THE DECreE OF THEMistocLES

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The discovery in Troizen in 1959 of the decree of Themistocles is one of the most exciting events in Greek historical and epigraphic studies to have happened this century. The inscription, in third century B.C. lettering, gives the text of a resolution passed by the boulé and the demos of Athens on the motion of Themistocles before the battles of Thermopylae and Artemision, in 480 B.C., ordering the evacuation of Attica except for the Acropolis, the mobilization of the Athenian fleet for the war of liberation against Xerxes, that only half of the Athenian fleet of 200 ships are to sail to Artemision while the other half are to be held back at Salamis to 'keep guard over the land', that, in the interests of national unity, the ostracized are to go to Salamis to await a final decision.

From the date of its first publication it was obvious that the crucial problem was to be whether this was an authentic decree of the fifth century preserved in a later copy at Troizen, or whether it was ultimately the work of a forger at some date in the fourth century prior to about 348 B.C. We can be certain of this terminus ante quem because at that time Aeschines, according to Demosthenes (XIX.303) had read out 'the decrees of Miltiades and Themistocles and the oath which our young men take in the temple of Aglaurus'. And nobody seriously doubts that Aeschines' text for the Themistocles decree was substantially the same as the Troizen text now discovered, and that it was this text which was used and quoted much later by both Plutarch and Aelius Aristeides.

A great deal has been written about the decree but an attempt to discuss the problems yet again seems justified because it is now becoming almost fashionable to separate the problem of the strategy of 480 B.C. from the...
question of authenticity (which seems to me to be discarding a potentially important criterion), or to dismiss the decree as a forgery (or a collection of separate traditions fudged into a decree) without enough justification. As I shall point out, the case against the decree is not as strong as it looks.

The case against the authenticity has been concerned largely with the language and details of the decree itself, the alleged conflict with the account of Herodotus and the appearance in the fourth century, mainly in the orators, of a number of other allegedly forged documents from the period of the Persian War.

Surprisingly perhaps, the study of the language and content of the decree itself has not been decisive in any way. This is at least partly because even the defenders of its authenticity do not claim that what is preserved are the *ipsissima verba* of the decree. It is quite clear from a study of other texts which have been preserved in both a literary and an epigraphic form, (as, for example, the decree of the Athenian people honouring Lycurgus in 307/6 preserved in pseudo-Plutarch *On the Ten Orators*, Mor. 852 A–E and in IG II 457)7 that the ancient attitude to documents was very different from ours. Authors who quote official documents do not concern themselves with *verbatim* accuracy, and are even prepared to make selections from the official text for the substance.8

Therefore as far as the Troizen decree is concerned, it is of no importance to the question of authenticity that the prescript may not be authentic nor that in line 3 Themistocles' patronymic and demotic have been added at some time, since this could have as easily been done by an 'editor' as by a forger. The same applies to the spelling of τῆ τ reflexivity (lines 4,39) which would have been τῆ τ reflexivity in the original decree, if it is genuine.9

Similarly in line 11 ἐν τῇ ἀκροπόλει may be anachronistic10—and 'barbaron' perhaps has been edited in to replace 'the Medes' although this is not necessarily anachronistic.11

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6. E.g. Lazenby (Hermes 92, 1964, 264 ff) and Evans (Historia 18, 1969, 389 ff) both discuss the strategy without dealing with the authenticity of the decree. It may be, of course, that the topics are too big to deal with in one article!

7. Cited by A. J. Podlecki, *The Life of Themistocles, A Critical Survey of the Literary and Archaeological Evidence*, Montreal and London, 1975, 163 ff. A parallel case from the period of the Persian wars can also be found in the differences between the literary and epigraphic versions of the Salamis epigram. (Plut. de Herod. malign, 870 B and Dio Chrysostom 37, 18 compared with I.G. I 927) where, before the discovery and study of the inscription and the realization that the poem had been composed in Doric Greek (and not largely in Attic-Ionic as Plutarch's version has it) the second distich was condemned as a forgery because of the quantity of the second syllable of Πέρας (which is acceptable as short in Doric). See A. Boegehold, *GRBS* 6, 1965, 179–186.


10. Meritt (in Lectures in Memory of Louise Taft Semple, Princeton, 1967, 122) notes that it was sometimes called the acropolis ever, in the fifth century, citing I.G. I 92, lines 36, 42.

The document has stood up well to the attacks of the sceptics. The 'rhetoric' of lines 12–18 which some supposed was a sign of its spuriousness has been adequately defended;\textsuperscript{12} the cult title of Athena, τη 'Ἀθηνάυ μεδεούθη (line 4,5) which is normally applied to Athena Polias 'looked at from outside Athens' has a parallel in Aristophanes' \textit{Knights} 763\textsuperscript{13}; and lines 18–35 on mobilization which have been attacked as being redolent of the practices of the radical democracy, have been vigorously and, I believe, successfully defended by Jameson himself in a later article.\textsuperscript{14} On some points the sceptics are clearly wrong, e.g. Habicht and Amandry suspected that the provision (lines 21–22) that the trierarchs should have children who were born in wedlock, smacks of Pericles' citizenship law of 451/0.\textsuperscript{15} But, as Berve and Jameson point out, 'the concept of legitimacy did not originate with Pericles'.\textsuperscript{16}

Doubt has also been expressed about the now accepted figure of ten marines (επιβαταῖ) on each ship (line 24) which some scholars believed a definite anachronism\textsuperscript{17} since Herodotus (VI, 15,1) mentions 40 marines on the Chian ships at the battle of Lade; and Herodotus VII, 184,2 gives 30 as the number of marines on board the Persian triremes, and Thucydides (I, 49,1) seems to imply that a large number of marines was the standard practice earlier in the fifth century; and the fact that ten was the standard number in the later fifth century (e.g. Thucydides III, 95,2) seemed to point to forgery. But Thucydides, in another passage, (I, 14,3)\textsuperscript{18} points out that the Athenian ships at Salamis were still without decks throughout their length, and so presumably could not carry many marines, and Plutarch (\textit{Cimon} 12.2), remarks in connection with the battle of the Eurymedon that Cimon 'made the triremes broader and put bridges between their decks', specifically to carry more hoplites, and Plutarch there notes that Themistocles' triremes were built for speed and manoeuvring.\textsuperscript{19} It would thus seem that ten marines is not unlikely for Athenian ships at the time of Xerxes' invasion. And so again the Troizen text has been vindicated.

