ZPE 138 (2002)

Two Attic Endowments

In 1959 David Lewis published an inscription found in the Agora, which he saw belonged to IG II² 334.1 We can read and understand most of the new fragment thanks to Lewis' brilliant restorations. But the text remains frustratingly incomplete and has defined satisfactory restoration in several places. The general picture is clear. The narrowest resolve that a board of officials, presumably the politeia, let a territory called the Nea (A. 7-8). The rest and a 26-tax (12, 14-15) are to undertake the celebration of the Lesser Panathenaea. Next, the text mentions an obscure contingency for action when and if revenues reach two talents (16-17), at which point the money appears to become Athena's (18). By this law two sources of revenue, property under lease and taxable assets, were permanently encumbered, or endorsed, to the Lesser Panathenaea. No one has explained precisely how this mechanism for securing the permanent funding of cult worked.

Lewis alone tried. Realizing that the key lines are A.15-18, he suggested the following restoration:2

... χαρακτηρισθείσαν

16 [ὅχις δὲ τή δημόσια, κῦρος διότι καλὸν καὶ ἄστερον καὶ καλὸν]
       [καὶ ὤν τὸ ἐπίτηδον τὸν τῇ Νήσῃ 
       ἐν τῇ Νήσῃ κἀκεῖτε 
       ...]
       [καὶ ἔρχετο γεγονός ῥῆμα: ἐκβάλει τὸν τῇ 
       ἑκάτερον τῇ τῷ ἑκάτερον ...]

- provision so that the revenue from the properties in the Nea and the ... return to two talents each year ... so that this money belongs to Athena.

Lewis suggested that IG II² 334 contained a decree of the people "apparently in amendment of a probouleuma of the boule, which also must have stood on the stone, since lines 16-17 of the old fragment presuppose information which cannot have stood in our law."3 B.16-17 (also B.23) tell us that 41 minas were collected in rent on the Nea. Thus, Lewis attempted to account for the disparity between the anticipated income of two talents (A.16) and the 41 minas (B.16-17) actually collected—it is unlikely that the assessors magnified the productivity of the land by 200%. He suggested that the seven spaces left in lines 17 and 18 held the name of a second property whose rent would have made up the difference. The amount of the rent, however, cannot have been known at the time the probouleuma was moved or the law passed. It can only have been known after the lease was auctioned to the highest bidder (A.7-10).4 Thus it may be best to follow the ingenious suggestion of Rosivach that the probouleuma may not have been on the stone at all, and that IG II² 334 is a compilation of "excepts from other inscriptions, now lost, containing the full text of the decree and the related law also found on our stone."5

Lewis proposed a second of tentative restorations:

2 Lewis, Hesperia 28 (1959) 245, on suggestions by Woodhead.
3 Lewis, Hesperia 28 (1959) 239.
4 Lewis' inscriptions at A.7-10 have never been in doubt: the μὲν 1 Νήσῃ μηδεματικὸν δὲν ἀγαθὸν προσέχων
Here we have, Finley suggested to Lewis, provisions for the disposition of surplus revenue, whereby money above a certain threshold reverted to Athena. But the Greek, as restored, simply states that if and when the revenue reached a certain level, the entire sum, not an undefined surplus, should go to Athena.

Sokolowski evidently saw this and restored A.15—16 as follows: ... χρησὶς ἕκαστον. I here δὲ ἡ προσφορά γένοις δώσει τάλαντον ... each separately. When the revenue reaches two talents ... The restoration in 15 is too long by one letter, but I suggest that Sokolowski recovered the sense, not that the scheme provided for the sheltered accrual of income before activation of the endowment. In other words, the endowment was not to begin its normal cycle of spending until the revenue accruing from the pentEKos stood and the rent on the properties in the Nea had reached the critical mass of two talents. The famous endowment from Coscyra contains such a provision.9 There the founders dedicated 120 minas but stipulated that the endowment be activated only when the principal had matured to 180 minas. I suggest that the Attic endowment enjoyed a similar maturation period. Once the principal reached two talents it would be lent on an annual cycle, in addition to the other sources of revenue.

If this suggestion is correct then several other emendations may follow. I propose to restore: 21: τοῦ σωμάτου. When the revenue from the lease of the properties in the Nea and the pentEKos reach two talents, this principal sum shall belong to Athena for the sacrifice in the Lesser Ptolemies, the apokriseis in office desiring it to the hypomnemata for this purpose. There shall be a lending also of the revenue. (The politics) shall lease the land in the Nea according to what.

