

CGRN 238

Dossier of regulations notably concerning ornithomancy and oath-swearing at Ephesos

Date :

ca. 550-500 BC

Justification: lettering, dialect (Ionic) and stoichedon style.

Provenance

Ephesos [↗ \(https://pleiades.stoa.org/places/599612\)](https://pleiades.stoa.org/places/599612). Fragment A was found near the so-called “Gate of Persecution”, south of the city, and was afterwards brought to London in 1867 by J.T. Wood, leader of the first excavation of the temple of Artemis of Ephesos. Fragment B was excavated in the harbour gymnasium, west of the archaeological site of the inner city. Fragment C was found in the Basilica of St. John. Fragment A is now in the British Museum (inv. no. 1867, 1122.441); fragment B in the Vienna Museum; the current location of fragment C is unknown (last attested as in the “depot” at Ephesos).

Support

Three fragments from blocks of marble, probably originally part of the same wall. Fragment A is broken on all sides and slightly damaged on the left part of its surface. Though the stone was removed from the wall on which the text was originally inscribed, the thickness of A is unknown (see Wood, p. 41). Fragment B has straight edges on all sides except the right, though it remains unclear whether these are original features (the block's state of preservation remains unknown). Fragment C is broken on all sides and its exact dimensions are unknown.

Fragment A

Height: 33.02 cm

Width: 78.7 cm

Depth: unknown

Fragment B

Height: unknown

Width: unknown

Depth: 70 cm

Layout

Stoichedon 19 (A, col. 1), stoichedon 21 (B, col. 2); stoichedon of unknown length in other parts of the dossier. Traces of carved vertical lines on the right side of fragment A and on both sides of fragment B demarcate the separate columns of texts. Tricolon (:) interpuncts systematically separate words or groups of words which are semantically linked (for further uses of this punctuation in Archaic and early Classical inscriptions, see [CGRN 6](http://cgrn.ulg.ac.be/file/6) (<http://cgrn.ulg.ac.be/file/6>), Miletos, and [CGRN 18](http://cgrn.ulg.ac.be/file/18) (<http://cgrn.ulg.ac.be/file/18>), Thasos). There are clear *paragraphoi* in fragment B (separating line 4 from line 5 in column 2) and in fragment C (separating line 1 from line 2), almost certainly to demarcate sections which contained different rules (cf. Commentary).

Letters: unknown height

Bibliography

Edition here based on Börker and Merkelbach [I.Ephesos](http://cgrn.ulg.ac.be/abbreviations/#I.Ephesos) (<http://cgrn.ulg.ac.be/abbreviations/#I.Ephesos>) 1678 A-B-C.

Cf. also: Sokolowski [LSAM](http://cgrn.ulg.ac.be/abbreviations/#LSAM) (<http://cgrn.ulg.ac.be/abbreviations/#LSAM>) 30; [Körner - Halof](http://cgrn.ulg.ac.be/abbreviations/#K%C3%B6rner%20-%20Halof) (<http://cgrn.ulg.ac.be/abbreviations/#K%C3%B6rner%20-%20Halof>)82.

Further bibliography: [Wood 1877](http://cgrn.ulg.ac.be/bibliography/#Wood%201877) (<http://cgrn.ulg.ac.be/bibliography/#Wood%201877>); [Pritchett 1979](http://cgrn.ulg.ac.be/bibliography/#Pritchett%201979) (<http://cgrn.ulg.ac.be/bibliography/#Pritchett%201979>); [Thür 1982](http://cgrn.ulg.ac.be/bibliography/#Th%C3%BCr%201982) (<http://cgrn.ulg.ac.be/bibliography/#Th%C3%BCr%201982>); [Dillon 1996](http://cgrn.ulg.ac.be/bibliography/#Dillon%201996) (<http://cgrn.ulg.ac.be/bibliography/#Dillon%201996>); [Collins 2002](http://cgrn.ulg.ac.be/bibliography/#Collins%202002) (<http://cgrn.ulg.ac.be/bibliography/#Collins%202002>); [Torrance 2014](http://cgrn.ulg.ac.be/bibliography/#Torrance%202014) (<http://cgrn.ulg.ac.be/bibliography/#Torrance%202014>); [Harris - Carbon 2015](http://cgrn.ulg.ac.be/bibliography/#Harris%20-%20Carbon%202015) (<http://cgrn.ulg.ac.be/bibliography/#Harris%20-%20Carbon%202015>).

