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Impiety in Epigraphic Evidence*

Abstract: The aim of this paper is to highlight several features of the concept of impiety (ἀσεβεία) and of its use in inscriptions. Two main types of epigraphic texts mention impiety: 1. preventive laws, where formulations such as ἀσεβῆς ἔστω, ἀσεβείτω and ἔνοχος ἔστω ἀσεβείᾳ have a double effect inasmuch as they categorize an offence as an impiety and, in addition, they give a culprit the status of impious and 2. reports of trials or of past wrongs. Being regarded as impious entails other consequences on the relationship between the culprit and gods but also between the culprit and the human community – the main issue being that these consequences are seldom explicitly mentioned. Moreover, instead of a single law or text defining impiety or proceedings to take place in case of impiety, there is an array of texts in which impiety appears, the sum of which forms what a community would legally recognize as an impiety.

Résumé : Cet article vise à mettre en exergue différentes particularités du concept d'impiété (ἀσεβεία) et de son utilisation dans les inscriptions. Deux types principaux de textes épigraphiques mentionnent l'impiété : 1. des lois préventives, dans lesquelles des formulations telles que ἀσεβῆς ἔστω, ἀσεβείτω et ἔνοχος ἔστω ἀσεβείᾳ ont un double effet dans la mesure où elles définissent une infraction comme étant une impiété et, de surcroît, elles confèrent au coupable le statut d'impie et 2. des rapports de procès ou de torts commis par le passé. Être considéré impie entraîne d'autres conséquences, dans la relation du coupable avec les dieux mais également avec la communauté humaine – le problème étant principalement que ces conséquences sont rarement explicitement mentionnées. De plus, au lieu d'une loi unique définissant l'impiété ou envisageant les procédures à mettre en place en cas d'impiété, il y a un ensemble de textes dans lesquels apparaît l'impiété, dont la somme forme ce qu'une communauté reconnaîtrait légalement comme impiété.

The concept of impiety (ἀσεβεία) in ancient Greek religion is complex. Firstly, definitions provided by ancient authors themselves point out, as potential victims of an impious act, different actors whose connections with each other do not seem *a priori* obvious to us, such as gods and parents.¹ It was

* I am extremely grateful to Prof. Vinciane Pirenne-Delforge, Angelos Chaniotis and Robert Parker for their helpful criticisms on earlier drafts of this paper. Many thanks to Dr. Beate Dignas and Charles Crowther for their interest in my research and their support. Athina Mitropoulos and Justine Potts have kindly contributed to the improvement of my English. Any remaining error is mine.

¹ See in particular ps.-Aristotle, *Virtues and vices*, 1251a: "There are three types of offence (ἀδικία): impiety, greediness (πλεονεξία) and outrage (ὕβρις). Impiety is a fault (πλημμέλεια) regarding gods, daemons or deceased persons, parents or homeland", and Polybius, XXXVI, 9: "Impiety means committing a wrong (ἁμαρτῆναι) in respect of what is related to gods, parents and deceased persons". A common point between these elements is that normally they should all be granted a certain amount of honour (τιμή). Ἀσεβεία can thus be seen as a lack of τιμή.

similarly problematic for ancient authors to define piety as well as impiety, as is obvious in Plato's *Euthyphro*.² Moreover, modern scholarship has mostly focused on the legal treatment of impiety and on Athenian case studies, such as Socrates and other philosophers' alleged trials for impiety.³ This focus has led to two assumptions: being impious could only bring an individual to be prosecuted in a court and, since most of the impious individuals studied by scholars would be philosophers, impiety was intrinsically linked to atheism or, at least, to a problem of νομίζειν τοὺς θεούς.⁴

I am convinced that several essential aspects of impiety have been neglected through these approaches.⁵ This paper cannot claim comprehensiveness, but I would like to focus on a specific issue: the use of impiety in epigraphic documentary evidence. Impiety is an offence, an ἀδικία – i.e., to put it crudely, a wrong that you might do and that is likely to be punished in some way.⁶ Imperative formulations used in preventive laws, such as ἀσεβῆς ἔστω, ἀσεβείτω and ἔνοχος ἔστω ἀσεβείᾳ, categorize a given ἀδικία as an impiety, but also imply that from now on the culprit will be regarded as impious, and this status will

² On this dialogue, see L. BRUIT ZAIMAN, *Le commerce des dieux : eusebeia, essai sur la piété en Grèce ancienne*, Paris, 2001, p. 154-157. One could object to my statement that not much could easily be defined with an interlocutor such as Socrates.

³ It is however not certain that these trials took place, and scholars have different positions on the matter. E. DERENNE, *Les procès d'impiété intentés aux philosophes à Athènes au V^e et au IV^e siècles avant J.-C.*, Liège/Paris, 1930, provides a quite obsolete though inescapable overview of these trials. More recently, on Protagoras, see D. LENFANT, "Protagoras et son procès d'impiété : peut-on soutenir une thèse et son contraire ?", *Ktema* 27 (2002), p. 135-154, which rightly casts doubt on the historicity of this trial and criticizes anachronistic concepts, such as "intellectual freedom" or "tolerance"; on Nino, Phryne and Neaira, see e.g. K. TRAMPEDACH, "Gefährliche Frauen. Zu athenischen Asebie-Prozessen im 4. Jh. v. Chr.", in R. VON DEN HOFF, St. SCHMIDT (eds.), *Konstruktionen von Wirklichkeit. Bilder im Griechenland des 5. und 4. Jahrhunderts v. Chr.*, Stuttgart, 2001, p. 137-155; R. PARKER, *Polytheism and Society at Athens*, Oxford, 2005, p. 133-135; E. EIDINOW, *Oracles, Curses and Risk among the Ancient Greeks*, Oxford, 2007, p. 29 and 153; on Aristotle, see R. BODEUS, "L'impiété d'Aristote", *Kernos* 15 (2002), p. 61-65 and M.-F. BASLEZ, *Les persécutions dans l'Antiquité : victimes, héros, martyrs*, Paris, 2007, p. 36-39. For an overview of the trials for impiety in Athens in the fourth century BC, see L.-L. SULLIVAN, "Athenian Impiety Trials in the Late Fourth Century BC", *CQ* 47 (1997), p. 136-152. For cautious remarks about the historicity of all these trials, see S. KRAUTER, *Bürgerrecht und Kultheilnahme. Politische und kultische Rechte und Pflichten in griechischen Poleis, Rom und antikem Judentum*, Berlin, 2004, p. 231-249.

⁴ On the question of "unbelief" and νομίζειν τοὺς θεούς, see W. FAHR, *Θεὸς νομίζειν. Zum Problem der Anfänge des Atheismus bei den Griechen*, Hildesheim, 1969, p. 160-162 *et passim*; R. PARKER, *Athenian Religion: A History*, Oxford, 1996, chap. IX; M. GIORDANO-ZACHARYA, "As Socrates Shows, the Athenians Did Not Believe in Gods", *Numen* 52 (2005), p. 325-355; H. CANKIL-LINDEMAIER, "Gottlosigkeit im Altertum. Materialismus – Pantheismus – Religionskritik – Atheismus", in R. FABER, S. LANWERT (eds.), *Atheismus: Ideologie, Philosophie oder Mentalität?*, Würzburg, 2006, p. 15-34.

⁵ Impiety will be the topic of my doctoral research, entitled "Transgression of Norm in Ancient Greek Religion in Classical, Hellenistic and Roman Periods: the Case of Impiety."

