

Handout for Simonton talk

Face A

IG XII 4 132

[ἔδοξε τῷ δάμῳ, γνώ]μα πρυτανίων· ἐπειδὴ vac. fr. a
[ὁ δᾶμος δηλόμενος δι]αλυθῆμεν ποτὶ τοὺς δια-
[φερομένους ἐψαφίζ]ατο ἐπιτράψαι Κώιοις ὑπὲρ
[ῶν διεφέροντο ποτ' ἀλλ]ήλους πάντων, ὅπως ὁμο-
[νοιεῦντες ἐν δαμοκρα]τίαι πολιτεύωνται, ὁ δὲ δᾶ- 5
[μος ὁ Κώϊων μεμναμένο]ς τᾶς εὐνοίας ἐψαφίζατο
[ἐξαποστεῖλαι ποτὶ τὰ]ς διαλύσεις ἄνδρας κα- vac.
[λοὺς καὶ ἀγαθοὺς -3-4-]γόραν Μίκωνος, Ἄριστω-
[- ---- -c.15- ---- -, Χά]ρμιππον Χαρμύλου,
-----c.20----- -γα Ξενοδίκου, τοὶ δὲ 10
[ἐξαπεσταλμένοι διαλλακτα]ὶ διέλυσαν καλῶς
[καὶ δικαίως τὸν δᾶμον vacat], δεδόχθαι τᾶι ἐκ-
[κλησίαι· ἐπαινέσαι μὲν τὸν δᾶμο]ν τὸν Κώϊων
[καὶ στεφανῶσαι στεφάνῳ χρυσέῳ ἀπὸ] δραχμᾶ[v]
[χιλιᾶν, ἐπαινέσαι δὲ καὶ τοὺς ἄνδρας ἐπὶ] τῷ δ[ι]- 15
[καίως διαλύσαι τὸν δᾶμον τὸν Τηλίῳν - - - - -]

lacuna vv. fere 20

[- - - - - τῶν διαφ]ερομένων π[οτὶ τὸν δᾶμον τὸν] fr. b
[Τηλίῳ]ν, ὅπως ὁμονοιεῦντες ἐν δαμοκρατίαι π[ολιτεύ]-
[ωνται] ἐλεύθεροι καὶ αὐτόνομοι ὄντες, τυχάγαθαί, κ[ατὰ τά]-
[δε διέλ]υσαν τὸν δᾶμον καὶ τοὺς διαφερομένους Τηλί[ων] 40
[ποτὶ] τὸν δᾶμον· ὑπὲρ μὲν τᾶν δικᾶν τᾶν ἱερᾶν καὶ τᾶν
[δαμο]σιᾶν, ἃς ὀφλόντες ἐν τοῖς δικαστηρίοις ἀντέλεγον
[μὴ δικ]αίως ὀφλήκεν, ἀπομισθῶσαι τὸς ταμίας αὐτοῖς τῶν
[χρη]μάτων ὧν ὄφλον τοῖς μὲν τὰς ἱερὰς δίκας ὀφλοῦ-
[σι]ν τὰς ποτὶ τὸ Ἀθάναιον καὶ Κλεισιμβροτίδαι τὰν περὶ τὸ 45
[Δ]αμάτριον, καὶ Φιλτυλίῳ παρασχεῖν ἐς τὰν ἑκατόμβαν τὰν
θυομένην ἐπὶ μονάρχῳ Θεαγόρα ταῦρον κριὸν οἶν θήλειαν·
τῶν δὲ τὰς δαμοσίας δίκας ὀφλόντων Ἄρισταγόραν μὲν
[Ἀ]ριστοφίλου ἀποτετεῖκεν τὸ ἀργύριον ὃ ἐνδειχθεὶς κατέ-
[β]αλε, ο<ῦ> ἔγδεια ἐγένετο πωληθέντων τῶν κτημάτων ποτὶ 50
[τ]ὰν καταδικᾶν, Ἀριστόθεμιν δὲ Ἀριστοφίλου ἀποτεῖσαι δρα-
[χ]μᾶς πεντακισχιλίας, Νικαγόραν δὲ Νικάνακτος ἀποτεῖσαι[ι]
[τᾶ]ι πόλει δραχμ [μ] ἄς χιλίας πεντακοσίας· ἀποδόντω δὲ ἐμ μη-
[ν]ὶ Καρνεῖῳ ἐπὶ Θεαγόρα· ποτὶ δὲ τὰ λοιπὰ χρήματα τὰ ἐκ τᾶν κα-
ταδικᾶν ἀπομισθωσάντω τοὶ ταμίαι Ἀριστοθέμι καὶ Νικαγόρα[ι] 55

