

## INTRODUCTION

### CHAPTER 1

#### THE POLIS AND ITS *POLITAI*

##### A cautionary tale

On the second of Skirophorion, roughly midsummer, of 341, Euthykles, son of Euthymenides, of the deme of Myrrhinous, denounced for confiscation a tenement house belonging to Meixidemos of Myrrhinous, who was in debt to the public treasury of the Athenians. Meixidemos' tenement house (*sunoikia*) was in the Peiraieus, close by the Mounykhia promontory, immediately south of the house of Euthykles himself, just north of the house of Protarkhos of the Peiraieus, just east of the house of Euthymakhos of Myrrhinous, and west of the city road.<sup>1</sup>

Meixidemos' public debt had arisen from an evidently ill-advised willingness to go surety for various individuals who were undertaking public contracts: for Philistides, son of Philistides, of Aixone, who had contracted to collect the *metoikion* tax in 343/2 but had failed to produce his 6th, 7th, 8th and 9th payments of 100 dr., and had also undertaken to raise the 5-dr. tax in the mines but had not produced the 6th, 7th and 8th payments for this, of 125 dr. each; for Telemakhos, son of Hermolokhos, a metic living in the Peiraieus, who had taken a share in the raising of the 5-dr. tax for Theseus but had failed to pay up the 4th, 5th, 6th, 7th, 8th, 9th and 10th instalments of 100 dr., and had also undertaken the rental of a quarry in the Peiraieus but failed to pay the 4th and 5th instalments of the 115½-dr. rent; for Kallikrates, son of Kallikrates, a metic living in the mining deme of Besa, who had taken a share in the raising of the drachma tax for Asklepios but not produced the 7th, 8th, 9th and 10th payments of 36 dr. 4 ob. As none of these debts had been met by the debtors or by Meixidemos the debt had been doubled. Euthykles' denunciation of the *sunoikia* was

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the next step in the process of recovering the money. The *sunoiikia* was bought by Telemakhos, son of Theangelos, of Akharnai, for 3,705 dr. 2 ob. Since this met the sum of the outstanding debts Meixidemos was presumably thus released from his obligations.<sup>2</sup>

We owe our knowledge of this case to an inscription found in the Agora at Athens and published in 1936,<sup>3</sup> but although cited in discussions of the process of denunciation of the property of public debtors (*apographē*) and in commentary on the Aristotelian statements in chapter 48 of the *Athenaion Politeia*,<sup>4</sup> Meixidemos' case has excited little interest. When it is examined in detail, however, it provides, not only in the manner in which the case is recorded<sup>5</sup> but also in the whole construction of the case, a very nice example of the nature of Athenian public life.

Euthykles son of Euthymenides, who denounces the property, is clearly not a disinterested party. He is both a fellow demesman of Meixidemos and his neighbour in the Peiraieus, where, together with Euthymakhos, they seem to form a little ghetto of men from that deme in the Mesogaia. Euthykles' family is known: his brother, Eupolemos, is found as *amphiktyon* in Delos just months later in 341/0, and ten years on is found as *tamias* of the *trieropoioi* (*ταμίας τριηροποικῶν*).<sup>6</sup> The fact that Eupolemos put himself forward for these posts, both of which have some connection with shipping and the sea, may not be unconnected with the base in the Peiraieus, but that Eupolemos undertakes public service at all must mean that he was not out of touch with the home village.<sup>7</sup> The preference for names commencing in Eu- which have connections with war (-polemos) and glory (-kles) makes it not at all unlikely that the Euthymakhos of Myrrhinous who is another of Meixidemos' neighbours is a relative.

Meixidemos' family is not certainly known,<sup>8</sup> and at first sight there seems little rationale to his apparently random financial commitments. However, although Philistides is from Aixone, a coastal deme some way south of the Peiraieus (modern Glyphada) and is not known to have interests in the

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Peiraieus (we do not know where he was collecting the *metoikion*) he does have a rather roundabout connection with what is evidently an area of Meixidemos' interests. A Pausistratos son of Philistides appears in a mid-fourth-century list of the tribe of Kekropis, which is the tribe to which Aixone belonged, and although the name Philistides is not rare this Pausistratos is generally thought to be the brother of the Philistides here.<sup>9</sup> Pausistratos is a rather uncommon name, and so when it occurs in a mining lease it seems likely that the same man is involved.<sup>10</sup> That Philistides is found here to be raising a tax in the mines reinforces this connection. That Philistides' family had established mining interests may account for the link with Meixidemos, for that he also goes surety for a metic living in Besa suggests that he too was not without involvement in the area.

