

THE FIVE TALENTS CLEON COUGHED UP (SCHOL. AR. *ACH.* 6)

ἐγὼ δ' ἔφ' ὧ γε τὸ κέαρ εὐφράνθην ἰδὼν,
τοῖς πέντε τάλαντοισι οἷς Κλέων ἐξήμεσεν.
ταῦθ' ὥς ἐγανώθην, καὶ φιλῶ τοὺς ἱππέας
διὰ τοῦτο τοῦργον· ἄξιον γὰρ Ἑλλάδι.

(Ach. 5–8)

In the opening lines of Aristophanes' *Acharnians*, Dicaeopolis counts first among his greatest joys 'the five talents Cleon coughed up', and he professes his love of the Knights for this service 'worthy of Hellas'. The ancient scholiast gave what he thought an obvious explanation from Theopompus (F 94): he tells us that Cleon was accused of taking bribes to lighten the tribute of the islanders, and he was then fined 'because of the outrage (ὕβριζεῖν) against the Knights'. Evidently Theopompus connected the charges against Cleon with some earlier proceedings instigated by Cleon against the Cavalry.¹ There is, as often, some difficulty in determining what Theopompus said and what the scholiast inferred, and, aside from that editorial problem, the scholiast's all-too-simple solution faces at least three major objections regarding the legal and political implications of such a trial. On the strength of such objections it was long ago supposed that Dicaeopolis rejoices not at a recent political defeat for the demagogue, but in recalling a theatrical exposé in *Babylonians* of the previous year.² This theory of a stage trial, however, encounters obstacles of its own in any reconstruction of the lost play. In recent work there have been many comments but no altogether satisfactory solution on this problem. It is the view of many that Cleon indeed suffered some political defeat in the year preceding *Ach.*; but, by this approach, ingenious solutions are required to make sense of the scholia. The assumption of a stage-trial, involving the Knights and Cleon in *Babylonians*, is still found persuasive by others, but if we are to discount the fragment of Theopompus, which has supporting testimony elsewhere in the scholiastic tradition, we would like to have something more than mere inference that Cleon was tried and convicted in

¹ Schol. *Ach.* 6 in Venetus (*et al.*): ...ἐξημιώθη γὰρ ὁ Κλέων πέντε τάλαντα διὰ τὸ ὑβρίζειν τοὺς ἱππέας. παρὰ τῶν νησιωτῶν ἔλαβε πέντε τάλαντα ὁ Κλέων ἵνα πείσῃ τοὺς Ἀθηναίους κουφίσαι αὐτοὺς τῆς εἰσφορᾶς. αἰσθόμενοι δὲ οἱ ἱππεῖς ἀντέλεγον καὶ ἀπήτησαν αὐτόν. μέμνηται Θεόπομπος. (= F 94). Cf. W. R. Connor, *Theopompus* (Washington, 1968), pp. 53–9, with nn. pp. 157–9; Jacoby, *FGrHist* II B Komm. 370f. As Connor observes, the first comment (ἐξημιώθη, κτλ.) appears to be the scholiast's own inference, since in the Ravenna MS., this comment comes after the name-citation: ...παρὰ τῶν νησιωτῶν ἔλαβε πέντε τάλαντα ὁ Κλέων ... οἱ ἱππεῖς ἀντέλεγον καὶ ἀπήτησαν αὐτόν. μέμνηται Θεόπομπος. ἀπλήστως ἀλλότρια καταφαγών, ἐξήμεσεν αὐτά. ἐξημιώθη γὰρ ὁ Κλέων πέντε τάλαντα διὰ τὸ ὑβρίζειν τοὺς ἱππέας.

² H. Lübke, *Observationes Criticae* (Berlin, 1883), pp. 17–18. This view is accepted by (among others) J. van Leeuwen in his commentary on Ar. *Ach.* (1901) *ad loc.*; by Douglass Parker in his classic translation of *Acharnians* (1961); and by D. M. MacDowell in *G&R* 30 (1983), 145. See also K. J. Reckford, *Aristophanes' Old and New Comedy* (Chapel Hill, NC, 1987), p. 131 n. 13. H. Müller-Strübing, *Aristophanes und die historische Kritik* (Leipzig, 1873), pp. 119–81, argued that these lines refer to a defeat of Cleon's fiscal policy in the assembly. Similar views were held by Busolt (supposing Cleon was *hellenotamias* in 427/6) *Griech. Gesch.* iii.2: 994; M. Croiset, *Aristofane et les partis à Athènes* (Paris, 1906), p. 83; and, in recent work, W. Kraus, *Aristophanes' Politische Komödien* (Vienna, 1985), pp. 32–3 with n. 4. See further below, nn. 7–12.

Babylonians. The purpose of this paper is to find a more cogent explanation for these lines in *Ach.* and the equally puzzling scenario in Theopompus. It will be helpful to begin with the broad outlines of the problem (section I), and then proceed to re-examine the prevailing views, the stage-trial theory (II) and historical theories based upon the scholia (III).

