelae.²⁴ In any case, neither Megalopolis nor Thebes had yet broken their alliance with one another; repudiating an alliance by removing valid treaty-stelae may not have been quite the same thing as removing the treaty-stelae of an invalid alliance. The first action is equivalent to making the treaty invalid, while in the second instance the treaty is already invalid. Thus, Demosthenes is urging the Megalopolitans to make a political statement, not take the seemingly practical action of dismantling an irrelevant stela.

A second passage from Demosthenes (20.37) has also been much cited on this issue. Although it does not refer to a treaty, it does refer to a document that has diplomatic overtones: the Athenians and Leucon, the ruler of the Bosphorus, had an agreement by which Leucon, a benefactor of Athens, was exempt from future taxation. The Athenians had not been faithful to this agreement; according to Demosthenes, the stelae of this agreement represented τούτων πάντων ὧν ἔχετε ἢ δεδώκατε, 'all that you have or have given', but the Athenians ἐστώσας ἀκύρους πεποιηκότες, ὁ πολὺν δεινότερον τοῦ καθελεῖν, 'have made them invalid while they yet stand, which is far worse than destroying them'. The focus is on the violation of the terms of the agreement. Demosthenes explains why this is πολὺν δεινότερον: αἰται γὰρ οὕτωςι τοῖς βουλομένοις κατὰ τῆς πόλεως βλασφημεῖν τεκμήριον ὥς ἀληθῆ λέγουσιν ἐσθήξουσιν, 'for these [stelae] will stand as an indication to those who wish to speak ill about our city that they speak the truth'. Demosthenes' statement is not so much proof that stelae were habitually removed once invalidated as a suggestion of why they were published in the first place. If the Athenians had planned to be unfaithful to

peace, but a reference to the *Athenian* violation of the peace (specifically, the promise not to attack Sparta or her allies given in the peace at 5.18.4). The Athenians already believed the peace to have been violated by the Spartans prior to the editing of the stela by Alcibiades (Thuc. 5.25.2, 35.2–7, 42, 46.2–4). Thus Alcibiades' actions were not premature.

²³ This passage, as well as Dem. 20.37, discussed below, comprise almost the entire evidence for the assumptions of Steiner (1994), 71 and Thomas (1989), 39 and 52 about the practice of obliterating treaties in ancient Greece.

²⁴ Lalonde (1971), 228 and n. 91 in fact takes Demosthenes' suggestion to destroy the treaty-stela to be figurative only; in support of this he also cites Arr. *Anab.* 2.1.4 and 2.2.2.

a contract, they should first have removed the relevant stelae. But, as with Demosthenes' demand about the stelae of the Theban–Megapolitan alliance, this is not something that occurs after the invalidation of the agreement; it occurs as a premeditated action, meant to make a powerful political and diplomatic statement. As such, it does not prove that treaty-stelae were destroyed after the treaty had been broken.

Another piece of evidence also involves Demosthenes. Philochorus (*FGrH* 328 F55a) records that the Athenians voted to τὴν μὲν στήλην καθελεῖν τὴν περὶ τῆς πρὸς Φίλιππον εἰρήνης καὶ συμμαχίας σταθεῖσαν, 'to destroy the stela set up about the peace and alliance with Philip'. This was part of a motion to prepare Athens for active war against Philip. Even under such circumstances, however, in order to achieve the removal of the stela of the Peace of Philocrates, Demosthenes must have the Assembly vote to that effect (ψήφισμα γράψαντος, F55a). A treaty-stela could not simply be removed, even when the agreement was thought to have been egregiously violated (as Demosthenes thinks the Peace of Philocrates has been); a proper legal procedure needed to be followed. Except for one other example, discussed below, there is no evidence for other decrees mandating the dismantling of a treaty-stela in the ancient Greek world; despite the irregularities of epigraphic survival, perhaps there is no such evidence to be had, which would suggest that the obliteration of treaty-stelae was a rare thing.