\textsuperscript{12} Burn, \textit{op. cit.} 368; Lewis, \textit{art. cit.} 62; Podlecki, \textit{op. cit.} 164 ff.
\textsuperscript{13} M.L. 50; Meritt \textit{op. cit.} 125 ff. Meritt believes that 'with this phrase Aristophanes brought to mind ... the famous decree'; i.e. Paphlagon deliberately commences his speech by adopting Themistocles' words. He thus concludes that the decree was known in 424 B.C. \textit{Contra L. Bracessi, Il Problema del Decreto di Temistocle}, Bologna, 1968, 70–1.
\textsuperscript{14} Jameson, \textit{Historia} 12, 1963, 385 ff (hereafter Jameson\textsuperscript{2}).
\textsuperscript{15} Habicht \textit{art. cit.} 4; Amandry, \textit{art. cit.} 423.
\textsuperscript{17} Burn, \textit{op. cit.} 367; Habicht, \textit{art. cit.} 5; Hignett, \textit{op. cit.} 466 ff; Bracessi, \textit{op. cit.} 77.
\textsuperscript{18} See also Thucydides, I, 10, 4; and Gomme, \textit{H.C.T.} on Thucydides I, 100, 1.
\textsuperscript{19} Burn, \textit{op. cit.} 367 objected that Herodotus (VIII, 60, and VIII, 10) speaks of the Greek ships of 480 as 'heavier' and of the enemy ships as 'better sailing'. But it should be noted that VIII, 60 comes in a \textit{speech} of Themistocles, and, anyway, that neither that passage nor VII, 10 necessarily implies anything about the number of marines; the Greek ships could be 'heavier' for other reasons. (v. J. S. Morrison & R. T. Williams, \textit{Greek Oared Ships 900–322 B.C.}, Cambridge, 1968, 132 ff.) Morrison and Williams (\textit{op. cit.} 125) observe that the use of 30 or more \textit{epibatai} by Ionian ships is probably to be linked with their development of the overall deck. (v. also p. 161.)
Habicht (p. 5-6) believed that the decree was wrong in presupposing that all Athenian citizens would be enrolled in the lexarchika grammateia (line 30), and claimed that the thetes would not be found there. But, as Jameson and Meritt have observed, the evidence on which Habicht based his objection—namely IGJ, 279, and one of the two ancient lexicographical explanations, does not in fact prove his contention, and it seems more than likely that the decree’s presupposition that all Athenian citizens were to be found in these registers is correct.

Nevertheless it cannot be claimed that there are no puzzles left. It is surprising, for instance, that the qualifications for trierarchs in lines 21–22 contain no reference to the Solonian property classes. The use of hypēresiai (in lines 26 and 34) is distinctly odd. Normally it would mean specialised petty officers such as the kubernetēs, keleustēs, pentekontarchos, auleitēs, naupēgos, and proïratēs and would thus exclude the marines. But Jameson later suggested that here it must mean the marines and archers. And yet this puzzle may count against forgery since it is hardly likely that a forger would go out of his way to use hypēresiai in this abnormal way. ‘Tomorrow’ (line 20) with no indication of date is worrying.

The list of deities mentioned in lines 38–40 also presents problems. Pancrates is apparently normally a hero distinct from Zeus, here (as in Aeschylus Eumenides 917–20) it is used as an epithet of Zeus. So too Nike is generally Athena Nike, here a distinct deity.

The fact that the inscription is generally free from hiatus may merely indicate some polishing up in the course of transmission.

Hignett objected that the decree was a lex satura, that its inclusion of different enactments in a single decree had no true parallel in extant Athenian inscriptions from the fifth century. However parallels have been found, and more importantly, as I shall show, the belief that the provisions for the ostracized ordered their recall, has been challenged (see below).

Despite these objections, even in the language there are some details which tend to prove its authenticity. It is, for instance, almost impossible to suppose

20. Jameson2, 339-400; Meritt, art. cit. 123.
22. As Jameson originally thought (216-7).
23. Jameson, 388 ff argued that if hypēresiai were to refer to the petty officers here, provision is made for their assignment to ships, but not for their selection, and vice versa for the epibatai; therefore the hypēresiai are the marines and archers.
24. Podlecki, op. cit. 152.
26. M.L. 51; Meritt art. cit. 125. Both M.L. and Meritt suggest that a kai has intruded itself here. It should be pointed out that the intrusive kai is more likely to have got into the copy from which the insciber worked since normally he appears to have been very careful. The ease with which such a mistake can happen is graphically illustrated by Meritt. See also Podlecki, op. cit. 153-4.
27. Lewis, art. cit. 66.
28. Higlett, op. cit. 463; for possible comparable multiple decrees see W. Ripper, Gymnasium 74, 1967, 136 ff. (But see note 32 below.)
that a forger would have used the phrase (line 7) τοὺς ἔξονος τοὺς ὁκοῦντας 'Αθήνησι instead of μετοίκους which was the standard term in Athens from the 460's, just as it is unlikely that he would have used τοὺς μεθεστηκότας instead of τοὺς ὀστρακισμένους. 

Nor is it easy to see why a forger should have provided all the details of mobilization contained in lines 18–40 when to do so would have put him to considerable trouble if he were to avoid anachronism, and—at least as far as propaganda purposes are concerned—without really adding anything to the earlier section. Yet surprisingly it is the earlier section (lines 1–18), which would require little skill to forge, which some scholars have accepted as possibly genuine, while rejecting the rest of the inscription where it would be considerably more difficult to avoid errors. Moreover we have to conceive of a forger in an age before scholarship was really born, being so skilled that he has managed to take in not only his contemporaries but even many modern scholars.

It is, again, not easy to see why a forger, knowing that the ostracized were recalled before the battle of Salamis, should have contented himself with ordering them to Salamis 'until the people come to some decision about them...' (lines 44–47). As Jameson originally pointed out, this provision, which is not on the face of it exactly calculated to produce the desired 'unanimity' in the face of the foe, tends to confirm its authenticity. But I would like to emphasize that, in the light of the recent article by Burstein, there is even less reason to suppose that this is a separate matter—the ostracized have been recalled already; what is ordered is their departure to Salamis.

