Social Values
in Classical Athens

Introduction

In Classical Greece the *polis*, the essential community within whose context social values must be considered, provided its members with many of the opportunities and resources that made life worth living; men felt that their *polis* alone provided sufficient protection against oppression, crime and war to make a tolerable life possible, and that essential elements of a good, or a civilized, life were best grounded in such a context. The *poleis* were small, and ideally members felt that they belonged to something important and unique; objectively this may have been more true of Athens and Sparta than of many other *poleis*, but intense feelings of local patriotism can exist with relatively little difference between communities. Men also felt that their own individual actions made an appreciable difference to the survival, or well-being, of the community, with an immediacy unobtainable by members of modern nations. All *poleis* were constantly in danger of military defeat and even of total extinction, and the prosperity of *poleis* fluctuated widely because of political, economic or natural disasters. It is not surprising then that *poleis* made urgent demands on their members; all exacted military service and financial contributions, and in theory were not inhibited from interfering in every area of a man's life.

It may, however, be possible to overstate the claims of the *polis*, and the extent to which it dominated life and values. An older and more basic unit, the family (*oikos*), was still the primary focus for most men's (and even more, women's) activities and interests, and both material prosperity and honour were intimately bound up in it. The *polis* was seen as made up of a collection of *oikoi*, with the relationship between them one of mutual dependence; but conflicts of interests were possible, and the obligation to preserve the existence or the honour of the family may have seemed to many greater than that to the *polis* and the laws. Many other institutions and associations made the interplay of interests and obligations a complex one; while in theory a *polis* which acted legally and in accordance with the wishes of its participating members could demand unlimited sacrifice from them in the interests of general security and prosperity, in practice men's desires to organize their own and their families' affairs, their wish to live under political regimes that suited them, their dislike of officials, their desire for honour and adequate recognition of sacrifices made for the community, their feeling that it was right both to assist one's kin, friends and associates, and to harm one's enemies, all these imposed serious limits on policies and methods of administration of the *polis*.

ATHENIAN DEMOCRACY

Classical Athens was governed by a direct democracy of male citizens. The essential institutions were the assembly, which was the forum for the major debates and took the major decisions; the council of 500, chosen annually by lot, and responsible for much day-to-day administration and preparation of material for the assembly; and the law courts, manned by a panel of 6,000, chosen annually by lot. Of other offices, some (especially the more important military ones) were elective and re-election was permitted, most were chosen by lot and re-appointment was restricted. All officers were subject to detailed checks on entering and on leaving, and penalties for maladministration were very heavy. Wide participation was increasingly encouraged by pay for offices, juries, military service and (finally) the assembly.

This system lasted from 506 to 317 B.C. with relatively minor changes, and represents the most successful and sustained attempt to put certain democratic principles into action at least until recent times. It was based on three beliefs: that all citizens were entitled to debate, decide, and help to implement the vital issues of the community; that this system was not less efficient or successful than one where these activities were left to a small group; and that this served the interests of the whole community and especially those of the poorer majority, much more effectively. Attempts were made to achieve some degree of equality of political opportunity, of equality of speech and decision, and equality before the law, in pursuit of a society both prosperous and fair to all its members.

'Membership' was, however, strictly defined, and benefits were jealously guarded, increasingly as they came to be more highly valued; and a law was passed in 451/0 restricting citizenship to males whose parents were both Athenian (i.e. excluding the sons of foreign mothers). There were thus several groups of people living in Attica—resident foreigners (*metoikoi*), slaves, freedmen and all the women—who were excluded from full citizenship while still fulfilling various functions and obligations for the society. But one has to remember that, at least in the case of slavery, Athens was like all other ancient societies.

SOURCES

We have much more information about Athens than about any other Greek *polis*; yet some sorts of evidence, most valuable for the study of social values, are almost totally lacking. What we have is almost all formal and public, whether it has survived because it counted as literature and was continuously copied until the invention of printing, or because it was written on durable material (stone or pottery) and survived in the ground. We have no letters, diaries, autobiographies, no records of private thoughts or conversations; we have always to ask the purpose of our source.

Note on Athenian money and prices

6 obols = 1 drachma
100 drachmae = 1 mina
6000 drachmae = 60 minae = 1 talent

No translations of Athenian currency into ours would be worth attempting; one can only record some sample prices and incomes. 409–7, unskilled men working on the Erechtheum got 3 obols a day, skilled 1 drachma; in 329/8 at Eleusis unskilled men got 1½ drachmae, skilled 2 or 2½. Public slaves were allowed 3 obols a day for food, and *epheboi* 4 obols a day for rations, both in the 320's. The dole for disabled citizens, owning less than 3,000 drachmae and hindered from working, was 1 obol a day in the early fourth century, 2 in the late. Jurors received 3 obols a day from 425 on, councillors 5 obols in the fourth century, and other officials usually a little more. Assembly pay rose from 3 obols in the 390's to 1 or 1½ drachmae in the 320's. Tunics might cost 7 drachmae at minimum, cloaks 10 (the sum allowed for clothes for public slaves in 329); elaborate or thick ones presumably cost considerably more, and clothes were a notable target for thieves. 5 drachmae per *medimnos* (= 52 litres) appeared a reasonable price for wheat (the price obviously fluctuated, and was of the greatest political significance, as ever); 3 drachmae per *medimnos* for barley. Wine could be had for c. 4–5 drachmae per *metretes* (= 40 litres). Slaves might cost perhaps on average 150–200 drachmae for an adult, more or much more for skilled specialists. Land, on the most recent estimates, cost perhaps 50–70 drachmae per *plethron*, i.e. 210–300 drachmae per acre.

One type of source is of considerably greater importance than any other for most questions raised here, the speeches delivered in the law courts. In an Athenian trial a litigant normally conducted the case himself. If he wanted help, he might try to persuade an expert to write his speech; and after the case, the speech might be put into circulation, and reach a bookseller. Eventually a large number were included in the great collection of Greek literature made in Alexandria, whence a selection has come down to us.

These speeches cover a wide variety of types of case and their interpretation needs care. If we are seeking factual information, we have to remember that in almost all cases we have only one side's story, and do not know the result, and that whether it is a matter of what happened, or even of what the legal position was, it may be in the speaker's interest to lie and to distort if he thinks he can get away with it. Frequently we may be considering the values implied, the standards which the speaker suggests he has lived up to and his opponent not; this is in fact where the speeches are especially valuable sources, for what is thought to be the appropriate behaviour and attitudes to adopt in front of a representative body of citizens. But here one must remember that standards theoretically adopted in public are not necessarily those which people think in private should govern their actions, let alone those which actually do govern their actions. In considering what may have happened, it is reasonable to say that even liars must attempt to be plausible, if at all possible; but this is not so helpful when one wishes to establish even very rough estimates of how many wives were adulterous, or rich men tax-dodgers. Generalization will be especially distorted if one forgets that what we have are only those cases that were so serious that they actually came into court, and that other Athenians may have been less quarrelsome and litigious; or that most of the speeches concern the wealthy rather than the poor.

These speeches do nonetheless tell us more about the kinds of social values here considered than any other type of source. Historians, from Thucydides on, tended to concentrate on inter-polis relations and particularly on wars; and later writers, such as Plutarch, while they do preserve valuable details and anecdotes, have a much less clear conception of social realities and attitudes. Drama requires greater caution than speeches. Tragedy does touch on social questions, and its overall conceptions of human value in an uncertain world reveal preoccupations characteristic of Athenian society; but its presentation of mythological and paradigmatic events set in earlier times makes precise inference on social questions exceptionally hazardous. The 'Old Comedy' represented for us by Aristophanes deals with contemporary events, attitudes and problems more directly; frequently it complements and reinforces impressions one receives from speeches, and sometimes points towards the existence of attitudes somewhat different from those normally encountered there. But the distorting factors here are numerous; one has to reckon with fantasy, traditional humour, exigencies of plot, and the difficulties of deciding how much exaggeration to allow for, or just why a remark, or scene, is funny.

For these reasons, then, and also because the evidence of the law court speeches is much less readily and clearly available at present in English than that of dramatists, historians, philosophers and political orators, I have devoted most of the space to them.[1]

The family. The Greek *oikos* (house, household, family) covered not only the members of the 'nuclear' family who lived together but also the whole physical and economic unit, the property, slaves, and the religious unit, extending back to include the ancestors, the tombs and cults. In the world of the Homeric poems, such a unit was overwhelmingly the primary institution, the basis of one's security and social identity, and the main source of one's social and religious obligations and relationships. Unless an outsider is to some degree incorporated in the *oikos*, there appears little obligation to treat him with kindness or consideration. Linguistically, the most general word for what belongs to a person, is in his group or on his side, is *philos* (noun *philia*), which we usually translate 'friend', but which, when applied to persons, systematically spans both kin and non-kin, those with whom one has links of mutual aid and benevolence. The adjective formed from *oikos*, *oikeios*, can naturally mean what belongs to one's *oikos*, and one's relatives, and the ties that bind relatives; but it can also refer to one's close friends, those assimilated to one's relatives, or to what is one's own as opposed to what belongs to another. Outside there are other people to whom one has no particular obligations; and there are those who are definitely hostile, one's enemies (*echthroi*, noun *echthra*), whom it is not only natural but right to harm. The head of such an *oikos* has then to protect its members, and aid his *philoi*. Besides that, however, a good man (*agathos*) has to attempt to prove himself and display his 'excellence' (*arete*) in action, and thus increase or preserve the honour (*time*) due to him and to his *oikos*. Above all he has to protect himself and his *oikos* from the disgrace and shame that may be incurred by military or economic failure, by rape or seduction of his women, by failure to protect his *philoi*.

As the *polis* developed, society became more complex, and other loyalties and obligations became important; but in classical Athens family feelings remained strong. A man had greatly to concern himself with the honour and prosperity of his *oikos* and to pass it on to his descendants; and the attitude is prevalent that it is right to do one's own/family's business, and to help *philoi* and harm *echthroi*, but not to interfere with other people's affairs, or even with public business.

The preservation of 'oikoi'. The *oikos* is both property unit and family, and questions of property relations, inheritance, marriage and children are inextricable. One pervasive thread is the very strong desire that one should leave a successor or successors to continue the *oikos*, that the *oikos* should not die out; we shall see that this aim underlies many laws and values in this area. It has, broadly, several aspects. Besides the moral obligations to preserve the property, there are religious feelings which are not to be underestimated; each *oikos* has its own cults linked to the hearth and to the tombs of its ancestors, and it is important that these be kept up.[2] But in addition there are important political implications. Firstly, the land of the community is regarded as belonging to the *oikoi* of the members of the community (frequently combined with a mythical belief in an original equal share for all), and possession of land is rigorously restricted to citizens. Secondly, regulations concerning property ownership and transmission affect considerably the overall patterns of wealth and poverty and hence the political stability of *poleis*. In Athens the attempt to preserve a large number of small but economically viable *oikoi* seems to have been an important factor in the preservation of a large number of members of the community with a reasonable stake in it, willing to fight for it without desiring a radical change (the two revolutionary slogans of ancient Greece, 'redistribution of land' and 'cancellation of debts', were not heard in democratic Athens). In this way, Solon, who appears responsible for most of the laws concerning the *oikoi*, did much to lay the foundations for the later democratic regime.

