Athens. Lease of the temple of Egretes

Description: full slab of white marble with small pediment. The inscription is complete and only few letters are missing or hardly readable. Scanty traces of almost obliterated letters under the inscription suggest that the original surface was reworked before being inscribed again (dimensions: h:65 w:27.5 d:7)

Layout: stoichedon 28 (except for II. 21, 31, 34, 36, 37, 38)

Letters: Ionic-Attic letters, height: h:0.4 cm

Origin: Athens

Dating: 306/5 BC

Findspot: found in Athens on the slope north of the Hill of the Nymphs

Current location: The American School of Classical Studies at Athens

Reference Edition: IG II² 2499

Other Editions: Lord 1899, 44-53 (editio princeps); W. Dittenberger, *Syll.*³ 1097; C. Michel, *Recueil* 1356; H.Th.A. von Prott, L. Ziehen, *LSG* II 43; F. Sokolowski, *LSCG* 47 (*SEG* 25 197); D. Behrend, *Attische Pachturkunden* 39; Hellmann 1999, no. 43; Kloppenborg, Ascough 2011, no. 7 (see also J.S. Kloppenborg in http://www.philipharland.com/greco-roman-associations/?p=3611); Pernin 2014, no. 7

Photographs: Lord 1899, Plate 1; Pernin 2014, 55

Translations: Lord 1899, 47 (English); Austin, Vidal-Naquet 1977, no. 130 (English); Le Guen-Pollet 1991, no. 8 (French); Hellmann 1999, no. 43 (French, only II. 1-37); Osborne 1988, 288 (English); Ragone 2001 (Italian, only II. 1-7, 11-18, 30-37); Austin 2006, no. 150 (English); Kloppenborg, Ascough 2011, no. 7 (English; see also http://www.philipharland.com/greco-roman-associations/?p=3611); Pernin 2014, no. 7, 55-56 (French)

Bibliography: Osborne 1988 (Ph. Gauthier, *BE* 1989 261); Le Guen-Pollet 1991, no. 8; Jones 1999, 250-253; Ragone 2001 (*SEG* 49 2490); Austin 2006, 150-151; Papazarkadas 2011, 117-118

[θε]οί.

[ο]ί ὀργεῶνες ἐμίσθωσαν τὸ ἱερὸν το-

[ῦ] Ἐγρέτου Διογνήτωι Ἀρκεσίλου Με-

λιτεῖ εἰς δέκα ἔτη :ΗΗ :δραχμῶν τοῦ ἐ-

- 5 {ε} νιαυτοῦ ἑκάστου, χρῆ (vac.) σθαι τῶι ἱ
 - ερῶι καὶ ταῖς οἰκία<ι>ς ταῖς ἐνωικοδ-

ομημέναις ώς ἱερῶι. περιαλείψει δ-

ὲ Διόγνητος καὶ τῶν τοίχων τοὺς δε-

ομένους, ένοικοδομήσει δὲ καὶ κατ-

10 ασκευᾶι καὶ ἄλλ' ὅ<τ>αν τι βούληται (vac.)

Διόγνητος. ὅταν δὲ ὁ χρόνος ἐξίηι (vac.)

αὐτῶι τῆς δεκαετίας, ἄπεισιν ἔχων

τὰ ξύλα καὶ τὸν κέραμον καὶ τὰ θυρώ-

[μ]ατα, τῶν δ' ἄλλων κινήσει οὐθέν. ἐπι-

15 [μ]ελήσεται δὲ καὶ τῶν δένδρων τῶν (vac.)