While Kallikrates' Besa connection is manifest he may also have links with the Peiraieus. For the tax which he is involved with is the tax for Asklepios, and although the occurrence of 'Asklepiakon' as a mine name may indicate that the cult had an active centre in the mining<sup>11</sup> region it is very likely that Kallikrates would have had some contact with the sanctuary of Asklepios in the Peiraieus, a sanctuary which was situated on Mounykhia.<sup>12</sup>

Telemakhos the metic's connections seem more straightforward. He is based in the Peiraieus and his exploitation of a quarry is the exploitation of a local resource – indeed the quarry might have been one of those known on Mounykhia hill.<sup>13</sup> His collection of the tax for Theseus again may have strengthened the Peiraieus connections, for it is known that there was a cult of Theseus there.<sup>14</sup>

The men and activities with which Meixidemos is linked by his actions as a surety thus prove to be all connected with one of two local areas of activity – the Peiraieus and the mines. Since some prior contact is to be expected in order that Meixidemos should be willing to risk his property in their interests the links with these men are hardly surprising. More unexpected are the links with Telemakhos of Akharnai, the man who buys the *sunoikia*. That Telemakhos is more

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than simply a man who happened to buy the property at the auction is already suggested by the price paid: the sum paid by Telemakhos is exactly equal to the sum of the doubled debts of Meixidemos. Although the payment of the exact sum of the debt may be paralleled in one other known case of *apographe* (a case in which the purchaser is the brother of the man from whom the property is confiscated<sup>15</sup>) it is not at all a usual, let alone a necessary, feature of the *apographe* process. This clearly smacks of some sort of collusion, for not only is this sum the minimum one that will secure that no further item of Meixidemos' property is confiscated, but since men who denounced items of property for confiscation seem to have been rewarded with part of the proceeds after the sum of the debt had been subtracted<sup>16</sup> (a sum which they could choose to hand over to either the debtor or the public treasury<sup>17</sup>), the payment of the exact sum would seem to deprive the man who denounces of any reward for his action. It must further be presumed, since no one bid any higher, that Telemakhos had to pay over the odds for this property in order to meet the sum of the debts in this way.<sup>18</sup>

Fortunately Telemakhos son of Theangelos of Akharnai is a man who is not unknown from other sources, and it is possible to suggest why he chooses to bail out Meixidemos in this way. Telemakhos was a prominent man in the Athenian assembly in the 330s and 320s. Not only is he the chief instigator of honours for Herakleides of Salamis (on Cyprus) for the help he had given to Athens during a corn shortage,<sup>19</sup> but he seems to have been one of the many men who at one time or another proposed honours for Lykourgos.<sup>20</sup> He seems to have been the butt of at least one comic poet, Timokles, and Athenaios preserves a number of fragments from the comedies of Timokles which relate to Telemakhos and to the pot in which he boiled his beans. The essence of these jokes seems to be the mixed allusion to Telemakhos' windy rhetoric, his constant putting himself forward for allotted office, and his grandfather's famous foundation of an altar to Asklepios.<sup>21</sup> Telemakhos' grandfather was also

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called Telemakhos and his foundation of an altar is both epigraphically recorded and would seem to have given rise to the proverbial phrase *Τηλεμάχου χύτρα*.<sup>22</sup> That Telemakhos the grandson maintained the links with the cult of Asklepios is not directly attested, but it is far from unlikely, especially since Timokles' jokes rely on the identification of the two men. If Telemakhos (II) *was* a devotee of Asklepios then that would give him a link with Mounykhia and a context in which he might have got to know Meixidemos. Moreover it raises the possibility of a link with at least one of the debtors: the metic who contracts to raise the tax to Asklepios is named Telemakhos . . .<sup>23</sup>

Where does Euthykses of Myrrhinous fit into all this? Is he the annoyed neighbour (the use of *sunoiikiai* as brothels is well attested) only too keen to interfere in the business of a fellow demesman, or is he too in collusion with Meixidemos and doing him a service by denouncing only *this* item of property and by doing so at a time when Telemakhos is able and willing to produce a large amount of ready cash with which to purchase it? The particular answer to this query is of little more than antiquarian interest; the importance of the case lies in the demonstration that it gives that action at law at Athens was not a disinterested matter: the men who appear on different sides in a court of law are men who are already involved with each other in one way or another.