Marriage. Marriage appears as essentially an agreement between the husband and the father of the bride (or whoever else may be the man legally and socially responsible for her, the *kyrios*); and criteria of choice, at least in the circles revealed to us by the law court speeches, concern the relative wealth, status and relationships between the families, not any pre-existing emotional relationship between the marriage partners.[3] Normal procedure involves the promising of the girl by the *kyrios* to the future husband, usually accompanied simultaneously by the giving of the dowry and the 'giving away' of the girl, and her acceptance into her new home. This is called marriage (*gamos*) by *engue*, distinguished from marriage of 'heiresses' (*epikleroi*, v. below, p. **3**) or less formal unions (below, p. **4**). Typically a man marries when the property is divided, on death or retirement of his father, and establishes his own *oikos*; and thirty appears a standard age. A woman would hope to be married much earlier, any time after puberty.[4]

One startling feature of Athenian marriage patterns is the frequency and acceptability of marriages of close relatives. While sexual relations between parents and children are indeed shocking (cf. Oedipus and Jocasta), marriage between half-siblings who have a common father but not a common mother is permissible,[5] and marriages between uncles and nieces, and between first cousins, common and in some cases required.[6] The case of half-sibling marriage is very strange, especially since the opposite rule, marriage permitted between children of the same mother, operated in Sparta (and fits better the belief[7] that the male's role in procreation was the crucial one). The Athenian rule would tend to work against the amalgamation of *oikoi*, since if there were no other children the son would control the property of both his mother's husbands, and to avoid that is the characteristic aim of Athenian, and not of Spartan, legislation. But in general there is a clear drive in Greek society towards endogamy; and while in individual cases reputable and disreputable reasons can be surmised (keeping good relations between brothers, cousins, etc., prevention of excessive division of property), explanation of the general phenomenon should reach further back in time. Evidence is of course inadequate, and caution is indicated by the enormous variety of marriage and property relations revealed by social anthropologists. But this sort of system perhaps suits a society where the *oikos* is so definitely the unit providing solidarity and security, and links with outsiders so risky and fraught with tension. On the other hand exclusive endogamy is not practised; on occasions, alliances with outsiders would do more to improve the family's status and wealth, and so the risk has to be taken, just as in other areas of life one has to make outsiders one's *philoi*.

Dowries. It was normal (though not a legal requirement) for the *kyrios* to give a dowry with his daughter to the husband, usually a sum of money; the husband thereafter has control of the use of the money, but has to return it if the marriage is dissolved (for whatever reasons), or if the wife dies without producing children; it is to be seen as the contribution of the wife's family to the new *oikos*, returnable if no *oikos* is established into the next generation. It is doubtful whether we should say that the wife in any sense 'owned' her dowry since, in general, women, like children, 'could not make arrangements about goods worth more than one *medimnos* of barley'; but the provisions for the return of the dowry do afford important protection to the wife, and to the wife's family, against ill-treatment, dissipation of property, or hasty divorce.[8]

Divorce. Divorce was readily obtainable; a husband could simply 'send away' his wife, or they could agree to part, and no formalities were needed beyond the return of the dowry. A wife who wished to end the marriage could return to a *kyrios* of her own family, but she did have to notify the official (*archon*) who had charge of cases involving *oikoi*.

Succession. Equal division among sons was the rule for Athens as for Greece generally: normally a man would first marry and dower the daughters, then divide the property among the sons. This system brought problems. The ideal, which would rarely be achieved, would be to have several sons, who could provide more labour and diminish the danger from premature death, and at the same time to increase the property so that if they all survived each might be left an estate of tolerable size. The man who felt this beyond them might have to attempt to limit the number of children, by marital continence, and perhaps by exposure of unwanted children; but this increased the danger of being left without an heir at all, especially since mortality rates were high in infancy and early manhood.

Adoption and wills. Since the desire to continue the direct line of the family was so strong, lack of sons or of children altogether created problems. The laws provided means in both cases of producing an 'heir'. Solon appears to have allowed a man without a son to adopt someone, normally an adult, into his *oikos*, who then left his former *oikos* and resigned any claims to any part of it; the 'father' would thus attempt to ensure both the continuation of his line and also that maintenance in old age and performance of correct burial rites which a father who had brought up children could socially and legally demand from them in return.[9] If the adopter had daughter(s) he could only adopt if he simultaneously married the adoptee(s) to the daughter(s).[10] By the classical period, a man might make provision for adoption (and marriage if necessary) by will, to operate after his death; and it appears possible that after a man died intestate his nearest male heir could be posthumously adopted into his *oikos*.[11] Apart from these cases, freedom to leave one's property to whom one liked was severely restricted.

The main purpose of these rules appears again to be that the individual *oikos* be preserved, and that property should not revert to another branch of the family, or even go outside the family altogether. There was little or no idea that one should be able to leave property outside the large family group, and in almost all the cases known to us the adoptee is a nephew, cousin, or other relative; where it is an outsider,[12] great resentment is caused among the other kin, and there is a real danger of the courts' refusing to accept the adoption and will. Thus the point is to allow a man without son(s) to choose someone who will best look after him and continue the line.

Epikleroi. Special arrangements regulated the position of daughter(s) whose father died leaving no son, natural or adopted; they are called *epikleroi* (apparently meaning 'with the estate, *kleros*,'), and the estate and the daughter(s) could and should be jointly claimed by the nearest male relatives in a strict order of precedence (the same order that was used in the case of intestate succession). This again led to marriages of close relatives, and frequently to family disputes; the procedure, called *epidikasia*, was that any claimants submitted claims to the *archon*, and, if disputes continued, the matter was settled by a court. It could produce dissolution of existing marriages. A claimant might prefer to divorce his existing wife, returning the dowry, and marry his relative;[13] and an *epikleros* already married could[14] have her marriage dissolved and be forced to marry her nearest male relative; it is unclear whether an existing son would prevent the marriage being dissolved or not.

There were two aims behind this institution. In general the main purpose was to keep the property within the wider family group, and not allow it, and the girls who went with it, to pass to outsiders (as a daughter and dowry would frequently pass). But also involved, as hitherto, was the desire to preserve the individual *oikos* and prevent amalgamation; the hope was that the *epikleros* and her claimant would have at least two sons, so that one might be adopted posthumously back into the *oikos* of his maternal grandfather, and the other(s) inherit their father's estate.[15]

Position of wives in society. Marriage, and re-marriage in case of dissolution, is clearly the expected thing for both men and women.[16] With the heavy emphasis on the continuation of the family, and on the preservation of its wealth and status, and with the need for the children to be integrated without suspicion into the family and into other institutional groups (*v.* below), and if we bear in mind the lack of contraception, it should not surprise that the dominant moral code of the speeches demands a scrupulous chastity from daughters and wives of citizens, and makes much less stringent demands on male citizens. The roles and position of women in Athens have been the subject of much controversy: and even if, as I think we should, we take the needs of the *oikos* as the deciding factor, nonetheless no simple picture emerges.

Both the need for chastity and the patterns of work helped to make a basic spatial division between men and women the expected norm. Men worked, and spent much of their leisure, outside the house, bringing in the necessities of life and upholding the house's prestige; women organized matters within the house, bringing up young children, controlling the stores and the slaves etc.,[17] and as far as possible did not go far from the house. So it was possible for men to claim that their women lived an admirably sheltered life,[18] or that their going out led to subsequent seduction and disgrace.[19] No one felt it right to keep women inside on all occasions; and what especially allowed public appearance was a religious occasion, whether familial or a festival of some larger institution.[20] Since Athens was particularly well favoured in the number of its festivals, this was no negligible feature of women's life, entitling them (in all probability) among other things to attend the theatrical performances. Many festivals concerned women alone; for example, the *Thesmophoria*,[21] a festival of Demeter, lasted several days, was restricted to citizen wives, and involved rites to ensure fertility both of crops and of the women. More importantly, it is doubtful how many families were able to keep their women so secluded. Less well-off families, in the absence of slaves, had to let their women out to work, in the fields or, for example, in retail selling.[22]

Attitudes and tensions concerning the position and roles of women are harder to pin down. Restriction to the house and to definite domestic tasks need not involve general 'contempt'; the tasks, especially those of bearing and rearing children, were crucial and could be cause for pride and satisfaction. The orators too perhaps give the impression that to have to go out to work aroused some social disgrace and suspicion,[23] and that married women were proud of their role, and of their status in society, jealously guarding their position against women who led more shocking lives.[24] That marriages were arranged by the males need not exclude the growth of love and affection between husband and wife, strengthened by ties of children; and exclusion from public matters of politics and business need not prevent women from asserting themselves inside the family.[25]

The evidence of drama complicates, but does not contradict, this picture. Constant jokes in Old Comedy against the trickery, lechery and drunkenness of women may be more than harmless male humour and reflect a powerful fear of women's greater sexuality and lack of self-control that can threaten men's honour.

On the other hand, plots and scenes that seem to indicate passionate attachments between unmarried people of citizen status, mutual affection and loyalty in marriage, or women's claims to be heard on public matters, may be more than comic fantasy reversing the norms.[26] Many passages in tragedy reinforce the picture of the secluded and restricted roles of women in society; but the prominent part played by women in many myths and tragedies, more often as destroyers and corrupters of men than as their supporters or rescuers, points to deep-rooted anxieties, tensions and ambivalences in male attitudes to women.[27]

It is undeniable that a double sexual standard existed: for men, alternatives were available at varying costs. That prostitutes and one's own slaves might provide immediate gratification needs no evidence;[28] but there were two distinct types of women available for more permanent relationships—*pallakai* and *hetairai*.[29] A *pallake* was a woman living in a relationship of dependence. If an Athenian woman, presumably from a family of lower status and income than her man, her children might be free, with political rights but not succeeding to the *oikos*;[30] but she might well be foreign or even slave. A *hetaira* is generally a more independent woman, using sex and other talents to make a living,[31] and not necessarily depending on one man. They appear to be of a wide variety, from high-class and expensive women with some pretensions to intelligence and culture, to cheaper flute girls, dancing girls and prostitutes.

Some disapproval can be found of men who consort with such women. It seems, for example, that wives might legitimately object if other women were brought into the house.[32] And expenditure on sex, as on other indulgence (food, drink, gambling and other luxuries), might make one squander one's property and be less able to spend money on family, friends and the community.[33]

Homosexuality. Similar objections were made against those who indulged in extravagant homosexual activities. Greeks in general found homosexual desires and acts natural and comprehensible, and usually compatible with heterosexuality.[34] Homosexual activity was seen, especially among the upper classes, as two phases (adolescent beloved and older lover) which many grew out of.[35] In addition, a firm distinction was drawn between relationships involving affection and some mutual benefits (whether 'presents' or the more idealized and educational value ascribed, above all in Plato, to such relationships), and those based on money and mere physical desire.[36] The laws heavily supported this distinction. They regarded being a male prostitute as a disqualification for exercising a citizen's rights, and if an ex-prostitute held office, spoke in assembly or court, etc., he could be prosecuted, and the death penalty could apply; equally those who prostituted male citizens could be prosecuted.[37]

Adultery. The term which we usually translate as 'adultery' (*moicheia*) covers intercourse between a married woman (or by extension an unmarried but respectable woman) and a man not her husband; and here both parties might well incur very heavy penalties. That this is an offence against the husband and the *oikos* generally, casting doubt on the legitimacy of the children and therefore shaming them, emerges clearly from Lysias 1 (especially 4 and 33), and various means are open to the husband to reassert his and his family's honour. If he catches the adulterer in the act he may kill him there and then; this involved risk, since his kin might claim that he had another purpose, and plotted to get him there, and might prosecute for homicide.[38] Alternatively he could satisfy his honour by inflicting physical humiliations,[39] or his greed by accepting compensation. The relative popularity of these measures is impossible to assess.

