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AN INSCRIPTION FROM TEOS CONCERNING ABDERA

Introduction. In 1981 Peter Hermann published in *Chiron* an important inscription from Teos dated to ca 480-450 BC, preferably closer to the lower date (Hermann 1981, 1-30). The publication was unanimously welcomed as brilliant, and subsequent commentators contributed to ameliorate the reading of certain vital points. Although recently published, the inscription has caused considerable bibliography, and many aspects of the text have been illuminated¹, but a complete understanding of its content, as well as of the exact historical, political, and institutional situations under which it was produced has not been achieved.

Despite the fragmentary preservation of the text, it is clear that we have to do with a number of legislative measures dealing with some of the most serious crimes directed against the *polis*. The main feature of the document is that it refers not only to Teos, the *polis* of its origin, but also to Abdera. The editor was the first to stress the affinity between this text and another Teian inscription, found and copied in the eighteenth century but now lost, widely known as 'Dirae Teiae' or 'Teian Imprecations', which is also dated to the same period (*M-L* no 30 = *SEG* 31 [1981], 984). In the newly edited epigraphic corpus from the Aegean Thrace, these documents appear among the external testimonies under the same number².

The aim of this paper is to discuss the legal and political aspects of this document in the light of the development of written law during that period, and of the significance that the notion of justice had acquired for Greek cities. A major question which must also be affronted in this discussion is whether the title of 'Teian Imprecations' given to these two inscriptions actually corresponds to a 'sacred' nature which supposedly characterizes the two texts. This hypothesis is weakened when we take into consideration the strong indications that it is a political text establishing real sanctions enforced on offenders by the city.

Historical Background. It is useful to summarize the historical background to these documents, which has been adequately clarified by eminent scholars. Since the archaic period, the small city of Teos had been one of the most significant and prosperous Ionian cities, and the *metropolis* of many colonies; for this reason, and also because it was situated in the center of Ionia, Thales of Milet had proposed that Teos should be the capital of an eventual Ionian confederation (*Hdt.* 1.170). Facing a Persian invasion around 545 BC, the Teians abandoned their city and found refuge across the Aegean, on the coast of Thrace. There they refounded the city of Abdera, on a site previously colonized by Klazomenai, their Ionian neighbour, about a century earlier³. The Teian establishment in Abdera was more successful than the Klazomenian, despite difficulties arising from a very hostile environment. The advanced civilization and culture of the Ionian immigrants was transplanted on the city of Thrace; excavations have revealed the same building techniques and impressively similar coins that were struck simultaneously (Graham 1992, 53; Loukopoulou and Parissaki 2004, 306), and our inscription attests of the same religious festivals and political institutions. Yet there is another interesting, as well as unique, incident in the common history of Abdera and Teos. Some time after the Persian invasion, at the latest shortly after the Ionian Revolt (Graham 1992, 53), a rather large number of settlers from Abdera came back to repopulate their mother city (Radt 1958, 22-24; Huxley

¹ Merkelbach 1982, 212-13; Lewis 1982, 71-72; Graham 1991, 176-78 and 1992, 44-73; D'Alessio 1992, 73-80. Publications: *SEG* 31 (1981), 985; *IT* 262 no 2; *Nomima* no 105; *IGT* no 79; *IThrAeg* TE 84.

² Catalogue number TE 84.

³ *Hdt.* 1.168. See the extensive discussion by Graham 1992, 48-43; also Loukopoulou and Parissaki 2004, 305.

1984, 149-52; Graham 1991, 176-78). This incident constitutes the historical background of the two inscriptions in question, which are dated to the period immediately after the repopulation of Teos.

The ties between Teos and Abdera were much closer than the usual relationship between a colony and its mother city, for more than one reason. First of all, it was not a group of settlers that colonized Abdera, but the entire population of Teos trying to escape captivity by the Persians. Second, this is the only known case of a mother city being refounded by its colony (Graham 1992, 69). The exceptionally close relationship between mother city and colony was also long lasting⁴, as this is attested by a Teian decree of the third century BC, as well as by a decree from Abdera dated to the period after the defeat of the Macedonian king Perseus by the Romans, which is known to us only from its copy that was displayed at Teos (*IT* no 35).

Contrary to the historical and political aspects, which have been sufficiently outlined, the legal implications of the two inscriptions, although occasionally raised by some scholars, have been ignored. The rest of this paper will focus on the legal and political institutions in both Teos and Abdera as revealed by the present document and discuss legal issues raised by the text, with the aid of the information provided by *M-L* 30.

The Document. A full understanding of the document cannot be achieved, because all four sides are mutilated, including the beginning of the text, which would be enlightening, as well as the end. Faces A and D are the ones preserved in a better condition, whereas B and C are very fragmentary. Face A contains twenty-four legible lines, beginning with the last part of a provision which imposes a penalty. Although the crime for which it was inflicted is unknown, the letters [...]ΟΣΙΗΝ if restituted δημοσίην would suggest a crime of public character, which conforms to the context of the whole text. A stipulation concerning magistrates comes next, followed by the incomplete text of a civic oath. On face B it is possible to read only a small part where a penalty is laid down, the same as in the beginning of A. The four lines preserved from face C inflict once again the same penalty on those who do not restore property belonging to the people of Abdera. Finally, face D contains provisions about the public reading of the text by magistrates on the occasion of civic festivals.

Limits to the Power of Magistrates. The first complete stipulation on A 5-10 runs as follows:

- 5 Ὅς ἂν τιμῆ-
 ν: ἔχων: [σ]ὺν θετοῖσιν
 [Τ]ηῖ[ο]ι[σ]ιν: τὸμ πλησί-
 ον: δολ[ῶ]ται: τοῦτον: ἀ-
 [π]όλλυσθαι: καὶ αὐτὸ-
 10 [ν κα]ὶ γένος: τὸ κένο.