Text

50

Fragment A, Column 1

[...]

[.....⁷ : ἐγ μὲν : τῆς δεξι]-

[ῆς : ἐς τὴν ἀριστερὴν : πετ]-

[όμεν]ος : ἡμ μὲν : ἀποκρύψε-

[ι : δε]ξιός : ἡν δὲ : ἐπάρει : τῆ-

[ν ε]ύώνυμον : πτέρυγα : κἄν
[. . ἄ]ρει : κἄν ἀποκρύψει : ε-
[ύώ]νυμος : ἐγ δὲ : τῆς ἀριστ-
[ερ]ῆς : ἐς τὴν δεξιήν : πετό-
[μ]ενος : ἦμ μὲν : ἰθὺς : ἀποκρ-
[ύ]ψει : εὐώνυμος : ἦν δὲ : τὴν
[δεξ]ιήν : πτέρυγα : ἐπάρας
[...]

Fragment A, Column 2

(at least 2 lines missing)

P[...]
E : Υ[...]
ἐγ δ[ἔ]
IAN[...]
I : M[...]
I : MH[...]
ONT[...]
O : ἄν [...]
NAI : [...]
[...]

Fragment B, Column 1

[...]
[...]
[...]
[...]
[...]
[...]
[...]

Fragment B, Column 2

[...]
ἐγμαρτυρῆσαι : ἐπὶ τοῖς δι-
κάζοσιν : ὁμνύντα : κάπρωι : τ-
[ὀ]⟨ν⟩ Ζῆνα : ἐγμαρτυρῆν : τὸν δὲ κ-
ά[π]ρον : παρέχεν : ὃ ἂν τὸ πρῆχ-

[μα ἔηι ἰ ἦ]ν δὲ ἰ οἱ δικάζοντες
[...]

Fragment B, Column 3

[...]
[...]
καὶ +[...]
καὶ ΠΡΟ[...]
ΒΩΝΤΑ ἰ +[...]
ΦΗΣ ἰ ΠΑΡ[...]
ΜΟΣ ἰ ΟΤ[...]
[...]

Fragment C

[...]
[...]
[...]ΕΣΘΩ δὲ ἰ ὁ [...]
[...]ΜΟΣ ἰ ΖΥΝΩ[...]
[... ἐνέ]χυρα ἰ μὴ φ[έρηι ...]
[...]ΗΙ ἰ ΕΤ[...]
[...]

Translation

(Given the extremely fragmentary character of the text, no translation is attempted except for fragment A, col. 1, and fragment B, col. 2; see Commentary.)

Fragment A

[... Flying from the righthand side to the lefthand side], if (the bird) goes out of sight, it is a favourable omen; if it raises (5) its left wing, whether it flies up / away (?) or goes out of sight, it is an unfavourable omen. Flying from the lefthand side to the righthand side, if it goes out of sight immediately, (10) it is an unfavourable omen; but if, raising its right wing [...]

Fragment B

[...] testify to the judges, that he is to testify by swearing by Zeus on a boar; and the one concerned by the case is to provide the boar. If the judges [...]

Traduction

(En raison du caractère très fragmentaire du texte, aucune tentative de traduction n'est proposée excepté pour le fragment A, col. 2 et le fragment B, col. 2; voir Commentary.)

Fragment A

[... Volant de la droite vers la gauche], si (l'oiseau) disparaît, il est favorable; s'il lève (5) son aile gauche, qu'il s'envole (?) ou qu'il disparaisse, il est défavorable. Volant de la gauche vers la droite, s'il disparaît directement, (10) il est défavorable; mais si, en levant son aile droite, [...]

Fragment B

[...] témoigner auprès des juges, qu'il témoigne en jurant par Zeus sur un verrat; et que fournisse le verrat celui que concerne l'affaire. Si les juges [...]

