

## THE LAW OF PERIANDROS ABOUT SYMMORIES

The speech *Against Euergos and Mnesiboulos* describes a dispute over some naval gear.<sup>1</sup> The dispute occurred early in the year 357/6 B.C. (ἐπ' Ἀγαθοκλέους ἀρχοντος, Dem. 47.44), when the speaker was a trierarch and supervisor of his symmory (τριηραρχῶν καὶ ἐπιμελητῆς ὧν τῆς συμμορίας, Dem. 47.22), and he refers to 'the law of Periandros, by which the symmories were organized' (ὁ νόμος ὁ τοῦ Περιάνδρου . . . καθ' ὃν αἱ συμμορίαι συνετάχθησαν, Dem. 47.21). There is no other specific reference to the law of Periandros. If 357/6 was the first year of its operation, it was probably passed in 358/7, but that is not known for certain. The identity of the man is likewise uncertain, though it has plausibly been suggested that he was Periandros son of Polyaratos (Dem. 40.6–7) and that he was the Periandros who proposed an alliance between Athens and Arkadia in 362/1 (*IG* ii<sup>2</sup> 112 = Tod 144).<sup>2</sup> However, his identity is of no importance for the present article. Here I am concerned only to try to reconstruct what the law said about the symmories.<sup>3</sup> Despite a great deal of modern discussion this question has still not been satisfactorily solved.

The word *συμμορία* means 'group' or 'division' and does not necessarily have a technical or legal sense.<sup>4</sup> But most of the Attic instances do have the special sense of a group of persons formed for the purpose of making payments of a compulsory tax or levy: either the property tax called *εἰσφορά*, which was imposed at irregular intervals, or payments towards the maintenance of ships in the Athenian navy, which were required every year. A fragment of Philokhoros says that Athenians were divided *κατὰ συμμορίας* for the first time in 378/7,<sup>5</sup> and it is generally agreed that this means that symmories were first formed in 378 for the payment of *eisphora*.<sup>6</sup> For the navy, however, there is no trace of symmories before the 350s, and everyone agrees that it was the law of Periandros which introduced the use of symmories for maintaining ships, which had previously been the sole responsibility of one trierarch or (more usually in the fourth century) a pair of syntrierarchs for each ship.

The main point of controversy is whether, from 357 onwards, the same symmories were used both for *eisphora* and for the navy, or there were two different systems of symmories for the two purposes. The view that *eisphora* symmories and naval symmories were distinct seems to have been put forward first almost two centuries ago by F. A. Wolf, and was adopted by Böckh in his great studies of the Athenian navy and public finance.<sup>7</sup> It has been followed by most scholars since then, including

<sup>1</sup> Dem. 47. I refer without square brackets to speeches in the Demosthenic corpus: this does not imply any judgement whether a particular speech was composed by Demosthenes himself.

<sup>2</sup> Cf. J. K. Davies, *Athenian Propertied Families* (1971), 464.

<sup>3</sup> G. L. Cawkwell, *CQ* 34 (1984), 342–3, considers the question whether the law of Periandros dealt with other matters besides the symmories. But there is no evidence that it did; there is no particular reason why changes in the practice of providing crews and gear for ships at public expense (mentioned in Dem. 21.155) should have formed part of this law.

<sup>4</sup> There are non-technical instances in Xen. *Hell.* 1.7.30, Aiskhines 1.159.

<sup>5</sup> *F. Gr. Hist.* 328 F41.

<sup>6</sup> An exception is R. Thomsen, *Eisphora* (1964) chapter 7. He attributes symmories to the time of Themistokles (p. 144), but this suggestion is not compatible with the statement of Philokhoros; cf. J. J. Keaney, *Historia* 17 (1968), 508–9.

<sup>7</sup> F. A. Wolf, *Demosthenis Oratio adversus Leptinem* (1789), pp. civ–cviii; A. Böckh, *Die Staatshaushaltung der Athener* (1817), ii.61–2, *Urkunden über das Seewesen des Attischen Staates* (1840), 178.

(to name only some of the more recent) de Ste Croix, Jones, Thomsen, Jordan, and Wankel.<sup>8</sup> The other view, that *eisphora* symmories and naval symmories were identical, is held by Jacoby and Mossé,<sup>9</sup> and is maintained with characteristic vigour by Ruschenbusch.<sup>10</sup> Recently Rhodes has published a reply to Ruschenbusch and Mossé, upholding the more usual view.<sup>11</sup> In what follows I shall refer mainly to Ruschenbusch and Rhodes, as being the latest and best exponents of the two views, without attempting to trace the history of particular arguments through earlier scholars' work.

One of Ruschenbusch's strongest arguments, to which I think Rhodes gives too little weight, is an argument from silence: although there is a fair number of references to symmories in the orators and other texts of the fourth century, not one of them says that different symmories were used for *eisphora* and for the navy, or takes any trouble to specify which kind of symmory is meant in a particular passage. They just say 'a symmory' or 'the symmories' and assume that no closer definition is needed. Rhodes counters this argument by saying that it is normally clear from the context whether *eisphora* or the trierarchy is under consideration. That is certainly true in many instances, but not in all. Rhodes allows that there are three exceptions. One of these, I agree, is irrelevant: Aiskhines 1.159 merely uses *συμμορία* as a word for 'group' and is not referring to either *eisphora* or naval symmories (not even metaphorically, I think). The other two are more significant. Demosthenes in 14.16–18 talks about 'the 1200' and symmories for several sentences before mentioning triremes; it is not likely that he would have left his listeners in the dark so long before making clear which system of symmories he was talking about, if there were in fact two systems. But Rhodes could (though he actually does not) retort that, in his view,<sup>12</sup> the expression 'the 1200' can refer only to the trierarchy, not to those liable to pay *eisphora*, and so makes clear at the start that the passage is about the navy. The difficulty of the other passage, Dem. 18.103, is much more serious. There Demosthenes has made quite clear that he is talking about the navy, and then suddenly mentions *τοὺς ἡγεμόνας τῶν συμμοριῶν*, who according to Rhodes are the leaders of the *eisphora* symmories, not of the naval symmories. How did Demosthenes expect his listeners to know that?<sup>13</sup>

