

## Herodotus 4.153 and *SEG IX 3*

*James H. Oliver*

THE TEXT *SEG IX 3* at Cyrene is an inscription of the early fourth century B.C. recording a decree to grant Cyrenaean citizenship to Theraean immigrants on the basis of an ancient agreement concerning those who might emigrate later. What purports to be and, despite some modernizing, may well be the seventh century B.C. Pact of the First Settlers is engraved below the decree from the early fourth century. Soon after its discovery the entire inscription was made known by S. Ferri,<sup>1</sup> but the standard text of today comes from the improved reading by G. Oliverio.<sup>2</sup>

The Pact of the First Settlers records arrangements which Herodotus 4.153 reports in somewhat ambiguous and slightly different terms. Therein lies a fascinating textual problem.

### I

Line 29 in the Pact of the First Settlers will here be reconstructed on the assumption that L. H. Jeffery<sup>3</sup> was right in her reasons for challenging Adolf Wilhelm's<sup>4</sup> restoration still retained by A. J. Graham,<sup>5</sup> though she was mistaken in her own reconstruction, which, so far as I can tell, has been accepted by no one.

Miss Jeffery begins with Legrand's emended text of Herodotus 4.153: *Θηραίοις δὲ ἕαδε ἀδελφεόν τε ἀπ' ἀδελφεῶν > (ἀ<ντ' > ἀδελφεοῦ Wilhelm) πέμπειν πάλω λαχόντα καὶ ἀπὸ τῶν χώρων ἀπάντων ἑπτὰ ἐόντων ἄνδρας, εἶναι δὲ σφρων καὶ ἡγεμόνα καὶ βασιλέα Βάττον.* Then she argues that a number which accompanied *ἄνδρας* must have fallen out. She is not the first to have so felt. Long before the discovery of *SEG IX 3*, Stein in his Herodotus commentary declared that the numeral had

<sup>1</sup> S. Ferri, "Alcune iscrizioni di Cirene," *Abh.Ak.Wiss.Berlin*, 1925, Phil.-hist. Kl., Nr. 5, especially pp. 19-24.

<sup>2</sup> G. Oliverio, "Iscrizioni di Cirene," *RivFil*, n.s. 6 (1928) 222-232.

<sup>3</sup> L. H. Jeffery, "The Pact of the First Settlers at Cyrene," *Historia* 10 (1961) 139-147.

<sup>4</sup> A. Wilhelm, "Griechische Inschriften rechtlichen Inhalts," *Πραγματεῖαι τῆς Ἀκαδημίας Ἀθηνῶν* 17 (1951) 1-112, especially pp. 5-7, "Zu einem Beschluss der Theraier."

<sup>5</sup> A. J. Graham, *Colony and Mother City in Ancient Greece* (New York 1964) Appendix. The chief feature of this text is the presentation of letters as if now certainly read, letters which Oliverio reported as uncertain twenty-eight years ago.

fallen out after *ἄνδρας*, while Mahaffy and Cobet emended to read *ἄνδρας (διηκοσίου)* on the assumption that the text had once read ANΔΡΑΣΣ' and that the sign Σ' was lost by haplography. Two dots in Macan's text indicate a lacuna.

How and Wells comment as follows: "There were four points in the Theraean decree: (a) The number of colonists must have been fixed. This is omitted by H(erodotus), unless it has fallen out of the text". . .

The number could hardly have been more than two-hundred, since Herodotus goes on to say that the whole party was dispatched in two penteconters. Few beside the hundred who rowed could be accommodated in two penteconters, so that two hundred may seem high, but since a number is indeed needed, Miss Jeffery found Mahaffy's emendation "easy and attractive."

Mahaffy's emendation, however, assumes a background of alphabetic numerals,<sup>6</sup> of which the manuscript tradition of Herodotus shows no trace. In 1.6.4, for example, where twenty-two generations are interpreted as 505 years, the error *πέντε* for *πεντήκοντα* would never have arisen with alphabetic numerals, and since the numerals are always written out in the manuscripts of Herodotus, that kind of error is best excluded.

