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ATHENIAN 'INTERPRETERS' AND THE LAW

Abstract: Who are the Athenian ἐξηγηταί, and what was their official role? The analysis of the most significant evidence shows that there were two categories of exegetes; the Eumolpids, guardians of the rules concerning the Eleusinian Mysteries; and other exegetes (without qualification in the literary sources), experts of the so called "sacred law". Their activity cannot be considered "interpretation" in the modern sense of the word.

Keywords: exegetai, eumolpids, sacred law, secular law, written law

1. Interpretation, *interpretatio*, ἐξήγησις.

Nowadays, when we talk about "interpreting the law", we hint at the activity of establishing the meaning of a statute in order to allow its application to a given fact, respecting its letter and its spirit.[1] Referred to antiquity, the phrase obviously recalls the *interpretatio* of the Romans, the technical method which, based on the words of the law, allowed the *prudentes* to reconstruct the actual purview of a legal rule[2] – because *scire leges non hoc est uerba earum tenere, sed uim ac potestatem*: D. 1.3.17, Cels. 26 *dig*. It is also well-known that, earlier than the *prudentes*, the most ancient and sometimes inventive "interpreters" of the law were believed to be the *pontifices*, who are occasionally designated by Greek authors, *per comparationem*, [3]

[1] See, *e.g*., Scalia, Garner 2012; in the *Preface*, p. XXVII, the authors point out that the "soundest interpretative method" consists in "ascrib[ing] to [the] text the meaning that it has borne from its inception, and reject[ing] judicial speculation about both the drafters' extratextually derived purposes and the desirability of the fair reading's anticipated consequences"; further on (p. 33), they define the interpretative approach they endorse as "fair reading method", which can be described in these terms: "determining the application of a governing text to given facts on the basis of how a reasonable reader, fully competent in the language, would have understood the text at the time it was issued. The endeavor requires aptitude in language, sound judgment, the suppression of personal preferences regarding the outcome, and, with older texts, historical linguistic research. It also requires an ability to comprehend the *purpose* of the text, which is a vital part of its context. But the purpose is to be gathered only from the text itself, consistently with the other aspects of its context" (author's italics).

[2] For a definition see, *e plurimis*, Berger 1953, pp. 513-4.

[3] On the three possible Greek translations of Roman titles (*per comparationem*, *per translationem, per transcriptionem*), see Magie 1905, p. 2.

as (οἱ τῶν ἱερῶν) ἐξηγηταί.[4] This is the same word that in Athens identifies some official figures who were entrusted, *inter alia*, with the custody of ancestral rules, especially those of sacred nature (τὰ ἱερά), which were designated now as νόμοι, now as νόμιμα, sometimes also with the loose expression τὰ πάτρια.[5] The lexical identity and the close resemblance of expertise of the two positions has led some scholars to assume that they also had a similar historical evolution. Like the Roman pontiffs, the Athenian interpreters were members of an aristocracy (the eupatrids) who originally had the monopoly of legal knowledge,[6] and, at a certain point, were compelled by the people to make publicly available the νόμοι, which, up to that moment, they had guarded.[7]

The lack of information about the origins and the most ancient history of the Athenian interpreters makes it impossible to verify the plausibility of this theory. However, assuming it is conceivable, the resemblance between *pontifices* and ἐξηγηταί ends here. As a matter of fact, the latter were completely unfamiliar with the idea of an original *interpretatio* that represented the most significant and distinctive feature of the activity of the former. Moreover, it is also doubtful that the verb ἐξηγεῖσθαι refers to an idea of interpretation comparable to that attributed to the Roman pontiffs.

This becomes evident when examining the definitions of the lexicographers. Sometimes they state that ἐξηγεῖσθαι means "to say" (λέγειν) or "to show" (διδάσκειν) something to somebody who ignores it;[8] sometimes that it signifies "to

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4 Cf., *e.g.*, Dion. Halic. 2.73.2; 8.56.4, 9.40.3; the *pontifex maximus* is qualified as ἐξηγητής in Plut. *Num*. 9.4.

5 In order better to understand how loose the term τὰ πάτρια is, it is enough to think that, between 411 and 403, the restoration of τὰ πάτρια, referred to also as νόμοι πάτριοι or πάτριος πολιτεία, was aimed at both by the oligarchs (*AP* 29.2; Xen. *Hell*. 11.3) and by the democrats (Lys. 30.29; And. 1.83). That τὰ πάτρια included also τὰ ἱερά is proved by the frequent occurrence of the phrase κατὰ τὰ πάτρια in religious contexts: see Ostwald 1951, p. 28 nt. 22.

6 Cf. Plut. *Thes*. 25: εὐπατρίδαις δὲ γινώσκειν τὰ θεῖα καὶ παρέχειν ἄρχοντας ἀποδοὺς καὶ νόμων διδασκάλους εἶναι καὶ ὁσίων καὶ ἱερῶν ἐξηγητάς. For the meaning of the phrase ἱερὰ καὶ ὅσια see Maffi 1977.

7 See., *e.g.*, Jacoby 1949, p. 274 nt. 262: "we may find attractive the suggestion that the appointment of the Thesmothetai, the noting down of legal maxims, and the codification were carried through against the nobility and the aristocratic exegetai; that the separation of the Sacred from the Secular Law (so far as such a separation took place), and the restriction of the exegetai to the former was the result of the struggle against the autonomy of the clans"; and see also pp. 22-3, where the interpreters' gradual loss of social status is explained as a "natural consequence of the State's taking into its own hands at once law and religion", first with the writing down of the laws towards the end of the seventh century, then with Solon's lawcode at the beginning of the sixth century.

8 Suid., *s.v.* ἐξηγήσασθαι: ἐξηγήσασθαι τοῦ διηγήσασθαι διαφέρει. διηγήσασθαι μὲν γάρ ἐστιν εἰπεῖν ἁπλῶς, ἅ τις αὐτὸς ἐπίσταται, ἤτοι πρὸς ἀγνοοῦντας τοὺς ἀκροωμένους λέγων ἢ καὶ πρὸς εἰδότας. τὸ δὲ ἐξηγήσασθαι ἅμα λέγειν τε περὶ ὧν ἀγνοοῦσιν οἱ ἀκούοντες, καὶ διδάσκειν αὐτούς, περὶ ὧν πυνθάνονται.

reveal and make clear" (ἀνακαλύπτειν καὶ διασαφεῖν) the νόμοι to those who do not know them;[9] sometimes that it refers to the activity, performed by "experts of νόμοι", which concerns what is suitable according to the νόμοι themselves[10] (needless to say that here νόμος is not technically the "law", but instead the complex of customs and rules that regulates the life of the *polis*). It has been underscored that the ἐξήγησις of the Greek interpreters is an expertise distinguished by a "descriptive, as contraposed to normative, character", which made the exegetes "unable to create a productive legal doctrine".[11] Again, "the exegesis which they practiced was not what we would properly call an interpretation of the law. Their duty was rather to say what the law was and what it prescribed in the special case laid before them"[12]. Bearing in mind this conclusion, however, I will still follow the common practice of using the terms "to interpret" and "interpreter" to translate the Greek ἐξηγεῖσθαι and ἐξηγητής. Moreover, again following the common practice, I will sometimes call the law interpreted by the exegetes "sacred law", even though it is well known that in Athenian law no clear distinction can be made between "sacred" and "secular".[13]

2. Athenian 'interpreters'

After this essential foreword, I come to the purpose of my essay. Referring in particular to judicial practice and trials, I will analyze both the role played by the Athenian interpreters between the fifth and the fourth century BC, and the relation between their "laws" and the laws of the city.[14]

To this end, it is first necessary to point out that with the words ἐξηγτής / ἐξηγηταί our sources do not designate an unambiguous and homogeneous category. In some late inscriptions (from the second century BC on), the term is normally followed by three different "qualifying phrases":[15] exegetes of the Eumolpids; exegetes chosen by the people among the eupatrids; and exegetes *pythochrestoi*, selected by the Delphic oracle again among the eupatrids.[16]

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9 Lex. Vind., *s.v.* ἐξηγηταί: ἐξηγηταὶ ἰδίως ἐλέγοντο οἱ τοὺς νόμους τοῖς ἀγνοοῦσιν ἀνακαλύπτοντες καὶ διασαφοῦντες.

10 Lex. Seg., *s.v.* διήγησις: διήγησις ἐξηγήσεως διαφέρει. διηγοῦνται μὲν ἰδιῶται ἄνδρες περὶ τῶν προστυχόντων, ἐξηγοῦνται δὲ οἱ τῶν νόμων ἔμπειροι περὶ ὧν προσῆκει γενέσθαι κατὰ τοὺς νόμους. τέτακται δὲ τὸ ἐξηγεῖσθαι καὶ περὶ τοῦ ἐξάρχειν τινός.

11 Giaro 2011, p. 217.

12 Von Fritz 1940, pp. 98-9.

13 Cf., *e plurimis*, Gagarin 2011, part. pp. 101-2, 108-10. According to Lupu 2005, pp. 5-6 (and see also Parker 2004, p. 58), the only feature that separates sacred laws from other laws is their subject, which pertains to religion or cult practice.

14 The first comprehensive study on exegetes is Ehrmann 1908; further bibliography in the footnotes below.

15 Jacoby 1949, p. 24.

16 *Contra* Ehrmann 1908, p. 359: "duo tantum Atticorum interpretum genera statuenda sunt, Eumolpidarum et Eupatridarum interpretes. Et horum quidem alterum genus et

This threefold distinction does not however occur in the literary evidence. Here, the only explicit reference to a group concerns the Eumolpids,[17] whereas other exegetes, whose province is clearly different from that of the Eumolpids, are mentioned elsewhere without qualification. Now, since it is the literary sources (and especially a few judicial speeches of the first half of the fourth century) that show the interpreters "in action", I will focus mostly on them – hence ignoring the much debated problem, strictly connected with the epigraphic evidence, of the origin and history of the institution. Despite their scarcity, the literary sources offer valuable elements for the analysis of the "political" (*lato sensu*) importance of the exegetes.[18] Following their chronological order, I will first talk about the Eumolpids, then about the others, identifying them simply as "non-Eumolpid interpreters".

3. Eumolpids and ἀσέβεια

Together with the γένος of the Kerykes, the Eumolpids[19] administered the sanctuary of Eleusis and supervised the Mysteries.[20] The Eumolpids alone, however, had the right to interpret ritual rules, a task they had kept even after Athens, "having acknowledged the cult of the goddesses of Eleusis as a state-cult, had taken charge of it".[21] At the beginning, and at least until the first decades of the fourth century,

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πυθοχρήστους et ceteros ἐξ Εὐπατριδῶν interpretes complectitur". Even though they were both chosen among the eupatrids, the two groups had probably different skills; *pythochrestoi* dealt with purifications (Erhmann 1908, p. 362), whereas exegetes from eupatrids were experts of πάτρια (Jacoby 1949, p. 42).