There are besides two other passages of Demosthenes which fail to make clear any distinction between *eisphora* symmories and naval symmories. One of these is mentioned by Rhodes, who says in his note 30 'I agree with L. Gernet (Budé ed.) that the symmories of Dem. 39 (*Boe. Nom.*) 8 are trierarchic symmories; but they have

<sup>8</sup> G. E. M. de Ste Croix, *Class. et Med.* 14 (1953), 45; A. H. M. Jones, *Athenian Democracy* (1964), 28; R. Thomsen, *Eisphora* (1964), 88–9; B. Jordan, *The Athenian Navy in the Classical Period* (1975), 74; H. Wankel, *Demosthenes: Rede für Ktesiphon über den Kranz* (1976), 563–4. A fuller list of scholars holding this view is given by Ruschenbusch (see note 10 below).

<sup>9</sup> F. Jacoby, *F. Gr. Hist.* IIIB Supp. (1954), i.58; C. Mossé, 'Les symmories athéniennes' (delivered orally in 1976; published in *Points de vue sur la fiscalité antique*, ed. H. van Effenterre, Publ. de la Sorbonne 'Études' 14 (1979), pp. 31–42).

<sup>10</sup> E. Ruschenbusch, 'Die athenischen Symmorien des 4. Jh. v. Chr.', *ZPE* 31 (1978), 275–84. I refer to this article simply as 'Ruschenbusch'.

<sup>11</sup> P. J. Rhodes, 'Problems in Athenian *eisphora* and liturgies', *Amer. Journ. Anc. Hist.* 7 (1982, published in 1985), 1–19, especially 5–11. I refer to this article simply as 'Rhodes'.

<sup>12</sup> My view of the 1200 is different, however, as will be seen presently.

<sup>13</sup> Professor Rhodes, on reading a draft of this article, has suggested to me that only the *eisphora* symmories had leaders, so that the word *ἡγεμόνας* in Dem. 18.103 (and likewise *ἡγεμόνων* in Dem. 21.157) precludes ambiguity. But, since *ἡγεμόνων* was simply the term for the richest member of a symmory (see below, note 40), it seems to me improbable that it was never used in naval contexts.

normally been taken to be *eisphora*-symmories'. But the very fact that there is a divergence of opinions indicates that the passage is another in which the context does not make clear which kind of symmory is meant.<sup>14</sup> And then there is 21.157, in which Demosthenes, cataloguing his own services to Athens, says 'I was leader of a symmory for ten years'. This comes only a few lines after comments on the inadequate contributions made by Meidias to the trierarchy (21.155), and any juror knowing that there were two kinds of symmory would surely have taken it as a reference to a naval rather than an *eisphora* symmory. But in fact the symmory of which Demosthenes was leader for ten years was a symmory for payment of *eisphora*, as we know from the speeches *Against Aphobos* (27.7–9, 28.4).

So the failure of the orators to draw the distinction between *eisphora* symmories and naval symmories cannot be satisfactorily explained by saying that the meaning is always clear from the context; it is more easily explained by saying that the distinction did not exist. Round one goes to Ruschenbusch. But an argument from silence is not a knock-out, and Rhodes goes on to score some useful points. He is right to complain that Ruschenbusch does not do justice to some of the texts. Dem. 47.21, quoted in my first paragraph, says that the symmories were organized by the law of Periandros. According to Rhodes that means that new symmories were created to provide trierarchs, but if we accept the view of Ruschenbusch (who does not actually mention the passage at all) it has to mean merely that a new function was given to symmories which already existed. I do not think that *συντελάχθησαν* must mean a totally new creation of symmories out of nothing, but I do think it must at least mean some action which did not leave the formation of the symmories unaltered.<sup>15</sup> Another text to which Rhodes rightly draws attention is a passage of the speech *Against Leptines*.

οὐκοῦν οἱ μὲν ἐλάττω κεκτημένοι τοῦ τριηραρχίας ἄξι' ἔχουν ἐν ταῖς εἰσφοραῖς συντελοῦσιν εἰς τὸν πόλεμον, οἱ δ' ἐφικνούμενοι τοῦ τριηραρχεῖν εἰς ἀμφοτέρ' ὑμῖν ὑπάρξουσι χρήσιμοι, καὶ τριηραρχεῖν καὶ εἰσφέρειν.

So those who have too little property to justify a trierarchy will make contributions to the war in payments of *eisphora*, while those who attain the level for service as trierarchs will be of use to you in both ways, trierarchy and *eisphora* (Dem. 20.28).

