



Aspects of the Athenian Democracy in the Fourth Century B.C.

Reflections on Claudia Tiersch (ed.)
Die Athenische Demokratie im 4. Jahrhundert.
Zwischen Modernisierung und Tradition
(Stuttgart 2016)

by Mogens Herman Hansen

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Abstract

In June 2012 a conference about the Athenian democracy in the fourth century B.C. was held in Berlin at the Humboldt University. The conference was organised by Claudia Tiersch, professor of ancient history at the Humboldt University. She invited 19 distinguished scholars to speak about various aspects of the Society, economy and political institutions of Athens in the period 403 to 322. Revised versions of the contributions were published in November 2016 with the title: *Die athenische Demokratie im 4. Jahrhundert. Zwischen modernisierung und Tradition*. The present book contains an assessment of and comments on Tiersch's introduction and the nineteen contributions.

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Contents

CLAUDIA TIERSCH (ED.):

Die Athenische Demokratie im 4. Jahrhundert v. Chr. Zwischen
Modernisierung und Tradition (Stuttgart 2016)

page 9

JAN TIMMER:

Schritte auf dem Weg des Vertrauens – Überlegungen zu Chancen
und Grenzen der Anpassung von Handlungsdispositionen

page 15

LENE RUBINSTEIN:

Communal Revenge and Appeals to Dicastic Emotions

page 20

EDWARD M. HARRIS:

From Democracy to the Rule of Law? Constitutional Change in
Athens During the Fifth and Fourth Centuries BCE

page 23

ROSALIND THOMAS:

Performance, Audience Participation, and the Dynamics of the
Fourth-Century Assembly and Jury Courts of Athens

page 30

P.J. RHODES:

Fourth-Century Appointments in Athens

page 35

VINCENT GABRIELSEN:

Associations, Modernisation and the Return of the Private
Network in Athens

page 38

GIOVANNA DAVERIO ROCCHI:

Political Institutions Between Centre and Periphery, Between
Public and Private in 4th Century Athens
page 43

RONALD STOUD:

The Athenian Grain-Tax Law of 374/3 B.C.: Unfinished Business
page 47

RAYMOND DESCAT:

Continuité et changement: le comportement économique à
Athènes au IV^es. a.C.
page 50

EDWARD E. COHEN:

Transformation of the Athenian Economy:
Maritime Finance and Maritime Law
page 53

CHRISTOPHE PÉBARTHE:

New Assessment on Trade and Politics
In 4th century B.C.E. Athens
page 56

ARMIN EICH:

Konzeptionen zur politischen Steuerung und Beeinflussbarkeit
von wirtschaftlichen Vorgängen (Athen 4. JH. v. Chr)
page 61

KIRSTY SHIPTON:

The Silver Mines of 4th C Democratic Athens: An Economic Nexus
page 65

CLAIRE TAYLOR:

Social Dynamics in Fourth-Century Athens: Poverty and
Standards of Living
page 69

DANIELLE ALLEN:

Culture War: Plato and Athenian Politics 350-330 BCE
page 72

KATARINA NEBELIN:

Vielfalt ohne Gleichheit? Das Problem der politischen und
sozialen Vielfalt bei Aristoteles
page 76

PETER LIDDEL:

The Honorific Decrees of Fourth-Century Athens: Trends,
Perceptions, Controversies
page 82

VOLKER GRIEB:

Konsolidierung als Modernisierung: Athens Bürgerschaft im
späten 4. und frühen 3. Jahrhundert v. Chr.
page 86

JOHN DAVIES:

Athens after 404: A Battleground of Contradictory Visions
page 89

Afterword

page 93

Reflections on Claudia Tiersch (ed.): Die Athenische Demokratie im 4. Jahr- hundert. Zwischen Modernisierung und Tradition (Stuttgart 2016)

This book is the result of an international conference organised by Claudia Tiersch and held at the Humboldt-Universität zu Berlin in June 2012. In addition to an introduction by the organiser the book comprises 19 chapters written by renowned international experts in the field. I shall start my assessment of this important book with two comments: one on the period covered by the investigation *viz.* the fourth century, and one on the book's subtitle: *Zwischen Modernisierung und Tradition*.

Re 1. Tiersch mentions the well-known trend that traditionally interest in Athenian democracy was focused on the fifth century (19). As a result books about the Athenian democratic institutions offered a diachronic account of their origin and development down to Ephialtes' reform in 462, then a systematic description of the illustrious Periklean democracy – called radical democracy – followed by the oligarchic revolutions of 411 and 404-03 and ending with a few pages about the restoration of the former democracy in 403.¹

In the second half of the 20th century several scholars felt that such a description was a torso. Many aspects of the democracy are in fact better known from fourth-century sources, and in particular sources from the period ca. 355-322. Accordingly they favoured an account that covered the entire period from 508/7 to 322/1- first a diachronic account of the democracy from Kleisthenes to Ephialtes,

1. G. Glotz, *La cité grecque* (Paris 1928); C. Hignett, *A History of the Athenian Constitution to the End of the Fifth Century* (Oxford 1952); K.W.Welwei, *Die griechische Polis* (Stuttgart 1983) 197-262 with a few pages about the restoration of the democracy in 403 (263-70).

then a systematic account of the democracy from the 450s down to the abolition of democracy in 322/1.²

But Athenian democracy was much too dynamic to fit a synchronic description that covers almost a century and a half and allows institutions attested in the second half of the fourth century to be extrapolated back into the fifth century on the assumption that the democracy restored in 403 was similar to the democracy of the Periklean period and was not radically changed before 322/1 when it was abolished. One example is the widespread belief that the regulation to have four meetings of the *ekklesia* every prytany goes back to the fifth-century period.³ It is explicitly attested in the 320s in the Aristotelian *Ath. Pol.* 43.3-6, it can be traced back to the year 347/6 where we possess detailed information about the *ekklesiai* held in connection with the peace with Philip of Macedon.⁴ But it is unlikely to have existed in 431 when Perikles could avoid summoning meetings of the *ekklesia* for the entire period during which the Spartans occupied Attica.⁵

There are several alternatives. One is to write a diachronic description from 508/7 to 403/2 followed by a basically synchronic account of the democracy from 403/2 to 322/1, allowing for a number of reforms in the course of the 81 years it lasted.⁶ Another is to focus on the fourth-century democracy and refer back to the fifth-century democracy only when tradition is emphasised. Two outstanding examples of this approach are the acts of the confer-

2. J. Bleicken, *Die athenische Demokratie* (Paderborn 1985) 11 and passim, repeated in the second edn. 1994; R. K. Sinclair, *Democracy and Participation in Athens* (Cambridge 1988) 20-22 and passim.

3. E.g. P.J. Rhodes, *A Commentary on the Aristotelian Athenaiion Politeia* (Oxford 1981) 521.

4. M.H. Hansen, "Ekklesia Synkletos in Classical Athens and the Ekklesiai in the eighth Prytany of 347/6", *GRBS* 47 (2007) 271-306.

5. J. Christensen and M.H. Hansen, "What is Syllogos at Thuc. 2.22.1?", in M.H. Hansen, *The Athenian Ecclesia II* (Copenhagen 1989) 195-211, at 197-99. Our interpretation is referred to favourably by S. Hornblower, *A Commentary on Thucydides I* (Oxford 1991) 275-76. But other Scholars disagree, e.g. J.S. Rusten, *Thucydides The Peloponnesian War 2* (Cambridge 1989) 129.

6. M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Oxford 1991, 2nd edn. London 1999).

ence in 1992 held in Bellagio and organised by Walter Eder, the editor of the volume,⁷ and the acts of the conference in 2012 held in Berlin and organised by Claudia Tiersch, the editor of the volume under review.

Re 2. My other comment is on the subtitle of the volume: *Zwischen Modernisierung und Tradition*, and here the juxtaposition of the two terms is somewhat ambiguous. In history as a scholarly discipline the opposition between modernisation and tradition is used in two different meanings: (1) How a historical society changed over time (modernisation) as against how the society upheld their society and its institutions (tradition). Thus many of the Athenian political institutions were changed in the course of the Classical period. *E.g.* to get rid of a political leader the Athenians used ostracism in the fifth century down to 417-15 but thereafter they used in particular the *graphe paranomon*. Laws were passed by the *demos* in the fifth century, but by boards of *nomothetai* in the fourth etc. Other institutions were kept up unchanged from the Archaic to the Hellenistic period. *E.g.* every Athenian citizen was a member of a *phratry*. That is attested in Drakons homicide law and it was still the case in the Classical and Hellenistic periods.⁸ Now, *Modernisierung* is a modern concept and Tiersch devotes more than half of her introduction to an exposition of the concept and to key aspects of modern debates about modernisation (7-19). Most of the scholars discussed are sociologists from Émile Durkheim and Max Weber to Shmuel Eisenstadt and Wolfgang Knöbl, others are historians, *e.g.*, Reinhart Koselleck or political scientists *e.g.*, Michael Walzer. Tiersch's account of modernisation is a tour de force of learning and comprises a brief mention of over a score of different approaches, some related and some opposed to one another. In this context to present an overview would fill more than the 12 pages of Tiersch's *Forschungsbericht*. But one central aspect stands out: to focus on modern concepts in an analysis of an ancient society is an example of what today is commonly called "the etic view", by contrast with "the emic view"

7. W. Eder (ed.), *Die athenische Demokratie im 4. Jahrhundert v. Chr. Vollendung oder Verfall einer Verfassungsform* (Stuttgart 1995).

8. S.D. Lambert, *The Phratries of Attica* (Ann Arbor 1993) 25-27, 237, 248-9.

which is to base an understanding of an ancient society on how it was understood by the members of that society themselves.⁹

The fourth century Athenians were conscious that their democracy and its institutions were different from those of the period before 404, and were changed repeatedly in the course of the 81 years between 404/3 (when democracy was restored) and 322/1 (when it was abolished once again). But they did not believe that it was “modernised”. On the contrary they preferred to believe that they returned to a better form of democracy than that they had lived under from Kleisthenes in 508/7 (Arist. *Ath. Pol.* 21-22.1) to Kleophon in 405/4 (Aeschin. 2.76). It is “Tradition”, not “Modernisierung”, that is emphasised. This traditional democracy they called *πάτριος δημοκρατία* or *ἡ τῶν προγόνων πολιτεία*, and in our sources many of the essential reforms of the fourth-century democracy were attributed to Solon.¹⁰ In some cases the reforms can in fact be traced back to Solon, e.g. the Solonian code of laws and the establishment of the People’s Court manned with sworn jurors selected by lot.¹¹ In many cases the ascription to Solon of a particular institution is a gross anachronism, but presumably accepted by the Athenians as a fact, e.g. the distinction between decrees and laws, and the introduction of *nomothetai*.¹² In the volume edited by Tiersch there is next to nothing about “Solonian democracy.”¹³ Aristotle on the other hand believed that the contemporary democracies – including the Athenian democracy – had been “modernised”¹⁴ and were essentially different from earlier forms of democracy, but in his eyes the modernisation was a regression from better and more moderate forms of democracy.

9. For a clear account of the distinction between an emic and an etic view, see B. Trigger, *Understanding Early Civilizations* (Cambridge 2003) 62-65.

10. M.H. Hansen, “Solonian Democracy in Fourth-Century Athens”, *CLMed* 41 (1989) 71-99 at 78-79 and 91-93.

11. K.A. Raaflaub, J. Ober, R.W. Wallace, *Origins of Democracy in Ancient Greece* (Berkeley 2007).

12. M.H.Hansen (n.6) 298 with references to the sources in n. 32-45.

13. It is briefly referred to *infra* 27, 28, 45 and 72.

14. Arist *Pol.* 1274a5-11, 1286b20-22, 1320a4-6, 17, 30. *Ath. Pol.* 41.2 (the eleventh *metable*).

By the subtitle of the volume the organiser of the conference invites the contributors to the volume to apply an etic view, i.e. the modern historians' analysis of the Athenian democracy seen from a modern perspective: "Doch gerade weil die geschiederten Problemlösungen innerhalb Athens mit Prozessen der Institutionalisierung, Bürokratisierung, Professionalisierung und Ausdifferenzierung in Verbindung standen, war es Anliegen einer Tagung vom Juni 2012, unter Nutzung von Fragestellungen und Kategorien modernisierungstheoretischer Überlegungen verstärkt nach den Ursachen dieser Dynamiken zu fragen. Die Ergebnisse dieser Diskussionen vereint nun der vorliegende Sammelband."¹⁵

A few of the contributors act on Tiersch's recommendation,¹⁶ but most seem to prefer an emic view and understand "modernisation" in the sense of changes as acknowledged by the Athenians. i.e. the Athenians own' view of their *demokratia*, including its origin and development. It would be wrong to say the one of the two pictures is the right one and that the other is mistaken; rather the two pictures are complementary. It is always legitimate to contrast a culture's picture of itself with an outsider's detached view of the same culture.¹⁷ But we must not forget that for the history of concepts (as practised by, e.g., Koselleck) and the history of mentality (as practised by the French Annales school) the emic view is indispensable.

After the two sections on modernisation (7-19) Tiersch focuses on the specific characteristics of the Athenian democracy in the fourth century (19-22). She points out how the evaluation of the fourth-century Athenian democracy has changed in recent years. Traditionally the fourth century democracy was seen as a period of decline and crisis with dwindling civic spirit.¹⁸ It was a "Honoratio-rendemokratie" that became a transitional phase between the golden age of the fifth century and the demolition of democracy by the Macedonian monarchy (19). A new view of fourth-century Athenian

15. Claudia Tiersch "Introduction" 21.

16. Timmer, Harris, Nebelin and Davies.

17. P. Burke, *History and Social Theory* (Cambridge 1992, 2nd edn. 2005)

18. One example is C. Mossé, *La fin de la démocratie athénienne. Aspects sociaux et politiques du déclin de la cité grecque au IVE siècle avant J.C.* (Paris 1962).

democracy has emphasised that there was a balance of power between the assembly and the courts which came to control the Assembly, and that a hierarchy of norms was introduced [i.e. the distinction between *nomoi* and *psephismata*] (20). The financial administration was reformed as well as taxation, and the wealthy citizens contributed by performing liturgies, etc. What characterised the new democracy was “Institutionalisierung, Bürokratisierung, Professionalisierung” and “Ausdifferenzierung”. And precisely these aspects seen in the light of theories of “modernisierung” were key issues during the Berlin conference in 2012 (21). According to Tiersch much of the credit for the new improved understanding of the nature of fourth-century Athenian democracy goes to two collective volumes: *Die Athenische Demokratie im 4. Jahrhundert v. Chr.* edited by Walter Eder (Stuttgart 1997) and *Debating the Athenian Cultural Revolution. Art, Literature, Philosophy, and Politics 430-380 BC.* edited by Robin Osborne (Cambridge 2007). The fourth and final section of the introduction is a succinct survey of the nineteen contributions to the volume (23-29).

This essay is a short synopsis and assessment of each of the nineteen contributions to the volume.

Reflections on Jan Timmer: Schritte auf dem Weg des Vertrauens – Überlegungen zu Chancen und Grenzen der Anpassung von Handlungs- dispositionen

The subject of Timmer's chapter is trust (Vertrauen), a concept that according to Timmer traditionally has been neglected in sociology and political science but since the 1990's has been a central theme, cf. e.g. the book by Niklas Luhmann to which Timmer refers.¹ For the ancient world there is now Steven Johnstone, *A History of Trust in Ancient Greece* (Chicago 2011) (33-34). The issue Timmer wants to elucidate is the importance of trust for Athenian democracy and whether changes in the attitude to trust in the period from the sixth to the fourth century were essential for the remarkable stability of the Athenian democracy in the fourth century (34). The basis of Timmer's analysis is the conviction that trust provides a stable framework for social action and interaction. In politics it furthers agreement and implementation of decisions, and endows them with legitimacy. An essential element of trust is to consider the interests of "the others", i.e. solidarity (36).

The main part of Timmer's contribution is a historical account of the development of trust in Athens. It is in three parts. In the archaic period it is mistrust that dominates and is recommended both by Hesiod (*Erg.* 375) and Theognis (831f)(37). In the fifth century mistrust is described negatively by Sophokles in *Antigone* in his portrait of Kreon², but as an inevitable condition of human life by

1. N. Luhmann, *Vertrauen. Ein Mechanismus zur Reduktion sozialer Komplexität* (Köln 2000).

2. Soph. *Ant.* 290-303, 531-535, 726-59, 1055.

Thukydides in his description of the *stasis* on Korkyra (3. 69-85) (44-45). But in the late fourth century Theophrastos' picture of the distrustful person in *Char.* 18 is thoroughly dismissive (49) and it can be inferred *e contrario* that it is trust which is the recommended attitude, a conclusion confirmed by numerous sources, e.g., Dem. 10.74, 20.25, 21.221 and Din. 3.18 quoted 47-49.

Studying the development of trust in the course of the Classical period and referring to a number of modern authors (n. 29), Timmer calls attention to three social forces: "Demokratisierung, Ausdifferenzierung und Rationalisierung" (38-41).

As to democratisation the focus is on the political institutions: many more citizens became entitled to and did in fact participate in political decision-making and in the administration of the decisions. If the account in the *Ath. Pol.* of the introduction of democracy in Athens in 508/7 has a historical basis, an important factor was the trust which the people had in Kleisthenes.³

The two other forces – both economic – are interconnected: a growing occupational specialisation in the course of the Classical period entailed an increasing rationalisation which again is reflected in what we know about the importance of trade for the Athenian economy in the fifth and fourth centuries. Timmer refers to Ed. Harris' impressive list of the all the crafts and trades attested in Athenian sources of the Classical period⁴ and he quotes Xenophon who testifies to occupational specialisation in the passage in which he lists the different trades of the citizens who attend the *ekklesia*. (*Mem.* 3.7.6).

But specialisation also entailed particularisation which again entailed that different actors had different interests. It became more difficult to judge the legitimacy of a decision. Accordingly trust became a necessary condition for the working of the political system.

The section about trust and mistrust in the fifth century is opened

3. Arist. *Ath. Pol.* 21.1: ἐπίστευεν ὁ δῆμος τῷ Κλεισθένῃ. Note Timmer's cautious remark about the historicity of ἐπίστευεν.

4. E.M. Harris, "Workshop, Marketplace and Household", in P. Cartledge, E.E. Cohen and L. Foxhall (eds.) *Money, Labour and Land. Approaches to the Economics of Ancient Greece* (2005) 85.

with the observation that an important aspect of trust and mistrust is the size of the community (41). In the Archaic period communities were small and members would know one another. Trust or mistrust were attitudes that could be based on personal acquaintance. In the Classical period and in particular in Athens, the most populous of all *poleis*, it was no longer personal acquaintance that would determine whether you could trust a fellow citizen. Athens was no longer a face-to-face society. Trust and mistrust had to be institutionalised and here democracy comes into the picture. By developing democratic political institutions that could control both the officials, the political active citizens and the citizens at large, the Athenian *polis* provided a yardstick by which any Athenian could measure the trustworthiness of his fellow citizens and decide whether he would trust or mistrust the person in question. Referring to Luhman, Timmer describes this development as “an institutionalisation of mistrust” (42, 43, 46, 50). Using a famous saying of Demades in a different context, one can say, I think, that trust became “the glue of the democracy”⁵

But it is in fact mistrust that dominates Timmer’s description of trust in the fifth century, cf. the mistrust Kreon reveals in *Antigone* as well as the Korkyreans’ mistrust of one another during the *stasis* as reported by Thucydides (44) see *supra*. Towards the end of the century the abolition of democracy in 411-10 and again in 404-03 is associated with mistrust. Because of the size of the *polis* a citizen could not be acquainted with most of his fellow citizens, and when two democrats met they mistrusted one another because they did not know for sure whether the other had sided with the oligarchs (Thuc. 8.66).

One of Timmer’s examples of how trust came to prevail in the fourth century is that ostracism was replaced by the *graphe paranomon* which permitted a reliable control of officials and avoided a drawback of ostracism, *viz.* that free communication could be restricted by the expulsion of a political leader (46). We must not forget, however, that the *graphe paranomon* was a weapon used far more frequently in the fourth century than ostracism had been in the fifth. And

5. Plut. Mor. 1011b.

too much “institutional mistrust” may have contributed to mistrusting the stability of the political order by entailing a large number of political trials, see *infra*.

In his conclusion (Fazit) Timmer issues a warning and points to some reservations (50). The combination of specialisation and democratisation contributed to the stability of the Athenian political system in the fourth century, but had the result that political decision-making became slower and more complicated. Furthermore, the institutional mistrust was not always beneficial. It had its limits, and I think Timmer’s warning is justified. As an example of institutional mistrust that indicates a deplorable lack of trust in Classical Athens I can refer to the *eisangelia eis ton demon*. This form of public prosecution was used in particular against *strategoï*, and the sources we have indicate that during the period 431-355 in every board of ten generals there were probably at least two who, in the course of their military careers, would be denounced and usually sentenced to death, often *in absentia*. For the *strategoï* the *eisangelia eis ton demon* must have been a sword of Damokles. The very high number of *eisangeliai* against generals presents the historian with a dilemma: either the Athenians had a notable tendency to elect corrupt or treacherous generals or the Assembly and the People’s Court had a habit of condemning honourable generals on false grounds. Irrespective of which horn of the dilemma we take, we must conclude that the notably large number of political trials points to a serious defect in the Athenian political system and does not testify to trust.⁶

An obvious way of conducting a historical investigation of human beliefs and behaviour is to study the terminology and concepts used by the people we study (this is the emic approach associated with tradition). For trust we have first of all the noun πίστις, the adjective πιστός and the verb πιστεύειν. For distrust we have the noun ἀπιστία, the adjective ἄπιστος and the verb ἀπιστεῖν. In our fourth-century Athenian sources there is a four digit number of attestations of these terms in the orators, the historians and the philosophers. For his contribution Timmer has had to select a few. I do not know whether

6. M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Oxford 1991, 2nd edn 1999) 216-17.

Timmer plans to write a full account of the topic, but if not, there is wealth of sources to be studied by future historians who inspired by Timmer's pertinent observations want to analyse the issue in more detail.

Reflections on Lene Rubinstein: Communal Revenge and Appeals to Dicastic Emotions

The aim of Rubinstein's paper is to investigate "to what extent the Athenians' experience of their own *stasis* may have contributed to shaping their attitudes to the concept of revenge, in particular the kind of revenge that could be obtained through the democratic courts" (55). The sources that shed light on this issue are the forensic speeches and in particular speeches for the prosecution delivered in the *dikasteria*.

Throughout the paper Rubinstein expounds and applies a number of important distinctions that clarify the issue she investigates.

First the terminology. In Attic we encounter a number of different verbs and nouns that denote "to punish" and "punishment": *κολάζειν*, *ζημιούν*, *τιμωρεῖν* -σθαι, *δίκην λαμβάνειν*; *ἀμύνειν*. Cognate nouns are *κόλασις*, *ζημία*, *τιμωρία*, *ποινή*; Rubinstein points out that in particular two terms carry the connotation of revenge, *viz.* *τιμωρεῖσθαι* and *δίκην λαμβάνειν* (56-58).

Second, she distinguishes between personal and communal revenge. In the first case the prosecutor claims revenge for the injury or loss he has suffered (59 with n. 15), in the second case he wants revenge on behalf of the *polis* and exhorts the judges to convict the defendant (60 with n. 16).

Third, this distinction is connected with the Athenians' distinction between private litigation, where revenge if demanded by the prosecutor is always personal, and public actions in which the prosecutor may call for personal as well as communal revenge (59-60).