17 Timaeus, *s.v.* ἐξηγηταί, who mentions the *pythochrestoi*, is the sole exception.

18 I will not deal with Plato's *Laws*, since it is generally recognized that in this work the exegetes are given a greater relevance than they actually had: cf. Defradas 1972², p. 195. *Contra* Jacoby 1949, pp. 20-1, 29-32 and Bloch 1953, p. 409 nt. 12.

19 So called because, according to the tradition, their ancestor was Eumolpus, the mythical founder of the Eleusinian Mysteries; cf., *e.g.*, Diog. Laert. 1.3.11; Suid., *s.v.* Εὔμολπος; *Eth. Mag.*, *s.v.* Εὐμολπίδαι.

20 See, generally, Clinton 1974, p. 8. In particular, the main priest, ἱεροφάντης, took care of the Eleusinian cult, and was chosen among the Eumolpids, while the δᾳδοῦχος, "torch-bearer", who was responsible of the torchlight in the initiation room during the rites, was one of the Kerykes. On the two families see Isocr. 4.157; [Dem.] 59.116-7; Aesch. 3.18; *AP* 39.2. As for the ἐπιμελεταί mentioned in *AP* 57.1 (cf. also Harp., *s.v.* ἐπιμελετὴς τῶν μυστηρίων) see *infra*, towards the end of this paragraph. On the debated hypothesis that the Kerykes were not an Eleusinian γένος see Garland 1984, p. 97.

21 Jacoby 1949, p. 18, according to whom the inclusion of many rules of the Eleusinian cult into a "secular" lawcode might go back to Solon (cf. And. 1.111, even if it is doubtful whether the law quoted here is actually Solonian: see., *e.g*, MacDowell 1962, p. 142; Ruschenbusch 1966, p. 105, F 95; Scafuro 2011, pp. 37-8. It is moreover important to underscore that, according to *AP* 21.6, at the time of Cleisthenes "the γένη, the phratries and the priesthoods operated κατὰ τὰ πάτρια"). For a possible hypothesis about the city's interference in cults administered by various γένη (Eleusinian cult included), see, *e plurimis*, Garland 1984, p. 98; Ostwald 1986, pp. 138-40; Rhodes 2009.

any member of the group could ἐξηγεῖσθαι; the first document that proves the existence of a selected number (probably three) of official "exegetes of the Eumolpids" is an inscription that dates back to the first half of the fourth century.[22] The rules expounded by the Eumolpids were not only sacred provisions of ritual propriety. They also dealt with misdemeanors and offenses committed during the Mysteries, and established severe penalties against the offenders. There is evidence that their "laws" punished several types of misconduct, which were considered ἀσεβῆ, with instant death (cf. [Lys.] 6.54: ἄκριτον παραχρῆμα ἀποκτεῖναι; And. 1.115: ἄκριτον ἀποθανεῖν; the passages will be analyzed below). Possibly – but in this case the existing material is scant and confused – Eumolpids also formed a court that could hear and judge cases of ἀσέβεια (cf. Dem. 22.27: τῆς ἀσεβείας κατὰ ταὔτ' ἔστ' ἀπάγειν, γράφεσθαι, δικάζεσθαι πρὸς Εὐμολπίδας, φαίνειν πρὸς τὸν βασιλέα; and cf. also the relevant scholia, 82a Dilts: ὁ βασιλεύς … εἰσῆγε τὰς τῆς ἀσεβείας γραφὰς πρὸς τοὺς Εὐμολπίδας; and 83 Dilts: ἱερὸν δὲ γένος οἱ Εὐμολπίδαι, ἱερᾶται δὲ Ἐλευσῖνι, καὶ ἐπὶ τούτου πολλάκις ἐδικάζοντο ἀσεβείας οἱ βουλόμενοι).[23]

As for the historical period here examined, the authority of the Eumolpids in ritual matters was unlimited. This is confirmed by an Eleusis decree of the last quarter of the fifth century BC concerning the offering of the first fruits (ἀπαρχαί), which states that the sacrifice must be performed "according to the interpretation of the Eumolpids" (θύεν δὲ ἀπὸ μὲν τõ πελανõ[24] καθότι ἂν Εὐμολπίδαι [ἐχσηεγõ]νται: *IG* I² 76 (I³ 78a) ll. 36-7 = *ML* 73, ll. 36-7 = *IE* 28a; cf. *IG* II² 140, a. 353/2 a.C.).[25]

Things are instead more complicated as far as their interpretation of offenses related to the Eleusinian rites and Mysteries is concerned. To address this issue, it is necessary to analyze the well-known passages of two interconnected, albeit

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For the financial control exercised on the Mysteries by the city (cf. *IG* I³ 6 = *IE* 19) see Clinton 1974, p. 8; Clinton 2008, p. 3; Scafuro 2011, p. 25.

22 *IE* 138, on which see *infra*. As for the number of Eumolpid exegetes cf. Clinton 1974, pp. 89-90 (with an overview of the different positions of Jacoby 1949 and Oliver 1950). Jacoby 1949, p. 250 nt. 127 has correctly rejected the hypothesis developed by Foucart 1900, p. 81 (see also Foucart 1914, p. 240), that the slightly different phrases used in the inscriptions to qualify the exegetes of the Eumolpids (ἐξηγηταὶ Εὐμολπιδῶν / ἐξηγηταὶ ἐξ Εὐμολπιδῶν / ἐξηγηταὶ ἐκ τοῦ γένους τῶν Εὐμολπιδῶν) have different meanings.

23 Doubts on these passages were raised by Lipsius 1905, p. 62 and nt. 34; Ehrmann 1908, pp. 397-8; Harrison 1971, p. 219 and nt. 6; Gagné 2009, p. 225 and nt. 76. For the hypothesis that the Eumolpids presided over the court see Maffi 2012, p. 147.

24 On the meaning of πελανός see Ziehen 1937.

25 This document "leaves no doubt as to their [*scil*. of the Eumolpids] publicly recognized role in matters relating to the right conduct of cult in the late fifth century": Gagné 2009, p. 224; and see also von Fritz 1940, p. 120; Jacoby 1949, p. 239 nt. 17; Clinton 1974, pp. 14-5, esp. nt. 29; Svenbro 1993, pp. 117-22; Hitch 2011, pp. 121-3. The decree is variously dated from 440 (*e.g.* 435 according to Rhodes 2009, p. 3) to 415/4 (Clinton 1974, pp. 14-5 nt. 25, who follows Meritt 1962); *status quaestionis* in Cavanaugh 1996, pp. 29-95, who places the inscription in the decade of the 430s.

opposing, works, where the exegesis of the Eumolpids is explicitly mentioned: ps.-Lysias 6 and Andocides 1. It is now generally admitted that ps.-Lysias 6 is not a late forgery, and that both the speeches were delivered during Andocides' trial in 400 or 399.[26] After being condemned to ἀτιμία by the decree of Isotimides,[27] and after spending several years abroad, Andocides had come back to Athens in 402. Assuming that in the meantime various provisions had annulled his disfranchisement,[28] he attended the ἀγορά, the sanctuaries, and the Mysteries. For this reason Andocides was prosecuted with an ἔνδειξις (And. 1.29) and judged by a jury made entirely of initiated people. The priests of the Mysteries played a very important part in the trial, if it is true that the "moving force" of the prosecution was Callias, who was a torch-bearer (δᾳδοῦχος), and as such belonged to the γένος of the Kerykes (see *supra*, nt. 20),[29] and that the main prosecutor was one of the Eumolpids, possibly Meletus (identified by some with the prosecutor of Socrates):[30]

> *[Lys.] 6.8-10:* γὰρ ἐπίστασθε, ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐχ οἷόν τε ὑμῖν ἐστιν ἅμα τοῖς τε νόμοις τοῖς πατρίοις καὶ Ἀνδοκίδῃ χρῆσθαι, ἀλλὰ δυοῖν θάτερον, ἢ τοὺς νόμους ἐξαλειπτέον ἐστὶν ἢ ἀπαλλακτέον τοῦ ἀνδρός. […] Καίτοι Περικλέα ποτέ φασι παραινέσαι ὑμῖν περὶ τῶν ἀσεβούντων, μὴ μόνον χρῆσθαι τοῖς γεγραμμένοις νόμοις περὶ αὐτῶν, ἀλλὰ καὶ τοῖς ἀγράφοις, καθ' οὓς Εὐμολπίδαι ἐξηγοῦνται, οὓς οὐδείς πω κύριος ἐγένετο καθελεῖν οὐδὲ ἐτόλμησεν ἀντειπεῖν, οὐδὲ αὐτὸν τὸν θέντα ἴσασιν· ἡγεῖσθαι γὰρ ἂν αὐτοὺς οὕτως οὐ μόνον τοῖς ἀνθρώποις ἀλλὰ καὶ τοῖς θεοῖς διδόναι δίκην.
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> *And. 1.115-6 (Blass)*: ὁ Καλλίας <ἀνα>στὰς ἔλεγεν ὅτι εἴη νόμος πάτριος, εἴ τις ἱκετηρίαν θείη <μυστηρίοις> ἐν τῷ Ἐλευσινίῳ, ἄκριτον ἀποθανεῖν, καὶ ὁ πατήρ ποτ' αὐτοῦ Ἱππόνικος ἐξηγήσαιτο ταῦτα Ἀθηναίοις […]. Ἐντεῦθεν ἀναπηδᾷ

[26] In spite of the several doubts raised on its authenticity, many scholars (*pace* Harris 2004, p. 51 nt. 41) now agree that the speech *Against Andocides* is not a late work, but is instead either a pamphlet composed in the same years of the trial, or, more probably, the deuterology of the prosecution. Cf. Wilamowitz-Moellendorff 1893, p. 74 nt. 5 and p. 249 nt. 55; Gernet 1959[4], pp. 91-3; Todd 2007, pp. 403-8 (with the relevant footnotes for a summary of the *status quaestionis*); Talamanca 2008, p. 45. For the date of the trial see MacDowell 1962, pp. 204-5.

[27] Possibly an *ad personam* provision against Andocides himself; see, *e plurimis*, Todd 2007, p. 401.

[28] Against the idea of Canevaro, Harris 2012, that the texts of the decrees included in the speech are not authentic, see Faraguna 2016.