[κ]αὶ Ἀρισταγόρα τὸν βωμὸν τοῦ Ἀσκλαπιοῦ ἐπισκευάζει καὶ ἐξάλε[ι]–
 [ψαι· συ]ντελεσάντων δὲ τῶν μὲν τὰς ἱεράς δίκας ὀφλόντων τὰν
 [ἐκατόμβ]αν, Ἀριστοθέμιος δὲ καὶ Νικαγόρα καὶ Ἀρισταγόρα {ι} τὸν βω–
 [μὸν κατὰ τ]ὰ γεγραμμένα, ἀπολελύσθαι αὐτὸς τῶν δικῶν καὶ
 [τὰς γραφᾶς] ἀναιρῆσθαι, καὶ μὴ ἦμεν ἔγκλημα περὶ τῶν δικῶν 60
 [τῶν τε ἱερῶν καὶ] τῶν δαμοσιῶν τῶν δικασθεισῶν μήτε τοῖς
 [ὀφλοῦσιν ἐπιφέρειν] μηθένα μηθὲν μήτ' ἄλλωι μηδενὶ ποτ[ι]–
 [– – – παρευρέσει μη]δεμιᾷ· τὰν δὲ δίκαν τᾶς ὁδοῦ ἂν ἐξι[δια]–
 [ξαμένους – – – Ἀριστο]μένη καὶ Ἀρισταγόραν Ἀναξισ[τρά]–
 [του ἐξαμίωσαν τοὶ – – – – –] ἄρχοντος διαφεροντ[. .] 65

Face B

[. .]ν δίκαν ἐς ὄρκον συνκεχωρημέν[ων καὶ τῶν διαφορο]– fr. a
 μένων ὑπὲρ τὰς δαμοσίας δίκας [ς φαμένων ἀδίκως ἐξαμιῶσ]–
 θαι καὶ τῶν δικαστῶν τὰν ψᾶφον [ἐνεικάντων περὶ ἐκάστας]
 δίκας ἔγνωμες τὸ ἀργύριον, ὃ ἔχει – – – – –
 ΤΑΣ, ἀποδόμην Ἀριστομένει ἄτοκ[ον τὸς ἱεραπόλος· ὑπὲρ δὲ] 70
 τῶν ζαμιωσιῶν, ἃς ζαμιωθέν[τες – – – – – ἐν κοι]–
 νῶι ἀναγεγραμμένοι ἐντὶ καὶ ὁμ[ολογούμενοι ὀφλεῖν, ἀπομισ]–
 θωσάντω τοὶ ταμίαι καὶ τοὶ ἱεραπ[όλοι ἐκ Ἀριστοθέμιος καὶ Νι]–
 [κ]αγόρα καὶ Ἀρισταγόρα συντελέσα[ι τὸν βωμὸν· συντελεσθέν]–
 των δὲ καὶ τούτων κατὰ τὰ γεγρα[μμένα ἀπολελύσθαι αὐ]– 75
 τὸς τῶν ζαμιωσιῶν καὶ τᾶς ἀνα[γραφᾶς τᾶς ἐν κοινῶι καὶ]
 τῶν ἄλλων πάντων, ὧν ἐνεκάλε[σεν αὐτοῖς ἅ πόλις, καὶ]
 τὰς πράξε[ι]ς τὰς πεπραγμένας [κατ' αὐτῶν ἀναιρῆσθαι]·
 τὰν δὲ πόλιν πριαμένην τὰς γᾶ[ς τὰς δαμευθείσας, ἃς ἀπέ]–
 δοντο τοὶ πράκτορες τοῖς ιδιώτα[ις – – – – –, ἀπο]– 80
 δόμεν τοῖς τε τὰς ἱεράς δίκας ὀφ[λοῦσι – – – – – αὐ]–
 τοῖς ἢ τοῖς κλαρονόμοις ἐν τῶι μη[νὶ – – – – – ἐπὶ Θεαγό]–
 ρα καὶ τοῖς τὰς δαμοσία {ι}ς, οἷς γέγ[ραπται ἐν τῶι διαλύσει],
 ἀπομισθῶσαι τὸς ταμίας τὸν β[ωμὸν τοῦ Ἀσκλαπιοῦ ἐπισκευά]–
 [ξα]ι· κατὰ ταῦτα δὲ ἀποδ[όμεν τοῖς ιδιώταις, οἱ τὰς γᾶς τὰς] 85
 [δαμευθ]είσας ἐκαρπε[ύοντο, τὰν τιμάν, ἂν ὑπὲρ τῶν γᾶν κατέ]–
 [βαλον – – – – –]