Some problematic issues emerging from these six lines have caused broad discussion and dispute. In what concerns the meaning of the expression τιμὴν ἔχων, there should be no doubt that the word τιμὴ here has the ordinary meaning of magistracy, so a τιμὴν ἔχων is a person performing the duties of a magistrate, and therefore an ἄρχων (see Herrmann 1981, 6 and 14 with n. 37), not a member of a restricted class of citizens. This is corroborated by the use of its exact synonyms, τιμοχέων on D 12 and τιμούχων, in D 22-23.

The restitution [σ]ὺν θετοῖσιν [Τ]ηῖ[ο]ι[σ]ιν in lines 6-7, discussed but not adopted by the first editor⁵, was defended by Merkelbach (1982, 212), and brilliantly supported by Graham (1991, 176-78) and D'Alessio (1992, 73) in the light of a passage of Pindar's second Paean⁶. On the contrary, the reading [σ]υθέτοισιν, proposed by H. van Effenterre and F. Ruzé and translated as "Téiens réunis" (*Nomima* 370-371, 374), seems to have had no followers. The arguments put forward in favour of θετοῖ

⁴ Herrmann 1981, 26-30; Graham 1992, passim; *IGT* 303; Loukopoulou and Parissaki 2004, 308-309.

⁵ [.] ΥΝΘΕΤΟΙΣΙΝ/ .ΗΙ.Ι.Ν: Herrmann 1981, 6; see also the discussion on 14. *SEG*, *IT*, *IGT* and *IThrAeg* conserve Herrmann's edition of this passage.

⁶ See the edition by Radt 1958, 22-23. Cf. Huxley 1984, 149-52.

Τήσιοι are indeed convincing, which leads us to the next question: Who were these θετοὶ Τήσιοι? The expression is translated as 'persons who newly acquired Teian citizenship' ('neueingebürgerte'; Merkelbach 1982, 212), and these are identified as citizens from Abdera who came back to their mother city when Teos was refounded by its colony (Graham 1991, 177). It is not clear whether they were some of the original Teian colonists to Abdera, who were eventually repatriated, or whether they belonged to the next generation. In the first case, we must accept that they had lost their original citizenship, as it was often the case; in the second, they had been born Abderites. We can only speculate about the answer, although the designation 'adopted Teians' would be more appropriate for persons who never had Teian citizenship, and thus the second case is more probable.

Another point of disagreement is the term δολ[ῶ]ται: is it connected to fraudulent acts (δόλος) as Herrmann thinks or to enslavement (δοῦλος)? In the first case, the magistrates are banned from deceiving ('betrügen') the citizens⁷, in the second, from enslaving them (Merkelbach 1982, 212). The interpretation 'deceiving' is indeed ingenious, although in that case one should expect the law to be formulated in terms of deceiving the whole citizen body and not an individual. In other words, a crime consisting in misleading, misguiding or giving false promises to the people, might be more appropriately expressed by a formulation such as τὸν δῆμον or Τηϊῶν τὸ ξυνόν⁸ or τὸν δῆμον ἢ τινα τῶν πολιτῶν⁹ or similar instead of τὸν πλησίον. On these grounds, I am inclined towards the second solution. Similar laws forbidding enslavement of free persons were not unusual in Greek *poleis*. Aristotle ([*Ath. pol.*] 52.1) reports that in Athens, the *Eleven* were responsible for arresting enslavers caught in the act and putting them immediately to death if they admitted their crime; if they did not, the case had to be introduced in court.

If the above considerations are correct, the first measure of our inscription concerns any magistrate who would enslave another citizen with the help of some new citizens. This of course does not imply that the same act if committed without the help of the newcomers would remain unpunished; it should be rather taken as a sign of distrust against this specific category of citizens. This is also an indication that these newcomers had the power to do wrong to others. We may wonder why these 'adopted Teians' are so distrusted and why they are considered more prompt in wronging or enslaving others than the rest of the citizens. Normally newcomers are expected to be willing to conform to the laws of the city. Was this turbulent period the occasion for those who had collaborated with the overthrown tyrants to come back? Perhaps among the newcomers were persons suspected for their oligarchic past, and the law was aiming at cutting short their hopes for turning over the regime.

As for the *ratio* for the enactment of this measure, the main purpose was to define and at the same time to confine the magistrates' power, and to protect citizens against abuse of power. From this point of view, the passage offers multiple readings: a magistrate cannot use the power accorded by his office to deprive a citizen of his status, be it in the public domain, e.g. when administering justice, or in the private, e.g. against his debtor. By force of this law, enslaving a citizen of Teos becomes a measure which exceeds the magistrates' authority. The fact that the law is formulated generally, with no allusion to special circumstances or conditions, means that this is an overall ban on inflicting enslavement as a penalty for any crime. Moreover, it means that it is illegal to enact the infliction of this penalty on Teian citizens for any crime in the future. Of course, the consequence of a regulation which forbids inflicting enslavement on citizens is that it serves as a guarantee of the Teians' status as free citizens. The dating of this text to the period shortly after the refoundation of Teos constitutes a very appropriate background for a law which guarantees their status to citizens.

⁷ Herrmann 1981, 6 and discussion on 14-15. Also *IGT* 302 and 304; *Nomima* 374.

⁸ As in *M-L* 30 B ll. 23-25: ἢ τι κακὸν βολεύοι περὶ Τηϊῶν τὸ ξυνὸν.

⁹ Cf. the Athenian law in *Dem.* 21.113.