Fourth, Rubinstein adopts a chronological subdivision of the sources. She omits Antiphon's speeches which antedate the two periods of *stasis* in 411 and 404/3, and in her analysis of the fourth-century speeches she distinguishes between two periods. During the first years after the restoration of the democracy the orators ad-

wise the judges to desist from demands for revenge in order to avoid yet another outbreak of *stasis*. The example adduced is Lysias 18.17-18, a speech delivered in the first half of the 390s (55-56). During the first four decades after the restoration of the democracy “calls for communal revenge are conspicuous by their absence in speeches delivered in private disputes” (58). But this chronological distinction does not apply in public actions, where demands for communal revenge “occur in 24 of the 29 extant speeches of this type” (60 with n. 16).

On the other hand such demands “tend to occur in connection with a fairly narrow range of serious offences levelled against the defendants”, *viz.* offences against the divine, treason, abolition of democracy, katapolitical bribery,¹ embezzlement of (secular) funds, and homicide (60 and the appendix 70-72).

In the last part of her paper Rubinstein focuses on the rhetorical aspect of the issue. Most of the attested examples of calls for communal revenge occur in “contexts where the emotional temperature of the speaker’s argumentation appears to have been considerably raised” (63), and they have traditionally been connected with emotion of dicastic anger, hatred and, frequently, fear (64-65). It must, however, be taken into account that the preserved speeches are not necessarily representative.

First: with the exception of Isae. 11 and Dem. 21, we have no speeches delivered in public actions for offences committed against individual citizens. Second: we have no public prosecution speeches at all from the

Period 386-355 (66). The surviving fourth-century prosecution speeches are from the period before 386 (when the Athenians were involved in the Corinthian War) or from the period after 355 (when they fought against their defecting allies and against Philip of Macedon). The character of these speeches is aptly described by Rubinstein as “wartime rhetoric and the rhetoric of defeat” (68).

Summing up, Rubinstein emphasises the “strong link between

1. A term coined by F.D. Harvey denoting acts of bribery that directly threatened the interests of the polis, see “Dona Ferentes” in P. A. Cartledge and F.D. Harvey (eds.) *Crux* (London 1985) 76-117.

communal revenge and offences that had the potential to endanger the very survival of the *polis*, its constitution and its relationship with the divine, and its sparing use in other contexts point to the conclusion that the courts' function as an institution in which the community as a whole exacted revenge for general antisocial and criminal behaviour was certainly not taken for granted. Nor does the surviving oratory suggest that the Athenians gradually adopted a more relaxed attitude to the concept over the course of the fourth century." (68-69).

Rubinstein possesses a very impressive command of the evidence and, in my opinion, her analysis commands agreement. As usual, she appends to her contribution a schematic overview of all the sources (70-72).

Reflections on Edward M. Harris.
From Democracy to the Rule of Law?
Constitutional Change in Athens During
the Fifth and Fourth Centuries BCE

Much of Edward Harris' contribution to this volume is a criticism of the views I have advocated since the 1970's *viz.* that the jurors in the popular court who also served as *nomothetai* had replaced the *demos* in the Assembly as those who were considered to be *kyrioi panton*.¹ Accordingly, my evaluation of Harris' chapter is to a large extent a defence of the views I still hold and I leave it to readers to decide for themselves whether they agree with Harris or with me or take up an intermediary position.

Harris opens the chapter with quoting and commenting on the description of the character of the fourth-century democracy in the Aristotelian *Athenaion politeia* 41.2: "For the people has placed itself in control of everything and administers everything through its decrees and its courts, in which the people holds the power. For even the judicial decisions of the Council have come under the control of the people. In this regard they appear to be correct. For a small number is much more easily corrupted by money or by favours than a large number." Harris claims that "the only judgment that the author passes on this period is positive, calling the practice of granting the people the power over judicial decisions to be correct (ὀρθῶς)." But to call this comment positive is a truth needing modifications. The *Athenaion politeia* is one of the 158 Aristotelian constitutions and reflects Aristotelian political philosophy. The argument that the few are easier to corrupt than the many (εὐδιαφθωρότεροι

1. "The Political Powers of the People's Court in Fourth-Century Athens", in O. Murray and S. Price (eds.) *The Greek City from Homer to Alexander* (Oxford 1990) 215-43, at 239

γὰρ οἱ ὀλίγοι τῶν πολλῶν εἰσιν καὶ κέρδει καὶ χάρισιν) is an echo of Arist. *Pol.* 1286a31-32: τὸ πλῆθος τῶν ὀλίγων ἀδιαφορώτερον. In Aristotle's sixfold model of constitutions democracy is the least valuable of the good constitutions but the best of the deviations (1289a38-b5). So the author's comment is not that democracy in itself is a good constitution, but that it is better than oligarchy. It resembles the comment in 41.1 that the *demos* was right (δικαίως) taking control of the constitution because the *demos* by itself had enforced its return. Both at 41.1 and 41.2 *demos* denotes a class and refers to the common people, the *aporoι*, as often in Aristotle as well as in Plato and in Xenophon's philosophical writings.² And in this sense *demos* has a pejorative connotation.

After Harris' analysis of *Ath. Pol.* 41 follow some observations on the use of the term *demokratia*. Harris rightly observes that before 403 the term "occurs only in literary sources and is not found in any extant decrees of the fifth century before that date." (74). But with the exception of one decree and one law that is the case for the fourth-century democracy too. The decree is the *psephisma* proposed and carried by Theozotides shortly after the restoration of the democracy in 403 (*SEG* 28.46)³, and the law is the *nomos* against tyranny, proposed and carried by Eukrates in 337/6 (Rhodes-Osborne, *GHI* 79) see 26 *infra*. It is only in Hellenistic decrees that the term *demokratia* appears more frequently.⁴

(2) In the section "New rules about legislation" (75-76) Harris follows the analysis of Canevaro⁵ who rejecting the authenticity of documents in Dem. 24.20-23 and 33⁶ bases his reconstruction of

2. M.H. Hansen, "Demos, Ecclesia and Dicasterion in Classical Athens", in *The Athenian Ecclesia* (Copenhagen 1983) 139-60, at 151 with n. 30.

3. But perhaps better dated after 410, cf. I. Calabi Limentani, "Vittime dell' oligarchia: A proposito del decreto di Teozotide", in *Studi in onore di Cesare Sanfilippo* vi 1985, 115-28; A.P. Matthaiou, in his τὰ ἐν τῇ στίλῃ γεγραμμένα, Athens Greek Epigraphic Society (2011) 71-81.

4. The first example is IG II² 448.63 (318/7).

5. M. Canevaro, "Nomothesia in Classical Athens. What sources should we believe?" CR 63.1 (2013) 139-60.

6. M. Canevaro, *The Documents in the Attic Orators* (2013) 80-104. In my opinion Canevaro's arguments in support of the view that these documents are late forgeries

nomothesia in the fourth century on Dem. 20.92-94 and 24.25, 32-36. In his summary of the procedure (76 item 3 and 4) Harris does not say who the *nomothetai* were, but the sources he trusts (e.g. Dem. 24.25) show that they were not the *demos*, but a selected body different from the *demos* in the *ekklesia*, so, *pace* Harris (75), they were in fact “curbing the powers of the Assembly.” The *demos* played an important role in the preparatory phase (76 items 1,3,4 and 5), but it was the *nomothetai* who had the supreme authority.

(3) The next section of Harris’ chapter is devoted to “the role of the Areopagos” (76-80). Most contemporary scholars believe that the powers of the Council of the Areopagos were extended in the course of the fourth century in particular in the period ca. 352-322,⁷ and an extension of the political and administrative powers of the Areopagos can be traced back to the years after the restoration of the democracy in 403 when the Assembly decreed that the council in connection with the revision of the lawcode in 403-399 be entrusted with the task to ensure that the *archai* administered in accordance with the laws in force.⁸

Harris argues that these scholars⁹ have exaggerated the importance of the Areopagos and “that there is no reason to think that the activities of the Areopagos in the late fourth century represented a limitation on the powers of the Assembly or a turn away from democracy.” (79). I have two comments: (1) None of the three scholars selected for criticism hold the view that there was a “turn away from

do not stand up to scrutiny, M.H. Hansen, “The Authenticity of the Law inserted in Demosthenes Against Timokrates 20-23” and “The Authenticity of the Law inserted in Demosthenes Against Timokrates 33”, GRBS 56 (2016) 438-74 and 594-610.

7. See, e.g., P. Rhodes, “Stability in Athenian Democracy after 403 B.C.”, in B.Linke et al. (eds) *Zwischen Monarchie und Republik* (Stuttgart 2010) 67-75, at 68, 72.

8. The document read out at Andoc. 1.84, rejected by Canevaro and Harris as a late forgery”, see M. Canevaro and E.M. Harris, “The Documents in Andocides’ *On the Mysteries*”, CQ 62 (2012) 98-129. But in my opinion their arguments against the authenticity of the document do not stand up to scrutiny, see M.H.Hansen, “*Is Teisamenos’ Decree a Genuine Document?*”, GRBS 56.1 (2016) 34-48.

9. In particular R. W. Wallace, *The Areopagos Council, to 307 B.C.* (Baltimore 1985), myself (*The Athenian Democracy in the Age of Demosthenes* (Oxford 1991, 2nd edn 1999) 288-95, and Peter Rhodes, in Rhodes-Osborne, GHI 79, p. 390.

democracy.¹⁰ (2) It is true that the Areopagos often acted on the instruction of the Assembly, as it did in the Harpalos affair, but – as Harris duly admits – the Areopagos could also act on its own authority (Din. 1.50), as it did when it had Antiphon arrested (Dem. 18.132-33, Din. 1.63). And in my opinion there can be no denying that in the period ca. 340-20 the *apophasis* which involved the Areopagos was an important form of public prosecution that did not exist in the fifth and first half of the fourth century. Furthermore, after the defeat at Chaironeia in 338 Demosthenes proposed and carried a *psephisma* that gave the Areopagos authority to judge every breach of the laws and condemn the offender to the severest punishments allowed.¹¹ Harris states that it was an emergence decree which “did not outlast the state of emergence.” It was indeed an emergency measure,¹² but there is no evidence that it was soon abolished. According to Deinarchos it seems still to have been in force fourteen years later.¹³

The Council of the Areopagos was greatly respected throughout the classical Period (Lysias 6.14; Lycurg. 1.12, 52) etc., and the only source that might testify to the opposite is Eukrates’ law passed by the *nomothetai* in 337/6. The main provision is the permission with impunity to kill anyone who attempts to set up a tyranny or to abolish the Athenian democracy.¹⁴

To understand the background to the law we must look back some 65 years. The defeat in the Peloponnesian war in 404 had led to the establishment of the oligarchy of the “Thirty Tyrants” who restored the political powers of the council. But the Areopagos was not discredited. And when democracy was restored in 403, the Assembly decreed that the council in connection with the revision of

10. Wallace who gets most of the criticism states (132): “the view that to champion the Areopagos was an antidemocratic program is simply not demonstrated by the facts”.

11. Din. 1.6, 62-63. Pace Harris n. 23, Din. 1.6 does not only refer to the Areopagos’ traditional jurisdiction in homicide cases but also to its wider powers.

12. See M.H. Hansen, “Did the Athenian Ecclesia Legislate after 403/2 B.C.” In Hansen n. 2 supra 190 no. 10.

13. Din. 1.63: κατὰ δὲ σαντοῦ καὶ ταῦτα γράψας αὐτὸς τὸ ψήφισμ’ ἀκυροῖς; καὶ ποῦ ταῦτα δίκαια ἢ νόμμά ἐστι;

14. Rhodes-Osborne, GHI 79.7-11.

the law code in 403-399 be entrusted with the task to ensure that the *archai* administered in accordance with the laws in force.¹⁵ After their next major defeat in 338 the Athenians probably feared that the democracy might be abolished once again and replaced either by a tyrant or by a different form of constitution, i.e. another narrow oligarchy. And since the Thirty had restored the political powers of the Areopagos, the only other specific provision of Eukrates' law was to forbid meetings of the Council of the Areopagos in case the *demokratia* had been abolished (11-22). In my opinion Eukrates' law was passed as a precautionary measure, not as a reaction to an actual threat.¹⁶

(4) The Supremacy of the Courts? (80-81). The declared intent of the first part of Harris' chapter is to "show that there was no attempt to limit the powers of the Assembly or to shift the powers from the Assembly to the courts" (75), also that "there is no reason to think that the activities of the Areopagus in the late fourth century represented a limitation on the powers of the Assembly ..." (79), and again: "Our review of the evidence reveals that the Assembly retained its powers in the fourth century." (81). But Harris has adduced only one fourth-century source which explicitly asserts that the Assembly is *κυριωτάτη πάντων* (Dem. 59.88), supplemented with passages from the speech against Leptines' (20.2-4; 102-3) where Demosthenes argues that the passing of Leptines' law is "inexpedient because it deprives the people of their power to make awards" i.e. to pass honorific decrees. The sources that state that the jurors in the *dikasteria* were *kyrioi panton* are passed over in silence.¹⁷ Similarly there is no mention of sources that emphasise the powers of the courts at the expense of the Assembly: Many *rhetores* have dominated the *demos*, but in the *dikasteria* no *rhetor* has ever succeeded in being superior to the *dikastai*, the *nomoi* and the *horkoi* (Dem. 19.297), or: who will support a law which overrides a decision made

15. Andoc. 1.84, rejected by Canevaro and Harris as a late forgery", see n. 8 supra.

16. Same view in Rhodes (n. 7supra) 72.

17. Lys. 1.36; Dem. 19.342; 21.223; 24.118, 148; 57.56; 58.55; Din. 1.106. In two passages (Dem. 3.30; 13.16) Demosthenes states that the *demos* (the Assembly) previously (in the fifth century) had been *kyrios panton*, but now had lost that position.

by a *dikasterion* and allows a decision made by the jurors (*hoi omomokotes*) to be reversed by those who have taken no oath (Dem. 24.78, cf. 23 and 152). Harris has no mention either of the judicial reform in the 350's by which the Assembly lost the right to hear political trials, in particular the *eisangelia eis ton demon*.¹⁸

To understand the relationship between *demos*, *nomothetai* and *dikastai* in the democracy that lasted from 403/2 to 322/1 we must distinguish between foreign policy and domestic policy. In foreign policy all important decisions still took the form of *psephismata* passed by the *demos* in an *ekklesia*. Even peace treaties claiming to be eternal were passed as *psephismata*.¹⁹ In domestic policy all general and permanent rules took the form of *nomoi* passed by the *nomothetai*.²⁰ The only exceptions to this principle were some laws passed as decrees during a short period after 403 before the distinction between laws and decrees had been established and some emergency measures passed in the period 340-38 during the war against Philip of Macedon.²¹ On the other hand, the Assembly retained its right to elect those officials (*archai*) who were not selected by lot, first of all the ten *stratego*i and other military officers, but in the course of the fourth century also some important financial officials.

Furthermore and in particular in domestic policy we must distinguish between the *nomoi* that applied to all for an indefinite period of time and *psephismata* that applied to named persons. The sources which Harris adduces to show that the *demos* was still the supreme body of government (Dem. 20.2-4, 102-03 and Dem. 59.88) relate to named individuals in which case the decision could not have been

18. J.H. Lipsius, *Das attische Recht und Rechtsverfahren* (1905-15) 191-92; M.H. Hansen, *Eisangelia* (Odense 1975) 52-55.

19. Accordingly I end my book on the Athenian Assembly (Oxford 1987) with stating (124) that in the fourth century and in particular in periods of war, "the Pnyx was still the political centre of the city, although the powers of the people were limited and checked by decisions made in the Agora by the councillors in the bouleuterion and by the jurors in the dikasteria."

20. M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Oxford 1991 2nd edn 1999) 165-77.

21. M.H. Hansen, "Did the Athenian Ecclesia Legislate after 403/2 B.C." In Hansen n. 2 supra 189-190 nos 8-11.

be passed as a *nomos*. Furthermore, in such cases the *psephisma* could always be quashed if a citizen lodged a *graphe paranomon* and won the case. Two such verdicts are in fact mentioned (Dem. 59.91) in the passage in which the *demos* is singled out as being κυριώτατος τῶν ἐν τῇ πόλει ἀπάντων. (59.88). Conversely, as Harris rightly emphasises, a penalty imposed by a *dikasterion* could be mitigated or annulled by decree, but only if the majority of a quorum of 6000 citizens had permitted that a petition could be filed (Dem. 24.45).

(5) In the last part of the chapter (81-85) Harris investigates the British – or rather Anglo-Saxon – concept of “the rule of law”, which is a modern concept (In German and French the corresponding concept is Rechtsstaat and état de droit). Thus he follows the recommendation of the organisers of the conference and adopts an etic approach (84).²² In my books and articles I adopted the emic view and analysed the concept of νόμος κύριος.²³ I am happy to say that here I agree. Furthermore Harris focuses not on the traditional British concept, i.e. that of Albert Dicey, but on a very modern one, i.e. the one advocated by Tom Bingham, according to which human rights are central. He adds judiciously that “one should not exaggerate the similarities between ancient and modern conceptions of the rule of law, which extend to all races, all social classes, and equally to women and men. For the Athenians the rule of law provided guarantees primarily to Athenian citizens. I also agree that the concept of οἱ νόμοι κύριοι (εἰσίν) is characteristic of Athenian democracy in the fifth century as well as in the fourth. A difference between the two centuries appears only if we ask: which persons were *kyrioi*?²⁴

22. See 11-12 supra and 89 and 94 infra.

23. M.H. Hansen, Was Athens a Democracy? (Copenhagen 1989) 12-17; Polis and City-State (Copenhagen 1998) 91-94.

24. M.H. Hansen, n. 9 supra 303.

Reflections on Rosalind Thomas: Performance, Audience Participation, and the Dynamics of the Fourth-Century As- sembly and Jury Courts of Athens

Referring to the subtitle of the Berlin conference in 2012 “Zwischen Modernisierung und Tradition” Rosalind Thomas devotes her contribution to a study of “Performance and Disruption in the democracy.” (91).

An important aspect of performance is *thorubos*, i.e. “the extent to which there was shouting, booing, interrupting, laughing and sheer disruption to the smooth progress of the speeches of the orators” (91). Two excellent articles have been devoted to the study of *Thorubos*,¹ but “neither really pursued the implications for the nature of the democracy, or the effect of the democratic process implied” (92). That is what Thomas intends to do suggesting answers to the following questions.

(1) Did changes in the democratic institutions in 403 and in the course of the fourth century result in an increase or a decline of the mass reactions of those who attended the *ekklesia* or the *dikasteria*?

(2) If the people who attended the *ekklesia* in the fourth century were less “populistic” and “lower class”, did it affect the mass reactions of the attendants?

(3) Were the ordinary Athenian citizens still able to make their views heard in the Assembly although they did not possess the more advanced rhetorical skills of their political leaders?

(4) Was the new concept of law and the greater number of docu-

1. V. Bers, “Dicastic Thorubos” in Crux (London 1987) 1-15; J. Tacon, “Ecclesiastic Thorubos”, G&R 48 (2001) 173-92. See also P.J. Rhodes, “Demagogues and Demos in Athens”, Polis 33 (2016) 243-64.

ments “instrumental in creating a stronger democracy more based on the rule of law?” (91).

Here modernisation is understood in the sense of development from the fifth to the fourth century, i.e. the opposition between innovation versus tradition, not in the sense of applying a modern analysis and approach to the study of an ancient society.²

Was *thorubos* an unlawful act? According to the *nomos* which Aischines has read out to the jurors in his speech against Timarchos 35,³ there were restrictions on what a *rhetor* could say in his speech, and a *rhetor* would also be fined if, in the audience, he got up and interrupted the *rhetor* who addressed the people from the *bema*. But the inserted document is commonly rejected as a late forgery,⁴ and is not mentioned by Thomas. In the *prooimion* of his speech against Ktesiphon 2-4 Aischines claims that the Athenians no longer respect Solon’s laws *περὶ τῆς τῶν ῥητόρων εὐκοσμίας*, which prescribe that a speaker from the *bema* must address the audience *σωφρόνως ... ἄνευ θορύβου καὶ παραχῆς*. Here the meaning must be that a *rhetor* addressing the people from the *bema* must not give rise to heckling and disturbance in the audience. As Thomas notes (96): “Orators are advised to remind the democratic audience that they are there to listen and must let the speaker carry on (*Rhet. ad Alex.* 1432b25ff).”

Similarly, in the forensic speeches the speaker frequently asks the *dikastai* in the court to listen to his speech and not to interrupt (99-100), but in such passages it is never stated that heckling was against the law. The closest we get to the claim of illegality is a passage in Lykourgos’ speech against Leokrates 143: “Shortly he will claim that you must listen to his defence in accordance with the laws.” In my opinion Thomas is right when, referring to Solon’s laws on *eukosmia ton rhetoron* at Aeschines 3.2-4 she does not stamp

2. See 93-94 *infra*.

3. Quoted by Tacon (173) who apparently accepts it as an authentic document.

4. Note e.g. the aorist imperatives ending in *-τωσαν*, cf. M. Canevaro, *The Documents in the Attic Orators* (2013) 35 n.79. But according to C. Carey, *Aeschines* (Austin 2000) 199 n. 37 “the content of this law is more plausible than the rest of the documents inserted in the speech. It may simply be a more felicitous forgery, though it may conceivably contain details derived from a reliable source. Same view in N. Fisher, *Aeschines: Against Timarchos* (Oxford 2001) 68, 164.

thorubos as manifestly illegal (101) but reminds us that late in the speech Aischines “advises the Athenians how to deal with Ctesiphon’s speech by interrupting and refusing to hear (3,201-2, cf. 224).” Instead she focuses on the numerous references to collective expression of protest or applause as a democratic right (93, 95, 99, 101, 104, 105), rejected only by Plato, *Resp.* 492b-c (93) and oligarchic thinkers (105).

Thomas notes that in general “our evidence is far richer for assembly speeches and jury-court speeches in the fourth century (91).” But there are variations. The exception is Lysias who hardly ever refers to *thorybos*, according to Thomas because almost all his speeches were written for clients who “would not dare show too great a familiarity with the normal behaviour of courts and assembly” (97-98). It is in particular the speeches of Demosthenes (98-101) and Aischines (101-04) that testify to the frequency and importance of the reactions from the audience to the speeches they hear in the Assembly and in the courts.

The special form of *thorubos* angled for and successfully achieved by Aischines is laughter. Thomas has a fascinating account of Aischines’ speech against Timarchos. Aischines has no hard evidence proving that Timarchos has been a prostitute and he has no witnesses who can (or will) testify to how and when and where Timarchos has acted as a prostitute. But Aischines cunningly assumes that everyone of the jurors knows how Timarchos behaves, and he reminds the jurors that whenever they hear Timarchos address the assembly and use a word that can be a double-entendre, the people laugh (104). Thomas’ description fills three pages of her chapter and there is a score of references to laughter in the audience.

It is worth noting that Thomas introduces her chapter with a quotation from Gorgias about laughter and seriousness (89); and after her analysis of Aischines’ speech against Timarchos, she refers to the section about laughter in the Athenian courts in Stephen Halliwell’s recent study of laughter,⁵ and concludes by stating “We are now quite far away from Ober’s argument that the mass democratic audiences fostered an “aggregation of expertise”, a powerful accu-

5. S. Halliwell, “The Uses of Laughter in Greek Culture”, *CQ* 41 (1991) 279-96.

mulation of knowledge” (105). It would have been more correct to say that we are now quite far away from Aristotle’s argument (*Pol.* 1281a40-b19), adduced and discussed by Ober.⁶

In general I agree with Thomas’ convincing presentation and argumentation, but occasionally I am inclined to prefer a different interpretation.

In my opinion the *thorubos* to which Demosthenes refers at 18.174 is not *thorubos* among those who attend the *ekklesia* (100), but the *thorubos* that went on in Athens during the evening and night when they had heard that Philip had taken Elateia (18.169). When the meeting of the Assembly is opened the following morning nobody answers the herald’s invitation to speak (18.170). There is apparently silence until at last Demosthenes goes to the *bema* (18.173), and there is no indication in his description of the episode that he was interrupted.