Commentary

These fragments record ritual norms of different types. Fragment A, column 1, contains rules for the observation of the flight of birds and their interpretation as omens. Fragment B, column 2, contains rules concerning oaths taken by witnesses in court. Other parts are too fragmentary to interpret (tentatively, fragment C may also be concerned with oaths and pledges, [ἐνέ]χυρα, line 3). Despite the distance between the different findspots of the fragments in the archaeological site of Ephesos, common features suggest that they were originally part of the same wall, perhaps part of a larger code of laws, notably regulating sacred matters (see Harris - Carbon, p. 13-14). The stoichedon style is used for all three inscriptions, while the columniated layout of the document is demarcated by carved lines; sections were also indicated by *paragraphoi* (see Layout). All three fragments employ the same punctuation. One can also note several common features in the lettering, most notably the open Σ, the elongated form of the Ν, and the particular shape of the Ζ. The original wall was probably destroyed at some point during the history of Ephesos and the stones reused, thus explaining the distance between the findspots. Regrettably, little else can be said about the possible context of this late Archaic set of laws from Ephesos.

Fragment A, column 1

This part of the inscription identifies rules for the interpretation of bird movements. While the importance of ornithomancy is stressed in many early Greek texts (e.g. *h.Hermes* 543-549) and many examples of bird omens are known to us (e.g. Hom. *Il.* 24.287-321), this text is nonetheless unique: it is the only surviving epigraphic record containing a set of instructions for the interpretation of different bird movements in the ancient Greek world (see Dillon, p. 194, on the importance of bird omens in Greek divination, with a dis-

cussion of lost handbooks which possibly also contained instructions for *oionomanteia*). The fact that these rules were codified, inscribed and publicly displayed is significant: it shows that the procedures for bird divination in Ephesos were meant for public knowledge. Whether this also means that anyone could perform this type of divination is unclear. In epic, the reading of bird omens could be taken by both divinatory and religious specialists, as well as by normal individuals, but it is of course possible that in Ephesos the taking of omens was entrusted to expert individuals, even if the rules for interpretation were publicised. Collins (p. 29) speculates that “publication of this rule system must be related in some way to the relatively lower prestige *oionomanteia* held all over the Greek world in comparison to major oracular sites and extispicy”. But this is an assumption based on the fact we have few sources for the practicalities of how these other types of divination actually worked. Pritchett (p. 103) suggested that the taking of bird omens occurred as part of an official occasion because he connected this fragment to fragment B (see below), which mentions oath-taking before judges. However, it is more likely that both fragments were simply part of a larger code of law (see above).

The rules primarily concern the direction of flight, secondarily the raising of birds’ wings and whether they disappear from view. What kind of birds were considered to give omens is not specified in the text (a perhaps generic masculine is used to qualify the bird in question). We find here the standard left/right division, with a bird appearing on the left being an unfavourable omen (lines 7-10), and on the right being favourable (lines 1-4). The term δεξιός is used in two different senses in the text, both to indicate a side, the “right” one (lines [1-2], 6, and 8-9), and in a figurative sense: “favourable” (line 4; a common alternative meaning of δεξιός, applying particularly to bird omens). Conversely, ἀριστερός is usually used to define the “left” side (lines [2] and 7-8), while the euphemistic term εὐώνυμος generally qualifies an “unfavourable” omen (lines 6-7 and 10; in only one particular case, lines 4-5, εὐώνυμος qualifies the left wing of the bird). Note that, rather than adverbial neutral forms (usually ἐπὶ δεξιᾷ vel sim.), the feminine ἀριστερή and δεξιή are used for directions of flight, probably implying a word like χεῖρ (hence our translation “lefthand” and “righthand” side). Yet the point of reference for the observations outlined in the regulation, if any, remains unknown (Dillon, p. 107, assumes a fixed point, although Collins questions this). In epic, a fixed point of observation is not often explicit, though facing north appears to have been the usual vantage point, with the east, to the right, considered the favourable source of bird flights, and the west, to the left, the unfavourable one (cf. Collins, p. 27). The directionality evoked in the rules is further qualified by the disappearance of the bird from view and the lifting of its wing, specifically whether it raises its right or left wing can change the reading (cf. also Sokolowski). This further binary division allows for greater flexibility in the system of interpretation (Collins, p. 29). Apart from this, it remains somewhat unclear how the bird's overall movement—disappearance; possibly ascent—affected the interpretation.

