

The Naupaktos Decree: East Lokrians and Religious Community

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Introduction

The foundation decree of the east Lokrian settlement at Naupaktos has provided the basis of most knowledge about the east Lokrian federation in the early Classical and Archaic periods.¹ Discovered at Galaxidi, ancient Chaleion, just half a mile east of modern Nafpaktos on the Corinthian Gulf, this bronze inscription has survived in near-perfect condition. It outlines the privileges and obligations of the settlement, including stipulations regarding taxation, inheritance, and legal representation; and it includes several important religious privileges. The decree has no dating formula, but Thucydides notes that the Athenians had “lately” expelled the east Lokrians from Naupaktos when they settled a group of Messenians there in 457/6 BC, thus providing a *terminus ante quem* for the settlement.² Although there is no firm evidence for a *terminus post quem* of the settlement’s foundation, most have dated it to the early 5th century.³

Based on the political, legal, and religious organization suggested by the decree, the east Lokrians appear to have already formed themselves into a *koinon* (“federation”) at that time.⁴ The decree describes the east Lokrians as a unified group, referring to them as the “Hypoknamidian Lokrians.” Hypoknamidian Lokris technically refers to only one area of east Lokris that lay south of mount Knamis, from Alope to Larymna,⁵ yet the east Lokrians also lived in the area called Epiknamidian Lokris, which extended north of the mountain to Alphonos.⁶ Thomas Nielsen has recently shown, however, that the term Hypoknamidian Lokrians mentioned in the decree likely refers to the larger group of people living in east Lokris, i.e. including the

¹ See Appendix A for the text and a translation of the decree.

² ἐξήλθον δὲ αὐτοὶ καὶ παῖδες καὶ γυναῖκες, καὶ αὐτοὺς οἱ Ἀθηναῖοι δεξάμενοι κατ’ ἔχθος ἤδη τὸ Λακεδαιμονίων ἐς Ναύπακτον κατώκισαν, ἣν ἔτυχον ἠρηκότες νεωστὶ Λοκρῶν τῶν Ὀζολῶν ἐχόντων (Thucydides 1.103.3).

³ Among others Fornara (1977) 47-9 no. 47; Morgan (2003) 30; Rocchi (2013) 141, (2015) 186.

⁴ Larsen (1968) 48-57; Rocchi (2015).

⁵ This area is also referred to as “Opountian Lokris.”

⁶ See Appendix B for a map.

Epiknamidian Lokrians.⁷ The peoples living in these two geographic areas had formed a *koinon* centered at Opous, and also shared an *ethnos* (“descent group”) that extended to include their kinsmen in west Lokris along the Corinthian Gulf.⁸

Scholarship on the Naupaktos decree has focused largely on its legal and political sections, with only one substantial analysis of its religious elements. For example, many have tried to reconstruct a sort of constitution for the east Lokrians from the text by focusing on the apparent role of Opous as a capital polis (11, 33) or the identification of the “Thousand Opountians” (39).⁹ Another common emphasis among scholars has been the generous legal privileges guaranteed by the decree, particularly the ease with which a Naupaktian settler could return to east Lokris.¹⁰ Amid the scholarship dominated by political and the legal topics, only Patricia Butz has analyzed the religious terminology of the decree. She compares the language that it uses to describe the settlers’ inclusion as *xenoi* (“strangers”) in religious ceremonies with sacred regulations regarding *xenoi*. Butz examines only the first section of the decree, however, and she mentions it only as an endnote rather than a part of her main argument.¹¹ Other than Butz, scholarly focus on religion in the decree has been minimal.¹²

The Naupaktos decree does contain other elements that altogether convey a strong reliance on religious ties to define the settlers’ political and legal relationships with east Lokris. The settlers at Naupaktos became citizens of a new settlement and therefore *xenoi* in the eyes of the east Lokrians. The settlers, therefore, did not belong to any political subgroup within the

⁷ Nielsen (2000).

⁸ Rocchi (2015) 179.

⁹ Graham (1964); Larsen (1968); Beck (1999); Rocchi (2015).

¹⁰ Graham (1964) 53; Malkin (2016) 40-2.

¹¹ Butz (1996).

¹² For example, Rocchi (2015) discusses at length the religious ceremonies that fostered unity among the member states of the east Lokrian federation. She only uses the Naupaktos decree, however, in her analysis of the legal and political organization of the federation.

federation, such as a deme or polis, but the inscription makes clear that they did nonetheless maintain religious ties to the east Lokrians. The decree begins by describing the Naupaktian settlers' exceptional religious status – *xenoi* with privileges - in comparison to other *xenoi*; it deploys the religious functions of the hearth to facilitate the movement of property and people between Naupaktos and east Lokris; and it excludes, through religious restrictions, those who disobey the decree by declaring them *atimoi* (literally “without honor”). The decree outlines certain privileges and obligations that Naupaktian settlers and east Lokrians must uphold as a way of defining the relationship between the communities. These aspects of the relationship are not underpinned by a political arrangement, but rather by religious ties.

The religious provisions of the Naupaktos decree challenge one of the leading models of Greek religion, that of “polis religion” coined by Christine Sourvinou-Inwood, which posits the polis as the centralized institution that “anchored, legitimated, and mediated all religious activity.”¹³ In the case of the settlement at Naupaktos, no one polis anchors, legitimates, and mediates the religious status of the settlers. Within the network that connects the settlement, the poleis of the east Lokrian federation, and the federation’s “capital” at Opous, the settlers have religious ties to various communities rather than to a central authority. The settlement at Naupaktos ought to be seen as a type of community that sits outside the vertical structure of polis religion, where the city-state stands between panhellenic religious institutions above and smaller religious organizations below.¹⁴ The settlers do not fit into a centralized political or religious

¹³Sourvinou-Inwood (2000) 15. For a discussion of the critiques of the polis religion model, see Harrison (2015).

¹⁴ Polinskaya (2013) calls these types of communities “mesocosms”: “If the notion of polis, taken by itself, is not adequate to the task of describing the functioning of religion on the local level in ancient Greece, an alternative must transcend the differences between various forms of social organization attested in the Greek world (e.g., citizen-state such as polis, ethnos-state such as Thessaly, confederacies, sub-state units such as demes, etc.), and at the same time, reflect the vital link between the social structure and religion. I propose to use the term designating not a specific form but a corresponding level of social

structure, but have connections to various communities, which are expressed through access to religious organizations and rituals.

The role of religious centers in the formation of *ethne* has become a topic of focus in the scholarship on Greek federations. Jonathan Hall¹⁵ and Catherine Morgan¹⁶ led the charge of the so-called “ethnicity school,” which has directed focus away from the macro-level interactions among *koina* as political units and toward regional studies of *koina* centered around *ethne*.¹⁷ An *ethnos* was by no means merely a naturally occurring phenomenon, but rather relied on a *koinon*’s conscious constructive efforts to give its multiple related communities the appearance of a homogenous *ethnos*.¹⁸ The ethnicity school considers common religious sanctuaries and ceremonies to be physical manifestations, and also expressions, of regional *ethne*.¹⁹ Religious ceremonies were a key way to articulate and reinforce a shared *ethnos*. They often recapitulated aetiological myths and legendary origin stories. These foundation stories expressed kinship, and they were accompanied by and led to the rise of centralized regional cults that venerated specific gods and foundational heroes associated with *koina*.²⁰ The ethnicity school, in other words, has created a centralized model similar to Sourvinou-Inwood’s polis-religion model: as a polis creates and defines its citizen body through its central religious practices, so a *koinon* defines its *ethnos* through its embrace and support of centralized religious festivals and sanctuaries.

organization— mesocosm—a level in-between the world of an individual and the world of cultural macrocosm” (34).

¹⁵ Hall (1997).

¹⁶ Morgan (2003).

¹⁷ For an overview of the historiography on Greek *koina*, see Beck and Funke (2015).

¹⁸ Rocchi (2015) 197-8.

¹⁹ For a number of case studies, see Funke and Haake (2013). For an overview of the scholarship, see: Beck and Funke (2015) 25; Hall (2015) 42-4.

²⁰ Beck and Funke (2015) 24. In the case of the east Lokrians, Oilean Aias served as an ancestral hero for the *ethnos*. The east Lokrians dedicated an altar to him at Opous, where they celebrated together with their west Lokrian cousins a festival called the *Aianteia*. An inscription from the third century BC attests that the ceremony had moved to the city of Naryx, Aias’ hometown (*JG IX.1² 3.706 A*, lines 23-4). For more on the *Aianteia*, see Rocchi (2015) 180-1.

A model emphasizing centralization cannot, however, account for the religious ties between communities (such as the settlement at Naupaktos) and their metropole federations. The ethnicity school has difficulty finding, or has simply overlooked, evidence for the religious bonds between *ethne* and political structures outside central sanctuaries and festivals.²¹ The Naupaktos decree, however, does provide such evidence. The decree makes clear that the settlers, as *xenoi* who nonetheless still remain a part of the east Lokrian *ethnos*, maintain religious ties to the *koinon*. Their religious ties to the east Lokrian federation grants them some political and legal privileges by virtue of religious ties. The decree thereby offers evidence of the relationship between the religious network of the *ethnos* and the political and legal institutions of the *koinon*, but not by locating them in a common religious center. Moreover, the decree suggests that in the case of these east Lokrian settlers, religious ties preceded, and provided the foundation for, the subsequent political and legal aspects of their relationship with the east Lokrians.