The wife should not be killed, but the husband is legally required to divorce her or risk loss of citizen rights (*atimia*—literally 'dishonour', this word is used to denote deprivation of citizen rights) through prosecution. The disgraced wife would then return to her former *oikos* and live in permanent dishonour signalled by her being forbidden to attend a public cult ceremony, on pain of suffering any indignity short of death. Presumably an unmarried woman so disgraced would live in her *oikos* under these conditions, except that her *kyrios* (father or brother) could actually sell her into slavery, a vestigial trace of the father's power over his children exercised before Solon. There was some danger of a complaisant husband, still fond of his wife, or reluctant to return the dowry, and anyone might prosecute either the original adulterer, or the husband who continued to live with his wife. The laws thus regarded the offence extremely seriously, and wished to deter it by making the lives of adulterous women intolerable;[40] this partly to protect *oikoi* and legitimate succession, and partly, perhaps,[41] because such women were regarded as impious and polluting to the *polis*.

Many apparently surprising family customs and laws are thus to some extent clarified by the strong desire, heavily reinforced by the laws, that individual *oikoi* be continued, and by the great emphasis on the prosperity and the honour of the family unit. Inside this general framework much is debatable; to what extent are these norms and rules still deeply felt, or merely the subject of lip service?

Other kinship groups. There were in Athens a number of institutions based on real or supposed ties of kinship. All sons of Athenian parents would normally be enrolled into the *phratry* ('brotherhood') of their father. Before the reforms of Cleisthenes in 508/7, one's citizenship depended on membership of a *phratry*; after the reforms, while *phratry*-membership was not legally necessary, failure to be able to prove it would be extremely suspicious, and those whose claims to citizenship are disputed do regularly demonstrate their membership of a *phratry* as well as of a Cleisthenic *deme* (*v.* below   ).[42] Other, smaller groups appear to have had some functions connected with the *phratries*. Above all, there was the aristocratic group, *genos*, a collection of noble families who believed that they shared a common mythical ancestor; in Classical Athens a *genos* and a *phratry* often appear closely connected with one another, and the members of the *genos* control cults that all *phratry*-members share in, and have considerable influence over the admission of members to the *phratry*. It is tempting to infer from this that in the archaic period this control of important cults and citizenship lists by the nobles will have played an important part in their general dominance over their inferiors; in democratic Athens their influence may have been less obtrusive in practice.[43]

All these groups acted as focuses of religious and community feeling, being responsible for various festivals and cults, and fostering citizens' sense that their families had always belonged to traditional institutions. The social and political importance of these groups is harder to assess; but it is likely that they did somewhat decline in influence with the development of groups based on locality.

Locality groups. Cleisthenes certainly attempted to diminish the political importance of *phratries* and *gene*, when he substituted groups based on locality as the units through which citizenship and public and military business were organized. At local level the *deme* replaced the *phratry*; *demos*, the basic Greek word for 'people', means in this context one of the small village communities in the Attic countryside, or districts in Athens, which Cleisthenes fixed as local administrative units. The *deme* admitted new members formally, and kept a list; and this was the basic register of citizens. Any total revision of citizenship lists was carried out in every *deme* (with appeal to a court of the *polis* for a man rejected by his *deme*). The first stage of the selection processes of candidates for council, juries and other offices was also supervised at *deme* level.

A *deme* governed itself democratically. The *deme* assembly took the important decisions; administration was in the hands of a mayor (*demarch*), appointed annually, assisted by various financial and religious officers. Besides the business of the *polis* already mentioned, there was some local administration, for example the elements of keeping public order, and the holding of various festivals organized in ways similar to those of the *polis*.[44]

Cleisthenes based his administrative units on locality, but the hereditary principle was still preserved thereafter: one belonged to the *deme* in which one's direct male ancestor had lived in 508/7, even if the family had moved since. The frequency with which Athenians of various classes did move residence is hard to assess and greatly disputed (cf. below, p. 7). It may be noted that on the one hand it is asserted that in 346 most of the demesmen of Halimous (a *deme* about 4½ miles from Athens) lived in the *deme*,[45] and that speakers in the courts, and characters in comedy appeal to their demesmen for immediate help, and for character testimonials;[46] and that on the other the *deme* assembly of Halimous in 346 was held in Athens, and that *demes*, like *phratries*, appear to have regular meeting-places in Athens where their members gather, and where notices can be posted of information about a member sought.[47]

Politics in *demes* is not well documented. Cimon is said to have distributed largesse to his fellow demesmen to gain political support, but to have been outdone by Pericles, who appealed to the whole body of citizens with the introduction of pay for jurors.[48] This illustrates nicely what seems likely to have happened: politicians used to using patronage to build up local support began, after the reforms of Cleisthenes, to operate not only on the *genos/phratry* ties but also on the *deme*; this too however, was superseded soon by the more democratic method of working directly through the assembly and relying more on popular policies and on rhetorical skills. But local support was unlikely to have been useless or totally ignored; and local politics itself was of some importance. Here most evidence is provided by Demosthenes 57, which presents an alarming picture of fraud and corruption, and of a *deme* split between rival factions. The speakers suggest that things might be less bad in larger *demes*, and the general revision of lists that produced this case offered a rare opportunity for settling of scores.[49] But it is possible that the smallness of *demes* made the usual checks on people less efficient, and allowed domination by a few powerful and determined men, or at least considerable and bitter feuding.

Cleisthenes grouped his *demes* into other, larger administrative units. Groups of more or less neighbouring *demes* were put into 'thirds' (*trittues*), thirty in all, and these then grouped into ten 'tribes' (*phylai*) in such a way that each tribe contained people from each of three areas of Attica—the city and its surrounding lands, the coastal areas and the inland areas. Larger units were clearly needed for the organization of the army and for political administration; but this complicated arrangement appears to have served two further purposes. In general under the system each man found himself grouped with others from all over Attica, and thus it was hoped that local loyalties, which had been strong and disruptive during the sixth century, might be diminished; secondly, in the details of the system, it appears likely that Cleisthenes took care, in areas where locally based *gene*, controlling important cults, had been prominent, to draw the boundaries of *demes* and *trittues* in ways that weakened their control.[50]

The *trittues* do not appear much in our records; but the ten *phylai* were clearly given important roles and did develop a corporate feeling. They formed the ten 'regiments' in the army, and most political and administrative offices came in boards of ten (or in multiples or divisions of ten) ensuring equal representation from each tribe. Like all the other institutions, these 'artificial' *phylai* were given cults; they were named after heroes from Athenian legend. They had their assemblies and officers; and besides managing their cults and other business, they had much to do with the organization of the many competitions in the various festivals, most of which involved teams from each tribe, financed by rich men of the tribe under the liturgy system (*v.* below, p. 8).[51] Thus one was with one's tribesmen on many occasions in civic life, and the religious and social identity of the tribe was fostered, especially by competitions with the other tribes. Those who excelled in tribal activities, in the festivals, or in war, attracted attention, approval and probably electoral support among the citizens generally, and especially among their own tribesmen.

Voluntary groups—philia. In addition to these formal institutions to which all male citizens belonged, each was likely to form a number of 'friendships' (*philia*) with others; these might be of varying type, including casual friendships, relatively formal organizations for political and social ends, and private cult associations. Despite the variety, certain ideas and values pervade all these groupings. In general, while of course 'friends' (*philoi*) like each other's company, nevertheless personal and emotional elements do not appear to dominate in discussions of the making and breaking of friendships so much as compatibilities of wealth and status, and still more the record of past actions and promise of future actions between the members.[52] Everyone needed *philoi* for help in a large number of situations: for example, interest-free loans (*eranoi*) raised from one's friends to meet a sudden crisis, assistance and advice in legal actions, assistance in witnessing some dangerous action (such as apprehending an adulterer, exacting judgment from a legal adversary, etc.).[53] Here too religious sanctions were frequently invoked; formation of *philiai*, and reconciliations after breaches, were accompanied by oaths sworn in sacred places.[54] 'Friendships' and 'enmities' were in principle lasting and even inheritable,[55] and the betrayal of a friendship a serious moral and religious offence.[56] Nevertheless, in fact causes of strain and conflict were extremely numerous; and the fact that the persistent strain of Greek moralizing on the mutability of human affairs regularly includes changes from *philia* to *echthra* and vice versa,[57] is itself mirrored by constant shifts in alignments observable among individuals in Athens, and also in relations between Greek states.[58]

The assumptions that all men have *philoi* and *echthroi*, that one is expected to do much to help *philoi* and to harm *echthroi*, and that this can conflict with other obligations or desires, pervade Greek life, and literature. Two particular problems may be mentioned here. One concerns the functioning of politics and administration at all levels, and is found in all societies, but particularly among societies like those of the Mediterranean which value friendship so highly. Politicians and officials were likely to have felt not only a desire but also an obligation to confer favours on friends and damage to enemies. The Athenian system deployed a large apparatus of checks on its officials, and the courts were very ready to sentence corrupt or inadequate men to very heavy penalties; and they had in mind maladministration due to 'friendship' as well as that due to personal gain. But it was often suggested that such deviations to help friends or harm enemies were more understandable, and merited less anger, than those motivated by desire for money; and it was also true that the system of checks itself, and to some extent the whole legal system, rested on the preparedness of people to attack their enemies and to help their friends.[59]

The second, related, question is that of the general role of friendship in political life. While a politician's general view on the organization of the *polis*, or on its foreign policy, his attitude to different 'classes', his own economic or political advantage, all played some role in his actions and alignments, much evidence, and particularly that of the law court speeches, suggests that 'friendships' and 'hatreds', on both political and personal matters, were extremely important. It is not only that politicians needed allies and assistants at all levels in addition to making their direct appeals in public assemblies and law courts; it also appears that throughout Athenian history private quarrels and friendships were indissolubly linked with political moves; political disagreements caused opponents to bring legal actions on private matters, and private quarrels affected political alignments.[60]

Status groups and classes. One must also analyse Athenian society in terms of other distinctions that may be drawn between its inhabitants. In terms of legal status, the main distinction separates citizens from the rest—resident foreigners, slaves and freedmen—and this has crucial significance in political, economic and social spheres as well. Distinctions can be made between citizens on criteria of occupation, wealth, military roles, political power, social status and styles of life; but it is difficult to assess how far the groups thus formed tended to coincide, which among them were felt to produce strong feelings of solidarity and of conflict, and which should be given most weight in analysis of political and social change, long-term or short-term.[61]

Citizenship, full membership of the community, gave its possessors much more than merely 'political' rights and power. All state-pay and financial distributions were restricted to citizens; ownership of land, both agricultural and building, was possible only for citizens; and in many ways one's status made a considerable difference to procedure and to prospects in the law courts. We may then look first at the various status-groups in one way or another classifiable as 'outsiders'.[62]

'Metoikoi'. All foreigners who settled in Athens for more than a month had to register as a *metoikos*, resident in a *deme*, with an Athenian as his 'patron'. They were liable to a special tax of 12 drachmae a year (6 for females), to military service, and, if rich enough, to the *eisphora* (special war-tax) and a selection of 'liturgies'.[63] In litigation they depended to some extent on the help of their patron, and were in some ways at a disadvantage in comparison with citizens.[64]

Metoikoi were prohibited from owning land or houses, and engaged in trade, manufacture, banking and retail selling, ranging from large-scale operators like Lysias' family to poor shopkeepers. Landholding remained the mark of the citizen, and the most prestigious form of wealth for the rich; *metoikoi* were forced to operate in areas where many citizens were reluctant to be active.[65]