I want to return later to the problem of the conflict of this document with Herodotus, but à propos the hypothetical forger, it is perhaps assuming too much to suppose that he would have deliberately halved the number of Athenian ships which Herodotus recounts were sent to Artemisium and have placed the decree for the evacuation before Thermopylae and Artemisium and

29. Lewis, art. cit. 62 citing Aesch. Suppl. 609; I.G. I, 188.52 ὑπὸ μετοίκους.
30. Lewis, art. cit. 65, 66.
32. Jameson1, 222; see now S. M. Burstein, Calif. Studies in Classical Antiquity, 4, 1971, 93–110; also Burn, op. cit. 366. Burstein's article is instructive. I do not share all his views (particularly about the authenticity of the decree) but he makes it clear that it is possible that Aristotle (Ath. Pol. 22.8) in dating the recall of the exiles to the archonship of Hypsichides does not necessarily prove that this was 481/0, since 482/1 is not ruled out (Burstein art. cit. 46). He goes on to show that what the decree of Themistocles orders is not the recall of the ostracized (since, in view of his dating of the recall this would have taken place in the previous year), but their departure from Athens to Salamis. He rightly draws attention to the unusual wording of line 46 (ἀπαίνως) whereas the regular word to describe the action taken by a returning exile was κατίσει. If he is right about this, this is further indication that the decree is not a lex satura since the provision about the ostracized was on a par with the other provisions for the removal of the inhabitants of Athens. (Contra. I. Hahn, Acta Antiqua 13, 1965, 27–39). There are still problems; the dating of the return is by no means certain, and what exactly is to be decided about the previously ostracized once they have got to Salamis?
yet have put this crucial information and innovation in an inconspicuous position in line 42 near the end of the decree. Since it is well known that some of the refugees went to Aegina and Salamis it is surprising that the hypothetical forger mentioned only Troizen, although, of course, it may be that the alternatives have been edited out in the Troizen version.

The authenticity of the Themistocles decree has also been attacked, especially by Habicht, because, it is alleged, it is only one of a number of spurious documents of the fifth century which appear usually for the first time in the fourth century and mainly in the orators. Doubts about this document are thus reinforced by an appeal to the existence of a large number of avowed forgeries; the list is long: it includes the decree of Miltiades, the decree against Lycides, the Troizenian decree of Nicagoras, the Salamis Epigrams, the Oath of Plataea, the Ephebic oath, the Covenant of Plataea, the Arthimos decree, the Peace of Callias, the Congress decree, the Papyrus decree (Anonymus Argentinensis).

The argument appears to gain weight from the fact that ancient authorities originally made the charge that there were public forgeries in the fourth century—Theopompus especially. 'From Theopompus in the twenty-fifth book of the Philippica (comes the story) that the Hellenic oath which the Athenians say the Hellenes swore before the battle of Plataea is falsified (καταψείδεται), as is the treaty of the Athenians and the Hellenes with King Darius. And, furthermore, he says the battle at Marathon was not what everyone keeps repeating it was and all the other things that the city of the Athenians brags

33. For numbers at Artemisium, Herodotus VIII, 1 (127 ships), plus 20 furnished to Chalkis; reinforcement of 53 ships VIII, 14, 1. It is not without significance that there is no parallel to the numbers in the decree in the literary tradition. Cf. Isocr. IV, 90 (60 ships); Diodor. XI, 12, 4 (140).

34. Herodotus VIII, 41, 1, v. Jameson 211 who notes that some writers speak only of Salamis.

35. See below. The number of articles known to me on the following suspected forgeries is prohibitively large. I shall mention in each case only one or two studies.


37. Plut. Them. 10, 5; Podlecki ibid.

38. A. E. Raubitschek, B.I.C.S. 8, 1961, 59 (also deals with Themistocles' decree, the Oath of Plataea, the Covenant of Plataea and the Peace of Callias).


42. Meiggs, op. cit. 508-512.

43. Meiggs, opp. cit. Chap. 8 and App. 8; D. Stockton, Historia 8, 1959, 61-79.

44. Meiggs, op. cit. 512-515; R. Seager, Historia 18, 1969, 129-140.

about and uses to dupe the Hellenes'. Theopompus also denounced 'the treaty with the barbarian'—normally taken to refer to the Peace of Callias. Theopompus has thus impugned the authenticity of a number of documents and scholars have tended to respect his opinion. But it would be as well to consider two facts. Theopompus also objects to Athenian boasting of the battle of Marathon—yet few would agree with him there, and worst of all (a fact which seems to have been passed over by many scholars) Theopompus seems to have made a practice of alleging fraud. In Fragment 259 (he says) of the works of Plato τῶν πολλῶν, φησὶ, τῶν διαλόγων αὐτοῦ ἀχρείους καὶ ψευδεῖς ἀν τῆς εἰροί, ἀλλοτρίως δὲ τῶν πλείους, δύνα τις ἀριστίππου διατριβῶν, ἐνίου δὲ κακί τῶν Ἀμπιδρέους, πολλοὺς δὲ κάκ τῶν Βρύσωρος τοῦ Ἡρακλεώτου. Such a wild and completely false accusation against the dialogues of Plato should make us suspicious of the validity of Theopompus' attack on many of these documents from the fifth century which first appear in the fourth.

It is reassuring to find, in contrast, one document even older than the ones with which we have been concerned, which has generally been accepted as substantially authentic—namely the foundation agreement between Thera and its colony in Cyrene; this has survived in a fourth century copy and undoubtedly some of the wording belongs to that century. You may argue that a foundation decree is just the sort of text which would survive, but equally, it seems to me, would a decree recording a decision which proved vital to the survival of a nation—such as the Themistocles decree.

Those who attack the authenticity of the Themistocles decree by appealing to the existence of large numbers of forged documents appearing at much the same time have to cope with the fact that many scholars do not regard all of these documents as forgeries, and with the not unimportant fact that Demosthenes and his contemporaries (with the exception of the choleric Theopompus) accepted them as genuine. It is strange, to say the least, that the orators do not attack one another for citing forged documents. Relevance may have been more important to them than genuineness but they are evidently not averse to attacking authenticity. For example, Aeschines (I, 25) in his attack on Timarchus, in order to show the modesty of the orators of old, had cited as an illustration a statue set up in the market-place of Salamis which, in contrast to

47. F.Gr.Hist. 115 F.154-5.
49. v. P. Siewert, op. cit. (above note 39), 16. This important point was drawn to my attention originally by Mr. T. F. R. G. Braun of Oxford.
50. Graham, JHS 80, 1960, 94-111; Jeffery, Historia 10, 1961, 139-147; M.L. No. 5; cited by Berve, op. cit. 5 and n.7; Podlecki, op. cit. 165.
Timarchus who leaped about in the assembly half-naked, has Solon with his arm inside his cloak. Demosthenes profits from Aeschines’ error in his attack on Aeschines in the *De Falsa Legatione* (251 ff)—he points out that the people of Salamis told him that the statue was erected less than fifty years ago. This attack on Aeschines’ failure to distinguish a later statue from a contemporary one shows that the fourth century orators could, and did, attack one another for passing off ‘forgeries’ as the genuine article. Demosthenes’ failure to brand the Themistocles decree as a forgery perhaps shows that it was generally accepted. 51

This is not to say that we should accept all of these documents unquestioningly; but it would be precisely the survival and discovery of genuine documents which would encourage imitation and forgery 52 and the production of a large number of suspicious-looking documents from the past would be counter-productive. Moreover the greater the number of forgeries, the greater the risk that some error will give the game away. Yet these documents were accepted by the Athenians, despite the contemporary accusations of Theopompos who might have made some look more closely at them; and they were accepted not only by the Athenians, but even by the citizens of Troizen who were obviously prepared to accept the Themistocles decree.

