



# TYCHE

## Beiträge zur Alten Geschichte Papyrologie und Epigraphik

Herausgegeben von

Gerhard Dobesch, Hermann Harrauer  
Peter Siewert und Ekkehard Weber

Band 4, 1989

1989





**Beiträge zur Alten Geschichte,  
Papyrologie und Epigraphik**

# TYCHE

**Beiträge zur Alten Geschichte  
Papyrologie und Epigraphik**

**Band 4**

**1989**



**Verlag Adolf Holzhausens Nfg., Wien**

**Herausgegeben von:**

Gerhard Dobesch, Hermann Harrauer, Peter Siewert und Ekkehard Weber

**In Zusammenarbeit mit:**

Reinhold Bichler, Herbert Graßl, Sigrid Jalkotzy und Ingomar Weiler

**Redaktion:**

Johann Diethart, Bernhard Palme, Hans Taeuber

**Zuschriften und Manuskripte erbeten an:**

Redaktion TYCHE, c/o Institut für Alte Geschichte, Universität Wien, Dr.-Karl-Lueger-Ring 1, A-1010 Wien. Beiträge in deutscher, englischer, französischer, italienischer und lateinischer Sprache werden angenommen. Eingesandte Manuskripte können nicht zurückgesendet werden.

Bei der Redaktion einlangende wissenschaftliche Werke werden besprochen.

**Auslieferung:**

Verlag A. Holzhausens Nfg., Kandlgasse 19-21, A-1070 Wien

Gedruckt auf holz- und säurefreiem Papier.

Umschlag: IG II<sup>2</sup> 2127 (Ausschnitt) mit freundlicher Genehmigung des Epigraphischen Museums in Athen, Inv.-Nr. 8490 und P. Vindob. Barbara 8.

© 1989 by Verlag A. Holzhausens Nfg., Wien

Eigentümer und Verleger: Verlag A. Holzhausens Nfg., Kandlgasse 19-21, A-1070 Wien. Herausgeber: Gerhard Dobesch, Hermann Harrauer, Peter Siewert und Ekkehard Weber, c/o Institut für Alte Geschichte, Universität Wien, Dr.-Karl-Lueger-Ring 1, A-1010 Wien. Hersteller: Druckerei A. Holzhausens Nfg., Kandlgasse 19-21, A-1070 Wien. Verlagsort: Wien. — Herstellungsort: Wien. — Printed in Austria.

**ISBN 3-900518-03-3**

Alle Rechte vorbehalten.

## INHALT

Guido Bastianini (Milano) e Claudio Gallazzi (Milano), Ancora sull'epigrafe di Tebtynis (Tafel 1, 2) .....	1
Gheorghe Ceausescu (Bukarest), <i>Vespasianus, princeps in melius mutatus</i> .....	3
Francesca Cenerini (Bologna), Veleia — la dedica pubblica <i>Nymphis et Viribus Augustis</i> (Tafel 3) .....	17
Angelos Chaniotis (Heidelberg), Eine spätantike Inschrift aus dem kretischen Lyttos (Tafel 4) .....	25
Thomas Corsten (Köln), Zur Gründung von Prusa ad Olympon .....	33
Gerhard Dobesch (Wien), Zur Einwanderung der Kelten in Oberitalien. Aus der Geschichte der keltischen Wanderungen im 6. und 5. Jh. v. Chr. ....	35
Jean-Luc Fournet (Strasbourg), Un reçu d'impôt hermapolite (Tafel 5) .....	87
Claudio Gallazzi (Milano) e Guido Bastianini (Milano), Ancora sull'epigrafe di Tebtynis (Tafel 1, 2) .....	1
Lindsay G. H. Hall (Oxford), Remarks on the Law of Ostracism .....	91
Ulrike Horak (Wien), Πινουρίων μουσικός und Βίκτωρ Τάραξ (Tafel 6) .....	101
Julian Krüger (Berlin), Die Badeanlagen von Oxyrhynchos — eine historisch-terminologische Untersuchung .....	109
Bernhard Palme (Wien), Eine Quittung für <i>annona militaris</i> aus dem Hermonthites (Tafel 7) .....	119
Bernhard Palme (Wien), Zu den Unterabteilungen des Quartiers Ἀγοραὶ in Theben .....	125
Renate Pillinger (Wien), Ein Bischofsgrab mit Psalmzitat in Stara Zagora (Bulgarien)? (Tafel 8, 9) .....	131
Walter Scheidel (Wien), Zur Lohnarbeit bei Columella .....	139
Heikki Solin (Helsinki), Urnen und Inschriften. Erwägungen zu einem neuen Corpus römischer Urnen (Tafel 10–12) .....	147
Gerd Stumpf (München) und Gerhard Thür (München), Sechs Todesurteile und zwei plattierte Hemidrachmen aus Dyme (Tafel 13) .....	171
Gerhard Thür (München) und Gerd Stumpf (München), Sechs Todesurteile und zwei plattierte Hemidrachmen aus Dyme (Tafel 13) .....	171
John Whitehorne (University of Queensland), Papyri from the Michigan Collection (Tafel 14–16) .....	185
Gerhard Wirth (Bonn), Alexander, Kassander und andere Zeitgenossen. Erwägungen zum Problem ihrer Selbstdarstellung .....	193
Józef Wolski (Krakau), Die gesellschaftliche und politische Stellung der großen parthischen Familien .....	221