ἀπόλλυσθαι. In the provision discussed above, the penalty inflicted on magistrates breaking this law is expressed by the phrase ἀπόλλυσθαι καὶ αὐτὸν καὶ γένος τὸ κένο. Before we examine the exact meaning of this formulation, and the consequences of its infliction, it should be noted that the same formula appears on all four faces of our inscription. It appears once more on face A (ll. 3-5), in the preserved final part of an incomplete provision which was mentioned above. On face C, κεί[ν]/[ον ἀπ]όλλυσθαι: καὶ αὐτὸν: κ[αί]/ [γ]ένος τὸ κένο is imposed probably against anyone who holds property belonging to the people of Abdera and refuses to turn it in. The same penalty may be restored with certainty on side D, as we will see below. Finally, it appears in a more extended form on B 5-12 (τοῦτον/ [ἀ]πόλλυσθα/ι: ἐκ Τέω: κ[αί]ι/ Ἀβδήρ[ω]ν: [κ]α/ι γῆς: [Τη]ῖ[η]ς/ καὶ α[ὐ]τὸν κ/αί γένο[ς] τὸ/ κείνο), where it is again inflicted for an unknown offence.

Furthermore, the formula ἀπόλλυσθαι καὶ αὐτὸν καὶ γένος τὸ κένο appears repeatedly in the older Teian document, where it is laid down as a punishment for a number of crimes. More precisely, this is the penalty inflicted for:

1. Poisoning the people of Teos (ξυνόν) or only a citizen (A 1-5).
2. Inhibiting the import of wheat to Teos in any way, either in the sea or on land, and exporting the imported wheat (A 6-12).
3. Introducing a tyrant (the word is αἰσυμνήτης, which has a double meaning, as it may also mean lawgiver, yet here it is clear that we have to do with a tyrant) or revolting for the establishment of a tyrant (B 3-8).
4. Deliberately¹⁰ betraying the city and the territory of Teos or the army on an island or in the sea or the guard at the fortress of Aroie; being a pirate or a brigand or giving refuge to pirates or brigands, when they take away objects from the land of Teos or from the sea; deliberately engineering any crime against the people of Teos (B 8-28).

The verb ἀπόλλυμαι means 'to perish, to die, to vanish' (*LSJ* s.v.) and these are the words used by editors to translate the ἀπόλλυσθαι clause. But the question remains: What is the exact significance and what are precisely the legal consequences of a punishment expressed by the verb ἀπόλλυσθαι in the political context of a 5th c. Greek polis? Does this phrase imply purely and simply an imprecation, as it is usually stated, in other words a curse which had no actual connection with human acts, or does it involve some measures taken by members of the community?

An observation which sheds some light on the meaning of ἀπόλλυσθαι is that it is used in the sources to denote not only natural death, but also death as a result of the execution of capital punishment, in which case it takes a more precisely juristic meaning. It is also very interesting to observe the use of the verb ἀπόλλυμαι in Aristophanes' *Clouds* 1077, where the phrase ἡμαρτες, ἠράσθης, ἐμοίχευσάς τι, κατελήφθης, ἀπόλωλα', means 'you made a mistake, you fell in love, you committed adultery, you were caught in the act; you are dead'. The specific meaning of 'dead' here is 'killed by the husband exercising the right accorded to him by the law in cases of adultery. It is significant to note in this passage the direct connection of ἀπόλλυμαι with lawful self-help, which is the main feature of the penalty of outlawry usually inflicted by Greek poleis for subversion.

The answer to the question about the significance and nature of the ἀπόλλυσθαι clause lies in Face B of our document, where the wording of the penalty is more explicit. Here, the phrase τοῦτον ἀπόλλυσθαι καὶ α[ὐ]τὸν καὶ γένο[ς] τὸ κένο is enlightened by the addition of ἐκ Τέω: κ[αί]ι Ἀβδήρ[ω]ν: [κ]α/ι γῆς: [Τη]ῖ[η]ς. The fact that the perpetrator is to ἀπόλλυσθαι specifically from the territories of Teos and Abdera eliminates the ambiguity of the term and shows clearly that ἀπόλλυσθαι corresponds to expulsion. Therefore, the penalty for the unknown offence of face B is expulsion from the territory of the polis; this observation is of vital significance, because the execution of this penalty is clearly the

¹⁰ An interesting element concerning the attitude of the offender is introduced here. It is the clause εἰδῶς, which corresponds to intention, meaning that the offender is considered guilty if he acted deliberately. The law very precisely states that only those acts of betrayal which were committed deliberately are to be punished. In fact, the recognition of intention as a particular element of punishing a crime is a characteristic of early Greek law, as in Dracon's law on homicide.

duty of humans, not of gods. If it were a curse with no reference to human justice, expulsion would be pronounced from the whole earth and not simply from the territory of the polis.

Herrmann could not fail to observe this; in this passage, he is not content with the translation 'der soll zugrunde gehen', which he uses for all other occurrences of the ἀπόλλυσθαι clause, and adds the phrase 'und verbannt sein' in parentheses. He is followed by Koerner, who reproduces the same translation (*IGT* no 79, p. 302) and by Graham (1992, 54 and 55), who specifies: 'may he be destroyed (and banished) from Teos and Abdera' etc. and further on states that 'the malefactor is declared an outlaw'¹¹.