Those who performed large-scale services to the *polis* (e.g. with lavish gifts of money) might be rewarded with special privileges, culminating in citizenship itself; but these were rarely given, although perhaps rather more frequently in the fourth than in the fifth century.[66]

Slaves. Slaves were the possessions of their masters and came from diverse origins. Most slaves in Athens were 'barbarians', enslaved by war, piracy or trade. The distinction between slave and free did not concern type of work done, but the conditions of work: a slave worked for someone else, and a free man tried at all costs to avoid a similar position (having to work for hire, for another's benefit). At Athens free wage-labour was negligible, and there were no large-scale employers of free men.[67]

Slaves had no legal personality; their evidence could only be heard in court if obtained by torture, on the assumption that only so would they tell the truth. But a master could refuse to permit his slave to be tortured, and the assumption is often rejected in court. It is striking that no case in surviving private speeches shows a challenge to release a slave for torture that is actually accepted and carried through. There was some protection in law for slaves against homicide and assault, but its effectiveness is less clear.[68]

The extent of slave-holding is disputed, but on the whole the impression is given that most Athenians owned at least one or two, and that rich men had many, both productive and unproductive.[69] Conditions varied enormously. They were worst, and most hopeless, in the silver mines,[70] which brought much prosperity to individuals and to the state. For domestic slaves the evidence shows both affection, loyalty and frequent manumission, and also harshness and beatings.[71] Skilled slaves, in a number of areas (e.g. craftsmen, overseers, bankers' managers and some public slaves), enjoyed relative independence and good prospects of manumission, and even acquired during the fourth century some legal rights.[72] Thus the reluctance of Athenians to work for others enabled some slaves and freedmen (who attained on manumission the status of *metoikoi*) to develop skills, which gave the impression that slaves were freer at Athens than elsewhere.[73] Slavery was a universally accepted institution among free men; while flights of slaves were not uncommon,[74] slave revolts were unknown at Athens (they lacked any common identity), and the free poor and the slaves never felt any coincidence of interests.

Citizens—military divisions. There were three military divisions. The wealthiest might serve in the cavalry, providing their own horse; those able to provide heavy armour served as *hoplites*, infantry; the rest, the *thetes*, came to have a crucial role as rowers in the fleet, the foundation of Athenian power from the Persian Wars onwards. There seems to have been a *de facto* equivalence between these military groups and the property classes established by Solon, based on income; their main function concerned qualifications for office-holding, but the restrictions placed by Solon on the two lower classes, *hoplites* and *thetes*, seem to have lapsed in practice by the fourth century.

Did these military units form three distinct groups in the community, with different political or social attitudes? It is true that performance of the different services in wars did sometimes have political consequences. The growth of democracy, for example, is inseparable from the development of Athens' dependence on the *thetes* to man the warships; and it is likely that the growth of support among *hoplites* for oligarchy in the later years of the Peloponnesian War was linked to the naval disasters in Sicily and in the Aegean as well as to the political mistakes of the democratic assembly. But it is sometimes argued that most *hoplites* were farmers, whereas most *thetes* worked in Athens or in the Peiraeus, and that this caused further tensions between the two groups, since farmers would prefer peace, to protect their crops, while poor town-dwellers might hope for profits from war.[75] This picture is seriously oversimplified. Many *thetes* continued to own land; at the end of the Peloponnesian War a

proposal to disenfranchise those who owned no land would, if successful, have affected only 5,000 citizens,[76] and there must have been many more than 5,000 *thetes* then. Equally, there must have been many people engaged in manufacture or retail trade who possessed *hoplite* status or better. In peacetime, most issues would not have produced neat divisions either between farmers and non-farmers, or between *hoplites* and *thetes*.

It is also often argued that after the Peloponnesian War many poor farmers failed to re-establish themselves on the land, and that there was a concentration of lands in the hands of fewer wealthier landowners. In consequence, it is held, the ideological link between citizenship and land-ownership declined, and was replaced to some extent by state pay and state distributions. There is little evidence for this view. The lawcourt speeches show a certain amount of buying and selling of property by rich men, and a marked tendency for them to own different land-holdings scattered all over Attica.[77] They do not show systematic buying up of property from exploited or failed peasants.[78] Athenian laws, especially those concerned with the *oikos*, did their best to protect individual properties, and the poor against the rich; and it can be argued that the very stability of the fourth-century democracy in Athens tells against any worsening of the economic status of its poorer citizens. Certainly state pay and distributions were important, but it is hard to believe that they could come near to replacing the need for the majority of citizens to have an independent and viable occupation to maintain their self-respect and confidence in the system.

Citizens—financial divisions. A simpler division into two broad classes appears more frequently than those divisions just discussed—a division into the *plousioi* (rich) and *penetes* (poor). Normally the term *penetes* spans a wider range than our 'poor'.[79] It does include the very poor, those who have no land or independent business but have to work for others, and who tended to be known abusively as 'beggars' (*ptochoi*, literally those who crouch or cringe); but it can include also some who might be considered reasonably well-off, for example some of the people who had to pay the special war tax, *eisphora*. Thus all *hoplites* and even some cavalrymen might be called '*penetes*'.[80] The crucial distinction is between those who have to work hard for their living and the leisured class, who had enough slaves to leave them free for other activities. The main distinguishing mark of the *plousioi*, this rich and leisured class, was their liability to taxation, not only to the eisphora, but also to the Athenian version of super-tax, the 'liturgies'.[81] We should now consider these financial contributions of the rich to the community, and the values involved in the system.

The *eisphora* was a special tax levied, after vote of the assembly, usually in times of war; our information on the details of its operation is very inadequate. Those liable were those whose capital exceeded a certain sum, probably 2,500 drachmae, and they paid a proportion of that, decided on each occasion; one per cent or two per cent appears normal in the fourth century. Those who paid were some *hoplites* and those above them, perhaps something like 6,000 in all. Assessment of the heaviness of the burden imposed by the *eisphora* is difficult, since we have a far from complete record of those imposed. Such reckonings as can be done do not make the burden seem very heavy when averaged out over several years, and one may be tempted not to take very seriously the frequent complaints that were made, and to disapprove of the evasions and under-valuations of property that can be seen; but it should be remembered that the *eisphora* could not be foreseen, and might coincide with a piece of bad luck, or of heavy outlay elsewhere, and that one might be forced into great difficulties, mortgages, loans, etc., by its sudden appearance.[82]

The rich did not see their 'super-tax' disappear into the general 'treasury'; they undertook 'liturgies' (the word—*leitourgia*—meant originally work done for the community), paying for, and organizing, important community services. These were of two main types. The '*trierarchy*' involved the command of a war-ship (*trireme*) for a year: the *polis* provided the hulls and in theory the equipment, though, particularly in the fourth century, it found great difficulty in keeping ships' equipment together; the *trierarch* had to keep ship and equipment in good condition, recruit crews (whose pay was, in theory at least, paid by the *polis*) and command the ship (though contracting out the command was possible). Athens depended greatly on her warships for such power and prosperity as she enjoyed at various times; as well as fighting battles, safeguarding alliances or empires in the Aegean, and so on, they were used for protecting the sea-routes along which travelled the merchant ships bringing her vital corn and other imports. The navy's efficiency was therefore of great significance, and the *trierarchs*' job vital; and the system of annual succession from one *trierarch* to the next tended to produce many difficulties and quarrels over equipment, pay and other matters, especially when the *polis*' finances were low.[83] Various methods of organizing the *trierarchy* were tried, to improve efficiency and spread the burden equitably.[84]

Then there were the festival liturgies. Athens was particularly rich in religious festivals, organized by the *polis*; and here again rich men were chosen to finance and organize the festivals, and in particular the athletic, dramatic or musical competitions which many of them included. The liturgist selected, financed and organized the training of the teams (*choregos* for dramatic or musical events; *gymnasiarch* for athletic); the contests tended to be organized on a tribal basis, and other liturgists at certain festivals provided feasts (*hestiaseis*) for their fellow-tribesmen. As with the *trierarchy*, the state too helped to finance the festivals, providing, for example, the animals for sacrifice. There seem to have been close on a hundred festival liturgies a year; those liable were essentially those liable for the *trierarchy*. It appears that the class of liturgists generally tended to be those with capital worth something over 3-4 talents.[85]

Most Athenians probably felt the correct performance of these festivals to be of great importance. It was hoped that rites honouring the gods would encourage them to protect and honour the polis and all the participating members in return; and it was thought that admission to rites of those unqualified (outsiders, or impure) could incur the gods' anger. Even if scepticism and doubts on religious matters did increase in Greece from the mid-fifth century on, it remains likely that a majority was never able to view with confidence breaches of the traditional rites and sacrifices on which the system and the success of the *polis* were thought to be based.[86] Socially and politically, the festivals were the major occasions when the citizens gathered to enjoy themselves and feel most tangibly the value of the community; the *polis*, and the rich, contributed, and the rest watched and participated, enjoying a rare meal of meat from the sacrificed animals. The Athenians gave very high priority to correct performance, and wide participation in the festivals; a fund which from the mid-fourth century received much of the surplus of the *polis*' income was called the 'spectacle-fund' (*theoricon*), and one main use to which it was put was a general distribution to enable people to pay their entrance fees at the Dionysia.[87]

Festival liturgies were organized by different *archons*, *trierarchies* by the generals; there might be volunteers, but otherwise the officials had to appoint men to perform liturgies. Two types of procedure existed for those wishing to object. One might obtain exemption because one had performed that particular liturgy before, or another liturgy one or two years previously.[88] If on the other hand one wished to claim financial inadequacy, one had to use the alternative procedure, the very strange 'exchange of properties' (*antidosis*). A man had to find another richer than himself, doing less than his due of liturgies; he would then challenge him either to perform the liturgy in his place or to carry out a complete exchange of properties with him, after which the challenger would do the liturgy out of the property formerly belonging to the challengee. The challengee might either agree to perform the liturgy, or accept the exchange, presumably in the belief that the challenger had miscalculated; or he might contest the issue, and leave it to a court to decide which had the more property, and hence which should do the liturgy.[89]

This cumbersome system was partly produced by the impossibility of officials checking those wishing to evade liturgies. There was no land register, and no body of civil servants dealing with taxation; here as elsewhere the Athenian system relied on the interest of other private individuals, motivated by economic need or by personal hostility, and informed by local knowledge, to catch evaders. The purpose of allowing actual exchange of properties is presumably the prevention of frivolous challenges on the part of those already nominated; it follows that a challenger could not withdraw the challenge if accepted by the challengee. The idea of a complete exchange of properties has been thought to conflict with the importance attached to 'ancestral estates'; but perhaps the honour of the *oikos* was satisfied if one acquired a better property, and kept up the old cults. Actual instances of exchanges may have been rare; we have no certain instance, though one was half-completed and then reversed,[90] and it may well be that a court case was the commonest outcome.

This represents in general what was by the standards of the ancient world a heavy and efficient tax-structure affecting the rich. Not surprisingly we read many complaints that the rich are oppressed by liturgies and *eisphorai*,[91] and frequently have cause to suspect undervaluing of property,[92] and evasion;[93] but it is hard to demonstrate that in total, and by modern standards, the *polis* made really heavy demands.