Iacuna vv. fere 20

– – – – – τοὶ βασιλεῖς ὑπ[ό]μνα[μα] fr. b
 – – – – – ὄν τὸ χρέος διαλύσαι, παρὰ μὲν τᾶ[ς]
 [πόλιος κομιζέ]σθω ὁ πριαμένος, ὅσον τῶι πόλι κατέβαλε· τὸ δὲ χρέος ὁ 110
 [δᾶμος δι]αλύτω τὸ ἀρχαῖον παρὰ τοῦ ἐξ ἀρχᾶς ὀφείλοντος κα[ὶ]
 [τὸ κ]τήμα κομιζομένου· ὅσσα δὲ γέγραπται ἀποδόμην τὰν πόλ[ιν]
 [κ]τήματα ἀποδόντω τοὶ ταμίαι καὶ τοὶ ἱεραπόλοι τοὶ ἐν ἐκάστοις

τοῖς χρόνοις γινόμενοι· αἱ δὲ κα μὴ ἀποδῶντι, ὀφειλόντω ἕκαστο[ς]
 [τ]ῶν ταμιῶν καὶ τῶν ἱεραπόλων πεντακισχιλίας δραχμὰς ἱερά[ς] 115
 [τ]οῦ Διὸς τοῦ Πολιέως καὶ τῆς Ἀθάνας τῆς Πολιάδος καὶ τῷ ἰδιώτῃ
 διπλοῦν ὃ κα μὴ ἀποδῶ· ἅ δὲ πρᾶξις ἔστω <τῶ> ἰδιώται καθάπερ ἐκ δί-
 [κ]ας· τοὶ δὲ τὰς γραφὰς ἀνελόντες καὶ τοὶ πρυτάνεις τοὶ προθέν-
 τες τὰς διαλύσεις καὶ τοὶ πράκτορες καὶ τοὶ ταμίαι καὶ τοὶ ἱεραπόλοι 120
 [κ]αὶ τοὶ ἄλλοι τοὶ διοικεῦντές τι τῶν γεγραμμένων μὴ εὖντω ὑπό-
 δικοι· αἱ δὲ τίς κα ποῆι παρὰ τὰ γεγραμμένα ἢ εὐθυναν γράφηται ἢ τᾶ[ι]
 [δ]ιαλύσει μὴ ἐμμένῃ ἢ ἄλλο τι ἔγκλημα ἐπιφέρῃ τοῖς ἄρχουσιν ἢ
 τοῖς ἰδιώταις ὅσσα ἐς τὴν διάλυσιν καθῆκε, ἀποτεισάτω μυρίας δρα-
 [χ]μὰς ἱεράς τοῦ Διὸς τοῦ Πολιέως καὶ τῆς Ἀθάνας τῆς Πολιάδος καὶ τὸ
 [ἔ]γκλημα τὸ ἐπενιχθὲν ἄκυρον ἔστω· ὅπως δὲ Τήλιοι καὶ εἰς τὸν ἐπίλοι- 125
 [π]ον χρόνον ὁμονοεῦντες διατελῶντι, ὁμοσάντω τοὶ γεγενημέ-
 [ν]οι ἀπὸ τε ὀκτωκαίδεκα ἐτέων πάντες θεὸς τὸς ὀρκίος [κ]ατὰ ἱερῶν νε[ο]-
 [κ]αύτων τὸν ὄρκον τόνδε· »ἐμμενέω ἐν τῷ πολιτεύματι τῷ καθεστακό-
 τι καὶ διαφυλαξέω τὴν δαμοκρατίαν καὶ οὐ μνασικακησέω περὶ τῶν
 [ἐν τῇ κ]ρίσει γενομένων οὐδὲ πραξέω παρὰ τὴν διάλυσιν τάνδε οὐδὲν 130
 [οὐδὲ] ὄπλα ἐναντία θησεῦμαι τῷ δάμῳ οὐδὲ τὴν ἄκραν καταλαμψεῦντι
 συμβουλευσέω οὐδὲ ἄλλῳ ἐπιβουλεύοντι οὐδὲ καταλύοντι τὸν δᾶ-
 μον εἰδῶς ἐπιτραπέω· αἱ δὲ κα αἴσθωμαί τινα νεωτερίζοντα ἢ συλ-
 λόγους συνάγοντα ἐπὶ καταλύσει τοῦ δάμου, δηλωσέω τοῖς ἄρχου-
 σιν· εὐορκεῦντι μέμ μοι ἤμεν πολλὰ ἀγαθὰ, ἐφιορκεῦντι δὲ τὰ ἐναν- 135
 τία«. ὁμοσάντω δὲ καὶ τοὶ ἀπόδαμοι ἀφ' οὗ κά παραγέν[ω]νται ἐν ἀμέραις
 [ἑ]ξήκοντα· αἱ δὲ τίς κα μὴ ὁμόσῃ, χιλίας δραχμὰς ἀποτεισάτω ἱεράς
 [τ]οῦ Διὸς τοῦ Πολιέως καὶ τῆς Ἀθάνας τῆς Πολιάδος. – ἔδοξε τῷ
 [δ]άμῳ, γνώμα πρυτανίων· ἀγαθᾶ τύχαι, χρῆσθαι τῇ διαλύσει καθὰ
 [τ]οῖ διαλλακταῖ τοὶ Κῶιοι διέγραψαν· δόμεν δὲ καὶ ξένια τοῖς διαλλα- 140
 [κτ]α[ῖς], δόντω δὲ ταμίαι.

Translation:

Face A:

Decided by the demos. On the motion of the prytaneis. Since the demos, wishing to be reconciled with those at odds [with it], voted to hand over to the Koans for arbitration all matters concerning which they were at odds with each other, in order that (5) they might conduct their political life in a democracy, being of one mind; and the demos of the Koans, remembering our [previous] good will, voted to send for the