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A NEW INSCRIBED *KLEROTERION*  
FROM HELLENISTIC ATHENS:  
RESPONSE TO NIKOLAOS PAPZARKADAS

Nikolaos Papazarkadas continues his examination of court monuments, initiated in his 2017 *Hesperia* article, where he presented the *editio princeps* of ΠΛ 2148, a decree of the Athenian Council dated by archontic year to 103/02. The decree (via Papazarkadas' excellent text and commentary) contributes substantially to our knowledge of legal procedure and personnel in late Hellenistic Athens: it attests to the existence of the monthly trials (ἔμμηνοι δίκαι)—perhaps recently revived from disuse with additions suitable for current administrative needs; to the activities of the 'Supervisors of the Lawcourts' (ἐπιμεληταὶ τῶν δικαστηρίων); and to a new and extremely important datum concerning the duties of the ταμίας τῶν πρυτανείων, viz., the first attestation of his 'carrying out the task of allocating money for the erection of stelai' (2017, 338). The office of the treasurer of the *prytaneia* drew particular attention in the *Hesperia* article; Papazarkadas associated it with a series of *kleroteria* all carrying the same brief but not equally preserved text: ταμιεύοντος ἐπὶ τὰ πρυτανεῖα Ἰ Ἀβρωνος τοῦ Καλλίου Βατῆθεν. If the title of the magistrate in ΠΛ 2148, in conjunction with the task assigned to him (B9-10, to allocate funds for publishing a decree connected with the monthly lawsuits), was not sufficient to tie this particular treasurer to the lawcourts, then the inscribing of the name of the treasurer of the *prytaneia* on a series of *kleroteria* made that connection ironclad.

In Papazarkadas' new essay, the treasurer of the *prytaneia* and the series of *kleroteria* once again are given a spotlight—for now he is publishing a second monument from the same findspot as the *stèle* with the decree about the monthly trials; this is another *kleroterion*, and it bears exactly the same text as the *kleroteria* mentioned in the last paragraph, ταμιεύοντος ἐπὶ τὰ πρυτανεῖα Ἰ Ἀβρωνος τοῦ Καλλίου Βατῆθεν. Papazarkadas carefully contextualizes the series of four *kleroteria* with Habron's name and persuasively argues for a date in the 160s in three steps. First, he considers all the biographical data available for Habron and his family from inscriptions and then pinpoints Habron's publicly documented career as running from 189/8 to the 150s; this suggests to him that Tracy's recommendation of a date ca. 180 (based on letter forms) for the texts on Habron's *kleroteria* may be too early and that a historical contextualization of the series may suggest a later one. Towards this end, he next considers texts inscribed on three *kleroteria* outside the

‘Habron series’. One (*IG* II<sup>3</sup>.4.109) is dateable to 162/1, thanks to the presence of the archon’s name. The two other *kleroteria* (*Agora* XV 220 and 221) are inscribed on the ‘reverse’ sides (i.e., on the backs that do not carry the slots) with texts that at first were only dateable inside a span of eleven years, between 166/5 and 155/4, because the named herald, Eukles of Trinemeia, and *aulos*-player, Kallikrates of Thorikos, are attested as active in that period (Dow 1937, 17-18 and 145); later that span was narrowed to 164/3, with the appearance of more prosopographical evidence and the persuasive restoration of Euergetes’ name as archon (Meritt 1957, 74-77). These two *kleroteria* will have been ‘retired’ from use as allotment machines when their reverse sides were inscribed with the decrees in 164/3. The *kleroteria* that bear the texts, however, cannot be dated with such precision: they may have been in use as allotment machines either between 307/6 and 224/3, or after 200, because the number of slots in *Agora* XV 220 (300 slots) is suitable for original use in the period of the 12 tribes; the important point to which Papazarkadas has given recognition is the date they were retired. Finally, Papazarkadas returns to the four *kleroteria* belonging to the ‘Habron series’, still in search of a date for them that may be later than Tracy’s date ca. 180; Papazarkadas now shrewdly points out that the present tense of the genitive participle ταμιεύοντος ‘emphasizes that the *kleroteria* were constructed while Habron was still serving as a Treasurer’; he then concludes, ‘For contextual reasons [...], his tenure of office almost certainly belongs to the 160s, late in his career. He was probably the main disbursing authority for the manufacturing of the *kleroteria* that bear his name’ (p. 114).