Klaas A. Worp (Santpoort), <i>Kaisertitulaturen in Papyri aus dem Zeitalter Diokletians</i> .....	229
Bemerkungen zu Papyri II (Korr. Tyche 21 – 27) .....	233
Buchbesprechungen	
Luciana Aigner Foresti: P. Liverani, <i>Municipium Augustum Veiens</i> , Roma 1987 .....	239
Luciana Aigner Foresti: A. Bosio, A. Pugnetti, <i>Le tombe di Cerveteri</i> , Modena 1986 .....	240
Luciana Aigner Foresti: M. Bonghi Jovino, <i>Gli Etruschi di Tarquinia</i> , Modena 1986 .....	240
Luciana Aigner Foresti: <i>Tarquinia, scavi e prospettive</i> , Milano 1987 .....	243
Luciana Aigner Foresti: F. Buranelli, <i>La tomba François di Vulci</i> , Roma 1987 .....	244
Gerhard Dobesch: Michael Wörrle, <i>Stadt und Fest im kaiserzeitlichen Kleinasien</i> , München 1988 .....	245
Gerhard Dobesch: Nadia Berti, <i>La guerra di Cesare contro Pompeo</i> , Milano 1988 .....	246
Gerhard Dobesch: Raphaela Drexhage, <i>Untersuchungen zum römischen Osthandel</i> , Bonn 1988 .....	247
Gerhard Dobesch: Pierre Cabanes, <i>Les illyriens de Bardylis à Genthios (IV<sup>e</sup> – II<sup>e</sup> siècles a. J.-C.)</i> , Paris 1988 .....	247
Gerhard Dobesch: Ursula Ortmann, <i>Cicero, Brutus und Octavian — Republikaner und Caesarianer</i> , Bonn 1988 .....	247
Gerhard Dobesch: Bernhard Goldmann, <i>Einheitlichkeit und Eigenständigkeit der Historia Romana des Appian</i> , Hildesheim, Zürich, New York 1988 .....	248
Gerhard Dobesch: Jochen Bleicken, <i>Geschichte der römischen Republik</i> , 3., überarb. Aufl., München 1988 .....	249
Gerhard Dobesch: Werner Dahlheim, <i>Geschichte der römischen Kaiserzeit</i> , 2., überarb. Aufl., München 1989 .....	249
Gerhard Dobesch: Karl Dietrich Bracher, <i>Verfall und Fortschritt im Denken der frühen römischen Kaiserzeit</i> , Wien, Köln, Graz 1987 .....	250
Gerhard Dobesch: <i>Studien zur römischen Wirtschaftsgesetzgebung. Die Lebensmittelversorgung</i> , Stuttgart 1988 .....	250
Gerhard Dobesch: Dorit Schön, <i>Orientalische Kulte im römischen Österreich</i> , Wien, Köln, Graz 1988 .....	251
Gerhard Dobesch: Csanád Bálint, <i>Die Archäologie der Steppe</i> , Wien, Köln 1989 .....	252
Gerhard Dobesch: <i>I Cristiani e l'Impero nel IV secolo. Colloquio sul Cristianesimo nel mondo antico</i> , Macerata 1988 .....	252
Johannes Kramer: E. Trapp, J. Diethart, G. Fatouros, A. Steiner, W. Hörandner, <i>Studien zur byzantinischen Lexikographie</i> , Wien 1988 .....	253
Indices: Johannes Diethart .....	257

LINDSAY G. H. HALL

## Remarks on the Law of Ostracism

The enigma abides, recent debate and speculation drawing fresh stimulus from spectacular finds of used sherds discarded in the Kerameikos<sup>1</sup>, and from republication of a strange account of the institution in a Byzantine codex<sup>2</sup>.

The latter acquisition brings with it several perplexities. If creditworthy, it provokes new questions about the substance, sequence and purpose of Kleisthenes' enactments generally, and about Athenian politics in the ensuing decades<sup>3</sup>. On the other hand neither content, context nor provenance of the piece enable any even moderately respectable source(s) to be identified<sup>4</sup>, while its internal idiosyncrasies, textual and grammatical, inspire little confidence in the historical discrimination of the author, or in his competence to relay faithfully the burden of what he thought he was copying or excerpting<sup>5</sup>. Many will remain sceptical of its evidential worth<sup>6</sup>.

Yet the new text hints at one possibility which *per se* neither strains credulity nor demands irresponsible conjecture. Indeed, it might have been raised and fully stated<sup>7</sup> on

<sup>1</sup> Bibliographical resumé is furnished by F. D. Harvey, *Klio* 66 (1984) 72f.

<sup>2</sup> *Vaticanus Graecus* 1144 fol. 222<sup>v</sup> n. 213, edited and published anew by J. J. Keaney and A. E. Raubitschek, *AJPh* 93 (1972) 87 ff. The 1894 edition by L. Sternbach, *Rozprawy Umiejetnosci Wydzial Filologiczky*, Ser. II, Tom. V (Krakow 1894) 192, had attracted little notice and is regarded by Keaney (87, n. 3) as "not very reliable". The piece already has its own bibliography, for which see the notes to C. Pecorella Longo, *Historia* 29 (1980) 257 ff., and G. A. Lehmann, *ZPE* 41 (1981) 85 ff.

<sup>3</sup> The text appears to make the introduction of ostracism take place in two stages: to begin with it was administered by a βουλῇ, and only later made the prerogative of the People. A stipulation that in the original arrangement two hundred votes were required for an ostracism to take place raised the question whether the Council in question should be taken for the "Solonic" Council of Four Hundred (of which two hundred might be held to be tantamount to an absolute majority), or the Kleisthenic body of Five Hundred (Pecorella Longo, n. 2 above, 259 ff.). The further question arises as to when and why the system was altered. It is not, however, to the present purpose to repeat these and other such arguments, for they depend on the assumption that the new text does have evidential value — an assumption to which it may be premature to commit oneself.

<sup>4</sup> Keaney (Keaney and Raubitschek, n. 2 above), 89.