[29] And. 1.117-31. On the past relationship between Callias and Andocides see MacDowell 1962, pp. 11-5. Callias is the well-known aristocrat in whose house are set Plato's *Protagoras* (Plat. *Prot*. 311a) and Xenophon's *Symposion* (Xen. *Symp*. 1.2). Cf. Clinton 1974, pp. 49-50; Todd 2007, pp. 403-8.

[30] Wilamowitz-Moellendorff 1893, p. 74 nt. 5; cf. Dover 1968, pp. 78-80, followed by Ostwald 1973, p. 89 e nt. 65; see also MacDowell 1962, pp. 208-10, and Todd 2007, pp. 408-11.

> Κέφαλος οὑτοσὶ καὶ λέγει· Ὦ Καλλία, πάντων ἀνθρώπων ἀνοσιώτατε, πρῶτον μὲν ἐξηγῇ Κηρύκων ὧν [mms. ὦν], οὐχ ὅσιον <ὄν> σοι ἐξηγεῖσθαι· ἔπειτα δὲ νόμον πάτριον λέγεις, ἡ δὲ στήλη παρ’ ᾗ ἕστηκας χιλίας δραχμὰς κελεύει ὀφείλειν, ἐάν τις ἱκετηρίαν θῇ ἐν τῷ Ἐλευσινίῳ.

The force of the laws interpreted by the Eumolpids seems to differ greatly in these two passages. In the first one, *Against Andocides*, the speaker, insisting that the defendant’s guilt cannot be annulled by the abrogation of a decree, recalls that Pericles himself once advised the judges, when dealing with people suspected of ἀσέβεια, to enforce both the νόμοι γεγραμμένοι and the νόμοι ἄγραφοι, “which are expounded by the Eumolpids” (καθ’ οὓς Εὐμολπίδαι ἐξηγοῦνται). Regardless of the truthfulness of Pericles’ statement,[31] it is clear that here the speaker gives the unwritten laws of the Eumolpids considerable weight; his purpose cannot be considered just rhetorical or moral, as it has been assumed.[32] He strongly maintains that these laws cannot be abolished, cannot be contradicted (οὐδείς πω κύριος ἐγένετο καθελεῖν οὐδὲ ἐτόλμησεν ἀντειπεῖν), and, together with the written laws (μὴ μόνον… ἀλλὰ καί),[33] they are a fundamental part of the legal system of the city. Is not it true – continues the speaker towards the end of his speech – that Andocides had been declared ἀσεβής and ἀλιτήριος both by the laws of the city, which had excluded him from the sacred places, and by the priests’ curses, uttered “according to ancient and ancestral laws” (κατὰ τὸ νόμιμον τὸ παλαιὸν καὶ ἀρχαῖον, [Lys.] 6.51)?

This equalization between laws of the city and laws of the Eumolpids does not operate in Andocides’ speech. Here, instead, the strict νόμος πάτριος of the Eumolpids is clearly not in force any more, annulled by a milder law of the city. In the passage Andocides is talking about an event which occurred in the past, namely the dispute in the Boulé between Andocides’ opponent Callias and Cephalus.[34] As a

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[31] It is true that “the remark is such as any Athenian statesman might have made in a matter touching upon the Mysteries without diminishing the authority of the State” (Jacoby 1949, p. 246 nt. 46.3); however, Pericles’ position towards unwritten laws is much different in Thucydides’ Funeral Oration (Thuc. 2.37.3), so that some scholars think that the ps.-Lysias manipulated Thucydides’ statement (cf., *e.g.*, Hornblower 1991, pp. 302-3). As for the date of the Funeral Oration (either written immediately after it was delivered, or composed post 404), cf. Kakridis 1961, pp. 5-6.

[32] On the idea that the speaker “could promise himself a moral but not a legal effect from his appeal” see, *e.g.*, Ostwald 1986, p. 168; cf. also Gagné 2009, p. 226: “the authority of written laws in that case exists as a rhetorical stance, not a statement of fact”.

[33] Cf. Talamanca 2008, pp. 46 s. and nt. 119. The syntax itself of the passage makes it difficult to share von Fritz’ opinion (1940, p. 110), that, according to the speaker, “in the case of a religious offender the sacred law *should prevail over* the secular law” (italics mine).

[34] According to an alleged Solonian law (And. 1.111), the entire Council had to be called in the Eleusinion at Athens the day after the celebration of the Mysteries, in order to hear the report both of the archon *basileus* on the celebration and, presumably, of other

subsidiary charge, Andocides was accused of having placed a suppliant's bough in the Eleusinium during the celebration of the Mysteries. Hence, Callias had declared in the Boulé that, according to the νόμος πάτριος, as interpreted on a former occasion by his father Hipponicus, the penalty for what Andocides' had done was instant death (ἄκριτον ἀποθανεῖν).[35] Cephalus, however, had firmly reacted against this statement, first noting that Callias, who was a member of the Kerykes, had no right to give interpretation,[36] and also that the penalty for such a behavior was only a fine of a thousand drachmae, as anybody could see from the law inscribed on the stone at Callias' side.[37]

What kind of conclusion can be drawn from these contradictory passages? What was the relationship between the laws of the Eumolpids and the laws of the city? Scholars have answered these questions now assuming the existence of a

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cult officials. This would explain why the torch-bearer Callias was there too. Cf. Ostwald 1986, p. 162.

35 On the possible identification of the νόμοι πάτριοι and ps.-Lysian ἄγραφοι νόμοι see Clinton 1974, p. 93 (who talks of an "unwritten *patrios nomos*"); cf. also von Fritz 1940, p. 109, who conceives the πάτριος νόμος as "the sacred law in the narrower sense in contrast to secular law" (p. 120 nt. 128). *Contra*, Jacoby 1949, pp. 244-5, nt. 46 insists that πάτριος νόμος "is an entirely vague expression which only means 'an old law' […] neither more nor less", even though he recognizes that the reference to ἄγραφοι νόμοι is unclear ("a profusion of phrases does not allow the hearer to consider how the πάτριοι νόμοι and the ἄγραφοι νόμοι come in here, whether they are the same, and so on", p. 246, nt. 46.2); in fact, elsewhere he apparently identifies the two categories (cf., *e.g.*, p. 18: "a single νόμος πάτριος of this clan […] shows that these ἄγραφοι νόμοι went into great detail"). For the loose meaning of the phrase νόμοι πάτριοι/τὰ πάτρια see *supra*, nt. 5.

36 There are serious textual problems with the central sentence of the passage (ἐξηγῆ Κηρύκων ὤν, οὐχ ὅσιον <ὄν> σοι ἐξηγεῖσθαι). For our purposes, however, it is enough to follow Blass' edition and the *communis opinio* according to which neither Callias nor his father Hipponicus (both, probably, torch-bearers: cf. J. Kirchner 1901, n. 7826, 7658) could interpret the νόμοι πάτριοι, since they were not Eumolpids but Kerykes: see, *e.g.*, Oliver 1950, pp. 19-21; Clinton 1974, p. 91 explains the "audacity of Callias […] in terms of a situation that was somewhat fluid: the Eumolpidae had the exclusive right of exegesis, but there was no clearly defined tradition as to which member was responsible for giving exegesis on a particular occasion". *Contra*, von Fritz 1940, pp. 103-4 thinks that Cephalus' argument against Callias is based on the fact that Callias himself was not an exegete; *ergo*, he maintains that the Kerykes too, or at least some of them, could give interpretations in matters related to the Eleusinian cult, since "no objection whatever seems to have been raised against Hipponikos's interpretation of the sacred law", and "he [*scil*. Callias] could quote the sacred law only indirectly and on the authority of his father, who must have been *exegetes* when he made the pronouncement mentioned". On this point see however the counter-arguments by Oliver 1950, pp. 20-1, 38-40 and 76-8.

37 For a discussion about Sauppe's proposal to identify the law here quoted with *IG* I^3 6 (= *IE* 19), see Scafuro 2011, pp. 35-7.

conflict between the two systems,[38] now stating that the only laws in force were the written ones; hence, the sources that give authority to unwritten laws are unreliable.[39]

In my opinion, both these positions are probably too categorical. It is true that ultimately only the laws of the city are applied – as a matter of fact Andocides was acquitted even though the prosecution repeatedly underscored that a "simple" decree could not cancel his guilt –;[40] nonetheless, the available evidence shows that, at least in that period, there was a kind of resistance, especially of course on Eumolpids' side, against applying the laws of the city. These laws were in fact sometimes perceived as not strict enough or too divergent from the laws, in force in the past, guarded and interpreted by the Eumolpids.

The disparate systems produced confusion when it came to proceeding to legal remedies, as proved, in one of the final paragraphs of the ps.-Lysian speech, by the case of a Megarian man who, two generations earlier than Andocides' trial, had committed ἀσέβεια, probably during the Mysteries:

> *[Lys.] 6.54:* βούλομαι τοίνυν εἰπεῖν ἃ Διοκλῆς ὁ Ζακόρου τοῦ ἱεροφάντου, πάππος δὲ ἡμέτερος, συνεβούλευσε βουλομένοις ὑμῖν ὅ τι δεῖ χρῆσθαι Μεγαρεῖ ἀνδρὶ ἠσεβηκότι. Κελευόντων γὰρ ἑτέρων ἄκριτον παραχρῆμα ἀποκτεῖναι, παρήνεσε κρῖναι τῶν ἀνθρώπων ἕνεκα, ἵνα ἀκούσαντες καὶ ἰδόντες σωφρονέστεροι οἱ ἄλλοι ὦσι, τῶν δὲ θεῶν ἕνεκα οἴκοθεν ἕκαστον ἃ δεῖ τὸν ἀσεβοῦντα παθεῖν, αὐτὸν παρ' ἑαυτῷ κεκρικότα εἰς τὸ δικαστήριον εἰσιέναι.

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[38] See, *e.g.*, von Fritz 1940, *passim* and esp. pp. 104-5, 110-1; Garland 1984 pp. 83, 116-7; Ostwald 1986, pp. 164-5, who recognizes the existence of a conflict "not between a secular and a religious law but between two religious laws, one sanctioned by the authority of the state, the other a *patrios nomos* that contained cult regulations administered by functionaries of the Eleusinian Mysteries"; at the same time he admits that the πάτριος νόμος quoted by Callias "had been superseded by state law in the course of the revision of 403/2 B.C.", so that "some of the ancestral laws of the Eleusinian cult had been incorporated in a modified form into the written code of 403/2 B.C. and no longer depended upon exegesis" (on the point see also *infra*, nt. 51).