⁶ The link between ἀσεβεία and ἀδικία is obvious in some statements, though clearly on a rhetorical level. See e.g. the parallel in Andocides, *On the mysteries*, 31: ἵνα τιμωρήσῃτε μὲν τοὺς ἀσεβοῦντας, σφίζητε δὲ τοὺς μηδὲν ἀδικούντας; *ibid.*, 132: νῦν δὲ ἀσεβῶ καὶ ἀδικῶ εἰσιὼν εἰς τὰ ἱερὰ.

legitimize the application of sanctions from other members of the community. In other words, ἀσεβής ἔστω, “let him be impious”, should be understood as a shorter version of “let him be punished as one who is regarded as impious”.⁷ Far from being a simple linguistic twist, the connection between committing an ἀσέβεια and being ἀσεβής has not insignificant consequences for how we should understand impiety and its implications in Greek society, as well as the Greek legal system in general.

Obviously elliptic formulations in “adjective + ἔστω” in preventive laws are not restricted to impiety, and it is probably wise to consider that what is said here about ἀσέβεια cannot be systematically applied to other concepts. For example we have several attestations of ἀνόσιον ἔστω. In these cases, however, ἀνόσιος designates an object, not a person.⁸ Moreover, the term ὅσιος is used a lot, especially in the expression τὰ ἱερὰ καὶ τὰ ὅσια⁹, but surprisingly its antonym is quite rare in epigraphic texts. This suggests that the difference between ἀνόσιος and ἀσεβής is more important than usually thought or at least shown in translations.¹⁰ Moreover, there are also many examples of ἱερόσυλος ἔστω, to which I will return below, and τυμβωρύχος ἔστω, in epitaphs from Asia Minor, which I will pass over in the present paper.

Studying the way ancient Greeks delimited the concept of impiety is of first importance, as it may help us avoid being trapped in a problem of inaccuracy quite common in modern scholarship: impiety has often been discussed even in cases where ancient authors did not mention it. A striking example is the so-called Diopeithes’ decree, the historicity of which will not be discussed here.¹¹

⁷ I would like to thank A. Chaniotis for drawing my attention on this point.

⁸ We find several curse tablets where an object stolen from someone is said to be ὅσιον if given back to its owner, or ἀνόσιον if it remains in the thieves’ hands: see *IK Knidos* I 149, ll. 3-7: ὅτι λαβόν | τες παραθήκαν παρὰ Διοκλε[ύς] | οὐκ ἀποδίδοντι, ἀλλ’ ἀπο | [στερ]οῦν[τι]· ἅμοι μὲν ὅσια, τοῖς | δὲ μὴ ἀποδο[ῦ]σι ἀνόσια. For a similar expression in an official text, see *IK Rhod. Peraia* 251, ll. 40-44: [τ]οι δὲ στραταγοὶ αἴ κ[α] | [α] τὸ ἀργύριον μὴ ἔσπρ’ | [ξ]οντι παρ τῶν σ[τ]ρατιωτῶ | [ν] ἑλ[λ]νόσιον ἔστω ποτὶ τὸ | [θε]ῶ. On ὅσιον money, see J. BLOK, “Deme Accounts and the Meaning of Hosios Money in Fifth-Century Athens”, *Mnemosyne* 4th series 13 (2010), p. 61-93.

⁹ On this expression, see W.R. CONNOR, “Sacred and Secular. Ἱερὰ καὶ ὅσια and the Classical Athenian Concept of the State”, *AncSoc* 19 (1988), p. 161-188; G. JAY-ROBERT, *Le sacré et la loi. Essai sur la notion d’hosion d’Homère à Aristote*, Paris, 2009, p. 131-132.

¹⁰ The difference between εὐσεβής and ὅσιος is best expressed in A. MOTTE, “L’expression du sacré dans la religion grecque”, in J. RIES (ed.), *L’expression du sacré dans les grandes religions*, Louvain-la-Neuve, 1986, p. 168: εὐσεβής denotes the inner part of an individual’s cultic behaviour, whereas “*hosios* exprime davantage l’idée d’un ordre sacré auquel une conduite pieuse doit se soumettre et dont elle est en quelque sorte libérée lorsqu’ont été accomplis les geste requis.”

¹¹ See Plutarch, *Pericles*, 32, 2: καὶ ψήφισμα Διοπείθης ἐγραψεν εἰσαγγέλεσθαι τοὺς τὰ θεῖα μὴ νομίζοντας ἢ λόγους περὶ τῶν μεταρσίων διδ’ σκοντας. The historicity of this decree has been supported on the basis of more or less convincing arguments: see LENFANT, *Lc* (n. 3) and G. DONNAY, “L’impiété de Socrate”, *Ktema* 27 (2002), p. 156-157. But there is no unanimity and other scholars have – rightly, in my opinion – questioned its historicity: see K.J. DOVER, “The Freedom of the Intellectual in Greek Society”, *Talanta* 7 (1976), p. 39-40; I.F. STONE, *The Trial of Socrates*, London, 1988, p. 233; R.W. WALLACE, “Private Lives and Public Enemies: Freedom of

This short regulation is often mentioned as example of a text about impiety, but it does not even mention the word ἀσέβεια or any related word.¹² The following question therefore arises: should we consider that ἀσέβεια is implicit in texts where it is not mentioned?

Moreover, studying impiety is rewarding inasmuch as it gives another insight of Greek religion than its antonym: piety. Obviously, being a positive, praised concept, εὐσέβεια does not entail any sanction, but the point is that εὐσεβής ἔστω is in itself a useless formula. It is commonly accepted that one has to be εὐσεβής: εὐσέβεια should be everyone's goal and, accordingly, speaking about εὐσέβεια necessarily entails a description and a prescription at the same time.¹³ One never finds in an inscription εὐσεβής ἔστω, simply because ἔστω is, in a way, useless.¹⁴ Of course ἀσέβεια also entails an understood prescription: one must *not* be impious. But the real point to make is that εὐσέβεια and ἀσέβεια are not used in the same contexts. Ἀσέβεια can be used to dissuade anyone to contravene a regulation, whereas εὐσέβεια is a goal in itself: a city takes decisions regarding the cult because its members are pious, someone is crowned publicly because he is pious, etc. However one will never find a regulation such as “if someone acts so, he shall be pious”. What can happen, though, is the public recognition of someone's piety, with all the positive social consequences it may imply. Accordingly, ἀσέβεια should not be considered as a mere antonym of εὐσέβεια, but as a concept allowing us to explore Greek religion through unusual paths.¹⁵

In the present paper, I will take into account inscriptions mentioning explicitly impiety, in which we have an attestation of the abstract noun ἡ ἀσέβεια, the verb ἀσεβεῖν or the adjective ἀσεβής. Specifically, I will first discuss several preventive

Thought in Classical Athens”, in A.L. BOEGEHOLD, A.C. SCAFURO (eds.), *Athenian Identity and Civic Ideology*, London, 1994, p. 137-138. A cautious point of view is expressed in BRUIT ZAIMAN, *o.c.* (n. 2), p. 167.

¹² The same point can be made about Lysias' *On the sacred olive-tree*, taken as an example of a trial for impiety in T. THALHEIM, *s.v.* “ἀσεβείας γραφή”, *RE* II (1896), col. 1530. But the paradoxical absence of ἀσέβεια or any related term is noticed in E. HEITSCH, “Recht und Taktik in der 7. Rede des Lysias. Ein Beitrag zur griechischen Rechtsgeschichte”, *MH* 19 (1962), p. 218-219.

¹³ See BRUIT ZAIMAN, *o.c.* (n. 2), p. 211-217; J. RUDHARDT, *Opera inedita. Essai sur la religion grecque. Recherches sur les Hymnes orphiques*, *Kernos*, Suppl. 19 (2008), p. 90. Isocrates mentions εὐσέβεια besides temperance (σωφροσύνη) and justice (δικαιοσύνη) as a virtue (ἀρετή) necessary to prosperity (*On the peace*, 63).