<sup>5</sup> "It is a ready assumption that the author has conflated and distorted two or more sources" (Keaney. *loc. cit.*).

<sup>6</sup> P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia*, Oxford 1982, 268, is "not eager to believe it", and M. H. Hansen, *GRBS* 23 (1982) 242 n. 6 (= *The Athenian Ecclesia: a Collection of Articles 1976—1983*, Copenhagen 1983, 26 n. 6 — hereinafter Hansen, *Ecclesia*) is "not impressed". Scepticism will be tempered a little if it is borne in mind that Italian Renaissance humanists who had "rediscovered" Greek antiquities in the fifteenth century might have gained access to information about them which has been lost since. Ostracism would interest a man like Leonardo Bruni (cf. A. Momigliano, *Essays in Ancient and Modern Historiography*, Oxford 1977, 79 ff.).

<sup>7</sup> Not all the observations below are by any means new, but they have not, so far as I know, been systematically organised.



the basis of the previously acknowledged sources for the law of ostracism and the circumstances of its promulgation, for certain peculiarities have failed to attract the curiosity they invite. Yet together they suggest that the origins of the institution were very different from what our sources assumed them to have been, no matter what significance or credit be accorded to the new evidence. This note seeks to recall attention thereto.

The Aristotelian *Athenaion Politeia* (hereinafter *AP*) is a convenient starting point. Kleisthenes, we are informed, passed several new laws to gratify the People, the law *περί τοῦ ὀστρακισμοῦ* among them (22.1). Herewith are mentioned the establishment of the bouleutic oath and the institution of the elective generalship (22.2). Then *AP* proceeds:

ἔτει δὲ μετὰ ταῦτα δωδεκάτῳ νικήσαντες τὴν ἐν Μαραθῶνι μάχην, ἐπὶ Φαινίππου ἄρχοντος, διαλιπόντες ἔτη δύο μετὰ τὴν νίκην, θαρροῦντος ἤδη τοῦ δήμου, τότε πρῶτον ἐχρήσαντο τῷ νόμῳ τῷ περὶ τὸν ὀστρακισμόν, ὃς ἐτέθη διὰ τὴν ὑποψίαν τῶν ἐν ταῖς δυνάμεσιν, ὅτι<sup>8</sup> Πεισίστρατος δημαγωγὸς καὶ στρατηγὸς ὢν τύραννος κατέστη. καὶ πρῶτος ὀστρακίσθη τῶν ἐκείνου συγγενῶν Ἰππαρχος Χάρμου Κολλυτεύς, δι' ὃν καὶ μάλιστα τὸν νόμον ἔθηκεν ὁ Κλεισθένης, ἐξελάσαι βουλόμενος αὐτόν. οἱ γὰρ Ἀθηναῖοι τοὺς τῶν τυράννων φίλους, ὅσοι μὴ συνεξαμαρτάνοιεν ἐν ταῖς ταραχαῖς, εἶων οἰκεῖν τὴν πόλιν, χρώμενοι τῇ εἰθυσίᾳ τοῦ δήμου πραότητι ὧν ἡγεμῶν καὶ προστάτης ἦν Ἰππαρχος (22.3–4).

*AP* goes on to declare that the first three ostracisms took place in successive years, and that all the victims were “friends of the tyrants”; and he insists again that it was against these men that the law was instituted (22.5 *fin.* – 6).

This narrative alone presents numerous difficulties. But for present purposes four points claim notice: first, *AP*'s unequivocal ascription of the law to Kleisthenes; secondly, his equally unequivocal identification of Hipparchos, son of Charmos, as the first victim<sup>9</sup>; thirdly, the relatively exact date given for this (and hence for the immediately ensuing) ostracism(s); and finally, the repeated (if not altogether clear) asseveration that the law was instituted “on account of” the tyrants or their associates<sup>10</sup>.

The other useful literary evidence issues from the Attidographic chroniclers. *AP*'s ascription of the law to Kleisthenes is supported by Philochoros, who also supplies details of the procedural mechanics of the institution (*FGrHist* 328 F 30)<sup>11</sup>. Philochoros' predecessor Androtion, albeit importing further obscurities<sup>12</sup>, confirms *AP*'s identification of

<sup>8</sup> ὅτε was read in the London papyrus, but Berlin has ὅτι and should be preferred (M. H. Chambers, *TAPhA* 98 [1967] 60).

<sup>9</sup> “The first person ostracized τῶν ἐκείνου συγγενῶν was Hipparchos ...” does not strictly entail that *AP* means that Hipparchos was the first person outright, but within the context of the passage as a whole the implication is clear, cf. below, notes 12 and 14, and text thereto, p. 92f.

<sup>10</sup> There may be a strand of Aristotelian “creative rationalism” (cf. D. L. Blank, *GRBS* 25 [1984] 275 ff.) adding to the confusion here: Keaney discerned in the narrative two district explanations for the institution, that it was aimed at the Peisistratidai, and that it was aimed at those who became too powerful — the former issuing from Androtion, the latter from Aristotle (*Historia* 19 [1970] 4 ff.). But see Rhodes, n. 6 above, 269 f.

<sup>11</sup> Aelian (for what he is worth) also attributes the law to Kleisthenes (*VH* 13, 24).

<sup>12</sup> The fragment of Androtion in question provoked considerable debate because the text preserving it (*Harpokration*, s. v. Ἰππαρχος) *prima facie* dates the introduction of the law at or shortly before the first ostracism in 487, rather than with Kleisthenes. Of late scholars have tended to reconcile the discrepancy with the hypothesis that Harpokration or a scribe has inaccurately reproduced what Androtion wrote (bibliography in Rhodes, n. 6 above, 268, to which add now K. R. Walters, *RhM* 127 [1984] 223 ff.), though occasional voices



Hipparchos, son of Charmos, as the first victim (*FGrHist* 324 F 6). And both Atthidographers write, like *AP*, of “suspicion” (ὕποψία) of the tyrants, or of tyranny in general, as the motivation behind the law<sup>13</sup>.

