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The Public Payment of Magistrates in Fourth-Century Athens

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1. The Debate

M. H. Hansen has long argued that the Athenian democracy did not give magistrates *misthos* ('pay') in the fourth century BC.¹ This article questions his argument and makes the opposite case that fourth-century Athenians paid their officials with public funds as their forebears had certainly done from the late 430s.² Hansen bases his argument on the silence of our ancient sources.³ In 411/10 the oligarchic regime of the Four Hundred made Athenian magistrates, excepting the 9 archons, *amisthoi* or unsalaried ([Arist.] *Ath. Pol.* 29.5; cf. Thuc. 8.65.3, 67.3). If, after they were ousted, this form of remuneration was restored, it was once more taken away by the oligarchic regime of 405/4.⁴ For Hansen there is simply no evidence that the democracy in the following year, that is, immediately after its second restoration, or at any point in the fourth century started to pay all of its magistrates again. In his account of the Athenian constitution of the 320s Aristotle's pupil noted the remuneration of only a fraction of the 329 *arkhontes* ('magistrates') which he got around to describing.⁵ They were the 9 archons, 5 overseas magistrates

¹ In 2013 this article was presented as the keynote address at Great Britain's Annual Meeting of Ancient Historians ('the Norman Baynes Meeting'). I thank R. Osborne for this speaking invitation. The article draws on my forthcoming book, *Public Spending and Democracy in Classical Athens*, which is under contract with the University of Texas Press. It does so courtesy of this press. For their helpful comments I thank this journal's anonymous referee and its senior editor, K. J. Rigsby. I am most grateful to V. Gabrielsen, M. H. Hansen, E. M. Harris, R. Osborne, S. C. Todd and especially P. J. Rhodes for discussing with me the question of pay for Athenian magistrates. All translations of the Greek are my own unless it is indicated otherwise.

² The earliest evidence of *misthos* for Athenian magistrates is *IG* i³ 32.8-9.

³ M. H. Hansen, "Misthos for Magistrates in Classical Athens," *SO* 44 (1979) 5-22, 14-19; "Perquisites for Magistrates in Fourth-Century Athens," *C&M* 32 (1980) 105-25; "Seven Hundred Archai in Classical Athens," *GRBS* 21 (1980) 151-73, 167; *The Athenian Democracy in the Age of Demosthenes: Structure, Principles and Ideology*, translated by J. A. Crook (Cambridge, MA, and Oxford) 240-2.

⁴ Hansen, *SO* 44 (1979) 13; *Athenian Democracy* 240-1.

⁵ I follow P. J. Rhodes in seeing the author of the *Ath. Pol.* of the 320s as a pupil of Aristotle (*A Commentary on the Aristotelian Athenaion Politeia* [Oxford 1981] 59-63).

and 10 others who managed the new training program for ephebes (42.3; 62.2).⁶ On *misthos*, at least, Hansen thinks that this *Constitution of the Athenians* is not ‘ridiculously incomplete’ and is corroborated by the silence of the century’s inscriptions on *misthophoria* (‘receipt of pay’) for magistrates.⁷ Thus this treatise’s short list of salaried officials suggests that the Athenians never reversed what the oligarchs had done. For Hansen the democracy which they restored was more conservative than the fifth-century one.⁸ He concludes: ‘Considerable concessions were made to the oligarchic criticism of radical democracy and the principle ‘no *misthos* for *archai*’ may well have been one of those concessions.’⁹

In almost all cases fourth-century magistrates may have no longer received *misthos* but Hansen argues that many of them still found other forms of compensation.¹⁰ Certainly the state gave some of its religious officials a share of sacrificed animals, produce from a sanctuary’s lands or free meals in the lead up to a festival.¹¹ Hansen argues that magistrates also relied on their own initiative to get compensation: some demanded cash-gifts from those requiring their help, while others held onto public funds and used them privately for years.¹² Generals too, he argues, pocketed large gifts from foreigners and most of the booty which they captured.¹³ Hansen holds that a magistrate’s taking of such benefits was common and was generally accepted by the *dēmos* (‘people’).¹⁴ But if his requests or acts went beyond ‘the accepted limits’, he could be prosecuted for taking bribes or misappropriating funds. In three of his treatises Isocrates discussed the money which Athenians apparently earned as magistrates (7.24-7; 12.145; 15.145-52). Hansen

⁶ Aristotle’s pupil uses *trophē*, *eis sitēsis* and cognate words as synonyms for *misthos* (V. Gabrielsen, *Remuneration of State Officials in Fourth Century BC Athens* (Odense 1981) 67-81, 151-5; cf. W. T. Loomis, *Wages, Welfare Costs and Inflation in Classical Athens* [Ann Arbor 1998] 26 n. 60).

