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By the Late James Wycliffe Headlam

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ELECTION BY LOT AT ATHENS

BY THE LATE
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(J. W. HEADLAM-MORLEY)
FELLOW OF KING'S COLLEGE, CAMBRIDGE

Second edition revised by
D. C. MACGREGOR
FELLOW OF BALLIOL COLLEGE, OXFORD

PRINCE CONSORT DISSERTATION, 1890

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**EXTRACT FROM THE REGULATIONS FOR
THE PRINCE CONSORT PRIZE.**

“There shall be established in the University a prize, called the ‘Prince Consort Prize,’ to be awarded for dissertations involving original historical research.”

“The prize shall be open to members of the University who, at the time when their dissertations are sent in, have been admitted to a degree, and are of not more than four years’ standing from admission to their first degree.”

“Those dissertations which the adjudicators declare to be deserving of publication shall be published by the University, singly or in combination, in an uniform series, at the expense of the fund, under such conditions as the Syndics of the University Press shall from time to time determine.”

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PREFACE.

THE subject treated of in this Essay cannot be entirely passed over in any book dealing with Greek Political Antiquities or History. Whether it be owing to the obscurity of the matter, or to some other cause, the explanations given in the standard works are neither sufficient nor convincing. I have therefore attempted by devoting a more special study to the subject than can be done in larger books, to see how far the information we have is sufficient to enable us to understand exactly what election by lot was, how it was used, and what were its political effects.

I am not aware of the existence of any article specially devoted to the subject. So far as attention has been paid to it, it has been confined to one, and, as it seems to me, the least important part of the matter. The date and occasion of the introduction of the lot for elections to the archonship is one of those questions which is at least referred to in all books dealing with Athenian history. It appears as though the exaggerated importance attached to what is to a great extent an antiquarian point, has distracted the attention of most writers from what is at least of equal interest, the political

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effects of the very much extended use of the lot in later times.

This is the more to be regretted because it seems as though the discussion of the first point could not lead to any satisfactory conclusion. Our knowledge of the end of the 6th and the beginning of the 5th century is so fragmentary, that, unless some new source of information is discovered, we can do nothing but make clever guesses. On the other hand, an understanding of the use of the lot from the middle of the 5th century onwards is essential, if we are to form any true conception of the nature of the Athenian Democracy; and the great amount of contemporary material which we possess, both in books and inscriptions, ought to enable us at least to get somewhere near the truth.

This limitation of view is found where we should least expect it,—even in Grote, Curtius, and Busolt. These and other historians almost completely neglect to explain the application of the lot to the council and other offices; and yet some explanation is surely wanted. The few monographs which touch the matter at all are almost exclusively occupied with the antiquarian question. The longest of these is an article by *Lugebil*, who was formerly professor at Petersburg University. The article was originally written in Russian, but has since appeared in German¹. The author has lately died, and so without entering on any detailed criticism it will be sufficient to say that little is to be gained by reading it. The learning and research which it

¹ In the *Jahrbuch f. kl. Philologie*, Suppl. Band, v. 1871.

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contains are deprived of nearly all their value by the disproportionate length given to inconclusive discussions of unimportant points.

*Fustel de Coulanges*¹ is another writer who has paid special attention to one part of the subject. As is so often the case he has with admirable clearness put forward an explanation which if it does not contain, as he seems to think, the whole truth, is certainly an important part of the truth.

To *Müller-Strübing*² belongs the merit of attempting a thorough discussion of the political question. It is unfortunate that his merit does not go farther. As I shall attempt to show later, both his method and conclusions are radically wrong. His cleverness and ability belong rather to a political pamphleteer than to a scholar. His work is seriously marred by a deplorable absence of sound judgment or power of self-criticism. This is made more conspicuous by the very low estimate he makes of the work of men in every way his superior.

In attempting to find a satisfactory explanation of the lot, I have necessarily been compelled to form and state an opinion not only on various minor points connected with it, but also on the political working of the constitution as a whole. In doing so I have constantly referred to the books of *Gilbert*³

¹ In *La Cité antique*, and an article in the *Nouvelle Revue Historique de la Droit* 1882. The article does not add much of importance to the short statement made in the first-named work.