We should therefore avoid the argument of ‘guilt by association’ 53 and examine the Themistocles decree and the others independently. This is especially important for the Themistocles decree because it falls into a category quite different from that of the Miltiades decree for example. It has been preserved not only (in part) in two literary versions, but also in a publicly displayed and presumably publicly-accepted epigraphic text i.e. in Troizen. In its case we are able to check for anachronisms, and, as you have seen, the result has, at worst, been a verdict of ‘not proven’.

The Miltiades decree needs special discussion because we cannot get away from the fact that it was read out by Aeschines on the same occasion as the Themistocles decree (Dem. XIX.303) and we must suppose that he read out a substantial part of it. 54 This decree has recently been contrasted with that of

51. Burn *op. cit.* 374 remarks ‘Some have argued, in favour of the genuineness of our Decree, that if what Aischines read out was a forgery, Demosthenes would have said so; but this rests on a false premise; for when Aischines read the Decrees, he was speaking on the side of the war-party, and Demosthenes will have applauded. He later attacks Aischines for changing sides; it would not have helped to have attacked his earlier pronouncements.’ I do not agree: if Aeschines had been guilty of reading out false documents in his years as a member of the war-party, it would have been in Demosthenes’ interests, if he knew that they were forgeries, to destroy Aeschines’ credibility. If one examines the *De Falsa Legatione* 302 ff., Aeschines’ rôle as the saviour of Greece is treated with scorn. There is thus nothing to prevent Demosthenes questioning Aeschines’ documents any more than the Salamis statue; it might have been particularly telling; after all Aeschines made a great deal of play with inscriptions generally.

52. Jameson* 462 n.45.

53. As Podlecki calls it, *op. cit.* 160.

54. It would be a great deal easier to suppose that Aesch. read out only a few memorable phrases, but since we cannot be certain of this it seems better to face the difficulty that he may have read out as much of this decree as of that of Themistocles.
Themistocles by Podlecki who insists that the two decrees do not deserve to be considered on a par with one another because ‘what few references there are to
the so-called Miltiades Decree in the ancient sources are somewhat lacking in
their credibility’. I agree with Podlecki that the two decrees are not comparable, but not for the same reasons, and in particular I am no longer convinced, as Podlecki is, that the Miltiades decree is necessarily a forgery. If we
can manage to do no more than keep an open mind about the authenticity of the
Miltiades decree then we will have made some progress; firstly because at least
another supposed fourth century forgery will have been removed from the case
against the Themistocles decree itself, if the sceptics insist on the ‘guilty by
association’ argument, and secondly we will avoid the particular difficulty that,
since Aeschines read out both these decrees and may be supposed to have had
some hand in their discovery (see below) it would be distinctly embarrassing to
the case for the authenticity of the Themistocles decree if its stable companion
were proved beyond doubt to be a forgery—embarrassing but not insurmount­
able.

Our evidence for the Miltiades decree is very slender. Apart from the passage
of Demosthenes (XIX, 303) already mentioned, our knowledge of the Miltiades
decree is confined to a passage in Aristotle’s Rhetoric (III, 10, 1411 a 10), the
scholiasts on this, on Demosthenes, and on Aelius Aristeides and a passing
reference in Plutarch (Quaest. conv. I, 10; 628 E). The decree is accepted as
authentic by Hammond among others, who extracts its gist as follows—that
Miltiades proposed a motion ‘that they provide themselves with supplies and set
out’ (Arist. Rhet. 1411 a 10 ἐπιστισμένοις ἔσθη δὲν ἔσται, τὸ Μιλτιάδου
ψῆφισμα) and ‘meet the enemy at once’ (Scholia to Dem. XIX, 303 ὅ μὲν γὰρ
Μιλτιάδης, οὔτε ἐπηλθὼν οἱ Περσαὶ, ἐγραφεὶν ὥστε εὐθὺς ἀπαντήσαι τοῖς
πολεμίοις.)

Unlike Hammond I do not believe that we can disinter the wording of the
decree. Firstly because in the passage from Aristotle’s Rhetoric the decree is
 cited as an instance of metaphor used by Cephisodotus in 357 B.C. in
connection with an expedition to Euboea, and it is obvious (as Cope remarks in
his edition) that Cephisodotus meant ‘with all the unhesitating haste prescribed
by Miltiades’ decree; in other words that it is δὲν ἔσται that goes with the
decree not ἐπιστισμένοις (or the alternative reading ἐπιστισμένοις) which
seems to belong to the occasion about which Cephisodotus is talking.
Secondly the scholia on Demosthenes XIX, 303 obviously have no idea of the

55. Podlecki op. cit. 160.
56. There may also be a reference in Nepos, Milt. IV.
59. W. Dindorf, Demosthenes (Vol VIII) Scholia Graeca ex codicibus aucta et
content of the decree, let alone agree on its wording. Besides the one already quoted by Hammond, one (483, 15) talks of Aeschines as having thought it right to imitate τον Μιλτιάδου δρόμον, another of the decree voting δραμέιν ενθώς επὶ τὸν Μαραθώνα... καὶ μὴ ἀναμένειν ἕως συλλέγωσιν ὑπὸ συμμαχήσουσίν, and there does not seem any reason to suppose that any of the scholars had a text before him, or that (as Hammond has, in fact, supposed) that one has preserved the wording where the others have not. They are all, quite obviously, inferring the content from the literary references to the decree. The scholar on the Aristotle passage, quoted by Cope, remarks that ‘Miltiades, without allowing for deliberation, marched out against Xerxes’; this, perhaps shows of how little value they are. 60

The ignorance of the scholars seems to show that although they had some knowledge of a decree passed by Miltiades, none could quote it, and thus it did not pass into the literary tradition, or, at any rate, it did not survive in a literary tradition. Cephsidotus obviously only referred obliquely to it, whereas Aeschines read it out; and it seems reasonable to conjecture that Aeschines found it in the archives since its text, at any rate, was not in the literary tradition.

The passage of Plutarch (Quaest. conv. 1, 10, 628 E) raises a problem. Podlecki61 supposed that this indicated that ‘the oral tradition that the decree calling for mobilization before Marathon was moved by Miltiades—was at some later stage expanded into a full decree, complete with prytany date’. I am somewhat sceptical about this prytany date and, although it is by no means necessary to my case, it does seem more likely to me that after Aeschines there was no full text of the decree in the literary tradition, otherwise we might have had greater knowledge of its gist.