This paper will focus on the three ways in which the Naupaktos decree regulates the religious ties between the settlers and the east Lokrians. The decree does not discuss any religious matters having to do with the settlers and the local Naupaktians, although it does address some issues regarding other matters such as taxes. While religious issues are absent from the settler-Naupaktian relationship in the decree, the relationship between the settlers and the east Lokrians is predicated on religious ties. The three points of discussion are as follows: the religious status of the Naupaktian settlers as *xenoi*; the role of hearths (the centers of domestic religion) in facilitating a settler's return to the east Lokrians; and the use of *atimia* as a form of religious exclusion against both settlers and east Lokrians who break the terms of the decree. In

²¹ Beck and Funke (2015) 10.

each case the relationship between the settlement community and the east Lokrians is expressed as a network of religious ties, ties that facilitate the privileges and obligations of the settler community.²²

I: The Exceptional *Xenos* Status of the Naupaktians and Religious Ties

The decree is structured in a ring composition: it has a short preface and short endnote (1, 45-7), then gives details in an inner “ring” about religious inclusion and communal exclusion (2-4, 38-44), while the middle portion, referred to here as “the legal section,” discusses the legal and fiscal relationships between Naupaktos and the eastern Lokrians (5-37). The first section on religion (2-4) places the settlers within the religious community of the east Lokrians by noting their privileges of sacrificing and taking part in *hosia* (“sacred things”) among the east Lokrians as a people (*damos*) and in aristocratic organizations (*koinanoi*). Stipulations for returning to east Lokris, for taxation, for inheritance among family members split between Naupaktos and east Lokris, and for legal arbitration between the settlers and east Lokrians make up the central portion of the decree. In the next section at the near-end (38-44), the decree uses language with religious overtones to condemn individuals who break the rules of the *thethmios* (“agreement” B46) by depriving them of their property and declaring them *atimoi* (“without honor”). Thus the text follows a logical order, first defining the settlers’ religious ties to the east Lokrians, then prescribing the privileges and obligations their relationship with the east Lokrian *koinon*, and, last, making clear the repercussions for violating the *thethmios*.

²² I follow Eidinow (2011) in viewing Greek religion as a network from the perspective of the individual or non-polis community. She proposes that, “Rather than conceptualizing ancient Greek religion in terms of a single entity, the *polis*, we might better picture it in terms of a social network, that is, at its simplest as sets of nodes (representing individuals or groups), linked by ties, usually multiple ties (representing relationships of various different sorts)” (11).

The decree states that the Naupaktians are to be considered *xenoi* among the east Lokrians. The term *xenos*, however, provides little information about their status given that it has a range of meanings in Greek and that no comparative antonym for citizen (e.g. πολίτης) is used to describe the east Lokrians in the decree. *Xenos* means both guest-friend and hostile stranger, but since the settlers came from east Lokrian families, they presumably were closer to the former rather than the latter.²³ It is likely that the settlers had privileges among the east Lokrians that exceeded those of *xenoi* in other poleis as a consequence of their kinship.

After the introduction, the decree begins straightaway with the settlers' religious status:

It is allowed that when a Hypoknamidian Lokrian becomes a Naupaktian, being a Naupaktian, although a *xenos*, he may receive his allotment in *hosia* and sacrifice, when he happens to be (in east Lokris), if he wishes. If he wishes, he may (likewise) sacrifice and receive his allotment in the *damos* and *koinanoi*, both he and his descendants forever (1-4).

The phrase *ἥπο ξένον* (“although a *xenos*”) in this section has seen two interpretations, both of which suggest conflicting ideas about the religious status of the Naupaktian settlers in east Lokris.²⁴ Whether or not *ἥπο* (ὅπως in Attic) as an adverb has a concessive or descriptive force determines whether or not the settlers had religious privileges beyond those of other *xenoi*. *ἥπο* appears elsewhere in the decree, where it introduces relative clauses with antecedents (9, 18, 26, 29), but here it lacks an antecedent. Most scholars have taken the phrase to mean that the settlers had exceptional privileges, though some have argued for other interpretations.²⁵ Those who lean toward exceptional privileges, however, have not taken the necessary time to argue for their

²³ Butz (1996) 76.

²⁴ There are many other places in the decree where the meaning of a word or phrase is uncertain, despite its excellent condition. Buck describes the document as “exhibit[ing] many instances of repetition, and some of omission of what is essential to clearness, and in general the style... is crude and obscure,” Buck (1928) 214.

²⁵ For arguments against exceptional privileges see Graham (1964) 49-51; Rocchi (2015) 187.

interpretation.²⁶ Here, philological analysis, practical reasoning, and contextualization among other inscriptions with religious prohibitions will strengthen the argument that the settlers had more religious privileges than other *xenoi*.

The standard sources for Greek vocabulary and grammar have little to say about the specific use of ὅπως in the context of the decree. It does not fit easily into any of the headings in the *LSJ*, which breaks ὅπως down into two main categories of use: as a conjunction or an adverb. Although *hόπο* certainly does not act as a conjunction here,²⁷ its particular adverbial use does not match any of the subheadings in the *LSJ*. Regardless, in each case the *LSJ* suggests taking the meaning to be “such as,” “however,” or “in whatever way,” leaving the question of concessive or descriptive unanswered. In each of the examples listed in the *LSJ*, context makes clear the intent of ὅπως, whereas the decree does not afford that luxury.

Smyth does offer a pertinent note for the decree on the use of ὅπως in relative phrases without antecedents. Entry 1454 lists certain idiomatic phrases used in the case of omitted antecedents. Among them are “ἔστιν ὅπως *somehow* (in questions = is it possible that?)” and “οὐκ ἔστιν ὅπως *in no way, it is not possible that* (lit. *there is not how*).” In the decree, *hόπο* appears in a statement of potentiality, as governed by ἐξεῖμεν. Since the clause is an indirect statement introduced by κα τῶνδε with an implied ἔστιν, an ἔστιν does not appear in the accusative-infinitive clause with the *hόπο*, yet it is still implied. According to the idiom provided by Smyth, the meaning of the clause is, “it is possible that, as a *xenos*, the settler may take part in sacred rites and sacrifice when he happens to be in east Lokris.” In this case, *hόπο* does not directly modify ξένος as an adverb, but rather the whole clause introduced by ἐξεῖμεν.

²⁶ For arguments for exceptional privileges see Latte (1920) 55 n.16; Buck (1928) 214-5; Butz (1996) 94-5; Beck (1999) 54-5; Malkin (2016) 40-1.

²⁷ ὅπως could not be joining two clauses in this case, since the ἐπεὶ clause and αἱ (ἐῖ in Attic) clause are syntactically separate from the sentence.

Interpreting the whole clause as one of possibility falls more in line with the general purpose of the decree, namely to declare the privileges of the settlers.

In addition to the philological evidence, practical reasoning also supports the claim that the settlers had an exceptional religious status as *xenoi*. The statement about religious privileges begins by defining clearly that the settler is no longer an eastern Lokrian, is a Naupaktian, and therefore a *xenos*. The following stipulations are then necessary precisely because the settler does not have a typical *xenos* status. Furthermore, a provision about exclusion (i.e. that *xenos*-status debarred the settler from certain religious institutions), had this been intended, would have fit better at the end in lines 38-44 where the decree discusses punishments and exclusion. Instead, the provision occurs in lines 2-4, after which follows the lenient policy of return for the settlers. As the operative word in the provision, *λόπο* then must have a concessive rather than descriptive meaning. Thus the entry from Smyth and practical reasoning can help point toward an inclusive interpretation of the *λόπο*; but such an interpretation also requires further evidence.

The decree's use of the term *hosia* (2) as the religious rites in which the settler may take part suggests exceptional privileges for the settlers rather than the partial inclusion that would have been characteristic of other *xenoi*.²⁸ As mentioned above, Patricia Butz has analyzed a group of Greek inscriptions that contain sacred prohibitions on *xenoi* from the Classical and early Hellenistic periods, and she concludes with a brief analysis of the Naupaktos decree. Because *xenoi* had a peculiar status in any community as both strangers and guests, they were not always welcome in sanctuaries or ceremonies. Their presence could in some cases jeopardize a community's relationship with the divine, particularly on account of their ignorance of proper

²⁸ In religious prohibitory inscriptions *hosia*, *hiera*, and *themis* can all be used, but they have subtle and important differences. Debate over the difference between the three words has gone on since Latte brought up the issue in *Heiliges Recht*: Latte (1920) 55 n.16.

ritual.²⁹ While the other inscriptions that Butz uses come from sanctuaries, unlike the Naupaktos decree, they share similar language about exclusion and inclusion. The two particularly pertinent examples read as follows:

Ξένωι οὐχ ὀσίη ἐσι[[έναι]]³⁰
For a stranger it is not *hosia* to enter.

Χσένοι Δοριῆι ὠῖ θέμις ὡῦτε [----]
ὡῦτε Δ...οια Κόρηι Ἄστῳ ἐ [----]³¹
For a Dorian stranger it is not divinely sanctioned to [...],
nor the [...] for the town Kore.³²

The first inscription comes from the sanctuary of the *archegetes* at Delos, likely inscribed at the end of the 5th or beginning of the 4th century BC.³³ The second text was inscribed in the 450s BC, is therefore chronologically closer to the Naupaktos decree, and was found in Paros on a column drum at the site of a temple to Kore. Both inscriptions, like the Naupaktos decree, qualify the status of *xenoi* using religious terms, *hosia* and *themis*.