¹⁴ However one can find examples where someone has to prove that he is pious, which is equivalent to proving that you are not impious. See the law of the *eranistai* in Athens: *IG* II² 1369, ll. 31-36: [μη]δενὶ ἐξέστω ἰσι[έν]αι ἰς τὴν σεμνοτ' τὴν | σύνοδον τῶν ἐραnistῶν πρὶν ἂν δοκιμασθῇ εἴ ἔστι δ[ὲ] γιν[ό]σκει εὐσεβής καὶ ἀγ[α]θ[ός] δοκιμα[ζέ]τω δὲ ὁ πρὸς τῆς [καί] | [δ]᾽ ἀρχιεραnistῆς καὶ ὁ γ[ο]ργαμματοῦς κα[ὶ] | [οἱ] ταμίαι καὶ σύνδικοι. The idea that officials of the clan of *eranistai* are involved in the process of checking that someone is pious may imply that *a contrario* it was possible to find out somewhere, in public lists or through common knowledge, whether or not someone was impious.

¹⁵ For a similar viewpoint applied to Roman religion, see J. SCHEID, “Le délit religieux dans la Rome tardo-républicaine”, in M. TORELLI (ed.), *Le Délit religieux dans la cité antique*, École française de Rome (*Table ronde, Rome, 6-7 avril 1978*), 1981, p. 119.

laws or regulations where the culprit of an offence is declared impious and, subsequently, texts where someone is punished for impiety. I will then address the connections between both cases and question the legal definition of impiety.

Preventive expressions: ἀσεβῆς ἔστω, ἀσεβείτω and ἔνοχος ἔστω ἀσεβείᾳ

Let us first look at preventive texts, where ἀσέβεια is mentioned in a future and hypothetical context concerning what shall or should happen if an offence is committed. Firstly, in a cult regulation from Cos (end of 5th century BC), we can read:¹⁶

<p>αἴ τις κατ' ἔμνη τὰς κυπαρίσσο- ς τὰς ἐν τῷ τεμένει ἢ τὰς ἔξω το- ῦ τεμένεος ἢ φέρῃ τὰ ξύλα ἐκ τ- οῦ τεμένεος τὰ κυπαρίσσινα, χι- 5 λίας δραχμὰς ἀποτείστω καὶ τ- ὸ ἱερόν ἀσεβείτω.</p>	<p>If someone cuts cypresses in the <i>temenos</i> or out of the <i>temenos</i>, or carries away some pieces of cypress out of the <i>temenos</i>, he shall pay a thousand drachmae and <u>be</u> <u>impious in regard to the sanctuary</u>.</p>
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The verb ἀσεβεῖν is used in a prescriptive clause and in the imperative mood. It therefore does not describe what happens or has happened, but what shall happen if someone does not respect the regulation. It is also linked to a fine (χιλίας δραχμὰς ἀποτείστω). The specific meaning of τὸ ἱερόν ἀσεβεῖν, “being impious in regard to the sanctuary”, is hard to define as such, but its role in the text, along with the mentioned fine, can be interpreted as follows: it assimilates the fact of carrying away pieces of wood to an impious act and, given the imperative mood and the similarity with the formulation of the fine, it also implies that being recognized as impious is the basis on which sanctions shall follow. It can explain why there are apparently two consequences to carrying away pieces of wood, i.e. paying a fine and being regarded as impious: as you are impious, it is legitimate to levy a fine from you. Both consequences are thus not unconnected. Besides, being impious must have implied a rupture of your normal personal relationship with the gods – otherwise why would one be declared “impious in regard to the *sanctuary*”? – but I will leave this matter aside here.

There are other examples of this sort. In a famous decree from Lindos (Rhodes, AD 22) concerning the restoration of finances for the cult of Athena *Lindia* and Zeus *Polieus*, several measures are taken in order to ensure more income for the cult. Sanctions are envisaged in case such measures were not respected.¹⁷ These measures concern, for instance, persons becoming priest by adoption:

¹⁶ LSCG 150. For a more up to date commentary, see the recently published IG XII 4, 283.

¹⁷ LSS 90.

- ὁ δὲ ἱερεὺς ὁ καθ' ὁμοθεσίαν [γε]-
 [νό]μενος ἐπ[ι] ν[ο]μῶν π[ρ]οσσεύ[ε]ται [ω]
 καθὰ καὶ οἱ ἄλλοι ἐ[π]οῦν ἢ ἀσεβήσ[ω]ν { [ἔ] }
 { τω } ποτὶ τὰν θεὸν καὶ ἔνοχος ἔστω <ω> τοῖς [ἔ]-
 90 πιτιμίαις ἃ γέγραπται [κ]αὶ κατὰ τῶν λαβόντων
 τὸ ἀργύριον

And who becomes priest by adoption shall inevitably act in everything as the other priests, or he shall be impious towards the goddess and liable to the fines foreseen against persons stealing the money.

The expression ἀσεβής ἔστω, though in a lacuna, is fairly well-founded, since it is attested in two other places in this decree, the first being for an offence which has not been conserved on the stone:

- 117 ἢ ἀσεβε<ι>ς τε αὐτοὶ ἔστω ποτὶ τὰν θεῶν, καὶ τοὶ [ἔ]-
 πιστῶνται ἀπογραφῶντων ἑκαστον αὐτῶν ὁ-
 φείλοντα ἱερὰς Ἀθῶνας δραχμάς μ(υρ)ί(δ)ας α

Or they shall be impious towards the goddess, and the *epistatai* shall write down each of them as owing ten thousand drachmae to be consecrated to Athena.

and the second at the end of the decree, in one of the last clauses:

- μηδενὶ δὲ ἐξέστω
 120 μήτε ἄρχοντι μήτε ἰδιώτῃ μήτε εἰ[π]εῖν
 μήτε συν[ο]ψαίει μήτε γνώμαν προφέρειν
 ὥς δεῖ εἰς ἄλλο τι [μ]ετέγειν τοῦτο τὸ ἀργύριον [ν]
 [ῥ]η καταλῦσαι [τ]ὰν τὰς θεοῦ πόθοδον ἢ αὐτός
 [τ]ε ἐξώλης ἔστω {ι} καὶ ἐπ[ι] ρατος καὶ γένος αὐ-
 125 [τ]οῦ καὶ ἀσεβής ᾗτω ποτὶ τὰν θεὸν καὶ ὀφειλέτ[ω]
 [ῥ]η ἱερὰς Ἀθῶνας <ς> δραχμάς μ(υρ)ί(δ)ας α

And no one, either a magistrate or an individual, shall be allowed to say or submit an amendment to the decree or to make a proposal according to which this money should be used for another purpose, or to annihilate the income of the goddess, or he will be destroyed and accursed, himself and his *genos*, and he shall be impious towards the goddess and shall owe ten thousand drachmae to be consecrated to Athena.

Ἀσεβής ἔστω should be understood in the same way as ἀσεβείτω. Furthermore, in the same inscription from Lindos, we also encounter the expression ἔνοχος ἔστω ἀσεβείῃ twice:

- 40 τοὶ δὲ ὧν σ[τ] [μ]ε[ν]οὶ τὰς ἐπιγραφὰς μὴ
 [ἔ]χοντων ἐξουσίαν ἀπ[ε]ν[ε]κεί[ν]αι ἐν τὰς ἄκρας ἀνδρ[ῶ]ν [τ]ας
 [τ]ρόπῳ μηδενὶ μηδὲ παρευρέσει μηδεμιᾷ ἢ ἐνοχοὶ ἐόντ[ω] | | [ἀ]σεβείῃ

The ones who paid for the inscriptions shall not be allowed to carry the statues from the top in any way and under any pretext or they shall be liable to impiety.