It remains true, however, that a number must have been mentioned when the decision was taken to send out a colony. Whether or not Herodotus forgot to mention this essential element in the story, a number must have been specified and should have stood in SEG IX 3, of which the pertinent section, lines 24–30, reads with Oliverio's restorations as follows:

*ἀποπέμπεν ἐς τὸν [Λιβ]ύαν Βάττομ μὲν ἀρχαγέτα[ν]  
[τ]ε καὶ βασιλῆα· ἐταίρους δὲ τοὺς Θηραίους πλὴν· ἐπὶ ταῖ ἴσα[ι κ]  
αὶ ταῖ ὁμοίαι πλὴν κατὰ τὸν οἶκον, υἷὸν δὲ ἕνα, καταλα[έ]  
29 γεσθαί τ[ε ἀπὸ τῶν χώρων ἀπάντων] τοὺς ἡβῶντας, καὶ τῶν [ἄλ]  
[λ]ων Θηραίων ἐλευθέρους, [ὄ κα λῆι], πλὴν.*

Ferrabino<sup>7</sup> pointed out that Oliverio's restoration of line 29 on a supposed basis of Herodotus 4.153 gave the wrong sense, and he proposed removing the comma after *υἷὸν δὲ ἕνα* and restoring *τῶ οἴκω ἐκάστω πάντας* instead. The first three words are right, said Wilhelm,

<sup>6</sup> The best discussion of this system is by M. N. Tod, "The Alphabetic Numeral System in Attica," *BSA* 45 (1950) 126–139.

<sup>7</sup> A. Ferrabino, "La stele dei patti," *RivFil*, n.s. 6 (1928) 250–254.

who completed the lacuna πλέν δὲ] τοὺς ἡβῶντας, conjecturally. Ferrabino and he thus made the lacuna two letters shorter than Oliverio. Miss Jeffery retained their probably erroneous estimate of the length of this lacuna and restored the lacunae of lines 29 and 30 as follows: τῶ[ν δὲ ἀστῶν πλέν ἑκατόν] (οἱ τῶ[ν δὲ περιοίκων ἑκατόν]) τοὺς ἡβῶντας καὶ τῶν [ἄλλ]ων Θηραίων ἐλευθέρους [ἑκατόν] πλέν. The editors of the *Bulletin épigraphique* 1962, 364 comment, “Mais le syntaxe ne s’accommode pas de cette restitution.” Worse, it reflects the idea that the perioeci came from Thera, an idea rightly excluded by Larsen.<sup>8</sup>

The real importance of Miss Jeffery’s treatment lies in the reminder that a number had to be specified, and if a number stood in *SEG IX 3*, it must have been for spatial reasons a short numeral, in fact the numeral ἑκατόν which she restores in line 29. The essential number is that of the ἡβῶντες, the young men of the first line, on whom the defense of the colony will devolve. The number of others did not matter much, and it is better to leave Oliverio’s satisfactory restoration of line 30 just as it was, except perhaps for the comma after ὁ κα λῆι]. The clause reads:

υἰὸν δὲ ἓνα καταλ[έ]

29 γεσθαι τῶ [οἴκω ἐκάστῳ, ἑκατόν αὐ]τούς, ἡβῶντας, καὶ τῶν [ἄλλ]  
[λ]ων Θηραίων ἐλευθέρους [ὁ κα λῆι] πλέν.

The letter which Miss Jeffery reads as a dotted *omega* in line 29 must be either *omega* or *omicron*. While τῶ [οἴκω is possible, τῶ [οἴκω is better. The word ἡβῶντας may here be taken in the second of the two meanings envisaged by the *Etymologicum Magnum*, s.v. ἡβηδόν (417.48), namely young men who might be sent abroad on military campaigns, κατὰ νεότητα ἡβῶντας ὡς τὰς στρατείας.

If, then, the number ἑκατόν must have been specified, Stein’s<sup>9</sup> opinion that the numeral has fallen out of the text of Herodotus needs to be re-examined. There is no justification for his comment that it must have fallen out *after* the word ἄνδρας. It could just as easily have fallen out *before* the word ἄνδρας and in fact there is then an explanation available. The text of Herodotus will read ἀπὸ τῶν χώρων ἀπάντων ἐπτά

<sup>8</sup> J. A. O. Larsen, *CP* 51 (1956) 272f. Miss Jeffery’s restoration is reported noncommittally in *SEG XX* (1964) 714.