reconciliation agreements men who were noble and good— -goras the son of Mikon, Aristo- the son of ?, Charmippos the son of Charmylos, ? the son of ?, (10) and -n the son of Xenodikos—who, having been sent out as arbitrators, reconciled the demos finely and justly; be it decreed by the assembly: to praise the demos of the Koans and to crown it with a golden crown worth (15) 1,000 drachmas, and to praise the men [sent] to reconcile justly the demos of the Telians

[gap of about twenty lines]

...of those at odds with the demos of the Telians, in order that they might conduct their political life in a democracy, being of one mind, free, and autonomous, with good fortune, on these terms (40) they reconciled the demos and those of the Telians at odds with the demos: concerning the cases, both the sacred and the public ones, which, having lost them in the lawcourts, [the defendants] were protesting that they had lost unjustly, the treasurers are to contract with them¹, in place of the money they owed: on the one hand, with those who lost the sacred cases (45) concerning the sanctuary of Athena, and with Kleisimbrotidas who lost the [case] regarding the sanctuary of Demeter, and with Philtylios, so that they provide a bull, a ram, and a sheep for the hecatomb that is to be sacrificed during Theagoras' tenure as monarch²; on the other hand, of those who lost the public cases, Aristagoras the son of Aristophilos has paid the money which, having been indicted, he deposited, (50) of which there remained a negative balance after his possessions were sold to pay the damages; but Aristothemis the son of Aristophilos is to pay 5,000 drachmas, and Nikagoras the son of Nikanax is to pay to the city 1,500 drachmas. They are to pay it in the month of Karneios, during Theagoras' tenure as monarch. As for the remaining money of the damages determined, (55) let the treasurers contract with Aristothemis and Nikagoras and Aristagoras to restore and whitewash the altar of Asklepios [sc. for that amount]. When those who lost the sacred cases have contributed the hecatomb, and when Aristothemis and Nikagoras and Aristagoras have [finished] the altar according to what has been written, they are to be acquitted of the charges and (60) the indictments are to be annulled, and there is to be no accusation concerning the cases, both sacred and public, that were decided, nor is anyone to bring any charge against those who lost the cases or against anyone else concerning...according to any pretense. The case concerning the road³, which the...fined...Aristomenes and Aristagoras the son of Anaxistratos for appropriating for themselves...(65) the magistrate, at odds...