Lines 5-6: Dillon translates καὶν ... καὶν as coordinating conjunctions, “if the bird flies up/away and disappears”. But, seeing as it is the wing's movement which appears determinative for the reading of the omen, a correlative sense seems to work better here (“if the bird either flies up/away or disappears”). Though the

sense is relatively clear, the exact compound of ἀΐρω to be read at the beginning of line 6 remains somewhat elusive: the longstanding restoration of Boeckh maintained by Börker and Merkelbach is [ἐπά]ρει, taking this verb intransitively here ("rise up", cf. LSJ (<http://cgrn.ulg.ac.be/abbreviations/#LSJ>) s.v. ἐπαίρω I.4), by contrast with its meaning elsewhere in the text ("lifting up a wing", lines 4 and 11). Sokolowski alternatively suggested [ἀπά]ρει, meaning elliptically to "depart" or "fly away" (this is, however, perhaps too close to the presumed sense of ἀποκρύψει). Perhaps [ἐξά]ρει, "lift off", and thus "fly up", might still be another possibility (cf. LSJ (<http://cgrn.ulg.ac.be/abbreviations/#LSJ>) s.v. ἐξάίρω I.b).

Lines 10-11: The ending of the fragment is not preserved but one might assume, given the first lines of the text and in opposition to ἤμ μὲν (...), εὐώνυμος (lines 9-10), that the situation of a bird coming from the left, but raising its right wing, was considered favourable (it is not certain, however, that [δεξιός] came immediately in the following line, as given in most editions).

Fragment B, column 2

Lines 1-5: The syntax of lines 1-3 is rather unclear due to the fragmentary nature of the text. The verb ἐκμαρτυρέω appears in the first preserved line as an infinitive, probably as part of a missing subordinate clause, also given the aorist tense. Another infinitive of the same verb appears in line 3, best understood as a directive in the present tense (imperative infinitive). The regulation concerns the oath to be sworn by a witness in a trial. It is possible that this oath applied to witnesses claiming exemption from testifying (Thür, p. 382), thus making this oath similar to the *exomosia* oath sworn by witnesses in the Athenian legal system. The oath, sworn to Zeus, is accompanied by an oath-sacrifice of a boar. Such sacrifices were common for oaths sworn in litigation (Dem. 23.67; Arist. *Ath. Pol.* 55.5), as well as for oaths of office (e.g. [CGRN 32](http://cgrn.ulg.ac.be/file/32) (<http://cgrn.ulg.ac.be/file/32>), Thorikos, lines 12 and 52) and oaths employed in treaties and agreements (cf. e.g. [CGRN 84](http://cgrn.ulg.ac.be/file/84) (<http://cgrn.ulg.ac.be/file/84>), Attica, lines 70, 75 and 81). Adding such a sacrifice to an oath was one way in which the sanctifying and binding power of oaths could be increased (see Torrance, p. 138-142). Different sacrificial animals could be used. For other instances of boars employed in oath-sacrifices, see e.g. Hom. *Il.* 19.252-254, and Dem. 23.68 (also involving a ram and a bull). Zeus was the guarantor of oaths *par excellence* and is extremely commonly found in this context (for another example, see here [CGRN 206](http://cgrn.ulg.ac.be/file/206) (<http://cgrn.ulg.ac.be/file/206>), Pergamon, lines 29-30). The regulation specifies that the animal in question, which in oath-sacrifices was not normally consumed, should be provided "by the one whose business (or: case) it is", therefore the litigant.

Fragment B, column 3, line 5, and fragment C, line 2

It is intriguing that both *paragraphoi* demarcate a section where one of the first words (if not the very first word) concludes in -μος. A natural assumption would be to think of a recurrent heading, perhaps restoring this word as [νό]μος in both cases.

Publication

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