The ones who promised (to pay) shall do everything in the same way as the other *hierothutai*, or they shall be liable to impiety.

It is quite striking that in the five occurrences of ἀσέβεια in the decree, the first two follow the pattern ἔνοχος ἔστω ἀσεβείᾳ whereas the following three use ἀσεβῆς ἔστω. It is therefore tempting to interpret this as a mere *variatio* of the stonemason or rather of the draftsman, who would have switched to another expression at some point. On a general level, decrees were not aimed at a group of philologists who would consider such subtle variations to be relevant. Besides, if we look at the offences concerned by both expressions, nothing in them can lead us to think that these two expressions would have different meanings: no offence can be interpreted as more serious than the other ones. There is, however, a difference: ἀσεβῆς ἔστω emphasizes the *status* of the culprit, whereas in ἔνοχος ἔστω ἀσεβείᾳ, impiety is presented as an *offence* but the culprit is not said to be impious. The fact that with ἀσεβῆς ἔστω gods are mentioned – someone is impious towards (ποτὶ) the goddess –, which is not the case with ἔνοχος ἔστω ἀσεβείᾳ, also suggests that, in this decree at least, you can be impious only towards a referent. Ἀσέβεια as an offence, on the other hand, does not need any precision.

¹⁸ Antiphon, *On the murder of Herodes*, 68.

¹⁹ Aeschines, *On the embassy*, 146.

²⁰ Demosthenes, *Against Leptines*, 156; Plato, *Laws* IX, 869b.

²¹ *LSAM* 16.

women respectively, such as clothing and duration of mourning. At the end of the decree, it is specified:

<p>25 τοῖς δὲ μὴ πειθο-
 μένοις μηδὲ ταῖς ἐμμενούσαις τὰ-
 ναντία · καὶ μὴ ὅσιον αὐταῖς εἶναι, ὥς
 <u>ἀσεβούσαις</u>, θύειν μηθὲν ἐπὶ δέ-
 κα ἔτη</p> | <p>And to the men who do not abide by
 the rules and the women who do not
 respect them, the contrary (shall be
 wished); and it shall not be licit to these
 women, as they are impious, to sacrifice
 to any of the gods for ten years.</p> |
|--|---|

The expression ὥς ἀσεβούσαις, followed by the ban from sacrifice, is of utmost interest. The conjunction ὥς indicates at the same time a status and the cause of the main sanction, and the expression can therefore be translated as “in their quality of impious” or “as they are impious”. Not only would the women’s lack of respect of the regulations lead them to be impious, but this quality would imply their exclusion from any sacrificial procedure in the ten years to come. In my opinion, the expression μὴ ὅσιον αὐταῖς εἶναι entails a sanction on a double level. Firstly, the communication between these impious women and gods to whom they sacrifice will not be efficient anymore; in other words, their sacrifice will be pointless.²² Moreover, although assuming a systematic exclusion of these women from sanctuaries may be debatable, it is likely that someone could rightly expel them from a sanctuary if he wanted to, precisely because these women would have been officially recognized as impious.²³

The notion of ἀσέβεια is absolutely central: if these women were not considered impious, they would probably still be allowed to sacrifice.²⁴ I think that, in this case, in spite of a different formulation, we are really close to the formulae ἀσεβείτω, ἀσεβῆς ἔστω and ἔνοχος ἔστω ἀσεβείᾳ. With the formula ὥς ἀσεβούσαις, μὴ ὅσιον εἶναι..., the people from Gambreion mean: “the women *are* impious (= offence) and, by this statement, we consider they are also sanctioned, in this case with a ban from sacrifice (= sanction)”. The response of the community is to

²² On this point, see H.S. VERSNEL, “‘May he not be able to sacrifice...’. Concerning a Curious Formula in Greek and Latin Curses”, *ZPE* 58 (1985), p. 247-269 and especially p. 248-249, where it is assumed that “(priestly) supervisors” were appointed to control the participation to sacrifices.

²³ Compare with the evidence provided in A. CHANIOTIS, “Conflicting Authorities. Asyilia between Secular and Divine Law in the Classical and Hellenistic Poleis”, *Kernos* 9 (1996), p. 65-86. Some people were excluded from sanctuaries because of their pollution (see p. 72-75). A law from Eresos (*LSCG* 124) mentions that only pious people may enter the sacred precinct (l. 1: εἰστέλειν εὐσεβέας) which indicates that impious persons may not. How this exclusion was enforced is another problem. The role of priests in expelling suppliant slaves is evident (see p. 79-83), but the evidence is not so clear about how impious persons who would try to gain access to a sanctuary could be traced.

²⁴ A very similar expression is attested in Patras in the third cent. BC (*LSS* 33, ll. 8-11): εἰ δὲ καὶ παρβ' ἄλλῃται, τὸ ἐῖρον καὶ θαρ' σθω | ὥς παρσεβέοντα. The translation in B. LE GUEN-POLLET, *La vie religieuse dans le monde grec du V^e au III^e siècle avant notre ère : choix de documents épigraphiques traduits et commentés*, Toulouse, 1991, p. 82: “comme si la coupable avait commis une impiété” is wrong. The culprit has really committed an impiety and ὥς does not denote a comparison, but a cause.

classify this lack of respect as an impiety, which intrinsically entails a sanction. We can thus explain the elliptic formula ἀσεβῆς ἔστω: the sanction against you is that the offence you committed is considered an impiety, you are punished in the sense that the community considers that you have committed an impiety and are impious. Other sanctions may be specified, but are not essential.

However, the fact that other sanctions are seldom specified cannot be used as an argument to assume that there were no other sanctions implied by the status of an impious person. A decree from Teos (2nd century BC) attests a very interesting formula concerning ἱεροσυλία:²⁵

- [ὁ δὲ εἴ]πας ἢ [πρὴ]-
- 50 [ξ]ας τι παρὰ τόνδε τὸν νόμον ἢ μὴ ποιήσας τι τῶν προστεταγμένων ἐν τῷ νόμῳ τῷδε ἐξώλης εἶη καὶ γένος τὸ ἐκείνου καὶ ἔστω ἱεροσύλος, καὶ συντελείσθω π' ντα κατ' αὐτοῦ ἅπερ ἐν τοῖς νόμοις τοῖς περὶ ἱεροσύλου γεγραμμένα ἐστί]

If someone makes a proposal, breaks this law or does not follow one of the points prescribed in this law, he shall be destroyed himself and his *genos* and he shall be sacrilegious, and what is written in the laws concerning the sacrilegious person shall apply to him.

In a single sentence, ἱεροσύλος is used both in a preventive construction (ἔστω ἱεροσύλος) and in a descriptive expression (περὶ ἱεροσύλου). Committing a sacrilege and being regarded as sacrilegious, just as in the case of impiety, have strong connections: you shall be sacrilegious and everything written about sacrilegious persons shall apply to you, because you have committed an act considered as a sacrilege. Besides, the sanctions entailed by impiety cannot be associated automatically with a trial. The essence of a trial is that someone's culpability is decided through a process involving judges, whatever the form of this process. The formulation "he shall be impious" leaves however no possibility – or more precisely – no need for such a trial. It is decided from the very beginning that someone acting so would be impious.

In the decree from Lindos, discussed above, even an expression such as ἔνοχος ἔστω ἀσεβείᾳ does not involve a trial. Whatever its precise meaning, ἔνοχος does not mean that you are guilty because you have been condemned in a trial. Several cases suggest that persons are considered ἔνοχοι of a wrongdoing even without having been prosecuted.²⁶ Accordingly, you can be said to have committed an impiety on the spot, just by acting illegally.

²⁵ PEP *Teos* 41.