² In *Aristophanes und die historische Kritik*.

³ *Beiträge zur inneren Geschichte Athens*, and *Griechische Staatsalterthümer*

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and *Beloch*¹. The first volume of Gilbert's "Staatsalterthümer" I have found especially valuable. They have both been extremely useful to me in the discussion of many details; even when I have differed from them I have still learned from them what is often of most importance, a clear perception of the existence of a difficulty. It is the more necessary for me to say this because I seldom refer to them except when I differ from them: and in fact the greater part of this essay would not have been written, had I not found in their books theories on the Athenian constitution maintained, which appeared very misleading.

It is scarcely necessary to acknowledge the debt which in common with all classical students I owe to Boeckh, Hermann, and Schömann. The more one studies them the more apparent are not only the accuracy and learning, but also the wisdom and insight of these great scholars. They have that large grasp and clear perception of the mode of Greek life which gives to their work a permanent value, even if their conclusions on numerous minor points have been superseded, or corrected. Hence they are (as it seems to me) even when they have to be corrected, far safer guides than more modern authors, who often make the mistake of exaggerating the importance of some new discovery or hypothesis, and in

¹ Die Attische Politik seit Perikles.

I ought to add Mr Whibley's book on "Political Parties at Athens" published in this series, which drew my attention to many interesting points. To it too I owe my first acquaintance with much of the modern literature on the subject.

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doing so have missed or ignored some simple and natural explanation which is to be found in Hermann or Schömann. This characteristic of the modern writers has at times obliged me to prove at some length points which to those unacquainted with their works would appear self-evident. The cause of this decline (for this it must be called) appears to be that while the older authors were willing to learn from the Greeks, and were content to follow Thucydides, Plato, and Aristotle, repeating and explaining their judgments, the modern writers aim at criticising and correcting them. And yet, without maintaining that those writers were infallible, it is still true that the more we study Greek life the more evident it is that not only in personal knowledge of the society in which they lived, but also in the power of analysing its constitution and characteristics, they are unsurpassed. Only those who have had to read the modern literature on the subject know how wearisome is the attempt of each new writer to display his own acumen by finding fault with them. One of the most common causes of much of their criticism is a mistaken ingenuity in the application of modern political experience to the explanation of Greek politics. This method, which was used with such admirable results by Grote, has been a false guide to many who having neither his practical experience, nor his quick intuition in dealing with political matters, write as though the phenomena of the Athenian ecclesia can at once be explained by a second-hand acquaintance with the proceedings of some German representative assembly.

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As books of reference, besides Gilbert's *Staatsalterthümer* I have made special use of the article by *Busolt* on *Griechische Alterthümer* in Vol. iv. of *Iwan Müller's Handbuch der Klassischen Alterthumswissenschaft*, and the volumes of his history. Both are especially useful for their full bibliography. My chief authorities are of course the ordinary classical texts, especially the contemporary writers, such as *Aristophanes* and the *Orators*. Important as is the information preserved by second-hand authorities such as *Plutarch* and the *Lexicographers*, these later writers had only a very limited knowledge of the Athenian constitution, and they had few opportunities for becoming acquainted with the working of free institutions.

The information gained from inscriptions on the other hand is most valuable. They supplement the literary tradition by exposing to us aspects of political life which are not treated of in the books at all. It is to be hoped that, using them, someone will complete the work begun by *Boeckh*, and rewrite the account of the Athenian constitution and administration, thus doing for it what *Mommsen* has done for Rome. In dealing with them, besides the *Corpus* I have constantly used *Boeckh's Staatshaushaltung*¹, *Hicks' Manual of Greek Historical Inscriptions*, and *Dittenberger's Sylloge*. The delay in the appearance of the index to the second volume of the *Corpus* has caused much inconvenience.

Other books and articles which I have used

¹ I have used the new edition admirably edited by *Fränkel*. I may also mention *Pape's Lexicon der Griechischen Eigennamen*.

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occasionally will be found referred to in the foot-notes.