The *thorubos* Thomas describes is mostly an expression of discontent with what the speaker says. It is “shouting, booing, interrupting, laughing and sheer disruption to the smooth progress of the speeches of the orators” (91, 97 and *passim*). But an opposed form of *thorubos* was acclamation and applause for what the orator said. It is actually angled for by the speaker, and it is copiously attested in our sources.⁷ On other occasions the audience’s reaction was double-tongued: some cheered the speaker while others were jeering at him.⁸ *Thorubos* as applause is not much discussed by Thomas, but it is mentioned in two of the sources she quotes: Plato’s *Laws* 876b (93) and Aeschines 1.78 (103). Also it could be emphasised more explicitly that the *thorybos* might develop into a short dialogue between the speaker on the *bema* and one or more of the citizens in the audience.⁹

Returning to the four questions Thomas asked at the beginning

6. J. Ober, *Democracy and Knowledge* (Princeton 2008) 110-13.

7. Ar. Eq. 213, 547; Eccl. 213; Pl. Prot. 339d; Euthyd. 303b; Resp. 492b; Arist. Rhet. 1356b23; Dem. 6.26; 8.30, 77; 21.14.

8. Ar. Eccl. 400-406; Xen. Hell. 1.7.12; Aeschin. 2.51.

9. Dem. 19.46 (ὕπολαβόν); 24.13 (ἐπειδὴ ποτ’ ἐπαύσανθ’ οὔτοι βοῶντες); Ar. Ekl. 400-406. It is probably such short dialogues to which Thomas refers p.105 (“energetic verbal altercations”).

of the chapter, the answer is that in this respect it was continuity and tradition that prevailed, not “modernisation”. The answer to (1) is that the mass reactions of the *demos* in the Assembly and the *dikastai* in the court seem to have happened frequently throughout the Classical period. (2) We do not know whether the people were less populist and low class in the fourth century and they seem to have been as lively and energetic as before. (3) Even without the rhetorical skill of the *rhetoires* the ordinary citizens could still make their voice heard. (4) “The frequent danger of audience emotion and orators’ manipulation” was counteracted by “the attempt to maintain the rule of law.” In the fourth century democracy “the written texts of decrees and laws were a steadfast and permanent point of stability within the dangerously changeable atmosphere where debate was held and decisions taken in the radical democracy” (105-06).¹⁰

10. Cf. 89 “The unfettered will of the Assembly was effectively restrained.”

Reflections on P.J. Rhodes: Fourth-Century Appointments in Athens

Peter Rhodes was asked by the organiser of the conference to deal with administrative matters and has chosen in his chapter to focus on official appointments. By way of introduction (109-10) he deals with three general points:

(1) On payment for office-holding he prefers Gabrielsen's view: "that officials were paid in the fourth century as in the fifth" against my view that with a few exceptions, e.g. those explicitly mentioned in the Aristotelian *Ath. Pol.*, the income of the Athenian *archai* was derived from perquisites, not from a public salary.¹ However, he accepts my point that in Classical Athens "officials were paid only on the days when they had duties to perform, which in some cases would be only a few days each prytany."

(2) Because the number of citizens had dwindled in the course of the Peloponnesian War, the Athenians now relaxed the ban on *thetes* as office holders, but with the exception of the *boule*, they upheld the ban on being appointed by lot twice to the same office.

(3) Referring to Osborne (2010) 267-88 and his own article (2011)² he shows that in the fourth century "the kind of democracy the Athenians wanted was the *patrios politeia* (traditional constitution)." Yes, but now they seem to have avoided the term *patrios politeia* because it had been used by the oligarchs in 411 and 404.³ They preferred instead to call it *patrios demokratia*⁴ or, anachronistically, *he*

1. See now D. Pritchard, "The Public Payment of Magistrates in Fourth-Century Athens", GRBS 54 (2014) 1-16 (siding with Gabrielsen) and my response: "Misthos for Magistrates in Fourth-Century Athens?", GRBS 54 (2014) 404-19 (upholding my former view).

2. R.G. Osborne, *Athens and Athenian Democracy* (Cambridge 2010); P.J. Rhodes, "Stability in the Athenian Democracy after 403 B.C.", in B. Linke et al. (eds.) *Stability and Crisis in the Athenian Democracy* (Stuttgart 2010) 67-75.

3. R. Wallace, *The Areopagos Council, to 307 BC.* (1989) 193.

4. *Arist. Pol.* 1273b38; *Ath. Pol.* 29.3.

*ton progonon demokratia*⁵ or the democracy introduced by Solon.⁶ It was, as Rhodes says “a setting in which tradition and modernisation could be combined”, or, rather, it was modernisation masked as tradition.

In the rest of his chapter Rhodes discusses particular changes in the offices of fourth-century Athens. The representation of the different demes in the *boule* was probably changed in connection with the restoration of the democracy in 403 (110-11). A board of nine *proedroi* replaced the *prytaneis* as presidents of the meetings of the *boule* and the *ekklesia*. The reform took place in the late 380's, since the *prytaneis* are referred to in the speech *Against Neaira* (Dem. 59.89-90) to be dated to 384/3 or shortly afterwards. The main purpose of the reform was presumably to obviate corruption: the *epistates ton prytaneon* was chosen at sunset to function for a night and a day, whereas the *proedroi* and their *epistates* were only picked (by lot) in the morning just before the meeting began (111).

“The principal secretary of the Athenian State” was the so-called *grammateus te boule*, first elected from among the members of the *boule* and serving for one prytany but from the 360's appointed by lot, apparently from all citizens, and serving for a year (111-12).

The use of tribal rotation either in official order or in reverse order is discussed in connection with the *grammateus te boule*, the *archontes*, the *hellenotamiai*, the treasurers of Athena and of the other gods and the priest of Asklepios (112-13).

The importance of the ten tribes for the organisation of the Athenian democratic institutions is copiously attested. “Many of Athens' boards of officials were of ten men, one from each of the tribes.” “The system for allotting jurors to courts was based on the ten tribes” and appointments by lot of officials previously assigned to the demes were transferred to the tribes because the demes sold the appointments (113). For one major board of *archai*, however, the development was in the opposite direction: Originally the ten *stratego*i were elected, one from each tribe, but in the course of the fifth century the Athenians allowed election of two or sometimes even

5. Dem. 15.33; Din. 3.21; Isoc. 12.114.

6. Aeschin. 3.257.

three *strategoï* from one tribe. A further step was taken when tribal representation was given up altogether and the *strategoï* elected from among all Athenians.⁷ At the same time five of the *strategoï* got individual spheres of duty (113-14).

Rhodes “ends with the most striking kind of departure from the fifth-century style of democracy, the appointment of powerful elected financial officials,” associated with a new form of financial administration: “a regular *merismos* of funds to separate spending authorities”. One was the theoric fund, another the stratiotic fund, both funds were first administered by a treasurer (*tamias*) but the theoric fund later by a board of ten (115-16).

Rhodes shares the view that, in particular in the period ca. 355-22, the fourth-century Athenian democracy was a more moderate form of democracy, as explicitly stated in his conclusion (117): “The last constitutional “change” in *Ath. Pol.* was the restoration of the democracy in 403, after which the author surprises his modern readers by seeing a downward spiral of ever increasing democracy (*Ath. Pol.* 41.2).⁸ As we should expect, the constitution did not become fossilised. I believe we can detect not a downward spiral but a creative combination of tradition and modernisation.”

With his extraordinary command of both the epigraphical and the literary sources Rhodes has provided a valuable contribution to our understanding of the complicated and constantly changing structure of the Athenian democratic institutions.

7. A reference (Pap. Ox. 1804.fr.4 4-6) to a speech by Hypereides (389-22) shows that the principle of tribal representation was still upheld during the first decades of the fourth century, see M.H. Hansen, “The Athenian Board of Generals. When Was Tribal Representation Replaced by Election from all Athenians?”, in *Studies in Ancient History and Numismatics Presented to Rudi Thomson* (Århus 1988) 69-70.

8. To which we can add *Pol.* 1274a3-11.

Reflections on Vincent Gabrielsen: Associations, Modernisation and the Return of the Private Network in Athens

Gabrielsen's chapter about private associations in Athens is one of the contributions that focuses on Athenian society rather than Athenian democracy. Since 2011 Gabrielsen has been director of the *Copenhagen Associations Project*, an international research project with about two score of participants who are preparing a comprehensive, electronically accessible inventory of all known private associations in the Greek-speaking world from ca. 500 BC to ca 300 AD.¹ The project is based on the – in my opinion – correct assumption that a reasonably clear line can be drawn between public and private – in Greek between *koinon* or *demosion* and *idion* – and accordingly between public associations and their institutions and private associations and their institutions. It is a bit confusing that in the sources the various private associations are usually called *koina*², but that is nevertheless the case.

In Athens the public associations that constitute the civic subdivisions of the *polis* were *phylai*, *trittyes*, *demoi* and *phratriai*. The best known private associations were *thiasoi*, *orgeones*, *eranistai* and *hetaireiai*.

In his introduction Gabrielsen refers critically (122) to scholars who link “the decline of the classical citizens' associations after 322 B.C. to the rise into prominence of the new, voluntary associations,”³ and referring to my *The Greek Democracy in the Age of Demosthenes* (Ox-

1. V. Gabrielsen and C.A. Thomsen (eds), *Private Associations and the Public Sphere* (Copenhagen 2015) 7-24.

2. E.g. τὰ κοινὰ τῶν ὀργεῶνων or τὸ κοινὸν τῶν θιασῶτων, see the Appendix 154-55.

3. N.F. Jones, *The Associations of Classical Athens : The Response to Democracy* (New York and Oxford 1999) and P. Ismard, *La cité des réseaux. Athènes et ces associations VIe – Ier siècle av. J.C.* (Paris 2010).

ford 1991) 63 and *Polis and City State* (Copenhagen 1998) 89-90 he criticises me for the view that “Guilds and private associations were unknown in the Greek World before the Hellenistic period.” As to his quotation from my 1991 book I plead guilty, but in 1998 I had changed my mind and discuss *orgeones* and *thiasoi* as primarily religious associations “in a grey zone between the private and the public” (89) by contrast with *phylai*, *trittyes* and *demoi* that were public and, e.g., the crew of a ship that constituted a private *koinonia*. Similarly Gabrielsen holds “that the associational phenomenon challenged the (Athenian) state, upsetting its traditional monopolies and questioning time-honoured distinctions between “public”, “private” and “sacred”” (148).

Gabrielsen focuses on four different types of private association: *orgeones*, *thiasotai*, *eranistai* and *hetaireiai* (125) to which he adds a fifth type: ethnic groups of foreigners (141-47).

The *orgeones*, the *thiasotai*, and the *eranistai* belong closely together and all three types of association “were strongly concerned with religion” (134, 139). Since they were private associations they remind us that not all religion was *polis* religion. Alongside the cults associated with the *polis* “there were private cults as well, some performed by individuals, such as the cult of the dead, some by private organisations”,⁴ such as those studied by Gabrielsen and his team. Gabrielsen – correctly in my opinion – rejects the traditional view that the associations of *orgeones* and the *thiasotai* were subgroups of *phratriai* and thereby associated with the public sphere (126-29). In the course of the late Classical and Hellenistic periods there was an “ongoing associational homogenization” between the three groups: “in 237/6 a group that called itself *thiaostai* had a leader called *archeranistes*; another group of (272/1) called itself both *thiasotai* and *orgeones*, while earlier (in the late fourth century) the membership of a group of *orgeones*, when in assembly, called itself *thiasos* (146).

Next Gabrielsen demonstrates that in contrast to the public institutions to which only full citizens had access, the members of the private associations – the *thiasotai*, *orgeones* and *eranistai* – were mostly

4. M.H. Hansen and T. Heine Nielsen (eds), *An Inventory of Archaic and Classical Poleis* (Oxford 2004) 132.

adult male citizens but they also included some women, metics, foreigners and even slaves (124-25, 141). The private associations inaugurated a decline in the sharp distinction between citizen and non-citizen as well as an increase in women's more active participation in Athenian society, although women never got the right to hold magistracies or take part in political assemblies.

In an important note (48) Gabrielsen raises the issue "whether groups of *orgeones*, *thiasotai*, *eranistai* etc. were corporate bodies vested with juridical personality." "The question is wrongly framed, since the concept was unknown to the Greek." Yes, the term was, but not the reality behind it. There is no doubt that the Greeks could see the *polis* as a permanent public power above both ruler and ruled, and *polis* appears in a large number of different contexts as the subject of a verb denoting the agent, i.e. a juridical person.⁵ Were the private associations or some of them understood in the same way as *polis*? Alongside *thiasotes* the noun *thiasos* is attested in the early fifth century (*IG* I³ 1016) and here in fact as the subject of a verb and the agent: $\eta\delta\rho\upsilon\epsilon\ \acute{\omicron}\ \theta\acute{\iota}\alpha\sigma\omicron\varsigma\ \text{'}\text{Ετιονιδῶν}$. The noun *eranos* is not attested as signifying an association before the Hellenistic period (*IG* II² 1369.42, late 2nd century B.C.). *Orgeon* signifies a member of the association, and a noun signifying the association itself is not attested. As Gabrielsen notes: "this issue, too vast to be addressed here, is urgently in need of a thorough re-examination".

The fourth type, the *hetaireiai*, were principally social clubs, friends (*philoî*) who enjoyed dining and drinking together and they were closely linked to the institution of the *symposion* (134-37). In the 5th century they were also political clubs. Their members were typically upper class and critical of democracy. In 415 they were behind the profanation of the mysteries and the mutilation of the Herms, and in 404 - in spite of a law that forbade the formation of political *hetaireiai*⁶ - oligarchically minded citizens formed *hetaireiai* which played an important part in the abolition of democracy and the establishment of the oligarchy of the Thirty (*Lys.* 12.43, 55).

In the fourth century the ban on political *hetaireiai* that might at-

5. See M.H. Hansen, *Polis and City-State* (Copenhagen 1998) 67-73.

6. *Hyp.* 3.7-8.

tempt to overturn the democracy was upheld, but *hetaireiai* as social clubs of friends (*philoí*) were still common and they might still play a role in politics. A *hetaireia* could back a specific *rhetor* and, conversely, many *rhetores* were members of a *hetaireia*. The *hetaireiai* “stand out for their strong membership coherence” (134). One reason for this may be that by contrast with the *orgeones*, *thiasotai* and *eranistai* that are attested in inscriptions, the *hetaireiai* are known from the literary sources.

A fifth type of private association was the ethnic group that had worship of a foreign divinity as the centrepiece of its organization (141-47). Each group had its own sanctuary acquired with the permission of the Athenian *ekklisia*. Three are attested in the Classical period: the Egyptians (*hieron* of Isis), the Kitians (*hieron* of Aphrodite Ourania) and the Thracians (*hieron* of Bendis). By contrast with the other private associations membership of an ethnic group seems to have been restricted to foreigners, and Athenian citizens were excluded.

The Copenhagen associations project shows that the heyday of private associations was the Hellenistic period. To what extent are these private organisations relevant in a volume devoted to the Athenian democracy in the fourth century? An important part of Gabrielsen’s contribution is to demonstrate that private associations existed in in Classical Athens before democracy was abolished in 322/1. In this context it suffices to refer to the meticulously collected survey of the sources in the Appendix (154-62). It covers the period 5th to 3rd centuries BC and records name formulas of 123 associations (*orgeones*, *thiasotai* and *eranistai*). Of these twenty are dated to the period before 322 and some more to the late fourth century or to the fourth century without further specification. Of the twenty associations attested before 322 most are attested in sources from the second half of the fourth century, but six belong in the first half of the fourth century and one (*IG I³ 1016*) is from the first half of the fifth century.

So private associations existed already in the Classical period and seem to have been fairly common at least in the second half of the fourth century. They differed from the public institutions by allowing metics, foreigners, women and even slaves to be members

alongside the adult male citizens, but in many important respects they resembled the associations and institutions of the *polis*. As an example of a decision made by a private association in the early Hellenistic period Gabrielsen summarises the form and contents of a resolution passed in 300/299. The inscription is a *psēphisma* of the members of a *thiasos* (ψηφισαμένων τῶν θιασῶτων). It was passed in the ἀγορὰ κυρία and is dated by the *archon* of the *thiasos* (ἐπὶ Ἡγεμάρχου ἄρχοντος). The enactment formula is ἔδοξε τοῖς θιασώταις, and the motion formula δεδόχθαι τοῖς θιασώταις. The honorand is the secretary of the association (the γραμματεὺς) who has rendered his account (τοὺς λογισμοὺς ἀπέδωκεν ὀρθῶς) and stood his audit (ἐνθύνας ἔδωκεν). Other officials mentioned in the decree are a board of ἱεροποιοί and the treasurer of the association (ταμίας) (123-24). The decree is typical and reveals that the private associations were modelled on the institutions of the *polis*, but we note that the decree is proposed and carried by a Saliminius, not by a member of an Athenian deme, and that the honorand is not an Athenian citizen but an Olynthian.

Using a vivid metaphor Gabrielsen argues that “during the late archaic period” the *polis* “had cannibalised private networks based on kinship-, family- or friendship-ties” (140). Then the roles were reversed, and the private associations that germinated in the Classical period cannibalised the *polis* institutions, adopting their organisation and their terminology “in order to reclaim their private networks”. Gabrielsen’s chapter demonstrates, in my opinion conclusively, how the private associations in the late Classical and Hellenistic periods “cannibalised” the *polis* institutions. He has no demonstration of how the *polis* institutions cannibalised earlier private networks. A discussion of this issue is perhaps reserved for a future study.

The chapter has appended to it a valuable list of all known Athenian private associations from the fifth to the third century B.C. (54-62).

Reflections on Giovanna Daverio Rocchi: Political Institutions Between Centre and Periphery Between Public and Private in 4th Century Athens

Daverio Rocchi's chapter comes immediately after Gabrielsens, which is appropriate. They both study Athenian associations below *polis* level, Gabrielsen the private, Daverio the public, and among them the most important: the 139 *demoi*. In her chapter there is no discussion of *phylai*, *trittyes* and *phratriai*. In particular she wants to focus on the transformation of the political role of the demes in the course of the Classical period. She investigates how the change from the 5th to the 4th century "coincided with a shift along the centre-periphery and the public-private axis."

During the last generation the Attic demes have been intensively studied and Daverio refers repeatedly to the excellent monographs by Robin Osborne, David Whitehead and Nicholas Jones.¹

As an example of the transfer of competence from centre to periphery Daverio refers to a fifth-century probouleumatic decree of the *demos* providing for a bridge over a lake between Athens and Eleusis (*IG I³ 79*). In 321/0 a decree passed by the deme of Eleusis honoured a distinguished citizen for having financed another bridge built in the area (*IG II² 1191*). "According to Daverio "the growing number of deme decrees can be taken as reliable proof of the broader decisional tasks a local level."² Perhaps, but the increased number of deme decrees of the fourth century corresponds

1. R. Osborne, *Demos. The Discovery of Classical Attika* (Cambridge 1985); D. Whitehead, *The Demes of Attica 508/7- ca. 250 B.C. A Political and Social Study* (Princeton 1986), N.F. Jones, *Rural Athens Under the Democracy* (Philadelphia 2004).

2. Daverio (168) notes the "random nature of epigraphic evidence", but nevertheless upholds her view that the difference between the 5th and 4th centuries is significant.

to an equally increased number of decrees passed by the *demos* in the course of the same period. There is no reason to assume that the Athenians passed more decrees in the fourth century than in the fifth. Rather, it was the epigraphical habit that had changed, and that goes for deme decrees as well as decrees of the people.³ But Daverio is undoubtedly right that in the fourth century several local building programmes were undertaken in the demes and financed by private means. Prominent examples mentioned by Daverio are the new *agora* at Sounion (*IG II² 1180*) and the *palaistra* at Kephissia (*AD 21* (1966) *Chronika* p. 106).

The section on changes in behaviour pattern (168-72) takes up the increased importance of euergetism in the 4th century and contrasts *polis* and demes. At *polis* level “forensic rhetoric testifies to a good number of citizens who tended to elude fiscal duties, transforming their estates into invisible wealth (*aphanes ousia*) Munificence at the local level is marked, vice versa, by a relatively strong participation, and by various forms of donations.” (170). Again: attempts at *polis* level to elude fiscal duties are contrasted with the demes “where wealth is not concealed but rather employed to the communal benefit” (175). Yes, but we must not forget the sources that testify to stinginess and tax evasion at deme level, cf. e.g. Isae. 3.80 and Thphr. *Char.* 10.11,⁴ and Daverio duly mentions the much heavier social pressure within micro-societies (170). Daverio also turns against Jones’ explanation of local munificence as an example of “rural personal patronage”,⁵ and his view of the demesmen as *clientes* of the local élites, and she believes that “the institutional apparatus of the demes” disallows Jones model of patronage (172).

In a section about shared identity (174-76) Daverio argues that the central institutions of the *polis* could not inspire feelings of belonging whereas the rural demes (174, 175) possessed the networks that created shared identity and cooperation of men and activities among the

3. See Liddel 83 *infra* with n. 5.

4. See Whitehead (n. 1) 150-58.

5. Jones (n. 1) 59-85. Daverio prefers P. Millet’s view “Patronage and its Avoidance in Classical Athens”, in A. Wallace-Hadrill (ed.) *Patronage in Ancient Society* (London 1989) 15-48.

demes. And this cooperation took place not only in the demes but also in relations between the demes (174) “There is a circuit of munificence that flows among the demes and excludes the city.” (181).

Daverio briefly mentions “the social mobility” throughout the Classical period “that probably changed the link between registration and residence in the demes” (174), but she has nothing more to say about the extensive migration from rural Attica into Athens and the Piraeus, which is attested both by the high number of funeral monuments found in Athens and the Peiraeus but commemorating citizens from rural demes⁶ and by the dicastic *pinakia* of which 35% are inscribed with names of citizens belonging to demes lying more than ten miles from the *dikasteria* in the agora.⁷

The sources we have show that in the fourth century quite different people were politically active in the local affairs of the demes from those active in *polis* politics.⁸ And a reasonable explanation of the difference is that local politics were mainly carried on by those members of the demes who still lived in them while politics in the Assembly and the council was largely in the hands of those who had migrated into the city.⁹

The reciprocity of *euergesia* was honours for the *euergetes* and a section (176-80) is devoted to honorary decrees, passed by the demes, mostly for members of the deme, but sometimes for a benefactor who belonged to another deme (174). Among the 157 inscriptions emanating from a deme association ... no fewer than 94, or about 58%, can be identified with certainty or probability as honorary decrees.”¹⁰ Three aspects of the honorary decrees are singled out: the proclamation, the occasion and the place. There was an Athenian *nomos* about honours that applied both to the *polis* and to the demes,¹¹ and referring to this law Daverio draws parallels between

6. A. Damsgaard Madsen, “Attic Funeral Inscriptions: Their Use as Historical Sources and Some Preliminary Results.” In *Studies ... Rudi Thomsen* (Aarhus 1988) 55-68.

7. M.H. Hansen, *The Athenian Ecclesia II* (Copenhagen 1989) 87, 89.

8. Osborne (n.1) 83-92; Whitehead (n.1) 313-26.

9. M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Oxford 1991, 2nd. edn. 1999) 101-02.

10. Jones (n. 1) 78.

11. IG II² 1191, probably the law or laws debated by Aischines and Demosthenes who

the honorary decrees passed by the demes and the honours bestowed on Demosthenes and debated in Aischin. 3 and Dem. 18. The proclamation would be in public, either in front of all Athenians or all members of the deme. The occasion would be the City Dionysia for the *polis* and the Rural Dionysia for the demes.¹² And the place would be the theatre. Very few demes had a stone theatre,¹³ but a slope with ad hoc benches would suffice.