The Delos and Paros inscriptions exclude *xenoi* from sacred spaces by using comparable language that nonetheless differs in important ways. Both have similar syntactical formulae, using a negation and referring to the *xenos* in the dative, but *hosia* and *themis* are not synonymous. *Hosia* is a broad term that means “religiously correct,” and can refer to persons, objects, and actions that have been sanctioned by divine authority.³⁴ When used to describe people, it can have a variety of meanings such as “pious,” “ritually pure,” and “fit to approach

²⁹ Burkert (1991) 59 n. 33.

³⁰ *ID* 68.

³¹ *LSCG* 110. There are numerous reconstructions of this inscription, which are discussed by Sokolowski (*LSCG* 110) and Butz (1996) 82 n. 34. The reconstruction Χσένοι Δοριῆι ὠῖ θέμις, however, is consistent in each.

³² This translation follows Butz (1996) 82. She claims that the goddess here is the *Kore Asty*, meaning she is Kore specifically to the *asty*. Butz, however, has mistaken the word *asty* for *astos*.

³³ Butz (1992) 78.

³⁴ Petrovic and Petrovic (2016) 33. They follow Mikalson (2011) who provides similar definitions, with the exception of the personal use, which they define as “fit to approach the gods” (11).

the gods.” *Themis*, on the other hand, in the context of inscriptions with religious regulations has the meaning “divinely sanctioned.”³⁵ It is often used to prohibit particular groups of people from entering sanctuaries, but can also prohibit certain types of sacrifice.³⁶ *Themis* encapsulates the laws of religious behavior that determine what is sanctioned and what is not. Whether something (or someone) can be considered *hosia* depends on its accordance with *themis*. In the case of a *xenos* entering a sanctuary where *xenoi* are forbidden, he violates the divinely sanctioned laws of access (*themis*), and thereby he and his sacrifices are unfit for the gods (not *hosia* or *anosia*). In effect, *themis* draws the boundaries of the sacred or pure, and *hosia* is the fulfillment of that boundary from within.³⁷ The term *hosia*, therefore, implies that a person or object has crossed a boundary in accordance with divine sanction and is now within it.

Hosia appears in the Naupaktos decree instead of *themis* precisely because the settlers could still cross into east Lokrian religious sanctuaries, despite having become *xenoi*. Confirming this, the decree also uses the word λανχάνω (Attic λαγχάνω) in the phrase ὅσια λανχάνειν καὶ θύειν (“receive his allotment in *hosia* and sacrifice,” 2-3). This suggests that the settlers maintained the right to a portion of the *hosia* and sacrifice by virtue of their continued religious ties to east Lokrians, not on account some new special dispensation in the decree.³⁸ The settler is an insider and a part of the group, not an excluded stranger.

³⁵ Petrovic and Petrovic (2016) 96-7.

³⁶ According to Herodotus (5.72.3), Cleomenes faced such exclusion when he tried to enter the temple of Athena on the Acropolis. A priestess stood in his way and said: ὃ ξεῖνε Λακεδαιμόνιε, πάλιν χῶρεε μηδὲ ἔσιθι ἐς τὸ ἱρόν: οὐ γὰρ θεμιτὸν Δωριεῦσι παριέναι ἐνθαῦτα (“Lacadaimonian stranger, go back and do not enter this sacred place. For it is not divinely sanctioned for a Dorian to enter here”).

³⁷ Burkert suggests a similar dichotomy between the notions of *hosia* and *hiera*: Burkert (1991) 270.

³⁸ The only religious uses for λαγχάνω in the *LSJ* are those of funeral pyres, so its use in the decree for general religious participation is abnormal. Here the phrase is translated as “receive his allotment in *hosia* and sacrifice” because generally λανχάνειν means “to take one’s allotted portion”: *LSJ* s.v. λαγχάνω.

The decree then specifies the locations where the settlers had religious privileges in three ways:

He may receive his allotment in *hosia* and sacrifice, when he happens to be (in east Lokris), if he wishes. If he wishes, he may (likewise) sacrifice and receive his allotment in the *damos* and *koinanon*, both he and his descendants forever (A3-4).

A Naupaktian settler could thereby take part in *hosia* generally throughout east Lokris, as well as while being part of the *damos*, and in *koinanoi*. Although there has been some disagreement as to which area the decree is referring to with the phrase “happening to be” (ἐπιτυχόντα),³⁹ more interpret it as a referring to east Lokris than not.⁴⁰ *Damos* seems to mean the east Lokrians as a people, but the identification of the *koinanoi* remains uncertain. Both Homer and Pindar use the word *damos* to mean a community of citizens, in the case of Pindar citizens of specific places (Argos and Aitna).⁴¹ The *hosia* of the *damos* were likely public ceremonies open to all east Lokrians.⁴² The word *koinanoi*, either in the singular *koinanos* or plural *koinanoi*, it is not attested elsewhere in Greek, so any inference regarding its meaning must rely on context and the etymological root *koin-* (meaning “common”). Rocchi has suggested that the *koinanoi* were hetairic organizations or *phratriai*, where hoplite-class aristocrats met in order to strengthen their bonds of kinship.⁴³ Moreover, she argues that the *koinanoi* of the fifth century played a major role in the transformation of the east Lokrians into an oligarchic *koinon*, as Aristotle would later characterize them.⁴⁴ Whatever role the *koinanoi* had for the east Lokrians, both they and the *damos* likely referred to groups that performed religious rituals and sacrifices (*hosia*) exclusive

³⁹ For example, Graham (1964) suggests that the reading “when the settler happened to be in the mother country” cannot be sustained by context, so he leaves the matter unsettled (51).

⁴⁰ Butz (1996) 94-5; Beck (1999) 54-5; Rocchi (2015) 187.

⁴¹ Homer *Odyssey* 3.16, 5.14; Pindar *Pythian* 1.70, *Nemean* 10.23.

⁴² Beck (1999) 60.

⁴³ Rocchi (2015) 192.

⁴⁴ Aristotle, *Politics* 3.1287a.

to east Lokrians. As *xenoi* of exceptional status, however, the Naupaktian settlers could participate with them because they retained religious ties to various communities and organizations within east Lokris.

The positioning of religious matters at the beginning of decree suggests their importance; it also suggests that the settlers' relationship with the east Lokrians was defined primarily by ties to various nodes within the religious network of the *koinon*. These nodes included sanctuaries and festivals in the communities that made up the *koinon*, ceremonies associated with the *ethnos* of the east Lokrians such as the *Aianteia*, and the *koinanoi* (possibly hetairic organizations). The use of religious privileges to signify the ties between the settlers and the east Lokrians reflects the general fact that Greek societies valued the support of the gods, and demonstrated it by maintaining proper observance of religious rituals.⁴⁵ A Greek knew that transgressing religious norms constituted a sacrilege that offended both gods and man.⁴⁶ On a more specific scale, the religious ties of the settlers to the east Lokrians networks facilitated the privileges and obligations of the settler community.

II: Hearths in the Religious Network Connecting the Settlers and East Lokrians

In the legal section (5-37) religious themes continue to appear, beginning with the mention of the hearth (ἱστία). The transfer of sacred fire from a mother city's hearth to a settlement represented a religious tie between the two,⁴⁷ and in the decree a settler's hearth marks

⁴⁵ Such behavior would fall under the category of what Peter Burke (1992) calls mentalities, which are the underlying features of a society: they explain collective attitudes, unspoken assumptions, and provide the basic logic of a group's "common sense" (92).

⁴⁶ Petrovic and Petrovic (2016) 96-7.

⁴⁷ Malkin (1987) 114-33.

a node of the east Lokrian religious network that facilitates a Naupaktian settler's return to the east Lokrians. The decree states that:

If [a settler] wishes to return, leaving behind an adult son or brother at the hearth, he may do so without an *eneterion*⁴⁸ (7-8).

Hearths were the central locations of Greek homes and the focus of domestic religious activity. The deity of the hearth, Hestia, had the honor of being the first god invoked in offerings, prayers, and oaths. Her primacy gave the hearth many functions beyond providing warmth, functions that included initiating new family members into the home, accepting offerings of food at meals, and representing the death of a family member through the hearth's extinguishing and rekindling.⁴⁹ Hearths represented the vitality and continuity of a household, so they served as a fitting place for a returning settler to display the persistence of his household by leaving a son or brother to take his place. The decree is therefore stipulating that the legal process of a settler leaving the settlement and integrating back into east Lokris must begin at a religiously symbolic location.

The settlers' hearths served as one set of nodes of the east Lokrian religious network likely because settlement and mother city shared a sacred fire.⁵⁰ By the fifth century BC, Opous had become known as the "mother" of the east Lokrians, and thus was the likely source of sacred fire for the hearths at Naupaktos. Pindar refers to Opous as the Λοκρῶν μητέρα ("mother of the Lokrians"),⁵¹ and Pausanias describes an inscription at Thermopylai that characterizes Opous, mourning for the fallen Lokrians, as the μητρόπολις Λοκρῶν ("mother city of the Lokrians"). Furthermore, according to the story of the east Lokrians' origin, the legendary figure Lokros

⁴⁸ This word appears only in this inscription. Fornara (1977) 49 no. 47 translates the term as "entry-fees," Buck (1928) 215 as "taxes of admission (to citizenship)." The *DGE* offers a definition citing this inscription as the sole attestation: "tasas de admisión en la ciudadanía" ("admission rates in citizenship").