So far I had written before it became known that the *πολιτεία τῶν Ἀθηναίων* of Aristotle had been discovered. As however the whole of the essay and introduction had been in type for some weeks, and much of it was nearly ready for the press before the new work was published, I have been obliged to leave both unchanged. They appear therefore exactly as they were written, and I have since then made no alterations of any kind in the text or notes, except linguistic corrections. I have added in an appendix a few notes in which I have pointed out the places in which the statement of the text will require alteration, and also those in which the view I have taken of doubtful matters is corroborated. In most cases references to the appendix will be found inserted in square brackets: as I had to insert many of them before the appendix was written they must not be taken as in any way a complete guide to it. I have attempted in this way so far as possible to incorporate the new information in this work: and the task has been less difficult than I had anticipated, because the *πολιτεία*, so far as it touches on the matters with which I am dealing, seems to confirm the view I have taken of the working of the Athenian constitution. The argument of the main body of the essay remains therefore valid. Had the *πολιτεία* appeared a year earlier, I should hardly have felt it necessary to give such a lengthy discussion on a point which is now I hope conclusively established by it. I should es-

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pecially like to call attention to the passage quoted in the appendix, in which for the first time we get a definite statement of the principle for which I have argued, that the lot was used to secure rotation in office.

The *πολιτεία* consists of two portions; one a history of the constitution of Athens down to the year 403, the other an account of the constitution in the form known personally to the writer, written between the years 327 and 322¹.

The first of these two divisions is of particular interest because it supplies just the information which was wanting as to the early history of the lot. This subject I have discussed in the appendix to Ch. II.; the new information will be found in the notes at the end; it will be seen that we now have an authoritative statement on a matter with regard to which (as I said above, p. x) the absence of evidence seemed to have brought all further discussion to a stand-still. It is of course some satisfaction to me that on the main point the view I had supported is confirmed.

Next to this the most important part in the first section is the full account given of the constitutional policy of the party of Theramenes. This only indirectly bears on my subject.

It is difficult at once to decide exactly how much

¹ The latter date is fixed because the book must have been written before the change in the constitution made after the Lamian war.

Mr Cecil Torr in the *Athenæum* for Feb. 7, attempts to fix the latest date still more closely, because in ch. 46 there is no mention of *πεντηρεῖς*, which were first used in 325.

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that is new we learn from the second statistical section. The value of it is to some extent diminished because we have to be very careful not to argue directly from the statements contained in it, to the state of things which prevailed in the earlier period of the democracy. It is indeed a serious defect of the book that it gives no account of the administration, and little of the constitution, during the times of Pericles and the Peloponnesian war. This is the more serious for my purpose because I have attributed great importance to the changes supposed to have been made about the year 350, by the introduction of new elective finance offices. Much that is contained in this section was familiar to us before, because it is from it that the Lexicographers have borrowed—as appears often inaccurately. The defect in the work to which I have already referred, explains also how it is that these later writers tell so little of the constitution of the 5th century. They depended on Aristotle and the orators: and we learn little more about the 5th century from the former than we do from the latter.

One result of the discovery of this work will be, I imagine, to add considerably to Plutarch's reputation. Where they go over the same ground, it will I think be found that Plutarch has used his Aristotle very intelligently, so much so that his life of Solon may be used for determining the text; and has also at times used the same authorities as Aristotle in such a way that he supplements and perhaps even corrects him—but on this it is impossible yet to give a decided opinion.

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In conclusion I must express my thanks to Mr A. A. Tilley, Fellow of King's College and University Lecturer in Roman History, who has kindly read the proofs of a considerable portion of the Essay; to Professor Pelham, one of the adjudicators for the Prince Consort Prize, for some useful criticisms on the earlier portions; and especially to my cousin Mr C. E. S. Headlam, Fellow of Trinity Hall, who has given me the most generous help in passing the essay through the Press. But for his constant advice and assistance it would be disfigured by defects even more serious than those which remain.

KING'S COLLEGE, CAMBRIDGE,
February 26, 1891.

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PREFACE TO THE SECOND EDITION.