Daverio's conclusion is that "forensic orations and epigraphical evidence of the fourth century outline the ambivalent figures of the bad citizen as tax evader, and of the good demesman as *euergetes*" (180). Our sources point to "Transfer of competences from centre to periphery" (166) and "growing functions and competences of the demes" (180). "In the fourth century, local identity gave the citizen the awareness of a form of civic belonging through political structures that qualified him foremost as a demesman" (181). On the other hand, in my opinion Daverio underestimates the emotional bond between the citizen and the *polis*. The citizen was prepared to die for his *polis*, but not for his deme.¹⁴

There are many other aspects that could and undoubtedly would have been taken up, if Daverio had had unrestricted space, e.g. the *demotikon*. A citizen must have felt as an important part of his identity that in the fourth century the third part of his name invariably indicated the deme to which he belonged.¹⁵ The demotic is only replaced by the *polis* ethnic Athenaios if the citizen is mentioned alongside citizens from other *poleis*.¹⁶

disagree about the occasion and the place, cf. J.Hakkarainen, "Private Wealth in the Athenian Public Sphere during the late Classical and Early Hellenistic Period, in J. Frösén (ed.) *Early Hellenistic Athens* (Helsinki 1997) 1-31, at 28-30.

12. IG II² 1198, cf. Jones (n.1) 130.

13. Euonymon, Ikaria, Thorikos, Rhamnous and Acharnai (not yet published).

14. T.H. Nielsen, "Patris" in M.H.Hansen and T.H. Nielsen (eds.) *An Inventory of Archaic and Classical Poleis* (Oxford 2004) 49-52.

15. Whitehead (n. 3) 223-24.

16. M.H. Hansen, "City-Ethnics as Evidence for Polis Identity", in M.H.Hansen and K. Raafaub (eds) *More Studies in the Ancient Greek Polis, CPCPapers 3* (Stuttgart 1996) 176-78.

Reflections on Ronald Stoud: The Athenian Grain-Tax Law of 374/3 B.C.: Unfinished Business

In this chapter Ronald Stoud returns to a number of problems raised by Agyrrhios' law of 374/3 taxing Skyros, Lemnos and Imbros which he edited admirably in 1998.¹ He argues, in my opinion persuasively, that the *meris* is "a share or portion into which the tax-grain to be collected is divided" and not "a territory clearly defined by its geographic limits" (187-88). He cannot follow the scholars who have identified the six men forming a *symmoría* as tax-payers and not tax-collectors. In his opinion the term *symmoría* includes both functions (188-89). He still has an open mind and no conclusive answers to what the *pentekoste* is (186) and "how the tax-farmers in Agyrrhios' law could have made a profit" (192).

There is one fundamental question which I would like to take up here. Stoud notes (190) that the *nomos* has no enactment formula and no publication formula. "These omissions both at the beginning and at the end permit the conjecture that there may be other places on our surviving monument where the full text of Agyrrhios' law has been abbreviated or condensed". Yes, and let me mention a third omission: As stipulated by Diokles' law² (from probably ca. 400) every law must record the date when the *nomos* was passed and took effect. Such a date is missing both from this stele and from the stele inscribed with the law about silver coinage of 375/4.³ Stoud is right: this inscription is not the original *nomos* which was probably filed in the archive. He envisages that "the possibility that we have on stone only an excerpt of the full text of the law should be given

1. R. S. Stoud, The Athenian Grain-Tax Law of 374/3, *Hesperia Supplement* 29 (Princeton 1998). See now Rhodes-Osborne, GHI 26.

2. Dem. 24.42.

3. Rhodes-Osborne, GHI 25.

greater prominence in future attempts to explain some of its other obscure passages” (190). Stroud suggests that “some of the gaps or omissions in the law as now preserved may have been covered by general regulations, the *τελωνικοί νόμοι*” or “Agyrrhios’ law of 374/3 had at least one important predecessor” – a possibility he prefers not to discuss in his contribution to this volume (191).

What is missing is first of all regulations about the collection of the tax. “Every single sentence of the law regulates the transportation, storage and sale of the grain. There is not a word about the collection of the tax.”⁴ We simply do not know how and by whom the *dodekate* was collected. In one passage we learn that the buyer (*ὁ πριάμενος*) when he has brought back the grain must weigh it out “just like the other merchants” (*οἱ ἄλλοι ἔμποροι*).⁵ So the buyers of the tax are *emporoi*.

As argued by Stroud (190) either a section of Agyrrhios’ law has been omitted from the stele or there was another law, no longer preserved, that regulated all these aspects of the lease. It is of little significance whether one chooses the first or the second of these solutions. The second solution is in fact preferred and described in two articles, written independently of one another.⁶ But I would like here to suggest a third possibility: since it was probably the klerouchs who had to pay the tax, i.e. to deliver a twelfth of their annual production of wheat and barley, they themselves may have been responsible for collecting the grain and storing it until the *emporoi* arrived from Athens and took it on board. And it may have been the officials on the islands, both local officials and officials sent from Athens,⁷ who had to ensure that the klerouchs fulfilled their obligation. In that case what is sold in Athens was the right and

4. M.H. Hansen, “A note on Agyrrhios’ Grain Tax Law of 374/3 B.C.,” in L. Mitchell and L. Rubinstein (eds.) *Greek History and Epigraphy. Essays in Honour of P.J. Rhodes* (Swansea 2009) 145-54 at 148 with n. 5. É. Jakab, “SEG XLVIII 96: Steuerge-
setz oder Frachtvertrag?” *Symposion 2005* (Vienna 2007) 105-21.

5. Lines 26-27.

6. Hansen and Jakab (*supra* n. 4).

7. Arist. Ath.Pol. 61.6 and IG II2 1672.276-78. For the status of all three islands as dependent poleis, see M.H. Hansen and T.H. Nielsen (eds.) *An Inventory of Archaic and Classical Poleis* (Oxford 2004) nos. 483, 502, 503, 521.

duty to transport and deliver the grain. The collection of the *dodekate* was left to the klerouchs and their officials.

A parallel⁸ is the sending of firstfruits to Eleusis. In *IG I³ 78* the demarchs collect the Athenian grain, but in allied cities τὰς δὲ πόλεις [ἐγ]λ[ο]γέας ηελέσθαι τὸ καρπῶ, καθότι ἂν δοκεῖ αὐτέσι ἄριστα ὁ κάρπο[ς] ἐγλεγεσσεσθαι (14-16), and if any *poleis* outside the Delian League send firstfruits παραδέχασθαι δὲ καὶ παρὰ τούτων τῶν πόλεων ἕαν τις ἀπάγει τὸς ἱεροποιὸς κατὰ ταῦτά (34-36).

Another possible parallel is the selling of the *pentekoste* as described by Andokides in his speech *On the Mysteries* 133-34. In 400/399 Andokides and his associates leased the 2% harbour tax on import and export for the price of 36 talents. It is unlikely that they themselves every day had to collect the tax from all the ships that either loaded or off-loaded their cargo. That was probably the responsibility of one or more boards of *archai*, e.g., the *epimeletai tou emporiou* and their assistants, perhaps public slaves; we do not know. Andokides and his associates were primarily investors. They paid the 36 talents to the treasury, probably by instalments, and in return, again probably by instalments, they received the tax paid by the *emporoi* who loaded or off-loaded their cargoes. By the end of the year it would show whether it had been a profitable investment.

My only further comment is that the chapter testifies to Stroud's enormous expertise on all matters relating to the law.

8. Suggested by Peter Rhodes in response to my suggestion.

Reflections on Raymond Descat: Continuité et changement: le comportement économique à Athènes au IV^e s. A.C.

Descat introduces his chapter by stating that it is not his purpose to write about the Athenian economy, but about the Athenians' attitude to the economy. It is a study in historical sociology. Since "economic science" was unknown in Antiquity, the sources for such a study come from various literary genres: "*oikonomia*, politique, éthique et traités sur les genres de vie." The sources cover the period from ca. 440 to 320 B.C. But the period he wants to study is broader and includes both the Archaic and the Early Hellenistic periods. (195-96).

The introduction is followed by two sections. (1) The implementation of *oikonomia* with Perikles' household as an example. (2) the mimetic relation between *oikos* and *polis*: expenditure and income.

(Re 1) According to Plutarch Perikles did not store his crops. He sold them on the market where on a daily basis he bought what the family needed (*Life of Perikles* 16). Descat trusts that Plutarch's source must be a contemporary of Perikles, whom we can no longer identify. In the Pseudo-Aristotelian *Oeconomica* from the late fourth century we find a similar story: "The Attic *oikonomia* is advantageous: they sell and buy, and in the smaller households there is no need for a storehouse." (Arist. *Oec.* 1344b31-33).

According to Descat the passage from the *Life of Perikles* shows that *oikonomia* as an acknowledged discipline with its own concepts and methods existed in fifth-century Athens; and that it was transferred from the public to the private sphere, not as one might think

from the private to the public.¹ Furthermore a passage from the *Life of Themistokles* 2 indicates that the development of *oikonomia* was political and can be traced back to Solon.

Descat's conclusion is that, pace Finley, *oikonomia*, both as an intellectual and practical form of social action, existed in Classical Athens, and reflected what Max Weber called *ein soziales Handeln*. It combined the private with the public, i.e. *oikos* and *polis*, and the mimetic effect was in both directions. It was, as Weber says, a process of rationalisation.² (196-99).

(Re 2) The new idea of buying and selling to provide livelihood of the family is characteristic of the late fifth century and opposed to the former way of life when the verb "to buy" was virtually unknown (Ar. *Ach.* 33-35).

Next, the probably pseudo-Platonic dialogue *Hipparchos* is adduced as an example of how the new *oikonomia* has resulted in a reversion of values. The theme of the dialogue is the concept of τὸ φιλοκερδέες, which is commonly a pejorative term meaning greed. But opposing the terms loss (ζημία) and gain (κέρδος), Sokrates infers at the end of the dialogue that *philokerdeia* is a morally neutral concept and that all men – both the good and the bad – are *philokerdeis* (Pl. *Hippar* 232c).

Descat elucidates the reciprocity between *polis* and *oikos* by adducing two sources: Isokrates' *Nikokles* from ca. 370 and the probably contemporary treatise called *Anonymus Iamblichii*. Isokrates recommends (2.19) that the *polis* should be managed like an *oikos*. Conversely the *Anonymus* (DK 7.1-2) emphasises *eunomia* based on trust (*pistis*) as that which is most beneficial for all men, κοινὰ γὰρ τὰ χρήματα γίγνεται ἐξ αὐτῆς, which does not refer to common possessions in a communistic sense, but to common use based on friendship (Arist. *Pol.* 1329b39-30a2).³

1. But in my opinion the name of the discipline suggests that it originated in the private sphere.

2. M. Weber, *Wirtschaft und Gesellschaft* 5th edn (Tübingen 1975) 12-13.

3. Interpreting the passage Descat says "la mise en commun de l'argent". That is in my opinion too narrow an interpretation. *Chremata* means possessions in general.

Descat assumes that in fourth century Athens there was a major debate over the definition of *polis*, and he contrasts the definition offered by the author of the Pseudo-Aristotelian *Oeconomica* with that of Aristoteles in *Politics*. According to the *Oeconomica* 1343a10-11: πόλις μὲν οὖν οἰκιῶν πλῆθος ἐστὶ καὶ χώρας καὶ κτημάτων αὐτάρκες πρὸς τὸ εὖ ζῆν. According to Aristotle's *Politics* 1380b33-35 a *polis* is ἡ τοῦ εὖ ζῆν κοινωνία καὶ ταῖς οἰκίαις καὶ τοῖς γένεσι, ζωῆς τελείας χάριν καὶ αὐτάρκους. As far as I can see the Pseudo-Aristotelian definition is an echo of Aristotle and the similarities are more prominent than the differences. The common elements are *oikiai* in the sense of households, *autarkeia*, and first of all the good life (*to euzen*). The difference is that territory and possessions in *Oeconomica* are treated as part of the definition of the *polis* but in Aristotle as a necessary precondition for having a *polis* (Pol. 1328a22-25) but not as part of the *polis* according to his definition of the *polis* in *Politics* book 3 as a κοινωνία πολιτῶν πολιτείας (1276b 2). But it fits his economic definition of the *polis* in Book 1 1253b1-8: ἐπεὶ οὖν φανερόν ἐξ ὧν μορίων ἡ πόλις συνέστηκεν, ἀναγκαῖον πρῶτον περὶ οἰκονομίας εἰπεῖν. πᾶσα γὰρ σύγκειται πόλις ἐξ οἰκιῶν, i.e. households, and a household consists of master and slave, husband and wife, father and children. Since κτήσις is a μέρος τῆς οἰκίας (1253b23), and the οἰκία is a μέρος τῆς πόλεως (1253b2-3), κτήσις must be part of the πόλις according to Aristotle's definition of the πόλις in Book 1.⁴

Descat concludes his fascinating chapter by stating that the fourth-century Athenians saw the economy “comme le résultat d'un procès de rationalisation d'une pratique née au siècle précédent et qui s'est construite dans le cadre d'une harmonisation entre comportement privé et public.” (205).

4. M.H. Hansen, “Aristotle's Two Complementary Views of the Polis”, in *Reflections on Aristotle's Politics* (Copenhagen 2013) 19-38.

Reflections on Edward E. Cohen: Transformation of the Athenian Economy: Maritime Finance and Maritime Law

Cohen's chapter is one of those that focuses on Athenian society rather than its democracy. His account of the flourishing economy in fourth-century Athens is in line with the view advocated by Ober in *Democracy and Knowledge* and again in *The Rise and fall of Classical Greece*¹ and it is strongly opposed to the primitivistic view advocated by Moses Finley in *The Ancient Economy* and by Keith Hopkins in, e.g., his Introduction to *Trade in the Ancient Economy*.²

His chapter describes the adoption in the fourth century of a monetary economy, the advanced level of credit and banking, and he argues that "maritime commerce is probably the most significant - and certainly the most spectacular - manifestation of economic activity to the purpose of monetary profit (*kerdos*). In this paper I will explore how the fourth-century pursuit of financial gain ("making money from one another") was incorporated into the very structure of maritime trade and was facilitated by Athenian legal innovations, especially the commercial maritime courts (*dikai emporikai*)." (208-09). The chapter is a copiously updated version of his book from 1973 *Ancient Athenian Maritime Courts*. Important sources debated are: Andokides 1, Isokrates 17, Xenophon's *Poroi*, Demosthenes 32, 34, 35 and 56, Aristotle's *Politics* Book 1, and *Athenaion Politeia*, Rhodes-Osborne, *GHI* 25, 26, 62.

In the fourth century "Piraeus was the entrepot of the Eastern Mediterranean" and maritime trade and financing was the backbone of the Athenian economy. In the course of the Peloponnesian

1. J. Ober, *Democracy and Knowledge* (Princeton 2008); *The Rise and fall of Classical Greece* (Princeton 2015).

2. M.I. Finley, *The Ancient economy* (London 1973); K. Hopkins, "Introduction" to P. Garnsey and K. Hopkins (eds.) *Trade in the Ancient Economy* (Cambridge) xi.

War Athens suffered a severe loss of population but in the fourth century Athens was still the most populous of all *poleis*, and “hundreds of ship-cargoes were required annually to satisfy Attica’s enormous need for food and other items.” (209). Cohen is one of the few scholars who have emphasised (217) that Andokides 1.133 testifies to an external trade (import and export combined) in the year 400/399 of at least 1,800 talents.³

Athenian maritime trade was in the hands of three types of person: lenders (*daneizontes*), ship-owners (*naukleroi*) and merchants (*emporoi*). The financial instrument used in maritime trade was the *daneisma nautikon* (210). It differs from other types of loan by being a combination of loan and assurance. The lender bears the loss if the ship is wrecked or the cargo has to be jettisoned or confiscated by enemies.(212-13)⁴ Probably to reduce the risk of fraud “maritime lenders insisted on substantial equity investments from the merchants and ship owners” (211). The loan is not for a fixed period of time but for a journey either a single loan from Athens to a destination or from a destination to Athens, or it is a return loan (*amphoteroploun*). The loan is short term but the interest rate (*nautikos tokos* Dem. 56.17) is extremely high compared with other types of loan (210). For this type of loan the contract has to be in writing (209).

“In the fourth century, Athens pursued various governmental initiatives that had the effect of enhancing the likely profitability from trade involving Attica.” (213).

(1) Athens protected the purity of the silver currency circulating in the Peiraeus (Rhodes – Osborne GHI 25, Xen. *Poroi* 3.1-2).

(2) By grants of *ateleia* from harbour taxes, and sometimes liturgies and *eisphora* the Athenians reduced transaction costs for suppliers and traders. Cohen emphasises the Bosporan Kingdom from which, according to Demosthenes 20.31-32, Athens imported 400.000 *medimnoi* of grain annually (214-15). Other regions, from which Athens imported the cereals were Egypt (Dem. 56), Sicily (Dem. 32 and 33.13) and the Adriatic (*IG II*² 1629.217sqq).

3. Pointed out in S. Isager and M.H.Hansen *Aspects of Athenian Society* (Odense 1975) 52.

4. Dem. 32.5, 34.33, 35.11, 31-32, 50.17.

(3) In the mid fourth century the Athenians introduced a specific form of private actions: the *dikai emporikai*, which could be brought not only by citizens but also by metics and foreigners (216-18), and they were “monthly actions” which means that they were received by the magistrates every month from Boedromion until Mounychion and were exempted from institutionalised sources of delay (Arist. *Ath. Pol.* 33.23, Arist. *Ath. Pol.* 52.-3). (217 with n. 68). Like almost all editors and commentators Cohen rejects (n. 69) Gernet’s conjecture in the Budé edition to transpose the two months.

There has been a tendency to believe that maritime trade was in the hands of metics and foreigners. Cohen acknowledges that they constituted a large portion of those involved in maritime trade (218), but he is aware of the fact that many *emporoi* and *naukleroi* (in my opinion about 50%) were citizens.⁵

(4) The import of cereals to Athens was protected by specific laws. It was a capital offence for persons resident in Athens to ship grain to harbours other than the Piraeus (Dem. 34.37). Any grain ship touching in at the harbour of the Piraeus had to unload at least two-thirds of the cargo and might re-export a maximum of one third (Arist. *Ath. Pol.* 51.4). It was forbidden for persons residing in Athens to extend a maritime loan (Dem. 56.6-11) to any location other than Athens. (217).

Conclusion: Cohen’s paper has sought to demonstrate “a true mutuality of interest between the Athenian people and maritime entrepreneurs: as Aristotle saw, the pursuit of financial gain (“making money from one another”) had become a dominant aspect of economic activity, for foreign business people and for the Athenian *emporion* itself.” (219).

5. S. Isager and M.H. Hansen (n. 3) 66-74.

Reflections on Christophe Pébarthe: New Assessment on Trade and Politics In 4th century B.C.E. Athens

Pébarthe introduces his chapter with a reference to the old dispute between modernists and the primitivists (223-24), in particular Bücher¹ and Hasebroek,² and emphasises that Hasebroek did not try to save Bücher's primitivism, that the ancient Greek economy was a subsistence economy based on the *oikos*. It was an economy based on the *polis* but did not aspire to mercantilism. "No city-state ever tried to protect local production".

Moses Finley sided with the primitivists and in the period from 1973 to ca. 2000 his view in *The Ancient Economy* (London 1973) became the orthodoxy among ancient historians. Nowadays very few historians adhere to the primitivist view, and of the recent modern accounts Pébarthe focuses on two both published in 2007: Alfonso Moreno, *Feeding the Democracy*³ and Graham Oliver, *War Food and Politics in Early Hellenistic Athens*.⁴ For both the principal issue was how to provide sufficient grain for the population of the most populous of all the ancient Greek *poleis*. And here, as Pébarthe points out, there was an important shift from the Classical to the Hellenistic period. In the fifth and fourth centuries the policy was to secure the import of Grain whereas in the early Hellenistic period - when Athens had lost its kleruchies, its fleet, the Piraeus and part of its territory - the policy was to protect and stimulate the local production of grain (224).

Next Pébarthe has a section about the Athenian *arche* in the fifth

1. K. Bücher, *Die Entstehung der Volkswirtschaft* (Tübingen 1893).

2. J. Hasebroek, *Staat und Handel im alten Griechenland* (Tübingen 1928).

3. A. Moreno, *Feeding the Democracy. The Athenian Grain Supply in the Fifth and Fourth Centuries BC.* (Oxford 2007).

4. G. Oliver, *War Food and Politics in Early Hellenistic Athens* (Oxford 2007).

century (224-26) and in particular its importance for the economy and the Athenians' endeavour to make Athens and the Piraeus the commercial centre of their *arche* to which all the members would bring all commodities. In Perikles' words: "the magnitude of our city draws the produce of the world into our harbour, so that to the Athenian the fruits of other countries are as familiar a luxury as those of his own". (Thuc. 2.38.2). In support of Perikles' sweeping statement Pébarthe adduces two Athenian decrees: The decree about Athenian relations with Chalkis from 446/5 (*IG I³ 40*) and the decree about Athenian relations with Phaselis presumably from the 460's *IG I³ 10*)⁵.

Interpreting lines 52-57 of the Chalkis decree Pébarthe suggests that this provision concerns merchants on a commercial trip towards Athens. In other words: that the Athenians decide "that in their *arche* the cargoes going to Piraeus were tax-exempt in the other cities." (225). But according to Whitehead⁶ (and others) the provision concerns metics living in Chalkis (*oikountes*) and lays down that the Chalkidians retain the right to tax their metics.

Pébarthe's interpretation of the Phaselis decree is that "if a merchant, Athenian or Phaselitan, had a commercial contract which recorded a commercial journey which ended in Athens, the decree says "Athenaze", he had to complete his trip even if he was accused of some wrongdoing in Phaselis or elsewhere during the commercial trip." (225). But what the decree stipulates is that if a Phaselitan has entered into a contract in Athens or simply if a cause of action arises in Athens, any dispute over the contract must be heard in Athens before the Polemarch's court. There is no specification that the contract concerns a commercial journey which ended in Athens.

All three sources "show that the Athenian empire had an economic dimension" and "that the Athenians considered that the wealth of nations was a condition of their prosperity." I can Follow Pébarthe some of the way but I think that to some extent his conclu-

5. Other Scholars prefer a date in the 450's and some a date in the 420's.

6. D. Whitehead, "Aliens" in Chalcis and Athenian Imperialism", *ZPE* 21 (1976) 251-59, at 257-58, referred to approvingly in Pébarthe, "La perception des droits de passage à Chalcis *IG I³ 40*, 446 a.C.", *Historia* 54 (2005), 84-92 at p. 90 n. 48.

sion rests on an over-interpretation of the two inscriptions, and I prefer Whitehead's interpretation of the Chalcis decree.

In the next part of the chapter (226-31) Pébarthe investigates how the Athenians after their defeat in 404 tried to rebuild their Aegean market without an empire. He concentrates on the period down to and including the Athenian grain tax law of 374/3 and he focuses on three aspects: (1) contracts and the Athenian legal system; (2) the monetary order; (3) grain trade and politics.

(Re 1). This section deals with the situation in Athens immediately after the restoration of the democracy in 403. The sources discussed are passages from Isokrates 18 and 20, Lysias 21, Andokides 1, Demosthenes 24 and Xenophon's *Memorabilia*. We know that verdicts passed under the Thirty were no longer valid and that all *dikai* were suspended during the last phase of the oligarchy. What Pébarthe argues, in particular from Xen. *Mem.* 2.7.1-14, is that under the Thirty money was borrowed and contracts concluded and that presumably they could still be valid after the restoration of the democracy. (227-28).

(Re 2). The section about monetary order focuses on the law of Nikophon of 375/4.⁷ A "climate of distrust" had been created by the circulation on the market of three types of coin: Attic coins, imitations of Attic coins and false coins. The law stipulated that two *dokimastai*, one in the Agora and one in the Piraeus, on demand must check the silver contents of the coins. False coins must be confiscated; coins of good silver handed back, and Pébarthe belongs to those who believe that all coins approved by the *dokimastes* must be accepted as legal tender, both Attic coins and imitations of good silver. The point he emphasises is "that trade in the Greek world was impossible without politics, because a market needs trust and trust is always a political matter in a Greek city-state". (229-31).