If the same symmories were used both for trierarchy and for *eisphora*, that would imply that the same men performed both services; yet here we find Demosthenes saying that some men who were not rich enough to be trierarchs nevertheless paid *eisphora*. Ruschenbusch does perceive that the passage creates a difficulty for his view, but the solution which he offers is unsatisfactory. He postulates that for the trierarchy there was a fixed property qualification, which he reckons to have been about 4 talents;<sup>16</sup> those members of a symmory who possessed less were exempt from the trierarchy but still had to pay *eisphora*. In support he adduces a passage of the speech *On the Symmories*. Here, speaking in the year 354, Demosthenes proposes changes

<sup>14</sup> The confusion is indeed greater than Rhodes suggests; for Gernet's note on the passage simply says 'Sur les symmories triérarchiques, cf. *C. Aph. I*, 7 sq.' (L. Gernet, *Démosthène: Plaidoyers civils* ii (1957), 249), but the *Aphobos* passage is actually about *eisphora*. We have to conclude that Gernet was (unusually for him) muddled on this point. But Professor Rhodes has told me that his reason for believing that Dem. 39.8 refers to a naval symmory is that in the context there are mentions of liturgies, the generals, and appointment as a trierarch.

<sup>15</sup> In its ordinary military usage *συντάττειν* does not mean to create new soldiers but to rearrange soldiers in a suitable formation.

<sup>16</sup> Ruschenbusch in a later article, 'Ein Beitrag zur Leiturgie und zur Eisphora', *ZPE* 59 (1985), 237–40, suggests that the precise figure was 4 talents 1000 drachmas.

in the system, and in so doing reveals to us some features of the system as it had been since the law of Periandros was passed. This text will need to be mentioned several times and may as well be fully quoted at once.

τοὺς διακοσίους καὶ χιλίους ἀναπληρῶσαί φημι χρῆναι καὶ ποιῆσαι δισχιλίους, ὀκτακοσίους αὐτοῖς προσενέμαντας· ἐὰν γὰρ τοῦτ' ἀποδείξητε τὸ πλῆθος, ἡγοῦμαι, τῶν ἐπικλήρων καὶ τῶν ὀρφανῶν καὶ τῶν κληρουχικῶν καὶ τῶν κοινωνικῶν καὶ εἴ τις ἀδύνατος ἀφαιρεθέντων, ἔσεσθαι χίλια καὶ διακόσια ταῦθ' ὑμῖν σώματα. ἐκ τοίνυν τούτων οἶμαι δεῖν ποιῆσαι συμμορίας εἴκοσιν, ὥσπερ νῦν εἰσιν, ἐξήκοντα σώματ' ἔχουσιν ἐκάστην. τούτων δὲ τῶν συμμοριῶν ἐκάστην διελεῖν κελεύω πέντε μέρη κατὰ δώδεκ' ἄνδρας, ἀναναπληροῦντας πρὸς τὸν εὐπορώτατον αἰεὶ τοὺς ἀπορωτάτους.

I say that you must enlarge the 1200 and make 2000, by adding 800 to them; if you designate that number, I believe that, when heiresses, orphans, property of cleruchs and corporations, and any disabled men have been deducted, that will give you 1200 persons. Out of these I think you should form 20 symmories, as there are at present, each containing 60 persons. Each of these symmories you are to divide into 5 parts of 12 men, matching the richest with the poorest in every case (Dem. 14.16–17).

From this passage it is clear that in 354 the 20 naval symmories did not consist entirely of active men. They included *ἐπικληροὶ* (women or girls left with no father or brother, with whom an estate remained until a male heir came of age), *ὀρφανοί* (boys under eighteen whose fathers had died), *κληρουχικά* (estates belonging to cleruchs, who lived overseas), and *κοινωνικά* (estates belonging to corporations, such as demes and phratries). They also included *εἴ τις ἀδύνατος*, and this is the phrase which Ruschenbusch adduces to support his hypothesis that some members of symmories were exempt from service as trierarchs because they were not rich enough. But I agree with Rhodes that this is not the meaning of *εἴ τις ἀδύνατος*. Although the word *ἀδύνατος* can refer to lack of financial means when the context or additional words make that clear,<sup>17</sup> its normal unqualified use refers to physical disability,<sup>18</sup> and that must be its sense here. The fault which Demosthenes finds in the present system is that many of the members of symmories are not available to the Athenians as *σώματα*: they are not men able to go on active service in person as trierarchs. So this passage does not explain why Demosthenes in 20.28 makes property the basis of a distinction between those liable to serve as trierarchs and those liable only to pay *eisphora*.

Before suggesting a different answer to that problem, it is necessary to consider the evidence for the total number of those subject to these liabilities. The figure of 1200 is given in three passages of extant speeches.<sup>19</sup> One is Dem. 14.16, just quoted, where 1200 is the total membership of the naval symmories. Here are the other two.

διακοσίους καὶ χιλίους πεποιήκατε συντελεῖς ὑμεῖς, παρ' ὧν εἰσπραττόμενοι τάλαντον τάλαντου μισθοῦσι τὰς τριηραρχίας οὗτοι... ὥστ' αὐτῶν ἐνίοις τῇ ἀληθείᾳ τὸ μὴδὲν ἀναλώσαι καὶ δοκεῖν λειτουργηγένοι καὶ τῶν ἄλλων λειτουργιῶν ἀτελεῖς γεγενῆσθαι περίεστιν.

You have made 1200 contributors, from whom they (sc. rich men like Meidias) exact a talent and then let contracts for the trierarchies at a talent... so that some of them in fact end up spending nothing, and are considered to have performed a liturgy, and so obtain exemption from the other liturgies (Dem. 21.155).