The interests of the rich did not lie solely in paying as little as possible; it is doubtful if the system would have worked if that had been so. Performance of a liturgy was a public act, and the more conspicuous and lavish the better (*lampros*, 'splendid', is a standard description of a good liturgy);[94] to win the prize in a contest, or for having one's ship ready first, is especially praiseworthy. Benefactions also called for a return, by the moral laws of reciprocity deeply felt in Classical Greece; and liturgists could expect, and on occasions demand, something in return (a *charis*, the term for any element in a reciprocal gift/service giving relationship—the original gift, the thanks owed, the return paid).[95] The return given to liturgists consisted of 'honour', *time*; one group of words derived from *time* is very frequently found to describe people's reasons for wishing to perform liturgies well. This is the '*philotimia*' group, which basically means 'concern for one's honour', 'ambition', and is often seen as a destructive force, conflicting with the harmony of the city, or smaller group,[96] but which in liturgical contexts is somewhat more complex in behaviour. Because it is accepted, and built into the system, that performance of liturgies brings *time* to the performers, to do liturgies out of *philotimia* is to do them well, giving good service and sparing no expense, so that the due reward will come; and a phrase like 'behave with *philotimia* in relation to the *polis*' may refer prominently to the liturgist's willingness to spend lavishly for the good of all (and thus seem to mean 'show public spirit'), but it does also carry the root idea of the expected return of honour.[97]

The grateful community may show its gratitude immediately; many honorific inscriptions have survived, in which city, tribe or *deme* record their thanks to liturgists, as to efficient and honest officials or other benefactors, for all to see. But thanks and honour were frequently claimed and presumably given in more practical ways, at elections, in assemblies and above all in the law courts. In the latter, no one in our sources, while admitting guilt, demands to be acquitted because of his expenditure on the community; but many do list their services and claim that these should incline the jury in their favour, and some use prestige thus derived in attempts to gain acquittals for their friends or condemnations for their enemies.[98] In responding to such claims, voters and juries will have felt the moral obligation to repay benefactors; in allowing them to influence judicial verdicts they may have wished to consider a man's whole record as well as his guilt on a particular charge, particularly in those cases where sentence followed automatically on verdict of guilty, and would be extremely heavy (death, exile or a crippling fine). Practically, too, the contributions of the rich were essential to the survival of the *polis* and the functioning of the system; while in some cases a jury might be tempted to convict, and so acquire the whole of a rich man's property for the state (and this temptation appears not always to have been resisted),[99] they would also be aware of the dangers in arousing too much hostility to performing liturgies, and to the democracy, among the rich in general.[100]

Hence the money spent on the *polis* brought its reward. Many men claimed that they had spent more, in some cases much more, than was required,[101] and many took personal trouble to ensure a well-trained chorus, or finely equipped ship. In this way the liturgy system can be seen as an important attempt to reconcile conflicting interests of rich, poor and the whole community; it was one of the major ways in which they tried to preserve the democracy without excessive alienation of the propertied class.

But of course the system did not satisfy all parties, nor were other causes of friction between rich and poor absent. Many rich men, especially perhaps those not interested in a political career, felt the demands excessive, and the rewards inadequate, and thought that too much money was spent on festivals.[102] If such men were further threatened in the courts (by their *echthroi*, or by *sykophantai*, v. below, p. 11), or were displeased by the policies of the democracy, they would resent liturgies the more. Wealth and prestige were not all that secure. However acquired[103] (e.g., by land-owning, ownership of manufacturing,[104] or of mining slaves,[105] renting of houses,[106] maritime loans[107]), wealth could be destroyed or diminished by natural disasters or human action—especially war, political disgrace or legal defeat. Competition, in social as well as in political life, appears to have been fierce; the prevailing ethos (of course exceptions existed) regarded acquisition of wealth rather as a means than as an end in itself,[108] and many appear to have spent capital conspicuously, in the pursuit of power, honour or pleasure, rather than reinvested it to increase income.

But if various factors contributed to giving the rich a sense of insecurity and grounds for hostility to the capricious and ungrateful poor, there were grounds too for prejudice and complaints against the rich. Those that withdrew as far as possible from public life and their payments of 'taxes' were seen as evading their responsibilities to the community, and were only too likely to be spending their wealth on luxuries, fine houses, *hetairai*, food, etc. (also described as *philotimia*, of a less admirable type).[109] Those that did contribute their share, or more than their share, to the community might be thought to get too much back in return, and, as we shall see (below, p. 10), often to be abusing their wealth and honour, by making corrupt profits out of politics, or by unfairly influencing judicial verdicts.

On the whole, however, the democracy especially in the fourth century, appears to me (though not to all scholars) to have achieved a degree of fairness and stability in the relations between rich and poor that is quite remarkable for any ancient society.

THE OPERATION OF DEMOCRATIC INSTITUTIONS

Certain questions and problems may now be considered under the above heading. Central here once again are the basic problems: to what extent did the democracy give genuine freedom to the poorer majority of citizens, both collectively and individually, and to what extent did it encourage reasonably law-abiding patterns of behaviour among all its citizens?

Pay and participation. From the mid-fifth century the Athenians developed the idea of payment for service in the armed forces and for many political and administrative duties, including serving on the council and the law courts. Traditionally Greek cities had distributed unexpected surplus revenues to all citizens equally; but the Athenians introduced a permanent and regular system that would both encourage fuller political participation and also provide some financial support for the poorer citizens. Pay became a vital part of the democracy, and despite financial difficulties in the fourth century the system was continued and even extended (pay for attendance at the assembly came in in the 390's), although levels remained low. We need to ask then to what extent the assembly, the council, and the courts attracted a complete cross-section of the citizen body.

Statistical evidence is almost non-existent, and arguments from literary sources do not produce easy or consistent answers. Many ancient writers assert that the assembly and the courts were full of the poor, the unemployed or those with menial jobs, all greedy for the money.[110] Such statements may be accurate, or they may be exaggerated expressions of prejudices or of commonly accepted myths. On the other hand the tone and arguments of many speeches delivered before the assembly and the courts, especially in the fourth century, have suggested to some that the audience was envisaged as predominantly composed of the relatively better-off *penetes* and the rich; sympathy may be excited for *eisphora*-payers, or this group identified as the main constituent of the audience, whereas very poor litigants or witnesses seem to have to be apologized for.[111] But perhaps assemblies and juries liked it to be pretended that they were among the better-off and that they shared on these occasions the prejudices of their social superiors. A priori it is likely that many might be readier to serve on juries than serve on council or hold offices, since juries took up slightly less time and involved less responsibility. The implication of Aristophanes' *Wasps* that many jurymen were elderly and less actively engaged in work is very likely to be true. One might well suspect that the worse-off *penetes* found that the pay failed to compensate for the loss in earnings, and that the pay attracted rather the really poor and unemployed (the *ptochoi*) and those who were better off and had slaves to keep their business going.

The council is perhaps likely to have attracted rather those with greater leisure and serious political interest. Composition of the assembly must have varied to a large extent from meeting to meeting, as major issues brought in more of the poor, the busy and the apathetic, and those who lived any distance from Athens, than did more routine business.[112] Everyone must have been well aware that almost all citizens would participate if they felt that vital interests were involved.

Politicians and their relations with the people. It is undeniable that a large proportion of the citizen population would be involved in some way in public business in the course of their lives. It is also equally clear that a firm distinction was drawn between such ordinary people, 'private' individuals, who might find themselves in a jury, on the council or holding a minor office, and another restricted and definable class of people who devoted much or all of their time to public affairs [113]—the 'politicians' *(hoi politeuomenoi)* or 'orators' *(rhetores)*. Such people could not be actively engaged in earning their living as well, and naturally enough, despite the ideology of equal speech and equality of participation, poverty could still be a matter for reproach, not a virtue, among politicians.[114] Most politicians had sources of wealth behind them, and a large number fall in the 'liturgical' class, for whom the 'honour' to be gained from extravagant generosity was particularly important.

Much of the time there was little need or expectation for politicians to hold any annual office. Their influence and power were derived from successful speeches in the assembly and the courts; and they were constantly available to offer advice, draft decrees and laws, or to go on embassies to negotiate with other states. There were no parties and no 'government'; but politicians naturally formed fluid groups of those sharing congenial policies and habits, and also maintained contacts with foreign rulers and politicians which provided them with information, influence and financial profit.[115] Office-holding was not, however, totally avoided by politicians. In particular, during the fifth century the military office of general *(strategos)* was frequently held by politicians (e.g. Cimon and Pericles) and used as a base for prestige and influence at home and abroad. This happened much less often in the fourth century, when it was more usual for political 'friendships' to be formed between specialized generals and politicians.[116] Secondly, from the mid-fourth century a new annual elective office was created, giving control of the *'theoricon'*. This post, and its successor in the 330's and 320's, gave their holders (e.g. Euboulos, Demosthenes and Lycurgus) extensive grasp of the city's finances and considerable political influence.[117]

Popular attitudes towards officials and politicians were naturally shot through with ambiguities and contradictions. All officials were subject to an examination *(dokimasia)* before entering office, and could have their whole careers questioned as well as their technical qualifications; [118] and on leaving office they all had to submit to rigorous scrutinies of their conduct *(euthuna)*, and special accounting checks if they had handled public money.[119] At all these checks, officials and any other citizens could bring charges; penalties could be very severe, including death and crippling fines. Politicians who merely spoke in assembly or courts could be prosecuted for, for example, deceiving the people or taking bribes to offer inappropriate advice; and prosecution for illegality of laws or decrees proposed by them could involve serious penalty. A remarkable number of politicians and officials ended their careers in death or disgrace.[120]

But the rewards were real, too, and there was no shortage of ambitious men. The prime goal of life for them could not have been the money, although 'presents' from individuals and cities grateful for advice, public speeches and decrees, will have been welcome and often necessary. The true goals were power and honour: successful officials and politicians enjoyed admiration, honorary decrees, crowns, statues, the feeling of having contributed to Athenian history and traditions, and the pleasure of wielding power and influence.

Laws, law courts and legal procedure. Athenians professed to believe that the preservation of the laws was crucial to democracy and worked to the real advantages of all citizens; and that the major role here had to be played by the popular juries.[121] A programme of re-inscribing and co-ordinating the existing laws was undertaken in the last years of the Peloponnesian War and finished by the restored democracy,[122] and a distinction was drawn between 'decrees' passed by the assembly, and 'laws' of greater generality and permanence.[123] Laws were supposed to go through more cumbersome procedure, involving a special board of 500 'legislators'; [124] but it appears that this procedure was not used as often as it might have been, and confusion between laws and decrees was not avoided.[125] More important as checks on hasty and ill-considered legislation were the two 'indictments', the first for 'illegality' (brought against a decree), and the second for 'introducing an unsuitable law' (against a law). These were of course used by politicians as means of reversing defeats and of attacking enemies; but they did allow more consideration of a measure's usefulness or coherence with other valid laws or decrees.[126] These procedures demonstrate, as do many others, the use of the law courts and juries as final arbiters in legislative matters. Throughout the system the courts gave the final decisions and could not be called to account for them—and this with no weakening, in men's eyes, of democratic principles.[127]

Juries. Great care was taken to ensure that all corruption of juries was avoided, and that they were as representative as possible. A panel of 6,000 jurors was chosen each year, and as many of those as wished turned up on each day that the courts were due to sit. Juries for particular cases were extremely large; we hear of juries ranging from 200 to the full 6,000. Methods of selection of juries underwent frequent refinements. From about 378/7, a complex system involving jurors' allotment tokens and allotment machines ensured that each jury had a roughly equal representation from each of the ten tribes, that all jurors had a roughly equal chance of selection, and above all that the selections were unpredictable, made at the last minute and free from unfair manipulation.[128]

Types of law suit: the choice of prosecutor. Various distinctions were drawn between various types of legal action; the most important is that between *dikai* and *graphai*. *Dikē* is a word of wide generality in legal and moral contexts, its meaning covering 'justice', 'order', 'right', 'claim', any legal process, 'penalty' or 'revenge'. But as a technical term for a class of lawsuits it indicates that the right to bring that lawsuit was restricted to the person wronged (or his/her *kyrios* where applicable). This distinguishes it from a *graphē*, 'indictment', and also from other specialized forms of procedure such as *eisangelia*, 'impeachment', and types of summary action. In all of these, prosecution was open to 'anyone who wishes', i.e. to any Athenian citizen, not necessarily a relation of the victim, nor a public official, nor belonging to a particular class.