(Re 3) For this section Pébarthe has selected Lysias' speech *Against the Corndealers* as the source that illustrates the point he wants to make. In this speech Lysias describes the contrast between the Corn-dealers and a magistrate Anytos. Each corn-dealer wants to maximise his profit by buying up more corn than the law allows and

7. Rhodes-Osborne, GHI 25.

selling it at a profit that exceeds the legal limit of one obol per drachma. The result is that the price of grain is forced up to the detriment of the consumers. Anytos' advice to the corn-dealers was to stop the competition and to act in a way that would secure a reasonable price. Pébarthe argues that "Lysias is not advocating for a dirigist economy, he accepts the rule of the market, but his speech clearly shows that there is no market rule where there is no law." Pébarthe adds that a similar balance between market and public interference is attested in the Grain Tax Law of 374/3⁸ (Rhodes-Osborne, *GHI* 26). (231).

The chapter ends with a farreaching conclusion. The Athenians "had to supply their city with grain of course, but also with many other commodities. In the fourth century the Athenians never succeeded in rebuilding another empire. They were not the master of the sea anymore. But, in order to supply themselves, they thought that they also had to supply the other cities, an idea which Pericles stressed in his Funeral Oration.⁹ They thought it was impossible to get richer and richer, while the other cities were staying poor or were getting poorer (Thuc. 2.38). A lesson which might be interesting even nowadays." (231). But, as I read the passage, Perikles has nothing to say about supplying other cities. What he emphasises is that the Athenians can enjoy what they import from the other cities as much as what they produce themselves.¹⁰

Addendum: There is one more relevant source not mentioned by Pébarthe – nor very often by others who discuss the Athenian economy in the early fourth century. In *On the Mysteries* 133-34 Andokides tells the jurors that in 400/399 in association with some others he leased the two per cent duty on all imports and exports for 36 talents. The import duty was payable at the time when the goods were released (Dem. 35.29-30). Accordingly we must assume that the export duty was paid when the goods were loaded. Andokides tells the jurors that the lease was profitable from which we can infer that the value of the total foreign trade of Athens in 400/399 must have

8. Rhodes-Osborne, *GHI* 26.

9. Thuc. 2.38.

10. Duly mentioned by Pébarthe 225 with n. 7.

been more than 1800 talents, an enormous amount given that it must have been one of poorest years just after the Peloponnesian War. Even then the Piraeus must have been the commercial centre of Greece.¹¹

11. Mentioned by Cohen (p. 217). For a full discussion, see S. Isager and M.H. Hansen, *Aspects of Athenian Society* (Odense 1975) 51-52.

Reflections on Armin Eich: Konzeptionen zur politischen Steuerung und Beeinflussbarkeit von wirtschaft- lichen Vorgängen (Athen 4. JH. v. Chr)

Eich opens his chapter by noting that there are very few general and theoretical reflections to be found in our sources. He mentions the *Anonymus Iamblichus* (now dated ca. 420-360) and Xenophon's *poroi* from 355. The pseudoaristotelian *Oeconomica* (from the 320s) is rejected as a "Kuriositetenkabine". But in my opinion there is a serious treatment of important aspects of the economy in Aristotle's *Politics* books 1 and 7. Basically, however, Eich is right. Concerning political economy intentions have to be inferred from inscriptions (prominent examples are the law taxing Lemnos, Imbros and Skyros,¹ the honorary decree for Herakleides from 325/24² and forensic speeches such as Lysias' speech *Against the Corn-dealers* and some of Demosthenes' private speeches (in particular 32-38 and 56).

First Eich explains that trade took place in two *agorai*, one in Athens and one in the Piraeus. Both were marked by *horoi*, and subdivided into sections (*kykloi*), each reserved for a specific commodity. Trade might also take place in private workshops and houses outside the *agora*, but according to Eich only by special permission (234-35). Eich does not mention that many demes, e.g. Sounion (*IG* II² 1180), had an *agora* marked by *horoi* in which undoubtedly local trade was conducted.

The main part of Eich's chapter is about political intervention and regulation of the price of some commodities that were of primary importance for the citizens, first of all grain. Only for disabled citizens did the *polis* interfere directly and provided a daily allow-

1. Rhodes-Osborne GHI 26. See 45-47.

2. *IG* II² 360 = II³ 367.

ance of first one, later two obols administered by the Council of Five Hundred.³ (236).

Eich then mentions the boards of officials (*archai*) that were responsible for law and order among the importers, the traders and the customers in the agora, both in the Piraeus and in Athens. All were selected by lot: They are: ten *agoranomoi* (five in Athens and five in the Piraeus), thirty-five *sitophylakes* (ca. 330 twenty in Athens and fifteen in the Piraeus), ten *epimeletai tou emporiou*, to whom we should probably add the ten *metronomoi* who were responsible for the weights and measures used by the traders. For all these boards the main source is the Aristotelian *Athenaion Politeia* 51. I find it important to add that these boards (except perhaps the *metronomoi*) had the right to preside over a *dikasterion*.(236-40).⁴

As is apparent from the list of boards of officials, it was the import of grain that took priority and dominates Eich's chapter, and he has a clear and instructive account of the relations between importers (*emporoi*), middlemen (*sitonai*), retailers (*kapeloi*) and consumers (*politai*)(238). It was the responsibility of the *emporiou epimeletai* that two thirds of all imported grain was brought from the Piraeus up to Athens. It was the responsibility of the *sitophylakes* to see to it that bread at a fair price could be bought by the citizens in the *agora* and that involved control not only of the importers and the middlemen but also of the millers (*mylothroi*) and the bakers (*artopolai*). Interpreting Lysias' speech *Against the Graindealers* 19-21(239-40) he shows that the Athenians' principal aim was to protect the interests of the consumers, i.e. the citizens, and they were best protected by a lenient course towards the importers (*emporoi*), who might be scared away from the Piraeus if badly treated by the Athenian jurors, whereas it was easier to hold the middlemen (*sitopolai*) accountable since they lived in Athens and could not avoid a trial before a *dikasterion*, as the one described in Lysias' speech, where we learn that the *sitopolai* risked capital punishment if convicted⁵ (240, 248).

3. Lys. 24. 13, 26. Arist. Ath. Pol. 49.4.

4. Agoranomoi (Ar. Vesp. 1407); sitophylakes (Hesp. 43 (1974) 158.19); epimeletai tou emporiou (Hesp. 43 (1974) 158.21-22, Dem. 58.8-9, 26).

5. Lys. 22.19-21.

Obviously inspired by some passages of Lysias' speech *Against the Corndealers*⁶ and following Bresson,⁷ Eich assumes that with an official, presumably a *sitophylax*, as mediator there was a negotiation between *emporoi* and *sitopolai* which resulted in a price agreement, called the *time kathestekuia*.⁸ It was not a price that changed from day to day but an official price that at intervals was adjusted in accordance with supply and demand. As an example he adduces IG II³ 367, an honorary decree for Herakleides of Salamis.⁹ In 330-29 during the grain crisis he had been the first *emporos* to land a cargo of 3,000 *medimnoi* of wheat at the Piraeus and to sell it for five drachmas the *medimnos*, which was the usual price in a normal year. Since Herakleides was the first, Eich infers that his moderate price of five drachmas the *medimnos* became the *kathestekuia time* for a period of time. But Eich adds that this price was not enforced but was a moral signal to other *emporoi* (240-41), and he believes that it was only during a crisis that the Athenians introduced a *time kathestekuia* that differed from the market price (244).

Other aspects of political regulation of import of grain are the law of 374/3 taxing Lemnos, Imbros and Skyros (242-43)¹⁰, the introduction in the fourth century of special *dikai emporikai* (242), and the honorary decrees for *emporoi* who transported grain to Athens or even donated grain. Such honorary decrees are most frequently attested in times of crisis (242).

In the section about public control of production (245-48) Eich mentions that officials and boards of officials were obliged to ensure not only that lessees of public property did not mismanage what they had leased but also that private property was properly taken care of. Any citizen could bring a public action (*graphe argias*) against a person who neglected his duties, and if he was convicted he risked capital punishment nej – Lex. Cant. S.v. dike argias Diphilos fr. 31

Eich's conclusion is that the political control of trade and pro-

6. Lys. 22.6-9.

7. A. Bresson, *La cité marchande* (Bordeaux 2000) 183-210.

8. Attested at Dem. 34.39; 56.8, 10 and IG II₂ 400.6-11.

9. IG II₃ 367 = Rhodes-Osborne, GHI 95.

10. Rhodes-Osborne, GHI 26 .

duction was a success; and he quotes Pritchard's calculation that the Athenians in the 370s could afford to spend on average 500 talents per year and in the 360s 400 talents on warfare and 100 talents on religious festivals.¹¹ (248).

Most of Eich's chapter is focused on the import of grain. He has nothing about public policy and intervention in import of timber, metals and slaves. We know that there was a slave market in Athens¹² and that the import duties on slaves brought in large sums in the fifth century.¹³ Nor is there any discussion of the Athenian export of olives, manufactured goods and, above all, silver. In Egypt and the Levant coin hoards containing both bullion and imitations of Athenian owls are proof that large amounts of silver were exported from Athens.¹⁴ We know that in the mid-fourth century the lessees of the silver mines could make a fortune¹⁵ and that they had to pay a fraction of their profit to the state¹⁶ in addition to the rent for the lease of the mine. But we do not know whether the silver was exported privately or whether *polis* officials were involved. Xen *Poroi* 3.2 indicates that coined silver was exported from the harbour in the Piraeus. The presumably much larger export of bullion may have been publicly organised or at least publicly controlled. Let me add, however, that Eich's selective treatment of public involvement and control of the Athenian economy is justified. A short chapter in a collective volume cannot cover all aspects of a complicated issue, and Eich has contributed a valuable chapter in particular about public involvement in the import of grain to Athens in the fourth century.

11. See now D. Pritchard, *Public Spending and Democracy in Classical Athens* (Austin 2015) 49 and 113.

12. Harp. s.v. *kykloi*

13. Xen. *Poroi* 4.24.

14. P. G. van Alfen, "Problems in Ancient Imitative and Counterfeit Coinage", in Z. Archibald et al. (eds), *Making, Moving and Managing* (Oxford 2005) 322-54.

15. E.g. Hyp. 3.35-36.

16. Xen. *Poroi* 4.49.

Reflections on Kirsty Shipton: The Silver Mines of 4th C Democratic Athens: An Economic Nexus

Kirsty Shipton studies the social background of those citizens' who in the mid fourth century leased the silver mines of Laurion in south-east Attika. The core of the chapter is a case study. Shipton has selected two of the mining lease records: P5 from 367/6 which is the first surviving record and P26 that covers the period 342-39. P5 is fully preserved; it records 17 leases and lists 29 citizens. P26 is only partly preserved; it records 16 leases and lists 35 citizens. It is presumed that originally it recorded no less than 141 leases.

Shipton has investigated the social background of the investors, whether family members were also involved, and whether lessees are attested only once or repeatedly in the inscriptions.

Of the 29 persons recorded in P5 as registrants, lessees or property owners 45% are known as members of the elite, who, for example, served as trierarchs. 38% have relatives active in the silver mines, and 62% are attested repeatedly as investors.

Of the 35 persons recorded in P26 40% are known as members of the elite, who, for example, served as trierarchs. 20% have relatives active in the silver mines, and 54% are attested repeatedly as investors.

Shipton concludes that members of the elite were still prominent but less so than in 367/6, and argues that this conclusion is confirmed by literary evidence. She refers to Xenophon's *poroi* 4.28-29.² The passage reads as follows: "why, one might say, are there not many, as before (ὡσπερ ἔμπροσθεν) who open up new mines (καινοτομοῦσιν)? Because those who work the mines are poorer. It is only recently (νεωστὶ) the mines are being worked again and a man

1. The right to lease a mine was reserved to citizens and isoteleis. Xen. *Poroi* 4.12.

2. 257 with n. 4.

who opens a new mine runs a great risk. If he has got a good mine to work he becomes rich, if not he loses all he has spent, and people nowadays are not willing to run the risk.”

Xenophon wrote *Poroi* in 355. Shipton takes the passage at 4.28-29 to illustrate the difference in wealth between those who leased mines in the early 360's and again in the late 340's. But we cannot be sure. The problem is what ὡσπερ ἔμπροσθεν means. It may refer to a time span of, say, a decade or a generation, but it may also signify a time span of more than a century.³ If so the comparison Xenophon makes is between those who worked the silver mines in the fifth century and in the fourth century when mining was resumed. Such an interpretation is supported by the adverb νεωστί.

Shipton associates Xenophon's information with the fourth-century reforms of the *eisphora* and the liturgies. “the *proeisphora* liturgy ... was introduced in 378.⁴ Whenever a decision was made to impose the war tax, or *eisphora*, the richest three hundred men were now called upon to collectively advance the total sum levied ...”⁵ Two further reforms followed: “In 357/6 Periander instituted twenty trierarchy symmories, or tax groups, each responsible for particular named ships.” And “in 340 Demosthenes amended Periander's reform to ensure the richest trierarchs in each symmoria shouldered the heaviest financial burden” (254). The members of the *symmoriai* were the 1200 richest citizens, and this number is attested both for the *symmoriai* of *eisphora*-payers (e.g. Isoc. 15.145), and those associated with the *trierarchia* (Dem. 18.104; 21.154-55). The presumption is that it was the same 1200 who served. Incidentally, this accordance disproves the assumption that there were many more *eisphora*-payers than citizens liable to serve as trierarchs or to assist those who were trierarchs.

Shipton's study corroborates that the purpose of the symmories was to share out the burden of liturgies – in particular the trierarchy

3. See, e.g., Pl., Menex. 235a; Tim. 18d; Andoc. 1.109; Dem. 18.94; 18.201; Lykourg 1.105.

4. Many scholars would put the introduction of this somewhat later.

5. It was in fact the entire symmoria system that was introduced in 378 (Dem. 22.44; Philoch. Fr. 41). That the *proeisphora* was part of this reform can be inferred from Isaios' reference to the three hundred in a speech dated to 364 or 363 (Isac. 6.60).

- among a larger number of wealthy citizens than those who previously had served as trierarchs either individually or together with one or a few others.⁶ Shipton argues, in my opinion persuasively, that the purpose of the symmories - and in particular of the symmories associated with the trierarchy - was that “a much wider range of men become involved in this expensive liturgy. They need not all necessarily become trierarchs themselves, but they have to contribute when required to help those in their symmories who are on active service” (258). They became *synteleis*.⁷ And that “explains the appearance in the mine records around 340 of a higher proportion of investors who are not themselves seen to be trierarchs, do not come from a trierarchical background and also lack a family history of involvement in the mines” (258). Probably an even greater difference would appear if we had had sources that testify to the situation before Periander’s reform, when wealthy citizens served as trierarchs either individually or together with one or a few others.

Shipton’s chapter ends with a section entitled: *An Economic Nexus: Silver Mines, State, and Athenian Elite* (258-60). Here the evidence of the less wealthy investor attested in P26 is studied in the light of what the unnamed speaker of Demosthenes 42 tells the jurors in connection with an *antidosis* he has brought against Phainippos, an otherwise unknown citizen. Shipton quotes the law summarised by the speaker at 18: “You know the law which states that ... (the litigants) will swear under oath. “I shall give a truthful and just account of my estate, except for any holdings in the silver mines which by law are exempt from taxation.”” Shipton dates the speech to the late 330’s and argues that the law “is apparently quite recent, and so must be fairly close in time to P26, with its less wealthy and less confident investor. ... It is clearly intended as a financial incentive to encourage those with the highest level of personal wealth, the type of man prominent in P5, but much less so in P26, to buy leases in the silver

6. V. Gabrielsen, *Financing the Athenian Fleet: Public Taxation and Social Relations* (Baltimore 1994) 194.

7. *Synteleia* among the members of a *symmoria* is amply attested in connection with the *eisphora* but that *synteleia* also applied to the trierarchy is evident from Dem. 18.104 and 21.154-55.

mines and so increase his ability to perform the most expensive state liturgies.” (259).

Shipton may be right but I confess that I prefer a different date for the speech and accordingly a different explanation of the purpose of the law. The plaintiff is one of the *proeispherontes* (25) and his wealth is derived from mining, but lately he has suffered severe losses, a fate he shares with all the others who work in the mines (3, 21, 31). His opponent is a farmer who has never performed a liturgy and never paid the *eisphora*. (3). He grows barley, produces wine and sells timber (2, 6-7, 20, 24) and, like other farmers, he becomes richer than he deserves (21). He can sell his barley for eighteen drachmas the *medimnos* (20), which is three times the earlier price (31). The normal price of barley seems to have been three drachmas the *medimnos*. Thus, the combination of extraordinary high prices for barley and severe losses suffered by those who worked in the silver mines shows that the date of the speech must have been in the 320's when Athens suffered from a severe shortage of grain that drove the prices up to dizzying heights. The greatest expense connected with mining was that of feeding the slaves. When the market price of barley had risen to several times the normal price, investing in the silver mines was no longer profitable. Accordingly the purpose of the law by which those working in the mines were exempted from being taxed, reporting the assets they had in the mines (18) was to help and protect the investors in the silver mines (31).

Reflections on Claire Taylor: Social Dynamics in Fourth-Century Athens: Poverty and Standards of Living

Taylor introduces her chapter (261-63) with an illuminating overview of the Athenian vocabulary used about poverty (*penetes*, *ptochoi*, *poneroi*, *aporoï*) and the mental and social conditions associated with poverty (The poor were considered uneducated, chaotic, unjust, prone to bad judgement and they were despicable). What did poor people in fourth-century Athens do about their poverty? And what were the social relations between the poor and the more wealthy part of the population? Taylor does not want to study the economic aspects of poverty. Her focus is on the social relations between the poor and the better off, between poor people, between citizens, metics and slaves, between males and females and sometimes between females. She does not attempt to quantify the relations between wealthy and poor or establish how poor you had to be to count as poor in Athens. Etc.¹ The social relations she studies cannot be quantified. Taylor's approach is based on the view that "Poverty is not just a state which is defined by lack of possessions; on the contrary it is best understood by considering also non-material aspects of life and the social relationships they create, define and reproduce." (263). Taylor makes her points by selecting a test case to be further illustrated by two examples, one described in Xenophon's *Memorabilia* and one attested on a funeral monument.

1. The only quantification in the chapter is the estimate (264) that "98% of the Athenian population were not liturgists" (264) i.e. that the liturgical class constituted 2% of the Athenian population. In the mid-fourth century the liturgical class numbered between 1200 and 2000 (J.K. Davies, *Wealth and the Power of Wealth in Classical Athens* (New York 1981). If there were at least 30,000 adult male citizens, the liturgical class (of whom the great majority were adult male citizens and only a few were metics) constituted between 4 and 6.5 per cent of the adult male citizen population.

Her test case is Bion,² a slave living in Melite in the 330's (who was manumitted thanks to a loan obtained from his master, who was member of a group of creditors (*koinon eraniston*). Bion was a jeweller, presumably a slave living apart (*choris oikon*). His lot in life and possibilities were remarkably different from what an unskilled slave could achieve, but after his manumission he would still be dependent on his former master to whom he would have to repay the loan and for the rest of his life he would have him as his *prostates*. (264-65).

The first example concerns Aristarchos, a wealthy citizen who had fallen into poverty but during the rule of the Thirty had to take care of fourteen members of his family plus a number of slaves. On Sokrates' advice "he borrows money, puts his household to work and everyone, eventually, is happy". The example illustrates the social relations between family members, between men and women and between citizens and slaves. It is in particular the women's work that saves the family. "Aristarchos remained idle whilst his relatives were active" (269). (Xen. *Mem.* 2.7.12-14). (267-69).

The second example (269-72) concerns Melitta, a midwife (a *titthe*) attested on a funerary stele of ca. 340 (*IG II²* 7873). The stele is inscribed with an exceptionally long and warm praise of the nurse by Hippostrate, the girl she once nursed. Melitta was a metic and the daughter of an *isoteles*. But wet-nurses were often slaves, and the prosecutor in Dem. 57 argues that his opponent cannot be an Athenian citizen since his mother, Nikarete, has been a wet-nurse.³ Taylor moves on to show the importance of wet-nurses, and that it was a respected profession: "there are more *titthai* mentioned on funerary *stelai* than any other profession." (272) "Their presence within a family could be a status symbol." (271) "Wet-nursing was not simply a shameful response to financial hardship, but in fact allowed women to develop networks of relationships, primarily with other women." (271) "Both wet-nursing and wool-working gave some kind of social status and value not just to slave and metic women (in that it

2. Taylor refers to M. Finley, *Land and Credit in Ancient Athens, 500-200 BC* (New Brunswick 1985). The correct source reference is *IG II²* 1559.26-31.

3. The reference is Dem. 57.35, 45.

made them integral members of households), but also to citizen women too.”(272)⁴

In her conclusion (272-73) Taylor emphasises “the importance of evaluating poverty in terms of social relations”, and that she has done illuminatingly by comparing the capabilities and functionings of Aristarchos, Melitta and Bion from, respectively, the beginning, middle and end of the fourth century.

4. See, e.g., Dem. 57-35.

Reflections on Danielle Allen: Culture War: Plato and Athenian Politics 350-330 BCE¹

Allen's thesis is that "beginning in the 340s, Platonic concepts made their way into Athenian political rhetoric. Fourteen speeches given between 345 B.C. and 307 B.C. adopt identifiably Platonic vocabulary, recognizably Platonic forms of argumentation, and Platonic symbols. They are Lykourgos' *Against Leokrates*; Aischines' three extant speeches; Deinarchos' *Against Demosthenes*; Demades' *On the Twelve Years*; Hyperides' six extant speeches including his *Against Demosthenes* also; and two speeches prosecuting the orator Aristogeiton, both by an unidentified politician who was an ally of Lykourgos." (279).

Allen introduces her chapter with "a set of distinctively Platonic words and phrases that appear at notable points in Athenian oratory" (279). Some of her examples are well chosen, e.g. *politike arete*, but others are problematic. *Kolazein*: is a common word for to punish. There is a three digit number of occurrences in all the ten Attic orators as well as in Plato and Aristotle. *To kalliston*: 270 occurrences of the superlative in Plato as against 13 occurrences in the orators, 3 in Aischines, but 4 in Lysias who was not under the spell of Plato. *Synesis kai paideia*: 3 attestations of this collocation in the orators, but none in Plato and Aristotle. The collocation of the words *philosophos* (or *philosophia*) and *nomothetes* (or *nomothetein*) is attested twice in Aischines and once in Isokrates, but is unattested in Plato whereas there are three occurrences in Aristotle. *Misoponeros* (*misoponeria*, *misoponerein*) is attested twice in Aischines, once in Lysias and once in Demosthenes as against two attestations in Aristotle but none in Plato.

1. In her first note Allen declares that "what I present here summarizes arguments made in Allen 2010": D. Allen, *Why Plato Wrote* (Malden 2010). To substantiate my comments on her contribution here I also refer to her book.