⁷ Hansen, *SO* 44 (1979) 14, from where the quotation comes from, 15; cf. D. M. MacDowell, Review of Gabrielsen, *Remuneration*, *CR* 33 (1983) 75-6, 76.

⁸ Hansen, *Athenian Democracy* 241, 300-4; cf. D. J. Phillips, “Athens,” in S. Stockwell and B. Isakhan (eds.), *The Edinburgh Companion to the History of Democracy* (Edinburgh 2012) 97-108, 101-2.

⁹ Hansen, *SO* 44 (1979) 18.

¹⁰ Hansen, *C&M* 32 (1980) 124.

¹¹ See, respectively, *RO* 81.12-13, *IG* ii² 1672.255-8 and [Arist.] *Ath. Pol.* 62.2.

¹² Hansen, *C&M* 32 (1980) 111-19; *Athenian Democracy* 241-2.

¹³ Hansen, *C&M* 32 (1980) 124; *Athenian Democracy* 241.

¹⁴ Hansen, *C&M* 32 (1980) 125.

asserts that in two of these treatises Isocrates only had in mind these benefits which *arkhontes* secured independently, while in the third the reference is instead to pay for another form of political participation.¹⁵

The initial reception of Hansen's argument about the lack of pay for postwar magistrates was actually mixed. P. J. Rhodes rejected it immediately.¹⁶ V. Gabrielsen published a critique of it as a book.¹⁷ Admittedly some did quickly back up Hansen but just as many did not.¹⁸ To this day ancient historians take different sides in this debate.¹⁹ Settling it one way or another is important for our understanding of the development of Athenian democracy. Hansen and others argue that the democracy which was restored for a second time in 404/3 curtailed the power of the *dēmos*.²⁰ But E. M. Harris and J. Ober make the opposite case: the fourth-century democracy increased their power to change *nomoi* ('laws') and the jurisdiction of their law-courts.²¹ Certainly fifth-century Athenians were seriously committed to the poor's participation in the law-courts and in politics.²² From the 450s they introduced different forms of public remuneration to make it easier for non-elite citizens to do

¹⁵ Hansen, *C&M* 32 (1980) 106-13.

¹⁶ Hansen *SO* 44 (1979) 22 n. 46; Rhodes, *Commentary* 695.

¹⁷ He published Gabrielsen, *Remuneration* when he was an undergraduate student. Hansen managed to publish his response (*C&M* 32 [1980]) before this book's appearance.

¹⁸ D. M. Lewis (*JHS* 102 [1982] 269) and MacDowell (*CR* 33 [1983] 76) backed Hansen in reviews of Gabrielsen, *Remuneration*. In their reviews of the same book G. L. Cawkwell (*English Historical Review* 97 [1983] 839) and R. S. Stroud (*American Historical Review* 78 [1982] 158-9) sided with Gabrielsen.

¹⁹ For example, E. M. Burke ("The Habit of Subsidization in Classical Athens: Toward a Thetic Ideology," *C&M* 56 [2005] 5-47, 34) and Loomis (*Wages*, 182 n. 34) back Gabrielsen, while V. Rosivach ("State Pay as War Relief in Peloponnesian-War Athens," *G&R* 58 [2011] 176-83, 182 n. 34) and C. Taylor ("Bribery in Athenian Politics Part I: Accusations, Allegations and Slander," *G&R* 48 [2001] 53-66, 57) support Hansen. Rhodes ("The Organisation of Athenian Public Finance," *G&R* 40 [2013] 203-31, 206) and Gabrielsen ("Finance and Taxes," in H. Beck (ed.), *A Companion to Ancient Greek Government* [Chichester 2013] 332-48, 333) have remained steadfast in their rejection of Hansen's position.

²⁰ E.g. Hansen *Athenian Democracy* 150-5; M. Ostwald, *From Popular Sovereignty to the Sovereignty of the Law: Law, Society and Politics in Fifth-Century Athens* (Berkeley, 1986) 509-24; S. C. Todd, "Lady Chatterley's Lover and the Attic Orators: The Social Composition of the Athenian Jury," *JHS* 110 (1990) 147-73, 170.

²¹ E.g. E. M. Harris' 'From Democracy to the Rule of Law? Constitutional Change in Athens during the Fifth and Fourth Centuries BCE,' in C. Tiersche (ed.), *Die athenische Demokratie des 4. Jh. v. Chr. zwischen Tradition und Modernisierung* (Berlin 2014); J. Ober, *The Athenian Revolution: Essays on Ancient Greek Democracy and Political Theory* (Princeton 1996) 29; cf. Gabrielsen, *Remuneration* 54-6.

²² Rhodes, *Commentary* 338.

so.²³ In view of them the claim of Pericles that poverty was no barrier to political participation appears to be fully justified (Thuc. 2.37.1). Therefore the failure of fourth-century Athenians to restore *misthos* for magistrates would be a lessening of this commitment. It would indeed support the argument that the restored democracy was more conservative than its fifth-century predecessor.