[39] See, *e.g.*, Jacoby 1949, p. 245 nt. 46: "an old severe law was considerably mitigated at some later time. That is quite an ordinary phenomenon, which cannot lead to a conflict (least of all between sacred and secular law) because of course the later law alone is valid"; Clinton 1974, p. 93: "the written law on the stele took precedence over an unwritten *patrios nomos*"; Gagné 2009, *passim*, and esp. pp. 223 ("religious authority was placed squarely in the hands of the classical city. Eleusis was no exception"), 224 ("no evidence that they [*scil.* the Eumolpids] actually played a recognized role in prosecuting crimes of impiety in this period"), 226 with nt. 85, 234.

[40] Immediately after the trial Andocides was very active in Athenian politics: *IG* II^2.1138 proves that shortly after 399 he gained a victory with a chorus at the Dionysia; as he himself reports (And. 3.33), during the Corinthian war he was a member of the embassy sent to Sparta to negotiate peace.

The members of the Boulé were urged by some to instantly put the culprit to death, presumably applying the πάτρια of the Eumolpids (the punishment – ἄκριτον παραχρῆμα ἀποκτεῖναι – is in fact the same as that established by the ancestral law recalled by Callias: ἄκριτον ἀποθανεῖν, And. 1.115).[41] But Diocles, son of Zacorus the hierophant and grandson of the prosecutor (all of them Eumolpids, since the hierophant was chosen from among the Eumolpids), suggested (συνεβούλευσε; παρήνεσε)[42] he be tried in a regular trial. Some of the Eumolpids, like Diocles, were aware that the πάτρια were somehow "outdated"; yet, the procedure and the penalty to be applied were debated.[43]

The best-known case connected with the Mysteries affair, that of Alcibiades, provides another important example. Tried *in absentia*, Alcibiades was condemned to death and confiscation of his estate. Moreover, the judges also decreed a public curse to be uttered by the Eleusinian priests:

> *Plut. Alc. 22.5:* ἐρήμην δ' αὐτοῦ καταγνόντες καὶ τὰ χρήματα δημεύσαντες ἔτι καταρᾶσθαι προσεψηφίσαντο πάντας ἱερεῖς καὶ ἱερείας. ὧν μόνην φασὶ Θεανὼ τὴν Μένωνος Ἀγραυλῆθεν ἀντειπεῖν πρὸς τὸ ψήφισμα, φάσκουσαν εὐχῶν, οὐ καταρῶν ἱέρειαν γεγονέναι.
>
> *Nep. Alc. 4.5:* postquam autem se capitis damnatum bonis publicatis audiuit et, id quod usu uenerat [numquam antea usu uenerat, Cobet[44]], Eumolpidas sacerdotes a populo coactos, ut se deuouerent, eiusque deuotionis, quo testatior esset memoria, exemplum in pila lapidea incisum esse positum in publico, Lacedaemonem demigrauit.

The identification of these priests with the Eumolpids, posed by Nepos, is correct, since the same priests were charged with the annulment of the ἀρά when, four years later (411 BC), Alcibiades was called back to Athens:

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41 The "others" (ἕτεροι) quoted in the passage are identified by Ostwald 1986, pp. 168-9, with the members of the Boulé, and by Gagné 2009, p. 221, with "a crowd of angry citizens [that] had gathered around [the] Megarian man". I do not think it unreasonable to recognize in these men some of the Eumolpids, since the situation is within their province (the formula that occurs here, ὅ τι δεῖ χρῆσθαι, is also used when non-Eumolpid exegetes are asked their expertise: cf. Plat. *Eut*. 4c, ὅτι χρείη ποιεῖν; [Dem.] 47.68, ὅτι με χρὴ ποιεῖν: cf. *infra*, § 4).

42 *Pace* Todd 2007, p. 474, who thinks that "presumably" this is an example of exegesis; see also Clinton 1974, p. 93. On the opposition "exegesis" *vs*. "suggestion" cf. [Dem.] 47.68-71 (quoted *infra*, § 4).

43 On the "confusion as to the very basics of how to proceed", cf. Gagné 2009, p. 221.

44 Cobet 1881, p. 318; the amendment is based on Nep. *Alc*. 6.3: *id quod numquam antea usu uenerat nisi Olympiae uictoribus*.

Diod. 13.69.2: διόπερ αὐτῷ τήν τε οὐσίαν ἀπέδωκαν ἣν ἐδήμευσαν, ἔπειτα δὲ τὰς στήλας κατεπόντισαν, ἐν αἷς ἦν ἡ καταδίκη καὶ τἆλλα τὰ κατ᾽ ἐκείνου κυρωθέντα. ἐψηφίσαντο δὲ καὶ τοὺς Εὐμολπίδας ᾆραι τὴν ἀράν, ἣν ἐποιήσαντο κατ᾽ αὐτοῦ καθ᾽ ὃν καιρὸν ἔδοξεν ἀσεβεῖν περὶ τὰ μυστήρια.

Plut. Alc. 33.3: ἐψηφίσαντο δὲ τὴν οὐσίαν ἀποδοῦναι αὐτῷ, καὶ τὰς ἀρὰς ἀφοσιώσασθαι πάλιν Εὐμολπίδας καὶ Κήρυκας,[45] ἃς ἐποιήσαντο τοῦ δήμου προστάξαντος. ἀφοσιουμένων δὲ τῶν ἄλλων, Θεόδωρος ὁ ἱεροφάντης ᾽ἀλλ᾽ἐγώ᾽ εἶπεν, ᾽οὐδὲ κατηρασάμην αὐτῷ κακὸν οὐδέν, εἰ μηδὲν ἀδικεῖ τὴν πόλιν᾽.

Nep. Alc. 6.5: Restituta ergo huic sunt publice bona, eidemque illi Eumolpidae sacerdotes rursus resacrare sunt coacti, qui eum deuouerant, pilaeque illae, in quibus deuotio fuerat scripta, in mare praecipitatae.

There are at least two substantial points in these passages. First, we have here another proof that not even in Alcibiades' case were the πάτρια applied; and, second, we are told that the Eumolpids accomplished both the pronunciation and the annulment of the curse in accordance with the city's order.[46] Even in that circumstance, however, there were tensions, at least if we trust the available evidence. Plutarch (*Alc*. 22.5) says that the priestess Theano[47] rebelled against the decree (ἀντειπεῖν πρὸς τὸ ψήφισμα), declaring that her duty was to pray, not to curse.[48] Plutarch again (*Alc*. 33.3) states that Theodorus the hierophant refused to revoke his curse, since, if Alcibiades was not guilty of ἀσέβεια, his ἀρά would be ineffective, without any need to cancel it.[49] Nepos (*Alc*. 4.5, 6.5) maintains the Eumolpids were obliged (*coactos*, *coacti sunt*) to pronounce and then to withdraw their curse. Eventually, Thucydides (Thuc. 8.53) remembers that not only his

[45] Plutarch is the only author who mentions also the Kerykes, but the addition is probably unreliable: see Oliver 1950, p. 22.

[46] On the relevance of the Eumolpids' subordination to the city's decree see Gagné 2009, pp. 227-9. On the use of ἀραί to enforce a public penalty cf. Rubinstein 2007, esp. p. 273.

[47] Kirchner 1901, n. 6636.

[48] This reaction (a "challenge to the state's authority": Garland 1984, p. 77) might be due to the fact it was the first time that the city gave an order to the Eumolpids (cf. Ostwald 1986, p. 168 e nt. 88); this would moreover credit Cobet's amendment in Nepos' text (cf. *supra*, nt. 44). There are however some doubts on the historicity of the priestess Theano: cf. Sourvinou-Inwood 1988; Connelly 2007, p. 287 nt. 58.

[49] On Theodorus see Clinton 1974, p. 16. Sourvinou-Inwood 1988, pp. 34-5, interestingly takes Theodorus' reaction as an example of exegesis: "what he was doing was volunteer an *exegesis* with regard to the situation as he saw it, put forward a particular interpretation of a situation, according to which it was not necessary to lift an unjust curse because the curse was only valid if the person was indeed guilty of the offence for which he is cursed. This interpretation, it should be noted, stresses the religious, as opposed to the sociopolitical aspect of the curse".

political enemies, but also the Eumolpids and the Kerykes reacted against the decision to call back Alcibiades.

To sum up, while it is beyond any doubt that the only authority in the punishment of ἀσέβεια concerning the Mysteries was the city, it is nonetheless true that between the fifth and the fourth century there still were some doubts on the point, as proved by several factors: attempts by the Eumolpids to claim the forcefulness of their πάτρια ([Lys.] 6.54; And. 1.115); uncertainties about the criteria to be used in specific circumstances ([Lys.] 6.54); opposition to the orders of the city by some priests of the Mysteries (Plut. *Alc*. 22.5 and 33.3; Thuc. 8.53).

We do not know how detailed the "law on the stele", quoted by Cephalus in his answer to Callias (And. 1.116), was.[50] Accordingly, we ignore whether it punished other offenses besides the deposition of a suppliant's bough in the Eleusinion during the Mysteries. It is however likely that neither this law, nor other laws in force, including those comprised in Nichomacus' code, provided complete regulations on the Mysteries and on the peculiar province – exegesis included – of their priests.[51] This gap was probably bridged towards the middle of the fourth century, when a law[52] was passed (*IE* 138 = *Agorà* XVI 56), which – in Clinton's words, author of the *editio princeps* (*Hesperia* 1980) – "seems to constitute the most extensive set of regulations we possess from antiquity concerning this famous cult. […] The original document may have covered every aspect of the Mysteries on which it was appropriate at this time for the Athenian State to legislate"[53].

The statute probably met the need to give rules to a cult whose popularity was greatly increasing,[54] and covered a variety of matters. For our purposes, its most important section is that formed by ll. 27-39:

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50 See *supra*, nt. 38.

51 In fact, in his reply to Callias, Cephalus does not say that the law he quotes is no longer in force because of the prohibition (established after the lawcode revision in 403/2 BC) to quote an unwritten law (cf. And. 1.85: ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἑνός, where ἄγραφος means οὐκ ἀναγεγραμμένος: see Talamanca 2008, pp. 62-6). This clearly proves that the prohibition did not apply to the laws concerning the Mysteries, regardless of their re-inscription: cf. von Fritz 1940, p. 111; Ostwald 1986, pp. 164-5; and see also Clinton 1974, p. 274: "the laws of Solon as revised by Nikomachos in 410/9 to 404/3 probably included some statutes concerning the Mysteries, but to judge from the various laws mentioned above from the late 6th century to the mid-4th which dealt with many aspects of the Mysteries, it was probably very difficult and may have been impossible for the revised Solonian code to exhibit a complete set of existing statutes on the Mysteries".