The *ostraka* from the Kerameikos and elsewhere enter the reckoning. Of the many thousand unearthed a large minority can be dated, or at least given upper *termini*. None requires a date earlier than the 480s.<sup>14</sup>

Let the working assumption be made, then, that Hipparchos’ ostracism in 488/487 was the first occasion when the law referred to by the Atthidographers and *AP* was invoked. Not a little remains to be explained — not least the nature of the institution.

It is a peculiar rigmarole for getting rid of anyone, for political or any other reasons. And though this has sometimes been noted<sup>15</sup>, it needs emphatic restatement that in a direct democracy it is bizarre. Ostracism could only be effected by a majority decision of the *demos*. So its operation depended on the persuasive dexterity of rival candidates, and its political usefulness for any individual or cabal on their ability to influence a popular vote. But political leaders influential enough to secure support for the ostracism of their rivals had little to fear from those rivals in the ordinary course. On the other hand, someone to whom sufficient popular odium or suspicion attached to put him in jeopardy of ostracism could hardly expect to exert a powerful or prolonged influence over the *demos*’ decisions anyway. Ostracism menaced only those who could not, then, dangerously threaten the good order of the body politic, or the predominance of a faction with popular support, at least not within the law. And a dangerous individual or group prepared to resort to extra-legal means in pursuance of their goals would be rendered not a whit less dangerous by the law of ostracism.

There are other paradoxes. First, only one ostracism could be held in a year. That restricts its usefulness in a factional milieu, where individuals, however influential or important in their own right, generally act in concert with groups of friends, relatives and other supporters<sup>16</sup>. If Hipparchos was ἡγεμὼν καὶ προστάτης of the Peisistratids’ friends left in Athens in 488, whoever was behind his ostracism still saw reason for ostracizing Megakles the following year, and another “tyrannophile” the year after that (*AP* 22. 5 f.). That makes it impossible that the law was devised specifically to attack or threaten the “friends of the tyrants” (whatever the ancient sources might say), or even generally for use against or among rival factions<sup>17</sup>.

---

of protest against the procedure can still be heard (e.g. M. H. Chambers, *JHS* 99 [1979] 151 f.). Those who argue, however, that Androtion did not differ from *AP* about the Kleisthenic origin of the law have to presuppose that by a remarkable coincidence an accidental textual corruption has generated what speciously looks like evidence for the introduction of the law around the time of its first actual application, which is now more firmly established as having taken place in 487 by the independent evidence of the *ostraka* themselves (below). It does not much matter, though, what date Androtion gave or assumed for the law, as will become clear towards the end of this note (n. 48 and text thereto, p. 100).

<sup>13</sup> τοῦ νόμου ... τεθέντος, διὰ τὴν ὑπόψιαν τῶν περὶ Πεισίστρατον ... (Androtion); μόνος δὲ Ὑπερβόλος ... ἐξωστρακίσθη ... οὐ δὲ ὑπόψιαν τυραννίδος (Philochoros).

<sup>14</sup> R. Thomsen, *The Origins of Ostracism: a Synthesis*, *Humanitas* 4, Copenhagen 1972, 68—108.

<sup>15</sup> A. J. Holladay, *G & R* 25 (1978) 184 ff.; Lehmann, n. 2 above, 92; Rhodes, n. 6 above, 270.

<sup>16</sup> E. Ruschenbusch, *Athenische Innenpolitik im 5. Jh. v. Chr.: Ideologie oder Rationalismus?*, Bamberg 1979, 55.

<sup>17</sup> As envisaged by several authors referred to by Rhodes, n. 6 above, 270.

Secondly, the decision whether to hold an ostracism always took place before the eighth prytany in any year (Philoch. F 30). *AP* reports that it was in the sixth prytany that the Council *περὶ τῆς ὀστρακοφορίας ἐπιχειροτονίαν διδῶσιν εἰ δοκεῖ ποιεῖν ἢ μὴ* (43.5). Political contest, however, is continual, nor do crises abide the calendar. That is a strange limitation for anyone devising legal machinery against political adversaries to impose on its use<sup>18</sup>.

Thirdly, the requirement that a minimum of six thousand *ostraka* be cast for an ostracism to be valid. The number of Athenians attending the Assembly in the fifth century was at least sometimes smaller than this<sup>19</sup>, so whoever drafted the stipulation was not making the procedure easy to use<sup>20</sup>. It is apposite to compare the minimum votes required for particularly delicate decisions where it was important that they were not taken by unrepresentative Assemblies subject to undue influence from vociferous minorities, over the passage of νόμοι ἐπ' ἀνδρί, or grants of ἄδεια and citizenship<sup>21</sup>. Again, not the sort of restriction to be expected of someone legislating *e nihilo* means of curtailing or thwarting the power of his political rivals<sup>22</sup>.

Next, the leniency of the law. Persons ostracized were to absent themselves for ten years, coming no nearer Athens than Capes Skyllaion and Geraistos (Philoch. F 30) — another oddity<sup>23</sup>. But before quitting Athens they had ten days' grace for settling business, and during their absence they continued to enjoy their property rights within Attica and the revenue from their estates (*ibid.*). The family of an ostracized individual could continue to have the land worked, and it was (presumably) restored to the owner on his return. If ostracism was intended to remove or threaten political opponents, these safeguards for the victim are strange indeed.