<sup>9</sup> Not only Stein, but Mahaffy, Cobet, van Herwerden and Macan.

έόντων <έκατόν> άνδρας. In the letters EONTΩNEKATON the words are of equal length and look so much alike that the eye of a copyist could easily skip the second word.

In fact, if you admit the necessity of a numeral before άνδρας and so admit the reality of a lacuna in our text, it is just as easy to assume the loss of a whole line or clause as of a single word. In that case SEG IX 3 suggests that the text of Herodotus 4.153 should read: *Θηραίοις δέ εαδε άδελφεόν άπ' άδελφεού πέμπειν πάλω λαχόντα και άπό τών χώρων άπάντων έπτά έόντων <ένα τοϋ οίκου έκάστου, έκατόν> άνδρας, είναι δέ σφρων και ήγεμόνα και βασιλέα Βάττον.*

One advantage of this text is that we no longer need to emend the phrase *άπ' άδελφεού* in order to obtain an acceptable meaning. They separated "brother from brother."

There may be a lacuna as in 1.167.

## II

To return to the Herodotus commentary of How and Wells, the latter say: "There were four points in the Theraean decree: . . . (b) (The colonists) were to be selected by lot, but only sons (*άδελφεόν άπ' άδελφεού*) were exempted. . . ." Macan, too, had expressed some such opinion.

The exemption of only sons is not reflected in SEG IX 3, the Pact of the First Settlers. On the contrary, one son from every household is to leave home. Every household was to be represented, presumably for both a military and a religious reason. The text of Herodotus may have been misinterpreted. Some supplement is necessary, and with our longer supplement Herodotus says, "It pleased the Theraeans to separate brother from brother and to send <of each household one> chosen by lot, from all seven districts <a hundred> men, with Battus being oecist and king among them." Of course that would presuppose for Thera a fixed number of family estates, one for the king's house (for the royal *temenos* would not pass to his descendants as such) and ninety-nine distributed among the (three Dorian) tribes. It is possible that in some families the command fell upon an only son, but the usual fractionalization<sup>10</sup> of estates was relieved and the few households which might suffer could be continued by adoption of a kinsman or son-in-law.

<sup>10</sup> E. Will, "Aux origines du régime foncier grec," *REA* 59 (1957) 5-50.

It is entirely possible that Herodotus had in mind a very different version, but it is not necessary to assume this. No contradiction concerning quality and number of colonists appears. The Pact of the First Settlers *commanded* the departure of a number chosen on the basis of households, young men (*ἡβῶντας*) defined individually as “one son” of the household concerned. Herodotus speaks of the choice of a small number of colonists by an allotment system which separated brother from brother. The more economical hypothesis seems to be that they describe the same process from two points of view.

In speaking of brothers, however, Herodotus makes or repeats an inference based on the specification of one son from each house: the sons would all be brothers in some sense. In the seventh century the sons of an *oikos* were not necessarily inheritors<sup>11</sup> and might have been cousins as well as brothers. Furthermore these kinsmen were called either *κασίγνητοι* or, as in Attica, *ἀγχιστεῖς*.<sup>12</sup> The line between brothers and *κασίγνητοι* was often so obscure that in some dialects the word *κασίγνητος* had come to mean ‘brother’. But Herodotus certainly knew the difference between these two words (e.g. 1.171.6), and his informant must have confused him, if he really was confused.

In conclusion, the text of Herodotus may be said to focus attention on the usual case, a house with more than one ‘son’, and the inscription may be said to disprove the unnecessary inference by modern interpreters of Herodotus that houses with only one ‘son’ were exempt from the general levy which the city imposed upon itself in obedience to the oracle.

THE JOHNS HOPKINS UNIVERSITY

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<sup>11</sup> David Asheri, “Laws of Inheritance, Distribution of Land and Political Constitutions in Ancient Greece,” *Historia* 12 (1963) 1–21.

<sup>12</sup> G. Glotz, *La solidarité de la famille dans le droit criminel en Grèce* (Paris 1904) 85–93. See also C. Hignett, *A History of the Athenian Constitution* (Oxford 1952) 58. For *κασίγνητοι* as *ἀγχιστεῖς* see *Iliad* 15.545–551 and *Odyssey* 16.113–124.