

ΕΛΕΥΘΕΡΝΑ

ELEUTHERNA: POLIS · ACROPOLIS · NECROPOLIS

ATHENS 2004

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ELEUTHERNA
Polis – Acropolis – Necropolis

Edited by

NIKOLAOS CHR. STAMPOLIDIS

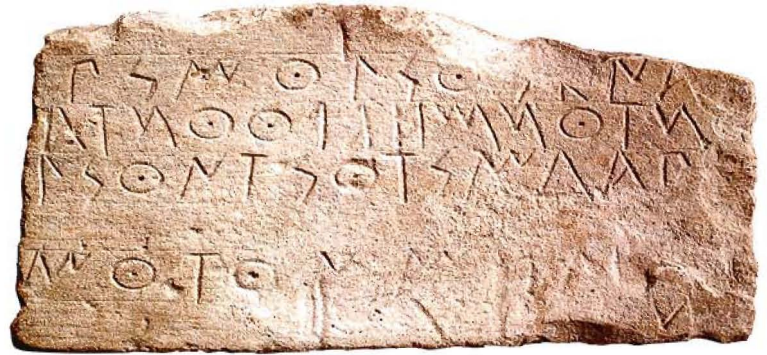
11 Part of a legal decree of procedural content c. 500 BC

Sector II, site Nisi, handed in (1995)¹

Rethymnon Archaeological Museum, inv. no. E 67.

H. 30.5, W. 46.7, Th. 9.5, H. of letters 3-4.

Limestone. Only the upper part broken, while the surviving surface is eroded right and below.



?vacat?

[- - - - -]άν]πιμολίοι ενα.[- - - - -] >

3 [- - - - -]ον τόν μή ἐλθόντα [- - -] <

[- - - - -]άνημο?]λίοντι ΟΤΙΜΔΑΠ.[- - -] >

[- - - - -] ?vacat? vacat

6 [- - - - -]μοτονμνν[- - - - -] >

[- - - - -] ?vacat <

[- - - - -].]ν...

Translation

[- - - - -] if] he claims procedurally [- - - - -]

[- - - - -] he who will not appear [- - - - -]

[- - - - -] they claim procedurally (?). To whom (?) however [- - - - -].

REMARKS – BIBLIOGRAPHY

The text is written boustrophedon and the letters are carved carefully inside guidelines set 4.5 cm. apart. The elongated shape of the letters (excepting the omicron), which points to a date *circa* 500 BC, is consistent with Jeffery 1990, 308 n. 45: α4, δ1, ε4, π3, θ1, ι2, λ2, μ1, ο3, π1 (cf. also the shape of the letters in the inscriptions IC II.xii [Eleutherna]. 11, 19).

The text is fragmentary. Although the stone is broken only on the top, the left and probably also the right edge do not constitute the end of the surviving text. Whereas in lines 2-3 the completion *ἐνα[ρ]/ον τόν μή ἐλθόντα [ἦμεν]*, 'he who will not attend (meaning the judicial claim) [to be] excommunicated',² is possible, the same probably does not apply to lines 4-5 as well. Thus, to left and perhaps also to right, the text must have been carved on an adjoining stone or stones, in a manner analogous to other inscriptions from Eleutherna³ and from other Cretan cities.⁴

At the beginning of line 2 (perhaps also of 4) the completion *ἀν]πιμολίοι*, optative possibly of a conditional clause, is probably certain. The prepositional verb *ἀμφιμωλέω* (*ἀνπί-* in the Doric dialect of Crete) appears only three times in Cretan inscriptions, all in the law code of Gortyn,⁵ on account of the very specific meaning the syntax of

the verb with a dative of person acquired (*ἀμφιμωλέω τινί ἢ μωλέω ἀμφί τινί*), as Angel Martínez-Fernández has demonstrated persuasively, that is 'I claim / I struggle judicially'.⁶ Consequently, this special meaning of the verb, which appears in line 2 of the inscription, places the text in the category of legal inscriptions of procedural content.