⁴⁹ Boedeker (2008) 234.

⁵⁰ Malkin (1987) has shown that the transfer of sacred fire from a mother city had become a common ritual in settlement foundations by the 6th century BC (114-33).

⁵¹ Pindar, *Olympian* 9.20.

founded the city of Opous and named it after his son, to whom he later transferred the kingship.⁵² The decree likewise treats Opous as a center of the east Lokrians (B33), where settlers could seek legal representation. Opous served as the de facto political capital of the east Lokrian *koinon*,⁵³ but also had symbolic significance as the mother city of the other poleis in the *koinon*, and presumably of its colonies as well. Opous likely also housed its own communal sacred fire as well, as many other Greek cities did,⁵⁴ and it is from there that the settlers would have transferred the fire to Naupaktos. With that implicit connection by sacred fire between Opous and Naupaktos, the individual hearths at Naupaktos represented a further extension of east Lokris' religious network.

The process of leaving the settlement at Naupaktos, as the decree describes it, further suggests that a religious tie between Naupaktos and one or another east Lokrian community facilitated a legal procedure. In the religious network of the settlers and east Lokrians, hearths served as nodes that connected communities to one another. The legal procedure then proceeded along the connection formed by the religious tie. The decree states that after leaving an adult son or brother at his hearth,

If a [settler] returns from Naupaktos to the Hypoknamidian Lokrians, he will announce it in the Naupaktian agora and among the Hypoknamidian Lokrians in the polis from which he comes, he is to announce in the agora (19-21).

A returning settler would begin the process at his own hearth, and given the importance of hearths in general for Greek society, he likely finished by integrating into another home through

⁵² Rocchi (2015) 179.

⁵³ Rocchi (2015) 188-9.

⁵⁴ Examples include: Delphi and Athens (Plutarch, *Numa* 9.5-6); Athens (Thucydides 2.15.2; Plutarch, *Theseus* 24.3); Naukratis (Athenaeus, 15.700d); Elis (Pausanias, 5.15.8-9); Lindos (Pindar, *Olympian* 7.42, 48-9). Archaeological excavations of Opous (modern Atalándis) have been minimal since the modern town covers much of the ancient city. No dig has been able to reach the archaic or classical layers, therefore the existence of a *prytaneion* that housed a communal fire can only be inferred from that building's prevalence in other Greek cities, see Fossey (1990) 68-74.

a hearth since, as noted above, the hearth served as the place where new family members were integrated into the home. In the movement of hearth-*agora*-*agora*-(hearth), the Naupaktian settlers embedded legal procedure within religious ceremonies, just as religious ties formed the frame around legal privileges in the decree as a whole.

In lines 2-4 a Naupaktian settler's exceptional *xenos* status is expressed through his religious ties to the east Lokrian religious network. The role of the hearths, as religious nodes within the homes of the settlers, is to frame the legal process of a settler's return to east Lokris, reflecting the broader relationship between Naupaktos and east Lokris that relied on a shared *ethnos*. The transfer of sacred fire symbolized a connection of kinship as well as religion, two important elements of an *ethnos*. Naupaktos and Oposus thereby served as important nodes in a network that included the hearths in Naupaktos and east Lokris. A settler's return via the hearth and its sacred fire represents one of the possible ways in which a network formed by religious ties associated with the shared *ethnos* of the Lokrians could expand to provide the pathways through which the privileges and obligations of the settlers would flow.

III: *Atimia* as Religious Exclusion

Before its brief conclusion the Naupaktos decree prescribes *atimia* for those who break the *thethmios* of the settlement, including the Naupaktians and the archons at Oposus. The provisions of the punishments read as follows:

Whoever destroys τὰ φεφραδερότα (laws) by even one plan or contrivance, in an action that is not agreed to by both parties, the Thousand Opountians by majority or the Naupaktian settlers by majority, he will be *atimos*, and his property παματοφαγεῖσται (confiscated).⁵⁵ To the one bringing the suit, the archon is to grant trial, grant in thirty days, if thirty days of his archonship remain. If he does not grant trial to the one bringing the suit, he is to be *atimos* and his property παματοφαγεῖσται (confiscated): his share of property along with slaves (38-44).

⁵⁵ The meaning of this word is debated. See below.

This section does not contain explicitly religious language, as in the section on the settlers' *xenoi* status, but it does impose *atimia*, which, I argue, has religious connotations in other inscriptions and therefore also here. In general, *atimia* has an imprecise meaning in the sources of the sixth and fifth centuries BC, although its use in the colony decrees of Brea (430's BC) and Cyrene (fourth century BC but a including segment possible from 750-700 BC)⁵⁶ suggests exclusion from a community through a loss of social and religious status. The term became more well-defined in fourth-century Athens, where it meant a loss of particular legal rights. Even then, however, a person declared *atimos* still faced religious exclusion as well. The parallels among the Naupaktos inscription, the colony decrees of Brea and Cyrene, and Athenian *atimia* all suggest that the above provision of the decree prescribed religious exclusion for those who broke the *thethmios* of the settlement.

The early classical uses of *atimia* were vague because, according to Evelyn van't Wout, the purpose of the term was to prevent instability in a community, rather than punish those who caused that instability. In a recent article, she claims that "*atimia* did not enter classical-period legal discourse as a well-defined punitive response to particular offences, but as a verbal strategy to manage the threat of conflicts that might destabilize a community."⁵⁷ She is here arguing against the assumption that Mogens Hansen seems to make in his treatment of *atimia* in fourth-century Athens, that *atimia* always denoted certain legal restrictions.⁵⁸ Van't Wout draws on

⁵⁶ I refer here to the section of the decree that is alleged to have been part of the original foundation decree for Cyrene. The decree itself was inscribed in the fourth century BC. See note 21 below for more on the debate regarding the authenticity of the supposedly preserved portion.

⁵⁷ van't Wout (2011) 146. She claims that in archaic and classical inscriptions, provisions regarding *atimia* appear in *sanctiones legis* (entrenchment clauses), which ensured the authority of inscribed communal agreements by threat of punishment for transgressing the agreement. In the article, she examines the Brea colony decree (*IG I³ 46*), the Cyrene Decree (*ML 5*), and Aeschylus' *Eumenides*. She briefly mentions the Naupaktos decree, the Chalkis decree discussed below (*IG I³ 40*), a treaty between Athens and Miletos (*IG I³ 21c*), and the coinage decree (*IG I³ 1453c*).

⁵⁸ Hansen (1976) 75-81.

earlier uses of *atimia* to claim that the term was originally used to give weight to the swearing of oaths to uphold the rules of a new community.⁵⁹ In her view, however, the term had little specificity in the archaic and classical periods beyond exclusion from the community. I argue, however, that some specifics can be ascertained from the similar formulas that appear in prescriptions of *atimia* from classical-period inscriptions, including the Brea and Cyrene decrees, as well as others.

A prescription for *atimia* appears in the decree for the Athenian colony at Brea in Thrace, dated to the 430's BC. Lines 24-5 of this inscription suggest that the colonists at Brea used *atimia* along with other punishments against a person who undermined the laws of the new community. In the case of the Naupaktian settlers, a person was punished with *atimia* for breaking the agreement (*thethmios*) to follow the settlement's laws (τὰ φεφαδερότα). The decree for Brea uses similar language, with the *stele* representing the agreement of the colonists and Athenians to obey the laws. The section containing the prescription for *atimia* reads:

[ἐ]ὰν δει τις ἐπιφσεφίζει παρὰ τῆ[ν στέλ]
 [εν ἔ ρρέ]τορ ἀγορεύει ἔ προσκαλῆσθα[ι ἐγχερ]
 [ἔι ἀφαι]ρῆσθαι ἔ λύνει τι τῶν ηεφσεφι[σμένον]
 [ἄτιμον] ἔναι αὐτόν καὶ παῖδας τὸς ἔχς [ἔκνο]
 [καὶ τὰ χ]ρέματα δεμόσια ἔναι καὶ τῆς [θεῶ τὸ ἐ]-
 [πιδέκα]τον... (24-9)⁶⁰

If anyone brings to the vote a proposal that goes against the *stele*, or if a *rhetor* proposes or invites the attempt to diminish or undo anything from the things that have been voted on, he shall be *atimos*, he and his children, and his possessions will be *demosion* and the tenth for the goddess.⁶¹

As a colony decree from the fifth century, the Brea inscription serves as a good comparison for the one from Naupaktos. Both inscriptions prescribe the punishment of *atimia* for those who

⁵⁹ van't Wout (2011) 144.

⁶⁰ *IG I³* 46; *Syll.³* 67; ML 49; Fornara (1977) 110-1 no. 100; *Agora XVI* 7; *OR* 142.

⁶¹ Translation is my own, after Van't Wout (2011) 146-7.

transgress the decisions made by civic authorities. In the Naupaktos inscription, those are the majorities of the Thousand Opountians and the settlers. The Brea inscription's civil authorities are represented by the stele, a product of a vote in the Athenian assembly. In the two inscriptions, *atimia* also comes with a confiscation of property. Despite the vagueness of the term *atimia*, it appears in strikingly similar contexts in both the Naupaktos and Brea decrees.