Endowment is attested elsewhere to describe the lending of endowed money.10 At the end of A.19 τῶν ἑκάστουος seems secure. The presence of εἰς (A.18) and εἰς (A.20, B. 6, 26, 30) in the same document is not uncommon.11 In 20 the syntax of our μὲν ἐκφεύγειν differs from Lewis'. The syntax of

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12 Kent Rigby kindly suggested this to me. Plutarchi epitrepantos τῶν μονάδων τῶν ἑκάστων καὶ ἐκφεύγειν μὲν ἐκφεύγειν gives the right number of letters, but lacks on grounds of phonemics.
13 AG B 111 (1632): εἰς τῆς ἱεραρχίας (26); ἐκ τοῦ ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τῆς ἱεραρχίας (εἰς τığ's text. 9 20
the decree follows ἐθνικός (A.7). Thus, with the exception of the initial legal subjunctive μεθοδέουσιν (A.8),12 stipulations are expressed with complementary infinitives: ναυσίς (A.12), ἐναγωγής (A.13), ἐνδεχόμενος ὁ (A.18), εἰπεῖ (A.21), μετάβασις (6.22). Thus it is improbable that μεθοδέουσιν (A.20) is a third-person plural imperative as Lewis posits.13 οἱ δὲ κληρονόμοι μετὰ συγκέντρωσιν (16.19–20). I suggest we understand a present participle in a genuine absolute, attached to the preceding clause.

As a package, the restrictions may be offered on straightforward economic considerations. The sum of the rents collected, 4,190 drachmai (B.16–17), which Lewis viewed as problematic14 and which prompted Woodward to posit the existence of a ghost property,15 may have a sound basis in reason. The revenue generated from one year’s mithασις of the Nea,16 at minus, was just over one-thousandth of the target-principle, two silenes. The πεντάκοσιοι would have varied from year to year, but the mithασις of the Nea was fixed, every ten years.16 The contract to lease the Nea went to the highest bidder (A.9–10). Perhaps bidding opened at 4,000 drachmai and increased by established increments, as may have been done with the so-called rationes centenarii.17 If bidding did start at 4,000, then in the unlikely event that no one bid up the opening price and no πεντάκοσιοι was collected, the two-talent threshold would be reached in three years, precisely the number of years in a Panathenaic cycle in which the Lesser Panathenaea were held.18 Perhaps Aristionides, who proposed the law, cautiously budgeted for the worst.

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Sometimes in the third century bc the members of a private cult association became embattled in a dispute over disposal of or access to some properties. Arbitrators were summoned. IG II2 1269 describes the settlement. The stone contains the end of the oath sworn by the disputing parties at the resolution of the conflict (1–3), the terms of the resolution (4–9) and a proclamation issued by the goddess and the hereditary of the association in which the terms are reiterated (10–22). The arbitrators pronounced three decisions; the properties belong to the goddess;19 the properties are not subject to sale or hypothesis.20 The revenues from the properties are to undergo customary sacrifices by the priest in the
company of the "orgōnēs".21 Again, the details are obscure, but the general picture is clear. Two parties feud over a property. The arbitrator solved the problem by endorsing the property, rendering it inalienable and, in so proceeding permanently earmarked to fund annual sacrifice.

Severest restoration in the proclamation by the goddess and the "hektaristēs" may be proposed (the received text, 1:10-12):22

Σαρμετικά (καὶ καὶ δικαίως) μὲν ὁ ἁγίωτας
καταλίθον τετελειφθέν ἐντοίχον τῶν
μέτωπων τῆς τείχους ἔχει τὴν αἰτίαν
πάντως τῆς "τοιαύτης μεταμετρήσεως".Μη
μηδέποτε καθαρθείν ἂν ἄλλος τῷ ἱερῷ:
λέγει αὐτοῖς τὸ πρόσωπον μύτης "καταρρήσεις".
τῶν κατοίκων λέγει εἰς... καὶ τοιαύτα:
γιαίνοντι... τοιαύτη... ἢ τι... μεν λέγει... δικαίως...".

15 (1) Both the goddess and the "hektaristēs"22 Kallirrhoë proclaims that no "gospel shall[s]b] in any of her properties nor have (sic there)... nor to evil to anything pertaining to her properties, neither by craft nor on any pretext, so that... revenue... sacrifice...

The joint proclamation by the goddess and the "hektaristēs" Kallirrhoë appears to have mirrored the role of the dikasteria (4-9), upon which both parties swore. The goddess and Kallirrhoë did not repeat the arbitrators' ruling on ownership (5-6), but did elaborate that against alienation. The arbitrators forbade sale (6) or hypophothesis (7) of the properties. Together, the two stipulations amounted in practice to an exhaustion against alienation, whether purposeful or accidental. The revenues from the properties had an important and predetermined destination. To offer the properties as security would have posed too grave a risk to the continued celebration of the goddess' cult. The goddess and the "hektaristēs" seem to have reduced the stipulation against sale and hypophothesis to a simple basic prohibition, "μηδέποτε καθαρθείν ἂν... " (12).