There is some fourth-century epigraphic evidence that seems to suggest that it was (or at least had become by that time) common practice to obliterate the stelae of out-of-date documents referring to other states. The Stela of Aristoteles sets as one of the terms of the charter of the Second Athenian Maritime League that ἐὰν δέ τῳ τ]υγχάν[η]ι τῶν πόλεων [τῶν ποιομένων] τὴν συμμαχίαν πρὸς Ἀθην[αίους] σ]τήλαι δοσαι Ἀθήνησι ἀνεπιτήδειοι, τ]ῆμ βολὴν τὴν αἰεὶ βολε-ύουσιν κυρίαν ε[ἶν]αι καθαιρεῖν, 'if it should happen that there are stelae at Athens of the cities making this alliance with Athens that are unfavorable, the *boulē* that is then in office will have the power to destroy them' (IG 2² 43.31–5; cf. Rhodes and Osborne [2003], 22.31–5). It is not clear what sort of stelae were meant by this provision;²⁵ if a type of diplomatic document was meant, this would seem to contradict directly the idea that the Athenians let their treaty-stelae remain standing. But the placement of the passage in the document gives us a clue that the facts might have been otherwise, for it is preceded by a passage in which the Athenians agree to give up their rights to any land the city or her citizens own in the territory of their new allies (lines 25–31), and it is succeeded by a passage which forbids all future Athenian possession of any property in their allies' land (lines 35–46). These provisions were meant to prevent a recurrence of the hated cleruchies of the First Delian League, but the point is that they are also passages that, more generally, surrender a traditional Athenian practice and right as *hégemon*. So too should we take the provision on the stela about the removal of stelae, whether or not they were treaties; its position between two clauses that specifically annul former Athenian practices suggests that another Athenian practice, the preservation of published stelae, is being surrendered with their promise to remove older stelae.²⁶

²⁵ Badian (1995), 91 argues that they were stelae concerning debts or property records. Badian views the provision about the removal of such stelae as a threat meant to 'convince' non-league members to join the league. In any case, we do not know if the provision was carried out. Was it ignored, just as the provisions about cleruchies on the stela of Aristoteles came to be ignored?

²⁶ A similar provision to the one concerning the removal of earlier stelae on the stela of Aristoteles is found at *SVA* 2.267.9–13/*IG* 2² 98.9–13, the treaty between Athens and Cephallenia:

The implication of these texts, although not all are treaties, is not necessarily that invalid treaty-stelae had to be obliterated, or were habitually obliterated; it is rather that obliteration was an extraordinary event, which required legal sanction. That the obliteration of treaty-stelae did happen is shown by the Philochorus passage cited above, in which Demosthenes had to have a decree passed to have the treaty-stelae removed. Such an event was rare, but not unique, and I suggest that the obliteration or emendation of a treaty-stela had to be done by the passage of a decree in the Athenian Assembly, as with the Peace of Philocrates. I now turn to an examination of the role that legal procedure played in the obliteration of a treaty.

LEGAL PROCEDURE

A brief summary of the procedure by which a treaty or other decree was erected at Athens (where the evidence is clearest) is appropriate here. The secretary of the *boulē* would in a publication-clause within the decree itself be instructed to erect the stela in question in a designated area (the Agora, the Acropolis, the Piraeus), usually depending on the type of decree.²⁷ Not all published Athenian decrees either preserve or have publication-clauses, but enough do to suggest that the publication of any decree, including a treaty-stela, was a serious matter. It should therefore not be a surprise if their removal or obliteration was also a serious matter, governed closely by the Athenian state.