I believe there to be three reasons why Hansen's argument must be called into question.²⁴ The first reason is that the *dēmos* simply did not tolerate the misuse of an archonship for personal gain. This makes unlikely the common accepting of bribes and stealing of funds which Hansen proposes. The second reason is that poor Athenians served as magistrates. Citizens of this social class had to earn a living. Since many of the *arkhai* ('magistracies') which they filled were full time, they could not have done so unless they received compensation for lost earnings. This could come only as *misthos* from the state. The third reason is evidence. Hansen's treatment of the treatise of Aristotle's pupil is inconsistent. On public pay for magistrates he argues that it is not seriously incomplete. But, when it comes to their number, he argues just the opposite.²⁵ Indeed Hansen himself puts beyond doubt that Athens of the 330s had twice as many magistrates than the 329 which Aristotle's pupil mentioned.²⁶ Much more serious is that we do in fact have evidence for the state's payment of fourth-century officials and lack evidence for what we should see if Hansen were right. Thus we have no reason to doubt that *misthos* for magistrates was re-introduced at the same time as it was for councillors and jurors: immediately after the democracy's second restoration in 404/3.²⁷

²³ [Arist.] *Ath. Pol.* 27.1-4; Arist. *Pol.* 1274a8-9; Pl. *Grg.* 515e; Plut. *Per.* 9.1-3.

²⁴ In their own refutations Gabrielsen and Rhodes canvassed these 3 reasons to varying extents. Gabrielsen touched on the first only in passing and did not develop fully the second. He was immensely strong on the third. Rhodes dealt briefly with the second only.

²⁵ Hansen, *GRBS* 21 (1980) 166.

²⁶ Hansen, *GRBS* 21 (1980). His documenting of this higher number has been widely accepted (e.g. P. Liddell, *Civic Obligation and Individual Liberty in Ancient Athens* [Oxford 2007] 229; D. Stockton, *The Classical Athenian Democracy* [Oxford 1990] 111-12).

²⁷ The first reference to jury pay postwar is Ar. *Eccl.* 683-8. For the quick restoration of council pay, see Hansen, *SO* 44 (1979) 15-16; Rosivach, *G&R* 58 (2011) 182.

2. The Lack of Public Tolerance of Financial Misconduct by Magistrates

Athenians of the fourth century had a dim view of magistrates who took bribes or misappropriated funds.²⁸ For them this behaviour was ‘terrible and abominable’ (Antiph. 6.49). Public speakers consistently described such acts as *adikēmata* or wrongs (e.g. Antiph. 6.35, 49; 2.1.6; Dem. 24.5, 102, 110-11; Lys. 27.4, 6). The *dēmos* believed that bribes corrupted magistrates (e.g. Lys. 28.9; 30.2, 5, 25). In no way were accepting them and stealing public money thought of as norms (e.g. Aeschin. 1.106, 110-13; Dem. 24.14, 112; Lys. 27.2-3, 6-8; 28.3-4), while ‘just’ or ‘good’ magistrates committed neither crime (Lys. 28.9, 15-16). The 9 archons vowed not ‘to take *dōra* or gifts on account of their magistracy’ ([Arist.] *Ath. Pol.* 55.5). The *dēmos* acted on this strongly held belief. They made it illegal for a magistrate to take gifts or to steal public funds (54.2; 59.3).²⁹ ‘Nor were the Athenian people loath to inflict severe penalties on magistrates who failed them.’³⁰ When it came to these *graphai* (‘public offences’), their jurors showed no leniency (e.g. Dem. 19.273; 22.39; 24.112; Lys. 28.3-4; 29.6), convicting *arkhontes* for, for example, a short delay in returning public funds or accepting small-scale bribes (Dem. 19.293). A magistrate who was convicted of either *graphē* was fined ten times what he had taken illegally (e.g. Din. 1.60; 2.17).

For the sake of catching such wrongdoers the fourth-century democracy monitored its magistrates closely.³¹ In the *kuria ekklēsia* or main assembly-meeting of each prytany a vote was taken on their performance ([Arist.] *Ath. Pol.* 43.4; 61.2).³² This was the chance for anyone to accuse a magistrate of wrongdoing (e.g. Aeschin. 1.110; [Dem.] 50.12; Dem. 58.28). Private citizens could also accuse a public official of ‘not using the *nomoi*’ before the council ([Arist.] *Ath. Pol.* 45.2).³³ A *bouleutēs* (‘councillor’) could do the same (Antiph. 6.12, 35, 45, 49). Such denunciations

²⁸ Taylor, *G&R* 48 (2001) 160.