Next comes the pronouncement on disposition of revenues accruing from the properties. The arbitrators stated that the priest should sacrifice, in the company of the "orgōnēs", in accordance with ancient custom, "from the revenues" (7-9). This is the longest of the arbitrators' three pronouncements, and the longest of the proclamations by the goddess, running from the end of line 12 through at least 18. Revenue from the properties, whether paid in cash or in kind, can only have come from working the land. Leasehold was a common and simple way for states and deserts to secure income from their properties.24 We may assume that the revenue accruing from the "seized" properties of the goddess was rent in satisfaction of leases granted by the goddess.

21 1-9 εἰς τὸν ἀρχαίαν Ἡρακλέα τοῦ Θεοῦ τὴν περίτην μετὰ τῶν ἡγεμόνων κατὰ τὸ νόμῳ.
23 Received by W. Ferguson, "The Attic Orphans," JHS 37 (1914) 61-140, esp. 86-88, εἰς ἄλλας μέρες.24 Klibanoff, Καμπάνα, p. 269. Willmanns in Klibanoff, εἰς τὸν ἁγιασμὸν τοῦ Νική τοῦ Φερμουντ. 83 n. 32.
The stipulation stating ἀλλὰ τὰ γενομένα [ἐν ἑλεμονίᾳ] therefore, cannot have been an outright prohibition against leasehold,23 but rather against a certain type of leasehold. Wilhelm saw as much and proposed to restore, [ἐν ὑπηρεσίᾳ] ἀναπτύσσει πρόσωπον,24 which gives a line of 33 letters in a stele which contains 32. Moreover, leases designated εἰς ἱπποκόμοισιν are common around Mylasa and in scattered cases in Hellenistic Egypt and Syria,25 but this phrase does not appear to be attested in Attica.26 Moreover, a stipulation against heritable leasehold does not suit the context. The primary concern of the goddess, priest, hereditary, and ἀναπτύσσει was to secure the smooth, annual delivery of cash so that the proper sacrifices could be loaded and performed. Heritable leasehold is not inconsistent with that goal. In fact, it may have been viewed as attractive, insofar as it gave the family responsibility for the properties vested interest in maintaining the land's long-term productivity. Heritable leasehold may have been commonly employed in ancient endowments.27 The restoration [ἐν ὑπηρεσίᾳ] cannot stand.

I suggest that the lacuna contained a common stipulation against diverting encumbered funds from the expressed purpose of an endowment. It was common practice to stipulate against the allocation of endowed money εἰς ἱπποκόμοισιν which, the contemporary endowment from Eleusis suggests a phrase that appears to suit the context and space: ἀναπτύσσει δὲ εἰς τὸ πρόσωπον τοῦ ὑπηρετεύοντος.28 I suggest that line 13 be restored,29 εἰς ἱπποκόμοισιν [ἐν ὑπηρεσίᾳ] 30. The injunction that follows (14–16) offers further guidance for the safety of the goddess' revenue by prohibiting all manner of misdeeds directed against her properties. So much for the property.

Lines 7–9 tell us that the property was endowed so that the priest might receive the revenues and, accompanied by the ἀναπτύσσει, perform sacrifice. This suggests that we restore 16–18 διὰ τοῦτο τὰ Ἴδρυμα [ἐν ὑπηρεσίᾳ] ἀναπτύσσει.31 On these proposals, the goddess and Karlström proposed as follows:29
Whereas the goddess condensed the arbiters' prohibition of sale and hypothecation into a single injunction against alienation of any sort, she greatly elaborated their stipulation that the sacrifices be paid for in time. Ownership was less susceptible to creative interpretation and required little explanation, but where fungibles were concerned the rules of endowment rated more explicit precautions.

The two inscriptions shed light on the intersection of social, economic, and political behavior in fourth- and third-century Athens. In the first case the polis of Athens secured the omninomy of important ceremony by funneling tax revenues and rents from state-owned properties into an endowment. The benefits of this creative gesture must have been numerous and obvious. Athenians enjoyed a religious festival. A new source of public money became available to would-be borrowers. At annual budgetary meetings Athenian citizens would, in theory, never again have to debate how to fund the Lessor Panathenaios. In the second inscription certain lands were endowed in order to resolve a dispute over access to the property. When all was resolved the goddess held the property safe and secure, a private cult association secured a source of revenue with which to fund annual sacrifices, and (perhaps valuable) land was permanently reserved for lease by eligible renters. In both cases a group of Athenians took stock of a tangled array of social, economic, religious and legal issues and somehow worked out by means of the same rational, economic institution, the perpetual endowment. (δώρα Σωφρονίς ὑπὲρ χρηματικοῦ ἀλληλοκατοικεῖν ζητεῖ;)