Face B:

Those...a case when they agreed to an oath, and when those at odds concerning the public cases were claiming that they were fined unjustly, and the judges cast a ballot concerning each case, we decided⁴: the money, which [x] has...(70) the hierapoloí⁵ are to pay back to Aristomenes

¹ That is, the condemned have to bid for the contract to conduct the sacrifice and so on for the amount they continue to owe the polis. The treasurers are not granting a loan to the condemned.

² The eponymous magistrate of Kos. The Koan arbitrators make the Telians accomplish certain actions according to the Koans' own political calendar. The eponymous magistrate of Telos was the *damiorgos*: IG XII 3 34, l. 2.

³ The nature of such a case is unclear, but if Hallof is right in restoring ἐξι[διαξαμένους], the offenders in question may have made a formerly public road their private possession. Compare *LSCG* 177, ll. 43-47 (Kos); *FD* III.2.70, ll. 19-20, III.4.38, ll. 15-16. The politically subversive potential of personal appropriation can be seen in the *homopoliteia* agreement between Kos and Kalymna, *Tit. Cal.* test. xii, ll. 24-25, where oath-takers swear that they will not seize the acropolis, neither ἐξιδιαζόμενος it themselves nor aiding another.

⁴ The sudden switch to the first-person plural is jarring. I believe that this signals the start of an *apophysis* or written legal decision, made after a panel of judges had rendered a formal judgment through secret ballot. For the practice see *IK Erythrai* 120, l. 5; *IMylasa* 634, l. 3; *SEG* 58.1225, l. 5. When foreign judges were dispatched, the ideal scenario was one in which outstanding cases could be settled by arbitration, without the judges having to decide formally for one side against the other. If a case remained intractable, however, they could resort to this measure, although it was much more controversial and likelier to provoke dissatisfaction. See esp. *Tit. Cal.* test. xvi, ll. 40-45: Iasian judges sent to Kalymna 'settled most of the cases by persuading the contending parties, in order that the demos not be put in a state of greater disturbance if matters were decided by vote, and others they also arbitrated in a manner advantageous to each of the two parties, but ten of the cases introduced into the court they decided by vote.'

without interest. Concerning the fines, having incurred which...they were registered in public and were in agreement that they owed, let the treasurers and the hierapoloι contract with them [based on the amounts owed] from Aristothemis and Nikagoras and Aristagoras to perform the altar task. These things having been completed (75) according to what has been written, they are to be released from the fines and the public registering and all the other things with which the city charged them, and the exactions carried out against them are to be annulled. The polis, purchasing the lands that were confiscated, which (80) the exaction officials⁶ gave to private citizens...is to give them back both to those who lost the sacred cases...to themselves or to their heirs in the month of...during Theagoras' tenure as monarch, and as for those who lost the public [cases], the treasurers are to contract with them according to the terms written in the reconciliation to restore the altar of Asklepios. On the same terms they are to pay to the private citizens, who were enjoying the use of the confiscated lands, the price which they paid for the land...

