

XIII. A New Decree from Athens on the Eleusinian Mysteries

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B. D. Meritt has published in a recent issue of *Hesperia* a fragmentary inscription which seems to be connected with the celebration of the Eleusinian Mysteries.¹ This interesting text had already drawn the attention of E. W. Schweigert, even before its publication.² Because of the quotation in it from the law regulating the celebration of the Eleusinian Mysteries and because of the stoichedon arrangement (56 letters), we can form an idea of how much of the inscription is lost. It may seem risky to try to restore an epigraphical text of which only a third is preserved, but with the stoichedon arrangement it is often possible to fill out the incomplete lines with formulae figuring in other legal documents. The inscription is published by Meritt as follows:

- [περὶ μὲν ἀ]παγγέλλεως καὶ στ[- - - - -]
 [. γε]γονότων ἐς μὲν τὰ Ἄ[- - - - -]
 [.] ἱσταμέν[ου] * τὸς [δὲ - - - - -]
 [.]ται παρα[λ]αβόν[τες - - - - -]
 5 [.] μῆ, ὅταμ πρῶτον Ϟ[- - - - -]
 [. . .] δοκιμασ<θ>ῶσι θύεν τ[- - - - - τ]
 [ὄν δ]᾽ ἐ ἱεροφάντην τὴν με[- - - - -]
 [. . .]ς κατευωχῆσθαι ἐπ[- - - - -]
 [. .]εν ἐς τὰς πόλεις τὰς μ[υστηριώτιδας σπονδὰς - - - - -]
 10 κατὰ τὴν μαντείαν το[ῦ Ἄ]πόλλωνος - - - - -]
 ἑὼν ἐφόδια * ἐὰν δὲ οἱ - - - - - τοῖ]
 s θεσμοθέταις ἢ οἱ θ[εσμοθέται - - - - -]
 γεγραμμένα ὀφείλ[- - - - -]
 ὦν τοῖν θεοῖν κα[. σπονδὰς εἶναι τοῖσι μύστησιν καὶ τοῖς ἐπ]
 15 [ό]πτησι καὶ τ[οῖς ἀ]κολούθοις καὶ χρήμασιν τῶν ὀθνεῖων καὶ Ἄθηνα]
 ἰοισιν ἅπασιν[. - - - - -]
 [.]λλα τὸ Ἑκατ[ομβαιῶνος? - - - - -]
 [. . .]ε πρὸς δ[- - - - -]
 [.]ιτ[- - - - -]

¹ *Hesperia* 26 (1957) 52 f., no. 9 with plate 7. The tau in line 19 is dotted, as suggested by Meritt in a letter.

² *Hesperia* 8 (1939) 5-12, no. 3; 14 (1945) 78; *AJA* 50 (1946) 287 f.

As Schweigert rightly observed, the decree has some connection with the law regulating the celebration of the Mysteries (before 460 B.C.)³ and with the decree on the first fruits (probably 423/2 B.C.),⁴ but both the spelling and the character of the letters in our inscription suggest a later date. A possible background for the provisions of the decree, according to Schweigert, is the dispute between Athens and Aetolia in 367/6 over the breaking of the truce for the Mysteries. This may be correct as to the occasion for the document, but the provisions themselves seem to be concerned rather with the creation and the dispatching of heralds for the proclamation of the sacred truce before the Mysteries.

The verb δοκιμάζειν, appearing in the text (line 6), and the mention of the *thesmothētai* (line 12) indicate that a lawsuit or an examination in court of certain persons is treated. The expression εἰ δὲ μή, ὅταμ πρῶτον ρ[ι]όν τε ἦι (line 5) is quite frequent in documents mentioning the scrutiny of persons being awarded the citizenship.⁵ With the help of the legal formulae used in these texts we can try to restore the provision in lines 3–5:

τὸς [δὲ θεσμοθέτας, ὅταν δικαστήρια κατὰ τὸν νόμ]-
[ον πληρῶ]ται, παρα[λ]αβόν[τας τὴν δοκιμασίαν τοῖς κήρυξιν ἐσάγεν αὐτί]-
[κα, εἰ δὲ] μή, ὅταμ πρῶτον ρ[ι]όν τε ἦι.