²⁹ Gabrielsen, *Remuneration* 100; Rhodes, *Commentary* 598.

³⁰ D. Hamel, *Athenian Generals: Military Authority in the Classical Period* (Boston, Cologne and Leiden 1998) 122.

³¹ C. Taylor, “Bribery in Athenian Politics Part II: Ancient Reaction and Reception,” *G&R* 48 (2001) 154-72, 154-7.

³² Hamel, *Athenian Generals* 122-3; Hansen, *Athenian Democracy* 220-1; Rhodes, *Commentary* 540-1.

³³ Hansen, *Athenian Democracy* 221-2.

normally ended up before a law-court (e.g. ([Arist.] *Ath. Pol.* 45.2; 61.2). In addition the accounts of every magistrate were regularly checked. A committee of the *boulē* ('council') did so every prytany (45.2; 48.3; Lys. 30.5).³⁴ At the end of his term, finally, a magistrate underwent an *euthuna* or scrutiny.³⁵ The mainstay of it was the auditing of his *logos* or accounts (e.g. ([Arist.] *Ath. Pol.* 48.4-5; 54.2; Dem. 18.117; 19.273; cf. Aeschin. 3.23). He had to be present for his audit's results. They were announced before a jury of 501 so that, if evidence of malfeasance was revealed, he could be prosecuted straightaway on one or more of the *graphai* concerning magistrates (Aeschin. 3.10).

Wealthy Athenians could afford lessons in public speaking and hence found it easy to denounce a magistrate on the Pnyx or in the *bouleutērion*.³⁶ The motivation for them doing so usually was that the official whom they were denouncing was a personal enemy (e.g. Antiph. 2.1.5, 6; Aeschin. 1.100; Dem. 24.8-9).³⁷ Thus it is no surprise that many of the known *arkhontes* who were prosecuted were wealthy politicians.³⁸ It was taken for granted that poor citizens as individuals were far less capable of pursuing wrongdoers in the law-courts (e.g. Dem. 44.28; 21.123-4, 141, 219; Lys. 24.16-17).³⁹ Importantly, however, the democracy's monitoring of its officeholders relied only in part on this initiative of wealthy individuals, because the checking of accounts was in the hands of not individuals but committees. In particular it was a board of 10 *logistai* or auditors who scrutinised a magistrate's *logos* at the end of his term (Aeschin. 1.107; [Arist.] *Ath. Pol.* 54.2). If they suspected him of committing a *graphē*, his prosecution did not depend on their ability as public speakers, as they had the use of 10 *sunēgoroi* or public prosecutors for this purpose.⁴⁰ The result was that poor Athenians too were regularly convicted for financial crimes which they had committed as magistrates (e.g. Lys. 27.4-6; Dem. 24.112).

³⁴ Hansen, *Athenian Democracy* 221; Rhodes, *Commentary* 540-1.

³⁵ Hamel, *Athenian Generals* 126-30; Hansen, *Athenian Democracy* 222-4.

³⁶ For the elite's purchasing of such lessons, see D. M. Pritchard, *Sport, Democracy and War in Classical Athens* (Cambridge 2013) 5, 46, 107.

³⁷ Taylor, *G&R* 48 [2001]: 61-4.

³⁸ M. H. Hansen, "Rhetores and Strategoi in Fourth-Century Athens," *C&M* 24 (1983) 151-80, 42, 42 n. 32.

³⁹ Pritchard, *Sport, Democracy and War* 8.

⁴⁰ Hansen, *Athenian Democracy* 222-3.

This lack of public tolerance of bribe taking and stealing public funds makes it very unlikely that they were common practices among its 700-odd magistrates. The *dēmos* strongly believed that good officeholders did not commit such acts. Thus *aiskhunē* or a sense of shame would have dissuaded the vast majority from engaging in such *adikēmata*.⁴¹ Magistrates feared too the *nomoi* regulating their service. They did not need to be reminded of the constant monitoring under which they carried out their duties and the penchant of their fellow citizens for punishing harshly *arkhontes* who erred. Poor magistrates especially would have struggled to pay the fine of ten times which a conviction brought. The fact that public debtors suffered *atimia* (‘loss of citizenship-rights’) made this penalty in itself a strong deterrent.⁴²

The prosecution of *stratēgoi* (‘generals’) by fourth-century Athens shows how there was little acceptance of financial wrongdoing by magistrates. With the collapse of the Athenian *arkhē* (‘empire’) generals regularly were required to raise funds in the field.⁴³ But they could not treat them as their own as the *imperatores* of the Roman Republic would come to do.⁴⁴ Money so raised was judged to be public property.⁴⁵ The *dēmos* authorised its collection and usage either before a *stratēgos* departed or during a campaign (Dem. 8.9; 21.3; Diod. Sic. 16.57.2-3; Lys. 28.5-6).⁴⁶ On his return he submitted a *logos* of what he had raised in the field and handed over any surplus to the city (Dem. 20.17-80; Lys. 28.6).⁴⁷ In the fourth century 2 out of each year’s 10 generals were on average the targets of an *eisangelia eis ton dēmon* or

⁴¹ For this role of *aiskhunē* in regulating Athenian behaviour, see R. K. Balot, “Democratizing Courage in Classical Athens,” in D. M. Pritchard (ed.), *War, Democracy and Culture in Classical Athens* (Cambridge 2010) 88-108, 101-3.