Although scholars clearly see that the penalty inflicted in this instance is outlawry, they show an inexplicable reluctance to extend it to all other cases where the formula ἀπόλλυσθαι appears on the document. But there is no convincing reason to think that ἀπόλλυσθαι here takes a different meaning from the one it has in all other instances on the two documents. Clearly, the addition of the extended formula 'from Teos and Abdera and their territory' here is due to the necessity to extend the application of the law in both Abdera and Teos; if the provision in this passage was intended only for Teos, the shorter formula would suffice here as well. Besides, it would be rather absurd if ἀπόλλυσθαι αὐτὸν καὶ γένος signified a curse which would change into proscription with the simple addition of the name of a specific polis. It is therefore justified to consider that the same penalty is inflicted for all offences in both documents. The essential aim of this penalty is to eliminate the offender by all means; in fact, this is the usual way employed by Greek poleis for the treatment of traitors and of all those who threatened the established law and order. If the criminal could be reached, he would be arrested and executed; if he had fled the city, he would be proscribed and his killer would be declared innocent according to human and sacred law; if he had died previously, various measures would be taken to efface his memory, such as demolishing his house, erasing his name from all catalogues, throwing his bones out of the territory of the polis etc.¹² Reasonably, citizens would not be content with simply cursing the perpetrators of such serious crimes, as important as the consequences of such a curse could be. The polis would undoubtedly want to make sure that offenders were punished according to statutory law.

There must have been a time when maledictions were thought sufficient to satisfy the sense of justice, but clearly in a 5th century polis, such as Teos, this belongs to the past. The documents from Teos may reflect a period of transition, since proscription of the criminal (implying lifetime exile with confiscation of property) is not explicitly stated. Nevertheless, as a general observation, older legal texts were very brief; they tend to become less and less succinct as we advance from the archaic to the classical period, and they become indeed wordy in Hellenistic times. An early Hellenistic decree establishing sympoliteia between Teos and Kyrbissos is very closely associated to the material under discussion, as has already been observed.

According to this decree (*SEG* 26 [1976] 1306 = *IT* 48, ll. 20-26), 'whoever, having taken over the place, does not hand it over to the Garrison Commander sent by the city every four months, he shall be exiled and accursed from Teos and Abdera and from the land both of the Teians and of the Abderites, and his possessions shall be confiscated, and whoever kills him shall not be polluted'. Here proscription is stated explicitly by the phrase φεύγειν τε αὐτὸν ἀραιὸν ἐκ Τέω καὶ ἐξ Ἀβδήρων καὶ ἐκ τῆς χώρας καὶ τῆς Τηίων καὶ τῆς Ἀβδηριτῶν καὶ τὰ ὄντα αὐτοῦ δημόσια εἶναι, καὶ ὅς ἂν ἀποκτείνῃ αὐτὸν μὴ μιὰρὸς ἔστω, and correspondence of φεύγειν ἀραιὸν ἐκ Τέω καὶ ἐξ Ἀβδήρων to ἀπόλλυσθαι ἐκ Τέω καὶ ἐξ Ἀβδήρων face B of our inscription is evident.

The Civic Oath. The next stipulation on face A (ll. 10-25) contains a civic oath:

¹¹ This differentiation is not clear in the translation in *Nomima* no 105, p. 372: 'qu'il périsse, lui et ses descendants, hors de Téos'.

¹² On proscription, see Youni 1998, 109-148 and Youni 2001.

10	Ἐ- πανάστα[σ]ιν: οὐ βολε- ύσω: οὐδὲ ποιήσω: οὐδ- ἐ λυ[ή]σω: ο[ὐ]δὲ διώξω: ο- [ὐ]δὲ [χρ]ήμα[σ]τα: δημιώσ- 15 [ω: οὐ]δὲ δήσω. οὐδὲ κατ- [ακ]τε[ν]έω: ἄμ μη σ[ὐ]ν [δι-] [ακοσ]ί[ο]ισιν: ἐν Τέωι	[ἦ] πλέοσ[ι]ν: [κ]αὶ ἄμ μη ὑ- π[ὸ] πόλεω[ς]: ν[ό]μο: κατα- 20 λαφθέν[τ]α: ἐν δὲ Ἄβδη- [ρ]οισιν: [σ]ὺμ πεντακο- [σ]ίοισιν: ἦ πλ[έ]οσιν: Α- ἰσυμνήτην: οὐ στήσω [ο]ὔτε: σὺμ πολλοῖσι[ν] 25 [Τ]ηί[ο]ισιν.
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This passage seems to be the conclusion of a text which contained specific regulations on serious crimes committed against the *polis*. Thus, after a series of stipulations laying down specific penalties for specific public crimes, the text of the oath comes as a culmination. The oath sealing these regulations had to be sworn by all citizens in order to enforce the spirit and to guarantee the application of these laws in the future. Similar public oaths are also attested from other Greek *poleis*, and they are usually combined with the pronouncement of ἀπαί against perjuries¹³. In the case of Teos, the oath was the outcome of a civil strife which was won by the *demos*. Under such circumstances, the *demos* called all participants in the citizenship to swear that they will not take part in overthrowing the lawful *politeia*. This is also the case in Teos, shortly after the Ionian revolt and the Persian War.

Despite the syntax of the oath, which is one of uninterrupted continuity, three distinct parts may be distinguished in accordance with the content. The first part comprises ll. 10-13: "I shall not be the instigator of a revolt nor participate in a revolt; I shall not cause division"; the second goes from l. 13 to 22: "I shall not prosecute (anyone in justice), nor shall I confiscate property, nor shall I arrest, nor shall I put to death, unless with two hundred or more in Teos, and unless there is condemnation according to a law of the city, and in Abdera with five hundred or more"; finally, the third part includes ll. 22-25: "I shall not set up an *aisymnetes*, not even together with many Teians."