<sup>17</sup> E.g. Thuc. 7.28.4 *ἀδύνατοι ἐγένοντο τοῖς χρήμασιν*.

<sup>18</sup> Lys. 24, Aiskhines 1.103–4, and Arist. *Ath. Pol.* 49.4 show that *οἱ ἀδύνατοι* was the standard term for those Athenians who were registered as disabled.

<sup>19</sup> It occurs also in two fragments where the context is insufficient to make the interpretation clear, Isaios fr. 74 Sauppe = 18 Thalheim = 21 Forster and Philokhoros *F. Gr. Hist.* 328 F45.

εἰς δὲ τοὺς διακοσίους καὶ χιλίους τοὺς εἰσφέροντας καὶ λειτουργοῦντας οὐ μόνον αὐτὸν παρέχεις ἀλλὰ καὶ τὸν υἱόν, καὶ τρεῖς μὲν ἤδη τερτηραρχήκατε, τὰς δ' ἄλλας λειτουργίας πολυτελέστερον λελειουργήκατε καὶ κάλλιον ὧν οἱ νόμοι προσταττουσιν.

You allow not only yourself but your son too to be included in the 1200 who pay *eisphora* and perform liturgies; and the two of you have performed three trierarchies, and have performed the other liturgies with greater expense and generosity than the laws require (Isok. 15.145).

At first sight we appear to have a conflict in the evidence. Two texts say that the number of contributors to the cost of trierarchies was 1200 (Dem. 14.16, 21.155); one text says that the number of payers of *eisphora* was 1200 (Isok. 15.145); and one text says that there were more payers of *eisphora* than trierarchs (Dem. 20.28). How is the conflict to be resolved?

The solution offered by Rhodes is to reject the most obvious interpretation of Isok. 15.145 and to suppose that the number of payers of *eisphora* was larger than 1200: 'there may be a class of not quite so rich Athenians who pay *eisphora* but do not perform liturgies'. But this is not satisfactory. To interpret the words of Isokrates as meaning 'the 1200 who *both* pay *eisphora* and perform liturgies', in contrast with other men who pay *eisphora* but do not perform liturgies, is to put more weight on a simple καί than it will bear. The words τοὺς εἰσφέροντας immediately follow the figure 1200 and must be associated with it; if εἰσφέροντας and λειτουργοῦντας do not refer to exactly the same persons, 1200 should be regarded as the number of the former rather than the latter.

A better solution is to distinguish between those who perform liturgies and those who merely contribute to the cost of them. Several of the texts clearly imply a distinction between the trierarchs and the contributors. The main point which Demosthenes makes in 14.16 is precisely that the list of 1200 includes some (heiresses, orphans, and so on) who do not serve as trierarchs. In that passage the 1200 are not called trierarchs. (Contrast 14.20, in which Demosthenes does use the term τριήραρχοι of the 1200 active men who would be obliged to serve under his new proposal; but this part of his proposal was not carried out.) Likewise in 21.155 the 1200 are called contributors (συντελεῖς), not trierarchs; the trierarchs are the rich men like Meidias, who collect money from the contributors and then either command the ships at sea or employ deputies to do so.<sup>20</sup> In 47.21–4 the speaker says that he was a trierarch and supervisor of his symmory, implying that the members of the symmory were not all trierarchs. Note especially 47.24, where he calls as witnesses 'the members of the symmory, of which I was supervisor and a trierarch'; the words καὶ τριήραρχος would be completely superfluous if all the members of the symmory were trierarchs.

Some other texts are less clear about this distinction, but none is incompatible with it. A fragment of Hypereides speaks of the richest men 'being trierarchs with 5 or 6 others'.<sup>21</sup> I take this to mean not that the 5 or 6 contributors were trierarchs, but that one trierarch might receive financial contributions from 5 or 6 contributors. The reference in Dem. 18.104 to performing liturgies in groups of 16 can be similarly interpreted as meaning that the man performing the liturgy received contributions from 15 contributors. These two passages will need further discussion later in this article, when the numbers of contributors in the groups are considered; in both passages emendation of the figures has been proposed. But here it should be noted

<sup>20</sup> The etymology of the word τριήραρχος shows that it refers primarily to a man who commands a ship. But the word was also used of a man who employed a deputy to do that; thus Demosthenes says ἐπριηράρχουν of the occasion immediately after he came of age (21.154), when he employed a deputy and did not go to sea himself (21.80).

<sup>21</sup> Hyp. fr. 160 Sauppe = 134 Kenyon, Jensen = 43.1 Burtt.

that Demosthenes goes on to say that the rich men no longer called themselves trierarchs but contributors (οὐδὲ γὰρ τριηράρχους ἔτ' ὠνόμαζον ἑαυτοὺς ἀλλὰ συντελεῖς, 18.104). This, I admit, is the most difficult passage for my view that trierarchs are to be distinguished from contributors, since it seems to say that the two words are synonyms. However, it does not quite say that; Demosthenes means that disuse of the term *τριηράρχος* was unofficial and incorrect. All the 1200 were contributors, and the richest of the active men among them were officially designated to be trierarchs. The reason why they (perhaps really only a few of them), though entitled to call themselves trierarchs, merely called themselves contributors will have been that, instead of going on active service themselves, they just leased out the trierarchies, adding nothing but money of their own (sometimes not even that, if Dem. 21.155 is to be believed) to the money which they collected from the other contributors.