The subject under discussion in Plutarch is the tribe Aiantis (of which Marathon is a deme). 62 The fact that the polemarch Callimachus belonged to that tribe is mentioned together with the fact that, next to Miltiades, it was he who was most responsible for the decision to commit the Athenians to battle. The decree which is then mentioned is not specifically called the Miltiades decree; nor is the source of information for the prytany date given, so that it may

60. Podlecki, op. cit. 160, also notes that the scholiast in a comment on a passage of Aelius Aristeides For the Four (II, 219 Dind.) remarks (III, 542 Dind.) that Miltiades proposed to ‘leave the city to the god’, and Podlecki says that this is ‘has been transferred bodily from the Themistocles decree’ and takes it as evidence of a later attempt to fabricate a mobilization decree before Marathon to provide Miltiades with the honour of having proposed a decree equal to that of Themistocles. This supposition—that there was in existence a textually a fabricated text of the Miltiades decree—seems to me not to be justified by the evidence. The scholiast has obviously confused the two decrees, and has supplied wording from the one to the other. It is surely of some importance that the phrase he attributes to the Miltiades decree is from the Themistocles decree, and not another phrase patently from a forged text of the Miltiades decree. Podlecki seems here to be guilty of the same kind of error as Hammond—that of trying to extract too much from the ill-founded remarks of scholars.

61. Podlecki, ibid.

62. Plutarch, Quaest. conv. 1, 10; 628D. See R.E. s.v. Marathon, col. 1427.
be nothing more than a detail added later in the literary tradition to give versimilitude, which derives from the fact that it would be particularly appropriate to have the commander-in-chief's tribe in the prytany at that time. This suggestion is admittedly conjectural, but it does emphasize that we need not suppose that a full text of the decree was well known in antiquity. Aeschines in this respect is the odd man out.

In brief we do not know enough about the Miltiades decree to decide whether it is authentic or not. Since we do not have a text the question of authenticity should not arise. This is precisely where the difference between the two decrees lies. For the Themistocles decree we have both an epigraphic and literary text; for the Miltiades decree neither. We are not entitled on the strength of the ignorant remarks of scholiasts to brand this decree as a forgery.

Admittedly Herodotus, our most nearly contemporary source, does not actually say that Miltiades was the author of this decree, in fact does not mention a decree64 but his narrative does seem to indicate that Miltiades might have been responsible for the decision to march out to Marathon, although he does not specifically say so.65 But Herodotus clearly has little interest in inscriptions, and, just as clearly, details about the Persian wars and later, such as memorable phrases from speeches which were not written down, were remembered long after the events.66 Memories of other inscriptions did survive from this period; in Pausanias67 another decree is mentioned 'of Miltiades and the Athenian state' which liberated some slaves before the action at Marathon—another fact not mentioned by Herodotus, not because, I would suggest, it was fabricated later, but because Herodotus' narrative is not as full as it might be. Actual decrees almost certainly survived—the decree of the Athenian state vowing to sacrifice 500 goats every year to Artemis is a good example.68 In view of this it seems best to allow that a genuine text of this decree might have survived for Aeschines (or someone else) to discover in the middle of the fourth century. Beyond that we cannot proceed.

Before I go on to discuss the implications of the Themistocles decree for Herodotus' narrative of the events of 480 B.C., I want to discuss a number

63. It should be made quite clear that I do not deny that there was a great deal of invention of likely details, and of shifts of emphasis from one leading figure to another in the literary tradition about the Persian wars. In the Plutarch passage just mentioned there seems to be some evidence for a 'pro-Callimachus' tradition, and vice versa in Aelian V.H. II, 25 the sacrifice vow of Callimachus is attributed to Miltiades. But literary differences are not the same thing as the wholesale fabrication of complete decrees.
64. Hdt. VI, 103, 1.
65. Hdt. VI, 109, 5 may be, as Burn op. cit 241 suggests, misplaced from the debate about whether to march out to Marathon.
66. Burn, op. cit. 360 n.59.
of suggestions which have been made for the transmission or the source of the Themistocles decree.

It has, for instance, been tentatively suggested by Raubitschek\textsuperscript{69} that 'the Attidographers from Hellanicus to Philochorus included . . . many of the documents'. For our purposes, namely the survival of a document in a literary tradition from the fifth to the fourth century, only Hellanicus is in point. Now it is extremely unlikely that Hellanicus could have included later decrees in his \textit{Atthis}, for this work, which was later divided into only two books\textsuperscript{70} covered the whole of Athenian history from the earliest times down to at least 407/6 B.C.\textsuperscript{71} We know from Thucydides' criticism of him that he wrote \textit{βραχιόνος} (Thuc. I, 97, 2). It is extremely difficult, admittedly, to judge the content of Hellanicus' \textit{Atthis}, because, of the 29 surviving fragments in Jacoby all but four deal with the period of the kings or earlier. Jacoby indeed emphasizes\textsuperscript{72} that the brevity of Hellanicus' account was such that details of \textit{strategoi}, ambassadors, etc. were not given, and that a systematic investigation of documents did not begin until after 350 B.C. It is thus highly unlikely that decrees such as that of Themistocles were preserved in the Attidographers from the fifth century.\textsuperscript{73}

Similarly the whole oratorical tradition from the fifth century into the fourth shows no awareness of any plan to evacuate Athens before the battle of Artemisium;\textsuperscript{74} indeed where it is not merely reliving the glory of Salamis, it tends to further the impression one gains at first glance from Herodotus, namely

\textsuperscript{69} A. E. Raubitschek \textit{BICS} 8, 1961, 59.
\textsuperscript{70} Jacoby, F. Gr.H. (Dritter Teil b. Supp. Vol. I) 'Intro. to Hellanicus fragments' p. 12 (but see n.93 where the variety of length for a book is noted).
\textsuperscript{71} Jacoby, op. cit. 11, and note 78.
\textsuperscript{72} Jacoby, op. cit. 53.
\textsuperscript{73} G. Huxley ('Kleidemos and the Themistocles Decree'. \textit{GRByz} 9, 1968, 313-8) has suggested that it was Kleidemos who was the earliest historian to have mentioned the Themistocles decree (about 350 B.C.), and that the text of the decree stood in his \textit{Atthis}. However the date of publication of Kleidemos' \textit{Atthis} is by no means certain—it might have been published after Aeschines had read out the decree. Because Plut. \textit{Them.} 10,4 says of the stratagem of Themistocles for paying the crews that 'according to Kleidemos this stratagem was also \textit{(καὶ τὸ βῆμα) the work of Themistocles'} does not prove (as Huxley thinks) that Kleidemos must have already stated that the decree for mobilization was Themistocles' work (or even less that he must have quoted it). The \textit{καὶ τὸ βῆμα} is just as likely to be from Plutarch's point of view, i.e. 'Kleidemos says that \textit{this too} (in addition to the various strategems already related of Themistocles) was a device of Themistocles.'