Contextualization does not end here: Papazarkadas continues with a depiction of a broader canvas of lawcourt activity without losing sight of the significance of the retirement of some *kleroteria* in the 160s (e.g., *Agora* XV 220 and 221); as for the latter, he proposes that the Athenians purposely removed *kleroteria* in 164/3 so as to replace them with new ones (e.g., the ‘Habron series’). In the end, he puts together a cornucopia of court-related documents, artifacts, and topographical considerations of the late Hellenistic era and concludes that all signs point to ‘Delos and its return under Athenian control in 167/6 B.C.’; from this point, financial prospects bloomed; business activity increased; Athenian cleruchies were established once again—and financial and commercial disputes (note the ‘monthly suits’ that are prominent in the *editio princeps* of ΠΛ 2148 in *Hesperia* 2017) arose in proportion. The courts, for better or worse, were rejuvenated; and rejuvenation calls for new equipment and perhaps also (I may add), for rich citizens such as Habron, to fill some of the more burdensome and probably elective magistracies.<sup>1</sup>

<sup>1</sup> A [ταμίαις ἐπὶ τὰ πρυτάνεϊα appears in a list of (apparently) 11 magistracies and two boards of magistrates in Crosby 1937, 460-61, no. 8 (see Papazarkadas’ essay in this volume, n. 20); six of the magistrates’ titles are followed by the past participle εἰληχώς, ‘allotted’; should we infer, then, that the other magistrates were elected? Kahrstedt (1936, 51) made such an argument for a similar list; Crosby suggested it for this text when she re-published it in 1937. The magistracy, then, belongs to that tier of officials who were

This is an attractive, thoughtful, and economical contextualization. Papazarkadas' date for the Habron texts is simultaneously a date for Habron's holding the office of *tamias* of the *prytaneia*, for producing new *kleroteria* (such as the ones bearing his name) and for the retirement of some older ones (such as *Agora* XV 220 and 221 in 164/3). The dating of Habron's texts is compelling; Tracy's competing date, ca. 180, seems too early in Habron's career for such a distinguished and probably elective office. But is the tying together of the two events (the production of new *kleroteria* and the retirement of others, the 'economical' aspect of Papazarkadas' argument) likewise persuasive? As I have just pointed out in the case of the 'retired *kleroteria*' (*Agora* XV 220 and 221), the date for the texts does not automatically coincide with the date for the *kleroteria* themselves. So now the question arises for Habron's *kleroteria*: did he order new *kleroteria* while he was *tamias*—does the date of the texts match the date of the production and acquisition of the objects themselves—or perhaps the date of their distribution to a different or new court site or even a sanctuary (i.e., were the *kleroteria* already available)? The number of slots will not be helpful here—for where they can be estimated with some confidence, they will simply belong to the 'period of the 12 tribes'—i.e., they cannot pinpoint a date within that long period. We must once again turn to the texts inscribed on the principal face of the *kleroteria* (both the 'non-Habron' text, *IG* II<sup>3</sup>.4.109, that was dateable to 162/1 by the archon's name, and the four Habron texts that have something to do with his tenure as *tamias* of the *prytaneia* in 164/3).

In the course of his argument, Papazarkadas offered two modest and convincing suggestions for the texts of *IG* II<sup>3</sup>.4.106 and *IG* II<sup>3</sup>.4.109. For the first (a 'Habron text'), he argued that the traces of letters that were observed by Dow in its cornice (but viewed as 'erasures' by Curbera in the lemma to *IG* II<sup>3</sup>.4.106), could be read as β[ο]υλὴ ἡ ἐπ[ὶ] — — — — ἄρχοντος — — — —]; moreover, on the basis of *IG* II<sup>3</sup>.4.109, the verb ἀνατίθηναι could be restored in *IG* II<sup>3</sup>.4.106 as ἡ β[ο]υλὴ ἡ ἐπ[ὶ] — — — — ἄρχοντος ἀνέθηκεν]. Additionally, the visible letters on the cornice of *IG* II<sup>3</sup>.4.106 appear to be of the same hand that carved the two-line text on the architrave.<sup>2</sup> As for *IG* II<sup>3</sup>.4.109, — — — ? — — — |ἐ]πὶ Ποσειδωνίου ἄρχοντος ἀνέθηκαν, a subject could be suggested for ἀνέθηκαν: 'the most likely agent of dedication of that *kleroterion* would be the Councillors, οἱ βουλευταί'. Here we must consider the meaning of ἀνέθηκεν in *IG* II<sup>3</sup>.4.106 and ἀνέθηκαν in *IG* II<sup>3</sup>.4.109; as Papazarkadas implies in the words I have just cited from him, each means 'dedicated'—in the one case, 'the β[ο]υλὴ . . . dedicated', and in the other, '[οἱ βουλευταί] . . . dedicated'. But if these two *kleroteria* (one issued by Habron)