A further argument in favour of the view that trierarchs are to be distinguished from contributors may be drawn from the law about exemption from liturgies. It was the law that no one could be required to perform two liturgies in the same year or consecutive years.<sup>22</sup> Thus the richest men, who were trierarchs, were always exempt from festival liturgies.<sup>23</sup> Demosthenes complains in 21.155 (quoted above) that some rich men like Meidias contrive to discharge their obligations at no cost to themselves by collecting from contributors the whole sum of money needed and then, on the ground of being trierarchs, obtain exemption from other liturgies. But if everyone on the list of 1200 counted as a trierarch, this argument would have had little or no point; the fact that Meidias was one of the 1200 would then have given him permanent exemption from other liturgies anyway.<sup>24</sup> We may safely conclude that the 1200 contributors did not, as such, have exemption from other liturgies, whereas trierarchs did. The two categories were therefore not identical.

Ruschenbusch too considers that the men who served as trierarchs were less numerous than the 1200 payers of *eisphora*. But my view of this point differs from his in two respects. First, I believe that all the 1200 were obliged to pay contributions to naval maintenance as well as *eisphora*.<sup>25</sup> Secondly, I do not accept that the trierarchs were distinguished from the rest by any fixed property qualifications, such as a minimum of 4 talents, nor that there was a fixed number, such as 300, of men liable to the trierarchy and other liturgies. Not only would 300 not have been enough to perform all the liturgies, at least in some years, while still allowing the statutory interval of one year between liturgies (there were about 100 festival liturgies every year,<sup>26</sup> and surely more than 50 trierarchies in some years); but we have also to bear in mind the *antidosis* procedure, which shows that appointment as a trierarch was

<sup>22</sup> Dem. 20.8, 50.9, Arist. *Ath. Pol.* 56.3. At an earlier period it seems to have been the law that a two-year interval between liturgies could be claimed (Isaios 7.38).

<sup>23</sup> οἱ μὲν τοίνυν πλουσιώτατοι τριηραρχοῦντες ἀεὶ τῶν χορηγιῶν ἀτελεῖς ὑπάρχουσιν, Dem. 20.19. I take this to mean that each of these men was a trierarch every second year.

<sup>24</sup> The occasion when Meidias was compelled by *antidosis* to accept appointment as a khoregos (Dem. 21.156) is not relevant here, because it probably occurred before the passing of the law of Periandros and before Meidias first served as a trierarch.

<sup>25</sup> Ruschenbusch is not very clear on this point in his 1978 article, but he is more explicit in a later article, 'Die trierarchischen Syntelien und das Vermögen der Synteliemitglieder', *ZPE* 59 (1985), 240–9. He considers that trierarchies (and all other liturgies) were performed by only 300 men, but contributions to naval maintenance were paid by all 1200 *eisphora*-payers except heiresses, orphans and so on. I reject this because the number of naval contributors is said (most clearly in Dem. 21.155) to have been 1200. If heiresses and orphans could pay *eisphora*, they were capable of paying naval contributions too.

<sup>26</sup> Cf. J. K. Davies, *JHS* 87 (1967), 33–40.

essentially competitive. A man designated by the strategoi to be a trierarch could avoid serving only by pointing out a man richer than himself who had not been so designated (and was not exempt); otherwise he had to serve, even if his property was less than 4 talents. But if he was able to point out a richer man, he could avoid service even if he possessed more than 4 talents. In principle no man was exempt from the trierarchy (except the nine arkhons),<sup>27</sup> however poor he might be; it was only in practice that men possessing less than about 3 or 4 talents were never appointed, because someone richer was always available.<sup>28</sup> And in practice the number of men who, from time to time, found themselves landed with trierarchies was always considerably smaller than the 1200 who were required to pay *eisphora* and to contribute to naval costs. This is the point which emerges from Dem. 20.28. The contrast there is between the 1200 who pay *eisphora* and the smaller number who serve as trierarchs. Demosthenes does not mention explicitly in that passage that those who pay *eisphora* also pay contributions to naval costs; perhaps he is using the verb *εἰσφέρειν* loosely to cover both kinds of payment, or perhaps he just considers that it adds nothing to his argument to mention the naval contributions. Isokrates, on the other hand, is not concerned in 15.145 to bring out the point that some of the 1200 do not perform trierarchies, since he himself has in fact performed some; he just says 'the 1200 who pay *eisphora* and perform liturgies', and since festival liturgies were performed by men not quite rich enough to be trierarchs (Dem. 20.19), it is probably true that most of the 1200 performed liturgies of one sort or the other.

I conclude that, from 357 onwards, the 1200 were those who were liable both for *eisphora* and for payment of naval costs. Appointment to a trierarchy was a separate matter; but since the strategoi always designated as trierarchs the richest men available, in practice trierarchs were always men who were also on the list of 1200. One purpose, probably the main purpose, of the law of Periandros was to enable a trierarch to collect contributions from others to the cost of maintaining his ship, instead of having to bear the whole cost himself. But it was still appropriate for the strategoi to select the richest men to be trierarchs, because, even if a trierarch recovered most of the maintenance cost from the contributors, he would still need either to give up other work while commanding his ship at sea or to pay someone else to do that on his behalf. (When Demosthenes says in 21.155 that men like Meidias collect from the contributors enough money to pay for that as well, he is clearly describing not the normal procedure but an abuse of it.)