Election by Lot at Athens was awarded the Prince Consort Prize in 1890, and very quickly won for itself an international reputation such as seldom waits upon Prize Essays. Abroad, Thumser¹—who gave a long and masterly summary of its contents—reviewed it in terms of the very liveliest admiration and respect, and professed himself in entire agreement with the essentials of its teaching. In England, Dr Macan² wrote of it: “No writer has better understood and expressed the spirit (ἡθος) of the Athenian democracy and its constitution.” It need hardly be said that these are

¹ *Berl. Phil. Wochenschr.* 1891, 1490 ff. Thumser frequently cites it in his edition of Hermann (1892). P. Meyer (*Neue Phil. Rundschau*, 1892, p. 370 ff.) writes in the same sense. (His remarks on the literary presentation of the book are perhaps worth quoting: “Das Ganze ist mit sehr grosser Klarheit und Folgerichtigkeit recht anschaulich durchgeführt nicht im Geschmack der deutschen Systematiker, sondern mehr von dem Streben beherrscht, ein einigermaßen abgerundetes Kunstwerk zu liefern. Das einzige, was zu erinnern wäre, ist einer nach deutschen Begriffe etwas zu grosse Breite.” [One is reminded of Boeckh’s outburst: Ich hasse die Breite womit besonders die ausländischen Gelehrten sich über die Inschriften ergiessen.] “Man muss diese indes dem Streben seinen Hauptgedanken zu möglichst klarer Anschauung zu bringen einigermaßen zu gut halten.”) The other reviews recorded in *Bursian* for 1892 and 1893 are equally laudatory. In 1894 Hans Keller published his careful and sincere *Studien zum Attischen Staatsrecht*, in which he acknowledges his debt to Headlam in terms of the utmost deference.

² *Classical Review*, 1892.

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not ignorant or capricious criticisms, but deliberate judgements of men who knew what they were speaking of. In fact Headlam-Morley—Headlam, as he then was—seemed to have taken his place at once in the small and good company of notable Hellenists. But he did not keep it long. His own defection to other fields of study no doubt had something to do with it; but in fact the time was inopportune. The attention of scholars was excited and absorbed by the manifold problems created or revived by the publication in 1891 of the *Ἀθηναίων Πολιτεία*. It was a decade of many large and important books—and one great book—concerned for the most part with the new discovery; and an essay which dealt with it only in a short and hurried appendix, and which in any case was more concerned with the understanding of the general principles of government in Athens than with the solution of new problems of detail, was only too easily set aside as an irrelevance. Moreover, there were then too many scholars—there are happily fewer now—whose attitude to the study of political institutions was wholly irreconcilable with Headlam's. This may be conveniently illustrated by comparing his remark on pp. 80–81, "It is absurd to discuss a political institution apart from its surroundings as if it were an abstract expression," with Heisterbergk's retort¹ (p. viii), "dass es ebensowenig zulässig sei, in einer Institution, welche sich unter verschiedenen Verfassungsformen dauernd erhalten hat, nur den

¹ *Die Bestellung der Beamten durch das Los* (1896). This ingenious and obtuse book is not a heartening advertisement of the method which it advocates.

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Spiegel ihrer jeweiligen Umgebung sehen zu wollen, als ob sie eines eigenen Inhalts ermangelt hätte." To those who have an appetite for this kind of political study there was little nourishment in Headlam. And finally, although no book is more accurately adjusted to the real needs of Greek history teaching in schools and universities, *Election by Lot at Athens* was not of the kind which is believed to be educational.

Whether these considerations explain it or not, the second edition to which Dr Macan looked forward was never called for; the book was allowed to slip away from the good company which had welcomed it, and to drop into the underworld of footnotes and bibliographies. Even from that world it has almost entirely disappeared¹; and Professor Zimmern had sufficiently forgotten it to write that it was "still worth consulting for its practical insight into the detailed working of the Athenian government²." Now a book may drop out of memory and no one be seriously the worse, provided that its wisdom does not die with it. But that has happened here. However much he may disagree with him, any careful and

¹ It is mentioned—and neglected—in Greenidge's *Handbook of Greek Constitutional History*; in Glotz's *Sortitio* (*Dict. des Antiquités*) it is not even mentioned. It has recently been rescued by Ehrenberg, who made good use of it in his most excellent and judicious article *Losung* (*R.E.* vol. xiii).