These difficulties subsist whether one regards the institution as devised for specific use (as does *AP*, when he writes that Kleisthenes wanted to ἐξελάσαι Hipparchos), or merely as a Damoclean sword with which tyrannophiles or other activists might be menaced into ἡσυχία; and regardless of what one believes about the original purpose of the law. There are, further, special difficulties with any theory that the institution was

<sup>18</sup> Ruschenbusch, n. 16 above.

<sup>19</sup> M. H. Hansen, *GRBS* 17 (1976) 115 ff. (= *Ecclesia*, n. 6 above, 1 ff.). On the basis of the archaeological evidence for the size of the Meeting-place on the Pnyx, it seems that ca. 6,000 was a maximum during the fifth century. On the other hand the scant literary evidence suggests that "attendance during the Peloponnesian war was considered too low and that the government took measures to stimulate it" (124, = *Ecclesia*, 10). Together the observations imply that 6,000 was a figure which was not (or had not been always) regularly attained.

<sup>20</sup> Cf. A. R. Hands, *JHS* 79 (1959) 69 ff.

<sup>21</sup> Hansen, n. 6 above, 127 f. (= *Ecclesia*, 13 f.).

<sup>22</sup> "The law on ostracism is an odd one for Cleisthenes to have totally invented" (R. Develin, *Antichthon* 11 [1977] 16). One might say that it was an odd one for anyone totally to invent.

<sup>23</sup> Several features of this stipulation beg explanation. Why fix boundaries at all, rather than simply prescribe φυγή? And why these specific boundaries? They are, it should seem, the furthest points visible from Attica of, respectively, the Argolid and Euboia. Perhaps, then, merely a convenient formula for keeping victims of ostracism at bay. But these bounds could not possibly be enforced — Aristides defied them when he passed the duration of his ostracism in Aigina (Ps.-Dem. 26.6; Aristodemos *FGrHist* 101 F 1; Suda s. v. Ἀριστείδης) — and seem to presuppose departure from and return to Athens in a seaward direction. What happened if an ostracized person had ties of proxeny which he wished to take advantage of in, say, Megara — or had property in Athenian dependencies in the Aegean or the north which did lie beyond Cape Geraistos? A guess may be hazarded: see below, n. 42.

directed against tyranny, actual or presumptive, notwithstanding the unanimity of the Atthidographers and *AP* on this. A law already existed visiting with ἀτιμία — a direr fate by far than ostracism<sup>24</sup> — anyone who attempted to set up a tyranny or who was accessory to such an attempt (*AP* 16.10). Kleisthenes had little to gain by introducing such a law as that described by Philochoros if the “friends of the tyrants” (or for that matter Isagoras)<sup>25</sup> were his principal target. With the *demos* on his side he could make life uncomfortable for anyone he wanted, or even force them into exile — just as the active supporters of the tyrants had been expelled (cf. *AP* 22.4). And without the *demos* on his side, the law of ostracism would avail him little.

The use of the instrument against the “friends of the tyrants” from 488/487 onwards is likewise odd, for if they were suspected of complicity with the Persians and Hippias’ attempt to force his way back in 490, one would expect the Athenians’ reaction to be both swifter and more severe. Again too the anti-tyranny law of *AP* 16.10 could appropriately have been invoked, or other procedures resorted to, such as that adopted against Miltiades in 492 (Hdt. 6.104) — were it felt necessary to maintain legal formalities at all at a time when more summary expedients might lie in wait for suspected traitors (cf. Hdt. 9.4.f.).

The institution of ostracism is thus intrinsically paradoxical, whatever the date of its establishment or the reasoning behind the passage of the law. Three things nevertheless appear to emerge with some clarity.

First, it is *a priori* unlikely that the procedure described by Philochoros, and used at intervals between 487 and the 410s, was dreamt up lock, stock and barrel by anyone at any time. More probably its fifth-century form, like that of other quaint institutions, ancient and modern, was the product of organic development and adaptation, perhaps over several decades or even centuries, regardless of the original function of the institution or the date and circumstances of the law’s promulgation.

In that case, secondly, the possibility arises that the institution existed in some form before it was regulated by the law known to our sources, perhaps for some considerable time before. We hear, after all, only of a law “about” ostracism. The question of the date and purpose of the law must therefore be clearly distinguished from that of the pristine meaning and function of the institution. And a further possibility arises, namely that (whether evidence thereof was accessible to fourth-century Atthidographers or not) there had been laws pertaining to the institution earlier than the legislation they refer to.

Thirdly, the law reported by Philochoros, if it had a political purpose at all, was intended not to facilitate, but to restrict or even to prevent the use of ostracism for political ends<sup>26</sup>. For an ostracism to take place an unusually full congress of the People was required to meet and assent. Up to two prytanies must elapse between the preliminary and the substantive votes — making hot-headed decisions influenced by ephemeral passions if not impossible, then at least less likely than they would have been had the two ballots taken place together, or no preliminary vote been required at all. Each citizen was

<sup>24</sup> Holladay, n. 15 above, 184; cf. M. Ostwald, *TAPhA* 86 (1955) 103 ff.

<sup>25</sup> As proposed by G. R. Stanton, *JHS* 90 (1970) 180 ff., for example. Cf. Ruschenbusch, n. 16, above.

<sup>26</sup> Develin, n. 22 above, 17. J. Carcopino, *L'Ostracisme Athénien*, Paris 1935<sup>2</sup>, 28 ff., had proposed that Kleisthenes’ intention was to formalize and regulate political contest of the violent and disorderly kind that had typified the struggles of much of the sixth century, by introducing a “humane” mechanism.

to inscribe on his own *ostrakon* the name of his intended victim, and to cast his vote secretly (στρέφοντες τὴν ἐπιγραφὴν, Philoch. F 30; cf. [Andok.] 4.3)<sup>27</sup>. Damage to the victim is limited to ten years' exile, and his property rights are safeguarded. Those seeking to use the device must choose one, and one only, of their opponents, so his friends could continue to operate at home on his or their own behalf.