GEI023

έν τῶι ἱερῶι πεφυκότων, καὶ ἄν τι ἐγλείπει, ἀντεμβαλεῖ καὶ παραδώσει τὸν αὐτὸν ἀριθμόν. τὴν δὲ μίσθωσιν ἀποδώσει Διόγνητος τῶι ἀεὶ ταμιε-20 ύοντι τῶν ὀργεώνων ἑκάστου τοῦ ἐνιαυτοῦ τὴμ μὲν ἡμίσεαν τὰς :Η :δραχμά[ς] τοῦ Βοηδρομιῶνος τῆι νουμηνίαι, (vac.) τὴν δὲ λοιπὴν τὰς Η :δραχμὰς τοῦ Ἐλαφηβολιῶνος τῆι νουμ<η>νίαι. ὅταν δὲ 25 θύωσιν οἱ ὀργεῶνες τῶι ἥρωι τοῦ Βοηδρομιῶνος, παρέχειν Διόγνητον την οἰκίαν, οὖ τὸ ἱερόν ἐστιν, ἀνεωιγμένην καὶ στέγην καὶ τὸ ὀπτάνιον (vac.) καὶ κλίνας καὶ τραπέζας εἰς δύο τρ-30 ίκλινα. ἐὰν δὲ μὴ ἀποδιδῶι τὴμ μίσθωσιν Διόγνητος έν τοῖς χρόνοις τοῖς γεγραμμένοις ἢ τἆλλα μὴ ποεῖ τὰ ἐν τῆι μισθώσει γεγραμμένα, ἄκυρος (vac.) ἔστω αὐτῶι ἡ μίσθωσις καὶ στερέσθω 35 τῶν ξύλων καὶ τοῦ κεράμου καὶ τῶν (vac.) θυρωμάτων, καὶ ἐξέστω τοῖς ὀργεῶσι μισθοῦν ὅτωι ἄν βούλωνται. ἐὰν δέ τις εἰσφορὰ γίνηται, ἀπὸ τοῦ τιμήματος τοῖς ὀργεῶσιν εἶναι. ἀναγράψαι δὲ 40 τὴμ μίσθωσιν τήνδε Διόγνητον εἰς τὴν στήλην τὴν ὑπάρχουσαν ἐν τῶι ἱερῶι. χρόνος ἄρχει τῆς μισθώσεως (vac.) ἄρχων ὁ μετὰ Κόροιβον ἄρχοντα. (vac.)

Apparatus criticus: I. 5: $\chi \rho \tilde{\eta}(vac.)\sigma \theta \alpha \iota$ lapicidam ambiguum esse utrum $\chi \rho \tilde{\eta} \sigma \theta \alpha \iota$, $\chi \rho \tilde{\eta} \sigma \alpha \sigma \theta \alpha \iota$ an $\chi \rho \tilde{\eta} \sigma \epsilon \sigma \theta \alpha \iota$ scriberet suspicatus est Dittenberger (*Syll.*³ 1097, n. 2). I. 10: $\tilde{o} < \tau > \alpha \nu \tau \iota$ Wilhelm apud Lord: $O \Sigma ANTI$ ($\tilde{o} \sigma \tilde{a} \nu \tau \iota$) lapis : $\dot{\omega} \varsigma \tilde{a} \nu \tau \iota$ dub. Lord.

Translation:

Gods.

The orgeones leased the sanctuary of Egretes to Diognetos, son of Arkesilas, of Melite for ten years at a rent of 200 drachmas per year, so that he shall use the sanctuary and the houses that have been built inside it as a sactuary. Diognetos shall whitewash the walls that need it and build and improve everything else he may wish. When his ten-year time expires, he shall leave bringing with him the timber parts, the tiles and the doors, but he shall not remove anything else. He shall take care of the trees that have grown in the sanctuary, and if one dies, he shall replace it and give back the same amount. Diognetos shall pay the rent to the member of the orgeones who acts as treasurer each year, one half – 100 drachmas – on the first day of Boedromion and the rest – 100 drachmas – on the first day of Elaphebolion. When the orgeones sacrifice to the hero in Boedromion, Diognetos shall provide the house where the shrine is, accessible and with a roof, the kitchen, couches and tables for two triclinia. If Diognetos does not pay the rent within the time written down or does not do something which is written down in the lease contract, let his lease be void and him be deprived of his timber parts, tiles and doors, let it be allowed to the orgeones to lease to whoever they please. If an eisphora is raised, let it fall on the orgeones according to the wealth assessment. Diognetos shall inscribe this lease contract upon the stele which is in the sactuary. The inception time of the lease is the archon after archon Koroibos.