\textsuperscript{74} The oratorical and historical tradition on the Persian wars deserves separate treatment. Briefly Jameson\textsuperscript{1} 202 ff; Podlecki \textit{op. cit.}, 31 f; I. Calzà Limentani, 'Sulla tradizione del consiglio di Temistocle di abbandonare Atene . . .'. \textit{PP} 22, 1967, 264-286.

Aristophanes' alleged reference to the decree in the \textit{Knights} (763-4) does not seem to have had any effect on the tradition. (See above n. 13 for Meritt (following Preuner). I would suggest tentatively that this may be a case of a famous phrase surviving, without any further implications that the whole text was known. It should perhaps be pointed out that neither Plutarch nor especially Aelius Aristeides who might have known the whole decree (see Podlecki, \textit{op. cit.} 120) realized that it implied a planned evacuation before Artemisium which was in conflict with their interpretation of Herodotus' narrative.
that the evacuation was an emergency measure carried out when the Spartans let the Athenians down by not turning out in force in Boeotia.\(^{75}\)

Thucydides shows no knowledge either of the Themistocles decree; in fact he reasserts (admittedly in speeches) the Athenian accusation that it was Spartan perfidy which forced the abandoning of Attica (but there was an element of truth in that).\(^{76}\) But it is surprising, in view of his higher estimation of Themistocles compared with that of Herodotus, that he does not press Themistocles’ claim to foresight by citing the decree, and the only reasonable deduction is that he did not know of it,\(^{77}\)—especially surprising as Thucydides had a penchant for pointing out the unreliability of his fellow historians and of the popular version of events. It seems, then, safe to dismiss any idea that the decree was well known to the orators or historians at the beginning of the fourth century—and a fortiori was not ‘invented’ in their circle.\(^{78}\) It is particularly noteworthy that Ephorus (in Diodorus) who is extremely favourable to Themistocles, makes no mention of a planned evacuation before Artemisium either.\(^{79}\)

Another candidate for the inventor of the decree has been Aeschines.\(^{80}\) Now I am myself convinced that it was Aeschines who discovered the decree, but a study of Aeschines’ knowledge of history indicates quite clearly that he did not possess the detailed knowledge of history necessary for the forging of a detailed document such as the Themistocles decree.\(^{81}\) But in contrast to his inadequate general knowledge of Greek history there are two areas in which Aeschines does

\(^{75}\) Hdt. VIII, 40 (cf. Isocr. IV, 93 ff, Dem. LX, 10).

\(^{76}\) Thuc. I, 91, 5; (n.b. this implies that the decision to abandon Attica was made without reference to the Spartans); I, 73, 4 (‘not being able to defend ourselves by land, we embarked . . .’); I, 74. For Themistocles, I, 138, 3. (cf. Burn op. cit. 377 n.30).


\(^{78}\) Burn, op. cit. 372.

\(^{79}\) That Diodorus’ version is favourable to Themistocles, see a) XI, 12.4—encomium of Themistocles (? based on Thuc.) b) XI, 12 has no hint of the bribery of Themistocles at Artemisium c) XI, 15 ff., in an admittedly brief version, gives the credit for the strategem at Salamis to Themistocles; there is no mention of the rôle of Mnesiphilus.

In Diodorus XI, 13, 4 the evacuation of Athens is dated after, and caused by, Thermopylae. Diodorus/Ephorus version is very different from that of Herodotus in other respects, v. XI, 12, 1 where Artemisium is placed considerably later than Thermopylae since, apparently, the Persian fleet is still at Pydne after Thermopylae has been fought. It is, therefore, all the more surprising that he does not avail himself of an alternative tradition about the planning of the evacuation.

\(^{80}\) Burn, op. cit. 375.

\(^{81}\) I have discussed the question of ‘Aeschines’ knowledge of history’ in an, as yet, unpublished paper, so that I will not attempt to summarize the results here. One example will have to suffice. In II, 76 Aeschines talks of Tolmides fearlessly marching through the Peloponnese with a thousand picked Athenians. In fact Tolmides sailed round it (cf. Thuc. I, 108, 5).
show an unusual knowledge of the Persian wars and these are where he quotes from public documents discovered in the Metroon, or where he is describing monuments.\(^2\) It thus seems to me that the man who is first known to have quoted the decree in the fourth century is also likely to have been the man who discovered it, and his familiarity with the archives gives us good reason to believe that the document itself was preserved there in some form. The decree need not then be the product of propagandists, but the inadvertent discovery of a man known to have searched the archives carefully for specific decrees but who could not have forged it himself.

One of the biggest problems raised by the Themistocles decree has been its alleged contradiction of the account given in Herodotus\(^3\) whose reliability as a historian has so often in the past been proved against his detractors. In VII, 144, 3 Herodotus mentions a decree committing the Athenians to a naval war against the Persians, (‘... and they determined upon deliberation after the (discussion on the) oracle, to obey the god’s advice and receive the invader at sea with all their forces, and with any other Greeks who were willing to join them’). He then mentions the proclamation for the abandoning of the city dating this firmly \textit{after} the battle of Artemisium—(VIII, 41, 1–2)—‘while ... the rest of the fleet put in at Salamis, the Athenians returned to their own harbour, and after their return they made a proclamation that each of the Athenians was to save his children and slaves in any way he could. Thereupon the majority sent them to Troizen, but some sent them to Aegina; others to Salamis’. In Herodotus the evacuation does not take place until after Artemisium, apparently, and (as in the later oratorical tradition) the blame for the evacuation is laid on the Spartans for their failure to send adequate numbers of troops to Boeotia (VIII, 40, 2).

Objections have been raised to the assimilation of the Troizen decree to both of these measures in Herodotus. Obviously it contradicts the ‘proclamation’, because lines 41–2 clearly indicate that Artemisium has not yet been fought, whereas Herodotus makes it plain that the proclamation occurs only after the withdrawal to Salamis; and the decree, it is alleged, cannot be the earlier decree mentioned in Herodotus (VII, 144, 3) because there is no indication that it is

\(^2\) On the Metroon as his source, see II, 32; Aeschines was Secretary of the Council (Dem. XIX, 249).