Everything points, I submit, to ostracism in its fifth-century guise being an adaptation for political purposes of an institution which already existed in some form before "the law about ostracism" was passed. That is consistent with the passage of a law, or laws, at some definite occasion(s), but equally with the first recorded ostracism for a plainly political purpose being that of Hipparchos in 487. It is consistent too with its having once been administered by a body such as the Council before it became the prerogative of the *demos*, as the Vatican codex suggests, though it is not to the present purpose to conjure new argumentation in favour of accepting the reliability of that particular text.

Whether or no there ever was some form of bouleutic "ostracism", connoisseurs will remember in this connexion another rather mysterious Athenian institution, which bears superficial similarities with ostracism as we know it. A pair of fourth-century forensic sources testify to the existence of a disciplinary procedure implemented by the Council of Five Hundred, known as ἐκφυλλοφορία (Aesch. 1.110 ff.; Din. fr. II.1—2 Conomis): by it, the Councillors could menace an allegedly delinquent member of their number with suspension from duty or perhaps even with expulsion<sup>28</sup>, following a ballot in which (the terminology implies) leaves were employed as voting tokens<sup>29</sup>. The evidence is poor<sup>30</sup>, yet in three of its features this mechanism could be regarded as akin to ostracism: it provides for the removal, for a time at least, of a single individual from the body of those who are in terms of constitutional legalities his peers; it does so through a decision which is neither procedurally nor substantially tantamount to any sort of judicial condemnation; and the decision itself is arrived at (at least partly)<sup>31</sup> by means both extraordinary in themselves and without parallel elsewhere in Athenian deliberative and electoral practice. There perhaps the resemblance ends<sup>32</sup>; at any rate these points do not add up to much, and certainly not to an adequate basis for postulating an historical link between (bouleutic?) ostracism in the sixth or fifth centuries and ἐκφυλλοφορία in the fourth. One might then let matters rest.

<sup>27</sup> The detail is rightly stressed by Lehmann, n. 2 above, 92, 93 n. 25. The tactics of Themistocles' opponents (R. Meiggs — D. Lewis, *A Selection of Greek Historical Inscriptions*, London 1975, no. 21, commentary at p. 43), or the conspiracy of Alkibiades and Nikias to effect the ostracism of Hyperbolos (Plut. *Nik.* 11), are engaging reminders of how desirable the stipulation was, and of the lengths to which men might go to get round it.

<sup>28</sup> Harpocration s. v. ἐκφυλλοφορῆσαι (= Din. fr. II.1 Conomis) implies that expulsion ensued from the procedure. But Aeschines 1. 110 ff. refers quite clearly to a two-stage process, involving an orthodox ballot as well as ἐκφυλλοφορία proper.

<sup>29</sup> U. Kahrstedt, *Studien zum öffentlichen Recht Athens 2*, Stuttgart 1936, repr. 1969, 22 n. 4, 109 and n. 1; P. J. Rhodes, *The Athenian Boule*, Oxford 1972, 144 f.

<sup>30</sup> Aeschines' account of proceedings against Timarchus presupposes the audience's familiarity with the device, and is therefore less than explicit.

<sup>31</sup> Assuming, this is, that suspension imposed on a Councillor by ἐκφυλλοφορία was usually followed by a judicial process involving conventional ballots.

<sup>32</sup> Not but that one might legitimately speculate that ἐκφυλλοφορία was an institution of some antiquity, as I believe that in *some* form ostracism was (cf. Kahrstedt, n. 29 above, 109: "kein junges Verfahren").

Yet a further diversion is seductive. Athens was, it is well known, by no means the only city which practised ostracism, or something like it. Aristotle, treating the institution from a theoretical point of view, regarded it as a characteristic feature of democratic cities (Pol. 1284 a 17 ff.); elsewhere he names Argos as one such (1302 b 18). That Argos too knew ostracism at some stage is confirmed by a pedantically self-assured scholium to Aristophanes' *Knights* (schol. Eq. 855), which is keen to inform us that Miletus and Megara did so as well<sup>33</sup>. Indeed, the acropolis at Megara has of late yielded up an inscribed sherd which looks encouragingly like a specimen of the authentic article<sup>34</sup>.

None of which would in itself be especially remarkable if, as has usually been assumed, experimentation with ostracism outside Athens could be attributed to the diffusion of Athenian political influence or to more or less direct imitation of Athenian institutional models for other reasons during the fifth century — an assumption which was perhaps understandable enough, though it was hardly a self-evident truth, given that from our literary sources we learn absolutely nothing about the historical circumstances in which these other cities adopted ostracism procedures<sup>35</sup>.

Be that as it may: there is something else. An instance can be produced from elsewhere, in which an experiment with something comparable with ostracism was carried out, and where conscious or unconscious imitation of Athenian practice is implied; though here there subsists a technical difference from the procedure laid down by the Athenian ostracism law. Repeated outbreaks of civil unrest prompting fear of tyranny induced the Syracusans in 454 to “imitate” (μιμήσασθαι) the Athenians by introducing a law “very similar to that about ostracism” (παραπλήσιον τῷ ... περὶ ὄστρακισμοῦ); so Diodoros relates (11. 86. 5)<sup>36</sup>. There follows a curt account of the Athenian law (11. 87. 1), then we are told that instead of inscribing the name of the individual to be banished on sherds, the Syracusans were to do so on olive leaves; from which (πέταλα) the practice became known as “petalism”, as “ostracism” was coined from ὄστρακα (11. 87. 2).