Allen devotes a section (280-81) to a study of the verb *plattein*. The central passage is Demosthenes' question to Aischines in his speech *On the Crown: ti logous platteis?* (18.121). She first refers to a comic poet who joked: *hos aneplasse Platon <ho> peplasmena thaumata eidos* (quoted in Diog. Laert. 3.26). "The Athenians knew that the word *plattein* went with the name Plato, so Demosthenes' question - *ti logous platteis?* - might equally well mean, "why do you talk like Plato?" (280-81). Now, *Plattein* is a verb that is used both in a neutral or positive sense and in a pejorative sense. In the neutral or positive sense it means "to form or shape or create" (e.g. a wax figur or a *polis*) or "to form in the mind" or "imagine" (e.g. god to be an eternal being with soul and body). In the pejorative sense it means "to fabricate, forge, pretend, simulate, bluff, deceive." In Plato it is the neutral or positive sense that prevails, and there is only one attestation of the pejorative sense (*Apol.* 17c). In the orators it is the reverse. The neutral sense is attested only in 2 out of 35 occurrences (Dem. 4.26, Lykourgos 1,132). If Aischines' use of the verb *plattein* is an echo of Plato, why - unlike Plato - does he use the verb in the pejorative sense as Demosthenes claims? And why is it used in the negative sense in the only attestation in Aischines' speeches? (2.153).

For Aischines' involvement with philosophical circles Allen refers to her book: *Why Plato Wrote?* (Malden 2010) 116ff, and here the main part is taken up by a discussion of the adjective *mnemonikos*. It is attested five times in Aischines' speech *On the Embassy* and always used about Philip of Macedon's excellent memory when he was addressed by the Athenian envoys during the first embassy in 346 (42, 43, 48, 52 and 212). On this occasion Demosthenes was the last of the envoys to address Philip. According to Aischines (2.34-35) he started but after a few words he lost the thread and stopped. Philip twice advised him to take his time and remember (*anamimneskesthai*) what he would like to say, but Demosthenes could not do it and had to give up. Allen's explanation is that "when Aischines praises Philip for being *mnemonikos*, then, he aligned himself with a Socratic-Platonic tradition in which that word served mainly to pick out those rare natures available for development into philosophers. What's more, to identify a king as *mnemonikos* was to credit him with the potential to be a philosophy-ruler." (119). I can find one passage

in Plato's *Republic* which may support this interpretation (486d), but I prefer a different explanation. If Aeschines' report of the embassy is reliable, Demosthenes' performance before Philip during the first embassy was a disaster for him as a distinguished *rhetor*, and he never referred to the incident. It is from Aeschines we know about the envoys' speeches before Philip and their discussions on their way back to Athens. The five times repeated adjective *mnemonikos* referring to Philip's good memory and contrasted with Demosthenes' failure before Philip is Aeschines' derision of Demosthenes' failure rather than an echo of Plato.

Another argument adduced by Allen in her book is based on the plutarchan *lives of the ten orators* (93 with n. 14 on p. 192-93). For each of the ten orators the author mentions with whom he had studied. The author "claims that Isaeus was taught by Lysias (839e); that Aeschines was said to be taught by Socrates and Plato or by Leodamas (840c); that Lycurgus was taught by Plato and Isocrates (841b); that Demosthenes was "said to be taught" by Isaeus, Isocrates and Plato (844c); that Hyperides was taught by Plato and Isocrates (848e)..." Then Allen, in my opinion correctly, argues that "given the intense hostility between Isocrates and Plato, it is unlikely that any of these orators studied extensively with both. Then she focuses on the order in which the teachers are mentioned. "If the teacher named first for each orator was the main teacher, then Lycurgus, Aeschines and Hyperides would be identified as having studied mainly with Plato" ... "The problem is Allen's mention of Socrates as Aeschines' principal teacher. First: that is impossible for chronological reasons. Second in all manuscripts the name is not Socrates, but Isocrates. Socrates is either Allen's conjecture or a misreading of the name. The reading of the manuscripts is in conflict with Allen's principle that an orator cannot have studied with both Isocrates and Plato. I side with those who are sceptical about the value of inferences based on the pseudo-plutarchan treaty about the teachers of the ten orators.

Allen's reconstruction of the political alliance in Athens in the 330's between Lykourgos, Aeschines and Hyperides is in my opinion more convincing, except for her idea that the alliance is based on Plato's political ideas. Here Allen's principle piece of evidence is

that Lykourgos “led a major reform of the *ephebeia* ... that resembles Plato’s proposal in the *Laws* for a two-year period of military training for young men.” (282). Allen assumes that it was Plato’s plan in *Laws* about military training of young citizens that inspired the Athenian *ephebeia*. We know that the Athenian *ephebeia* was reformed in the 330’s by a law proposed and carried by a certain Epikrates (Harp. s.v. *Epikrates*), but the institution goes back to the first half of the fourth century; for in his speech on the embassy Aischines tells the jurors that in his youth he served two years as a *peripolos*, and he proposes to summon his *synepheboi* and their *archai* as witnesses (2.167). Aischines’ testimony shows that the Athenian *ephebeia* was not inspired by Plato’s laws. It was probably Plato who was inspired by the Athenian institution as he indisputably was in many other cases.²

2. See, e.g., T.J. Saunders, *Plato’s Penal Code* (Oxford 1991).

Reflections on Katarina Nebelin: Vielfalt ohne Gleichheit? Das Problem der politischen und sozialen Vielfalt bei Aristoteles

Nebelin's contribution about plurality (Vielfalt) as a key concept in Aristotle's political thought covers two aspects: (1) Aristotle's analysis of the *polis* in general and (2) Aristotle's view of contemporary Athens. The sources for (1) are the *Nicomachean Ethics* and *Politics*. The sources for (2) are the long passage in *Politics* 1273b33-74a21 plus some 30 other passages in *Politics* where Aristotle adduces Athens as an example,¹ and the Aristotelian *Athenaion Politeia*.

By way of introduction Nebelin notes that to see plurality as a constitutive element of democracy is a modern trend, and in contrast to liberty and equality it can hardly ever be traced back to ancient Greece. In her brief Forschungsbericht she singles out Hannah Arendt and Dolf Sternberger as the two principal scholars who have emphasised plurality as an important aspect of modern democracy (293), and – as pointed out by Henning Ottmann – it was by reading Aristotle they both gave prominence to the concept of plurality. “Ottmann is darin zuzustimmen, dass Aristoteles' Bedeutung als – häufig grundlegender – Referenzpunkt für die politische Philosophie der Gegenwart kaum überschätzt werden kann.” (295). Aristotle's insistence on the plurality of the *polis* is adduced in particular in connection with his criticism of Plato's political thought where, conversely, it is the unity of the *polis* that is singled out as the desired goal. Quoting Ottmann once more Nebelin asserts “dass Aristoteles ein modernerer Denker als etwa Platon gewesen sei (295)”. Here again – like Tiersch in the introduction – she brings the etic approach to the front.

1. M.H. Hansen, *Polis and City-State* (Copenhagen 1998) 104.

Nebelin subdivides plurality in the democratic *polis* into three aspects: (1) plurality as a constitutive aspect of the *polis*, (2) plurality of groups of people that make up the *polis*, (3) individual plurality, i.e. plurality of aims or purposes in life pursued by the members of the *polis*. (297-98).

Nebelin reminds us that so explicit a tripartition of plurality is not to be found in ancient sources and that according to a number of scholars (including Isaiah Berlin, 297 n.20) in particular individualism and individual liberty are modern values unknown in Antiquity. It is true, she admits, that e.g. Benjamin Constant in his essay on ancient and modern liberty asserts that ancient liberty was the right to participate in the political institutions of one's *polis*, but Constant emphasises that Athens was the exception: alongside political liberty the Athenian democrats cherished a form of individual liberty that is close to our concept (298 with n. 24). She could have added that Isaiah Berlin misinterpreted both Constant's and the Athenians' concept of liberty.²

(Re 1) the plurality of the *polis* (299-305). The two principal terms used by Aristotle to emphasise the plurality of the *polis* are *πλῆθος* and *κοινωνία*. As for the term *πλῆθος* she quotes (n. 26) the key passage from Book 2: *πλῆθος γάρ τι τὴν φύσιν ἐστὶν ἢ πόλις* (1261a18) and in addition to a number of other relevant passages she refers (n. 26) to but does not quote the key passage from book 3: *ἡ γὰρ πόλις πολιτῶν τι πλῆθός ἐστιν* (1274b41), and she mentions Aristotle's musical metaphor: *A polis has to be a harmony, not a monotony* (1263b33-36) (300). The *polis* must be a community of people who are different from one another: *οὐ γὰρ γίνεται πόλις ἐξ ὁμοίων* (1261b24). As for the term *κοινωνία*, the principal passage is in my opinion 1276b1-2: *εἴπερ γὰρ ἐστὶν κοινωνία τι ἢ πόλις ἔστι δὲ κοινωνία πολιτῶν πολιτείας ...* (1276b1-2). In this context it is worth noting that in Aristotle's discussion of different forms of *politeiai* in Book 4 and 6 he omits kingship and tyranny: kingship is no longer relevant (1313a3-4); tyranny

2. M.H. Hansen, "Ancient Democratic Eleutheria and Modern Liberal Democrats' Conception of Freedom", in A.-C. Hernandez (ed.) *Démocratie athénienne – démocratie moderne: tradition et influences*. Fondation Hardt, Entretiens 56 (2009), (Genève 2010) 307-53, at 307-18.

is still a fairly common form of constitution, but it is essentially a *μοναρχία* i.e. the rule by one person to satisfy his own desires (1279b6-7), not a *πολιτεία* in the proper sense, and thus – says Aristotle – it is outside the scope of his present investigation which is about forms of *πολιτεία* (1293b27-30).³

(Re 2) The section about plurality of groups (305-15) is opened with Aristotle's distinction between the *polis* as a society and as a political community⁴ (305-07). Since the *polis* is a compound it must like other compounds be subdivided into its smallest parts. This principle is stated twice in Aristotle's *Politics*. At 1252a18ff where the *polis* is described as a multitude of *oikiai*⁵ and again in Book 3 (1274b38-41) where it is described as a multitude of *politai*. (305 n. 63). In my opinion this distinction between the *polis* in Book 1 and in Book 3 is maintained with remarkable consistency. In Book 1 the purpose of the *polis* is production and reproduction, i.e. τὸ ζῆν (1252b30, 1257b39-58a1), in Book 3 it is participation in the running of the city-state's political institutions: 9 (1288a38-39), i.e. τὸ εὔ ζῆν (1280b39). Accordingly, in Book 1 there is not a single attestation of the term *πολίτης* and conversely in books 3-6 there is no discussion of households and production and the term *οικία* is attested only in a few scattered passages.⁶

Next Nebelin lists a number of different divisions of the *polis* into groups, some concern the best *polis*, others the democratic *polis*. One is “die Trennung von angesehenen und Volk”⁷, which in essence is a distinction between quality (τὸ ποιόν) and quantity (τὸ ποσόν) (308-09). Another is the distinction between rich and poor, a third is subdivisions according to occupation, a fourth according to status etc. There are many important observations but they cannot all

3. M.H. Hansen, “Aristotle's Alternative to the Sixfold Model of constitutions” in *Reflections on Aristotle's Politics* (Copenhagen 2013) 1-17, at 6-7.

4. Throughout the chapter Nebelin – undoubtedly on purpose – avoids the term *Staat*.

5. Mentioned by Nebelin 305 n. 61.

6. 1277a7, 1278b38, 1280b26, 33-35, 1282a20, 1285b32, 1313b34. Only one is important, viz. 1280b33-35

7. The reference must be to 1281b10-17 where Aristotle distinguishes between *σπουδαῖοι* and *δῆμος*.

be contained within the framework of an assessment of a collective volume.

(Re 3). In the subsection about “individuelle Vielfalt: die Pluralität der Lebensweisen“ (316-19), Nebelin moves to a different aspect of democracy. In ancient Greece (as well as in the modern world) democracy is a political system based on an ideology, and here she aptly focuses on three allegedly democratic values: justice, equality and liberty and quotes the key passage at *Pol.* 1310a30-34: τὸ μὲν γὰρ δίκαιον ἴσον δοκεῖ εἶναι, ἴσον δ' ὅτι ἂν δόξηι τῷ πλήθει, τοῦτ' εἶναι κύριον, ἐλεύθερον δὲ καὶ ἴσον τὸ ὅτι ἂν βούληται τις ποιεῖν ὥστε ζῆν ἐν ταῖς τοιαύταις δημοκρατίαις ἕκαστος ὡς βούλεται. (316 n. 116).

Aristotle takes a critical view of the democratic interpretation of the three concepts mentioned in this passage: he accepts that justice is a form of equality (1280a11) but refuses to identify equality with what the multitude (τὸ πλῆθος) decides (1317b3-7), and to equate equal liberty with the right to do whatever one likes (1317b15-17), and he finds it reprehensible that in such a democracy everyone does in fact live as he likes.

Responding to the democratic view of equality Aristotle argues that one must distinguish between two forms of equality, one based on number and one on merit. According to arithmetic equality all are equal and each counts for one, while according to equality based on merit, people are different and the better sort of citizens deserve to be rewarded according to their qualities (1301b29-40). Arithmetic equality is democratic (1317b3-4, 16-17) equality according to merit is oligarchic (1280a27-31).

While Aristotle prefers equality based on merit to the democratic view of arithmetic equality, he does not, I believe, advocate an alternative conception of freedom as a political value worth striving for. The only form of freedom he values is the blessing of being free-born by contrast with the evil of slavery (1317b11-13), which can only be beneficial for a person who is a natural slave (1254b19-23).

Fazit (319-29). In this the last section Nebelin treats Aristotle's general discussion of plurality and democracy in *Politics*, its relation to other critics' view and to the contemporary Athenian democracy. She notes that Aristotle's critical attitude to democracy matches negative evaluations in other sources and refers to the Xenophon-

tian *Athenaion Politeia*, Plato's dialogues, in particular *Nomoi* and *Politeia* and some of Isokrates' speeches. But, as Nebelin points out: "das reale Athen war kein so freie, tolerante, bunte, offene und klasenlose, ja geradezu schrille Gemeinschaft, wie seine Kritiker behaupteten" (322). And here, I confess, I miss an account of Aristotle's own treatment of the history of the Athenian democracy and his classification of the contemporary Athenian democracy. Nebelin has no discussion of or reference to Aristotle's account of the history of Athenian democracy at *Pol.* 1273b35-74a21 nor to the relevant sections in the *Ath. Pol.* at 5-14, 22.1, 28.2, 41.2.

In *Politics* Books 4 and 6 Aristotle distinguishes between four types of democracy. The first and oldest type is a moderate democracy in which democratic and oligarchic institutions are mixed,⁸ the fourth type is a radical and pure form of democracy, which is typical of large *poleis* and is the dominant type in Aristotle's time.⁹

Where in this typology does Athenian democracy belong? According to Aristotle's historical account in *Politics* Book 2 it was Solon who established the ancestral mixed democracy in which the Areopagos was the oligarchical element, elected magistrates the aristocratic and the *dikasteria* the democratic. Jurors were appointed by lot, all had access and Solon made the *dikasterion kyrion panton*. Solon gave the *demos* the necessary¹⁰ powers, *viz.* to elect the magistrates and call them to account, whereas the magistrates were appointed from among the wealthy and renowned citizens. But in the course of the next two centuries this democracy deteriorated into the contemporary form of pure democracy which Aristotle classifies as a democracy type four (*Pol.* 1274a 5-11, *Ath. Pol.* 41.2).

In the last section of her chapter (329) Nebelin addresses the subtitle of the volume: *Zwischen Modernisierung und Tradition*. She holds, in my view correctly, that the Athenian democracy was more modern than Aristotle's theoretical account of it. In his description of the best *polis* in Books 7 and 8, he tries to turn the clock back to a

8. 1291b30-41, 1292b25-34, 1298a12-19, 1318b6-19a19.

9. 1292a34-38, 1292b41-93a10, 1298a28-33, 1319a34-b32.

10. An echo of Solon, cf. 12.4-5 The meaning is that such restricted powers had to be granted the people in order to keep them from revolting.

period before the introduction of democracy. Similar thoughts are characteristic of modern times: the dislike of pluralistic society, the fear of the formation of parallel societies and the growing social inequality. In such a situation the questions raised by Aristotle's political philosophy are important: Is natural equality of all citizens more important than the social, economic, intellectual and moral differences between people? Can plurality without equality be desirable? Is it acceptable that the good life of the few is conditioned upon the inequality and exclusion of the others? Nebelin suggests that the best answers to these questions can find inspiration from the most important aspect of Aristotle's concept of plurality, i.e. a plurality based on a spirit of solidarity.

Nebelin has an impressive command not only of Aristotle's political thought but also of the relevant modern literature. Her bibliography comprises 80 books and articles, and two authors often cited are Josiah Ober and Eckart Schützrumpf.

Reflections on Peter Liddel: The Honorific Decrees of Fourth-Century Athens: Trends, Perceptions, Controversies

Peter Liddel's contribution treats the honorific decrees of fourth-century Athens. The period covered is 403/2-322/1,¹ and the decrees referred to and analysed are *psephismata* of the *demos*, to the exclusion of *psephismata* of the *boule* and civic subdivisions.² Throughout the article Liddel distinguishes between honorific decrees preserved or referred to in epigraphical sources and those mentioned in literary texts. The prosopographical overlap between the literary and the epigraphical evidence is insignificant.³

To a large degree the article is based on Liddel's major research project: to collect and analyse what we know about Athenian decrees of the people passed during the period in question. The outcome of this investigation is planned to be published in 2019 in two volumes, in the first volume an inventory, in the second the analysis.

In his chapter Liddel carefully records the honours referred to in literary sources both for Athenians (n. 9) and for non-Athenians (n. 12) and again both for individual citizens (e.g. Demosthenes) or groups of citizens (e.g. the *boule* of 356/5) and again both for individual foreigners (Dionysios of Syracuse) and groups of foreigners (Corinthian exiles of 386). In fact the honorary decrees for non-Athenians outnumber those for citizens (n. 12 and 13).

For honorary decrees recorded epigraphically he refers to S.D.

1. Not explicitly stated in the text, but to be inferred from n. 13.

2. The exclusion of honific decrees of the civic subdivisions is mentioned in n. 8 and the exclusion of decrees of the *boule* can be inferred from that note too.

3. n. 10 and 13.

Lambert's studies.⁴ It would have been helpful if he had provided us with an overview of the epigraphical evidence that matched the literary evidence in n. 9 and 12. but that was of course impossible given the space available in a collective volume of this kind.

The sources are unevenly distributed. We possess much better sources for the period 355-322 than for the period 403-355 both on stone and in literary sources. The reason is partly that most of the relevant literary sources belong in the period after 355, and partly that the Athenians only began "to regularly inscribe honours for Athenians in the 340s."⁵ (337, 346).

Honorary decrees (including citizenship decrees) constitute close to 60% of all decrees we know about.⁶ But we must take into account that honorific decrees were published on stone more than other types of decree. Still, honorary decrees seem to have been the largest group of decrees passed by the people. But are they important? Citizens attending the *ekklesia*, serving on the *boule* or acting as *dikastai* or *nomothetai* were paid for participation. But the working of the Athenian democracy depended on the willingness of citizens to address their fellow citizens in the various types of assembly, to move proposals, to bring actions, and to serve on the numerous boards of *archai*. *Ho boulomenos*, frequently mentioned as the originator of laws, decrees and public prosecutions was the real protagonist of the Athenian democracy.⁷ Political initiative had to be stimulated and the award of honours was the preferred incentive. Competition for honours was a powerful motivation for all Greeks in all spheres of life, from sport to politics and administration. And that goes for the leading *rhetores* and *strategoï* as well as for citizens who served as minor religious officials and secretaries.⁸ Liddel

4. n. 10 and 13. S.D. Lambert, *Inscribed Athenian Laws and Decrees 352/1-322/1 B.C.* Epigraphical Essays (Leiden and Boston 2012).

5. 337 referring to S.D. Lambert, "Some Political Shifts in Lykourgan Athens", in V. Azoulay and P. Ismard (eds.) *Clisthène et Lycurgue d'Athènes* (Paris 2011) 176.

6. i.e. 367 decrees out of 775; provisional overview in M.H. Hansen *The Athenian Assembly* (Oxford 1987) 110-13.

7. M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Oxford 1991, 2nd edn. 1999) 71-72, 266-68, 306, 309.

8. 347, 353-54.

notes that it was apparently an Athenian peculiarity to honour individual low-level magistrates (354). Honours for the prominent leaders are known from literary sources, whereas honours for minor officials are attested in inscriptions. Of 19 Athenian honorands attested in literary sources 15 appear in John Davies' *Athenian Propertied Families* (Oxford 1971).

Of the honorary decrees some were for military commanders (339-40), some in recognition of financial donations (340-41), some for ambassadors (341-42), some for politically active citizens (342): honours for the outgoing *boule* were warranted by a *nomos* (Dem. 22.36) which indicates that they were awarded every year unless the *boule* had failed to fulfil its obligations. Similarly Honours for the best *prytaneis* of the year were awarded annually (*Agora XV.13.1-2*), and late in the year apparently the best speaker of the year in the *boule* was awarded a golden crown of 500 drachmas (*IG II³ 306.4-8*).

The grounds given for the honours are the benefactions of the honorands towards the Athenian people, but a purpose – often explicitly stated in the decree – is to inspire others to do the same in the future (347-49).

In addition to the honour of being praised by the Athenian people in a decree, the rewards a honorand could obtain was *sitiesis* in the *prytaneion*, or a crown, in the beginning of the century usually an olive crown later often a golden crown worth 500 or 1000 drachmas, or in rare cases a statue (Dem. 20.70).

Liddel does not forget to point out the reverse of the medal (350-52): that honorific decrees were sometimes bestowed on persons who were unworthy of the honours and sometimes had bribed a citizen to propose a decree in their honour (Din. 1.43). More than half the attested cases of *graphe paranom* concern honorary decrees (n. 74) and proposing or opposing an honorary decree became a weapon in the struggle between political leaders (Aeschin. 3 and Dem 18).⁹

In his conclusion Liddel emphasises that “democracy, at the end

9. M.H. Hansen, *The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Public Action Against Unconstitutional Proposals* (Odense 1974) 62-65.

of the fourth century, therefore, combined respect for political activity at both the micro- and macro-level; the former is more visible in the inscribed record; the latter in the literary record. Both leadership and participation received public recognition.” (53).

In this assessment I can mention only some of Liddel’s many important observations made in the chapter as well as the inferences based on the observations. I look forward to seeing his *magnum opus* in 2019.

Reflections on Volker Grieb: Konsolidierung als Modernisierung: Athens Bürgerschaft im späten 4. und frühen 3. Jahrhundert v. Chr.

Grieb's contribution treats the Athenian democracy (in a broad sense) from 322 to 229 B.C. Strictly speaking only the short periods of democracy 319 -17 and 307- 300 fall within the period covered by this volume: *Die Athenische Demokratie im 4. Jahrhundert*. And even during the two short periods there are problems. After the Athenian defeat in the Lamian war, Athens was no longer an independent *polis*. Foreign policy was in the hands of the Macedonian rulers (359, 365) and they maintained their occupation of Piraeus for most of the period from 322 to 229 (361, 366, 375). Athens had become what I call "a dependent *polis*"¹, and apart from some short intervals it was only in 229 the Athenians recovered their independence. Even though Athens from 322 to 229 maintained many of its democratic political institutions it was no longer democratically governed to the extent it had been before 322.

An important aspect of Grieb's argument is based on his study of political terminology, in particular the meaning and reference of the terms *demos* and *demokratia*. Opposing the scholars who tend to treat the two terms as synonyms (360 with n. 5, 372 with n. 65), he argues that we must distinguish between *demos*, a term that denotes the Athenian citizens (die Bürgerschaft), and *demokratia*, a term that denotes the political institutions (die demokratische, politische Organization)(363). In support of his view he adduces Eukrates' anti-tyranny law of 337/6: (360, 364, 366, 370): *ἐάν τις ἐπαναστήι τῶι δήμωι ἐπι τυραννίδι ἢ τὴν τυραννίδα συγκαταστήσῃ ἢ τὸν δῆμον τὸν Ἀθηναίων*

1. M.H. Hansen, "The Dependent Polis: Further Considerations in Response to Pierre Fröhlich" *Greek Roman and Byzantine Studies* 55 (2015) 863-83.