² *The Greek Commonwealth*, p. 164 note. (The italics are not his.) It would be difficult to misrepresent the book with more deadly precision. It is a book without which no historian's library is complete; but it must not be placed among the works of reference. "Practical insight," however, is sound enough.

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candid reader must admit that Headlam has been able to give an account of the lot and an interpretation of Athenian government which are self-consistent and consonant both with the known antiquarian facts and with human nature in politics; and that he thereby created a new obligation upon historians to treat the lot not as an insignificant oddity, but as an institution which, with its modifications and rare exceptions, must—however interpreted—be kept in the forefront of attention in any study of Athenian democracy; as something which was in actual fact so natural and necessary to the Athenians that over a period of many generations it survived success and catastrophe and revolution, and even survived the active criticism of the influential thinkers and statesmen who disapproved it. To this extent at least *Election by Lot at Athens* should have been a *prolegomenon* to every future political or social history of Athens. Nevertheless, the books in common use to-day¹ are still content to say that the lot was used; but that sensible men like Socrates saw it to be an absurdity, and that even the Athenian people safeguarded itself in practice against its caprices; and that, not to put too fine a point upon it, it was not quite as bad as it sounds—and having said so much or so little, they proceed to study the course of Athenian history as though the lot had never existed. The

¹ The chapter on Athens in Bryce's *Modern Democracies* is a welcome exception in this regard, and—short as it is—gives a much less misleading picture of Athenian government than the professional histories. But even it scarcely comes to grips with the question.

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decision of the Syndics of the Press to put *Election by Lot at Athens* again into circulation may do a service to learning far greater than the mere resuscitation of a forgotten book.

The present edition is a photolithographic reproduction of the original with only such corrections of misprints, false references and the like, as the nature of the process allowed. All the references to the ancient authorities have been checked, and nearly all those to modern works—though of these a few *loca senta situ* have been left undisturbed. Although some of the editions to which Headlam referred are no longer in use, it has not always seemed necessary to substitute references to later editions; but the passage from the *Corpus Inscriptionum Atticarum* to more accessible collections is so dismally wasteful of time that a *comparatio numerorum* has been drawn up for the reader's comfort¹. A few short notes have been added (Appendix II); but narrowness of space made it impossible to attempt to do more: indeed, it was neither necessary nor desirable. Headlam's insight and grasp of principle were such that his theory has for the most part been confirmed when confronted with new evidence of detail; and his book is in no sense that matters out of date²—

¹ Mr M. N. Tod, *pro sua comitate*, allowed me access before publication to his *Greek Historical Inscriptions*. For this and for other kindness I am deeply grateful to him.

² One might fairly say that Headlam's was an ideal construction to which the Athens of fact approximated *as nearly as it could*. He knew this himself, and allowed for it throughout. Later work, of which much the most important is that of Sundwall (*Epigraphische Beiträge*), has shown that in certain respects the approximation

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with the one exception of the note to Chapter II. This has been antiquated by the 'Αθηναίων Πολιτεία, and by the subsequent analysis of many scholars. But Headlam himself regarded these problems of the earlier history as of subordinate interest (p. ix); and anyone who has no new thesis to defend, and so can contemplate, *sine ira et studio*, the rival theories of others, will agree that nothing was to be gained by burdening this book with excrescent accounts of them¹. These problems in fact involve too many unknowns; and in spite of the more than Diophantine ingenuity expended on them they remain insoluble².

D. C. M.

BALLIOL COLLEGE.

January 9, 1933.

was not so close as Headlam had supposed; and doubtless in course of time other discoveries will be made which will reveal other small discrepancies in detail between theory and observational fact. But hitherto, at least, nothing has come to light which invalidates or antiquates the general theory.

¹ For sustained ingenuity Ledl's analysis in *Studien zur älteren athenischen Verfassungsgeschichte*, p. 339 ff., stands perhaps highest of all; but it cannot be said to settle the matter. Ehrenberg's *Losung* (*op. cit.*) gives an admirable summary of recent attempts, and suggests tentatively what seems to him the most probable solution.

² A dagger † indicates those passages to which I have added a note.

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