²⁶ See e.g. Xenophon, *Hellenics* VII, 7, where several men are condemned to death for behaving as tyrants and committing a murder. One of them, Euphron, was not condemned. However, according to Xenophon, he was not less ἔνοχος than the other men (οὐκοῦν καὶ Εὐφρων πᾶσι τοῖς ἔνοχος ἦν).

This point of view can be confirmed by a law from Ialysos (Rhodes, c. 300 BC) about the introduction of animals into the sanctuary of Alektrona.²⁷ The last lines of the text are the following:

30 ὅ,τι δέ κ' τις παρὰ τὸν νόμον
ποιήσῃ, τὸ τε ἱερὸν καὶ τὸ τέμενος
καθαίρετω καὶ ἐπιρεζέτω, ἢ ἔνο-
30 χος ἔστω τᾷ ἀσεβείᾳ· εἰ δέ κα
πρόβατα ἐσβ' ληί, ἀποτείσ' τω ὁ-
πέρ ἐκ' στου προβ' του ὀβολὸν
ὁ ἐσβαλὼν· ποταγγελλέτω δὲ
τὸν τούτων τι ποιῶντα ὁ χρηί-
35 ζων ἐς τοὺς μαστρούς.

Anyone breaking the law shall clean the sanctuary and the *temenos* and shall offer a sacrifice, or he shall be liable to this impiety; if he brings cattle as well, he shall pay for each head of cattle one obol; anyone who wishes shall report someone doing so to the *mastroi*.

The formulation here is quite peculiar, because any potential offender is confronted to a choice: either he has to clean the sanctuary and offer a sacrifice, or he shall be ἔνοχος τᾷ ἀσεβείᾳ.²⁸ The culprit does not have to choose between two equal sanctions though: ἀσέβεια is applicable only if the first sanction is not respected and is also more serious. The person concerned by ἀσέβεια would therefore be guilty on a double level: for not respecting the law and not even accepting the first sanction of cleaning the sanctuary. (It is probably correct to consider that being accounted impious is also valid when someone does not pay the fine applicable in case of the introduction of cattle, as specified in l. 31). The translation proposed by R. Parker for ἔνοχος ἔστω τᾷ ἀσεβείᾳ, “let him be accounted impious”, is correct inasmuch as it does not refer to any trial; however, it does not take into account the fact that the Greek sentence does not say that the culprit is impious, but that he has committed an impiety.²⁹ One could argue that the denunciation to the *mastroi* is an argument to consider that there would

²⁷ *LSCG* 136.

²⁸ I take καθαίρετω as a physical term for cleaning, not as “purifying”, since the text bears on the ban on introducing animals and unwanted consequences of the presence of animals would obviously be their excrement.

²⁹ See R. PARKER, “What are sacred laws?”, in E. HARRIS, L. RUBINSTEIN (eds.), *The Law and the Courts in Ancient Greece*, London, 2004, p. 65-66. Given the strong similarities between ἀσεβής ἔστω, ἀσεβέτω and ἔνοχος ἔστω ἀσεβείᾳ, I consider this translation correct, although the adjective ἔνοχος has no equivalent in it. The translation “sous peine d’être accusé d’impiété” in LE GUEN POLLET, *o.c.* (n. 24), p. 85, is vague enough. As for the inscription concerning the cypresses from Cos (*LSCG* 150), G. Klaffenbach proposed, in his review of R. Herzog’s *Heilige Gesetze von Kos* (*Gnomon* 6 [1930], p. 214), to translate τὸ ἱερὸν ἀσεβέτω as “er soll als Frevler der Heiligtums gelten”; B. Le Guen-Pollet: “qu’il soit considéré comme impie à l’égard du sanctuaire” (p. 70). The idea that these expressions refer to being considered impious, whatever it means concretely, rather than more specific consequences such as a trial, is supported by the fact that we sometimes find νομιζέσθω instead of ἔστω in the case of other notions. An inscription from Syros specifies for anyone breaking the rules: καὶ ἵε[ρ]όσυλος ἔστω καὶ ἐναγής νομιζέσθω (*IG* XII 5, 654, l. 10). What is interesting here is the use of the verb νομίζειν. Obviously it is not applied to ἱερόσυλος, but to ἐναγής, “he shall be considered as submitted to the *agos*”. It is therefore tempting to wonder whether in expressions such as ἀσεβής ἔστω, the verb ἔστω could be replaced with νομιζέσθω.

be a trial for impiety. However this denunciation bears essentially on the introduction of animals (l. 34: τὸν τούτων τι ποιῶντα) and ἀσέβεια seems to be an extreme case, considered only if the first mentioned sanction is not respected.³⁰ Once again, the mere fact of declaring someone impious is sufficient in itself and is clear enough to people frequenting the shrine: their harmonious relationship to the gods – and specifically to Elektrona – and to the other people frequenting the shrine are at stake here. Accordingly, I think that ἀσέβεια is to be understood not exclusively in a legal perspective, but also in the framework of social control.³¹

Another way to attempt to answer the question of sanctions entailed by ἀσέβεια is to look at the second group of texts, i.e. inscriptions concerning past events, which deal with offences *a posteriori*, once they have already occurred.

Impiety in past events

Let us turn to “descriptive” expressions. By “descriptive” expression, I mean a structure which explains how things did actually happen or are happening, and not how things should or shall happen (= “preventive” structure). Epigraphic texts are formulated in such a way that we can say: “this action, or what happened in this specific context, *is* an impiety and here are the consequences” or “this person is impious because he committed an offence and here is how he was punished”. It is legitimate to assume that, in such texts, we might have an answer to the question of the consequences of being regarded as impious.

Firstly, let us look at a fragment of the so-called attic stelae (414 BC), on which the properties confiscated from men condemned for imitating the mysteries of Eleusis in Athens in 415 BC were written.³² Several men are said to have been impious in reference to the two goddesses, among whom a certain Phaidros son of Pythocles from the deme of Myrrhine:³³

³⁰ Therefore I cannot totally agree with the sentence in F.S. NAIDEN, “Sanctions in Sacred Laws”, in E. HARRIS, G. THUR (eds.), *Symposium 2007. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 2008, p. 134-135: “A trial for *asebeia* must have awaited those failing to pay the fine.”

³¹ On the notion of “social control”, see D. COHEN, *Demokratie, Recht und soziale Kontrolle im klassischen Athen*, Munich, 2002. The focus of this book is on Athens, but many observations can be applied to the Greek world. The links between impiety and social control have not been studied and remain, in my opinion, to be analyzed. See also J.P. GIBBS, *Control: Sociology's Central Notion*, Chicago, 1989, p. 58: “Social Control is an attempt by one or more individuals (the first party) to manipulate the behavior of one or more other individuals (the second party) through still another individual or individuals (the third party) by means other than a chain of command or requests.” In the case of impiety, there was probably no total social exclusion, as it is doubtful that, say, someone cutting pieces of wood from a sanctuary would *de facto* be a social outcast. However partial exclusions, in specific cults or specific social groups for instance, are possible.

³² On the name “attic stela”, see Pollux, X, 97: ἐν δὲ ταῖς ἀττικαῖς στήλαις, αἱ κεῖνται ἐν Ἐλευσίνι, τὰ τῶν ἀσεβῆσ' ὄντων περὶ τῷ θεῷ δημοσίᾳ προθέντα ἀναγέγραπται.

³³ IG I³ 426. For an edition with a slightly different arrangement of fragments, see W.K. PRITCHETT, “The Attic Stelai. Part I”, *Hesperia* 22 (1953), p. 225-299.

- 100 μισθόσες χαίδε κ[ατε]βλέθουσιν
 τὸν ἄσεβες' ντο[ν περὶ] τὸ θεό
 Φαίδρο τῷ Πυθο[κλέος] Μυρρινοσίω

The following fines were paid by the persons who were impious in regard to the two goddesses, Phaidros son of Pythocles from the deme of Myrrhine.