The Naupaktos decree's prescription of *atimia* does not refer to any religious act explicitly. The equivalent portion of the Brea inscription, however, refers not only to a "public" (*demosion*) authority, but also to a religious authority in the confiscation of property. It states that the *atimos* person's property must be made public, with a tenth of it consigned to Athena. The tithe to the goddess adds another layer to the colony's relationship to Athens: the colonists make an agreement not just with the city but with the city's chief goddess as well. If Athena needed to be appeased for a mistake, then she had an interest in and thus a relationship to the colony, or at least to the city-process that created the colony.

The same formula associated with the term *atimos* appears in another Athenian inscription from the fifth century, one that records Chalkis' reintegration into the Delian League in either 446/5 or 424/3 BC.⁶² It states that if any fighting-age citizen does not swear allegiance to Athens, "he is to be *atimos*, his property made public, and a tithe of it dedicated to Olympian Zeus."⁶³ Although the inscription is written from the Athenian perspective, it provides

⁶² The earlier date used to be widely accepted and was based on the timing of the Euboean revolt against Athens, as mentioned by Thucydides (1.113). The later date was proposed by Mattingly (1961; maintained in 2002, 2014) after he challenged the use of the three-bar sigma as a dating method for inscriptions.

⁶³ Lines 32-5: ἀτιμον αὐτὸν εἶναι καὶ τὰ χρέματα αὐτῷ δεμόσια καὶ τῷ Διὶ τῷ Ὀλυμπίῳ τὸ ἐπιδέκατον ἱερὸν ἔστω τῶν χρεμάτων (*IG I³ 40; Syll.³ 64; ML 52; Fornara [1977] 113-5 no. 103; AIO Papers 8 pp. 11-3 [https://www.atticinscriptions.com/papers/aio-papers-8/]; OR 131*). For more on *atimia* in this inscription, see Rainer (1986) 163-6. For general information on the inscription, see S. Lambert (2017), "Two Inscribed Documents of the Athenian Empire": <https://www.atticinscriptions.com/papers/aio-papers-8/>. Date accessed 4/22/18.

information on how the Chalkidians understood the agreement in their own terms: the inscription directs the tithe to Olympian Zeus, not Athena, and later the inscription suggests that Olympian Zeus was the chief god of Chalkis since it states that the council of Chalkis had to place the inscribed stone in his sanctuary at Chalkis.⁶⁴ The Chalkidians, therefore, also prescribed both a “public” and a religious penalty along with *atimia*. The inscriptions from Brea and Chalkis show a pattern in the creation or reintegration of communities: *atimia* was accompanied by confiscations meant to profit the community and to propitiate a god, thus giving the punishment a religious component.⁶⁵

The Brea and Chalkis decrees are explicit in the handling of confiscated property, dividing it between the public and the tithe to the god (specifically “sacred”, *hieron*, at Chalkis). The Naupaktos inscription, on the other hand, uses one puzzling and otherwise unattested word: *παματοφαγέω*.⁶⁶ The full phrase is almost always translated as I have above: “he will be *atimos*, and his property confiscated” (ἄτιμον εἶμεν καὶ χρέματα παματοφαγεῖσται B40-1, B44). The meaning of *παματοφαγέω* has been inferred from the etymological root *pamon* (meaning “property”),⁶⁷ which appears earlier in the decree as part of the word *ἐχεπάμον* (“heir,” 16-8). Robert Parker specifically cites this word from the decree as an example of the

⁶⁴ “Let the council of the Chalkidians write it up and set it down in Chalkis in the sanctuary of Zeus Olympios” (καταθῆναι ἐς πόλιν τέλεσι τοῖς Χαλκιδέον, ἐν δὲ Χαλκίδι ἐν τῷ ἱερῷ τῷ Διὸς τῷ Ὀλυμπίῳ *he* βολὲ Χαλκιδέον ἀναγράφασσα καταθέτο, 59-63).

⁶⁵ A similar pattern is found in another inscription from Euboea (*IG* 12.9.191), albeit much later (late fourth century BC) than the Brea and Chalkis inscriptions. The inscription is a contract between the city of Eretria and a private individual, Chairephanes, for the draining of a swamp. According to the contract, a person who breaks the agreement “will be *atimos* and his property will be made sacred [to Artemis]” (ἄτι[μος] ἔστω καὶ τὰ χρήματα αὐτοῦ ἔστω ἱερὰ [τῆς Ἀρτέμιδος...] 32).

⁶⁶ The *LSJ* entry for *παματοφαγέω* does draw a comparison with *Od.* 2.76, where the suitors “gobble up” Telemachus’ patrimony.

⁶⁷ Parker (2005) 76.

obscure language used to describe a community exacting a sacred fine.⁶⁸ It makes some sense that the word is vague, given that *atimia* itself is rather vague. The somewhat later Brea and Chalkis inscriptions, however, provide a clue as to what the word could mean. Given the similar formulae in each of the three inscriptions (“let him be *atimos*, and let his property...”), *παματοφαγέω* probably refers to the property of the *atimos* person becoming both public and partially set aside for a god. The Naupaktian *atimos* commits the same crime as the *atimoi* of Brea and Chalkis, so it is likely that he received a similar punishment.

A later inscription from Naupaktos also makes clear that the polis did follow the practice of consecrating property that was confiscated as a result of breaking oaths.⁶⁹ The inscription is a treaty between the Naupaktians and the Messenians who were settled there by Athens c. 455 BC.⁷⁰ Of the treaty, only the regulations for the oaths sworn by both parties survives. The text states that one who (presumably)⁷¹ breaks the oath of the treaty will be cursed by Athena Polias, and his property will be made sacred to her:

ὅσ[τις - - - ἄ - - - τὸν ὄ] -
 ρκον ἐναγῆς ἔστῳ τᾶς Ἀ[θήνας τᾶς Πολιάδος]
 καὶ τὰ χρέματα ἱερὰ ἔστῳ αὐτῷ τᾶς Ἀθήνας τ]-
 ᾶς Πολιάδος

Let whoever (breaks) the
 oath be cursed by Athena Polias
 and let his property likewise be made sacred to Athena
 Polias (6-9).

⁶⁸ Parker (2005) 76 explains that early terms for confiscation of property were obscure because archaic Greek cities rarely distinguished between public and sacred treasuries for the storing of profits from fines. His explanation, however, is all too brief and lacks comparisons.

⁶⁹ *SEG* LI 642. First published by Matthaiou (2003).

⁷⁰ The precise date of the treaty is unclear, though it must be between the Messenians' settlement by the Athenians (Thucydides 1.103.3) and the expulsion of the Messenians in 401 BC (Diodorus Siculus 14.34.2).

⁷¹ The authors of the *SEG* entry (Chaniotis, A., Corsten, T., Stroud, R.S., Tybout, R.A.) follow this interpretation.

This section of the treaty addresses a problem similar to that in the *atimia* section of the Naupaktos settler decree: how to punish an individual who breaks the laws of a new community. The later treaty demands that an offender's property be consecrated to a divinity (Athena Polias). The proximity of this treaty in time and place to the settlement decree suggests that the word *παματοφαγέω* indicates consecration of property, just as the evidence from Brea and Chalkis does. It seems, then, that the Naupaktians, including the east Lokrian settlers, considered an offense that merited *atimia* also to be a religious transgression.

Each of the three inscriptions makes clear that the respective communities are being regulated legally through decrees made by polis assemblies, and that such decrees could also demand compliance by invoking religious authority. Transgressing the assembly decrees could constitute a religious violation as well as a legal offence. In a recent article, Angelos Chaniotis lays out a hierarchy of authority in sacred regulations.⁷² Three major types of authority are found in sacred regulations (promulgated by both private individuals and political authorities). In order of descending weight, they are the *patria ethe* (customs of the ancestors), *nomoi* (written religious instructions), and *psaphismata* (assembly decrees).⁷³ The assembly decrees, although wielding the least authority, represent the decisions made by deliberations on how best to maintain the *patria ethe*. All three inscriptions mention decisions made by assemblies, with the Naupaktos decree referring in addition to the τὰ φεφαδεφότα ("laws"). While the Naupaktos decree does not fall into the category of a sacred regulation, it does concern itself with the religious status of the settlers. If an assembly could decree that the Naupaktian settlers had a particular religious status as *xenoi*, then it surely had the authority to prescribe religious exclusion. Because the decree offered religious inclusion, so long as a settler adhered to the

⁷² Chaniotis (2009).

⁷³ Chaniotis (2009) 98-102.

decree's stipulations, transgression of the stipulations therefore merited a religious punishment, likely a form of religious exclusion through *atimia*, and property confiscation with a tithe attached (παματοφαγέω).

The Naupaktos decree mention assemblies at Naupaktos and at Opous as authorities (B38-40), but it also mentions the swearing of two oaths, speech-acts that established religious ties among people. The first oath's purpose is clear: it prevents the settlers at Naupaktos from rebelling against Opous (A11-12). The second oath appears to be a more general promise to abide by the decree's stipulations, mentioned at the end of the inscription: "the customary oath is to be sworn" (διομόσαι *hórhoon* τὸν νόμιον, B45). In both cases, the Naupaktian settlers and the east Lokrians are connected to each other through the oath, which regulates the relationship between the two groups. While the inscription does not provide any evidence for what was said in the taking of the oath, a later fourth-century inscription provides an example of what sorts of oaths were sworn in the founding of a new community. The inscription comes from Cyrene, and it refers to a grant of *isopoliteia* to its citizens from their mother city of Thera.⁷⁴ It includes the oath sworn by the colonists at Cyrene at the colony's founding in the eighth or seventh centuries BC. The oath includes a curse uttered against those who transgress its stipulations (ἀράς ἐποιήσαντο τὸς ταῦτα παρβεῶντας, 42). Those who break the oath are cursed to melt and dissolve as did the wax effigies upon which they swore.⁷⁵ The contexts of the oaths from the two

⁷⁴ *SEG* IX 3; *ML* 5; Fornara (1977) 22-3 no. 18.