In line 4 it is not certain whether the imperative present of *μωλέω* should be completed with the same preposition or with another preposition, possibly referential, as in IC IV.72 ix.19-20. Equally possible, however, is the completion [*τάδε ἢ ὄρκον τε]*λίοντι,⁷ in which case what follows should be recognized either as a new sentence or as a completion of the preceding clause, respectively. There is a problem of legibility with the letters that follow. Two fragmentary inscriptions preserved virtually the same sequence of letters: from Axos (IC II.v.3 line 2): [-]oves σιμ[-], and from Gortyn (IC IV.154 line 2): [-]τιμι δε[-]. Thus, the most likely reading is *σιμ<ι> δ' απ.*, even though the dative ending of *όσις* is not elided and usually follows a potential imperative with *κα*, as in IC IV.72 vii.51-2, viii.7, 12, 19-20, 32 (Bile 1988, 206-208).

In line 6 there is more than one possibility of division: *μο τόν μή ν* (as also in line 2), or *μο τόν μνν*, or *μοτον μή ν*, or *μοτον μνν*, in which case it is probably one of the adjectives: [- *ἀπό]*μοτον (IC IV.72.xi.28), [- *ἐπό]*μοτον (IC IV.8.e-f.1) or [- *ὄρκό]*μοτον (cf. IC IV.8.i.1).

Although in fragmentary state, this new inscription from Eleutherna is particularly important. Discovered at the locality Nisi, it is the first epigraphic testimony of the end of the Archaic period and Classical times from this area (see also n. 1), where public buildings or sanctuaries most probably existed, in which the Eleuthernians incised and/or dedicated their inscriptions of legal content (see also n. 4). Furthermore, the text preserves the first example from Eleutherna of the *par excellence* judicial verb *ἀμφιμωλέω τινί*, previously known only from the law code inscription of Gortyn, so indicating that the text is part of a legal ordinance of procedural content.

Yannis Tzifopoulos

¹ Although some texts in the corpus of inscriptions from Eleutherna (IC II.xii) may well come from the locality Nisi, only two inscriptions are actually known from there, which were found northwest of the stylobate of the Classical *peribolos*, and for which see van Effenterre 1991, 11-15, 24-30 nos E3-E4, pls 3-4. As Xaniwōtis 1995 has shown, these are two treaties of alliance between Eleutherna and Phaistos, of the 3rd century BC, and of Eleutherna and Knossos, which is dated pre-250 BC.

² The word *ἐναρσας*, ὁ ἐν ἄρσῃ ἄν, occurs only in an inscription from Itanos, IC III.iv.6 lines 6-7, which, however, is dated to the 3rd century BC. See Bile 1988, 117, 182 and nn. 130, 185, 352, and Chaniotis 1996, 235 and n. 1364.

³ IC II.xii [Eleutherna]. 1-19, and van Effenterre et al. 1991, 17-23 no. E1-2.

⁴ The bibliography on legal inscriptions in Archaic Greece and the consequent issues is enormous. See indicatively the recent studies with extensive earlier bibliography: Hölkeskamp 1992a; idem 1992b and Thomas 1995. Specifically for Crete and the habit of inscribing texts on walls of sanctuaries and/or public buildings see: van Effenterre 1994; Gehrke 1997; Whitley 1997; idem 1998; Hölkeskamp 1999, 73-77, 87-97, 107-109, 117-128, 149-150, 198-202, 228-230, 232, 237-239, 262-285 and the papers at the recent conference *Η μεγάλη Επιγραφή της Γόρτυνας: 120 χρόνια από την ανακάλυψή της*, Αθήνα - Άγιοι Δέκα 25-28 Μαΐου 2004 (in press).

⁵ IC IV.72 i2, vi.27, ix.19-20. In the same inscription there is the type: *ἀπομολία* (IC IV.72 ix.18-9, ix.18-9) and the adjective *ἀπιμολος* 'litigant' (IC IV.72 x.27-8), whereas in IC IV.57 line 9 the type *ὄνημολος*. See also Willetts 1967, ad loc. and Bile 1988, 234.

⁶ Martínez-Fernández 1991: the legal use of the verb derives from the military use of an analogous expression which even occurs in the *Iliad* (XV 565, III 70) *μάχομαι ἀμφί τινι*. See also Willetts 1967 ad loc. and Bile 1988, 351.

⁷ The verb is encountered in three Cretan inscriptions: on two from Axos (IC II.v.1 line 12: [*τάδε* δέ *τελίοντι*], and 3 line 5: [-] *τελίοντι* [-]), and on one from Itanos (IC III.iv.7 lines 1-2: [*ὄρ/κον τε]*λίοντι τοί *ὄ[ρχαντι]*ες etc. and cf. lines 9-10), where its use for the oath-swearing ceremony is probably certain.