Commentary:

The sanctuary of Egretes, an otherwise unknown hero, is let to Diognetos for ten years at 200 drachmae a year (II. 2-7), some rules concerning his rights and duties are given (II. 7-18), followed by payment details (II. 18-24). Diognetos will also have to partly cater for the yearly celebration of the hero (II. 24-30). Should Diognetos fail to comply with the agreement terms, penalties are envisioned (II. 30-37) and, in case an eisphora is levied, it is established it will be the orgeones' duty to pay it (II. 37-39). The text ends with the standard formula for the publication of the lease and the starting date (II. 39-43).

The leasing of sacred property was a widespread activity attested – to limit the examples to Athens – for the polis, the demes, the gene and the orgeones (Faraguna 1992, 337-353; Papazarkadas 2011, 75-98; 135-160; 191-206; relevant documents concerning sacred property leases are also extant from Thespiai and Delos, all listed in Pernin 2014; cf. also Osborne 1988, 292-304). According to a gloss of Didymos to Isocrates, cultic activities were often paid for by rents (Harp. s.v. ἀπὸ μισθωμάτων, discussed in Osborne 1988, 288 and Papazarkadas 2011, 76). The very definition of sacred land as allegedly opposed to public or 'secular' land is very controversial; according to Papazarkadas, who also offers a summary of this long-standing debate, the following distinction could be made: sacred land was land which was owned by a deity and unalienable, whose revenues were used specifically for cults and whose cultivation may in some instances have been forbidden (Papazarkadas 2011, 2-13 and 243), but there is no unanimous consensus (for some objections to this attempt at categorization, see e.g. Rousset 2013).

In the case of the orgeones, while Papazarkadas suggests that they owned both sacred land, such as the sanctuary of Egretes, and non-sacred land, whose sale is attested in the Rationes centesimarum (Papazarkadas 2011, 198-204), Rousset is in favour of a more nuanced approach and casts doubts on the possibility of a sharp distinction between the two, which is not attested in the ancient sources (Rousset 2013, 118-119). II. 2-7: Only speculation is possible as to the reasons why the sanctuary was let: it has been argued that this points to a lack of financial resources (Austin 2006, no. 150, n. 3), but this is by no means sure. Rather, the orgeones were thus securing a caretaker and a regular income (see the discussion in the introduction). It is also possible to surmise that the lessee was himself a member of the orgeones (Walbank 1991, 160; Parker 1996, 110).

[o]i $\dot{o}\rho\gamma\epsilon\tilde{\omega}\nu\epsilon\varsigma$: the orgeones were a hereditary association, possibly the subdivision of a phratry, dedicated to the cult of a mostly foreign deity or, as in this case, of a hero; based on the reference to two triclinia in II. 29-30, the number of members can be estimated to have been between 18 and 30 (Ferguson-Nock 1944, esp. 79-81, Jones 1999, 250-253, Parker 1996, 109-111).

Διογνήτωι Άρκεσίλου $Mε/\lambda\iota\tauε\~$ ί. The identification of this Diognetos (LGPN II, $\Delta\iota\acute{o}\gamma\nu\eta\tauo\varsigma$ 31) with some namesakes can only be hypothetical: he may have been the father of a councillor of the restored democracy in 304/3 (LGPN II, $\Delta\iota\acute{o}\gamma\nu\eta\tauo\varsigma$ 32) and, given the rarity of the patronymic, the brother of Onetor, son of Arkesilas, of Melite (LGPN II, $Ov\acute{\eta}\tau\omega\rho$ 18), known as the lessee of a mine in the mid-340s. Should these identifications be accurate, he would be the member of a prominent family of the city deme of Melite, which is known to have performed a number of liturgies in the 4th century (APF 11473; cf. Papazarkadas 2011, 204). $τ\~ωι i/ερ\~ωι καὶ τα\~ις οἰκία<ι>ς τα\~ις ἐνωικοδ/ομημέναις ὡς ἱερ\~ωι. ὡς ἱερ\~ω is predicative with χρῆσθαι. Diognetos is$

to use the sanctuary and its buildings in a way proper for a sanctuary, i.e. in a respectful way (cf. Syll.³ 1097, n. 4).