Then, in accordance with this subject and the other matters treated in our decree the beginning of the inscription might be restored as follows:⁶

[περὶ τῆς ἐ]παγγέλσεως καὶ σπ[ονδοφορίας] ἐκ τῶν χρησμ]-
[ῶν τῶν γε]γονότων· ἐς μὲν τὰ δ[ικαστήρια τὴν δοκιμασίαν ἐσάγεν] . . .

The first section of the decree seems to provide for the examination of the heralds who were to be dispatched to proclaim the truce for the Mysteries. We know that the *dokimasia* was applied in Athens to all candidates for public posts of more than 30 days duration.⁷ The ambassadors and representatives chosen to be sent to foreign countries were also examined and scrutinized.⁸ We have no direct testimony that the heralds

³ IG I² 6 = SEG X 6.

⁴ IG I² 76 = M. N. Tod, *Gr. Hist. Inscr.*² 1, no. 74.

⁵ IG II² 654, 53; 646, 48. Cf. 507, 14; 667, 25; 682, 96; 850, 15; Arist. *Ath. pol.* 59, 3; J. H. Lipsius, *Das att. Recht und Rechtsverf.* 2 (1908) 269; Busolt-Swoboda, *Griech. Staatsalt.* 2. 1072.

⁶ This restoration was kindly suggested to me by Prof. J. H. Oliver. The reading ἐκ τῶν χρησμῶν τῶν γε]γονότων is mine.

⁷ Aesch. *In Ctes.* 14.

⁸ Aesch. *De fal. leg.* 113; *In Tim.* 19; Dem. 19. 338, p. 449.

announcing the truce for the Mysteries had to pass such a scrutiny, but this is very probable because of their special character.⁹

Lines 5–8 treat of the sacrifice and the banquet to be celebrated in honor of the heralds just approved. The restoration of this part of the inscription can be made with more or less probability, with the help of the formulae usual in cult regulations. The *hierophantês* mentioned in this passage was closely connected with the dispatching of the heralds and with their functions. In later times it was he who prepared and drafted the so-called *epangeliai*, the invitations addressed to the foreign cities.¹⁰ It seems that in the fifth and fourth centuries the Council elected the heralds; later they were chosen among the members of the Eumolpidai and Kerykes.¹¹ The sacrifice and the banquet for them is nothing exceptional. All Athenian magistrates before taking office were honored with a sacrifice and a banquet called *eisilêtêria*. Demosthenes alludes to such a reception in which he and other members of the embassy to Philip took part.¹²

Lines 8–10 deal with the actual proclamation of the heralds. The content of the solemn announcement can be restored from the above-mentioned law on the Mysteries. The stipulation that the herald's travelling expenses should be paid by each city is not unusual. Commonly the cities which the heralds visited furnished them the so-called *theôrodokoi* or hosts,¹³ and in certain cases the authorities even appropriated public money for their reception.

Lines 11–13 contain the sanctions to be used, if occasion arose, against the persons responsible for carrying out the provisions of the decree. Two groups of agents are mentioned here: the thesmothetai and some other officials whose name is lost. I do not know the formula to be restored in line 11 and it is only *exempli gratia* that I propose the following reading:

ἐὰν δὲ ὁ [γραμματεὺς μὲ προγράψῃ περὶ τῆς δοκιμασίας τοῦ]-
ς θεσμοθέταις . . .

Lines 14–17 contain a quotation from the law on the Mysteries. Because we read in line 17 [ἀ]λλὰ τὸ Ἑκατ[ομβαιῶνος, I should like to

⁹ Cf. F. Poland, *De legationibus Graecorum publicis* (Lipsiae 1885) 43; P. Boesch, *Θεωρός* (Diss. Zurich 1908) 10 ff.