ἢ τὴν δημοκρατίαν τὴν Ἀθήνησιν καταλύσει ... (IG II³ 320.7-10, cf. 16-17).

Applying this distinction to the constitutional reforms after 322 he takes *katalysis tou demou* to refer to the limitation of the number of citizens with political rights² imposed in the period 322-18 and again in the period 317-07. In 322 Antipatros imposed a census of 2,000 drachmas as the condition for obtaining political rights (362 with n. 12 and 16). The census requirement was probably abandoned when Polyperchon reestablished the democracy in 318 (365 with n. 29), but in 317 Cassander imposed a census of 1,000 drachmas which was upheld during the decade in which Demetrios of Phaleron ruled Athens (365 with n. 33). So Athens became an oligarchic *polis* by restricting political rights to a minority of wealthy citizens. The political institutions, on the other hand, were essentially the same as before 322 (366, 371). That is evident both from literary and from epigraphical sources. Grieb emphasises that Decrees were still passed by the assembly (369). Let me add that the system of *dikasteria* was upheld, magistrates (*archai*) and jurors (*dikastai*) were still selected by lot, and one of the epigraphically attested *nomoi* passed by the *nomothetai* seems to date from the third century.³

So, according to Grieb the distinction between *katalysis tou demou* and *katalysis tes demokratias* attested in Eukrates' antityranny law of 337/6 matches the state of affairs in the Hellenistic period.⁴ In my opinion Grieb is right about his main thesis, *viz.* that in the late fourth century the principal oligarchical aspect of the Athenian

2. For an obvious case, see Lys. 20.13: οὐχ οἱ ἄν πλείους τοὺς πολίτας ποιῶσιν, οὔτοι καταλύουσιν τὸν δῆμον, ἀλλ' οἱ ἄν ἐκ πλειόνων ἐλάττους.

3. SEG 56 (2006) 172, a still unpublished law about the sanctuary of Artemis at Brauron, dated by some to ca. 300 by others to ca. 200. According to Peter Rhodes it may be a republication of a fourth-century law. The early part has been published: P.G. Themelis, "Contribution to the Topography of the Sanctuary at Brauron", in B. Gentili & F. Perusino (eds.) *Le orse di Brauron* (Pisa E.T.S. 2002) 103-16, at 112-16, whence SEG 52 104. Arguments for the Fourth Century: P.J. Rhodes, "The Organization of Athenian Public Finance", *G&R* 1x 2013, 203-31 at 215 n. 85.

4. "Berücksichtigt man die Veränderungen, die Athen nach 322 durch die äussere politische Einflussnahme hinzunehmen hatte, trifft die Bezeichnung Auflösung der Bürgerschaft den zentralen Sachverhalt durchaus sehr genau."

constitution was the census requirement by which political rights were restricted to a minority of the citizens whereas most of the democratic political institutions were retained. He is also right that the majority of citizens who lost their political rights did not become metics but were still citizens who would probably acquire political rights if they succeeded in meeting the census requirement (367 with n. 45). But Grieb exaggerates the distinction between *demos* (Bürgerschaft) and *demokratia* (the democratic political institutions). In many sources *demos* and *demokratia* are in fact used synonymously. There are numerous occurrences of *demos* used in the sense of democracy and *katalyein ton demon* in the sense of abolition of the democracy.⁵ Furthermore in the speeches the most common meaning of *demos* is the people's assembly,⁶ i.e. *demos* is used synonymously with *ekklesia* about a political institution.

In response to the subtitle of the volume (Twischen Modernisierung und Tradition) Grieb holds that after the death of Alexander the Athenian people's target was not a "modernisation" of the democracy (380) but a return to and consolidation of the type of democracy they had lived under in the fourth century before the Lamian war (379-81). In foreign policy Athens had lost its power and position, but in domestic matters the Athenians were still the master in their own house, and by and large the democratic institutions were the same as in the fourth century (381 with n. 104).

5. See, e.g., Dem. 58.34: ὅταν αἱ τῶν παρανόμων γραφαὶ ἀναίρεθῶσιν ὁ δῆμος καταλύεται compared with Dem. 24.154: ἀκούω δ' ἐγωγε καὶ τὸ πρότερον οὕτω καταλυθῆναι τὴν δημοκρατίαν παρανόμων πρῶτον γραφῶν καταλυθεισῶν. Cf. M.H. Hansen, *The Athenian Ecclesia. A Collection of Articles 1976-83* (Copenhagen 1983) 142 with n. 10.

6. In the orators there are some 300 attestations of *demos* meaning the people in assembly or the assembly itself, and the phrase ἐν τῷ δήμῳ is used synonymously with ἐν τῇ ἐκκλησίᾳ see Hansen (*supra* n. 5) 142-43 with notes 13-15.

Reflections on John Davies: Athens after 404: A Battleground of Contradictory Visions

Davies' chapter opens with a comparison between this volume, the result of the Berlin conference in 2012, and Walter Eder's volume *Die athenische Demokratie im 4. Jahrhundert v. Chr.: Vollendung oder Verfall einer Verfassungsform?* (Stuttgart 1995), the result of a conference in Bellagio in 1992. (385). Davies notes that it received disappointingly little critical attention, in his opinion because it did not clearly distinguish between two aspects: (1) "understanding a historical society which was in the throes of change" and (2) "discerning the changing ways in which modern scholarship is viewing that society." As Davies emphasises "neither aspect can be ignored", but Davies prefers "to follow the lead of earlier chapters' by focusing mainly on the second problem." Davies connects the distinction between these two aspects with what has become an important distinction in anthropology and sociology: The "etic" approach, which is to analyse a historic society using modern concepts, and the "emic" approach, which is to focus on the concepts found in the sources.²

Davies emphasises three developments in his account of how scholarship has changed between Bellagio and Berlin: (1) "There has been far more citation of authors who are standard authorities in sociology and anthropology, from Weber and Durkheim to Tönnies, Parsons, and Amartya Sen." (2) "Financial topics (in the most general sense) have occupied a much larger part of the colloquium's

1. It would be more correct to say some earlier chapters, in particular Tiersch's introduction and e.g. the contributions by Timmer, Harris and Nebelin. Several of the chapters testify to the first approach and have nothing or next to nothing to say about the second, e.g., the contributions by Rubinstein, Thomas, Stroud, Liddel and Grieb.

2. See 13-14 supra. In n. 7 the meaning of the terms "emic" and "etic" has been transposed due to a typographical error, which was discovered too late to be corrected.

time and attention.” (3) The term “modern” (coined in the 16th century) has two aspects: “the post-Columbus, increasingly Eurocentric world of progress and rationality” and “a discourse of historicity in which history becomes something that is made by human beings rather than something that merely happens to them.” (387).

Davies moves on to what he calls “the everyday usage” of the word modernisation. “If my wife and I “modernise” the bathroom, or if Philip II of Makedon “modernises his kingdom and his army” there is a blue-print that can be followed. “The Athenians had no such blueprint and were navigating wholly in the dark.” Fourth-century Athens was “a society caught up in a process of systemic but unsystematic change” It was “some version of Darwinian evolutionary adaptation, continuous but uneven in speed and location, wholly unplanned and often disruptive, but concealed from direct view by the comparative stability of the formal and informal institutions of the state and society.” (388).

Next Davies identifies three arenas of change. (1) The impact of the transfer of knowledge and technology. (2) changes in economic behaviour” (3). The political and social tensions which underlay Athenian public and private life.

Re (1). In the fourth century Athens lost the lead it had in the fifth, in particular in military matters, and “the spread of knowledge, and even more importantly the balance of power (both hard and soft) had moved against her” (388-89). Yes, but nevertheless for a short period around the middle of the fourth century and in spite of the defeat in 355 in the Social War Athens once again was the strongest military power in Hellas.

Re (2) Davies assumes “a substantial weakening in the effectiveness of the command mode and a corresponding rise in market and euergetic modes.” (389). Furthermore, one important change is connected with the formation of the Second Naval League in 378/7. In Nausinikos’ decree it is stipulated that “it shall not be permitted either publicly or privately to any of the Athenians to acquire either a house or land in the territory of the allies.” (390). True, but we must not forget that in the fourth century Athens acquired several

klerouchies and sent out thousands of klerouchs.³ In the fourth century the citizen population of Athens grew again though not to the numbers it had in 431. It is also worth mentioning that in the so-called Lykourgan period in the 330's and 320's state revenues rose from about 600 talents a year to 1200 (Plut. *Mor.* 842f). Under Perikles state revenues had been approximately 1000 talents a year, of which 400 came from Athens and about 600 from tribute payments by the allies. The principal source of income was from the mining of silver in the Laureion district. It was resumed in the 390's and after a slow start it grew in the mid-fourth century to its former size but dwindled again in the 320's probably because the rise in the price of cereals made it unprofitable, see 98-99 *infra*.

Re (3). In spite of the dramatic drop in population during the Peloponnesian War the Athenians decided in 403 not to extend citizen rights to foreigners, nor was the concept of citizenship changed "until Demetrios of Phaleron temporarily broke the stalemate." (391). It might be more correct to say: until democracy was abolished in 322/1.

Davies next describes "other tensions which took hold within the political process itself", and he lists six sets of alternatives between which the Athenians had to make a choice. The first one is "whether to accept that Athens was now one mainland power among others and had to play balance-of-power politics, or to continue to behave as a fifth-century eastern Mediterranean Great Power" (391-92).

On the last page (392) Davies modifies the somewhat gloomy picture outlined in his description of "the three arenas of change." He emphasises that the "tensions concerned external relations above all, while internally the picture is far more one of carefully considered and detailed change and innovation throughout the entire period". So here, I infer, the Athenians did have "a blueprint." They modernised their political and social institutions just as Davies and his wife can modernise their bathroom, and this modernisation concerned both political and social institutions.

3. M.H. Hansen, "Demographic Reflections on the The Number of Athenian Citizens 451-309 B.-C.", *AJAH* 7 (1985)172-89, at 182-83.

Davies' chapter is a thought-provoking and abstract approach that matches Tiersch's introduction and thus becomes a welcome conclusion to a very inspiring and valuable volume.

Afterword

Title

The title of the volume is *Die athenische Demokratie im 4. Jahrhundert*. Some of the contributors prefer a synchronic view and focus on the fourth century,¹ sometimes, however, subdividing the 81 years of democracy from 404 to 322 into two periods: roughly from the restoration of the democracy in 403 to the mid fourth century and the democracy in the age of Demosthenes and Lykourgos from ca. 355 to 322 sometimes described as a modified form.² Others treat the democracy in a historical context, describing differences and similarities between the “radical” democracy in the fifth century and the modified democracy in the fourth.³ One contributor includes the early period and applies a tripartition into the Archaic period, the fifth century and the fourth century.⁴ Finally, two contributors focus on the development from the fourth century to the Hellenistic period.⁵

Subtitle

The subtitle of the book is *Zwischen Modernisierung und tradition*; and here the juxtaposition of the two terms is somewhat ambiguous. In history as a scholarly discipline the opposition between modernisation and tradition is used in two different meanings: (1) How a historical society changed over time (modernisation) as against how the society upheld their society and its institutions (tradition). (2) How a historical society is described by its own members in their own language as against how modern historians describe the socie-

1. Rubinstein, Harris, Rhodes, Daverio, Stroud, Cohen, Eich, Shipton, Taylor, Allen, Nebelin, Liddel, Davies.

2. Rubinstein, Allen, Liddel, Davies

3. Thomas, Descat, Pébarthe.

4. Timmer.

5. Gabrielsen, Grieb.

ty applying modern concepts and terminology. In a description of a historical society to use the members' own terms and concepts is called to apply an emic understanding of that society. To use modern and constantly changing terms and concepts in a description of a historical society is called an etic approach.⁶ The Athenian democracy and its institutions changed in the course of the fourth century, but the Athenians did not understand the changes as modernization but as a return to a better form of democracy they had had in the age of Solon

Forthcoming symposium about Athenian Democracy in the fourth Century?

The editor's introduction and the nineteen contributions cover a wide range of topics. but there are, of course, numerous aspects of Athenian democracy that have been left out or just referred to in passing. In this Afterword I shall mention some of them and suggest that after the Bellagio conference in 1992 and the Berlin conference in 2012 it will be time in perhaps 2022 to convene another conference about the Athenian democracy in the fourth century.

Solonian Democracy⁷

In the Classical period many Athenians shared the prevailing view among the Greeks that history of man had progressed from bestiality to civilization.⁸ But at the same time they believed that contemporary society had declined from a better past, and that progress could best be achieved by putting the clock back.⁹ In foreign policy the Athenians looked back to Miltiades, Aristeides, Themistokles

6. For the meaning and use of the terms emic and etic, see N. Rapport and J. Overing, *Social and Cultural Anthropology. The Key Concepts* (London 2000) 303-04.

7. M.H. Hansen, "Solonian Democracy in Fourth-Century Athens", *ClMed* 41 (1989) 71-99.

8. Aisch. PV 436-506; Soph. Ant. 332-75; Eur. Suppl. 201-18; Kritias in Diels-Kranz. 88B 25; Anonymus Iamblichii In Diels-Kranz 89.6; Isoc. 3.6 repeated verbatim 15.254; Dem. 25.15-6, 20.

9. Isoc. 7.15; Dem. 3.30-1; Aeschin. 3.178; Din. 1.62.

and Perikles;¹⁰ but when they debated their democracy the paradigm was Solon¹¹ or sometimes the mythical hero Theseus.¹² In the fifth century the Athenians believed that it was Kleisthenes who had introduced the democracy.¹³ In the fourth century they claimed that Kleisthenes had restored the democracy introduced by Solon but abolished by Peisistratos.¹⁴ First of all Solon provided the Athenians with their law code.¹⁵ He created a council not of five but of four hundred, one hundred from each of the four *phylai*.¹⁶ He established the people's court, manned by sworn jurors selected by lot.¹⁷ He invented the distinction between *nomoi* as general norms as against *psephismata* as specific ones.¹⁸ And he entrusted the passing of *nomoi* to *nomothetai* chosen from among those who had sworn the dikastic oath.¹⁹ He further protected the laws by a public action called *graphe nomon me epitedeion theinai*.²⁰ The *archai* were no longer elected but mostly selected by lot from an elected shortlist,²¹ and their judicial powers were limited by the people's right to appeal to the *dikasterion*.²² Administration of justice was reformed by the introduction of public actions which any citizen could bring and not just the injured person.²³ He laid down rules for speakers in the Assembly²⁴ including the rule that the oldest citizens should speak first.²⁵ In addition to the law code which unquestionably was compiled by

10. Isoc. 15.234, Dem. 13.21-2; Din. 1.37.

11. Isoc. 7.16; Dem. 18.6; Aeschin. 3.257; Hyp. 5.21; Arist. Ath. Pol. 2.2..

12. Isoc. 12.131.

13. Hdt. 6.131; Arist. Ath. Pol. 29.3.

14. Isoc. 7.16; Arist. Ath. Pol. 41.2.

15. Arist. Ath. Pol. 7.1; Arist. Pol. 1274a 3-5; Dem. 24.148. fragments in D.F. Leao and P.J. Rhodes, *The Laws of Solon* (London 2015).

16. Arist. Ath. Pol. 8.4.

17. Arist. Ath. Pol. 8.4 ; Arist. Pol. 1274a5; Dem. 20.90, 24.148.

18. Hyp. 5.22.

19. Dem. 20.93; Aeschin. 3.38 cf. 3.257.

20. Dem. 24.212.

21. Arist. Ath. Pol. 8.1; Dem. 20.90.

22. Arist. Ath. Pol. 9.1.

23. Arist. Ath. Pol. 9.1; Dem. 22.25-30.

24. Aeschin. 1.22-32; Dem. 22.30-2.

25. Aeschin. 1.23, 3.2

Solon some of the constitutional reforms listed above may go back to Solon²⁶, but many were anachronistically ascribed to Solon, and referring to the subtitle of the Berliner symposium “Zwischen Modernisierung und Tradition” we can say that in the fourth century the Athenians disguised modernisation as a return to traditional institutions.

Population

Apart from a few scattered remarks in some of the contributions there is no treatment of the demography of the Athenian democracy in the fourth century. But the development of the size of the population in the fourth century is an important aspect of the Athenian democracy. In the course of the Peloponnesian War and the *stasis* in 404-03 the number of adult male citizens seems to have dropped from perhaps ca. 60,000 to presumably ca. 25,000.²⁷ Probably because of the dramatic decline of population Perikles' law on citizenship was suspended,²⁸ but it was renewed in 403/2.²⁹ The Athenians' decision to uphold the narrow concept of citizenship after the restoration of the democracy in 403 must have had an enormous impact on ownership of land. Only citizens (and a small number of *isoteleis*) were allowed to own land, and the result must have been that in the early fourth century an Athenian citizen owned on average twice as much land as in the fifth century. On the other hand there is no evidence of latifundia in Attica. Ischomachos and his father bought up abandoned farms, but sold them again to other Athenians.³⁰ But in the course of the period 403 to 322 the citizen population grew again, and the Athenians could even send out klerouchs first to an unknown destination in probably 370/69, later to Samos in 366/5,

26. R.W. Wallace, “Revolution and New Order in Solonian Athens and Archaic Greece, in K.A. Raaffaub, J. Ober and R.W. Wallace *Origins of Democracy in Ancient Greece* (Berkeley and Los Angeles 2007) 49-82.

27. P.J. Rhodes, *Thucydides History II* (Warminster 1988) 271-77; M.H. Hansen, *Three Studies in Athenian Demography* (Copenhagen 1988) 14-28.

28. *Isoc.* 8.88; *Dem.* 57.30; *Schol. Aeschin.* 1.39.

29. *Ath.* 577b; *Dem* 57.43.

30. *Xen.Oec.* 20.21-26.

361/0 and 352/1, to Poteidaia in 362/1, to the Chersonese in 353, and to an unknown destination in the Adriatic in 325/4.³¹ Presumably at least 5,000 klerouchs with their families were sent out, and for the fourth century there is no doubt that the klerouchs were not absentee landlords but emigrated from Attika with their families and took up residence in the place they were sent to, at least for a longer period, perhaps for the rest of their life. But often klerouchs were expelled again: those in Poteidaia in 356³² and those in Samos in 322/1.³³ Presumably many of the expelled klerouchs returned to Athens. During the Lamian War in 323-22 the Athenian war effort shows that there must have been at least 30,000 adult male citizens living in Attika.³⁴ That number is now accepted by most scholars,³⁵ but there are still historians who uphold the view that in the fourth century the total number of adult male Athenian citizens did not exceed 21,000.³⁶ Furthermore we must take into account that the number of citizens fluctuated. It declined for example in the mid fourth century by the emigration of klerouchs but went up again by the immigration of Athenians expelled from the klerouchies. The two other sections of the population of Attika were metics and slaves and for both the number fluctuated much more than that of the citizens. The metics consisted of three different groups: manumitted slaves,³⁷ refugees from other *poleis*³⁸ and businessmen who vol-

31. M. J. Cargill, *Athenian Settlements of the Fourth Century B.C.* (Leiden 1995) 9-34.

32. Dem. 6.20; Diod. 16.8.3-5.

33. Diod. 18.18.9; IG XII.6.43.8-14.

34. M.H. Hansen, *Demography and Democracy* (Herning 1985) 37-40.

35. E.g. A. Moreno, *Feeding the Democracy* (Oxford 2007) 28-31; J. Ober, *The Rise and Fall of Classical Greece* (Princeton 2015) 278-79; cf. most of the reviews of *Demography and Democracy* listed in M.H. Hansen, *Studies in the Population of Aigina, Athens and Eretria* (Copenhagen 2006) 47-48.

36. L. Gallo, "Il numero dei Cittadini Ateniesi nell'ultimo trentennio del IV secolo", *Antiquitas* 26 (2002) 33-42; N. Sekunda, "Athenian Demography and Military Strength 338-322 B.C." *BSA* 87 (1992) 311-55; H. van Wees, "Demetrius and Draco: Athens' property classes and population in and before 317 B.C." *JHS* 131 (2011) 95-114; V. Grieb, "Consolidierung als Modernisierung", in this volume 362 with n. 12.

37. IG II² 1553-78.

38. E.g. Refugees from Thebes in 382 (Aeschin 2.164) and in 335 (Aeschin. 3.156-7. L.

untarily moved to Athens and settled either for a period or for life.³⁹ When Demetrios of Phaleron conducted his review of – probably – adult males fit for military service,⁴⁰ the total was 21,000 citizens and 10,000 metics.⁴¹ Slaves were never counted and the total number is unknown.⁴² Most households had at least one slave and only poor citizens had none at all.⁴³ Aristophanes' comedies indicate that a middle class peasant owned on average at least three slaves.⁴⁴ Most slaves were acquired at the slave market.⁴⁵ Of the slaves sold at the auction of confiscated property in 414 only three out of forty-five were born and raised in the master's house.⁴⁶ A very large group of slaves were those who worked in the silver mines. In the beginning of the fourth century before the mining of silver was resumed there were very few slaves at Laurion, if any. Their number peaked in the forties and thirties when probably some 35,000 slaves were involved in the extraction of silver.⁴⁷ Towards the end of the century the price of silver fell⁴⁸ whereas the price of wheat and barley went up.⁴⁹ As a result the slaves could not mine enough silver ore to pay for their living expenses. The extraction of silver was reduced to a minimum⁵⁰ and so was the number of slaves working in the mines.

Rubinstein, "Immigration and Refugee Crises in Fourth-Century Greece: An Athenian Perspective", *The European Legacy*, 2018 Vol 23, 5-24.

39. E.g. Lysias' father Kephalos (Pl. Resp. 328b).

40. M.H. Hansen (n. 35) 39-43.

41. Ath. 272c = Ktesikles fr. 1.

42. My own estimate is ca. 150.000 in periods when the Athenian economy flourished, *The Athenian Democracy in the Age of Demosthenes* (2nd edn. London 1999) 93.

43. Lys. 24.6; Arist. Pol. 1252.b12.

44. E. Levy, "Les esclaves chez Aristophanes", in *Actes de colloque d'histoire sociale 1972* (Besancon) (Paris 1974) 29-46.

45. Xen. Vect. 4.24; Harp. s.v. kykloi. Y. Garlan, *Slavery in Ancient Greece* (Ithaka 1988) 53-55.

46. Meiggs-Lewis GHI 79 p. 247.

47. S. Lauffer, *Die Bergwerkssklaven von Laureion* (Wiesbaden 1979) 162.

48. Lauffer (n. 47) 163.

49. Dem. 42.20. S. Isager and M.H. Hansen, *Aspects of Athenian Society* (Odense 1975) 44, 200-208.

50. The latest inscriptions recording leases of mines are from ca. 300 (The Athenian Agora XIX Inscriptions Poletai Records (Princeton 1991) nos. 50-51.

How did the Athenians pay for their imports in the early fourth century before the silver mines in Laurion were reopened? and again in the last period of the century when extraction of silver had shrunk almost to nothing?

The number of slaves in Athens undoubtedly fluctuated much more than the number of citizens. Much has been published recently about the population of Athens and its fluctuations in the course of the fourth century but there are still many unsolved problems and much disagreement among scholars.