This text refers to such a well-known event that we know what the offence implied by the participle ἄσεβες' ντον was: these men had imitated a part of the rite from the Eleusinian mysteries.³⁴ It should be noted that, while this offence had been linked to the mutilation of the Hermes even by ancient authors, we should consider that the main offence in the above inscription is only the imitation of the mysteries.³⁵ The point is that the action carried out by those individuals is described as an impiety and that the sanction, on the other hand, consists of fines and confiscation of properties, possibly after a trial.³⁶

An inscription from Ephesos (4th century BC) concerns men condemned to death for their impiety towards *ἱερό*:³⁷

- οἱ προήγοροι ὑπὲρ τῆς θεοῦ κατε[δι]-
 κ'σαντο θ'νατογ κατὰ τὴμ προγορ[α]-
 φὴν τῆς δίκης ταύτην · ὅτι θεωρῶν
 ἀποσταλέντων ὑπὸ τῆς πόλεως ἐπ[ι]
 5 χιτῶνας τῇ Ἀρτέμειδι κατὰ τὸν ν[ό]-
 μον τὸμ π' τριογ, καὶ τῶν ἱερῶγ κα[ι]
 τῶν θεωρῶν παραγενομένων εἰς Σ[']ρ]-
 δεῖς καὶ τὸ ἱερὸν τῆς Ἀρτέμιδος
 τὸ ἱδρυμένον ὑπὸ Ἑφesiών τ' τε ἱ[ε]ρᾶ
 10 ἡσέβησαγ καὶ τοὺς θεωροὺς ὕβρι[σαν]
 τίμημα τῆς δίκης θ'νατος.
 κατεδικ'σθη δὲ τῶνδε ·

(list of names)

The defendants of the goddess condemned to death on the basis of the following lawsuit notice: 'as *theoroi* had been sent by the city for the chitons for Artemis in accordance with the ancestral law, and the *hiera* and *theoroi* had arrived in Sardis and in the shrine of Artemis founded by the Ephesians, these men committed an impiety in regard to the *hiera* and insulted the *theoroi*. Penalty of the trial: death'. The following persons were condemned:

(list of names)

³⁴ The Phaidros son of Pythocles may be the same as the Phaidros mentioned by Andocides in the list of persons reported by Teukros: see *On the mysteries*, 15.

³⁵ See W.D. FURLEY, *Andokides and the Herms: A Study of Crisis in Fifth-Century Athenian Religion*, London, 1996, p. 46-48. The link between the profanation of the mysteries and the mutilation of the Hermes, which took place at the same time, is not clear. It seems that Andocides and Thucydides, both contemporary with the events, tended not to assimilate them. However, subsequent authors blur the picture by linking them: see Plutarch, *Alcibiades*, 19. On a general level, ἄσεβεια may be used for both offences, as we read in Thucydides that, once mutilated Hermes were discovered, people were prompted to report εἴ τις ἄλλο τι οἶδεν ἄσεβημα γεγεννημένον (VI, 27). In the "attic stelae", the main issue of interpretation is the mention of περὶ ἀμφοτέρω, which could mean that some persons have been condemned for both offences. However, W.D. Furley points out that this expression may have been added subsequently. Also, we may argue that only the imitation of the mysteries is referred to here because in another fragment of the stelae, it is mentioned more specifically: τῇ ἄσεβ[ε]ιαι τῇ περὶ τὰ μυστ[ερ]ία (IG I³ 422, ll. 226-227).

³⁶ For details on the extreme consequences of these events, see FURLEY, *o.c.* (n. 35); BRUIT ZAIMAN, *o.c.* (n. 2), p. 166; BASLEZ, *o.c.* (n. 3), p. 52-62.

³⁷ *I.Ephesos* 2.

This inscription raises several issues, such as where the trial took place or what the exact mission of the Ephesian *theoroi* was.³⁸ Moreover, if we accept the conjecture *ἱερ'* in line 9 – as all the editors and commentators of the text have done – we still have to understand what it precisely refers to and what the relation of *ἀσέβεια* with them is. We can infer from the context that the *ἱερ'* were the chitons offered to Artemis, possibly with other *ἀναθήματα*, such as sacrificial victims involved in the rite.³⁹ We can therefore guess that if the *ἱερ'* were chitons, the condemned persons may have seized them from the *theoroi*. The exact meaning of the verb used to qualify the offence towards the *theoroi* themselves, *ὕβριζεν*, is quite blurred also: for instance were the *theoroi* beaten or insulted? Despite these uncertainties, the point here is that *ἡσέβησαγ* clearly refers to an offence which led to a trial. Unlike the fragment of the attic stela, however, we do not have sufficient knowledge of the context to understand with certainty what is implied by the verb *ἀσεβεῖν*.

We can find a similar case in the accounts of the Athenian amphictions in Delos, detailing different sources of income (374/3 BC). A short passage of these detailed accounts mentions eight Delian men who have to pay a fine and be permanently exiled. These men have been condemned for impiety because they expelled the amphictions out of a sanctuary and beat them:⁴⁰

- οἷδε ὥφλον Δηλίων ἀσεβεῖας [ἐπὶ Χ]αρισ' νδρο ἄρχοντος
 135 Ἀθήνησι, ἐν Δήλῳ δὲ Γαλαῖο τ[ίμημα] τὸ [ἐ]πιγε[γ]ραμμένον
 [χ]αί ἀειφυγία, ὅτι [καί] ἐκ τοῦ [ἱ]ερὸ τοῦ Ἀπολλωνος τοῦ Δηλίου ἦγον τὸς
 Ἀμφικτύονας καὶ ἔτυπτον (list of names)

These Delians have been condemned for impiety, under the archonship of Charisandros at Athens and Galaïos at Delos. The penalty is the one written and exile for life, as they expelled the Amphictions out of Apollo's sanctuary and beat them: (list of names).

The formulation of this inscription is not quite the same as the two previous ones. The action of the condemned men is not vaguely suggested by the verb *ἀσεβεῖν* but by two specific verbs: *ἦγον* and *ἔτυπτον*. The term *ἀσέβεια*, on the other hand, is included in the expression *ὥφλον ἀσεβεῖας*, a legal expression to be understood as *ὥφλον δίκην ἀσεβεῖας*. The expression “ὀφλισκ' νειν δίκην + genitive of the offence” is quite frequent and can be literally translated as “to be cast in a suit for...”.⁴¹ Thus, even though the expression “ὀφλισκ' νειν δίκην + genitive” as

³⁸ See O. MASSON, “L'inscription d'Ephèse relative aux condamnés à mort de Sardes (*I.Ephesos* 2)”, *REG* 100 (1987), p. 228-231 *et passim*.

³⁹ On this interpretation, see MASSON, *l.c.* (n. 38), p. 231. There is however no reason to assume that *ἱερ'* here only denotes the victims of the sacrifice, as in L. ROBERT, “Sur des inscriptions d'Ephèse. Fêtes, athlètes, empereurs, épigrammes”, *RPb*, 3rd series, 41 (1967), p. 34.

⁴⁰ *IG* II² 1635.

⁴¹ The word *δίκην* is not necessary and *ὀφλισκ' νειν* can be followed by another word in the accusative case which denotes the sanction: οὐ μικρὰν ὀφλήσειν ζημίαν (Demosthenes, *Against*

a whole is a sanction, the word in the genitive case itself refers to the offence.⁴² The offence for which these men have been condemned is therefore considered an impiety. Does the difference of formulation in comparison with the other inscriptions imply other differences? Probably not. The formulation of the inscriptions is conditioned by the use of such or other such legal expressions. In this case we have “ὀφλισκ’ νειν δίχην + genitive of the offence”, whereas in the previous inscription the condemnation itself was referred to in “καταδικ’ ζεσθαι + accusative of the sanction (θ’ νατον)”. We do not have *καταδικ’ ζεσθαι ἀσεβειαν, which would mean “condemn to impiety”.⁴³ These differences therefore concern legal expressions and not impiety itself.