¹⁰ Dittenberger, *Syll.*³ 1019, 6–8.

¹¹ *IG* II²1236, 14; cf. P. Foucart, *Les mystères d'Éleusis* (Paris 1914) 268 ff.

¹² *De fal. leg.* 189, p. 400.

¹³ Cf. P. Boesch, *Hermes* 52 (1917) 136 ff.

restore in the preceding line μέ τῷ Μεταγεινιώνος. Was the truce in question to begin one month earlier than usual? Perhaps, but the restoration is too uncertain to make discussion of this problem worth while.

On the ground of the present explanations I propose to read the new Athenian decree as follows:¹⁴

- [περὶ τῆς ἐ]παγγέλσεως καὶ σπ[ονδοφορίας. ἐκ τῶν χρησμ]-
 [ῶν τῶν γε]γονότων· ἐς μὲν τὰ δ[ικαστήρια τὴν δοκιμασίαν ἐσάγεν.]
 [.] ἰσταμέν[ου] ὃ τὸς [δὲ θεσμοθέτας, ὅταν δικαστήρια κατὰ τὸν νόμ]-
 [ον πληρῶ]ται, παρα[λ]αβόν[τας τὴν δοκιμασίαν τοῖς κήρυξιν ἐσάγεν αὐτί]-
 5 [κα, εἰ δὲ] μὴ, ὅταμ πρῶτον ρ[ῖόν τε ἦι ὃ τὸς δὲ ὑπὸ τῆς βολῆς ἡιρημένους ἐπει]-
 [δ' ἂν] δοκιμασ<θ>ῶσι, θύεν τ[ῇ] Δῆμητρι καὶ Κόρῃ καὶ τοῖς ἄλλοις θεοῖς ὃ τ[ῇ]
 [ὄν δ] ἐ ἱεροφάντην τὴν μέ[ν] θυσίαν καὶ εὐωχίαν παρασκευάζεν, τὸς δὲ κήρ]-
 [υκα]ς κατευωχῆσθαι ἐπ[ὶ] τοῖς θυομένοις ὃ διεκπορευομένος δὲ ἐπαγγέ]-
 [λλ]εν ἐς τὰς πόλεις τὰς μ[υστηριώτιδας σπονδὰς εἶναι ἐν ταῖσι πόλεσιν]
 10 κατὰ τὴν μαντείαν τοῦ Ἀπόλλωνος ὃ παρέχεν δὲ αὐτοῖς ἐκάστην τῶν πόλ]-
 [εων ἐφόδια ὃ ἐὰν δὲ ὁ. τοῖ]-
 [ς θεσμοθέταις ἢ οἱ θ]εσμοθέται με ἐσαγαγῶσιν ἐς τὸ δικαστήριον κατὰ τὰ
 γεγραμμένα ὁφεί[λε]ν ἕκαστον αὐτῶν πεντακοσίας δραχμὰς ἱερὰς τοῦτ]-
 [ων τοῖν θεοῖν κα]τὰ ταῦτά ὃ σπονδὰς δ' εἶναι τοῖσι μύστησιν καὶ τοῖς ἐπ]-
 15 [ὀ]πτησιν καὶ τ[οῖς] ἀκολούθοις καὶ χρήμασιν τῶν ὀθνείων καὶ Ἀθηνα]-
 [ίοισιν ἅ]πασιν ὃ ἄρχεν δὲ τὸν χρόνον τῶν σπονδῶν μέ τῷ Μεταγεινιώνος]
 [ἀ]λλὰ τῷ Ἑκατ[ομβαιῶνος μενὸς ? - - - - -]
 [. . .]ε πρὸς δ[- - - - -]
 [.]ιτ[- - - - -]

¹⁴ This article was read in manuscript by Prof. J. H. Oliver and by Prof. F. R. Walton who gave me their valuable advice on many substantial points. I thank them very much.