⁴² For the *atimia* of public debtors, see Dem. 59.6.

⁴³ D. M. Pritchard, “Costing Festivals and War: Spending Priorities of the Athenian Democracy,” *Historia* 61 (2012) 18-65, 48-9.

⁴⁴ Hamel, *Athenian Generals* 158 *pace* Taylor, *G&R* 48 (2001) 61.

⁴⁵ E.g. Dem. 24.11-14; Lys. 28.1-4, 6, 10; 29.2, 5, 8-11, 14; Xen. *Hell.* 1.2.4-5.

⁴⁶ L. A. Burckhardt, “Söldner und Bürger als Soldaten für Athen,” in W. Eder (ed.), *Die athenische Demokratie im 4. Jahrhundert v. Chr.: Vollendung oder Verfall einer Verfassungsform?: Akten eines Symposiums 3.-7. August 1992, Bellagio* (Stuttgart 1995) 107-33, 115, 130; Burke, *C&M* 56 (2005) 35; Hamel, *Athenian Generals* 44-6; P. Millett, “War, Economy, and Democracy in Classical Athens,” in J. Rich and G. Shipley (eds), *War and Society in the Greek World* (London and New York 1993) 177-96, 190; “Finance and Resources: Public, Private and Personal,” in A. Erskine (ed.), *A Companion to Ancient History* (Chichester 2009) 474-85, 475; W. K. Pritchett, *The Greek State at War: Part I* (Berkeley, London and Los Angeles 1971) 87-90.

⁴⁷ P. Fröhlich, “Remarques sur la reddition des comptes des stratèges athéniens,” *Dike* 3 (2000) 81-111.

denunciation before the people.⁴⁸ This prosecution was employed in cases of treason or political corruption (e.g. Dem. 49.67; Hyp. 3.7-8).⁴⁹ Almost every case involving a *stratēgos* resulted in his conviction (Dem. 19.180).⁵⁰ Generals understandably feared the possibility of such a denunciation back home (e.g. Thuc. 1.49.4; 3.98.5; 7.48.4-5; Diod. Sic. 15.31.1).⁵¹ Some of these cases centred on a general's handling of funds. In 380/79, for example, Ergocles was denounced for accepting *dōra* and stealing funds which he had raised as a general (Lys. 28.1-2, 11; 29.2, 5, 11).⁵² He was condemned to death by the *dēmos* and quickly executed (29.2). In 356/5 Timotheus, who had won many victories for Athens, was denounced by a fellow general for accepting gifts from foreigners (Din. 1.14; 3.17).⁵³ The people fined him an unprecedented 100 talents (Isoc. 15.129; Nep. *Timoth.* 3.5). He was unable to pay and so went into exile where he died soon afterwards (Plut. *Mor.* 605f). Such denunciations left Athenian *stratēgoi* in no doubt of the danger of any appearance of financial wrongdoing.

3. The Prevalence of Poor Citizens Serving as Magistrates

Poor Athenians volunteered to fill magistracies requiring a full-time commitment. Demosthenes assumed that they regularly served as, for example, *astunomoi* (24.112). This board's responsibilities were the safety and the cleanliness of the streets (e.g. *IG ii²* 380).⁵⁴ Five of its members worked in Athens and 5 in its port ([Arist.] *Ath. Pol.* 50.2). Aristotle's pupil writes: 'They prevent buildings which encroach on the streets, balconies which extend over the streets, overhead drain pipes which discharge on the streets, and window-shutters which open into the street.'⁵⁵ In addition the *astunomoi* forced the city's dung-collectors to dump their loads well beyond its walls and removed the bodies of the dead homeless. They enforced, finally, the *nomoi* which the Athenians occasionally passed against the elite's

⁴⁸ Hamel, *Athenian Generals* 130-2; Hansen, *Athenian Democracy* 216-18.

⁴⁹ Hansen, *Athenian Democracy* 212-15.

⁵⁰ Hamel, *Athenian Generals* 132, 136.

⁵¹ Hamel, *Athenian Generals* 118.

⁵² Hamel, *Athenian Generals* 148.

⁵³ Hamel, *Athenian Generals* 135, 155.

⁵⁴ Rhodes, *Commentary* 573-4.