If the same 1200 were the payers of *eisphora* and the contributors to naval costs, that strengthens considerably the case for believing that they were organized in the same symmories for both purposes, not in two different systems. But before deciding that that was so, we have also to consider the evidence about the number and size of the symmories. Demosthenes says in 14.17 (already quoted) that there are 20 symmories, each having 60 members. He goes on to propose a change, by which, after a revision of the list to produce 1200 active men, excluding heiresses, orphans, and so on, each symmory would be divided into 5 sections of 12 men each. He later refers to the 20 symmories as 'the large symmories' (14.21); that probably means that he thinks of the proposed 100 sections as 'the small symmories' even though that expression does not appear in the text. We can therefore say that his proposal is to create 100 symmories of 12 men each; but there is no explicit evidence that this proposal was carried out. There are two other pieces of evidence: a fragment of Kleidemos says that

<sup>27</sup> Dem. 20.27–8.

<sup>28</sup> Cf. J. K. Davies, *Athenian Propertied Families* (1971), pp. xx–xxiv.

there are 100 symmories 'now' (*νῦν*, but it is not known exactly when in the fourth century Kleidemos wrote),<sup>29</sup> and a fragment of Hypereides says that there are 15 men in each symmory.<sup>30</sup>

Those who believe that *eisphora* symmories and naval symmories were separate can deal with this evidence quite easily by distributing it between the two: since 20 is the number of naval symmories, 100 must be the number of *eisphora* symmories; and since 60 is the number of men in a naval symmory, 15 must be the number of men in an *eisphora* symmory. For the latter point there is also an alternative explanation, adopted by Rhodes: Hypereides refers to the period after 340, when, by a reform proposed by Demosthenes, the number of men liable for naval contributions was reduced to 300,<sup>31</sup> and the figure of 15 men in each symmory shows that the number of naval symmories continued to be 20.

If, on the other hand, we accept that after 357 *eisphora* symmories and naval symmories were identical, fitting in the various figures is a little more difficult. It is clear from Dem. 14.17 that the number of symmories between 357 and 354 was 20; is Kleidemos' figure of 100 the number which existed before 357 or after 354? Ruschenbusch chooses the latter alternative, supposing that the change proposed by Demosthenes in 14.17 must have been carried out in this respect (even if other parts of his proposal were not accepted). I believe that this is correct.

Admittedly one part of the evidence which Ruschenbusch adduces is of doubtful strength. The inscribed naval records of the period sometimes mention a symmory, for example *Χαιρεστράτο Κηφι συμ.*, the symmory of Khairestratos of Kephisia (*IG* ii<sup>2</sup> 1618.99). *IG* ii<sup>2</sup> 1615 + 1617 + 1618 + 1619 are fragments of a single inscription<sup>32</sup> which appears to have named more than 20 symmories (though no more than 20 different names are legible now in the text as printed in *IG* ii<sup>2</sup>), presumably all existing in the same year. Rhodes objects that the date of this inscription is thought to be very close to 357/6,<sup>33</sup> when all agree that the number of naval symmories was only 20, and suggests instead that in a few lists 'symmory' was used of the group (of whatever size) of men responsible for one ship. That suggestion is not very attractive: the official naval records are precisely the place where a vague use of the word would least be expected, whereas a suggestion that the usage in the orators is inexact might be more plausible. However, as Rhodes says, full discussion of these inscriptions must await Laing's promised republication of them.

Meanwhile the better evidence in favour of Ruschenbusch's view is Dem. 18.103, which mentions 'the leaders, seconds, and thirds of the symmories' as the men on whom the burden of naval contributions was expected to fall as a result of Demosthenes' reform in 340. As I have already said, the context of this passage implies that the symmories meant are those used for naval contributions; Demosthenes' reform reduced the total membership of the symmories to 300; so 'the leaders, seconds, and thirds' must be the three leading men in each of 100 symmories. If we postulate that the number of symmories, after being raised to 100 in 354, was reduced to 20 again in 340 (when the total number of members of symmories was reduced), we can still retain Rhodes's explanation of the statement of Hypereides that there were 15 men in each symmory, as referring to the period after 340. This explanation is

<sup>29</sup> *F. Gr. Hist.* 323 F 8.

<sup>30</sup> Hyp. fr. 186 Sauppe = 159 Kenyon, Jensen = 25 Burt.

<sup>31</sup> This figure comes from Aiskhines 3.222, Deinarkhos 1.42, Hyp. fr. 160 Sauppe = 134 Kenyon, Jensen = 43.1 Burt.

<sup>32</sup> Cf. D. R. Laing, *Hesperia* 37 (1968), 245 n. 4.

<sup>33</sup> Rhodes 9, referring to Laing, *op. cit.* 254 n. 22.



indeed the one adopted by Harpokration (s.v. *συμμορία*), who presumably had the whole of the speech of Hypereides before him and was thus in a better position to date it than we are.<sup>34</sup>

The alternative hypothesis, that 100 was the number of symmories before 357, is less cogent. Yet we must not forget Dem. 47.21 (quoted in my first paragraph): in 357 'the symmories were organized'. That probably does mean that either the number of symmories or their size or both were changed in 357. But we cannot say what the arrangement was before that date; there is no strong reason to say that there were 100 symmories then. It would be helpful and interesting if we knew what reasons the Athenians had for preferring 20 large symmories to 100 small ones, or the reverse; but about this we can only make guesses. I suppose that one advantage of having smaller symmories was that the members of each symmory would soon get to know one another and would be able more easily to satisfy themselves that each was paying his proper share of the sums required. On the other hand, larger symmories would facilitate the distribution of the burden among the symmories: for example, if the number of ships which needed to be put in commission in a particular year was 120, it would be easy to share them out equally among 20 symmories, but not so easy among 100.