The first and the third part of the civic oath are connected, as they state the four principal ways of committing the crime of subversion; these are instigating or taking part in a revolt, causing division among citizens, and setting up a tyrant. These provisions against violent acts, which could lead to civil strife, aim at securing the stability of the regime, the sovereignty of law, and the prevalence of the longed for concord among citizens (ὁμόνοια). Accordingly, there is an absolute ban on committing the above political crimes, which is not expressly stated at this point of the text, but is easily implied by the context.

The two connected passages on ll. 10-13 and 22-25 refer to substantive law, as they determine the most serious political crimes. On the contrary, ll. 13-22 refer to legal procedure and more specifically to lawful prosecution, trial, and infliction of penalties by the city's organs. According to this stipulation, the citizens, under their authority as members of the city's organs, are competent to prosecute in justice (διώξω), to arrest a citizen (δήσω), and to inflict confiscation of property (χρήματα δημιώσω) or the penalty of death (κατακτενέω); but they can proceed to one of these stages of legal procedure under two binding conditions: (a) that legal action results from a lawful decision of a collective body, and (b) that this decision was founded on a preexisting law of the city. Clearly, this passage, couched in the form of a civic oath, constitutes what we might call "a fundamental court regulation".

The importance of this passage for the history of institutions cannot be overly emphasized, more so as it appears in a document which has not gained its fame because of its rational aspects. Against its bibliographical reputation as a text containing mere imprecations, this document in fact stipulates the essential rules governing all stages of legal procedure, from prosecution to condemnation in a court trial. Furthermore, the stipulation forbidding the infliction of any kind of penalty unless there is condemnation according to an existing law constitutes a rare epigraphic attestation of a fundamental

¹³ Cf. the examples given by Herrmann 1981, 13, and the bibliography on oath, 14.

principle of modern criminal law, known as *nullum crimen, nulla poena sine lege*, that is, 'there is no crime or infliction of penalty unless this is provided for by a specific law'. Against arbitrary prosecutions and illegal convictions, the citizens of Teos and Abdera of the 5th c., as citizens of other Greek *poleis* of the same period, established this principle as the basis for the administration of justice.

Although there is no doubt that this provision refers to a collective body of citizens entrusted with judiciary competence in the *polis*, the exact character of these organs is not clear. The first question concerns the numbers of two hundred citizens at Teos and five hundred citizens at Abdera. Do they represent the entire number of members or do they correspond to the *quorum* needed for lawful condemnation and infliction of the penalty? I am convinced by the arguments of D.M. Lewis, who concludes that we have to do with a *quorum*, and more precisely 'the *quorum* of the court or of the assembly acting judicially' (Lewis 1982, 71-72). The second question concerns the identity of this organ, since the formulation of the text does not allow any certainty: which was the body that consisted of the διακόσιοι in Teos and the respective πεντακόσιοι in Abdera? A *quorum* of 200 or 500 citizens seems too little to form the popular assembly of the two cities respectively, however small they may have been. We may face two preferable alternatives, either a Council or a court, which could possibly be a part of the popular assembly. Maybe the difference in number points to the first solution, although not decisively; as Lewis comments, the proportions of the two cities' normal tribute to the Delian League, 6 and 15 talents, are exactly the same as the proportion of the members of the two bodies. In this case, the Council of each *polis* would also have the judiciary authority. In any case, be it a Council or a portion of the people's assembly or a court, this organ assured a massive participation of citizens, which is a strong indication of democratic constitution.

Another point of great interest is the fact that an enactment concerning Abdera is included in this specific passage, stating that lawful prosecution and condemnation must stem from an authority consisting of at least five hundred members. These lines demonstrate that each of the two *poleis* had a separate and autonomous mechanism for the administration of justice, and the organs of each *polis* had a defined authority over their own citizens.

The civic oath testifies of a turbulent period, which has been sought with good reason in the period right after the Ionian revolt and the Persian wars (Graham 1991, 178 n. 4; *idem* 1992, 54). At that crucial moment, tyrants established by or with the help of external powers were overthrown; it was the responsibility of all citizens to struggle for the restoration of political institutions. One of the measures of the older inscription, which is dated to the same period, is directed against those who conspire to harm the people of Teos, either with Greeks or with barbarians¹⁴. As illustrated by these lines, accessories to a conspiracy for overthrowing the regime and imposing a tyrant could be either Greek or not (the non-Greeks meaning mainly the Great King). In order to consolidate the celebrated autonomy of the Greek *polis*, as well as democratic institutions, an agreement of all citizens was necessary, guaranteeing that a subversion of the *politeia* does not happen again.

Of course an oath appearing on an inscription from Teos was intended for the citizens of this city. Obviously it had been sworn solemnly by all citizens at the time it was established, and this procedure was to be repeated three times a year, during the greatest religious festivals. But ll. 20-22 point strongly to the hypothesis that another copy of this law existed in Abdera and that the citizens of Abdera were also bound to take the same oath under the same conditions as Teians, that is, three times a year, according to the provisions on face D of the stele.

The Public Reading. Face D of the stele preserves partly a regulation ordering magistrates to read publicly the law during festivals:

¹⁴ B ll. 23-27: ἢ [τι κ]/ακὸν : βολεύοι : περι Τ[ηί]/ων : τὸ ξυνὸ : εἰδῶς : ἢ π[ρὸς]/ 'Ἕλληνας : ἢ πρὸς βαρβάρους. This provision is very similar to the Athenian law mentioned by Din. 2. 16.