⁵⁵ Translated by P. J. Rhodes.

conspicuous consumption (e.g. Diog. Laert. 6.90).⁵⁶ Fulfilling these demanding duties would have required every member of this board to work on a full-time basis.

There is direct evidence of poor citizens also serving as *agoranomoi* or marketplace-regulators (Dem. 24.112), treasurers of Athena ([Arist.] *Ath. Pol.* 47.1) and the *basileus* or king ([Dem.] 39.72). What we know of the duties of these 3 *arkhontes* indicates that they were no less time-consuming.⁵⁷ In addition authors of fourth-century Athens and its inscriptions detail the duties of its other 83 magistracies.⁵⁸ On the basis of what they say about the duties of each position it is possible likewise to estimate roughly whether it required a full-time, half-time or quarter-time commitment. Table 1 gives the results of this estimating. It lists the *arkhontes* in the order in which they are discussed in the *Constitution of the Athenians* and, after that, in Hansen's analysis of the ones which Aristotle's pupil failed to mention.⁵⁹ This table shows how more than a third of Athenian magistracies were full time. As it was very common for poor citizens to be magistrates (e.g. Dem. *Exordia* 55; Lys. 24.9, 13; 27.4-5), many of them would have filled these more demanding roles.⁶⁰ In doing so they had to neglect completely other daytime obligations. What the members of this social class had in common was a lack of *skholē* ('leisure').⁶¹ Wealth relieved the wealthy of the need of working and hence gave them such *skholē* (e.g. Ar. *Plut.* 281; *Vesp.* 552-7; Men. *Dys.* 293-5). By contrast, the poor had to work for a living (e.g. Ar. *Pax* 632; *Vesp.* 611; *Plut.* 281; Lys. 24.16).⁶² This was reflected in social terminology, as *penēs*, which was the word used most often for a poor man, was derived from the verb *penomai*, whose primary meaning was to work. Poor Athenians thus could not have taken up full-time magistracies unless they were compensated for lost earnings.⁶³ Because *nomoi*

⁵⁶ For this consumption of the elite, see Pritchard, *Sport, Democracy and War* 4-5, 130-3.

⁵⁷ For the duties of the *agoranomoi*, see Ar. *Ach.* 724, 968; [Arist.] *Ath. Pol.* 51.1; Dem. 57.31, 34; Rhodes, *Commentary* 575-6. For the treasurers of Athena, see [Arist.] *Ath. Pol.* 47.1; 60.3; Gabrielsen, *Remuneration* 145 n. 114; Hansen, *C&M* 32 (1980) 121; Rhodes, *Commentary* 575-6. For the *basileus*, see [Arist.] *Ath. Pol.* 57; Rhodes, *Commentary* 636-50.

⁵⁸ Here Rhodes, *Commentary* is indispensable.

⁵⁹ Hansen, *GRBS* 21 (1980) 156-62.

⁶⁰ For this non-elite participation of the poor, see Gabrielsen, *Remuneration* 111-19.

⁶¹ Pritchard, *Sport, Democracy and War* 4, 8-9, 57-8.

⁶² V. Rosivach, "Class Matters in the *Dyskolos* of Menander," *CQ* (2001) 51: 127-34, 127, 133.

⁶³ Gabrielsen, *Remuneration* 118-19; A. H. M. Jones, *Athenian Democracy* (Oxford 1957) 18.

stopped magistrates from securing it on their own initiative, this compensation could only come as *misthos* from the state. In Aristotle's words 'receiving *misthos*' made sure that poor citizens were 'able to have *skholē*' for political participation (*Pol.* 1293^a1-10).