Suspicion will properly attach to most of what Diodoros has to say about fifth-century history; nor by context or substance does he here inspire confidence<sup>37</sup>. In particular, how is one supposed to write upon an olive leaf? Yet for all Diodoros' faults, the story is too peculiar to be pure invention. Either, then, some such measure was indeed adopted at Syracuse, in imitation of (Athenian?) ostracism, in which case a material modification was deliberately introduced in the method by which the majority opinion was assessed; or it was not, in which case it becomes rather remarkable that two Greek cities with not

<sup>33</sup> οὐ μόνον δὲ Ἀθηναῖοι ὄστρακοφόρουν, ἀλλὰ καὶ Ἀργεῖοι καὶ Μιλήσιοι καὶ Μεγαρεῖς. οὐ μόνον seems to presuppose the currency of a notion the scholiast thought erroneous.

<sup>34</sup> Chr. Kritzas, *Horos* 5 (1987) 59 ff., French summary at p. 73. There have been finds too at Tauric Chersonesos, a colony of Megara, though it is still disputed whether these sherds were inscribed for ostracism (Kritzas pp. 71 f., with references to the literature).

<sup>35</sup> Nor do these cities' names constitute a group with an identifiable pattern.

<sup>36</sup> Strictly, it is unclear from Diodoros' text whether he (that is, his source) intended to ascribe conscious imitation to the Syracusans, or is using μιμήσασθαι in a looser sense to mean, roughly, that they “did the same sort of thing as” the Athenians. But the argument will be unaffected.

<sup>37</sup> The narrative context re-hashes all the usual nonsense about troublesome demagogues, the masses stirred up to ταραχή and νεωτερισμός, young people learning rhetoric, and so on, to the detriment of ancient and sober pursuits, that can be found in any second-rate account of *stasis*.

a lot in common in the fifth century should independently have devised such similar techniques for imposing fixed terms of non-judicial exile.

Direct imitation of the Athenian ostracism law at Syracuse is therefore out of the question, but the similarities between ostracism and petalism cannot strike us, any more than they struck Diodoros' source, as complete coincidence. And the puzzle is further spiced by one more point — the intriguing feature which Syracusan petalism shares, not indeed with ostracism, but with ἐκφυλλοφορία, of using leaves somehow as ballot-tickets.

Which brings us back to the starting point for this digression. Curiosity is more aroused than satisfied by evidence for ostracism, or processes similar to ostracism, outside Athens or at the disposal of bodies other than the assembled People. The evidence is altogether too flimsy a basis on which to establish certain connexions between, for example, hypothetical sixth-century "bouleutic" ostracism and the Athenian law we know about, or between that and like practices elsewhere. But at this point it is tempting to reach for Occam's razor, the object being to arrive at some sort of theory to illuminate all of these various practices at once.

One possibility is that ostracism had its origins in something to do with religion. The suggestion is not new, though rarely heeded by students of political history, and contemplated with diffidence or disdain by scholars of Greek religion, at least in the Anglo-Saxon world<sup>38</sup>. The notion deserves to be taken seriously — even if the discussion be confined, once again, to Athens. Not only do the fixed term of the victim's exile and the guaranteed security and usufruct of his property suggest a form of ritual banishment<sup>39</sup> — one thinks of the scapegoat, polluted by communal guilt but personally sacrosanct because that guilt is incurred *pro bono publico*<sup>40</sup>. One remembers too the ten years' absence from Athens imposed on himself by Solon after his law-giving (*AP* 11.1), for reasons which, whatever they were, were not those conjectured by the author of *AP*<sup>41</sup>. And one thinks of *ostraka* from the 480s — indeed, of *defixiones* generally — bearing, in addition to the name of the intended victim, imprecations of a plainly sacral character<sup>42</sup>.

<sup>38</sup> J.-P. Vernant and P. Vidal-Naquet, *Mythe et Tragédie en Grèce Ancienne*, Paris 1973, 124 ff. (developing an unpublished suggestion by L. Gernet); W. Burkert, *Griechische Religion der archaischen und klassischen Epoche*, Stuttgart, Berlin, Köln, Mainz 1977, 140 (translated as *Greek Religion, Archaic and Classical*, Oxford 1985, 83): "It has long been recognised", says Burkert, that "Ostrakismos ... is a democratic rationalisation" of a tradition similar to that of a purificatory *Pharmakos* or outcast. R. C. T. Parker, *Miasma: Pollution and Purification in Early Greek Religion*, Oxford 1983, 269 ff., is nevertheless unconvinced ("The original motivation ... was certainly political").

<sup>39</sup> On ritual banishment, cf. further W. Burkert, *ZRG* 22 (1970) 356 ff.; *Homo Necans* (English edn.), Berkeley — Los Angeles — London 1983, 139, 183 etc.

<sup>40</sup> A rich variety of scapegoat rituals was practised all over the Greek world (see recently, in addition to the works of Burkert and Parker cited in previous notes, J. Bremmer, *HSCPh* 87 (1983) 299 ff.). They fall broadly into two categories, involving the ritual expulsion either of some ignominious wretch (the "scapegoat beggar") or else of someone whose very social importance is a precondition for his expulsion to be an effective safeguard for the well-being of the community (the "scapegoat-king"). As Parker observes (n. 38 above, 269 f.), "If ostracism is mentioned in this connexion ... it should obviously be connected with the scapegoat king". It now becomes pertinent to refer to the sources in which it is hinted that Hyperbolos was somehow "unworthy" of ostracism — not important enough: Thuc. 8, 73, 3; Plato comicus *ap.* Plut. *Nik.* 11, 6 f.; Philoch. F. 30.

<sup>41</sup> G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World*, London 1981, 129 f.