In most cases where prosecution was open to any citizen, some notion of public concern is evident, and penalties tended to be paid to the state: these include some cases (theft, adultery [129] and 'insult'—*hubris*, v. below, p. *13*) where an individual was wronged. In other cases, the law allowed a *graphē* where the victim was likely to be unable to bring a case—such as wrongs committed inside a family.

The most important thing about the *graphai* is the choice of 'anyone who wishes' as prosecutor. Firstly, the idea displays characteristic mistrust of public officials. Secondly, the institution was rightly regarded in antiquity as one of the most democratic elements in Solon's reforms.[130] Its importance in encouraging active participation and feelings of involvement in the affairs of the *polis* and of other individuals was clearly immense, as it became clear that prosecution, as well as service on a jury, was open to all and not just to a select class.

Although the dangers of widespread corruption and of dominance by the upper classes were to some extent avoided by throwing prosecution open in this way, prosecutors in *graphai* themselves risked much criticism. One problem, affecting especially prosecutors in 'private' cases, derives from a clear conflict of values. Solon allegedly wished all citizens to feel that other people's wrongs were their business; but the great emphasis on the obligations to manage one's *oikos*, help one's *philoi* and harm one's *echthroi*, involved a conflicting attitude: that one should not interfere in the business of other people. A word meaning basically 'apt to do much', 'fond of business' (adjective *polypragmon*, noun *polypragmosyne*) when used of individuals frequently conveyed the notion of objectionable interference, busybodying and so on.[131] Hence prosecutors not related to their victims and claiming to be acting in the best interest of the *polis* incurred much hostility if they appeared to interfere in the affairs of those neither their *philoi* nor their *echthroi*. This conflict between Solonian ideals and traditional values may be seen at many points in comedy and the speeches.[132]

Matters were made worse by doubts about the motives of the prosecutors. In a number of public cases, prosecution was encouraged by offering a proportion of the fines or confiscation of property; and naturally enough other ways of profiting were found, such as a reward from those pleased to see an enemy attacked, or payment from those threatened with a prosecution. A special term, *sykophantes*, was applied to anyone involved in prosecutions of which one strongly disapproved, and covered prosecuting on false charges, or for money from any source, or to please someone else. It was commonly applied to politicians, especially minor or young politicians, in their constant legal contests.[133]

Consequently, litigants when prosecuting rarely relied solely on a statement of their patriotic duty, and liked to be able to claim personal reasons for prosecuting, that they or their friends had been wronged or attacked in the courts by their opponents. Almost universally true of 'private' cases, this applies also to a large number of public cases; and defendants of course accuse their opponents of being *sykophantai*, of plotting against them with the worst of motives.[134]

It must in practice have been extremely difficult for juries to decide on the motives of a prosecutor, and they cannot simply have assumed that all prosecutors in *graphai* were *sykophantai*.[135] It is equally hard for us to assess the extent to which the system actually was abused by *sykophantai*, oppressing the self-effacing but innocent rich, or trumping-up charges to help their friends or harm their enemies. Some complaints must have been justified; and there is no doubt that the system encouraged the intensification of political struggles and aided the complexity of political and private friendships and quarrels (*v.* above, p. 6). The

political struggles at times assumed a strong class basis, between ostentatious democrats and real or suspected oligarchs;[136] at other times they were rather merely between those who disagreed on foreign policy, or were competing for political position. The dangers were clearly recognized. Prosecutors in *graphai* who failed to get a fifth of the votes, or who abandoned the case, were supposed to be fined 1,000 drachmae.[137] A *graphe* specifically directed against *sykophantia* was also available. For all its disadvantages, the *graphe* was basic to the democratic system, and satisfactory alternatives were rarely produced even by its critics.[138]

Initiating procedures. The absence of public prosecutors is complemented by an absence of other officials at most points in the course of a lawsuit; litigants, and juries, had to do most of their work unaided.

The nearest Athens got to a police force was a board of officials (the Eleven) concerned with dealing with common criminals, such as thieves, under various summary procedures, and with the enforcement of certain penalties. These officials were supported by public slaves, the 'Scythian archers'. Such descriptions as we have of fights in streets and houses fail to show officials offering any assistance; parties have to summon help and witnesses as best they can from friends, neighbours and passers-by. Possibly officials were of more use in dealing with lower class criminals than with the rich and influential offenders we hear most about. Certainly no officials played the detective and investigative roles we are used to; individuals had to collect evidence, draw up charges and procure witnesses for their own cases.[139]

Many *dikai* went to arbitration before a court hearing. All citizens of at least *hoplite* status served as public arbitrators in their sixtieth year. An arbitrator attempted to reconcile the parties, and if he failed, he gave judgment under oath; the losing party could then appeal and take the case to court.[140] Other cases all involved a preliminary hearing before a magistrate to ensure that the case was admissible.

Court hearings. At hearings in court, litigants had normally to deliver their own speeches, no doubt written out and prepared in advance. In special circumstances such as illness or inexperience the jury gave permission for all or most of the speech to be delivered by an 'advocate', a relative or close *philos*.[141] In a *graphe* it would naturally help if an advocate had his own reasons for *echthra*.[142] More commonly, especially in public cases, one could call on brief character-references from one's *philoi*; here one naturally chose as advocates the most influential of those prepared to speak for one, and it appears that politicians and generals acting as advocates did attempt to use their own influence and claims for *charis* in the service of their *philoi* or perhaps of those who (illegally)[143] paid them for such favours. This further example of the advantages in litigation accruing to the rich and the well connected is frequently made the object of complaints.[144]

Equally, if not more, important, was the assistance one might get in the preparation of the speech, and advice about one's case in general. Every litigant no doubt importuned anyone he thought might be useful; but the growth of experts in this field, the 'speechwriters' (*logographoi*), skilled in legal procedure and in rhetoric, made a significant difference. Help from a speech-writer no doubt needed either a connection or money; *logographoi* earned a living, whether as a full career, or as a prelude or a sideline to a political career.[145]

Public attitudes to advocates and speechwriters were as contradictory as those towards politicians and prosecutors. Because rhetoric and legal experience can be used to make 'the worse argument seem the better', and because a man should not interfere in another's lawsuit, speechwriters and advocates are constantly abused; and litigants and 'good' characters in comedy present themselves as simple, honest citizens unused to legal procedure and subtle arguments.[146] On the other hand, rhetorical skill was admired for its own sake by many Athenians, as was political success; and it was argued that to be able to seek help from one's friends when in difficulties was a fair and democratic thing.[147]

Juries got even less legal assistance. The presiding magistrate gave no legal rulings, and the laws themselves could be heard only if the litigants had them read out. If laws were conflicting or ambiguous the jury had to decide without expert advice what view to take. Again the important decisions were left to the people, unfettered by possibly corrupt officials; consequently any growth of jurisprudence, or use of precedents, tended to be sacrificed to democratic principles.

Through all the procedure of a lawsuit, opportunities for delays, obstacles and sharp practice abounded. Pleas of unavailability, counter-suits, other lawsuits against one's opponent, special pleas of non-admissibility, and many other devices, could be used by experienced operators, with willing friends to bring suits and be witnesses, in order to deceive juries or to obstruct and catch unwary opponents, or even arbitrators and other officials.[148] But, as always, the extent of abuse of the system is very hard to assess.

Penalties and their enforcement. Here too the main points that stand out are the extent of the involvement of individuals, and the advantages of wealth and experience in using or misusing the system. Cases were divided into two categories, depending on whether the penalty for the offence was fixed, or whether the jury could choose between a penalty suggested by the prosecutor, and one suggested, after conviction, by the defendant. Penalties available to a court were death, imprisonment, exile, total or partial loss of civic status (*atimia*), confiscation of property and fines; cumulation of penalties was possible (e.g. death and confiscation of property for homicide, imprisonment and double restitution for theft), and non-payment of fines meant loss of civic status for the man and his descendants until the fine was paid, and could involve imprisonment. In general penalties can be said to have been severe by our standards; for example death could be imposed for a variety of offences including types of theft and robbery, treason, political corruption and failure, various religious offences from uprooting sacred olives to impiety, or citing a non-existent law in court.

Some penalties paid to the state were carried out by officials. The Eleven supervised the death penalty and imprisonment. Those exiled who returned could be taken to the Eleven and summarily executed. Those who had been deprived of status could be prosecuted by 'anyone who wishes' if they exercised some forbidden right. If fines or confiscations were not immediately forthcoming, the assistance of 'anyone who wishes' was again invited; he might make a 'denunciation' (*apographe*), submitting an inventory of the property so that it could be sold by the *polis*' auctioneers. If he did so successfully, he was entitled to three quarters of the proceeds, which seems, from the point of view of the state's finances, a sad consequence of its reliance on volunteers to prosecute.[149]

Greater difficulties, and less state participation, obtained in private cases, where the survival of procedures of 'self-help' is very evident. A litigant awarded a sum of money, or a right to an object or property in possession of his opponent, was entitled to attempt to take possession if it was not immediately surrendered. If prevented, he could attempt to 'distrain' on other objects of roughly equivalent value. If he was prevented from distraining, his only recourse was a legal action for 'ejectment', which if successful produced an additional fine payable to the state. This system was obviously open to abuses, and given a sufficiently tough, shameless and determined opponent, could result in virtual stalemate. Equally, it could produce fights in the streets or inside people's houses, and further lawsuits and hostilities. In these enforcements state officials appeared to have rendered minimal assistance.[150]

CONCLUSION: THE GOOD CITIZEN

In this final section I wish to consider briefly some general attitudes and value terms applied to social behaviour in the sources that follow. Three types of questions are particularly in view here: to what extent is the focus of obligation and authority the community as a whole rather than the individual and his family and immediate groups; to what extent are democratic and egalitarian attitudes commended rather than those favouring the rich and the well-born; and to what extent is preference given to co-operative, restrained and humane behaviour between citizens rather than to behaviour that is aggressive, competitive or strict?