As the Philochorus passage discussed in the previous section suggests, a set legal procedure might have been essential to the removal of the stela of the Peace of Philocrates. Another, less well-known document, a treaty made between Athens and the Thessalian League in 361/0 B.C., suggests the same conclusion. The Athenians agree that τῇ]ν δὲ στ[ῆ]λ[η]ν τῇ]ν προδ[σ] Ἀλ[έ]ξανδ[ρ]ον [κα]θελ[ε]ῖν τὸς | [ταμί]ας τῆς θεῶ [τῇ]ν π[ε]ρ[ὶ] τῆ]ς [σ]υμμαχία[ς], ‘and the stela in reference to Alexander [of Phrae, the Thessalian tyrant], the one about the alliance, will be taken down by the treasurers of the Goddess’ (*IG* 2² 116.39–40; cf. Rhodes and Osborne [2003], 44.39–40). This would appear to suggest that treaties were taken down at Athens once they were no longer valid, since the 361/0 alliance with Thessaly superseded the 368/7 alliance with Alexander of Phrae, especially as the Athenians promise to aid the Thessalians against anyone seeking to establish a tyranny there, which would certainly include Alexander (lines 17–19). Here it is not the document itself that provides the clue that this is not in fact the case, but the historical record. For Athens, Alexander had been no true ally. Although he had made a treaty with Athens in 368/7 B.C. (Diod. Sic. 15.71.3), which must have been recorded on the stela to which the later 361/0 B.C. treaty refers, he had in 364 B.C. joined the Boeotian League, thus breaking the treaty once (Diod. Sic. 15.80.1–6, 81.3); in 362 B.C.²⁸ he fought a naval engagement against Athens at Peparethus, thus breaking the treaty twice (Xen. *Hell.* 6.4.35; [Dem.] 50.4; Diod. Sic. 15.95.1–3; Polyae. 6.2); and it is not until 360 that Athens took down the stela of the 368/7 treaty with him? The reference to that stela in the 361/0 treaty makes it clear that it was still standing when the second treaty was made. Alexander had

ὅποσοι δὲ ν[ό]μοι εἰς ἑκάτ[η]ρ[η]ν Ἀθην[ᾶ]ν [α]ἰών κείμενο[ι] ἐν Κεφαλληνίοις, κ[αὶ] ἀθελόντω[ν] αὐτίκα μάλα καὶ ἐξαλλ[ε]ν[ε]ῖν ἀπανταχόθεν ἐπάναγκ[ε]ς, ‘as many laws as there are established among the Athenians on the Cephallenians, let them take them down straightaway and erase them everywhere under compulsion’.

²⁷ Liddel (2003); Osborne (1999). For the role of the secretary, see Rhodes (1972), 134–43. And cf. Henry (2002), 91–2, 95–103, for the many types of appearances of the secretary of the *boulē* in the publication-clauses of inscriptions.

²⁸ Or 361/0 B.C.: Beloch (1893–1904), 3.1.217; Stylianou (1998), 549.

broken its terms,²⁹ but Athens did not remove the stela until required to by a new ally, one who would not have been able to tolerate the continued existence of that stela, given Alexander's status there as tyrant. Just as Philochorus' account suggests that the stela of the Peace of Philocrates could not be taken down without a formal decree to that effect being passed by the Assembly, so too the stela of the alliance with Alexander of Pherae required a provision in the treaty between Athens and the Thessalian League, which superseded the earlier treaty with Alexander, in order for it to be dismantled. This example also supports the argument that Athens did not, in general, destroy the stelae upon which she recorded her treaties.

Note too that it was not the secretary of the *boulē* who removed the stela of the earlier treaty with Alexander, but the stewards of the goddess, religious officials.³⁰ The stela of the 367 B.C. alliance must have been erected on the Acropolis, like all other Athenian treaties.³¹ As such, it was an *anathēma* to the god³² and necessitated removal by a religious official. The same officials were also responsible for removing other, non-diplomatic documents, as seen in some inscriptions prejudicial to an honoree of Athens in 408: τὰ δὲ περὶ Τιμάνθος γεγρα-[[μμένα] ἐν πόλει ἐκκολαφ[σ]άντων ἡοι ταμίαι ἡοι τῆς θεᾶς ἐκ τῆς στ[έλης], 'let the stewards of the goddess erase the writings about Timanthus on the Acropolis from the stela' (*IG* 1³ 106.21–3).³³ On the Stela of Aristoteles (*IG* 2² 43.31–5; Rhodes and Osborne [2003], 22.31–5), priests are not mentioned in the clauses authorizing the destruction of earlier stelae, but the *boulē*, which is given the power to destroy those stelae, might presumably have passed subsequent decrees authorizing religious officials to remove the stelae, if they had been erected within a temple precinct.