Public slaves (*demosioi*)

A recent book about slavery that has attracted much attention is Paulin Ismard, *Democracy's Slaves. A Political History of Ancient Greece*⁵¹ in which Ismard emphasizes the crucial importance of publicly owned slaves in the Greek *poleis* in the Classical and Hellenistic periods, and in particular in democratic Athens where they are called *demosioi* or sometimes *hyperetai*. Ismard establishes a dichotomy which no previous classical scholar has thought of: instead of distinguishing between *demos*, *boule*, *dikasteria* or *nomothetai* as the decision-making institutions versus the *boule* and the *archai* in their administrative capacity, he establishes an opposition between political institutions manned with citizens and administrative institutions dominated by public slaves (*demosioi*), which corresponds to the distinction he draws between amateur citizens and professional slaves: "At the Assembly, at the Council, before the city's courts, even at the gymnasium, the presence of public slaves was indispensable for the operation of the city's institutions." (37) "The *demosioi* were not magistrates, and their activities were considered divorced from the field of the political." (52). According to this classification all the *archai* are grouped together with the *demos*, the *boule* and the *dikasteria* and opposed to the *demosioi*. According to Ismard there were ca. 1000-2000 public slaves (2, 49). They performed very different tasks: Some were skilled artisans or labourers (46-47, 87). Others constituted the

51. Cambridge, Massachusetts (2017), translated from *Démocratie contre les experts: Les esclaves publics en Grèce ancienne* (Paris 2015).

only police force the Athenians had (44-45, 49). From a political and constitutional point of view the most important group of *demosioi* were those who assisted the people in the Assembly, the councillors in the *boule*, the jurors in the *dikasteria* and the magistrates in the numerous boards of *archai*. A number of *demosioi* served the *boule*. (*Agora* XV. 62.5.10-18) and we have some evidence for *demosioi* who served the ca. 700 other *archai*. The sources refer to *demosioi* for the following: *Strategoï* (*IG* II² 502 + *Ag* I 1947). *Tamiai* who accompanied a *strategos* (*Dem.* 8.47; *schol. Dem.* 2.19). *Archontes* (*Arist. Ath. Pol.* 63.5, 64.1, 65.1, 4, 69.1; *IG* II² 1717.21-22, 56/55 B.C.). *Astynomoi* (*Arist. Ath. Pol.* 50.2; 54.2). *Tamiai ton tes theou* (Athena) (*IG* II² 1492b.III) *Epimeletai ton neorion* (*Dem.* 47.35; *IG* II² 1631 b 197, c 382). *Epistatai of Eleusis* (*I. El.* 159.60-1) *IG* II² 1672a 4-6). *Hendeka* (*Xen. Hell.* 2.3.54; *Pl. Phd.* 115.b). Given the sources we have, in particular the rich epigraphical evidence, that is a poor result, but according to Ismard it is precisely the result we should expect: “Civic discourse ... is inclined to celebrate the agents of the *arche*, magistrates, the better to leave in the shadows the anonymous factotums, even though without them the city’s administration would have been impossible (83).” What administrative tasks did the expert *demosioi* perform? About the *demosioi* attached to the *boule* Ismard writes: “The largest contingent ... worked in the Metroon.” ... “All these slaves worked under the authority of the secretary of the *prytaneis*. It may be conjectured, however, that his authority ended where the work of filing, conserving, and copying documents began, a true specialization on the part of the *demosioi*”. Moreover “in addition to filing and conservation duties, the *demosios* played a role in composing the documents”. (38) Later Ismard returns to this issue: “the *demosioi* of the Metroon, in charge of supplying magistrates with different documents on demand, knew precisely the content of public deeds, which they themselves had filed and had often even composed. Few citizens could have done their job.” (83). Again, “*demosioi* were very often in charge of conserving or destroying records.” “In conjunction with the city’s magistrates, it was usually a public slave who compiled an inventory of the goods stored in the sanctuaries, kept the accounts for the major public construction sites, and accompanied magistrates on military missions, listing and overseeing expenses.” (39). Ismard

has written a fascinating and innovative book. I have reservations about his interpretation of some of the sources.⁵² But there can be no doubt that he raises an issue that must be debated in a future symposium about the Athenian democracy in the fourth century.

Degree of Participation

According to Aristotle one of the fundamental aspects of democracy is that all must rule over each and that each in turn must rule over all.⁵³ In the Classical period the Athenians lived up to this democratic ideal and the citizens' participation in their political institutions in unparalleled in world history.

In the fourth century a meeting of the Assembly⁵⁴ was attended by more than 6000 citizens. That can be inferred from what we know about naturalisation of foreigners. A grant of citizenship had to be passed by the people at one meeting of the Assembly and ratified at the following meeting by the majority of a quorum of 6000 voting by ballot. Between 368 and 322 we have evidence of fifty grants of citizenship to sixty-four foreigners,⁵⁵ and given the fragmentary state of sources a three-figure number of foreigners must have been naturalised during the forty-six years from 368 to 322. The ratification took place before the opening of the *ekklesia* and probably only one ratification could be handled at a time.⁵⁶ It follows that each *ekklesia* must normally have been attended by more than 6,000 citizens, but probably not more than 8,500, the maximum number of

52. To be published in a forthcoming article in *Polis*.

53. Arist. *Pol.* 1317b19-20.

54. Some of the contributors to the volume identify the Assembly with the *ekklesia*. But the two terms are not perfect synonyms. In Athens the Assembly was the *demos*, and *ekklesia* is invariably used about a meeting of the *demos* or about the place where the *demos* met. The *ekklesia* is never attested as an acting subject. It is always the *demos* that passes a decree or votes by a show of hands, never the *ekklesia*. M.H. Hansen, "The Concepts of *Demos*, *Ekklesia* and *Dikasterion* in Classical Athens", *GRBS* 50 (2010) 507.

55. M. Osborne, *Naturalization in Athens 1. Corpus of Decrees* (Brussels 1981).

56. *Dem.* 59.90.

citizens that Pnyx II could accommodate.⁵⁷ But in the second half of the century the Assembly place was rebuilt for a second time.⁵⁸ The rebuilding was probably part of the Lykourgan building programme 338-26, but Aeschin.1.80-83 indicates that the reconstruction was considered as early as in 345 B.C. Pnyx III was much more monumental than Pnyx II and its floor could presumably accommodate over 13,000 citizens, or rather 6,000-8,000 now more comfortably seated. We do not know whether it was the growth of the citizen population in the course of the fourth century that necessitated the rebuilding of Pnyx II. In the second half of the fourth century the Athenians summoned four *ekklesiai* every prytany = forty per year,⁵⁹ but in the first half of the century they held only three *ekklesiai* every prytany = 30 in a year.⁶⁰

The people's court in Athens was manned with citizens over 30.⁶¹ Every year 6,000 jurors were selected by lot, and on any court day it was from among them and again by sortition that the jurors were selected who had to hear the trials or lawsuits at hand. From the account in Arist. *Ath. Pol.* we can infer that on an ordinary court day a minimum of three *dikasteria* of the same size were appointed.⁶² A public action filled the entire day, a panel of 401 *dikastai* heard and judged a total of four private cases in a day and a panel of 201 could handle many more. The *dikasterion* was summoned by the *thesmothetai* on most of the 195 working days and the eighty monthly festival

57. M.H. Hansen, "Reflections on the Number of Citizens Accomodated in the Assembly Place on the Pnyx", in B. Forsén & G. Stanton (eds), *The Pnyx in the History of Athens* (Helsinki 1996) 23-33.

58. B. Forsén & G. Stanton (eds), *The Pnyx in the History of Athens* (Helsinki 1996) 35-46, 47-55; S.I. Rotroff & J.M. Camp, "The Date of of the Third Period of the Pnyx", *Hesperia* (1965) 263-94.

59. Arist. *Ath. Pol.* 43.3.

60. Dem. 24.21, 25. M.H. Hansen and F. Mitchell, "The Number of Ecclesiai in Fourth-Century Athens", *SymbOslo* 59 (1984) 13-9. Contested by M. Canevaro, *The Documents in the Attic Orators. Laws and Decrees in the Public Speeches of the Demosthenic Corpus* (Oxford 2013) 99. Defended by M.H. Hansen, "The Authenticity of the Law about Nomothesia inserted in Demosthenes Against Timokrates 20-33" *GRBS* 56 (2016) 438-74, at 467-60.

61. Arist. *Ath. Pol.* 63.3.

62. Arist. *Ath. Pol.* 66.1.

days but not on the 40 days reserved for *ekklesiai*, nor on the ca. seventy-five annual festival days and the ca 15 taboo days. In an ordinary year of 354 days the *dikasterion* was presumably convened ca. 200 times.⁶³ The description of the daily sortition of *dikastai* at *Ath. Pol.* 63-66 indicates that ca. 1500-2000 *dikastai* were selected on an ordinary court day, and that a considerably higher number had turned up in the morning but that many were turned away and had to go home. The Athenians' organisation of their courts and administration of justice corroborates the view that they were the most litigious of all Greeks.⁶⁴

Magistrates. The evidence we have indicates that in the fourth century Athens had ca. 1,200 internal magistrates, *viz* ca. 700, of whom many collaborated in boards of ten, often with one from each of the ten *phylai*,⁶⁵ and the *boule* which was an *arche*, *viz.* a magistracy with five hundred members.⁶⁶ A total of 1,200 *archai* means that the Athenians had to fill ca. 100,000 offices in the course of the period 403/2-322/1, *viz.* 41,000 positions in the *boule* and roughly 57,400 positions as *archai*. To serve on the Council of Five Hundred or as one of the ca. 700 other magistrates a citizen had to be over thirty,⁶⁷ and with the population profile mentioned above (p. 97) it follows that of 30,000 adult male Athenians no more than 20,000 were eligible.⁶⁸ Of the 700 *archai* some 600 were selected by lot, but just over 100 magistrates were elected. They included the military commanders, those who looked after the training of the ephebes, the most weighty financial officers, some persons in charge of sacred affairs, and a few

63. M.H. Hansen, "How Often Did the Athenian dikasteria meet?" GRBS 20.243-6

64. Thuc. 1.77.1.

65. M.H. Hansen, "Seven Hundred Archai in Classical Athens", GRBS 21 (1980) 151-73

66. Arist. *Ath. Pol.* 43.2-46.2; *Pol.* 1317b30-31. M.H. Hansen "Initiative and Decision: The Separation of Powers in Fourth-Century Athens", GRBS 22 (1981) at 347-51.

67. The bronze pinakia from the mid fourth century were stamped both with a triobol seal (signifying sortition of *dikastai*) and with a gorgoneion seal (signifying sortition of *archai*) The use of pinakia both for sortition of *archai* and for sortition of *bouleutai* (*Dem.* 39.10) shows that the age limit of thirty years applied to the councilors too.

68. M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Oxford 1991) 91.

others.⁶⁹ For almost all *archai* the period of office was one year. Iteration was forbidden for the 600 *archai* appointed by sortition, but allowed for many of the elected *archai*, in particular the military commanders.⁷⁰ Also filling the 500 seats on the council put such a strain on the fourth-century population of Athens that the rule forbidding iteration was not applied: a citizen could be councillor twice,⁷¹ The reform is first attested in lists of *bouleutai* from the first quarter of the fourth century⁷² and was probably introduced in connection with the restoration of the democracy in 403. The head of the Council and of the Athenian state was the *epistates ton prytaneon* who served only one night and one day, and it was only possible to be *epistates* once in a lifetime,⁷³ a rule that put a limit to the number of citizens who could serve twice on the Council. The prosopographical evidence we have suggests that ca. on average ca. 100 Athenians availed themselves of the right to serve a second time.⁷⁴ So every year the Athenians must have had to find ca. 400 members for the *boule* who had not been on it before. The sources also show that the average age of councillors was ca. 40 years.⁷⁵ A year class of forty year old citizens was ca. 2 per cent of all adult citizens i.e. in the fourth century about 600 persons out of ca. 30,000. Since it was impossible simultaneously to serve on the Council of Five Hundred and as one of the ca. 700 other magistrates the Athenians must in any year have appointed some 1,200 citizens to serve as administrators of their *polis* and most citizens above thirty must have served on the *boule* at least once and in another year they must have served on one of the numerous boards of *archai*. The rule that a citizen could become a councillor no more than twice means that more than every second citizen above thirty, i.e. more than every third citizen, served at least once as a member of the council, and that three quarters of

69. Arist. Ath. Pol. 43.1, 42.2, 57.1, 61.1-7.

70. Arist. Ath. Pol. 62.3

71. Arist. Ath. Pol. 62.3.

72. P.J. Rhodes, *The Athenian Boule* (Oxford 1972) 242

73. Arist. Ath. Pol. 44.1.

74. M.H. Hansen, *Demography and Democracy* (Herning 1985) 52-55.

75. M.H. Hansen, "The Average Age of Athenian Bouleutai and the Proportion of Bouleutai Who Served Twice" *LCM* 13 (1988) 67-69.

the councillors in any one year had to serve as *epistates ton prytaneon*. The Council was always kept at full strength,⁷⁶ but it is clear from the accounts and inventories of the other magistrates that there were vacancies.⁷⁷ Both the 700 *archai* and the 500 *bouleutai* were elected or selected by lot from among citizens who volunteered.⁷⁸ There is no evidence that citizens were conscripted to serve.⁷⁹ It was forbidden to hold the same magistracy twice, but there was nothing to prevent a citizen from being appointed to a different one. And we know about citizens who served several times as magistrate.⁸⁰

Athenian imports and exports

Various aspects of the Athenian import of grain are covered by the contributions of Stroud (The Grain tax law of 374/3), Cohen (in particular the *dikai emporikai*), Pébarthe (degree of Athenian dependence on imported grain), and Eich (control and regulation of the price of grain). There is no mention of import of other essential commodities (in particular timber, metals and slaves), and there is next to nothing about what the Athenians exported to pay for what they had to import, first of all grain. Solon banned export of any agricultural product except olives.⁸¹ That law was apparently still in force in the fourth century, in which case any export of Grain was strictly forbidden.⁸² There is no evidence of export of Attic wine.⁸³ And there is no evidence of export of manufactured goods except Attic Red-figure vas-

76. B.D. Meritt and J.S. Traill, *The Athenian Agora xv. Inscriptions. The Athenian Councillors* (Princeton 1974).

77. From the period 403/2 to 344/3 we have, e.g., 23 inventories of the Treasurers of Athena, but only nine boards are complete, the other fourteen have nine, eight, seven or six members. R. Develin, "Prytany systems and eponyms for financial boards in Athens", *Klio* 68 (1986) at 82-83.

78. Dem. 39.10-12; Isoc. 7.25; Din. Fr. i.2

79. Assumed by E. Ruschenbusch, "Die soziale Zusammensetzung des Rates der 500 in Athen im 4. JH", *ZPE* 35 (1979) 177-80.

80. Lys. 20.5, Andoc. 1.147, Aeschin. 1.106.

81. Plut. Solon. 24.1.

82. A. Moreno, *Feeding the Democracy* (Oxford 2007) 334.

83. Dem. 35.10-13, 35.

es.⁸⁴ There was probably some export of honey from mount Hymettos.⁸⁵ The most important export of Athens was undoubtedly that of silver from Laurion. Xenophon writes that “merchants can conduct a good business by exporting silver coins, for everywhere they can get more for them than they themselves have paid.”⁸⁶ The veracity of this statement is confirmed by the coin hoards. Athenian tetradrachms constitute more than four fifths of the coins found in Egypt and close to half of those found in central and southern Asia Minor, Syria, Phoenicia and Palestine. On the other hand only some are found in hoards from Sicily and Southern Italy, very few in hoards from the Aegean and none in hoards from the Black Sea region where the Cyzicene staters were the legal tender.⁸⁷ In addition to Athenian coins imitations of Attic tetradrachms were struck, some in the Levant with an Aramaic inscription, others in Egypt with a hieroglyph or a demotic character. The imitations are all from the fourth century.⁸⁸ The origin of the silver has not yet been tested, but Attic silver has been found in the fifth-century coinages of Chios, Samos and some *poleis* in Sicily and Italy.⁸⁹

War, Peace and Democracy

An aspect of Athenian democracy that deserves a specific treatment is the relation between democracy and warfare and the Athenian

84. P. Acton, *Poiesis. Manufacturing in Classical Athens* (Oxford 2014) 6. J.D. Beazley, *Attic Red-figure Vase-painters* (2nd ed. Oxford 1963). S. Isager and M.H. Hansen, *Aspects of Athenian Society* (Odense 1975) 39-42.

85. A. Moreno, *Feeding the Democracy* (Oxford 2007) 66-68.

86. Xen. *Poroi* 3,2

87. S. Isager and M.H. Hansen, *Aspects of Athenian Society* (Odense 1975) 46-47.

88. P. G. van Alfen, “Problems in Ancient Imitative and Counterfeit Coinage”, in Z. Archibald et al. (eds), *Making, Moving and Managing* (Oxford 2005) 322-54.

89. N.H. Gale et al. “Mineralogical and Geographical Silver Sources of Archaic Greek Coinage” in D.M. Metcalf ed., *Royal Numismatic Society Special Publication No. 13 Metallurgy in Numismatics* (London 1980) 3-50. N. Hardwick and al. “Lead Isotope Analysis of Greek Coins of Chios from the 6th to the 4th. Centuries B.C.” in A. Oddy and M. Cowell (eds.) *Metallurgy in Numismatics Vol. 4, Royal Numismatic Society, Special Publication No. 30* (London 1998) 367-84.

democrats' views on war and peace.⁹⁰ The basic view is that peace is a blessing and war a curse. That is the attitude advocated in e.g. Aristophanes' comedy *Eirene*,⁹¹ in Isocrates' speech *On the Peace*,⁹² in Xenophon's treatise *Poroi*,⁹³ and in Aischines' speech *On the Embassy*.⁹⁴ Peace was deified and offerings made to the goddess Eirene.⁹⁵ But Athens is the only *polis* for which a cult of Eirene is attested. In the fourth century the concept of *koine eirene* was developed, i.e. a peace among all *poleis*.⁹⁶ It is first attested in connection with the King's Peace of 387/6. On that occasion Sparta was made protector of the peace,⁹⁷ but when a common peace was concluded again in 375 Athens became protector of the peace at sea and Sparta on land.⁹⁸ The opposite of peace is war. Like *Eirene* *Polemos* is personified in Aristophanes' comedy⁹⁹, but there is no evidence that *polemos* was ever deified. The divinities associated with war were the god Ares and the goddess Athena. Ares symbolized the aggressive and destructive aspects of war, Athena the protective and strategic aspects, emphasized by the epithets *promachos* and *polias*. Another divinity associated with war was Nike the goddess of victory, sometimes a divinity in her own right but in Athens often an epithet of Athena.¹⁰⁰ As we do today the Greeks distinguished between two types of *polemos*: war of aggression (*epistrateuein*) and war of defence

90. P. Hunt, *War Peace and Alliance in Demosthenes Athens* (Cambridge 2010); D.M. Pritchard (ed.), *War Democracy and Culture in Classical Athens* (Cambridge 2010); L.A. Burckhardt, *Bürger und Soldaten: Aspekte der politischen und militärischen Rolle athenischer Bürger im Kriegswesen des 4. Jahrhunderts v. Chr.* (Stuttgart 1996).

91. Schol. Ar. *Eirene* 517

92. Isoc. 8.12.

93. Xen. *Vect.* 5.1

94. Aeschin. 2.172-77.

95. IG II² 1496 a Col. iv fr a 94, c 127 (334/3-31/30). E. Stafford, *Worshipping Virtues: Personification and the Divine in Ancient Greece* (London 2000) 173-97.

96. T.T.B. Ryder, *Koine Eirene. General Peace and Local Independence in Ancient Greece* (Oxford 1965).

97. Xen. *Hell.* 5.1.31-36.

98. Diod. 15.38.

99. Ar. *Eirene* 236-300.

100. E. Stafford (n. 93) 128, 228.

(*amynesthai*). In Athens the defence of the country (*phylake tes choras*) was a fixed item on the agenda of every *ekklesia kyria*,¹⁰¹ and all decisions about foreign policy and warfare were made by the *demos* in the *ekklesia* and took the form of *psephismata*. Even peace treaties claiming to be forever were made by the *demos* as *psephismata*,¹⁰² although in the period 403-322 all general and permanent decisions ought to take the form of a *nomos* and be passed by a panel of *nomothetai*.¹⁰³ Thus every decision to go to war, to mobilise the army, to take up arms against other *poleis* or to send out a squadron was made by the *demos* and introduced with the enactment formula *edoxe to demo* or *edoxe te boule kai to demo*. From the outbreak of the Corinthian War in 395 and down to the peace with Philip in 338 the Athenians were almost constantly involved in warfare¹⁰⁴ and mostly in wars they had decided to fight and could have avoided if they had valued peace more than their ambition to assert Athens as a great power.¹⁰⁵ The Athenians were a warlike people who repeatedly voted to go to war even though they themselves had to fight in the ranks.¹⁰⁶ Two thousand years later in the pamphlet *Zum ewigen Frieden* Immanuel Kant argued that war could be avoided altogether if all decisions about going to war were made not by the elite but by the people who had to fight in the ranks.¹⁰⁷ The Athenian democracy disproves Kant's view. In the sources there are numerous accounts of *ekklesiai* in which the war has been decided and later upheld by the majority of the citizen.¹⁰⁸ In Euripides' *Supplikes* this fact is formulated as a general truth: "For when for war a nation casteth votes / then of his own

101. Arist. Ath. Pol. 43.4.

102. IG II² 97.

103. Andoc. 1.87-89; Dem. 24.20-33.

104. D.M. Pritchard, *Public Spending and Democracy in Classical Athens* (Austin 2015) 101.

105. Isoc. 8.64-120.

106. P. Hunt, "Athenian Militarism and the Recourse to War" in D.M. Pritchard (ed.), *War, Democracy and Culture in Classical Athens* (Cambridge 2010) 225-42.

107. I. Kant, *Zum ewigen Frieden* (1795) 2nd section, 2nd article.

108. Two conspicuous examples are the Athenians' decision in 413 to continue their attack on Syracuse (Thuc. 7.11-18) and their decision in 406 not to accept the Spartans' offer of peace on the basis of status quo (Arist. Ath. Pol. 34.1).

death no man taketh count / but passes on to his neighbor this mischance. / But were death full in view when votes were cast / never war-frenzied Greece would rush on ruin.¹⁰⁹ From 378/7 to 370/69 the annual cost of the armed forces has been calculated at 522 talents and in the 360s at 400 talents to which must be added *misthos* of mercenary and citizen soldiers.¹¹⁰ Between the battle of Mantinea in 361 and the battle of Chaironeia in 338 Athens was once again the leading military power in Hellas and was at the head of the Second Athenian Naval Confederacy. Then followed a period of peace from 338 to 323, the so-called Lykourgan period during which Athens experienced a remarkable prosperity, and state revenues rose from about 600 talents a year to 1,200 talents.¹¹¹ But there are two forms of war: war against other *poleis* (*polemos*) and civil war (*stasis*). It is *stasis* that is invariably seen as a disaster that if possible must be avoided. Many *poleis* suffered numerous outbreaks of civil war.¹¹² Syracuse tops the list with no less than 19 occurrences of *stasis* in the course of the Archaic and Classical periods.¹¹³ In the late fifth century Athens experienced three outbreaks of *stasis*: in 411 the rule of The Four Hundred, in 404/3 the narrow oligarchy of The Thirty, and in 401/0 the *stasis* between the Athenians in Eleusis and in Athens.¹¹⁴ The Athenians were fortunate to avoid *stasis* during the 79 years of democracy from 401/0 to 322/1 B.C. It would be interesting in a future conference about the Athenian democracy in the fourth century to have a chapter about why and how the Athenians avoided further outbreaks of *stasis*.

109. Eur. *Supplices* 421-25, trans. Arthur S. Way.

110. D. Pritchard, *Public Spending and Democracy in Classical Athens* (Austin 2015) 99-113.

111. Dem. 10.38 (400 talents in ca. 340) Plut *Mor.* 842f (1200 talents under Lykourgos).

112. H.-J. Gehrke, *Stasis. Untersuchungen zu den inneren Kriegen in den griechischen Staaten des 5. und 4. Jahrhunderts v. Chr.* (München 1985).

113. S. Berger, *Revolution and Society in Greek Sicily and Southern Italy* (Stuttgart 1992) 34-39. M.H. Hansen in *An Inventory of Archaic and Classical poleis* (Oxford 2004) 124-29, 1361-62.

114. Arist. *Ath. Pol.* 40.4, *Lys.* 25.9.

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