Table 1: The Time-Commitments and Numbers of Athenian Magistrates in the 330s

10	<i>sōphronistai</i>	F/T	1	<i>polemarkhos</i>	F/T
1	<i>kosmētēs</i>	F/T	6	<i>thesmothetai</i>	F/T
1	<i>tamias stratiōtikōn</i>	F/T	10	<i>athlothetai</i>	Q/T
10	<i>hoi epi to theōrikon</i>	F/T	10	<i>stratēgoi</i>	F/T
1	<i>ho tōn krēnōn epimelētēs</i>	F/T	10	<i>taxiarkhoi</i>	F/T
10	<i>tamias tēs Athēnas</i>	F/T	2	<i>hipparkhoi</i>	F/T
10	<i>pōlētai</i>	F/T	10	<i>phularkhoi</i>	F/T
10	<i>apodektai</i>	Q/T	1	<i>hipparkhos eis Lēmnon</i>	F/T
10	<i>katalogeis</i>	Q/T	1	<i>tamias tēs Paralou</i>	F/T
1	<i>tamias tois adunatois</i>	F/T	1	<i>tamias tēs tou Ammōnos</i>	F/T
10	<i>hierōn episkeuastai</i>	H/T	5	<i>amphiktuones eis Dēlian</i>	Q/T
10	<i>astunomoi</i>	F/T.	1	<i>anagrapheus</i>	F/T
10	<i>agoranomoi</i>	F/T	1	<i>antigraphheus</i>	F/T
10	<i>metronomoi</i>	F/T.	10	<i>boōnai</i>	H/T
35	<i>sitophulakes</i>	F/T	1	<i>grammateus epi ta psēphismata</i>	F/T
10	<i>epimelētai tou emporiou</i>	F/T	10	<i>epimelētai tōn neōriōn</i>	F/T
11	<i>hoi endeka</i>	F/T	10	<i>epimelētai tou Amphiareiou</i>	Q/T
5	<i>eisagōgeis</i>	H/T	10	<i>epistatai Braurōnothen</i>	Q/T
40	<i>hoi tettarakonta</i>	H/T	7	<i>epistatai Eleusinothen</i>	F/T
5	<i>hodopoioi</i>	F/T	10	<i>epistatai tou argurokopiou</i>	H/T
10	<i>logistai</i>	H/T	10	<i>epistatai tou Asklēpieiou</i>	Q/T
10	<i>sunēgoroi tois logistais</i>	H/T	10	<i>epistatai tou hierou tēs Agathēs Tukhēs</i>	Q/T
1	<i>grammateus kata prutaneian</i>	F/T	1	<i>hieromnēmōn</i>	F/T
1	<i>grammateus epi tous nomous</i>	F/T	10	<i>hieropoioi eis Panathenēnaia</i>	Q/T
1	<i>grammateus tou dēmou</i>	F/T	10	<i>hieropoioi tais semnais theais</i>	Q/T
10	<i>hieropoioi epi ta ekthusmata</i>	H/T	9	<i>nomophulakes</i>	Q/T
10	<i>hieropoioi kat' eniauton</i>	F/T	10	<i>praktores</i>	H/T
1	<i>arkhōn eis Salamina</i>	H/T	2	<i>tamiai toin theoin</i>	F/T
1	<i>dēmarkhos eis Peiraieia</i>	F/T	1	<i>tamias eis ta neōria</i>	F/T
1	<i>grammateus tois thesmothetais</i>	F/T	1	<i>tamias kremastōn</i>	H/T
1	<i>arkhōn eponumos</i>	F/T.	1	<i>tamias triēropoiikōn</i>	H/T
10	<i>epimelētai eis Dionysia</i>	Q/T	1	<i>tamias tēs boulēs</i>	F/T
4	<i>epimelētai mustēriōn</i>	H/T	1	<i>tamias tou dēmou</i>	H/T
1	<i>basileus</i>	F/T	200	20 other boards of religious supervisors	Q/T

F/T = Full Time, H/T = Half Time and Q/T = Quarter Time

4. The Evidence for the Payment of Fourth-Century Magistrates

Three treatises of Isocrates evidence the continuation of the democracy's payment of its *arkhontes* into the fourth century.⁶⁴ This writer composed his *Areopagiticus* and *Panathenaicus* mid-century.⁶⁵ In them he argued that the Athenians should replace the form of the democracy to which theirs had degenerated with the form which – he claimed – it had originally taken (e.g. 7.15-19; 15.145-52). In support of what was in fact an argument for the disempowerment of the *dēmos* Isocrates contrasted this ancestral constitution's magistrates with those of his day (7.22-7; 15.145-7).⁶⁶ Every one of them, he wrote, was elected and, instead of receiving *misthos*, often had to spend their own money (7.22, 24-5; 15.145). Consequently they were motivated out of a sense of duty (7.24). Because these *arkhai* were the same as the liturgies which wealthy citizens of the classical period performed (12.145), most archaic Athenians avoided them (7.25; 12.146).⁶⁷ By contrast, fourth-century *arkhontes* were appointed by lot and paid (7.22-4; 15.145-6). For Isocrates their only motive was personal gain (7.25). Indeed he characterised them as thoroughly money-grubbing: they knew 'more accurately the *prosodoi* or incomes from the magistracies than from their own businesses' (7.24), while, when they took up their positions, their first act was to see whether their predecessors had overlooked any *lemma* or payment to which they had been entitled (25).⁶⁸ With money to be made there was now intense competition for *arkhai* (7.24-5; 15.145). Isocrates confirmed that this pay came only from the state; for he wrote of how the first magistrates, in contrast to contemporary ones, did not 'keep house out of public funds' and abstained completely from 'the money of the *polis*' (7.24-5).

In these treatises Isocrates was obviously giving expression to the negative view of what motivated hundreds of poor Athenians to serve as *arkhontes* every year.⁶⁹ He was able to do so, as he was writing only for elite readers.⁷⁰ They generally

⁶⁴ Gabrielsen, *Remuneration* 88-108.