Erasure of treaty-clauses also had to be authorized, as *IG* 1³ 118, an agreement between Athens and Selymbria, in which the secretary of the *boulē* is given permission to erase the names of the Selymbrian hostages taken by Athens in 410 B.C. ([ἐ]χσαλείψαι τὰ ὀνόμα[τα] τῶν ὀμ[ε]ν[τ]ῶν τῶν Σελυμ[β]ριανῶν καὶ τῶν ἐγγυε-[[τῶν α]ὐτῶν [α]ἰ[σ]χρῶν τὸν γραμ[μα]τέα τῆς βολῆς, [ὁ]π[ο]ι[ῶ]ν[τες] αὐ[τῶν] ἀγγε[λ]ο[ῖ]ς ἀμμένοι, 'the names of the Selymbrian hostages and their pledges the secretary of the *boulē* is to erase tomorrow, as many as have been written down' (38–41). Again, the erasure must be specifically authorized, as removal of a document was.

Along the same lines, *IG* 1³ 101, a 407³⁴ decree of Athens honouring the Neapolitans in Thrace,³⁵ makes a provision for the correction of a stela by the secretary of

²⁹ Of course we do not know what those terms were specifically. Alexander received military aid from Athens in 367 B.C. when he applied to them for a *summachia* (Dem. 23.120; Diod. Sic. 15.71.3). If we assume the standard clauses of fourth-century treaties, which promise mutual defence, Alexander's actions at Peparethus at least would have violated the treaty.

³⁰ For these officials, see [Arist.] *Ath. Pol.* 30.2; Ferguson (1932).

³¹ The most notable exception is the Stela of Aristoteles (*IG* 2² 43.64–6; Rhodes and Osborne [2003], 22.64–6), erected by the Stoa of Zeus Eleutherius in the Agora. For the probable reasons for its erection there, see Osborne (1999), 347. On the placement of inscribed decrees at Athens, see Liddel (2003).

³² Osborne (1999), 346–7 discusses in detail the Athenian tendency to place treaty-stelae (and many other stelae) on the Acropolis, which should be surprising due to the general inaccessibility of the sanctuaries there to the average Athenian or visitor to Athens. He concludes that '[b]y inscribing [stelae] and erecting [them] on the Acropolis, political decisions are taken from the sphere of debate, from the political world of the Pnyx and the agora, and replaced set before the eyes of the gods, as records of human achievement inviting protection'.

³³ See Andrewes (1953), 8 for the historical background to this decree; Pečírka (1966), 16–17.

³⁴ See Pouilloux (1954–8), 157; Tod (1946), no. 84 on the date.

³⁵ For this decree in general, see Andrewes (1953), 6–8; Meritt and Andrewes (1951), 200–9; Pouilloux (1954–8), 155–60.

the *boulē*: ἐς δὲ τὸ φσέφισμα τὸ πρό[τερον εἰ]πανορθῶσαι τὸν γραμματέα τῆς βολῆς: καὶ ἐς αὐτὸ μεταγρά[[α]φσαι ἀντὶ τῆς ἀποικίας τῆς Θασίων ὅτι συνδιεπολέμεσαν τὸν πόλεμον μετὰ Ἀθηναίων, ‘the secretary of the *boulē* to correct the earlier decree, and to inscribe on it instead of “colony of the Thasians” that “they fought the war alongside the Athenians”’ (58–9). This decree involves correction, not erasure or obliteration.³⁶ The secretary of the *boulē* is thus involved, since the original stela will remain standing. But even then he must be specifically granted the authority to correct the decree; it cannot just be done.

Non-diplomatic documents also offer some supporting evidence for this pattern of authorized obliteration, for their stelae could also be corrected or obliterated if they were redundant. The 375 B.C. Athenian law on silver coinage established ‘the primacy of the present law over any previously inscribed ψηφίσματα’ by ordering εἰ δέ τι ψήφισμα γέγραπται ποῦ ἐσθλήνῃ πα[ρὰ τ]ὸνδε τὸν νόμον, καθελέτω ὁ γραμματεὺς τῆς βολ[ῆς], ‘if there is any decree inscribed anywhere on a stela in contravention of this law, let the secretary of the *boulē* tear it down’ (lines 55–6).³⁷ The 375 B.C. law gives the secretary of the *boulē*, the same authority authorized to erase and correct treaty-stelae, the authority to remove the stelae. But it was impossible to go through all previous ψηφίσματα to determine if the new decree contradicted or duplicated any previous decrees,³⁸ so the clause is necessarily conditional (εἰ . . . καθελέτω). Further legal measures might have had to be taken to remove a specific stela, or to appoint a specific official to do so.