\(^3\) I use the word ‘account’ here, although I am well aware that the tradition in Herodotus is not uniform. See C. W. Fornara, \textit{Am. Hist. Rev.} 73, 1967, 425–433. I agree with much in Fornara’s article; in particular, as will be obvious, with the dating of the oracles, and the fact that the action of the Plataeans in evacuating their city immediately after Artemisium is irreconcilable with the version that the Athenians (and Plataeans) were forced to evacuate because of the subsequent failure of the Peloponnesians to send an army to Boeotia. However, Fornara insists that the agreement of the inscription does nothing more than provide confirmation of the existence in the fifth century of an oral tradition which was transmitted to Herodotus by some of his informants. Yet Fornara proves conclusively that the version of the Themistocles decree is less likely to have been invented. The most telling point against Fornara’s residual scepticism must be that a complete inscription is not likely to be found in an oral tradition.
merely provisional or precautionary, and it mentions the sending of ships to 
Artemision whereas Herodotus appears to date it to the summer of 481 B.C., 
after the oracles, but before the Congress at the Isthmus—which is clearly far 
too early for the mobilization decree.

But it seems to me that the conflict between the decree and the narrative of 
Herodotus is more apparent than real. The wooden walls oracle, as How and 
Wells pointed out long before the discovery of the Troizen decree, comes in a 
passage of Herodotus' work which is 'timeless'. 'Both the tone and substantive 
of the oracles point to a date when the hope of holding Thessaly has been 
abandoned, when Delphi has despaired of the Greek cause, and when Attica is 
menaced by immediate invasion i.e. between the abandonment of Tempe and 
the resolution to hold Thermopylae.' That is, it is perfectly possible that 
Herodotus actually placed the decision to mobilize fully for sea where the decree 
places it—namely after Tempe but before Artemision. But—and I want to 
emphasize this point—this is by no means a clear deduction from Herodotus'
narrative. For alleged similarities between Herodotus and the decree have often 
been regarded as double-edged—either pointing to authenticity or to a forger's 
ultimate source.

The surprising fact is that the inscription follows a plan (for the evacuation of 
Athens prior to Artemision) which, although detectable in Herodotus, is not 
the one which most readers have deduced from his narrative, (or which 
Herodotus himself actually emphasized); and it is one which, as we have seen, is 
totally unknown in the literary tradition. Had it not been in any way reflected in 
Herodotus, or had it been exactly as in Herodotus, one might have with reason 
suspected that the inscription was the work of someone forging an inscription 
either by slavishly following the known traditions or being independent and 
deliberately disagreeing with them. But neither of these is the case; the 
differences are subtle, and yet important. It is assuming too much to suppose 
that a forger, no matter how clever, would have hit upon an otherwise unknown 
version of an important event, which, moreover, makes better strategic sense of 
Herodotus' information than Herodotus does himself. The fact that the Troizen 
decree, despite the suspicion with which it is viewed, is so often used in assessing 
Greek strategy ought to make us wary of the sceptics. Although the decision to 
commit themselves to their ships need not necessarily imply an evacuation 
order, it would have been common-sense to plan evacuation of Attica before

84. Hignett op. cit. 464, 467.
85. W. W. How and J. Wells, A Commentary on Herodotus, Oxford, 1912 (Rp. 1968), 
sailing to Artemisium, because Attica would be extremely vulnerable once the total able-bodied male population had been embarked on the 200 triremes. In practice the Persians arrived at Phaleron about eight days after the departure of the Greeks from Artemisium but they had wasted time at Histiaea and sightseeing at Thermopylae, and need only have been a day or so behind. The five or six days that the Athenians actually had to order an evacuation and carry it out (on the usual hypothesis) are plainly inadequate for the task. And here I would draw your attention to a fact, the significance of which is often overlooked, that is that, according to Herodotus the majority of the Athenians sent their families to Troizen. Even if this is somewhat exaggerated, that any went to Troizen at all surely tends to show that the evacuation was planned before Artemisium. For the trip to Troizen is not a short-haul like that to Salamis and Aegina, and no one is going to tie up ships on a longer journey in the sort of emergency situation which is envisaged by those who are sceptical of the implications of the Themistocles decree. Secondly it should be remembered that there is a significant omission in the list of the states which contributed soldiers to Leonidas' army sent to guard the pass of Thermopylae—and that is Athens. This has occasioned surprise. To say that Athens was quite unable to spare any hoplites when embarking on a total naval embarkation, although true, is only part of the story. For it meant that Athens was totally dependent on small contingents from the Peloponnese, and equal numbers from the central Greek states, to provide for the land defence of her own borders. In view of Spartan reluctance, and the lukewarm pro-Greek sympathies of the central Greeks, it would have been folly for Athens not to plan for the worst because, if by ill chance Thermopylae were to fall to the Persians, then there was no

86. J. F. Lazenby, _Hermes_ 92, 1964, 267 with whom, generally, I am in agreement on strategy. See also J. H. Thiel, _Meded. der Kon. Nederlandse Akad. van Wetenschappen, afd. Letter._ 25.8, 1962, 525–541 spec. 533. Thiel argues that evacuation was planned before Artemisium as a precaution, but that the actual evacuation took place afterwards. I agree with him that the decree does not give any details for the evacuation of the civilian population but nevertheless I believe that some organisation would have been arranged for them because, as I show later, the Athenians could not have wanted to leave themselves too little time to evacuate if it was forced on them. One point on which I disagree strongly with Thiel is his remark that (p. 536) 'the myth of the Peloponnesian treason could never have struck root firmly into the historical tradition about the events of the year 480... if Attica had been even partly evacuated before the defeat in Thermopylae'. If we admit that large numbers were evacuated at the last minute (as I do) this would have obscured any preliminary evacuation, and the decree did order the evacuation early. Myths are of much harder stock than Thiel supposes. Nor is Thiel's argument about the psychological necessity of there being a rider to the decree entirely convincing (p. 533). However Themistocles may have put the plan to the Athenians, the fact is that the evacuation of Attica was (as Thiel admits) planned before Artemisium. As to the morale of the troops, I can more readily believe that they would fight better for knowing that evacuation of their families was being organised while they were away at Artemisium. 87. Hdt. VIII, 23–5; 66 v. Lazenby, _art. cit._ 265. 88. See also P. Green, _The Year of Salamis 480–479 B.C._, London, 1970, 102. 89. VIII, 41, 1. 90. E.g. Hignett _op. cit._ 118.
comparable pass which the Greek army could defend to prevent Attica being overrun.