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not democratically allotted but elected for their skill set and expertise. In regard to the 'Supervisors of the Courts', Papazarkadas in *Hesp.* 2017 348 with n. 105 noted 'the happy coincidence of elected (κεχειροτονημένοι) officials being asked to disburse funds for expenses in both *IG* II<sup>2</sup> 1023 and the new inscription from Plaka.'

<sup>2</sup> Papazarkadas *per ep.* and confirmed during our autopsy of the *kleroterion* in the Epigraphical Museum on December 30, 2019.

are ‘dedications’, then probably these two *kleroteria* were also put out of use as allotment machines.

Here we enter some muddy epigraphical/archaeological territory. Curbera has included all the ‘Habron *kleroteria*’ as ‘dedications’ in the *IG* fascicle titled ‘*Dedicaciones Publicae*’. Dow (1937, 209-10) appears to have thought that only *IG* II<sup>3</sup>.4.106 (= Dow no. II) and *IG* II<sup>3</sup>.4.109 (= Dow no. I) were dedications, the latter (presumably) because of ἀνέθηκαν, and the former because it was found on the Acropolis;<sup>3</sup> he thought that their dedication ‘probably means that these two machines were then retired from use.’ Papazarkadas, on the other hand, thinks that the circumstances of dedication in the Hellenistic period were different from those in the Classical and offers as one example:

‘Λεωνίδης Πρωτέου Ἀλικαρνασσεὺς τὴν στοὰν καὶ τὰ οἰκήματα τὰ ἐν τῇ στοᾷ πάντα ἀνέθηκεν ἰ τῇ πόλει’ (*BCH* 59 (1935) 514, VIII), which shows that by the Hellenistic period the verb ἀνέθηκεν might have ceased meaning exclusively “dedicate to gods”. But even if it didn’t in the case of Athens, it is clear that one dedicates something new, like a stoa.<sup>4</sup>

According to Papazarkadas’ thinking, none of Habron’s *kleroteria* were retired. I am not so sure. A *kleroterion* is not so much like a stoa or a room (no matter that earlier scholars thought that *kleroteria* were rooms—we are way beyond that now!) that can be dedicated to a city; it is more like a *stele* or statue base or even a *phiale*. Not all dedications of the fourth and third centuries mention the dedicatee, whether god, goddess, or city;<sup>5</sup> the same holds true in the second century;<sup>6</sup> most likely, a divinity dedicatee is to be inferred from the location of the dedicated object—unless the name of the dedicatee in the dative case has dropped out of the text.<sup>7</sup> How then are we to explain the ‘dedication’ of the two *kleroteria* in question, the text of one dated definitely to 162/1 (*IG* II<sup>3</sup>.4.109) and the other (*IG* II<sup>3</sup>.4.106), convincingly dated to 164/3—and both possibly ‘retired’ to a sanctuary?

I suggest we consider the texts of the ‘Habron *kleroteria*’ once again: ταμειύοντος ἐπὶ τὰ πρυτανεῖα ἰ Ἀβρωνος τοῦ Καλλίου Βατῆθεν. Rather than reading the string of genitives as a genitive absolute as Papazarkadas does, I suggest

<sup>3</sup> Papazarkadas makes the attractive proposal that *IG* II<sup>3</sup>.4.106 is a *pierre errante*; this makes sense against the collective background of findspots that he localizes in fine detail; however, the fact that the one ‘Habron *kleroterion*’ that was found apart from the others, on the Acropolis, seems also to have been inscribed with a dedicatory notice, suggests otherwise.