II. 7-18: περιαλείψει δ/ὲ Διόγνητος καὶ τῶν τοίχων τοὺς δε/ομένους. Cf. IG II² 1672, I. 61 εἰς τὴν <math>περιαλιφὴν τοῦ τείχους «for the smearing of whitewash on the wall».

ἐνοικοδομήσει δὲ καὶ κατ | ασκευᾶι καὶ ἄλλὶ ὅ<τ>αν τι βούληται. Lord and Kloppenborg, Ascough differentiate in their translations between the two verbs ἐνοικοδομήσει, «build therein», and κατασκευᾶι «put in order [by way of improvements]», «improve [by building]». Others treat the two verbs as synonyms (e.g. Austin, Hellmann, Osborne).

The emendation of $\delta\sigma' d\nu \tau_l$ into $\delta < \tau > \alpha\nu \tau_l$ was necessary, as $\delta\sigma' d\nu \tau_l$, which is found on the stone, would be unparalleled in its two pronouns (cf. the apparatus for other proposals).

Similar provisions are also attested elsewhere (Behrend 1970, 122, Walbank 1991, 164, esp. n. 108 for a large amount of parallels): new construction work of some kind by the lessee is sometimes imposed as part of the contract ($IG\ I^3\ 84$, II. 3-4, 30-32; $IG\ II^2\ 2496$, II. 13-17), sometimes simply allowed ($SEG\ 24\ 203$, II. 11-16 ἐνοι[κ]οδομεῖ | σθαι δὲ Θρασ[ύ]βουλον | ἐάν τι βούληται τοῖς | αὐτοῦ τέλ[ε]σιν ἐν τῶι | χωρίωι τῶι ἔξω τοῦ ὀχ/ετοῦ «that Thrasybulos shall build, if he wishes, at his own expenses on the land outside the canal»), as in this case; some other times both conditions apply at the same time ($IG\ I^3\ 84$, II. 33-34: [sc. τὸν μισθοσάμενον] φυτεῦσαι φυτευτέρια ἐλαον μὲ ὅλεζον ἔ διακόσια, πλέονα δὲ ἐὰν βόλεται «that the lessee shall plant no less than 200 olive trees, more if he wishes»).

ἄπεισιν ἔχων | τὰ ξύλα καὶ τὸν κέραμον καὶ τὰ θυρώ | [μ]ατα, τῶν δ' ἄλλων κινήσει οὐθέν. In contracts, σκεύη, «utensils» (roofs and doors included therein), were listed separately (Behrend 1970, 123-124): sometimes objects would be included in the lease (an inventory of objects in SEG 21 644, I. 16 ff.; IG II 2 2498, I. 23 ff.



GEI023

έπι/[μ]ελήσεται δὲ καὶ τῶν δένδρων τῶν (vac.) | ἐν τῶι ἱερῶι πεφυκότων, καὶ ἄν τι ἐγ |λείπει, ἀντεμβαλεῖ καὶ παραδόωσει | τὸν αὐτὸν ἀριθμόν. From the 5th century onwards more laws were passed to protect sacred groves from intentional rather than unintentional damage, since the former became more frequent as deforestation in Greece had led to a lack of easily accessible timber (Jordan, Perlin 1984, esp. 158; on sacred groves, cf. also Ragone 2001). However, such provisions are also attested in other lease contracts for non-sacred spaces ($IG \, II^2 \, 1241$, $II. \, 30-32$, $2492.14 \, ff.$; cf. Behrend 1970, 122, n. 107).

II. 18-24: Deadlines could vary and, though no positive evidence is extant in this respect, it can be guessed that they somehow corresponded to particular needs of the lessor: in this case, the payment of one of the two instalments is due in Boedromion, when the yearly celebration for Egretes took place, for which the rent money was probably used (cf. introduction and commentary to II. 2-7; cf. also Behrend 1970, 117-8, Papazarkadas 2011, 117-118). Deadlines at the beginning Boedromion (September/October) and Elaphebolion (March/April) for the two yearly instalments are also attested elsewhere (*IG* II² 1241, II. 25-28).