While there are a number of examples of stelae being destroyed, what is striking about most of the examples is that they involve legal procedure for the removal of the stela in question (unless removed by an unconstitutional body like the Thirty Tyrants). One famous exception, however, would seem to be the destruction in 407 B.C. by the Athenians of the stela inscribed with curses against the exiled Alcibiades, which was thrown into the sea upon his jubilant return to Athens (Nep. *Alc.* 6.5). But Nepos’ account ties the destruction of the stela to the retraction by the priests of Athens of the same curses that were recorded on the stela; might this not have been effectively the same as the passage of a decree to remove a treaty-stela? In fact, the accounts of Plutarch and Diodorus Siculus on this incident, neither of whom mention that the stela was thrown into the sea (perhaps this is merely due to Nepos’ sense of drama), have the priests of Athens revoke the curses because of a decree (Diod. Sic. 13.69.2; Plut. *Alc.* 33.3).³⁹ Unfortunately, all these sources are significantly later than the event itself, and even if they are reliable can do no more than suggest that there is a possible link between the revocation of these curses against Alcibiades or the obliteration of stelae and a formal declaration of such revocations or obliterations, just as legal measures were necessary for the obliteration of the documents discussed above. Nepos’ account, fictional though it may be, and the confused and perhaps contradictory accounts of these later authors may at least portray accurately an ancient Athenian attitude toward inscribed stelae.

³⁶ An earlier edition of *IG* 1³ 101, *IG* 1² 108.49–50, restores the bracketed text of *IG* 1³ 101.58–9 as [καὶ ἐκκολλάσαντα μεταγρά[[α]φσαι, ‘and [the secretary of the *boulē*] having erased [the former decree] to alter . . .’, but this does not seriously affect my arguments about obliteration.

³⁷ The text quoted is that of Stroud (1974), 184.

³⁸ Stroud (1974), 184.

³⁹ For the removal of stelae that confiscated the property of exiles (such as were passed against Alcibiades), see Lewis (1966), 177–8, 184–5.

Some literary sources make passing references to the destruction of documents; for example, And. 1.77–9 quotes the Stela of Patrocleides, which made provision for public debtors to be reinstated and all documents relating to them to be destroyed. The law does not refer to stelae, however, but to *ἀντίγραφα*, ‘copies’. Later in the same speech, Andocides waxes bitter about all the trouble taken in this decree for some Athenian exiles: *ὧν ἔνεκα καὶ στήλας ἀνείλετε καὶ νόμους ἀκύρους ἐποιήσατε καὶ ψηφίσματα ἐξηλέψατε*, ‘on whose behalf you even destroyed stelae and made the laws without authority and you erased decrees’ (And. 1.103). Here Andocides does mention stelae, but the removal of these stelae would seem to have been authorized by the Stela of Patrocleides, as the removal of the treaty-stelae of the Peace of Philocrates and of the alliance with Alexander of Pherae was authorized by other decrees. The removal of stelae was not an automatic procedure, but one that had to be legally authorized for individual stelae or stelae that recorded a specific type of document.⁴⁰ It would seem from the evidence discussed above that treaty-stelae were usually left alone, even when invalidated, unless legal action was taken to remove them.