1	Ἄνθε[στη]ρ[ί]- οισιν: καὶ Ἡ- ρακλέοισι- ν: καὶ {ι} Δίοι-		ἢ ταμειύων μὴ ἑναλέξεε-
5	σιν: ἐν Ἀβδ[ή]- ρο[ί]σιν: Ἄν[θ]- εστηρίοι[σ]- ιν: καὶ Ἡρα[κ]- λέοισιν: κ[α]-	15	ν: τὰ γεγραθ- μένα: ἐν τῇ [σ]τήλῃ: ἐπὶ μνήμη: καὶ δυνάμει: ἢ [φ]-
10	ἰ Ζηνός: ἐορ- τῇ: ὅστις δ- ὲ τιμοχέων	20	οινικογρα- φῶν: κελευ- [ό]ντων τιμό- χων: κεῖνον -----

The translation of this passage has no specific difficulty: "... (in Teos) at the festival of the Anthesteria, the Herakleia and the Dia, and in Abdera at the Anthesteria, the Herakleia and the festival of Zeus. Any magistrate (τιμοχέων) or treasurer (ταμειύων) who does not read out publicly the laws inscribed on this stele, for the purpose of reminder and reinforcement, and any secretary (φοινικογραφῶν) who on the order of the *timouchoi* (fails to do so), may he ...".

The expression τὰ γεγραθμένα ἐν τῇ στήλῃ on ll. 15- 17 is also known from other Greek inscriptions, and it may be translated as 'the law engraved on this stele' (Youni 2006, 118-20). There is a clear implication of the preponderance of written law as against oral law or custom. The phrase ἐπὶ μνήμη καὶ δυνάμει on ll. 17-19 denotes a kind of revalidation of the content of the law; citizens are requested to renew, three times a year, their faith in the lawful *politeia* and their support to it. In the light of this passage, the phrase ἐπὶ δυνάμει of the old inscription does not mean 'in front of the statue of Dynamis', as has been proposed, but 'for the purpose of reinforcement'.

This passage has been paralleled to *M-L* 30, B 29-41: "All those who in the capacity of *timouchoi* do not make the ἐπαρῆ during the games at the Anthesteria, the Herakleia and the Dia, may they be included in the ἐπαρῆ. Whoever destroys the stelae on which the ἐπαρῆ is inscribed, or cuts out the letters or alters them, may he be destroyed, both himself and his descendants". The similarity between the two passages is certainly striking. But there are also some differences. The first, underlined by all scholars, is that the new inscription contains a law applied not only in Teos, as the older one, but also in Abdera, since it provides for the public reading of the law at the three main festivals of each city, with the only differentiation that the Teian Dia are called 'festival of Zeus' at Abdera. Second, the new inscription provides not only for the *timouchoi*, as the older one, but also for the treasurers and the secretary. Third, the older inscription contains an additional regulation concerning any person who destroys in any way the text of the law.

Both documents are the product of a period of political turbulence, when institutions were at stake and respect of the city's laws was not secured. There is an obvious anxiousness about the validity of the decree and its force in the future; the city's magistrates are ordered to read publicly the text 'in order to remind and enforce' it. The repetition of the public reading of the law three times a year is done ἐπὶ δυνάμει, 'to reinforce' (first text) or 'to remind and reinforce' (second text). Contrary to the interpretations that emphasize the ceremonial trait of the public reading, it is preferable to put the accent on the agony for keeping the law strong and valid, which causes this insistence in reminding it. This is a special measure for the conservation of the law, responding to the special circumstances of a period of unusual trouble.

Ἀρά and the Penalty of Outlawry. There remains another important point to be discussed, concerning the act which the magistrates are ordered by the law to accomplish and the subsequent penalty that they incur. In the old inscription magistrates are ordered to pronounce the imprecation (ποιεῖν τὴν ἐπαρῆν), and if they fail to do so, the same imprecation is to be valid for them (ἐν τῇπαρῇ ἔχεσθαι). In

the new inscription magistrates are ordered to read publicly the law (ἀναλέξειαν τὰ γεγραθμένα) and the penalty for those who do not conform to the law is 'to perish together with their descendants', as it may safely be restored by analogy to the penalty set on faces B and C of the stele. The expressions ἐν τήπαρῃ ἔχεσθαι of the older document and κείνον ἀπόλλυσθαι καὶ αὐτὸν καὶ γένος of the new one have been assumed to be identical. Furthermore, this identification has attributed to the new inscription the title *dirae Teiae*, although not a single mention of malediction appears in the text.

I will argue that the importance paid to the religious aspect of imprecation has blurred our understanding of the issue, and that we need instead to focus on the aspect of human justice, i.e. of positive law, in order to conceive the meaning and the consequences of public imprecation in an ancient Greek polis.

There is no necessity to evoke the long history of the word ἀρά or its connection to the so-called Sacral Law. Latte's treatise of *Heiliges Recht* has been determinative for all subsequent studies, because he achieved to clarify the aspects of public imprecations in ancient Greece. The application of public curses by Greek cities had a proper and specific domain: they were always employed against offences which were considered to be particularly threatening to the community, as Latte indicated (Latte 68-77; see also Parker 1983, 193-96). But it is also obvious that a purely sacral sanction was not enough to administer justice on the civic or legal level. This fact is manifested particularly by those decrees that expressly threaten offenders both with a curse and with a secular penalty¹⁵. But this is not the case with the two Teian inscriptions, which contain no other sanction than inclusion of offending magistrates in the ἐπαρή or the clause ἀπόλλυσθαι. Parker observed that the Teian texts do not merely refer to curses, and suggested that there may have been other Teian decrees specifying that traitors were both to be outlawed and to be made targets at the ritual of public cursing (Parker 2005, 77). Probably this was not necessary; as I argued above, the ἀπόλλυσθαι formula itself corresponds to outlawry, and therefore it included the pronouncement both of sacral and of civic punishment.