52 Not a decree: see Clinton 1980, pp. 258-60; Scafuro 2011, pp. 25-6.

53 Clinton 1980, p. 273; cf. Clinton 2008, p. 117. For the *termini post* and *ante quem* (approximately 380-350 BC, with a preference for 367-350/48) see Clinton 1980, p. 272 and Clinton 2008, p. 138. For a synthesis of the debate on the document see Garland 1984, pp. 116-7 and Filonik, forth. (whom I would like to thank for allowing me to read the essay he presented at Symposionaki 2016).

54 Clinton 1980, pp. 274-5.

27 ἐὰν δέ τις μυῆ[ι Ε]ὐμολπ[ιδῶν ἢ Κηρύκων οὐκ ὢν ε]ἰδώς, ἢ ἐὰν προσάγηι τις μυησόμε[νον ……. 23 ……. τοῖ]

[ν] Θεοῖν, φαίνεν δὲ τὸμ βολόμενο[ν Ἀθηναίων, καὶ ὁ βασι]λεὺς εἰσαγέτω εἰς τὴν Ἠλιαίαν κα[……. 26 ……. αὐ]

[τ]ῶ βολευέτω ἡ βολὴ ὡς ἀδικῶντος. κα[ὶ τὸς ἐπιμελητὰ]ς χρὴ ἐπιμελῆσθαι τῆς ἑορτῆς τοῖν Θ[εο]ῖν [μετὰ τῶ βασιλέως καὶ διοικῆ]

30 [ν τ]ὰ Μυστήρια κατὰ τὰ πάτρια μετὰ το[ύτου καὶ Εὐμολ]πιδῶν καὶ Κηρύκων. προσαιρῆσθαι δὲ [τ]ὸν δ[ῆμον ἐπιμελητὰς δύο περὶ τὴ]

[ν] ἑορτὴν ἐξ Ἀθηναίων ἁπάντων ἐκ τῶν ὑ[πὲρ τριάκοντα] ἔτη γεγονόντων καὶ Κηρύκων ἕνα καὶ [Εὐ]μολπιδ[ῶν ἕνα. τοῖς δὲ ἐπιμελητ]

[αῖ]ς ἔναι ζημιῶν τὸς ἀκοσμοῦντας μέχρι [.. δραχμῶν. ἐ]ὰν δὲ μείζονος δοκῆι ζημίας ἄξιος εἶναι, εἰσάγε[ιν τούτος εἰς τὴν Ἠλι]

[αί]αν προσκαλεσαμένος κατὰ τὸν νόμον. ἐ[πιθέσθω δὲ ἡ] Ἡλιαία ὅτι ἄν δοκῆι ἄξιος εἶναι παθὲν ἢ ἀποτεῖσ[αι

…

36 ἐὰν δὲ ὁ βασι[λ]εὺ[ς καὶ οὓς χρὴ] μετ᾽ αὐτῶ ἐπιμελεῖσθαι μὴ ζημιῶσιν τὸς ἀκοσμοῦντας [κατὰ τὸν νόμον ἢ ἐά]

[ν μὴ ἐπι]θῶσιν κατὰ τὸ εἰκός, εὐθυνέ[σθω … δραχμαῖς] ἱεραῖς τοῖν Θεοῖν ἕκαστος αὐτῶν. τὰς δὲ [δ]ίκας δι[κάζεν ……. 10 …….]

[……. 6 …….έ]ννέα ἄρχοντας τὰς μετὰ τὴν [ἑορτὴν ……. 8 …….]ενα περὶ ἑκάστου αὐτῶν. Εὐμολπιδῶν δὲ τὸς ἐξηγη[τὰς ……. 12…….]

[……. 7……. ἀρ]ξ[αμ]έ[νο]ς ἀπὸ νομηνίας το[……. 15 …….] ἐξηγῆσθαι Ἀθηναίων καὶ τῶγ ξ[έ]νων τῶι δεομέν[ωι ……. 14 …….]

After some indications in the first lines regarding the announcement of the Mysteries (ll. 1-13), the duration of the Truce (ll. 14-7), and some matters regarding σπονδοφόροι (ll. 20-6), the law deals with the treatment of improper μύησις, “initiation”. In case that someone, who knowingly (εἰδώς) passes himself as a member of the Eumolpids or Kerykes, performs the initiation,[55] or when someone brings the prospective initiate (to the impostor), any (?citizen?) who so wished (ὁ βουλόμενος) could initiate a φάσις to the βασιλεύς,[56] who, in turn, had to introduce

[55] Clinton 1980, p. 278 translates “it is illegal for a person who knows that he is not a member of the Eumolpidai or Kerykes to perform *myesis*”, even though he admits “it may seem odd that someone might not know that he was not a member of the Eumolpidai or Kerykes”. As for the translation accepted in the text see Maffi 2011, pp. 49-50; Filonik forth.

[56] Maybe the procedure here described should be compared with that hinted at in Dem. 22.27, quoted *supra* (beginning of this paragraph); see MacDowell 1991, pp. 197-8; Wallace 2003, pp. 174-5. On the φάσις procedure see the interesting remarks in Filonik forth.; according to Filonik, moreover, the δίκη mentioned in Demosthenes might be possibly understood as a “trial over which they (*scil*. the Eumolpids) would preside with a customary right of interpretation of the sacred rites and laws regulating the conduct of

the case before the Heliaia (ll. 27-8).[57] Possibly – due to a lacuna the text is here difficult to understand –, the Boulé could impose an additional sanction (ll. 28-9).[58] The subsequent lines (29-33) regulate the duties, the appointment and the punitive powers of four ἐπιμελεταί chosen by the people, two of which from among Eumolpids and Kerykes. Entrusted with the administration of the cults together with the βασιλεύς (cf. *AP* 57.1),[59] they could levy small fines (the amount of which cannot be read)[60] on disorderly initiates (τὸς ἀκοσμῦντας, l. 32), who, in case of major abuses, had to be sued "according to the law" (κατὰ τὸν νόμον) and brought to court, which could impose a fine or inflict a sanction (ll. 32-3). In case of improper conduct with the ἀκοσμῦντες, the βασιλεύς and the ἐπιμελεταί were subject to εὐθύνα (ll. 36-7).[61]

Ll. 38-9 deal with exegetes and exegesis. Although not much can be read in this part of the inscription, it is clear that now interpretation pertains to a selected number of Eumolpids (Εὐμολπιδῶν ἐξηγηταί appear here for the first time), not to the whole γένος as before (see *supra*, beginning of this paragraph), and that, in all probability, their exegesis was only meant to be an "explanation of the rules concerning the cult" to Athenians and foreigners who needed it. For the first time, the power and exegesis of the Eumolpids were clearly limited and defined, so that they could no longer use the interpretation of their laws to interfere with the judicial activity of the city.

4. Non-Eumolpid interpreters and homicide

It is now time to move to the other category of Athenian interpreters, which, at least in the available literary evidence, is not defined with any qualifying phrase.

There are three major works where the activity of these interpreters is mentioned; in all three cases, one or more exegetes are consulted after someone's death.[62] In two out of these three cases, they interpret the law after a violent death.

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the initiates, rather than a proper court trial held *before* them" (author's italics). If so, this would be an example of exegesis at the service of the city.

57 For a parallel with the εὐθύνα of priests and priestess see Filonik forth.

58 Clinton 1980, pp. 279-80. The different restoration for ll. 28-9 proposed by Stumpf 1988, p. 226 ([ἐὰν δὲ <ὁ βασιλεύς> μὴ εἰσάγηι, περὶ αὐτ]ῦ βολευέτω ἡ βολὴ ὡς ἀδικῦντος) has been criticized by Maffi 2011, p. 50.

59 Further discussion in Clinton 1980, pp. 280-2; Gagné 2009, p. 225.

60 Probably 20, 50 or 200 drachmai; see Clinton 1980, pp. 282-3.

61 Cf. Aesch. 3.18; maybe this might have been the context for the trial of Archias the hierophant recorded in ([Dem.] 59.116-7); see Gagné 2009, pp. 223-4; Filonik 2013, pp. 66-7.

62 We are not interested here in the possible number of the non-Eumolpid exegetes. On this point see Oliver 1950, pp. 42-4 (and Oliver 1954, pp. 163-4), whose ideas are criticized by Bloch 1953 pp. 412-3 (see also Bloch 1957, pp. 40-1). *Pace* Oliver 1950, p. 44, the plural in [Dem.] 47.68 does not refer to "a board comprising the three exegetes who expounded the πάτρια, namely the one exegete chosen by the Demos from the

It is so in Plato’s *Euthyphro* and in ps.-Demosthenes 47, *Against Evergus and Mnesibulus*:

> *Plat. Eut. 4c:* ἐπεὶ ὅ γε ἀποθανὼν πελάτης τις ἦν ἐμός, καὶ ὡς ἐγεωργοῦμεν ἐν τῇ Νάξῳ, ἐθήτευεν ἐκεῖ παρ’ ἡμῖν, παροινήσας οὖν καὶ ὀργισθεὶς τῶν οἰκετῶν τινι τῶν ἡμετέρων ἀποσφάττει αὐτόν. ὁ οὖν πατὴρ συνδήσας τοὺς πόδας καὶ τὰς χεῖρας αὐτοῦ, καταβαλὼν εἰς τάφρον τινά, πέμπει δεῦρο ἄνδρα πευσόμενον τοῦ ἐξηγητοῦ ὅτι χρείη ποιεῖν.