[gap of about twenty lines]

...the kings...the memorandum...to settle the debt, on the one hand let the buyer take from the polis (110) however much he paid to the polis. Let the demos discharge the debt, that is, the principal arising from the person who initially went into debt and [now?] conveys the property back.⁷ As many properties as have been recorded for the city to hand over, let the treasurers and the hierapoloι hand them over in their respective periods [of office]. If they should not hand them over, each (115) of the treasurers and the hierapoloι are to owe 5,000 drachmas sacred to Zeus Polieus and Athena Polias, and to the private citizen double whatever they did not hand over. Let the exaction be in the hands of the private citizen as in a legal trial. As for those annulling the indictments, and the prytaneis who moved (120) the reconciliation agreements, and the exaction officials, and the treasurers, and the hierapoloι, and the other [officials] who administer any aspect of what has been written, let them not be liable to indictment. Should anyone act contrary to what has been written or accuse someone during his review of office or not abide by the reconciliation or bring any other charge against the magistrates or private citizens concerning all such things as pertain to the reconciliation, let him pay 10,000 drachmas sacred to Zeus Polieus and Athena Polias, (125) and let the charge brought be invalid. Also, in order that the Telians for all time remain in a state of likemindedness, let all those eighteen years

τὰς μὲν πλείς<τας> διέλυσαν [πέι]σαντες τοὺς ἀντιδίκους, ὅπως μὴ διὰ ψάφου τῶν πρα[γμά]των κρινομένων εἰς πλέω παραχᾶν ὁ δᾶμος [καθισ]τᾶται, τινὰς δὲ καὶ διαίτασαν συμφερόντως [ἐκα]τέροις τοῖς ἀντιδίκους, δέκα δὲ δικᾶν εἰ σαχθεισᾶν [εἰς τὸ] <δι>καστήριον ἔκριναν διὰ ψάφου. We possess several examples of *apophaseis* in which the judges speak in the first-person plural (note, however, that these are all interstate arbitrations): *IvO* 47, l. 12; *IC* III.iv.9, esp. ll. 31-37. This still does not explain the identity of those casting ballots in the genitive absolute construction. I fail to see who else but the *diallaktoi* could be empowered in this situation to cast a vote.

⁵ The chief priests. The title is known from Gela (*IG* XIV 256), which a Telian, an ancestor of the tyrant Gelon, helped to found along with the Lindians (Hdt. 7.153.1).

⁶ πράκτορες are known from Athens (e.g., Dem. 43.71; *IG* II² 45, l. 7) and many other *poleis*, including Kos (*IG* XII 4 304, l. 15). Aristotle notes that such an office was at the same time 'most necessary but also most difficult,' because it incurs great annoyance from those affected by it (*Pol.* 6.1321b40-1322a2); note the protections for these and other officials at ll. 119-22.

⁷ As Hallof notes in the commentary to the *ed. pr.*, the meaning here is obscure, but the passage seems to describe a situation in which an individual mortgaged the land as security to take out a loan (ὀφείλωντος). The city will pay the principal of the debt but not, presumably, any interest the individual owes to the lender.

old and older swear this oath by the gods of oaths over freshly burnt victims⁸: 'I will remain in the established constitution, and I will guard the democracy, and I will not recall past wrongs regarding the things that (130) transpired during the judgment, and I will not do anything contrary to this reconciliation, nor will I bear arms against the demos, nor will I conspire with someone seizing the acropolis, nor will I knowingly acquiesce to anyone plotting against or putting down the demos. If I should learn of someone plotting revolution or convening meetings for the purpose of putting down the demos, I will denounce him to the magistrates. (135) May there be many good things for me if I remain true to my oath, but the opposite if I swear falsely.' Those currently outside of the city are to swear within sixty days of the time when they arrive. If someone does not swear, he is to pay 1,000 drachmas sacred to Zeus Polieus and Athena Polias—Decided by the demos. On the motion of the prytaneis. With good fortune: to make use of the reconciliation (140) as the Koan arbitrators drafted. And also to give gifts of hospitality to the arbitrators, and let the treasurers give them.

⁸ With what follows compare the oath of the *homopoliteia* agreement of Kos and Kalymna from the later third century (*IG XII 4* 152, ll. 14-133); *IosPE I*² 401, ll. 13-18 (Chersonesos); *ISmyrna* 573II + II2 p. 376, ll. 60-69; *SEG* 57.576, ll. 67-105 (Dikaia).