Furthermore, a more careful examination shows that the word ἀρά as well may take different meanings. In many literary texts, the consequences of ἀρά are not the product of divine interference but they clearly derive from human acts. In the Homeric world, at a time when the administration of justice relied on individuals, ἀρά was connected to the private reprisal following a murder. In the *Iliad* the Trojan Akamas, having killed his brother's killer Promachos, says that every man prays to leave at home a relative, who would revenge his blood (ἀρῆς ἀλκτῆρα; *Iliad* 14.482-85). After the establishment of civic courts competent to try all cases, ἀρά appears closely associated to the severe penalties imposed by the city's organs for the most important crimes. These may be violating a specific law or destroying a text exposed in public on which a law was inscribed, and, more decisively, subversion. Speaking about the democratic regime of Athens, as opposed to Spartan oligarchy, Demosthenes says that in Athens not the few *homoioi* but the whole *demos* is sovereign, and there are ἀραί and laws and precautions to secure that sovereignty stays with the *demos*¹⁶.

A bronze tablet from Argos, dated to the second quarter of the 6th c.¹⁷, seems to have a context similar to our inscription. The tablet probably contained penal regulations which were sanctioned by a series of ἀραί, as this is implied by the mention of three penalties: exile (l. 3), confiscation (l. 4), and death (l. 5). The text is fragmentary, but the phrase 'whoever violates the present law ... or falsifies the ἀρά must (be chased) from the territory of Argos and his property (confiscated)' is legible. With this provision, a penalty is laid down for those who violated the specific law or falsified the written text of the law: he was to be expelled from the territory of Argos and his property was to be confiscated.

¹⁵ E.g. Syll.³ 364.30-32 from Ephesus; Latte 76; Parker 2005, 77.

¹⁶ Dem. 20. 107: Παρὰ δ' ἡμῖν ταύτης (τῆς πολιτείας) μὲν ὁ δῆμος κύριος, καὶ ἀραί καὶ νόμοι καὶ φυλακαὶ ὅπως μηδεὶς ἄλλος κύριος γενήσεται.

¹⁷ IG IV 506, ll. 1-4: ---τὰ γράθματα ταδὲν ἡ ἄγνοι/ --- ἡ συγχείο τὰς ἀράς τὰς ---/--- γὰς τὰς Ἀργείας τὰ δὲ πάμα[τα ---/--- αὶ κα θάνατον ἡ ἄλλο τι καθὸν h---. About this law, see Youni 2006, 136-7.

The use of the term ἀρά in a fragment from Megara Hyblaia is most revealing. The phrase πᾶσι ἀρά τῷ [θε]ῷ ἅδε : ὃς κἀ[τ τῷ ἀρχομάο θύε ὀγδόαν ἀποτεισάτο]¹⁸ means 'the following is the penalty imposed by the god: "whoever sacrifices against the prescription of the *archomaos* must pay one eighth'. It is clear that the word ἀρά means purely and simply a penalty inflicted by the magistrates of the sanctuary on perpetrators. It is striking that the god's curse has a direct and specific effect on the level of human justice, imposing a financial penalty against those who violate the law.

Many centuries later, I. Stobaeus (*Flor.* 4.2.24) reports that Charondas, the ancient legislator of Catane, inflicted the penalty of πολιτική ἀρά to those who altered or modified the law. The expression πολιτική ἀρά, which juxtaposes a word of the political vocabulary with a word of the religious domain, illustrates the immersion of the sacral punishment with the penalty imposed by the statutory law of the *polis*.

Both Teian documents belong to a category of legal texts dealing with crimes which the civic community considered to be the most serious threat against the city and its constitution. It is true that a set of special laws protecting the utmost values exists in every society, and although these values may differ from one society to the other, safeguarding the regime is always and everywhere a primary concern. Numerous examples from different cities of the archaic and classical period belong to this category; the crimes faced are overthrow of the lawfully established government, with its variant, the establishment of tyranny, treason to the enemy or falsification of the laws. The combination of penalties imposed for these crimes is monotonously the same: lifetime exile from the city and its territory, often extending to the descendants of the criminal, and confiscation of his property. There is an obvious aim: the complete annihilation of the offender. Offenders are not sentenced to death and executed by the city's authorities, mainly because at the time of the voting of the decree they had already fled the city. This is why any citizen is requested to kill any offender by his own hands and guaranteed impunity by the laws of the city and purity before the gods. In an attempt to completely erase the memory of such an abominable act and of its author, some additional measures often appear, such as demolition of his house or digging up his tomb and throwing his corpse out of the city borders. In Athens, laws and decrees with this constant were still voted by the people's assembly in the 4th c. (e.g. *Andoc.* 1. 95-98; *SEG* 12 [1955] 87).

Outside Athens, one of the numerous examples which can be cited is a law (τεθμός) from Naupactos dated to ca. 500¹⁹, stipulating that whoever proposes a decree in the city's organs about the redistribution of land or revolts for this reason, is to be exiled for lifetime together with his descendants, his property confiscated, his house demolished according to the law about homicide (ll. 9-14). There are different terms employed for the same sanction: αὐτὸς μὲν Φερρέτω καὶ γενεᾷ ἅματα πάντα, χρέματα δαμευόσθον καὶ οἰκία κατασκαπτεύθο. Again, whoever breaks this law is to be ἐξόλειαν αὐτοὶ καὶ γενεᾷ καὶ πάντεσιν.

Connection between the two Texts. The similarities between the recently discovered Teian inscription examined in this paper and *M-L* 30, dating to the same period, have been noticed and discussed since the *editio princeps*. Yet, there are some important points of divergence, which will be considered here.