FIND-SPOTS AND CONDITION OF SURVIVING TREATY-STELAE

It is possible that a study of surviving treaty-stelae may cast some light on this question as well. Such a survey comes with many caveats: it is always dangerous to try to argue from the conditions and find-spots of stelae that were first erected over 2,000 years ago. A survey of the inscribed treaties in *SVF* 2, however, suggests some food for thought. *SVF* 2 records seventy-eight total inscribed treaties from 700 to 338 B.C. Of these, fifty-eight are Athenian and twenty non-Athenian. Only four have unknown find-spots, although one (*SVF* 2.149, a treaty between Athens and Phaselis, had been seen by Fourmont at the monastery of St John the Baptist on Mt Hymettus before its acquisition by the Epigraphical Museum), and an additional seven do not have specific but general find-spots (‘Athens’, ‘Argos’, etc.). Twenty of these treaties have publication-clauses (all but two of these are Athenian), and fifteen of those—75 per cent—were found at or near the spot at which it was published (e.g. the Acropolis, or the South Slope, a popular dump for stelae originally resident on the Acropolis). The others are stelae whose find-spots are unknown or generalized (‘Athens’). Taking the fifty-eight Athenian treaties alone, and assuming that publication on the Acropolis was the norm for treaties, forty-nine of the fifty-seven treaties (excepting the Stele of Aristoteles, published and found in the Agora), or roughly 86 per cent of those stelae that might be assumed to have originally been located on the Acropolis were found there or on the dumping-ground of the South Slope, with a few small fragments also found on the North Slope or in the Agora.⁴¹ It appears from these statistics that Athenian treaty-stelae by and large did not range

⁴⁰ Another instance is [Dem.] 57.64, in which the speaker complains that his fellow demesmen *τὸ ψήφισμ' ἐκκολλάσαντες ὃ ἐμοὶ ἐψηφίσανθ' οἱ δημόται*, ‘erased the decree that my fellow-citizens decreed for me’. This was however a personal act of vengeance for the speaker’s exactment of the repayment of debts from his fellow demesmen, not a legal issue. See too Ath. 9.407b, in which Alcibiades was said on his own initiative to have gone to the Metroön and erased the *γραφαί* of a lawsuit pending against a friend.

⁴¹ With only one exception (*SVF* 2.224, a treaty between Athens and Locris, found on the North Slope), these stelae now consist of multiple fragments, and these fragments were found on both the Acropolis and either the North Slope or Agora. In each case, the majority or at least half of fragments were discovered on the Acropolis.

very far from their place of erection.⁴² This does not mean that they were necessarily preserved, but the fact that they continued to exist there suggests that they did so as part of their original function of recording a treaty.

The condition of these surviving stelae does not provide results as clear-cut as this. From autopsy of the stones and study of photographs of them, I can only state that, while some (sixteen) of these seventy-eight stones are in truly poor condition, most are in fair condition (forty), and some in good (thirteen), very good (six), and even excellent (three) condition. (I have assigned the stelae these grades on the basis of legibility.) Those in poorest condition are those clearly used in buildings (e.g. *IG* 1³ 11, the treaty between Athens and Egesta, used as a threshold stone). No particular pattern could be found among those that exist now in multiple fragments; these fragments came in all shapes and sizes. It is impossible to tell after two millennia whether these stelae had been fragmented deliberately or by, for example, being thrown from the Acropolis down the South Slope. Still, the legibility of most of the stelae may suggest that early in their lives those who erected them respected them and did not remove or mutilate them as they became irrelevant.

CONCLUSION

My initial question was, ‘What happened to the stela of a treaty in ancient Greece once the text of its treaty was no longer valid?’ Although it is usually assumed that treaty-stelae would logically be dismantled or obliterated once the text of the treaty they preserved was no longer in force, in fact a survey of literary and epigraphic evidence covering the period 550–350 B.C. suggests that the stela remained standing, however much of an embarrassment they might be. While the majority of the evidence available is Athenian, a wide range of other Greek states also offer some evidence on this question, suggesting that the phenomenon of the preservation of treaty-stelae goes beyond Athens. Treaty-stelae could be removed, but such an action—even the suggestion of such an action—was a very dramatic event, accompanied by high rhetoric and the legal sanction of the state. Treaty-stelae could not be as easily broken as their treaties were. The Greeks took great care to preserve these records of their relations with other states.

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⁴² The farthest migration from its place of origin on the Acropolis (*SVA* 2.149.26) would appear to be the aforementioned treaty between Athens and Phaselis, which travelled from the Acropolis to Mt Hymettus.

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