According to Nicholas Jones, from these lines it is possible to infer that the rented property served as continuous residence for Diognetos and that it was his duty to temporarily vacate the property on the day of the yearly celebration for Egretes; continuous residence would also be confirmed by the use of the verb $\dot{\alpha}\pi\iota\dot{\epsilon}\nu\alpha\iota$ used in I. 12 referring to the end of the lease (Jones 2000, esp. 81).

 $\tau/\eta\nu$ οἰκίαν, οὖ τὸ ἱερόν ἐστιν. Dittenberger (Syll.³ 1097, n. 3) points out that the only way to make sense of this sentence is to assume that the usage of τὸ ἱερόν in Il. 2 and 5-6 and its usage here differ: in the former two cases, it clearly means «sanctuary», but in the latter it must refer to the shrine where the statue of the hero was kept.

II. 37-39: ἐὰν δέ τις | εἰσφορὰ γίνηται, ἀπὸ τοῦ τιμήματος | τοῖς ὀργεῶσιν εἶναι. The εἰσφορά was a special direct tax imposed on wealthy citizens whose amount – at least from 378/7 BC – was proportionate to a citizen's τίμημα, i.e. the assessment of his wealth (Christ 2007 with previous bibliography; the standard work on the eisphora is Thomsen 1964, esp. 194-249 for the years after 378/7 BC; cf. also Hansen 1991, 112-115 and Canevaro 2016, 50-53). It is not to be considered an equivalent of a modern land tax, because the τίμημα was based not only on land, but on the whole capital owned by an individual and because the εἰσφορά was not levied on a regular basis (Pernin 2007, esp. 379-381). Out of seven cases known of Attic lease contracts which mention the εἰσφορά, five specify that the lessor has to pay for it (beside the present case, IG II² 1241, 2492, 2497, 2498), whereas only in two is the lessee accountable for it (SEG 24 151, IG II² 2496; cf. Behrend 1970, 119-120, esp. nn. 91-92).

ἀπὸ τοῦ τιμήματος | τοῖς ὀργεῶσιν εἶναι. This has been understood in two different ways, either «the associates are to pay it according to the valuation» (Osborne; similarly Austin, Pernin) or «it has to be deducted from the payment to the Orgeones» (Lord; similarly Kloppenborg, Ascough). There would be parallels – though not strictly verbal parallels – for both ($IG II^2 2496$, II. 25-27 ἐὰ/ν δέ [τι]ς εἰσφορὰ γίγνηται ἢ ἄλλο τι ἀπ[ότ]εισμα τρό | πωι



GEI023

ότωιοῦν, εἰσφέρειν Εὐκράτην κατὰ τὸ τίμημα κα $|\theta$ έπτὰ μνᾶς «if an eisphora or another payment of some kind is levied, Eukrates shall pay for it according to the seven-mna evaluation»; IG II^2 2492, II. 25-27 ἐὰν δὲ οἱ μισθωταὶ (sc. τὴν εἰσφορὰν) εἰσενέγκωσι, ὑπολο| γίζεσθαι εἰς τὴν μίσθωσιν «if the lessees pay the eisphora, let it be deducted from the rent»), but the former translation seems preferable, as τίμημα as «wealth assessment» (LSJ, s.v. τίμημα, A6; see above) rather than «payment» (LSJ, s.v. τίμημα, A3) is a technical term in the εἰσφορά collection process.

II. 39-43: ἀναγράψαι δὲ | τὴμ μίσθωσιν τήνδε Διόγνητον εἰς | τὴν στήλην τὴν ὑπάρχουσαν ἐν τῶι ἱ/ερῶι. The slab was already in the sanctuary (τὴν ὑπάρχουσαν ἐν τῶι ἱερῶι) and probably bore another text: the present inscription is a palimpsest and Lord detects traces of letters of the same form and dimensions as those of the extant text and a larger letter at the beginning of I. 26, possibly belonging to yet another text (Lord 1889, 46). ἄρχων ὁ μετὰ Κόροιβον ἄρχοντα. Koroibos was the eponymous archon in the year 306/5 BC (Meritt 1977, 171).

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Last update: January 2019

DOI: 10.25429/sns.it/lettere/GEI023