⁷⁵ Osborne (1996) argues that the oath is a fabrication by the Therans, who presented an altered account of Cyrene's foundation in order to support their right to *isopoliteia* (13-7). In response, Malkin (2003) claims that Thera and Cyrene already had a tradition of granting *isopoliteia* to one another, as in the case of Cyrenean fugitives who took refuge in Thera c. 520 BC (153-70). The Therans, therefore, had no need to fabricate an oath. In addition, Malkin doubts that the Cyreneans would have forgotten their foundation myth, at least to the point that they would have accepted a fabricated story. Even if Malkin's argument is to be rejected, the Therans needed to create a credible story to defend their claims, so the curses associated with the oath must have been typical enough in foundation oaths for the Cyreneans to believe them. The relevant section of Herodotus is 4.145-205.

inscriptions are rather similar (the founding of settlements), which suggests that the Naupaktos decree also implies a punishment carried out by divine power for those who break the oath.⁷⁶

The Naupaktian settlers appear to have used metaphorical language to represent divine response to oath-breakers as well, as in the case of the striking term *παματοφαγέω* (“property” + “consume”). The concept of a god eating the property of the offender functions as a visual metaphor much in the same way as the melting of the wax figures. In the later treaty-inscription from Naupaktos, a transgression of the oaths taken by a community similarly invokes divine anger (in the form of a curse) in addition to religious consecration of property. The curses found in the Naupaktos treaty and the Cyrene inscription thereby support the notion that *παματοφαγέω* meant a religious consecration of an offender’s property. Punishments of *atimia* in the classical period, therefore, were religious as well as public, and appear to have been imposed on those who transgressed the oaths that created religious ties in a new community, ties that underpinned the laws in the foundation decrees.

The inscriptional evidence provides the most useful comparanda for the use and implications of *atimia* in the Naupaktos decree. The evidence from fourth-century Athens, however, also suggests that even though the term had by then a specific legal meaning, nonetheless it also retained its religious significance there. In Athens *atimia* applied only to serious crimes against the laws of the community, not against individuals,⁷⁷ as seems also to be the case in the Naupaktos decree. Two offenses merit *atimia* according to the Naupaktos decree: a settler’s breaking the *thethmios* (B38-41) and an east Lokrian archon’s failing to grant a trial within thirty days to a settler bringing a suit (B41-4). In these cases, an individual fails to uphold

⁷⁶ In recent scholarship on Greek religion, magic (including curses) is considered to be a subset of what we (and the ancient Greeks) would call “religion.” See Versnel (1991; 2015).

⁷⁷ Hansen (1976) 74.

the laws of a community. Crimes against individuals required certain private punishments, but serious crimes against a community required a communal punishment against an individual through *atimia*. In Athens, this communal punishment entailed religious exclusion as well as a loss of legal rights.

It seems that in the case of both fourth-century Athens and the Naupaktian settlers, *atimia* restricted legal rights in a similar fashion. *Atimia* in Athens often restricted the property rights of the *atimos*, particularly the capacity to inherit property, since an Athenian *atimos* could not enter on an inheritance (ἐμβατεύω).⁷⁸ An Athenian *atimos* could not enter on an inheritance because he was banned from the law courts, and thereby unable to appear before the *thesmothetai archontes*.⁷⁹ In the Naupaktos decree, a restriction on the capacity to claim ownership of an inheritance (κρατέω) likewise appears to be a part of its use of *atimia* as a punishment, at least based on context. The bulk of second half of the inscription (B29-44) focuses on the issues of inheritance and legal representation: it explains the settler's rights to inherit property from family members living in east Lokris, and the rights of the settler to bring a legal suit in Opous. After explaining the rights and the obligations of both parties (settlers and east Lokrians), the decree ensures that those rights and obligations will be respected by threatening those who break the oath of the settlement's foundation with *atimia*. The position of the clause regarding *atimia* just after the stipulations on inheritance and legal procedure suggests that an *atimos* settler could not inherit property or bring a legal suit in Opous, just as the Athenian *atimos* could not do so either.

Lines 29-44 contain four sections that are each concerned with legal procedure, inheritance and property, or both. In summary form, they state the following:

1. A Naupaktian settler can claim ownership of the property of a deceased brother, based on the customs of the polis where the deceased brother lived (29-31).

⁷⁸ Hansen (1976) 63.

⁷⁹ Hansen (1976) 61-2.

2. A Naupaktian settler can bring a suit to the judges in Opous, have the trial on the same day, and *prostates* will be established both for him and the east Lokrians (32-5).
3. A Naupaktian settler may recover property that he left with a deceased father living in east Lokris (36-7).
4. If anyone tries to “destroy” the laws of the decree without majority approval from both the Naupaktian settlers and the Thousand Opountians, he will be *atimos* and his property confiscated. The same penalty will be given to an archon who does not grant trial to one bringing a suit within thirty days (38-44).

The first three sections state the privileges of a settler in good standing, whereas the last section, in contrast, states the punishment for settler or archon who has become *atimos*. The contrast suggests that the punishment of *atimia* entailed at least a loss of the privileges regarding inheritance and the ability to bring a suit. This conclusion is also supported by the fact that the last provision states that a man who is made *atimos* is simultaneously stripped of any property he already owns. In other words, he can neither keep the property he has nor acquire any more through inheritance.

The Naupaktos decree resembles the Brea inscription in placing a prescription for *atimia* just after a list of the rights owed to the colonists by the metropolis. Whereas the east Lokrians granted the settlers the right to bring a suit and the right to recover or claim an inheritance of family property, the Athenians and other members of the Delian League made a defensive pact with Brea:

ἐὰν δέ τις ἐπιστρα[τεύει ἐπ]-
 [ἰ τὲν γῆ]ν τὲν τῶν ἀποίκων, βοεθῆν τὰ[ς πόλεις ἡ]-
 [ος ὀχσὺ]τατα κατὰ τὰς χουγγραφὰς...(17-9)⁸⁰

If anyone makes an assault upon
 the land of the colony, the cities will aid them
 as quickly as possible, according to the instructions drawn up...

⁸⁰ *IG I³ 46; Syll.³ 67; ML 49; Fornara (1977) 110-111 no. 100; Agora XVI 7; OR 142.*

Because the *atimia* clause followed this, the defense-pact clause marked the end of the obligations that the Athenians owed to the colonists. The same goes for the Naupaktos decree's rules on the rights owed to the settlers by the east Lokrians at Opous: these rights are the end of the obligations and are negated if the *atimia* that follows is imposed. Prescriptions for *atimia* follow these sections in both inscriptions in order to make clear which obligations the mother cities will no longer honor for those who transgress the respective agreements. Such transgressions sever any ties between the settler had with the mother city, as well as the settlement.

As now has been shown, the mother cities and settlements appeased the gods for the breaking of agreements through the consecration of sacred property, yet *atimia* is, above all, the exclusion of the individual himself from the community. Some of this exclusion was religious – barring the *atimos* from participation in religious rites or from accessing sacred space. The Athenians prohibited *atimoi* from entering the agora by associating *atimia* with impurity, thereby providing a religious rationale for the punishment. Mogens Hansen inferred this by observing that, in general, Athenian *atimoi* could not enter sanctuaries, which were considered pure.⁸¹ Likewise, the Athenian agora had boundary stones (ὄροι) and basins with lustral water (περιρραντήρια) around its borders to mark off the area as religiously pure. These boundary markers in effect drew a line that excluded *atimoi*, so that the area would not become impure.⁸² In short, in fourth-century Athens, *atimia* was defined through particular legal restrictions, but enforced them through religious means. If the religious significance of *atimia* persisted in Athens

⁸¹ Parker (1983) makes a similar observation (19). He does, however, claim that certain crimes that merited *atimia* did not necessarily entail pollution, such as desertion or sexual offenses (94-6).

⁸² There were some exceptions to this rule, often for those with considerable political power. Hansen (1976) lists some examples (61-2), notably when Demosthenes brought Straton into a court, although he was *atimos*, in order to rouse the pity of the jury (Dem. 21.95).

despite the legal components of the term, *atimia* must have had a strong religious significance from the start. The east Lokrians of the fifth century likely followed the same practice, since a settler who wished to bring a suit did so in Opous, presumably in the *agora* as in other Greek communities. It follows, then, that an *atimos* was excluded from the *agora* at Opous, and the exclusion was enforced by preventing the polluted *atimos* from defiling the *agora*. While the inscriptions from the fifth century, including the Naupaktos decree, do not define the legal status of *atimoi*, altogether with the Athenian evidence they suggest that the *atimoi* were excluded religiously as well as politically from their communities.