At all times, and especially of course at times of military crisis, the ideals of patriotism and of personal military service in defence of the community, its land, sacred rites and gods, history and way of life, found fervent expression and response.[151] Bravery remained one of the most important virtues of a citizen, and cowardice among the worst vices. Military records were constantly included in character eulogies or vituperations, of rich and of poor men;[152] conviction of failure to join the ranks, of desertion, or of cowardice all brought full *atimia*.[153] Athens, however, was felt to be the reverse of a militaristic state, and various glimpses of service conditions do not suggest an abnormally high sense of discipline and training.[154]

The good citizen of all classes is frequently said to display great restraint, decency and respect for order and the laws. Two terms may be mentioned particularly: *kosmos* means order of any sort (from ordered universe to discipline) and the adjective *kosmios* indicates willingness to accept the order of society and to respect the claims of others to consideration.[155] *Sophrosyne* and its adjective *sophron* indicate acceptance of restraint on one's desires, with the implication that it will be advantageous in the long run. A term of wide generality, it tends in the context of praising Athenians in the courts to suggest restraint of those aggrandizing desires that would lead to law-breaking, extravagance or aggression.[156] Both these terms are applied to women who observe the degree of chastity and humility proper to respectable dependants of citizens.[157]

Behaviour opposite to this is characterized by contempt for the laws and for the interests and persons of other citizens. Of the many terms used in this area two again may be mentioned. *Paranomia* and its verb *paranomein* describe illegal or anti-social behaviour: it means 'act contrary to the *nomoi*', and *nomos* is both the standard word for a law, and also covers generally accepted behaviour, customs, beliefs. *Paranomia* is a very strong term, whether it denotes breaking of an actual law, general contempt for the laws, or more generally behaviour that flouts the values of right-thinking people.[158]

Hubris and its verb *hubrizein* are also of wide scope; it focuses however on the honour of the individual rather than on the norms of society. *Hubris* is an offence against honour or status, for example, treating a person (or, more rarely, a sacred being or object) without the honour and respect due to him, or attempting gratuitously to dishonour and shame him.[159] Most typically in the courts it describes behaviour of arrogant and brutal men who regarded other citizens as beneath them, or even as on the level of slaves, or of men who treated respectable women like prostitutes and thus insulted them and their *kyrioi*. Though frequently and naturally expressed in violence, its essence is the insult and dishonour, not the physical damage.[160] As well as being a term of very strong disapproval, it was also the name of a *graphe*; a legal action which was very loosely defined, and carried the possibility of the death penalty, it could be brought against a serious attack on a person's status.[161]

These descriptions and this language most often refer in our sources to rich offenders, using their wealth to oppress others. To a considerable extent this merely reflects the degree to which the speeches concern the richer classes; but these vices were seen very much to be the vices of the rich and powerful, and were held by democrats to be especially characteristic of the main opponents of democracy, oligarchs and tyrants.[162] Consequently the opportunity was not often missed to compare one's rich and objectionable opponent with the great historic enemies of the democracy such as the tyrant Hippias, Alcibiades, or the Thirty Tyrants of 404/3.[163]

The values so far discussed emphasize the virtues of conformity to the *polis*, to law and order and to the democracy, and the main offenders tend to be rich rather than poor. Much of the traditional Greek moral discussion and language on the other hand had a marked bias in favour of the wealthy and the well-born. As late as the late fifth century, people were still prepared to assert an almost complete identification between large-scale ownership of property and moral virtue, and between poverty and vice, and to draw the appropriate political conclusions;[164] to such writers the many standard Greek words we have to translate as 'good', 'bad', 'respectable', 'villain', etc., carried both moral and social implications, as they had tended to do since Homer.[165] Most authors of the fifth and fourth centuries, however, display considerably greater complexity in the use of these terms; they consistently retain their evaluative meaning, but lose, to varying degrees, their power to describe a person's place on the social scale, and increasingly commend or decry other qualities. Speakers before the democratic institutions have naturally moved furthest in using such words in areas such as those already discussed, describing law-abiding or kind citizens as 'good', or rich and ruthless men as 'villains'.[166] We have already discussed a number of areas in which respect for the wealthy and for their greater opportunities for public usefulness and display was still maintained. There is however clearly considerable development in the use of this sort of language, both in the direction of greater complexity and of relativity of standards, and more particularly in the use of criteria of service to the community and co-operation with other citizens as well as those of wealth, birth, and military success and bravery.

In attitudes towards those in trouble it may also be right to see signs of increased acceptance of ideas of co-operation between all members of the community. Though many penalties in the laws, and many verdicts that we hear of, may appear harsh to us, speakers more regularly praise the laws for their mildness and humanity,[167] and still more often they commend or criticize juries for allowing pleas for pity and sympathy to override claims of vengeance and the strict demands of the laws.[168] Of course, tensions between the obligations to help *philoi* and harm *echthroi*, and the human tendencies to pity suffering had long been one of the great strengths of Greek literature; but it is possible that in the fourth century claims for pity were finding growing response, and that ordinary citizens were increasingly expected to treat their fellows with sympathy and humanity regardless of status or of any particular relationship. One possible sign of this is the apparently increasing use of the term *philanthropia* and its adjective *philanthropos* (meaning 'love of humans', 'humanity') not only to cover the generosity and mercy of great men in power to those beneath them, but also acts and attitudes of kindness and sympathy of one individual to another, or of a jury to those on trial.[169]

The traditional values focused on the individual and his immediate group are of course far from suppressed. We have seen already how much the legal system left to the initiative of the individual keen to restore his honour by seeking revenge from his enemies. The pressure to do more than the laws allowed —when attacked physically, abused, or deprived of status or property, and when recourse to the law seemed too slow, too expensive, too dangerous, or just an inadequate response—must have been considerable. Public opinion clearly permitted one to defend oneself when attacked, and toleration of those who went considerably further seems fairly generous.[170] Overall assessment of the level of 'violence' in the streets and houses of Athens is extremely difficult. The numbers of fights and murders occurring among the wealthy and political classes are perhaps surprising to us; there must have been a fairly heavy amount of robbery and violence among the poor and destitute as well.[171] A useful comparative assessment does not seem easy.

On the whole I have presented a static and synchronic picture of Classical Athens in the comparatively well-documented period of 425–320, while occasionally pointing out different conditions and suggesting possible developments in attitudes. Characterization of changes in social conditions and attitudes in a society is most tricky, and inadequate evidence for Athens compounds the difficulties. It is of course most dangerous to assume stability; it may be equally dangerous to assume change where there may simply be absence of relevant or similar material. Fourth-century Athens is often said to have changed greatly from fifth-century, in great part because of the major crisis of the Peloponnesian War and the loss of the Empire. It is held to display less patriotism, less unity, and a reduced sense of the community of the *polis*; on the other hand it is said to be softer and more civilized. But this is very easy to exaggerate, and had we more forensic oratory from the fifth century, and more comedy and a good contemporary historian from the fourth, such generalizations might be more secure.

Athens was a complex society full of tensions and contradictions. Its practices and attitudes in the areas of economics, religion, law, politics, and social groups and classes, present a shifting mixture of old and new, primitive and advanced, rural and urban, aristocratic and democratic, elitist and egalitarian, restrictive and tolerant. But it was remarkable for its sense of community, its democracy and its concern for the freedom and well-being of all its members; and, for all its defects, its record in foreign policy and in internal organization stands up well in comparison with any pre-industrial state.

1. Cf. K. J. Dover, *Greek Popular Morality*, Ch. I. This book contains most valuable discussions of almost all the issues raised here.
2. Isaeus 7.30, Demosthenes 43.75.
3. Xenophon, *Oikonomikos* 7, Lysias 19.12 ff.
4. Xenophon, *Oikonomikos* 7.
5. Demosthenes 57.20 (above).
6. Lysias 32.5 (above), Demosthenes 59.2 (above), Isaeus 7.11 f. (above).
7. Aeschylus, *Eumenides* 657 ff., Aristotle, *On the Generation of Animals* 765–7.
8. Isaeus 10.10, 3.28–36.
9. Demosthenes 57.70, Isaeus 2.18, Aeschines 1.28.
10. Isaeus 3.68.
11. Isaeus 7.31 (above), Demosthenes 44.43.
12. Isaeus 2; and cf. Aristophanes, *Wasps* 583 ff.
13. Demosthenes 57.41 (above).
14. Isaeus 3.64.
15. Isaeus 7.31 (above), Demosthenes 43.12f.
16. Demosthenes 59.111 ff. (above), Aristophanes, *Lysistrata* 593 ff.
17. Xenophon, *Oikonomikos* 7.
18. Lysias 3.6 (above), Isaeus 3.13 f.
19. Lysias 1.7 ff. (above).
20. Lysias 1.7 (above), Demosthenes 59.21, 73 ff. (above), Thucydides 6.56 ff.
21. Lysias 1.20 (above), Isaeus 3.80, Aristophanes, *Women at the Thesmophoria, passim*.
22. Demosthenes 57.30 ff. (above), Aristotle, *Politics* 1300a4–7, 1323a3–6.
23. Demosthenes 57.30 (above).
24. Demosthenes 59, esp. 110 ff. (above).
25. Lysias 1.6 (above), 32.11 (above), Demosthenes 59.110 (above).
26. Aristophanes, *Women at the Thesmophoria, passim, Lysistrata, passim*, esp. 484–613, 845–979, *Women in Assembly* 949–79.
27. Above all in Aeschylus, *Oresteia*.
28. But cf. Lysias 1.12 (above).
29. Demosthenes 59.122 (above).
30. Lysias 1.31 (above), Isaeus 3.39.
31. Demosthenes 59 *passim* (above).
32. Demosthenes 59.22 (above), Plutarch, *Alcibiades* 8.
33. Demosthenes 36.45, Aeschines 1.42.
34. No doubt there were some exclusive homosexuals too: perhaps the speaker of Lysias 3 (above)?
35. Cf. the embarrassment exhibited at Lysias 3.4 (above).
36. Aeschines 1.137 ff., Lysias 3.5 (above), Plato, *Symposium* 180c–185c.
37. Aeschines 1 *passim*.
38. Lysias 1 *passim* (above). It appears that the death penalty could be inflicted if one proved seduction, but not for rape; seduction was worse because it corrupted the wife. Lysias 1.32 (above).
39. Applied apparently to the anus; Aristophanes, *Clouds* 1082 f.
40. Aeschines 1.183.
41. Demosthenes 59.86 (above).
42. Demosthenes 57.23 ff. (above), Isaeus 7.13 ff. (above), 2.14 ff.
43. Demosthenes 57.23 ff., 67 (above), 59.59 ff., Isaeus 7.15 ff. (above).
44. Demosthenes 57 *passim* (above), Aristotle, *Constitution of Athens* 42, Isaeus 3.80.
45. Demosthenes 57.10 (above), cf. Isaeus 9.18.
46. Aristophanes, *Clouds* 1321 ff., Isaeus 2.36.
47. Demosthenes 57.10 (above), Lysias 23.2 f.
48. Aristotle, *Constitution of Athens* 27.3–5, Plutarch, *Cimon* 10.
49. Demosthenes 57.57 (above); cf. *Inscriptiones Graecae II²* 1174–5, 1183 (above), Aristotle, *Constitution of Athens* 62.1.
50. Aristotle, *Constitution of Athens* 21–2, *Politics* 1319b20–28.
51. Demosthenes 21.13 ff., 68 ff., Antiphon 6.11 ff.
52. Lysias 1.43 ff., 8.7 ff., Xenophon, *Memoirs of Socrates* 2.4–6.
53. Lysias 1.23 ff. (above), Demosthenes 47.34, 71 (above), 53.8 ff.
54. Antiphon 6.39, Demosthenes 43.7.