⁶⁵ J. Ober, *Political Dissent in Democratic Athens* (Princeton 1998) 256, 277.

⁶⁶ For this argument, see Ober, *Political Dissent* 277-82.

⁶⁷ For the classical elite's responsibility for liturgies, see Pritchard, *Sport, Democracy and War* 6-7, 99.

⁶⁸ Fourth-century writers quite frequently used *lemma* as a synonym of *misthos* for political participation (e.g. Arist. *Pol.* 1318^b15-16; Dem. 3.34; Isoc. 8.130; 15.152).

⁶⁹ It clearly is a view which dates back to the previous century (e.g. [Xen.] *Ath. Pol.* 1.13).

had criticisms of the contemporary democracy and expected the intellectuals whom they read to address them.⁷¹ Consequently Isocrates was free to articulate their criticisms and to advocate strongly for constitutional changes. Nonetheless other aspects of his depiction of magistrates are corroborated by his contemporaries. In a legal speech Lysias for one noted how magistrates were paid out of public funds (21.19; cf. 19.56-7). Certainly fourth-century writers give the impression that Athenians competed fiercely for *arkhai*.⁷² In most cases they were referring to the 100 or so of them which were filled by election.⁷³ But there apparently was competition too for the other magistracies: a lottery was normally required to appoint them (e.g. Dem. 39.102; Lys. 6.4; 31.33), which indicates that the volunteers who had offered themselves for offices exceeded the number of positions available.

This testimony of Isocrates is bolstered by what we do *not* see in the fourth century's legal speeches.⁷⁴ Without *misthos* Athenian magistracies would – as Isocrates suggested – have resembled liturgies, because they would have been a burden on those who held them. Wealthy defendants invariably sought to win over juries by cataloguing the liturgies and other *agatha* or public benefactions which they had undertaken for the city (e.g. Lys. 3.46; 12.38; 30.1).⁷⁵ Some even admitted that they had only performed such benefactions in order to secure the *kharis* or gratitude of any future jury (e.g. 18.23; 20.31; 25.11-13). Thus if *arkhai* were unsalaried and so akin to liturgies, we should find speakers regularly discussing them in court. But this is exactly what we do not find: elite litigants simply did not list magistracies among their public benefactions.

In his *Antidosis* Isocrates actually made a virtue out of his lack of experience as a magistrate. In the mid-350s he was challenged to an *antidosis* or an exchange of properties.⁷⁶ A citizen who had been assigned a trierarchy believed that Isocrates was better qualified to carry it out because of his apparently greater wealth. Consequently he used the *antidosis*-procedure to challenge him either to take over this liturgy or to

⁷⁰ Pritchard, *Sport, Democracy and War* 19-20, 113, 160.

⁷¹ Ober, *Political Dissent* 249, 254-5.

⁷² For examples, see Hansen, *C&M* 32 (1980) 120 n. 36.

⁷³ Hansen, *C&M* 32 (1980) 120; *Athenian Democracy* 232-3.

⁷⁴ Gabrielsen, *Remuneration* 119-46.

⁷⁵ E. M. Harris, *The Rule of Law in Action in Democratic Athens* (Oxford 2013) 387-400.

⁷⁶ Ober, *Political Dissent* 256.

exchange properties with him.⁷⁷ Isocrates refused to do either and so it fell to a jury to work out who should bear this liturgy. This case, which Isocrates lost (12.5-6, 144-5), showed him clearly how many Athenians had a dim view of both his *métier* as a teacher of public speaking and also his relationship to their democracy more generally (4-5). Isocrates claimed that this third treatise was his attempt to rehabilitate his public image (7-10). In it Isocrates portrayed himself as a benefactor by asserting repeatedly that he preferred to perform *agatha* than to hold paid positions (e.g. 150-1). At chapter 145, for example, he wrote how he had refrained from ‘the *arkhai* and the profits which are there and all other *koina* or public prerogatives’. Yet this did not stop him performing liturgies. Isocrates confirmed again that the state paid magistrates when, at chapter 152, he explained why he had always avoided ‘the *lēmματα* or payments from the city’. Because Isocrates was claiming that he had never accepted political pay during his life, this treatise, which he wrote in his eighties, actually serves as evidence of the remuneration of Athenian magistrates throughout the fourth century.

Hansen’s lifetime of work has deepened enormously our knowledge of Athenian democracy. But on the remuneration of magistrates we should not follow him. Fourth-century Athens paid its magistrates just as it did its jurors, councillors and assemblygoers. There is thus one less reason to believe that its restored democracy was more conservative than its fifth-century predecessor.

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⁷⁷ For this procedure, see M. Christ, “Liturgy Avoidance and *Antidosis* in Classical Athens,” *TAPhA* 120 (1990) 147-69.