There is a little evidence about the distribution of the burden as it affected individual members of symmories. It is clear that the members did not each pay the same amount: a rich man had to pay more than a less rich colleague. For *eisphora* that is clear from the speeches *Against Aphobos*, in which Demosthenes asserts that during his minority his guardians let him in for heavy payments of *eisphora* by allowing the valuation of his property to be set at a high figure (27.7–9, 28.4).<sup>35</sup> For naval contributions Demosthenes, when proposing the formation of 100 small symmories, adds the words 'matching the richest with the poorest in every case' (14.17, quoted above); he adds no explanation or comment on this point, evidently because it was already familiar and accepted in the existing symmories. The purpose of combining rich and less rich men within each symmory is, of course, that each symmory can then be required to pay the same total amount, while within the symmory a rich man will pay more than a poorer man.

Suppose that in a particular year, during the period when there were 100 symmories with 12 members each, 200 ships were needed. (This would be an exceptionally high number.) Each symmory must pay for two ships. This might have been arranged by collecting the money from all 12 members and giving half the total sum to each of the two trierarchs. But that seems not to have been done in fact. Instead it was customary to allocate each member to one particular ship; thus 4 or 5 men (including the richest in the symmory) might pay for one ship, while 8 or 7 paid for the other. The existence of such groups, varying in size, is attested by another passage of Hypereides, which mentions groups of 6 and 7 (*σὺν πέντε καὶ ἑξ*).<sup>36</sup> But what are we to make of Dem. 18.104, which says that men sometimes contributed *συνεκαίδεκα*, 'in groups of 16'? Some have thought this impossible. Emendation to *σὺν ἑξ καὶ δέκα* was suggested by Christ and is accepted by Ruschenbusch.<sup>37</sup> That would mean 'in

<sup>34</sup> Harpokration does not say whether these 15-man symmories were used for *eisphora* as well as for naval contributions. There is in fact no evidence at all for the use of symmories for the collection of *eisphora* after 340.

<sup>35</sup> Harpokration s.v. *διάγραμμα* finds further evidence of this in two speeches of Hypereides not now extant.

<sup>36</sup> Hyp. fr. 160 Sauppe = 134 Kenyon, Jensen = 43.1 Burtt. Bekker emended the text to *σὺμπεντε καὶ σύνεξ*, 'in groups of 5 and 6'.

<sup>37</sup> W. Christ, *Philologus* 45 (1886), 383–4; Ruschenbusch 280 n. 18 (on page 281).

groups of 7 and 11'. 11 is perhaps the hardest size of group to imagine within a symmory of 12, and I do not think the change is essential. Demosthenes is obviously not giving a normal figure but the most extreme instance he can remember, and we must bear in mind that the number of ships needing to be put in commission varied from year to year. There may have been a year when only 75 ships were needed, so that each ship was paid for by the whole of one symmory and one third of another.<sup>38</sup>

Such details within each symmory may have been arranged by the supervisor of the symmory (ἐπιμελητὴς τῆς συμμορίας), who was presumably elected by the members.<sup>39</sup> Little is known about the functions of the supervisor, but the one specific reference to the law of Periandros does say that it laid down a requirement 'to take over those owing the gear' (Dem. 47.21). The phrase is obscure, but evidently the speaker, who was both a trierarch and the supervisor of a symmory, considered that he was acting in accordance with this provision when he attempted to claim some naval gear from two men who had been syntrierarchs in a previous year (Dem. 47.22). This provision of the law must have been concerned with the procedure for passing on ships' gear from one year's trierarchs to their successors. Most probably, as a part of the transfer of naval responsibilities to the symmories, it gave to the supervisors of the symmories the task of seeing that the trierarchs received the gear that was due to them.

The leader (ἡγεμὼν) must be distinguished from the supervisor. Demosthenes was leader of a symmory while still a child (Dem. 28.4); this shows that the position did not involve administrative functions. The leader was simply the richest member of the symmory,<sup>40</sup> who therefore paid the highest amount. The δεύτερος and the τρίτος were doubtless the next richest. These 'seconds and thirds' are mentioned specifically in only one surviving text, the passage already mentioned (Dem. 18.103) which shows that the leaders, seconds, and thirds of the 100 symmories were identical with the 300 men to whom Demosthenes in 340 gave the whole of the liability for naval contributions. That is agreed even by Rhodes (who believes that the 100 symmories were used for *eisphora* only). We need, then, to consider how other references to 'the 300' (οἱ τριακόσιοι) fit in with the information about symmories.

References to the 300 are found over a period of about forty years, from the 360s to the 320s. The latest is in the speech *Against Phainippos*, where οἱ τριακόσιοι are equated with οἱ προεσφύροντες (Dem. 42.25). *Proeisphora* was a device to save the state trouble in collecting *eisphora*: rich men advanced the entire sum due to the state, and subsequently collected it from the individuals who were liable to pay it. The earliest reference to the 300 is in the speech *On the estate of Philoktemon*, in which we read of some men making payments of *eisphora* ἐν τοῖς τριακοσίοις (Isaios 6.60).

<sup>38</sup> In practice there may have been further complexities, about which we have no evidence. Did a trierarch have to be a member of the symmory which paid money for the maintenance of his ship? Probably not, for in a particular year a particular symmory might find that its richest members were all ineligible, because they either had served as trierarchs the previous year or were heiresses, orphans, etc. So sometimes a symmory may have paid for the maintenance of a ship whose trierarch was a member of a different symmory. We do not know how such arrangements were made.