<sup>42</sup> M/L. 21 (n. 27 above) commentary at p. 42; Parker, n. 38 above, 270. On *defixiones*, further E. A. Havelock, *The Preliteracy of the Greeks*, in *The Literate Revolution in Greece and its Cultural Consequences*,



Speculation can go further. More than a century ago, Oncken observed the notice of Philochoros, to the effect that the decision to hold an ostracism must take place before the eighth prytany. This he combined with a scholiastic excerpt from *AP* 43.5 (the full text of which was only rediscovered later), stating that the preliminary decision was taken during the Lenaia, while the substantive vote to determine the victim (were the former affirmative) was held during the Dionysia<sup>43</sup>. The conjecture can be neither confirmed nor confuted. If the minimum of six thousand *ostraka* were to be cast, however, an occasion such as a national festival, when many residents of Attica might leave their villages and visit Athens for a few days, would be suitable. And if so, the notion lies to hand that ostracism in an earlier guise had some essential connexion with the religious functions of those festivals.

If ostracism had its origins in some cultic or ritual observance, then its use against the tyrannophiles from 487 to 485 is not a monstrously unsuitable context for its extension, in Athens, into the political arena. Even if they had not been complicit with the Persians in 490 they might, by associated guilt, have been felt to be a real liability to the community, for the Persians and their agents had offended the tutelary divinities of the Greek motherland (Aeschylus, *Pers.* 782 f.)<sup>44</sup>. Once thus used, however, the political advantages of its application would become manifest, and the way open for regular ostracisms of politicians of various affiliations in the later 480s and subsequently<sup>45</sup>.

If the implications of the discussion are broadly right, serious doubt is thrown on the ability of our supposedly most reliable fourth-century and later informants to provide an accurate explanation of the institution, for they make assumptions which turn out to be highly suspect, if not demonstrably wrong. Their unanimous faith that ostracism was conceived and established as a weapon against actual or potential tyranny is certainly incorrect. They all assume or appear to assume that there was only ever one law pertaining to ostracism; that the purpose of this law was precisely to establish the institution; that it was intended to make it available for political use; and that, once established, it underwent no serious development or modification. The first assumption is possibly true; but the second and third are unlikely, and the fourth is very nearly preposterous.

Whether or not one attaches credit to the *Vaticanus Graecus* will remain a meta-physical decision of faith. Of two things, however, we may be reasonably confident. First, the agreement of Androtion and *AP* on the identity of the "first" *ostracisē*<sup>46</sup>, and the

---

Princeton 1982, 198 f. One might add at this point that the (politically inexplicable) fixture of the boundaries not to be transgressed after an ostracism as Capes Skyllaion and Geraistos might reflect some traditional belief that, having once rounded either and gained sight of Attica's Athens-ward coast, a wayfarer was received back into the protection of his national or domestic deities. Was not the tip of Athena's spear always the landmark for Athenian sailors to look out for on their return home from abroad?

<sup>43</sup> *Die Staatslehre des Aristoteles* 2, Leipzig 1875, 459 ff.; cf. M. H. Hansen, GRBS 24 (1983) 235 f.

<sup>44</sup> Cf. G. Walser, *Hellas und Iran*, Darmstadt 1984, 49.

<sup>45</sup> One might think too of the religious aspects of political authority in sixth-century Athens which, it seems, it was part of Kleisthenes' intentions to undermine (D. M. Lewis, *Historia* 12 [1963] 30 ff.). A Kleisthenic ostracism law might have been intended to secularize an existing religious form.

<sup>46</sup> I put it thus, because if some form of ostracism, or a different earlier practice from which it was derived, existed before the known law about ostracism was passed, there will probably have been "ostracisms" before the passage of the law too — even if these went unrecorded for fourth-century scholars to know of, and were not conducted for specifically political purposes.



dates of the known Athenian *ostraka* (at present), establish that regular political ostracisms began in the 480s. They prove, therefore, that something happened in or shortly before 488 to change the Athenian's perceptions (or their politicians' perceptions) of the functions that ostracism might serve<sup>47</sup>. Whether this was the consequence or the cause of alterations to the existing (Kleisthenic?) legislation, if there was any, or the passage of new law(s) relating to the institution, matters little, for we should still have to explain the political change, and we should be in only a marginally better position to do so if we could be confident or certain about the date of the law described by the fourth-century authorities<sup>48</sup>.

Secondly, though *Vaticanus Graecus* may be no better a source for the origins of ostracism than the older authorities, it appears that it may after all be no worse. In giving their bald statements about "the" law of ostracism, not one of our sources seems to have done justice to the complexity of its origins. We may be better placed to do so, however, if we avoid the assumption made univocally by the ancient writers that the passage of "the" law about ostracism had anything whatever to do with the origins of the institution<sup>49</sup>.

4 Castle Yard  
Highgate  
London N6 5D2

Lindsay G. H. Hall

<sup>47</sup> The point is stressed by Lehmann, n. 2 above, 94. But since he has more faith in the *Vaticanus Graecus* than I, he places precisely here the change from bouleutic to democratic ostracism alleged to have taken place by that text.

<sup>48</sup> Which point defuses the controversy over the text of Androtion F 6 and his apparent disagreement with *AP* about the date of "the" law (n. 12 above). If Androtion dated the law to 488, he was making no more foolish an inference from the identity of the first victim known to him than were all our older sources in thinking of ostracism as a mechanism against tyranny. If on the other hand Androtion dated the law to the Kleisthenic era, the significant political change of 488/487 remains unexplained still.

<sup>49</sup> I am grateful to several scholars who helped in the production of this note: Prof. W. G. Forrest commented on an early draft, Prof. P. Siewert drew my attention to some recent literature, and Ms. M. K. Debrunner helped throughout. They are not blameworthy for remaining imperfections.