55. Lysias 32.23 (above), Aeschines 3.52.
56. Andocides 1.54 ff., cf. Lysias 6.23, Aeschines 1.165 ff.
57. Sophocles, *Ajax* 677 ff., Demosthenes 23.122.
58. Lysias 4.1 ff., 8 *passim*, Demosthenes 53.4 ff.; relations between Demosthenes and Meidias (Demosthenes 21 (above), and Aeschines 3.52).
59. Lysias 9.13 ff., 14.21, Demosthenes 21.118 (above).
60. Demosthenes 21, 47, 57, 59 (above): cf. G. M. Calhoun, *Athenian Clubs*, W. R. Connor, *The New Politicians of Fifth Century Athens*.
61. Cf. M. I. Finley, *The Ancient Economy*, Ch. 2, G. E. M. de Ste. Croix, *The Class Struggle in the Ancient Greek World*.
62. A note on numbers. A census ordered by Demetrius of Phaleron (317–07) allegedly gave 21,000 adult male citizens, 10,000 metoikoi, and 400,000 slaves. There were probably more like 30–40,000 citizens in the fifth century. The figure for slaves is impossible: 100,000, perhaps a third of the total population, is a plausible maximum.
63. Lysias 12.4 ff., Demosthenes 22.54 ff. (above), 57.34 (above), Xenophon, *Ways and Means* 2–3.
64. Lysias 22, Demosthenes 35.
65. Demosthenes 34, 36, Isocrates 17.
66. Cf. J. Pecirka, *Eirene*, VI (1967) 23–6.
67. Cf. M. I. Finley, *The Ancient Economy*, Ch. 3.
68. Lysias 5.3, Demosthenes 59.120 ff. (above), 47.8.
69. Lysias 5.5, 24.6, Demosthenes 45.86, 54.4, Xenophon, *Oikonomikos* 9.12.
70. Cf. R. J. Hopper, *Greece & Rome*, 8 (1961) 138 ff.
71. Demosthenes 8.51, 53.16, 47.55 ff. (above), Lysias 1.18 (above).
72. Above all the careers of Pasion (ex-slave and successful banker, who was granted citizenship) and his son Apollodoros (who became a minor politician): Demosthenes 36, 45, 50, 53, 59 (above).
73. Pseudo-Xenophon, *Constitution of Athens* 1.10–12, Plato, *Republic* 563.
74. Aristophanes, *Clouds* 5 ff., Thucydides 7.27.5.
75. Pseudo-Xenophon, *Constitution of Athens*, 2.14, Aristophanes, *Women in Assembly* 197–8.
76. Lysias 34.
77. Isaeus 11.37 ff., Aeschines 1.97 ff.
78. Contrast C. Mossé, *Fin de la Démocratie Athénienne*, 43 ff., and M. I. Finley, *Studies in Land and Credit*, 56 ff.
79. Above all cf. Aristophanes, *Wealth* 486–612.
80. Demosthenes 22.53 (above), 18.102.
81. Demosthenes 21.151 ff., Aristotle, *Politics* 1291a33–4.
82. Cf. A. H. M. Jones, *Athenian Democracy*, 23 ff.
83. Demosthenes 47 (above), 50.
84. Demosthenes 18.102–4, Jones, *Athenian Democracy*, 32 f.
85. Demosthenes 27.64, J. K. Davies, *Athenian Propertied Families*, xxiii.
86. Demosthenes 21.51 ff., 59.73 ff. (above), Thucydides 6.27 ff.
87. Demosthenes 13.2 ff., 59.4–5 (above), Aeschines 3.123 ff.
88. Aristotle, *Constitution of Athens* 56, Isaeus 7.38 (above).
89. Demosthenes 42.5 ff., 28.17, 21.78 f. (above).
90. Lysias 4.1 f.
91. Xenophon, *Oikonomikos* 2.5 f., Isocrates, *On the Peace*, Theophrastus, *Characters* 26.6.
92. Isaeus 2.47 ff., 7.39 (above).
93. Lysias 21.12 (above), Demosthenes 21.154 ff., 42.22–3.
94. Demosthenes 45.78, Lycurgus 1.139 (above).
95. Lysias 21.12, 17 (above), Isaeus 7.41 (above).
96. Thucydides 2.65.7, Demosthenes 8.71.
97. Isaeus 7.36 ff. (above), Demosthenes 47.54 (above), 21.67 ff., 42.24 f., Lycurgus 1.139 f. (above).
98. Thucydides 6.16.1–4, Lysias 21.11 ff. (above), 25.12 f., Isaeus 7.36 ff. (above), Demosthenes 36.40–2: some counters to the argument, Lysias 26.3 ff., Demosthenes 21.169, Lycurgus 1.139 f. (above).
99. Lysias 19.11, 27.1 Aristophanes, *Knights* 1358 ff.

100. Lysias 21.12 (above).
101. Lysias 21.1 ff.
102. Aristotle, *Politics* 1309a17–20.
103. Xenophon, *Memoirs of Socrates* 3.11.4, Aeschines 1.105.
104. Aristophanes, *Knights* 44, Lysias 12.8 ff., Demosthenes 27.9 ff.
105. Xenophon, *Ways and Means* 4.14.
106. Isaeus 8.35, 6.18 ff.
107. Lysias 32.4 ff. (above), Demosthenes 32.
108. Aristotle, *Politics* 1256a1 ff.
109. Demosthenes 36.45, 59.33 (above), 21.158 ff., Aeschines 1.41 ff.
110. Aristophanes, *Wasps, passim*; Isocrates 7.54, Demosthenes 21.182.
111. Demosthenes 1.6, 2.24, 21.83 ff. (above), 22.47 ff. (above).
112. Demosthenes 14 (esp. 24–7) seems directed to a poorer audience than many other speeches.
113. Demosthenes 22.36 f., 59.72 (above), 4.1.
114. Demosthenes 18. 257 ff., 57.35 ff. (above).
115. Each *polis* 'retained' politicians in every other *polis*, to defend its interests and to protect those of its citizens who might travel there. This was called *proxenia*. Cf. Demosthenes 21.110 (above), Hypereides, *Against Demosthenes*, col. 24 f.
116. Demosthenes 2.29, Aeschines 2.71, Isocrates 8.55.
117. Aeschines 3.24 f., Demosthenes 1.19 f., 3.10 f., 59.3 ff.
118. Lysias 16, 25, 26.
119. Lysias 21, 27, Demosthenes 19.
120. Speakers in the assembly were also subject to a sort of *dokimasia*, in that certain disgraceful activities brought disqualification from public activities: cf. Aeschines 1, *passim*, Demosthenes 24.133 ff.
121. Demosthenes 22.50 ff. (above), Aeschines 1.1 ff.
122. Andocides 1.81 ff.
123. Demosthenes 22.49 (above), 59.88 (above).
124. Demosthenes 24.19 f.
125. E.g. the *theoricon* was regulated and altered by a mixture of laws and decrees.
126. Demosthenes 22 (above), 24, 47.34 (above), 59.4 f.
127. Aristophanes, *Wasps* 587, Lysias 1.36 (above), Demosthenes 59.88 (above).
128. Aristotle, *Constitution of Athens* 63–6.
129. For adultery, the idea that an adulterous woman brought 'pollution' (Demosthenes 59.87 (above)) was probably relevant.
130. Lycurgus 1.3 ff. (above), Aristotle, *Constitution of Athens* 9.
131. Lysias 1.16 (above), Aristophanes, *Wealth* 913 (above).
132. Most clearly in Aristophanes, *Wealth* 898–935 (above).
133. Demosthenes 22.4, 57.34 (above), 59.41 (above), Aeschines 1.1.
134. Demosthenes 22.1 ff., 59.1 ff. (above), Aeschines 1.1 ff., Lysias 12.1 ff., 14.1 ff.: contrast Lysias 22.1 ff., Demosthenes 23.1 ff., Lycurgus 1.1 ff. (above).
135. Lycurgus 1.3 ff. (above), Demosthenes 22.66 (above).
136. Above all in 415–403: Xenophon, *Hellenica* 2.3.12, Lysias 25.25 f., Aristophanes, *Frogs* 689.
137. Demosthenes 21.47, 103 (above), 57.8 (above), 58.6 ff.
138. Aristophanes, *Wealth* 920 ff., Plato, *Laws* 730d, Isocrates 7.42.
139. Lysias 3 *passim* (above), Demosthenes 47 *passim* (above). The council might occasionally concern itself with investigations of serious crimes (Andocides 1.14 ff., Demosthenes 21.116 (above)).
140. Demosthenes 21.81 ff. (above), 47.45 ff. (above): for private arbitration cf. Demosthenes 59.44, 68.
141. Demosthenes 36.59.
142. Demosthenes 59.15 (above).
143. A law cited in Demosthenes 46.26 provides a *graphe* if an advocate accepted money for private or public cases. Enforcement of that law must have been very difficult.
144. Lysias 21.17 (above), 14.20 f., Demosthenes 21.112 (above), Lycurgus 1.138 ff. (above).
145. *Metoikoi* such as Lysias and Isaeus made it their careers: Demosthenes gradually reduced his speechwriting, but opponents still attacked him for it (Aeschines 1.94, 170, cf. Demosthenes 32.31 ff.).
146. Demosthenes 21.189 ff., 22.4, 36.53 f., Isaeus 1.1.
147. Hypereides, *Euxenippus* 11 f.
148. Demosthenes 21.81 ff., 103 ff. (above), 47.45 ff. (above).
149. Lysias 9, 19, Demosthenes 53.
150. Demosthenes 21.81 ff. (above), 47 *passim* (above), 30, 31.
151. Above all in funeral speeches—Thucydides 2.34 ff., Lysias 2, Hypereides 6. Cf. also Lycurgus 1, and the 'ephebic oath' (above).
152. Lysias 3.45 ff., 16.12 ff., 21.6 ff., (above), Demosthenes 21.95 (above), Isaeus 7.41 (above).
153. Demosthenes 21.103 ff. (above), 59.27 ff. (above).
154. Thucydides 2.39, Lysias 3.45, 9 *passim*.
155. Lysias 1.26 (above), 3.4 (above), 21.19 (above), Demosthenes 59.80 (above).
156. Lysias 3.4 (above), 21.19 (above), Demosthenes 21.74 (above).
157. Lysias 1.11 (above), 3.6 (above), Demosthenes 59. 86, 111, 119.
158. Lysias 3.5, Lycurgus 1.2 ff., Demosthenes 59.14, 126, Thucydides 6.15.
159. The best account of *hubris* is found in Aristotle, *Rhetoric* 1378b23 ff.
160. Demosthenes 21 *passim*, especially 72 (above) and 180 f.; Lysias 1 *passim*, 3 *passim*, Demosthenes 54 *passim*.
161. Demosthenes 21.47 ff., 54.1 ff., Isocrates 20.2 ff., Aeschines 1.15.
162. Herodotus 3.82 ff., Lysias 12.98, Demosthenes 17.3.
163. Demosthenes 21.143 ff., 22.52 ff. (above), Isocrates 20.10, Thucydides 6.28.
164. Above all Pseudo-Xenophon, *Constitution of Athens, passim*.
165. e.g. *agathos* (and noun, *arete*), the most general term for 'good', and *kakos*, its opposite: one of their more common special contexts was that of bravery or cowardice in war; or *chrestos*, again generally 'good', 'respectable', but with more of an implication of 'useful' to the community; and *poneros* (noun *poneria*), 'bad', 'villain', cognate with words meaning 'work' and 'poverty' and suggesting low class and crime.
166. Lysias 3.9 (above), Demosthenes 21.83, 94 (above), 47.28, 59 (above), 59.2, 82 (above).
167. Demosthenes 21.43, 48, 24.190 ff.
168. Demosthenes 21.99 ff. (above), 23.206, 24.50 ff.
169. Demosthenes 21.43, 75, 185 (above), 24.190 ff., 36.55 ff. Cf. the metaphorical extension of the term *eranos*, the mutual friendly loan, to cover the whole of a man's relations with his fellow citizens, where humanity, generosity and pity are virtues, self-assertion and ruthlessness vices; Demosthenes 21.185 (above).
170. Demosthenes 21.71 ff. (above), Lysias 3 *passim* (above), Demosthenes 47.38, 70 (above).
171. 'Felons' (*kakourgoi*), classified as thieves, clothes-robbers, kidnappers, burglars and cutpurses, might be arrested by special summary procedures: the penalty was death; Demosthenes 24.113 ff. The impression is given that the streets were not particularly safe at night: Aristophanes, *Acharnians* 1160 ff., *Birds* 496 ff., *Women in Assembly* 668 ff.