> *[Dem.] 47.68-71 (ca. 353/2 a.C.)*[63]*:* ἐπειδὴ τοίνυν ἐτελεύτεσεν, ἦλθον ὡς τοὺς ἐξηγητάς, ἵνα εἰδείην ὅ τι με χρὴ ποιεῖν περὶ τούτων, καὶ διηγησάμην αὐτοῖς ἅπαντα τὰ γενόμενα, τήν τε ἄφιξιν τὴν τούτων καὶ τὴν εὔνοιαν τῆς ἀνθρώπου, καὶ ὡς εἶχον αὐτὴν ἐν τῇ οἰκίᾳ, καὶ ὡς διὰ τὸ κυμβίον, οὐκ ἀφιεῖσα, τελευτήσειεν. ἀκούσαντες δέ μου οἱ ἐξηγηταὶ ταῦτα, ἤροντό με πότερον ἐξηγήσωνταί μοι μόνον ἢ καὶ συμβουλεύσωσιν. ἀποκριναμένου δέ μου αὐτοῖς ἀμφότερα, εἶπόν μοι ‘ἡμεῖς τοίνυν σοι τὰ μὲν νόμιμα ἐξηγησόμεθα, τὰ δὲ σύμφορα παραινέσομεν. πρῶτον μὲν ἐπενεγκεῖν δόρυ ἐπὶ τῇ ἐκφορᾷ, καὶ προαγορεύειν ἐπὶ τῷ μνήματι, εἴ τις προσήκων ἐστὶν τῆς ἀνθρώπου, ἔπειτα τὸ μνῆμα φυλάττειν ἐπὶ τρεῖς ἡμέρας. τάδε δὲ συμβουλεύομέν σοι, ἐπειδὴ αὐτὸς μὲν οὐ παρεγένου, ἡ δὲ γυνὴ καὶ τὰ παιδία, ἄλλοι δέ σοι μάρτυρες οὐκ εἰσίν, ὀνομαστὶ μὲν μηδενὶ προαγορεύειν, τοῖς δεδρακόσι δὲ καὶ κτείνασιν, εἶτα πρὸς τὸν βασιλέα μὴ λαγχάνειν. οὐδὲ γὰρ ἐν τῷ νόμῳ ἔστι σοι. οὐ γὰρ ἐστιν ἐν γένει σοι ἡ ἄνθρωπος, οὐδὲ θεράπαινα, ἐξ ὧν σὺ λέγεις. οἱ δὲ νόμοι τούτων κελεύουσιν τὴν δίωξιν εἶναι. ὥστ’ εἰ διομεῖ ἐπὶ Παλλαδίῳ αὐτὸς καὶ ἡ γυνὴ καὶ τὰ παιδία καὶ καταράσεσθε αὐτοῖς καὶ τῇ οἰκίᾳ, χείρων τε δόξεις πολλοῖς εἶναι, καὶ ἐὰν μὲν ἀποφύγῃ σε, ἐπιωρκηκέναι, ἐὰν δὲ ἕλῃς, φθονήσει. ἀλλ’ ὑπὲρ σεαυτοῦ καὶ τῆς οἰκίας ἀφοσιωσάμενος ὡς ῥᾷστα τὴν συμφορὰν φέρειν, ἄλλῃ δὲ εἴ πῃ βούλει, τιμωροῦ’. ταῦτα ἀκούσας ἐγὼ τῶν ἐξηγητῶν, καὶ τοὺς νόμους ἐπισκεψάμενος τοὺς τοῦ Δράκοντος ἐκ τῆς στήλης, ἐβουλευόμην μετὰ τῶν φίλων ὅ τι χρή με ποιεῖν. συμβουλευόντων δέ μοι ταὐτά, ἃ μὲν ὑπὲρ τῆς οἰκίας προσῆκεν μοι πρᾶξαι καὶ ἃ ἐξηγήσαντό μοι οἱ ἐξηγηταί, ἐποίησα, ἃ δ’ ἐκ τῶν νόμων οὐκέτι μοι προσῆκεν, ἡσυχίαν εἶχον.

In the Platonic passage, Euthyphro’s father consults the exegete in order to know what to do (ὅτι χρείη ποιεῖν, 4c), after a πελάτης, a wage-earner, being beside himself with alcohol and rage, had killed a family slave.

In ps-Demosthenes 47, the speaker (usually known as “the Trierarch”) recalls a fact which occurred in the past, when, considering Evergus (the defendant) and his brother Teophemus responsible for the murder of a freedwoman, he had asked the

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eupatridae and the two exegetes of the Eumolpidae”, since there is no evidence that the latter could expound laws not connected with the Mysteries and the cult of Eleusis.

63 For the date cf. Jacoby 1949, p. 12.

interpreters what to do (ὅτι με χρὴ ποιεῖν, 47.68). In that circumstance, the exegetes gave him an interpretation and some advice. As for the interpretation, they explain the rites to be performed according to the νόμιμα during the funeral: carry a spear during the ἐκφορά, make a proclamation at the tomb, asking whether there is anybody related to the woman (εἴ τις προσήκων ἐστίν)[64], and guard the tomb for three days. Then the advice follows. Since he was not present himself, and there was no eyewitness except his wife and children, the proclamation should not be made against anyone by name (ὀνομαστί), but in general against "the perpetrators and the murderers" (τοῖς δεδρακόσι δὲ καὶ κτείνασιν). Moreover, he is not legally permitted (οὐδὲ ἐν τῷ νόμῳ ἔστι σοι) to institute a lawsuit before the king;[65] in fact neither does he belong to the γένος of the woman nor is he her master, and it is to relatives and masters that the laws (οἱ δὲ νόμοι) appoint the right to prosecute.

The third passage where an exegete is mentioned is Isaeus 8, *On the Estate of Ciron*:

> *Isae. 8.39 (383/363 a.C.):* καὶ ταῦτα μὲν οὕτως ἀναγκασθεὶς ἔπραξα τοῦτον τὸν τρόπον. ὅπως δὲ μηδέν μου ταύτῃ πλεονεκτοῖεν, παρ' ὑμῖν φάσκοντες οὐδέν με εἰς τὴν ταφὴν ἀνηλωκέναι, τὸν ἐξηγητὴν ἐρόμενος ἐκείνου κελεύσαντος ἀνήλωσα παρ' ἐμαυτοῦ <καὶ> τὰ ἔνατα ἐπήνεγκα, ὡς οἷόν τε κάλλιστα παρασκευάσας, ἵνα αὐτῶν ἐκκόψαιμι ταύτην τὴν ἱεροσυλίαν, καὶ ἵνα μὴ δοκοῖεν οὗτοι μὲν ἀνηλωκέναι πάντα, ἐγὼ δὲ οὐδέν, ἀλλ' ὁμοίως κἀγώ.

Here the speaker, son of the daughter of Ciron's first wife, consults the exegete to know how to counteract the inheritance claims both of Ciron's nephew and of Diocles, Ciron's brother in law. In fact, they had excluded the speaker from any financial contribution regarding the funeral, so that it might appear that they were the legitimate heirs. The exegete urges the speaker to pay the ninth-day offer out of his own pocket and without any sparing; by showing that it was not only them who had paid for everything, he will enforce his inheritance claim in front of the court.[66]

Regardless of the differences among the three scenarios, the first thing that can be said about these interpreters is that they were experts that private citizens could consult in order to get essential information regarding the imminence of a (possible)

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[64] For this interpretation of the clause εἴ τις προσήκων ἐστίν, see Gagarin 1979, p. 309.

[65] For a different reading and interpretation of this clause (οὐδὲ… ἐν νόμῳ ἐστί σοι, "it is not legally your concern", instead of οὐδὲ… ἐν νόμῳ ἔστι σοι, "you are not legally permitted to do so") see MacDowell 1963, p. 19. Accordingly, he thinks that in the case here analyzed the exegetes do not deny that the speaker may initiate the lawsuit, but inform him about the possible resulting risks: that he can be blamed in case he is successful, and accused of perjury (ἐπιωρκηκέναι, [Dem.] 47.70; cf. [Dem]. 59.10) in case he is not. For MacDowell's hypothesis about the right to institute a δίκη φόνου, and the criticism against this idea, see *infra*, nt. 74.

[66] Cf. Blass 1892, nt. 1 p. 558; von Fritz 1940, p. 101; Jacoby 1949, p. 243 nt. 43.

lawsuit. In particular – to use the terminology employed in the ps.-Demosthenic passage – they interpret the νόμιμα concerning funeral rites, a matter not included in the official νόμοι, laws of the city.

But what was the relationship between νόμοι and νόμιμα? Years ago, in his analysis of the ps.-Demostenic passage, von Fritz assumed that there could be a conflict between the two systems. In fact, the reason that the exegetes added their suggestion (συμβουλεύειν) to the exegesis (ἐξηγήσασθαι) "implied the recommendation that the sacred law [*scil*., the νόμιμα] be not applied to its fullest extent", in order to prevent a procedural anomaly that could disadvantage their client.[67] Such a conclusion has been criticized by other scholars. Jacoby, for example, stated that "there is no question of a conflict between sacred and secular law [*scil*., νόμιμα and νόμοι]". The speaker tells the whole story just because "the judges [*scil*. of the actual trial for ψευδομαρτυρία] are to be quite clear about the fact that murder has been committed, that the exegetai share this opinion, and that the only reason why the crime cannot be prosecuted is the absence of a lawful accuser".[68]

Instead of a conflict, I think it more reasonable to speak of a mutual integration between the two systems. The first one – that of νόμιμα – was based especially on rules of "ritual propriety", whose observance was necessary to give the lawsuit the proper start and assure the judges of the correctness of the speaker's behavior. The second system – that of νόμοι – was more detailed, at least regarding some specific procedural aspects (and this need for details could have been one of the main reasons for the writing down of Draco's law on homicide, as Michael Gagarin underlined in his Symposion essay in 2005).[69]

Moreover, it is probably important that – judging from the available evidence – interpreters were consulted in extra-ordinary, particularly complicated circumstances, to which the laws of the city gave no specific answers. And the lack of precise legal provisions could raise doubts and ambiguities. Let's see why.

The speaker of Isaeus 8, son of a daughter who died before her father, recalls as a universally recognized rule that direct descendants take precedence on collaterals (Isae. 8.34). However, he quotes no law, since the Solonian statute that regulates an

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67 Von Fritz 1940, p. 100.

68 Jacoby 1949, p. 244 nt. 44.

69 Gagarin 2007, pp. 14-5, while comparing the "traditional" rules mentioned in the Homeric poems about the regulation of homicide and those established by Draco, recalls for example the point about "compensation and reconciliation". The "traditional rule (or statement of custom) says only that a brother or father accepts compensation, stops being angry, and allows the killer to remain in the land [*Il*. 9.632-6]. It says nothing about whether a relative must accept compensation, which relative (if there is more than one present) can or must agree to accept the compensation, what happens if no father or brother is alive, or countless other details". The same principle may be as well applied to the προαγορεύειν discussed in [Dem.] 47.68-70.

intestate succession (cf. [Dem.] 43.51)[70] does not mention the inheritance rights of the children and their descendants, and, furthermore, it does not say what kind of right or privilege was possessed by the children of a woman dead before her father. The general principle of the precedence of descendants on collaterals was not, in all probability, as self-evident as the speaker assumes it to be. In fact, he only provides indirect evidence ("laws concerning the privilege of the sons of ἐπίκληροι and the maltreatment of parents") to prove that "descent (γένος) is a nearer tie than collateral kinship (συγγένεια), and that descendants (ἔκγονοι) inherit before collateral relations (συγγενεῖς)".[71] Probably relying on the silence of the law, his opponent claimed that the speaker, as a son of a daughter (who was also supposed to be illegitimate: Isae. 8.28-9), had less rights to the inheritance than he had.[72] And since, moreover, after Ciron's death, the nephew and the brother-in-law acted as heirs, paying for all the funeral expenses, it is easy to understand why the speaker asks the interpreter what to do in order not to give any advantage to his opponents, not even from this pragmatic point of view.