Earlier the Naupaktos decree gave the settlers an exceptional religious status as *xenoi*, maintaining or expanding a network of religious ties. Here, however, the decree severs the ties of those who have broken the foundation oath of the settlement by removing them from ritually pure areas, confiscating their property, and consecrating part of it. This punishment presumably applied not only to the east Lokrian capital at Opous, but also to all the communities in the *koinon* as well as Naupaktos. All the privileges and obligations that the settlers and east Lokrians had were underpinned by the oath: breaking the oath meant a loss of those privileges and obligations in addition to a religious punishment. The settlers and east Lokrians defined their relationship not just by permitting continued religious privileges to the settlers, but also by punishing those who transgressed the foundation oath by expulsion that was both political and religious, since *atimia* imposed religious stigmas as well. The place of *atimia* in the ring composition suggests that it balances the provision regarding the exceptional *xenos* status, making clear how that exceptional status could be lost. Moreover, since *atimia*, itself partly religious, negates the privileges and obligations defined by the decree, the religious ties between

the settlers and east Lokrians must have been the primary mode of interaction between the two groups.

Conclusion

In comparison to other examples of Greek colonies, the Naupaktian settlers maintained exceptionally strong ties to their motherland.⁸³ The legal and fiscal provisions in the decree give the settlers lenient terms for returning to east Lokris and allow them to keep property in the family through inheritance. In comparison to the terms of the Cyrene foundation decree, one of the only two other surviving settlement foundation decrees, the Naupaktians could return to their home community rather easily. Whereas the Naupaktians could return without a fee by finding a replacement or if they were forced by necessity (*ἡπὲρ ἀνάγκης*, 8), the Theran settlers at Cyrene could return only if they were unable to help their fellow settlers, were forced by necessity, or waited five years.⁸⁴ The Therans likely interpreted “forced by necessity” more strictly than the east Lokrians, as is shown by the story of their refusal to accept returning settlers.⁸⁵

The laws of inheritance likewise maintained strong ties between the settlers and their east Lokrian kinsmen, since even though the Naukratians were *xenoi*, they had the same claims on inheritance as citizens in other Greek poleis.⁸⁶ Moreover, while the exact customs of the east Lokrians regarding inheritance are unknown, the decree implies that its provisions are in keeping with east Lokrian customs. The decree states that only in extenuating circumstances should the bequeathing of a settler’s property follow the customs of the Naupaktians:

If there is no descendent at the hearth or any heir among the settlers at Naupaktos, then the nearest of the Hypoknamidian Lokrians will take ownership, wherever he

⁸³ Graham (1964) 40-70; Malkin (2016) 39-42.

⁸⁴ Graham (1964) 53.

⁸⁵ Herodotus 4.156.3.

⁸⁶ Graham (1964) 56.

may come from in Lokris, man or boy, he going there within three months. But if not, Naupaktian customs are to be used (16-19).

Only after there is no heir in Naupaktos and no potential kinsman in east Lokris comes to declare ownership in the allotted three months, in which case the matter is no longer of interest to the east Lokrians, does the matter follow Naupaktian customs (19). It seems then that the decree gives east Lokrian customs precedence, implying that the settlers retained some legal ties to the east Lokrians. The lenient terms for returning and the reliance on familiar customs of inheritance provided by the decree were both made possible by the continued inclusion of the settlers in the east Lokrian religious community.

The Naupaktos decree provides a clear example of the usefulness of networks as models with which to analyze Greek religion in the context of *koina* and *ethne*. It counters the trend in the ethnicity school of Greek federalism studies to focus on religious ties emanating solely from the centers of *koina*, and indicates that significant religious ties were formed independent of centralized sanctuaries. While Opous and Naupaktos were important nodes in the religious networks of the settlers, they were not central to those networks. The decree also forces one to consider Greek religion from a personal perspective. As a member of the settlement community at Naupaktos, each settler had ties to various religious groups (the community at Naupaktos, his home in east Lokris, one of the *koinanoi*) that were not defined by a polis, but rather by his own personal life story.

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Appendix A: Text and Translation of the Decree

- A.1 ἐν Ναύπακτον : καὶ τῶνδε : *ἡ* ἀπιφοικία . : Λοφρὸν τὸν : *ἡ*υποκναμίδιον : ἐπεί καὶ Ναυπάκτιος : γένηται : Ναυπάκτιον ἐόντα : *ἡ*όπο ξένον : ὅσια λανχάνειν : καὶ θύειν : ἐξεῖμεν : ἐπιτυχόντα, : αἴ κα δείλεται : αἴ κα δείλεται : θύειν καὶ λανχάνειν : κέ δάμο κέ φοινάνον : αὐτὸν καὶ τὸ γένος : κατ' αἰφεί . : τέλος τοῦς : ἐπιφοίους Λοφρὸν : τῶν *ἡ*υποκναμίδιον : μὲ φάρειν : ἐν Λοφροῖς τοῖς *ἡ*υποκναμίδιοις : φρίν κ' αὖ τις Λοφρὸς γένηται τῶν *ἡ*υποκναμίδιον . : αἰ δείλετ' ἀνχορεῖν, καταλείποντα ἐν ταῖ ἰστίαι παῖδα *ἡ*εβατὰν ἔ'δελφεὸν, : ἐξεῖμεν ἄνευ ἐνετερίον : αἴ κα *ἡ*υπ' ἀνάγκας ἀπελάονται : ἐ Ναυπάκτο : Λοφροὶ τοῖ *ἡ*υποκναμίδιοι, : ἐξεῖμεν ἀνχορεῖν, : *ἡ*όπο φέκαστος ἔν, ἄνευ ἐνετερίον . : τέλος μὲ φάρειν μεδὲν : *ἡ*ότι μὲ μετὰ Λοφρὸν τῶν Φεσπαρίων : Α : ἔνορρον τοῖς ἐπιφοίοις ἐν Ναύπακτον : μὲ 'ποστᾶμεν : ἀπ' Ὀ<πο>ντίον τέκναι καὶ μαχανᾶι : μεδὲμιᾶι : φερόντας τὸν *ἡ*όρρον ἐξεῖμεν : αἴ κα δείλονται : ἐπάγειν μετὰ τριάροντα φέτεα : ἀπὸ τῷ *ἡ*όρρο *ἡ*εκατὸν ἄνδρας Ὀποντίοις : Ναυπακτίον καὶ Ναυπακτίοις Ὀποντίους : Β : *ἡ*όσστις κα λιποτελέει ἐγ Ναυπάκτο : τῶν ἐπιφοίον : ἀπὸ Λοφρὸν εἶμεν : ἔντε κ' ἀποτεῖσει : τὰ νόμια Ναυπακτίοις : Γ : αἴ κα μὲ γένος ἐν ταῖ ἰστίαι : ἔι ἔ'χεπάμον : τῶν ἐπιφοίον : ἔι ἐν Ναυπάκτοι, Λοφρὸν : τῶν *ἡ*υποκναμίδιον : τὸν ἐπάνχιστον : κρατεῖν, Λοφρὸν *ἡ*όπο κ' ἔι, : αὐτὸν ἰόντα, αἴ κ' ἀνὲρ ἔι ἔ' παῖς, : τριδὸν μενδῶν : αἰ δὲ μέ, τοῖς Ναυπακτίοις : νομίοις χρῆσται : Δ : ἐ Ναυπάκτο ἀνχορέοντα : ἐν Λοφροῦς τοῦς *ἡ*υποκναμίδιοις : ἐν Ναυπάκτοι : καρῦξαι ἐν τὰγορᾶι : κέν Λοφροῖς : τοῖς < > *ἡ*υποκναμίδιοις : ἐν ταῖ πόλι, *ἡ*ὸ κ' ἔι, : καρῦξαι ἐν τὰγορᾶι : Ε : Περφοθαριᾶν : καὶ Μυσαχέον : ἐπεὶ κα Ναυπάκτι<ός τι>ς : γένηται, : αὐτὸς καὶ τὰ χρέματα : τέν Ναυπάκτοι : τοῖς ἐν Ναυπάκτοι χρῆσται, : τὰ δ' ἐν Λοφροῖς τοῖς *ἡ*υποκναμίδιοις : χρέματα τοῖς *ἡ*υποκναμίδιοις :
- 25 οἰς :
- B.26 νομίοις χρῆσται, : *ἡ*όπος ἀ πόλις φεκάστον νομίζει : Λοφρὸν τῶν *ἡ*υποκναμίδιον : αἴ τις *ἡ*υπὸ τῶν νομίον τῶν ἐπιφοίον : ἀνχορέει Περφοθαριᾶν καὶ Μυσαχέον, : τοῖς αὐτὸν νομίοις : χρῆσται : κατὰ πόλιν φεκάστους