This finding is amply borne out by the other cases of *apographe* of which we know in detail. In the case which followed before the same court in Skirophorion 341 property at Aphidna belonging to a man from neighbouring Oinoe is denounced by men from Aphidna and bought by Nikokrates of Rhamnous;<sup>24</sup> an earlier *poletai* inscription (*SEG* 12.100) gives a different sort of connection between the parties: Theomnestos son of Deisitheos of Ionidai denounces property at Alopeke belonging to Theosebes son of Theophilos of Xypete. Theosebes has been condemned for *hierosulia* and given the nature of the names it is difficult to believe that either family is without priestly connections;<sup>25</sup> a naval list gives another case from the Mesogaia: Theodotos

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of Myrrhinoutta denounces property of Demonikos son of Apseudes, a fellow demesman.<sup>26</sup>

The speech of Apollodoros against Nikostratos ([D.] 53) provides a literary example: much of the speech is taken up with the charting of the history of the relationship between Apollodoros and Nikostratos and his brother Arethousios, a relationship begun in boyhood amity and co-operation but which has proceeded into a series of lawsuits. Apollodoros has secured a fine of 1 talent on Arethousios for *pseudokleteia* and this speech is an attempt to prove that the slaves Apollodoros has denounced in order to secure payment of the fine do belong to Arethousios and not to Nikostratos. Apollodoros feels that he has to justify his bringing of the *apographe* himself, and this he does in terms of his being the wronged party. However, he also feels that he has to point out that it is not that he has *had* to act himself: 'I was not a man so short of resources and friends that I would not have been able to find a man to make the denunciation for me' (53.1). It was open to anyone to denounce the property of a public debtor; however, the cases reviewed here very strongly suggest that in the event it was men connected with the victim, whether by friendship or hostility, by neighbourhood or common interests, who exercised the right.

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Meixidemos' case should caution us not, or not only, against offering to be sureties for the commitments of others, but against the all too easy assumption that classical Athens was much like a small-scale version of a modern city or even of a modern state. Athens did have a developed civic centre with specialised official buildings; it did have a sort of extra-mural 'green belt' made up of cemeteries (e.g. the Kerameikos) and wooded areas (e.g. the Akademy or Kynosarges); there was an active theatre and the arts do place a high value on natural representation. Even in the field of law the Athenians of the fourth century, at least, did make a distinction between laws and decrees: the everyday decisions of the assembly

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did not have the force of law and they could not simply undo the law. It is easy to latch onto these features and to treat classical Athens as the Edinburgh of the south, even as a more or less modern state.

Meixidemos, however, will allow none of that. For us, actions for public debt come into the sphere of criminal law, of state prosecution: classical Athenians did not have our distinction between civil and criminal cases,<sup>27</sup> and they did not have any office of public prosecutor. Neither the man who denounced Meixidemos' property nor the man who, by purchasing the denounced property for the requisite amount, effectively bails the debtor out, is disinterested. That in a *graphē* such as this the plaintiff is *ho boulomenos* does not mean that the prosecutor is just *any* Athenian, let alone that he is somehow a 'representative of the Athenian state'.

Even those modern societies which might appear at first sight to be very like classical Athens prove crucially different in just this area. Thus Loizos,<sup>28</sup> whose study of a modern Cypriot village shows many areas of contact with traditional societies and thus with classical Greece, finds his villagers confronted with a concept of law whose implications they do not fully comprehend: 'The authority of the state, which seeks to monopolise the use of force, is an intrusive factor which has become more prominent in recent times and is directly related to modern efficient government. Yet as with other aspects of central government, villagers do not regard state intervention or the process of law as certain' (p. 118). Athens, the polis, was not simply a village, like Loizos' Kalo, and it did have some sort of central government, but there was no equivalent to the authority of the state, no attempt to monopolise the use of force. Such a monopoly of legitimate use of force has been seen as one defining feature of the state,<sup>29</sup> but the Athenians did not single out violence as creating a category of particular public concern. Harm to property or to the person was not necessarily open to prosecution by *ho boulomenos*, and in cases of homicide the rights to prosecution lay with the relatives of the deceased, who had the right to absolve.<sup>30</sup>

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While it is frequently repeated that ‘city-state’ is a misnomer,<sup>31</sup> the complaints are voiced in terms of the lack of fit between ‘city’ and polis. The dangers inherent in the use of ‘city’ in a Greek context are indeed great, greater than is generally admitted,<sup>32</sup> and perhaps greatest of all in the case of Athens, where it may be totally unclear whether ‘the city of Athens’ refers to the *astu* or to the polis as a whole.<sup>33</sup> It is part of the burden of this work that the polis is a unity, that ‘Athenians’ live all over Attika, and that talk of the loyalty of the villages to Athens radically misconceives the nature of the polis.

It is, however, a further burden of this work that potentially the ‘state’ element of ‘city-state’ is no less misleading. Although much importance is often attached to the identification of ‘states’ the term is not one that has any single widely recognised significance. ‘State’ may be used to refer to no more than the political aspects of a developed society. Without specification, however, such an ‘innocent’ use of the term is unlikely to be clear: other elements from the field of meaning of the word contaminate its significance. ‘Polis’ is, of course, itself another term with a whole field of meanings, but this similarity, far from warranting the interchangeable use of the two terms, only promotes misconnections.<sup>34</sup>