As for the two other passages (Plato's *Euthyphro* and ps.-Demosthenes), in both the exegetes are consulted after the killing of an individual who is not a citizen: an οἰκέτης in the first case, and an ex-οἰκέτης in the second.[73] What did the laws of the city say in these circumstances? As generally recognized, the incipit of Draco's law (*IG* I^3.104, l. 11: καὶ ἐὰμ μὲ ϝκ προνοίας κτένει τίς τινα) deals only with the killing of a citizen by a citizen, and states that the relatives up to the first cousins once removed should prosecute the killer with a δίκη φόνου.[74] However, it

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[70] [Dem.] 43.51: ὅστις ἂν μὴ διαθέμενος ἀποθάνῃ, ἐὰν μὲν παῖδας καταλίπῃ θηλείας, σὺν ταύτῃσιν, ἐὰν δὲ μή, τούσδε κυρίους εἶναι τῶν χρημάτων. ἐὰν μὲν ἀδελφοὶ ὦσιν ὁμοπάτορες, καὶ ἐὰν παῖδες ἐξ ἀδελφῶν γνήσιοι, τὴν τοῦ πατρὸς μοῖραν λαγχάνειν. ἐὰν δὲ μὴ ἀδελφοὶ ὦσιν ἢ ἀδελφῶν παῖδες, *** ἐξ αὐτῶν κατὰ ταὐτὰ λαγχάνειν. κρατεῖν δὲ τοὺς ἄρρενας καὶ τοὺς ἐκ τῶν ἀρρένων, ἐὰν ἐκ τῶν αὐτῶν ὦσι, καὶ ἐὰν γένει ἀπωτέρω. ἐὰν δὲ μὴ ὦσι πρὸς πατρὸς μέχρι ἀνεψιῶν παίδων, τοὺς πρὸς μητρὸς τοῦ ἀνδρὸς κατὰ ταὐτὰ κυρίους εἶναι. ἐὰν δὲ μηδετέρωθεν ᾖ ἐντὸς τούτων, τὸν πρὸς πατρὸς ἐγγυτάτω κύριον εἶναι. νόθῳ δὲ μηδὲ νόθῃ μὴ εἶναι ἀγχιστείαν μήθ' ἱερῶν μηθ' ὁσίων ἀπ' Εὐκλείδου ἄρχοντος.

[71] Wyse 1904, p. 588.

[72] According to the hypothesis of the speech (ll. 15-7), the opponent also declared he had stronger inheritance rights thanks to the law that gave a preference to males and descendants of males. The speech, however, does not hint at this point, nor does the speaker make any attempt to demonstrate that the child of a daughter took precedence on the son of a brother.

[73] *Pace* Defradas 1972^2, p. 195, these are not cases where "la culpabilité n'est pas absolue", or "de meurtre involontaire ou de meurtre excusable".

[74] The law says that the relatives up to the sixth grade should perform the proclamation in the ἀγορά: cf. *IG* I^3.104, ll. 20-3 (restored on the basis of [Dem.] 43.57): προειπὲν δὲ τὸι κτέναντι ἐν ἀγορᾶι μέχρ' ἀνεφσιότετος καὶ ἀνεφσιô. συνδιόκεν δὲ κἀνεφσιὸς καὶ ἀνεφσιôν παῖδας καὶ γαμβρὸς καὶ πενθερὸς καὶ φράτορας. Most of the scholars agree that the victim's relative should and could prosecute. MacDowell 1963, pp. 11-32

is well known that the δίκη φόνου could be also initiated when a slave was killed; in this case, it was the master who had to prosecute,[75] and it was moreover required, in all probability, that the killer was a citizen (cf. Isocr. 18.52-4).

Now, these rules could not be applied in either of the cases here examined. In the ps.-Demosthenian case, the dead woman was no longer an οἰκέτης and the Trierarch was no longer her master.[76] As for *Euthyphro*'s case, the homicide was committed by a πελάτης, whose *status ciuitatis* (Athenian or foreigner) is unknown.[77] Even if we admit he was Athenian, however, a πελάτης was not considered a full citizen. Judging from what Socrates says later on in the dialogue (Plat. *Eut*. 9a: θητεύων ἀνδρόφονος γενόμενος), and judging moreover from a definition given by Pollux (Poll. 3.82: πελάται δὲ καὶ θῆτες ἐλευθέρων ἐστὶν ὀνόματα διὰ πενίαν ἐπ᾽ ἀργυρίῳ δουλευόντων; cf. also Plut. *Rom*. 13.5, where πελάτης translates the Roman word *cliens*: κλίεντας, ὅπερ ἐστὶ πελάτας), the legal status of a πελάτης was more similar to that of a slave than to that of a citizen.[78]

So, ὅ τι χρὴ ποιεῖν?

Gagarin correctly stressed that, in ps.-Demosthenes 47, the fact that the Trierarch "feels it necessary to justify his failure to prosecute suggests that this action could be questioned". For this reason the speaker says "first that he acted within the law and second that within these (perhaps broad and ill-defined) limits he acted sensibly".[79] Not only, in his failure to prosecute, had he abided by the νόμοι; he had also abided by the νόμιμα when he had performed all the rites, as suggested by the exegetes in their interpretation of the πάτρια.

As for Plato's *Euthyphro*, probably there had been doubts about the opportunity to prosecute a πελάτης, who was not a "full citizen", with a δίκη φόνου; in case that

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assumes that Draco's law, while specifying the duty of relatives up to the cousins' son to initiate procedure, "did not order others to prosecute, but neither did it order them not to" (p. 19; cf., for similar conclusions, Panagiotou 1974, pp. 428-35). *Contra*, see *e plurimis*, Gagarin 1979; Kidd 1990, pp. 216-8; Tulin 1996, pp. 21-54.

75 [Dem.] 47.72 (cf. Poll. 8.118; Ant. 5.48): κελεύει γὰρ ὁ νόμος, ὦ ἄνδρες δικασταί, τοὺς προσήκοντας ἐπεξιέναι μέχρι ἀνεψιαδῶν, καὶ ἐν τῷ ὅρκῳ ἐπερωτᾶν, τί προσήκων ἐστί, κἂν οἰκέτης ᾖ, τούτων τὰς ἐπισκήψεις εἶναι. For the interpretation of the passage given in the text, *pace* MacDowell 1963, p. 20, see Panagiotou 1974, p. 433; Grace 1975, pp. 15-7; Gagarin 1979, p. 310.

76 It is generally recognized that a freedman became a metic, and the master his προστάτης. The Trierarch, however, does not say that, as a προστάτης, he had the right to prosecute, and his silence might be significant; see Gagarin 1979, pp. 308-12.

77 According to Kidd 1990, p. 220, "it is just possible that at the end of the fifth century […] the labour market at Athens became flooded with these men [*scil*. foreign sailors who had previously manned the Athenian fleet], so that hired hands became synonymous with foreigners, giving πελάτης a new specialized meaning"; but he admits that "there is no evidence whatsoever for this".

78 Longo 1978-79; Kidd 1990, pp. 219-21; Tulin 1996, pp. 88-9 (with the relevant footnotes as for the scholarly debate); Zelnick-Abramovitz 2004, 336-42.

79 Gagarin 1979, p. 308.

the νόμος could not be applied, however, it was necessary to obey the rules included in the νόμιμα concerning the dead. This was the reason why the exegete had been consulted.[80]

In the absence of a detailed regulation by the "secular law", it was nonetheless necessary to perform the proper, ancient rites guarded by the exegetes. Their response was fully authoritative, and as such could be shown to the judges as evidence that the speaker had done anything that needed to be done.

5. Conclusions

Several scholars, who in their works touch upon the Athenian interpreters, tend to ignore the difference between Eumolpid and non-Eumolpid exegetes; hence, they use references and arguments that deal with the former to explain the activity of the latter, and *vice versa*.[81] The analysis of the extant evidence clearly shows that such a comparison is methodologically incorrect. In fact, the literary evidence of the fourth century indicates that the two groups have a different expertise, as well as a different role in the city.

Apparently, non-Eumolpid exegetes gave interpretation of their laws only when consulted by private citizens, for private reasons, and in matters for which the laws of the city provided no answer. Their expertise was requested in particularly complicated situations, and the application of their laws was necessary, or at least useful, to prevent their client from encountering issues with a possible subsequent trial. Accordingly, the exegesis they gave could be produced to court without giving rise to any controversy.

As for the Eumolpids, they could expound their laws not only when consulted (normally in public), but whenever they thought it was right to do so. As we have assumed, the limits of their interpretation were clearly defined only around the middle of the fourth century. Before that time, their exegesis, when not put under a strict control of the city, was controversial, even though, in the end, only the laws of the city, and not the laws they guarded, were applied.

Generally speaking, however, the scarcity of references to the interpreters in the literary sources of the fifth and fourth century may indicate that by this period the institution was on the decline. It is a pity that no extant source tells us anything about their origins and past history, about the time when their incidence in the political and legal life of the city should have been much more important.

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[80] Similarly, in Plat. *Leg*. 865 c-d, the interpreters "chosen by the god" are to be consulted in the case that somebody kills a slave, to verify that the purification is performed correctly.

[81] See *e plurimis*, Oliver 1950, pp. 24-30, 42-3; Parker 1996, p. 220; Valdès Guía 2009, pp. 304-6, 310-1; Filonik 2013, p. 44 nt. 129.