: F : αἱ κ' ἀδελφεοὶ ἔοντι : τῷ ἴν Ναύπακτον φοικέοντος, : ἡόπος καὶ Λοφρῶ-
 30 ν : τῶν ἠυποκναμιδίων : φεκάστον νόμος ἐστί, : αἱ κ' ἀποθάνει, τῶν χ-
 ρεμάτων κρατεῖν : τὸν ἐπίφορον, τὸ κατιφόμενον κρατεῖν : I :
 τοὺς ἐπιφοίρους : ἐν Ναύπακτον : τὰν δίκαν πρόδιφον : ἡαρέσται, πὸ τοὺς δ-
 ικαστῆρας : ἡαρέσται, : καὶ δόμεν : ἐν Ὀπόεντι κατὰ φέος αὐταμαρὸν : Λοφ-
 35 ρὸν τὸν ἠυποκναμιδίων : προστάταν καταστᾶσαι : τῶν Λοφρῶν τὸπιφ-
 οῖφοι καὶ τῶν ἐπιφοίρον τῷ Λοφρῶι, : ἡοίτινές κα ἴπιατῆς ἔντιμοι ες : H: ἡόσ-
 τισ κ' ἀπολίπει : πατᾶρα καὶ τὸ μέρος : τῶν χρεμάτων τῷ πατρί, : ἐπεὶ κ'
 ἀπογένεται, : ἐξεῖμεν ἀπολαχεῖν : τὸν ἐπίφορον : ἐν Ναύπακτον
 : Θ : ἡόσστις : κα τὰ φεφαδερότα : διαφθείρει : τέχνηαι καὶ μαχανᾶι : κα-
 ἰ μιᾶι, : ἡότι κα μὲ ἀνφοτᾶροις : δοκέει ἡοποντίον : τε χιλίον : πλέθ-
 40 αι καὶ Ναφπακτίον : τῶν ἐπιφοίρον : πλέθαι, : ἄτιμον εἶμεν : καὶ χρέ-
 ματα παματοφαγεῖσται : τὸνκαλειμένοι : τὰν δίκαν : δόμεν τὸν ἄρ-
 χόν, : ἐν τριαφοντ' ἀμάραις : δόμεν, : αἱ κα τριαφοντ' ἀμάραι : λείποντ-
 αι τᾶς ἀρχᾶς : αἱ κα μὲ διδοῖ : τῷ ἐνκαλειμένοι : τὰν δίκαν, : ἄτιμ-
 ον εἶμεν : καὶ χρέματα παματοφαγεῖσται, : τὸ μέρος μετὰ φο-
 45 ικιατᾶν. : διομόσαι ἡόρφον : τὸν νόμιον. : ἐν ὕδριαν : τὰν ψάφιξ-
 ξιν εἶμεν. : καὶ τὸ θέθμιον : τοῖς ἠυποκναμιδίοις Λοφροῖς : ταὺ-
 τὰ τέλεον εἶμεν : Χαλειέοις : τοῖς σὺν Ἀντιφάται : φοικεταῖς.

1b. Translation of the Naupaktos Decree.⁸⁷

A.1 The settlement at Naupaktos follows these (terms). It is allowed that when a Hypoknamidian Lokrian⁸⁸ becomes a Naupaktian, being a Naupaktian, although a *xenos*, he may receive his allotment in *hosia* and sacrifice, when he happens to be (in east Lokris), if he wishes. If he wishes, he may (likewise) sacrifice and receive his allotment in the *damos* and *koinanoi*, both he and his descendants forever. The settlers⁸⁹ of the Hypoknamidian Lokrians

⁸⁷ This translation is my own, after Buck (1928) 214-8 no. 55 and Fornara (1977) 47-9 no. 47. I, like Beck (1999), use ML 20 for the text.

⁸⁸ Hypoknamidian Lokrians = East Lokrians.

⁸⁹ The decree uses the term ἔπιοικος (settler) rather than ἄποικος (colonist).

- 5 do not pay a tax to the Hypoknamidian Lokrians
until one becomes a Hypoknamidian Lokrian once more.
If he wishes to return, leaving behind an adult son or brother at the hearth,
he may do so without an *eneterion*. If the Hypoknamidian Lokrians are driven out of Naupaktos by
compulsion
they are able to return each to his home without an *eneterion*.
- 10 They will pay no tax that is not in common with the west Lokrians.⁹⁰
I The settlers at Naupaktos are bound by oath not to rebel against Opous
willingly by any plan or contrivance. If they wish,
thirty years after this oath it is allowed that one hundred men of the Naupaktians lay this oath on the
Opountians,
and the Opountians on the Naupaktians. **II** Whoever of the settlers falls behind in his taxes at Naupaktos
15 is apart from the Lokrians until he pays what is owed according to the customs
of the Naupaktians. **III** If there is no descendent at the hearth or any heir⁹¹
among the settlers at Naupaktos, then the nearest of the Hypoknamidian Lokrians
will take ownership, wherever he may come from in Lokris, man or boy, he going there (Naupaktos)
within three months.
But if not, the matter is to use Naupaktian customs. **IV** If a settler returns from Naupaktos
20 to the Hypoknamidian Lokrians, he will announce it in the Naupaktian agora
and among the Hypoknamidian Lokrians in the polis from which he comes, he is to announce in the agora.
V When one of the Perkotharians or the Musacheis becomes a Naupaktian,
he himself and his property in Naupaktos are to use customs in Naupaktos,
but the property among the Hypoknamidian Lokrians are to use
25 the Hypoknamidian
B.26 customs, however the city of the Hypoknamidian Lokrians prescribes in each matter.
If any one of the Perkotharians or Musacheis under the customs of the settlers returns,
he will be subject to his home city's customs.

⁹⁰ Wesperian Lokrians = West Lokrians.

⁹¹ ἐχεπάμων is attested only in this inscription. From ἐχε-πάμων, literally, “holding property.” The πάμων root appears later in the text as part of the word παματοφαγέω, literally “consume property,” but in this context “confiscate.”

VI If there are brothers to the one living at Naupactus, as the law of the Hypoknamidian Lokrians is for each,

30 if the brother dies, he is to use the customs of them, each according to (his) polis,
the brother will take ownership of what is appropriate.

VII For the settlers at Naupaktos, one may bring a proper suit before the judges, and have it brought and a trial granted in Opous on the same day, [so far as they are concerned]⁹². (It is allowed) that he establish a *prostates* of Hypoknamidian Lokrians, of the Lokrians for the settler

35 and of the settlers for the Lokrian, whoever is in office of the year.⁹³

VIII Whoever leaves behind a father and a portion of his property (allotted) to his father, when the father dies (it is allowed that) the Naupaktian settler recover (that property).

IX Whoever destroys these laws by even one plan or contrivance,

40 in an action that is not agreed to by both parties, the Thousand Opountians by majority or the Naupaktian settlers by majority, he will be *atimos* (deprived of citizen rights), and his property confiscated. To the one bringing the suit, the archon is to grant trial, grant in thirty days, if thirty days of his archonship remain.

If he does not grant trial to the one bringing the suit,

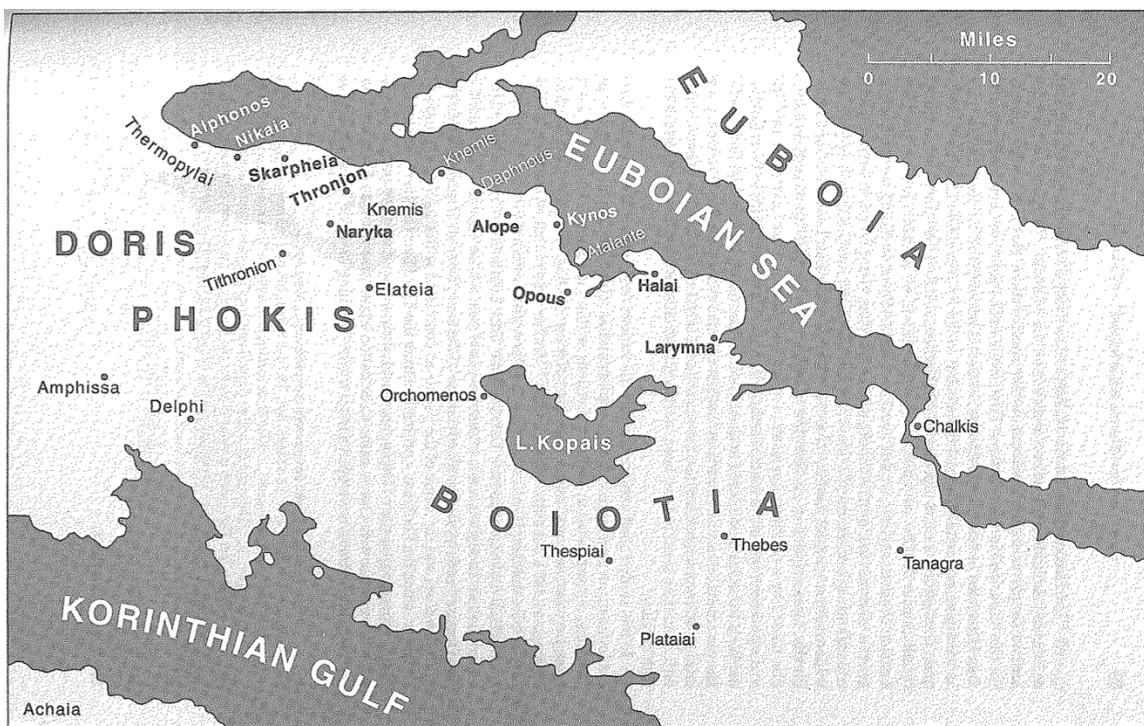
he is to be *atimos* and his property confiscated: his share of property along with slaves.

45 The customary oath is to be sworn and the decision placed into an urn. The *thethmios* for the Hypoknamidian Lokrians will also be valid in regard to these things for the settlers at Chaleion with Antiphates.

⁹² The eight letters here are καταεφος, and the meaning is unclear. Tod (1933) 35 no. 24 suggests the given translation, arguing that the phrase has the same meaning as καθ'ἑαυτόν. Buck (1928) 217 suggests, “against themselves”.

⁹³ κα'πιατές ἔντιμοι = καὶ ἐπιφετές ἔντιμοι. ἐπιφετές is the Lokrian for ἐπιετ-ής, ἔς, “of this year.” ἔντιμοι literally means “in honor,” but here translated as “in office.”

Appendix B: Map of East Lokris⁹⁴



⁹⁴ Image from: Nielsen (2000) 93.