Can the three texts discussed here, which show the consequences of committing an impiety, shed some light on preventive texts and the expressions ἀσεβῆς ἔστω, ἀσεβείτω and ἔνοχος ἔστω ἀσεβείᾳ?

Three elements can lead us to assume that there is no straightforward connection between preventive laws and reports of trials or that, in other words, you would not be prosecuted in a trial for impiety on the basis of a preventive law stipulating ἀσεβῆς ἔστω for a specific offence. Firstly, as shown above, legal sanctions such as a prosecution are not explicitly mentioned as consequences of ἀσεβῆς ἔστω. Secondly, there is a striking difference of gravity in the offences discussed in both cases. In the case of trials involving an impiety, the offences are very serious and threaten the harmony of the city itself: mysteries are not respected or officials are mugged. In the case of preventive laws, however, one can hardly assume that carrying away pieces of wood from a sanctuary or bringing in one’s cattle is such a threat to the society. Thirdly, formulations in ἀσεβῆς ἔστω stipulate a status, whereas, in inscriptions detailing past events, ἀσέβεια is mentioned as an offence: the Delians who assaulted the amphictions are not said to be impious, but are prosecuted for impiety.

Leptines, 9) or εἵκοσι μνᾶς ὀφλισκ’ νειν (Xenophon, *Anabasis* V, 8). It should be noted, however, that it is possible to find ὀφλισκ’ νειν + accusative, where the word in the accusative case is the offence. See e.g. ὀφλισκ’ νειν δειλίαν (Euripides, *Hecube*, 1348) or γέλωτα (Aristophanes, *Clouds*, 1035). In any case, a word in the genitive case is an offence, not a sanction.

⁴² Grammatically one may argue that impiety here is a sanction, pointing out parallels such as θαν’ του δίχη κρίνεσθαι (Thucydides, III, 57), but it does not make sense, since the sanction (τίμημα) is the fines and the exile.

⁴³ From the examples given in *LSJ*, it seems that the expression καταδικ’ ζεσθαι ἀσεβείας meaning “condemn to impiety” would not be possible, because the genitive can only denote the sanction if the verb has a passive meaning, as in καταδικασθεὶς θαν’ του. Otherwise, the genitive refers to the person condemned: καταδικ’ ζεσθαι θ’ νατόν τινος. With other verbs, such as κρίνειν, the genitive θαν’ του can indicate the sanction.

Νόμος ἀσέβειας and the issue of legal definition

I would now like to address briefly the question of the existence of a “law against impiety”.⁴⁴ In the examples seen before, the aim of preventive texts is not to define ἀσέβεια as such, with a structure such as “is impious anyone who + exhaustive list of offences”, but rather to categorize an offence as impiety. This is why it is so complicated to know whether a “law against impiety” ever existed. I think that the point of this paper – and the inscription we have seen with the adjective *ἱερόσυλος* – may help us see this question a bit differently. With the notion of “law against impiety”, two points should be addressed: 1. should we consider that impiety was defined by a single law or that it was only defined by several documents? and 2. regardless of how impiety was defined, was there a single text specifying what would be the consequences of an impious act?

Firstly, let us examine the question of a potential single law defining impiety with different acts. It has been assumed that ἀσέβεια is an open category, in which anyone can try to include any fact at any occasion.⁴⁵ As appears from the reflexions above, it is indeed difficult to propose a rigid definition of impiety. Ps.-Aristotle and Polybius of course provide short definitions (see footnote 1), but when compared to inscriptions, these are too general. By no means do they provide us with a list of detailed religious offences considered an impiety, and for which reasons. On the contrary, each epigraphic regulation is extremely specific. This discrepancy can be explained by the difference of evidence we deal with: in opposition to literary texts which can be quite rhetorical and provide very wide definitions of the concept of impiety, Greek law, enunciated through inscriptions, is above all casuistic. In preventive laws, impiety cannot be defined through rhetorical means. An orator could attempt to convince his audience that a specific act was an impiety, as in Demosthenes’ *Against Midias*, where a simple hit from Midias becomes an impious act towards the whole city. Demosthenes’ emphasis on impiety, though, is due to the fact that no law stipulated that Midias’ act was to be considered an impiety.⁴⁶ In reality, considering someone as impious would depend on the different mentions of ἀσέβεια in preventive texts – the sum of which would form, to quote an adapted version of the Teian inscription, ἅπερ ἐν τοῖς νόμοις τοῖς περὶ ἀσεβοῦς γεγραμμένα ἐστὶ – but not on one law with a clear

⁴⁴ The existence of a “law against impiety” in Athens is often assumed without actual evidence. See e.g. R. GARLAND, *Introducing New Gods. The Politics of Athenian Religion*, London, 1992, p. 137-139; S. PRICE, *Religions of the Ancient Greeks*, Cambridge, 1999, p. 82.

⁴⁵ See PARKER, *o.c.* (n. 3), p. 135: “Impiety” is merely what on a given day a prosecutor can make it seem to be.”

⁴⁶ See J. RUDHARDT, “La définition du délit d’impiété dans la législation attique”, *MH* 17 (1960), p. 101-102, and G. MARTIN, *Divine Talk: Religious Argumentation in Demosthenes*, Oxford, 2009, p. 28-36.

definition.⁴⁷ If no νόμος categorized a specific offence as an impiety – if, in other words, a specific offence was not taken into account in any of those νόμοι περὶ ἀσεβοῦς – it would always be up to someone to try to convince his peers that the offence in question was an impiety. But this forces us to discuss impiety out of epigraphic evidence, which is out of topic here.

But what about the second question, the existence of a “procedural” and not “substantive” law⁴⁸, stipulating what would be the proceedings in case of impiety and not impiety itself? Two examples could be used to prove the existence of such a law. Firstly, the expression νόμος ἀσεβείας is mentioned in a few epitaphs from Lycia, to prevent anyone from burying another corpse in someone’s tomb.⁴⁹ Moreover, a comparison between ἀσεβεία and ὕβρις (“outrage”) may be helpful, as we find in two rhetorical passages the mention of a “procedural” law against ὕβρις.⁵⁰ The first one is in Aeschines, who refers to a law that we do not know (the few lines after λέγε τὸν νόμον are spurious⁵¹) and summarizes it as such: “In this law it is written explicitly: if someone commits ὕβρις against a child – and indeed the hiring man commits ὕβρις – or a man or a woman, or any free person or slave, and commits something illegal towards one of them, it stipulates that there should be a γραφή ὕβρεως and it adds the penalty that he should suffer or pay”.⁵² Demosthenes, on the other hand, also refers to such a law⁵³, and additional details (role of *thesmothetai*, court, etc.) are mentioned in the law itself, though its authenticity is also problematic.⁵⁴

Accordingly, although a “procedural” law against ὕβρις may have existed, its form and content as we see in these rhetorical passages are not clear. Besides, we lack epigraphic parallels to these examples. We never find in decrees or cult regulations an expression like “if someone does something impious”, but rather

⁴⁷ On this point, by saying that the law against impiety is non-specific, scholars are right. See R. PARKER, *o.c.* (n. 4), p. 215, n. 63 and references quoted there.

⁴⁸ On this distinction, see S.C. TODD, *The Shape of Athenian Law*, Oxford, 1993, p. 61, n. 14 and p. 64-67.

⁴⁹ See TAM II 217, 218 and 246.