WORKS CITED

Berger 1953. A. Berger, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1953

Blass 1892. F. Blass, *Die attische Beredsamkeit.* II. *Isokrates und Isaios*, Hildesheim 1892

Bloch 1953. H. Bloch, *The Exegetes of Athens and the Prytaneion Decree*, in *AJPh* 74 (1953), pp. 407-18

Bloch 1957. H. Bloch, *The Exegetes of Athens: A Reply*, in *HSCPh* 62 (1957), pp. 37-49

Canevaro, Harris 2012. M. Canevaro, E.M Harris, *The Documents in Andocides' "On the Mysteries"*, in *CQ* 62 (2012), pp. 98-129

Cavanaugh 1996. M.B. Cavanaugh, *Eleusis and Athens. Documents in Finance, Religion and Politics in the Fifth Century B.C.*, Atlanta 1996

Clinton 1974. K. Clinton, *The Sacred Officials of the Eleusinian Mysteries*, in *TAPhS* 64 (1974), pp. 1-143

Clinton 1980. K. Clinton, *A Law in the City Eleusinion Concerning the Mysteries*, in *Hesperia* 49 (1980), pp. 258-88

Clinton 2008. K. Clinton, *Eleusis, the Inscriptions on Stone: Documents of the Sanctuary of the Two Goddesses and Public Documents of the Deme. Vol. II: Commentary*, Athens 2008

Cobet 1881. C.G. Cobet, *Annotationes ad Cornelii Nepotis quae supersunt*, in *Mnemosyne* 9 (1881), pp. 303-39

Connelly 2007. J.B. Connelly, *Portrait of a Priestess. Women and Ritual in Ancient Greece*, Princeton 2007

Defradas 1972²- J. Defradas, *Les thèmes de la propagande Delphique*, Paris 1954 [1972²]

Dover 1968. K.J. Dover, *Lysias and the Corpus Lysiacum*, Berkeley-Los Angeles 1968

Ehrmann 1908. P. Ehrmann, *De iuris sacri interpretibus Atticis*, in A. Dieterich, R. Wünsch (eds.), *Religionsgeschichtliche Versuche und Vorarbeiten*, Giessen 1908, pp. 345-408

Faraguna 2016. M. Faraguna, *Antifonte, il processo per tradimento e gli archivi ateniesi*, in S. Struffolino (ed.), *Ἥμέτερα γράμματα. Scritti di epigrafia greca offerti a Teresa Alfieri Tonini*, Milano 2016, pp. 67-92

Filonik 2013. J. Filonik, *Athenian Impiety Trials: a Reappraisal*, in *Dike* 3 (2013), 11-96

Filonik forth. J. Filonik , *Who Punished the Impious* (provisional title), forthcoming

Foucart 1900. P. Foucart, *Les grandes mystères d'Éleusis: personnel, cérémonies*, Paris 1900

Foucart 1914. P. Foucart, *Les mystères d'Éleusis*, Paris 1914

von Fritz 1940. K. von Fritz, *Atthidographers and Exegetae*, in *TAPhA* 71 (1940), pp. 91-126

Gagarin 1979. M. Gagarin, *The Prosecution of Homicide in Athens*, in *GRBS* 20 (1979), pp. 301-23

Gagarin 2007. M. Gagarin, *From Oral Law to Written Laws: Draco's Law and its Homeric Roots*, in E. Cantarella (ed.), *Symposion 2005*, Wien 2007, pp. 3-17

Gagarin 2011. M. Gagarin, *Writing Sacred Law in Archaic and Classical Crete*, in A. Lardinois, J. Blok, M.G.M. van der Poel (eds.), *Sacred Words: Orality, Literacy and Religion* (Mnemosyne, Supplements), Leiden-Boston 2011, pp. 101-11

Gagné 2009. R. Gagné, *Mystery Inquisitors: Performance, Authority, and Sacrilege at Eleusis*, in *CA* 28 (2009), pp. 211-47

Garland 1984. R.S.J. Garland, *Religious Authority in Archaic and Classical Athens*, in *ABSA* 79 (1984), pp. 75-123

Gernet 1959[4]. L. Gernet, M. Bizos, *Lysias, Discours.* I, Paris 1959[4]

Giaro 2011. T. Giaro, *Knowledge of Law as Knowledge of Facts. The Roman Experience*, Warsaw 2011

Grace 1975. E. Grace, *Note on Dem. XLVII 72: "Touton tas episkepseis einai"*, in *Eirene* 13 (1975), pp. 5-18

Harris 2004. E.M. Harris, *Antigone the Lawyer, or the Ambiguities of Nomos*, in E.M. Harris, L. Rubinstein (eds.), *The Law and the Courts in Ancient Greece*, London 2004, pp. 19-56

Harrison 1971. A.R.W. Harrison, *The Law of Athens.* II: *Procedure*, Oxford 1971

Hitch 2011. S. Hitch, *Embedded Speech in the Attic "Leges Sacrae"*, in A. Lardinois, J. Blok, M.G.M. van der Poel (eds.), *Sacred Words: Orality, Literacy and Religion* (Mnemosyne, Supplements), Leiden, Boston, pp. 113-41

Hornblower 1991. S. Hornblower*, A Commentary on Thucydides.* I *(books 1-3)*, Oxford 1991

Jacoby 1949. F. Jacoby, *Atthis. The Local Chronicles of Ancient Athens*, Oxford 1949

Kakridis 1961. J.T. Kakridis, *Der Thukydideische Epitaphios* (Zetemata, Heft 26), München 1961

Kidd 1990. I. Kidd, *The Case of Homicide in Plato's "Euthyphro"*, in E.M. Craik (ed.), *Owls to Athens. Essays on Classical Subjects Presented to Sir Kenneth Dover,* Oxford 1990, pp. 213-21

Kirchner 1901. I. Kirchner, *Prosopographia Attica*, Berolini 1901

Lipsius 1905. J.H. Lipsius, *Das Attische Recht und Rechtsverfahren*. I, Leipzig 1905

Longo 1978-79. O. Longo, *Schiavi e salariati in un dialogo platonico*, in *Index* 8 (1978-79), pp. 3-6

Lupu 2005. E. Lupu, *Greek Sacred Law: A Collection of New Documents*, Leiden 2005

MacDowell 1962. D.M. MacDowell, *Andokides, "On the Mysteries"*, Oxford 1962

MacDowell 1963. D.M. MacDowell, *Athenian Homicide Law: in the Age of the Orators*, Manchester 1963

MacDowell 1991. D.M. MacDowell, *The Athenian Procedure of "phasis"*, in M. Gagarin (ed.), *Symposion 1990*, Köln 1991, pp. 187-98

Maffi 1977. A. Maffi, *Τὰ ἱερὰ καὶ τὰ ὅσια. Contributo allo studio della terminologia giuridico-sacrale greca*, in J. Modrzejewski, D. Liebs (eds.), *Symposion 1977*, Cologne-Vienne, 1982, pp. 33-53

Maffi 2011. A. Maffi, *Intervento sulla relazione di Adele Scafuro*, in G. Thür (ed.), *Symposion* 2009, Wien 2011, pp. 47-52

Maffi 2012. A. Maffi, *Diritto nel mondo greco*, in *Thesaurus cultus et rituum antiquorum (ThesCRA)*, vol. 8, Los Angeles 2012

Magie 1905. D. Magie, *De Romanorum iuris publici sacrique vocabulis sollemnibus in Graecum sermonem conversis*, Leipzig 1905

Meritt 1962. B.D. Meritt, *First-Fruits at Eleusis*, in *CW* 52 (1962), pp. 39-41

Oliver 1950. J.H. Oliver, *The Athenian Expounders of the Sacred and Ancestral Law*, Baltimore 1950

Oliver 1954. J.H. Oliver, *Jacoby's Treatment of the Exegetes*, in *AJPh* 75 (1954), pp. 160-74

Ostwald 1951. M. Ostwald, *The Prytaneion Decree Re-Examined*, in *AJPh* 72 (1951), pp. 24-46

Ostwald 1973. M. Ostwald, *Was there a Concept of ἄγραφος νόμος in Classical Greece?*, in E.N. Lee, P.D. Mourelatos, R.M. Rorty (eds.), *Exegesis and Argument. Studies in Greek Philosophy presented to G. Vlastos*, Assen 1973, pp. 70-104

Ostwald 1986. M. Ostwald, *From Popular Sovereignty to the Sovereignty of Law. Law, Society, and Politics in Fifth-Century Athen*s, Berkeley-Los Angeles-London 1986

Panagiotou 1974. S. Panagiotou, *Plato's "Euthyphro" and the Attic Code on Homicide*, in *Hermes* 102 (1974), pp. 419-37

Parker 1996. R. Parker, *Athenian Religion: A History*, Oxford 1996

Parker 2004. R. Parker, *What Are Sacred Laws?*, in E.M. Harris, L. Rubinstein (eds.), *The Law and the Courts in Ancient Greece*, London 2004, pp. 57-70

Rhodes 2009. P.J. Rhodes, *State and Religion in Athenian Inscriptions*, in *G&R* 56 (2009), pp. 1-13

Rubinstein 2007. L. Rubinstein, *ARAI in Greek Laws in the Classical and Hellenistic Periods*, in E. Cantarella (ed.), *Symposion* 2005, Wien 2007, pp. 269-86

Ruschenbusch 1966. E. Ruschenbusch, *Solo Atheniensis. Nomoi: die Fragmente des Solonischen Gesetzeswerkes mit einer Text- und Uberlieferungsgeschichte*, Wiesbaden 1966

Scafuro 2011. A. Scafuro, *Conservative Trends in Eleusinian Law: IE 138, a Law Concerning the Mysteries*, in G. Thür (ed.), *Symposion* 2009, Wien 2011, pp. 23-46

Scalia, Garner 2012. A. Scalia, B.A. Garner, *Reading Law. The Interpretation of Legal Texts*, St. Paul 2012

Sourvinou-Inwood 1988. C. Sourvinou-Inwood, *Theano Menonos Agraylethen*, in *G&R* 35 (1988), pp. 29-39

Stumpf 1988. G. Stumpf, *Prozeßrechtliches in der Mysterieninschrift SEG XXX 61*, in *Tyche* 3 (1988), pp. 223-8

Svenbro 1993. J. Svenbro, *Phrasikleia. An Anthropology of Reading in Ancient Greece*, Ithaca 1993

Talamanca 2008. M. Talamanca, *Ἔθη e νόμος ἄγραφος nel "Corpus oratorum Atticorum"*, in L. Bove (ed.), *Prassi e diritto. Valore e ruolo della consuetudine*, Napoli 2008, pp. 3-104

Todd 2007. S. C. Todd, *A Commentary on Lysias. Speeches 1-11*, Oxford 2007

Tulin 1996. A. Tulin, *"Dike Phonou". The Right of Prosecution and Attic Homicide Procedure*, Stuttgart-Leipzig 1996

Valdés Guía 2009. M. Valdés Guía, *Bouzyges nomothetes: purification et exégèse des lois sacrées à Athènes*, in P. Brulé (ed.), *La norme en matière religieuse en Grèce ancienne*, Liège 2009, pp. 293-320

Wallace 2003. R.W. Wallace, *Phainein in Athenian Laws and Legal Procedures*, in G. Thür, F.J. Fernandez Nieto (eds.), *Symposion 1999*, Köln-Weimar-Wien 2003, pp. 167-81

Wilamowitz-Moellendorff 1893. U. von Wilamowitz-Moellendorff, *Aristoteles und Athen*, II, Berlin 1893

Wyse 1904. W. Wyse, *The Speeches of Isaeus*, Cambridge 1904

Zelnick-Abramovitz 2004. R. Zelnick-Abramovitz, *Settlers and Dispossessed in the Athenian Empire*, in *Mnemosyne* 57 (2004), pp. 325-45

Ziehen 1937. L. Ziehen, *s.v.* πελανός, in *Paulys Realencyclopädie der classischen Altertumswissenschaft,* XIX.1, Stuttgart 1937, pp. 246-50