One indication of the degree of difference between polis and state lies in the fact that we cannot, and feel no pressure to, identify ‘state’ and citizens in the way that the polis was and was felt to be co-extensive with the citizen body. This identification is first found in the lyrics of Alkaios (fr. 112: *ἄνδρες γὰρ πόλιος πύργος ἀρέυιος*) and it became something of a *topos*,<sup>35</sup> but it was none the less an ideological commitment for all that, as is shown by its being, the basic assumption on which the Funeral Speech is built.<sup>36</sup>

Modern conceptions of the state may extend beyond the citizen body, as in those which stress the state as a hierarchical sociopolitical organisation, which will, of course, embrace disenfranchised as well as citizens;<sup>37</sup> or it may be divorced from the citizen body, as in ‘the distinctively modern idea of the State as a form of public power separate from both the



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ruler and the ruled'.<sup>38</sup> By contrast the polis not only is the citizen body, but it embraces all the interests of citizens. Aristotle's opening suggestion in book 1 of the *Politics* stresses the polis as a natural social unit existing for social functions: ἡ δ' ἐκ πλειόνων κωμῶν κοινωνία τέλειος πόλις, ἤδη πάσης ἔχουσα πέρας τῆς αὐταρκειᾶς ὡς ἔπος εἰπεῖν, γυνομένη μὲν τοῦ ἔνεκεν, οὔσα δὲ τοῦ εὖ ζῆν. διὸ πᾶσα πόλις φύσει ἔστω, εἴπερ καὶ αἱ πρῶται κοινωνίαι (1252a27ff.). When he later (book 3, 1276a22ff.) turns to the slightly different question of the conditions for identity of polis, he considers whether identity of *politai* is a sufficient condition for identity of polis, and stresses the importance of the way in which the citizen body is organised, of the *politeia*. *Politeia* is not simply a matter of the precise nature of the organs of government, it affects the whole question of the interrelation of members of the polis to each other, as Aristotle's analogy with different kinds of dramatic chorus makes clear. It is the impossibility of divorcing the *politeia* from the society that makes it evident to Aristotle that to change the *politeia* changes the polis; to his modern critics, however, who have no difficulty driving a wedge between state and society, Aristotle's remarks become opaque:<sup>39</sup> there is little attraction in claiming that the change from Fourth to Fifth Republic in France caused a new state to be created.

Athenian democracy represents the problem of the nature of the Greek polis in an extreme form. Extreme democracy, in its theory even if not in its practice,<sup>40</sup> does not tolerate inequality even to the extent of accepting that efficient government demands delegation of responsibility to offices and officials. Athens did have executive officials who were held responsible for their actions,<sup>41</sup> but these men were little more than the ciphers of a civil service. This leads to the elision of anything that could properly be termed an executive *power*, and reduces officers to individuals not distinct from the *demos*. Aiskhylos, in exploring the heightened moral difficulties produced by this reduction, in the *Suppliant Women*, expresses the nature of democratic rule clearly in the words both of king and of chorus. Thus the king, at 398–401:

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εἶπον δὲ καὶ πρὶν, οὐκ ἄνευ δήμου τάδε  
 πράξαιμι' ἄν, οὐδέ περ κρατῶν, μὴ καὶ ποτε  
 εἶπη λεώς, εἴ ποῦ τι μὴ τοῖον τύχοι,  
 'ἐπήλυδας τιμῶν ἀπώλεσας πόλιν.'

and the chorus, at 698–700:

φυλάσσοι τ' ἀτρεμαῖα τιμὰς  
 τὸ δήμιον, τὸ πτόλῳ κρατύνει,  
 προμαθίς εὐκωρόμητις ἀρχά.<sup>42</sup>

At Athens popular sovereignty is more than just a constitutional dogma: Solon's law of stasis – the tone, at least, of which runs through fifth-century Athenian thought – obliged all citizens to take part in politics.<sup>43</sup>

In refusing to countenance intermediary distinctions between individual citizens and the citizen body the Athenians effectively refused to separate politics from other aspects of the life of the individual and of the community. The *politai* – all *politai* – are the locus of power, but they are also the locus of all other forms of independent social organisation and behaviour: although the *politai* constitute 'political society' there is no question of their existing solely for political purposes.<sup>44</sup> The polis embraces the *politai* in all their various manifestations and activities – τὸ ζῆν, whether εὔ or not!

Just as there is an inclination to use Meixidemos' case simply to determine the nature of the Athenian law on sureties or *apographe*, neglecting the extra-legal play of social and personal factors, so there has been a tendency to study the political, social, and religious aspects of Athenian life in isolation.<sup>45</sup> But as the concentration on the letter of the law has endangered our grasp of the crucially informal nature of legal action, so the myopic compartmentalising has seriously hampered understanding of Athenian religion (see below, chapter 8) and indeed of Athenian politics (chapter 4). Athenian actions can only be understood if they are seen in the context of the body of *politai*, the way they organised themselves, and the forces affecting their decisions.