<sup>39</sup> Harpokration s.v. δαγγραμμα, giving Hypereides as his authority, mentions an official called διαγραφεὺς, 'appointed in the symmories to decide how much each man ought to contribute'; and Polydeukes 3.53, also referring to Hypereides, mentions officials called συμμοριάρχαι. Rhodes 18 n. 49 attributes both of these to *eisphora*-symmories. It is possible that they are no more than different names for the ἐπιμελητὴς. Another possibility, suggested to me by Dr R. A. Knox, is that there was a change of names at some time when the symmory system was changed; the evidence of Hypereides was probably later than 340.

<sup>40</sup> Harpokration s.v. ἡγεμὼν συμμορίας, again referring to Hypereides.

This must refer to a special category within the class of payers of *eisphora*; so it is usually and rightly believed that the 300 were identical with the payers of *proeisphora* throughout this period. That means that we can use references to οἱ προεισφέροντες as evidence for the 300.

The date when they were first appointed is not known. The date of Isaïos 6.60 is 364 or 363,<sup>41</sup> but it implies that the 300 have existed for some years before. But *proeisphora* did not begin as early as the formation of the first symmories in 378; for Androtion later undertook the collection of arrears of *eisphora* due from 378 onwards (Dem. 22.44), which would have been unnecessary if the amounts due at that time had been paid by προεισφέροντες.<sup>42</sup>

The first evidence for the manner of their appointment is in the speech *Against Polykles*. The speaker, Apollodoros, describes an emergency in the year 362/1: the Athenians voted that there should be a collection of *eisphora* and that the members of the Boule, on behalf of the members of the demes, should nominate those who were to pay *proeisphora*; Apollodoros himself was nominated in three different demes (Dem. 50.8). From this we see that, although the institution of *proeisphora* was already familiar, no standing list of οἱ προεισφέροντες existed at this date, but they had to be appointed afresh each time there was to be a collection of *eisphora*. Normally they were nominated by demes; on this occasion, as an exceptional arrangement to speed up the procedure in an emergency (since nomination by demes would require the convening of a meeting of the members of each deme),<sup>43</sup> they were nominated by the members of the Boule (each of whom was, of course, a representative of a deme). The fact that Apollodoros was nominated in three demes shows that each deme was free to nominate anyone it wished, not necessarily one of its own members. Nor did the nominee have to belong to a particular symmory; symmories are not mentioned in this passage at all. A point which is mentioned, on the other hand, is that *proeisphora* was a liturgy, so that a man who was a trierarch in a particular year could not be required to pay *proeisphora* in the same year or the next; Apollodoros boasts of not having claimed this exemption (Dem. 50.9).<sup>44</sup>

All this is a quite different method of appointment from the one implied by Dem. 18.103, where the 300 are the three richest members of each of the 100 symmories. It appears that at some time – most probably at the time when the 100 symmories were instituted in 354, or soon afterwards – the cumbrous system of appointing the 300 payers of *proeisphora* through the demes was abandoned, and instead the three richest members of every symmory composed the 300. This provided a more or less permanent list of 300 rich people, to whom Demosthenes in 340 was able to transfer the whole liability for payment of naval contributions, in addition to *proeisphora*. After that they were no longer three members of each symmory; they were just a list of 300 rich people. Thus the membership of the list could be changed by the procedure of *antidosis*: a person could get off the list by pointing out any other person in Athens

<sup>41</sup> The date is calculated from Isaïos 6.14.

<sup>42</sup> For a more detailed discussion of the institution of *proeisphora* see R. Thomsen, *Eisphora* (1964), 206–26. He dates it about 373/2. The date of 378 is maintained by J. K. Davies, *Wealth and the Power of Wealth in Classical Athens* (1981), 18–19, but without any new evidence.

<sup>43</sup> The need for speed is enough to explain the exceptional arrangement. It is unnecessary to postulate an additional motive, such as a wish 'to produce a more accurate register of property-owners' (Rhodes 14).

<sup>44</sup> The assumption that such exemption did not apply to *proeisphora* at this time (Rhodes 19 n. 68) implies that Apollodoros was lying. No doubt he was capable of lying, but there is no special reason to believe that he lied on this point. Exemption may have ceased to apply to *proeisphora* at the time when the standing list of 300 was established, in 354 or soon afterwards.

who was richer than himself, and that was what the opponent of Phainippos tried to do.

I conclude by summarizing what I take to have been the sequence of developments.

(1) In 378 symmories were formed for the first time for payment of *eisphora*. The number and size of the symmories at this time is not known.

(2) In the late 370s it became regular, when *eisphora* was to be levied, to appoint 300 men to pay *proeisphora*. They were nominated by demes, not by symmories.

(3) In 357, or shortly before, the symmories were reorganized by the law of Periandros. Now there were 20 symmories, each having 60 members; and they were used for payment of naval contributions as well as *eisphora*. Trierarchs, however, continued to be appointed as before.

(4) In 354 the number of symmories was changed to 100, each having 12 members. At the same time, or soon afterwards, the 300 payers of *proeisphora* ceased to be nominated by demes each time they were required, and instead were made up from the three richest members of every symmory.

(5) In 340, by the law of Demosthenes, the whole of the liability for payment of naval contributions was transferred to the 300, who continued also to pay *proeisphora*. They were now organized in 20 symmories, each having 15 members. Whether symmories continued to be used for payment of *eisphora* after this date is not known.<sup>45</sup>

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