⁵⁰ On this law, see N. FISHER, “The Law of *Hubris* in Athens”, in P. CARLEDGE, P. MILLETT, S. TODD (eds.), *Nomos. Essays in Athenian Law, Politics and Society*, Cambridge, 1990, p. 123-138.

⁵¹ N. Fisher claims that every law from the speech *Against Timarchus* is spurious: see *Aeschines’ Against Timarchus*, Oxford, 2001, p. 68. V. Martin and G. Budé also reject it: see *Eschine, Discours, Tome 1*, Paris, Les Belles Lettres, 1927.

⁵² *Against Timarchus*, 15: ἐν ᾧ διαρρηδὴν γέγραπται, ἐ’ν τις ὕβριζῃ εἰς παῖδα—ὕβριζι δὲ δὴ πού ὁ μισθοῦμενος—ἢ ἀνδρα ἢ γυναῖκα, ἢ τῶν ἐλευθέρων τινὰ ἢ τῶν δούλων, καὶ παρ’ νόμον τι ποιῇ εἰς τούτων τιν’, γραφὰς ὕβρεως εἶναι πεποιήκεν καὶ τίμημα ἐπέθηκεν, ὅ τι χρὴ παθεῖν ἢ ἀποτεῖσθαι.

⁵³ *Against Midias*, 46: ἀν’ γυνωθὶ δ’ αὐτόν μοι λαβὼν τὸν τῆς ὕβρεως νόμον· οὐδὲν γὰρ οἶον ἀκούειν αὐτοῦ τοῦ νόμου.

⁵⁴ *Id.*, 47. J. Humbert and L. Gernet acknowledge that its authenticity cannot be sure, but do not dismiss it; if spurious, it would not be “une grossière contrefaçon”: see *Démosthène, Plaidoyers politiques, Tome II*, Paris, 1959. For E.M. Harris, however, it is, on account of convincing arguments, an “obvious forgery”: see *Demosthenes, Speeches 20-22*, Austin, 2002, p. 103.

“if he does this, he shall be impious”. Supposing that a general text on impiety existed, its aim was to define a procedure in a specific case, as for instance a γραφή ἀσεβείας if someone sold sacred items⁵⁵, but not the offences that were linked to this form of prosecution. Moreover, we do not know any general Lycian inscription entitled νόμος ἀσεβείας and used as a reference for epitaphs. If a law defining precisely impiety existed in the case of epitaphs, it must have had the form: “If someone commits impiety by opening *a* tomb, he shall be brought to court” or “if someone opens *a* tomb, he shall be prosecuted for impiety”. But the epitaphs that we know say: “if someone opens *my* tomb, he shall be prosecuted for impiety”. Casuistic, not general, prescriptions are therefore the norm both for defining impiety and stipulating its consequences. The law from Ialysos mentioned above would tend to confirm this point. It is written that the culprit will be ἐνοχος τῷ ἀσεβείᾳ. The article τῷ must have a demonstrative value and the expression should be translated “liable to *this* impiety”. Accordingly, it seems that impiety is often referred to with specific referents: you are considered as impious towards specific gods or you have committed a specific impiety. Only the expression ἐνοχος ἀσεβείᾳ, without article and without gods, has no referent. Apart from this more ambiguous case, therefore, it is clear that no general law about impiety is to be searched out of the different epigraphic texts known to us.

This also explains the formulation in the decree from Teos with a double mention of sacrilege: there is an array of texts in which sacrilege is mentioned and these texts are to be used as a reference for this specific case, but, on account of a lack of evidence, it is not founded to claim that there was a “law against sacrilege” either defining what “sacrilege” was or stating what would happen as soon as any sacrilege, in any occasion, was attested.⁵⁶

Conclusion

What should be remembered from this brief survey of impiety in epigraphic evidence? One can observe that when ἀσέβεια is involved on a *descriptive* level, clear sanctions are added (trial, fine, exile and so on): “X was impious towards Y because he did such a thing and is punished accordingly” or “X was condemned for impiety and here is the penalty”. But when the text becomes *imperative*, in the case of preventive laws, ἀσέβεια is used in syncopated forms: “if X does not respect the law, he shall be impious”. In such cases, the point is that you are

⁵⁵ As in IG II² 1035, l. 9: [κα]τ[ὰ τῶν] ἀποδομένων γραφὰς ἀσεβείας.

⁵⁶ See the comment about Plato’s legislation against impiety in BRUIT ZAIMAN, *o.c.* (n. 2), p. 167: “Précisément, ce n’est pas dans la cité athénienne, mais dans la cité platonicienne que se met en place une législation rigoureuse contre l’impiété, dont la définition occupe une large partie du livre X”. Even Plato does not provide a unique law against impiety, but rather laws against impieties of different sorts (868c: ἐὰν δέ τις ἀπειθῇ, τῷ τῆς περὶ ταῦτα ἀσεβείας εἰρημένῳ νόμῳ ὑπόδικος ὀρθῶς ἂν γίνοιτο μετὰ δίκης), all of which should abide by a similar principle explained in a προοίμιον (907c: καλῶς ἡμῖν εἰρημένον ἂν εἴη τὸ προοίμιον ἀσεβείας περὶ νόμων).

regarded as impious, but specific sanctions are not automatically mentioned. Being impious can mean that from now on you will not feel at ease with the gods anymore, other people are allowed to reject you from the cult, etc. The problem is to understand how these two categories of texts may have been connected at some point. In other words, in the inscription regarding the cypresses in the shrine in Cos, where someone carrying away pieces of wood would be impious in reference to the sanctuary, we do not know any example of someone who actually committed such a wrong and was consequently mentioned in an inscription as follows: “X was condemned for impiety because he stole pieces of wood from the sanctuary and therefore X has to pay a fine of a thousand drachmae”. Attestations of ἀσέβεια in both contexts are two points between which we do not know how the synapses work.⁵⁷

It seems, however, that impiety in cases such as the trial of the Delian men who mugged amphictions on the one hand, and impiety, say, in a ban on introducing animals, on the other hand, are quite different issues and should probably not be considered equally. Beating amphictions or grabbing ἱερὸν in an official embassy are serious offences;⁵⁸ in comparison, introducing cattle into a sanctuary or carrying away pieces of wood seem much more trivial. Accordingly, we could consider that the formulation ἀσεβῆς ἔστω aims at being an efficient deterrent – just as huge fines of money – and, therefore, likelihoods of its real application would be very low – just as requiring ten thousand drachmae from someone would be quite unrealistic. At this stage, a Socratic ἀπορία is probably the wisest option.

Comparing attestations of impiety in epigraphic evidence also raises the complex issue of the definition of impiety. In this paper, I have briefly touched upon the “syntagmatic” level of impiety, i.e. how it is used in epigraphic expressions and how it is linked to other members of a sentence. But the “paradigmatic” level, what is to be understood behind the term ἀσέβεια out of the formulations themselves, as well as its implications on the relationship with the supra-human sphere, still have to be investigated thoroughly.

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⁵⁷ See an analogous reflection for ἀτιμία in E. FAMERIE, “La condamnation d’Arthmios de Zéleia”, in *Serta Leodiensia secunda. Mélanges publiés par les Classiques de Liège à l’occasion du 175^e anniversaire de l’Université*, Liège, 1992, p. 191: ἀτιμία as a sanction is not to be considered in the same way if it appears in a preventive law or as an effective sanction. There are several instances where the sanction applied is not the one that was mentioned in the preventive law. It seems more difficult to say it with certainty in the case of ἀσέβεια.

⁵⁸ So are the offences for which Socrates was prosecuted through a γραφή ἀσεβείας. I have voluntarily left the dossier of Socrates’ trial aside here, but I am convinced that it can be reinterpreted through examination of the use of ἀσέβεια in epigraphic evidence.