The main feature which differentiates the older inscription from the new text is that the former refers exclusively to Teos with no hint about Abderites, whereas the latter makes constant mention of both the mother city and her colony. Furthermore, the older text legislates about serious crimes which are directed against the people of Teos, such as hindering the vital supply of corn, tyranny, treason, piracy etc., and stipulates severe penalties for perpetrators; consequently, it regulates the internal affairs of Teos. On the other hand, the aim of the recent decree is to regulate in a clearer and more specific way the common affairs of the two cities, as this is best illustrated by the provision on face C, which orders the restitution of property belonging to the people of Abdera. This

¹⁸ *IGT* 85 = *SEG* 29 [1979] 1804, first half of the 6th century.

¹⁹ *IG IX I* 3. 609. On this law, see Youni 2006, 134-36.

stipulation is most probably connected to the departure from Abdera of citizens who refounded Teos; we may conjecture that disputes about property could easily arise under such circumstances.

Some more passages of the new inscription may point to the same historical fact, such as the obscure reference to the 'adopted Teians', alluding to a situation where one group is threatened by another. Finally, the demarcation of the judicial competence of each city's tribunals made by a stipulation in the citizen oath (ll. A 13-22) may originate in the refoundation of Teos and the reorganisation of its political institutions as well. Obviously then, the above differences respond to different aims and necessities, although the political circumstances which produced them may have been similar.

Submission, Sympoliteia or Autonomy. In respect with the relation of the two documents, there is the issue of the relations between Teos and Abdera²⁰. Scholars have pointed out the unusually close ties between mother city and colony²¹, which are sometimes manifested in the sources as a kind of confusion of citizenship. Herodotus (1.168) called the Abderites 'Teians in Abdera' and Protagoras, known to be Abderite by numerous sources, is reported as a Teian by his contemporary, the comic poet Eupolis (Hdt. 1.168). This evidence, connected to the double reference to Teos and Abdera on faces B, C, and D of the new document, has raised some doubts as to the complete autonomy of the mother city and her colony (Herrmann 1981, 26-29). Graham (1992, 56-59) discussed exhaustively this 'merging of the political identities' of the two *poleis*, and concluded that there is no ground to suppose either a hegemony of Teos or a form of *sympoliteia*, but we have to do with two independent states, which 'were so closely linked together that they admitted institutions and arrangements that effectively placed their political unity above their political independence'. This very successful analysis may be enriched with some further considerations about the following questions: Who was the legislator of this text? Was that a product of Teian legislation alone, and under which authority did Teos legislate for Abdera?

In what concerns the competence of Teos to legislate about Abdera, the fact that another city is mentioned in the law of a city does not mean that the latter is authoritatively legislating for the former. On one hand, as the text is fragmentary and the beginning is missing, we cannot exclude the possibility that this resolution was the product of two legislative bodies, comprised of representatives from both cities or from the assembly of Teos together with representatives sent from Abdera for that reason, as parallels show²². On the other hand, it is possible that the same enactments were voted by the popular assemblies of Teos and Abdera at the same time. In fact, this is the usual practice in what concerns treaties of alliance between two cities²³. An inscription from Lokris is very close to the Teian documents, as it refers to a metropolis and its colony. It is a law for the colonization of Naupaktos, which explicitly states that, in order to change the resolutions of the present law, it is necessary to have an agreement of both parts, the metropolis and the colony, and that the agreement must be expressed in the legislative bodies of the two *poleis* (IG IX² 3. 718, ll. 38-47). Finally, the form in which legislative texts were reproduced on stone does not reflect the exact form in which they were stipulated; various factors determined the formulation of the inscription²⁴.

Furthermore, declaring someone an outlaw from the *polis* and the allies was a well-known practice, as this is demonstrated in some Athenian decrees. Demosthenes relates how a certain Arthmios, originating from Asia Minor, was declared in Athens an outlaw and enemy of the *demos* and of the allies, he and his descendants (Dem. 9.41-44); clearly, the phrase ἐκ συμμάχων does not mean that the allied *poleis* were not autonomous.

²⁰ See Herrmann's discussion (1981, 26-30).

²¹ See n. 4 above.

²² Cf. the agreement between the people of Halicarnassus and Salmakis about land property (M-L 32)

²³ Cf. the two exemplars of a treaty IC 1. 30. 1 and IC 1, 8, 4.

²⁴ See especially Rosalind Thomas, whose work has greatly promoted our understanding of the connection between orality and written text.

Protagoras' theory on the purpose of punishment is admirable for its depth, its completeness, and the humanistic aspect it promotes. Reflecting on the aim of punishing malefactors, he concludes that 'it is not for the crime itself that one should be punished, because the crime is already past, but thinking about the future, so that the malefactor shall not commit another crime neither he nor someone else who saw him getting punished'. Just like modern legal theory, Protagoras believed that the aim of punishment is prevention, directed on both the malefactor himself and the whole community. Furthermore, Protagoras stresses the necessity to advise and punish wrongdoers, so that they become better. But for those who turn out to be incorrigible, he states that it is right to drive them away from the polis or put them to death, as persons who are incurable. According to the philosopher, exile and death are the extreme measures to be taken for hopeless cases, and such are certainly those who commit crimes against the polis and its people. It is indeed very difficult to reconcile such a refined thinking about punishment with a civic practice of throwing curses on those who commit the most serious crimes against the city.

To conclude this study, the title *Dirae Teiae* or "Teian imprecations" usually attributed to the two documents examined here, is proven not to be accurate. These laws, voted by the people of Teos, were intended to punish the most dangerous and important political crimes, imposing on perpetrators the utmost penalties. The person proclaimed an outlaw was subject to the death penalty under its most severe variation, which is proscription, executed by any citizen, who might, or rather was obliged to kill with his own hands. The label of 'imprecations' given to these two documents has obscured their deeply political character and their thoroughly legislative nature.

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