<sup>4</sup> I am grateful to Papazarkadas for supplying this and other examples *per ep.* and for citing Noah Kaye’s 2016 *Hesperia* essay on the Stoa of Attalos, and especially his treatment of the Pharsalian decree for Leonides of Halicarnassus.

<sup>5</sup> E.g., *IG* II<sup>3</sup>.4.7, 26, 28, 29, 31, 32, 41, 49, 56, 68, 73, 74, 76, 79.

<sup>6</sup> E.g., *IG* II<sup>3</sup>.4.104, 105.

<sup>7</sup> In the case of the text of the *kleroterion* *IG* II<sup>3</sup>.4.1.106, Papazarkadas has suggested to me, *per ep.*, e.g.: ἡ β[ο]υλή ἡ ἐπ[ι] – – – – – ἄρχοντος ἀνέθηκεν τῷ Θησεῖ *vel sim*.’ For the significance of the Theseion, see Papazarkadas 2017, 351-2.

we understand them as ‘possessive’: ‘[the kleroterion] of Habron son of Kallias of Bate serving as *tamias* of the *prytaneia*’.<sup>8</sup> The *kleroteria* ‘belong’ to Habron because as *tamias* of the *prytaneia*, he was responsible (so it seems) for supplying some court equipment which included *kleroteria*; and it also seems that he did so from his own pocket (thus Dow 1937, 212; Papazarkadas, this volume, p. n. 39).<sup>9</sup> If this is so, then Papazarkadas is right that the four *kleroteria* were probably produced and acquired at the same time, during Habron’s term as treasurer of the *prytaneia* in the late 160s, perhaps as part of a new policy of augmenting court equipment such as *kleroteria* during a period that was seeing a rise in the number of court cases; however, either while Habron was in office or shortly thereafter, one of the new *kleroteria* (IG II<sup>3</sup>.4.106) was retired and dedicated, either for a malfunction or for some other reason unknown to us.<sup>10</sup> Another *klerotriion* (IG II<sup>3</sup>.4.109), outside the ‘Habron series’, was retired and dedicated in 162/1.

Papazarkadas has made a fine contribution to our understanding of the activity of lawcourts in late Hellenistic Athens. His *editio princeps* of ΠΑ 2176, a fragmentary allotment machine, has taken us well beyond the eight words inscribed on its architrave, to other contemporary and near contemporary documents and monuments relevant to the courts, and then all the way to Delos which he has conjectured as a source for the rejuvenation of law court activity. Back in Athens, a careful study of the findspots, moreover, has allowed him to conjecture the location of the late Hellenistic lawcourts away from the Agora, ‘towards the area to the east of the Library of Hadrian, along and south of Adrianou Street’. Scholars in the coming years will have to mull over these new perspectives for the Athenian courts provided by Papazarkadas’ work;<sup>11</sup> indeed, the continued activity of the lawcourts may go some way to explaining the near absence of decrees celebrating foreign judges for coming to the city and solving local disputes for the Athenians.<sup>12</sup>

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<sup>8</sup> For ‘serving as *tamias* of the *prytaneia*’, one might use, ‘who is [or was] *tamias* of the *prytaneia*’. For such ‘stand-alone’ genitives, one might look to Attic *horoi*; see Lalonde 1991, 17 and as samples, H 1 ([sc. *horos*] of the goddess) and H 8 ([sc. *horos*] of the sanctuary).

<sup>9</sup> The *kleroteria* are like the cups that Langdon 1991, 60 n. 16 supposes the polis commissioned (rather than extracted from confiscated property) for public use—except that Habron and not the polis has purchased the *kleroteria*.

<sup>10</sup> That the ‘dedicatory’ text in the cornice appears to be of the same hand as that in the two-line text naming Habron (see text at n. 2), of course does not mean that both texts were carved at the same time; nevertheless, the dedicatory text will not have been carved too much later.

<sup>11</sup> Walser 2012 is important for this topic; and we look forward to hearing more from Ilias Arnaoutoglou and L. Rubinstein as well.

<sup>12</sup> Gauthier 1999.

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