This is not the place to enter on a detailed discussion of the battle of Thermopylae, but since the problem of the overall strategy of the Greeks depends to some extent on one's interpretation of this debacle, one or two words are in order. It is generally agreed that Leonidas' army at Thermopylae, especially when compared with 10,000 hoplites despatched on the abortive expedition to Tempe, was small—only 3,100 hoplites from the Peloponnese plus as many from central Greece. But it was not the smallness of the army which actually was crucial but the Anopaea path and the carelessness of the Phocians. However that may be, one still has to explain the relatively small numbers compared with Tempe. Jameson has no doubts; arguing from the Themistocles decree, which orders only 100 of the 200 Athenian triremes to Artemisium, he thought that the Thermopylae–Artemisium line was never intended as an all-out effort but merely as a holding operation. Thus apparently the Themistocles decree is further brought into conflict with Herodotus who—leaving Thermopylae aside for the moment—clearly indicates that Athens committed all 200 of her ships eventually at Artemisium.

On Thermopylae there seem to be two alternative explanations for the Spartan failure to turn out in large numbers; a) the Spartans were quite sincere in their religious scruples over the Carneia, and that they sent Leonidas and his men as an advance guard as an earnest of their intentions, and intended to march out with their main army once the Carneia and the Olympic Games were over. b) (alternatively), they had no intention of committing the full Confederate army in Boeotia so far from the Peloponnese, but could not afford to let Central Greece fall without a struggle and so sent Leonidas to hold off the Persians for a while. (There is also perhaps a third possibility that they were seriously misled about the ability of Leonidas to hold the pass, but that does not really affect their intentions.)

It is obviously very difficult to decide which of these two alternatives is true. A point I would like to emphasize is that afterwards it would be virtually impossible to distinguish between them because no-one is going to claim the credit for the debacle, and other interested parties such as the Athenians plainly had an axe to grind. But considerations of strategy apart, the fall of Thermopylae so soon was clearly a surprise. It is this element that has given rise, in part, to the claim that the Athenians were let down by Sparta; it may not be the whole story however. There is a tendency in modern historians of the Persian wars to assume that just because an event happened in a particular way, that it was planned to be so. It seems to me that in dealing with the Greek

92. For the numbers of Ath. ships at Artemisium, Hdt. VIII, 1, 43-47; v. Burn op. cit. 382 ff.
93. Hdt. VII, 206, cf. 203, 1; 207.

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'strategy' against Xerxes this is misguided. Panhellenic unity was a myth—and if one thing is clear from the pages of Herodotus it is that the Greeks won eventually only by a combination of good luck and good guidance from Themistocles which they very nearly did not take. The rapid changes in basic strategy—first Tempe, then Artemisium/Thermopylae, then Salamis and the Isthmus as an alternative, show just how accidental their decisions were. I make this point because, whereas it seems to me that the Troizen decree makes sense when combined with Herodotus (and vice versa)—and this I regard as a strong indication of its authenticity—I am not prepared to follow Jameson in seeing the decree as looking forward to Salamis. For whatever was planned for Thermopylae, the Greeks at Artemisium, as Lazenby points out, had only 38 ships less than at Salamis, so that it does not look like a mere holding operation; nor, and this is more important, could the Greeks have planned Salamis before they could gauge the intentions of the Persians. All that the decree implies was that Salamis was envisaged early on as a fleet station. Why then does the Themistocles decree order only 100 ships to Artemisium? And why does Herodotus place the evacuation of Attica after Artemisium?

The narrative of Herodotus makes it clear that the Athenian fleet at Artemisium eventually reached a total of 200. But of these 53 arrived later, and 20 were furnished to Chalkis. In other words quite apart from the consideration that the decree embodies a plan and not a record of what actually happened, Herodotus also agrees, quite clearly, that not all the Athenian fleet went immediately to Artemisium. The explanation for this is not difficult to find; given the assumption that some attempt was being made to evacuate Athens at this stage—a reasonable enough one in view of what one can deduce from Herodotus—and using lines 42-44 of the decree where a guard squadron for Salamis and Attica is mentioned, it is obvious that the Athenians at first felt it essential to cover the evacuation and to guard against the very real possibility that the Greek position at Artemisium could be turned by a Persian detachment sailing down the east coast of Euboea. But, it will be objected, Herodotus does not talk of an equally divided fleet, as the decree does. This objection fails to understand the order of priorities in the decree. The important part of the decree is the decision to evacuate Attica and the total mobilization of the able-bodied manpower of Athens. Where the ships were to be sent, and in what numbers is an altogether subsidiary issue, and would inevitably require modification as the occasion demanded. All that the decree does is to sketch in the strategy in broad outline, and, unless you insist that no modifications could be made, it is perfectly compatible with Herodotus' narrative of what happened. Until the Persians' intentions were clearer, it would be wise to 'guard the land'.

94. Lazenby, art. cit. 269.
95. ML. 52.
96. Hdt. VIII, 1; 14, 1. Jameson 220.
Herodotus places the proclamation—τῇ τις δύναται σώζειν τέκνα τε καὶ τοὺς οικέτασι—after the return of the fleet from Artemisium. (Hdt. VIII, 41, 1). Much the same form of words is used by Plutarch (Them. 10, 2)παῖδας δὲ καὶ γυναῖκας καὶ ἀνδράποδα σώζειν ἐκαστὸν ὡς δυνατὸν. But there is an important difference between the decree and the proclamation. The decree talks calmly of τὰ τέκνα καὶ τὰς γυναῖκας εἰς Τροίζηνα καταθῆκαται. I would like to support Jameson98 in viewing the proclamation with its talk of 'sauve qui peut' as actually belonging to the period after the fall of Thermopylae, and in believing that there is in the earlier decree a decision to evacuate (which many would have heeded) but that after the Greek fleet returned from Artemisium a proclamation was made ordering those who had not already done so 'to save' their children, wives and slaves.99

Thus it will be seen that the Themistocles decree and Herodotus are compatible, and although in such matters one cannot in the nature of things offer absolute proof, on balance it seems unlikely that the decree is a fourth century forgery. Scepticism can be carried too far.

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97. Plutarch is probably combining the narrative of Herodotus with the decree so that his is probably not independent evidence for the phrase.

98. Jameson1 204.

99. It is possible that Herodotus is merely giving the gist of the decree in his own words. If so, one may adopt the alternative suggestion (e.g. Lazenby, art. cit. 267) that Hdt. has erred in an understandable way... 'the return of the Greek fleet... marked the dramatic point at which evacuation became finally irrevocable'.

In the latter part of this paper I have adopted the view that the operations at Artemisium and Thermopylae were not mere holding operations. I have read J. A. S. Evans 'Notes on Thermopylae and Artemisium', Historia 18, 1969, 389-406, but remain unconvinced by his argument. I hope to deal with it in detail elsewhere.
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