I

The quarrel between Cleon and the poet of *Babylonians* is probably an event of some historical dimension, but it is also, undoubtedly, an artful comic device.³ The Cavalry's clash with the demagogue serves as a vehicle for the poet's comic quarrel. We must be wary, therefore, of reconstructing party politics from comic references and equally sceptical of scholia that are obviously based upon such inference. Where the comic poet relies upon immediate recognition by his audience, however, where he gives a specificity to his lampoon that cannot be discounted as caricature or convention, and where the scholiast gives more details than can be deduced from the parody itself, the reference to recent political events should be given a reasonable claim to credibility. At the Lenaia of 425 the audience of *Acharnians* were expected to recognize with immediate amusement the reference to an event of recent notoriety discrediting Cleon in some public forum, whether court, assembly or theatre. The treatment of Cleon in *Ach.* (as in *Knights* the next year) was undoubtedly shaped to some degree by comic convention, but there can be no reasonable doubt that the feud between the poet and the demagogue had some basis in an earnest dispute that led more than once to legal action.⁴ Neither is Cleon's clash with the Cavalry to be discounted as merely a theatrical skirmish in a fictional conflict; in fact, the anonymous *vit. Ar.* 12.3 suggests that the exposé on stage in *Babylonians* prompted

³ On the role of Callistratus and the question of *whom* Cleon charged in regard to *Bab.*, cf. *Ach.* 377–8, 502–3 with scholia, and see G. Mastromarco in *Quaderni di Storia* 10 (1979), 153–96; and, in this journal, S. Halliwell, *CQ* 30 (1980), 33–45, arguing that Aristophanes himself was recognized 'author' of *Bab.* and *Ach.*; D. MacDowell, *CQ* 32 (1982), 21–6, insisting that 'the plays of 427–5 belong to the "secret" period, when Aristophanes was in a subordinate position' (24). Whoever was generally recognized as 'poet' of *Bab.* there can be little doubt that Aristophanes' authorship was well enough known (*Eq.* 512–16) that he was bound to be implicated in proceedings against Callistratus. In fact, it is sometimes supposed that it was because of the legal liability that Aristophanes finally assumed authorship in his own name for *Knights*; cf. Kraus, p. 114. In the most detailed discussion of the case, V. Steffen, *Eos* 47 (1954), 7–21, and 48 (1956), 67–73, also argues that Aristophanes was named as defendant. The question of procedure is still uncertain. The scholia and hypothesis II to *Eq.* refer to a *γραφὴ ξενίας*, but this is probably a mistaken inference of the scholiast or his source. Wilamowitz, 'Über die Wespen des Aristophanes', *Sitz. Preus. Akad. Wis.* 1911, p. 462 n. 2 (= *Kleine Schriften* i.286 n. 2), suggested *προβολή*. M. Ostwald in *From Popular Sovereignty to the Sovereignty of Law* (Berkeley, 1986), p. 207 suggests that the procedure followed the decree of Cannonus (cf. *Xen. Hell.* 1.7.20); the actual charges may have been *ἀδικία εἰς τὸν δῆμον*. Evidently *Ar.* was then threatened with further prosecution after *Knights*, but arranged a settlement, as *Wasps* 1284–91 would suggest (though Halliwell, 35 n. 11, doubts that these lines refer to a clash after *Knights*). This problem and the general question of the law on comedy will require more detailed treatment in a further study.

⁴ R. Rosen in *Old Comedy and the Iambographic Tradition* (1988 = *American Classical St.* 19) makes a generally persuasive case that conventions of such invective (esp. in *Knights*) were influenced by the iambic tradition (though some connections seem forced). Rosen suggests (63 with nn. 9–10) that the tradition of legal proceedings by Cleon against the poet of *Bab.* is purely conventional; he cites Gelzer's caution, *RE* Suppl. 12.1398, that the scholia seem to be based upon inference from comedy. Kraus, with constructive treatment of conventional features in political satire, accepts the historicity of the quarrel, pp. 30–3, 61, 113–14; see esp. 167–78 on the ideological dispute between poet and demagogue.

the Knights to take their case against Cleon to court. It is hard to see how the elaborate scenario in the scholiastic tradition could be simply deduced from references in the comedies; but, if it has any factual basis, we should be able to find a solution for the principal difficulties.

The trial envisioned by the scholiast is at odds with known rules of procedure on two counts. First, the Knights seem to have an official role in these proceedings either as prosecutors or as judges: some official role is also indicated in the second hypothesis to *Knights* and in anon. *vit. Ar.* probably from the same tradition as the scholia.⁵ But we know of no ordinary procedure allowing for the *hippeis* to judge or prosecute as a body in the courts of the people (though presumably the Cavalry held accountings of their own members; see below n. 17). Secondly, the scholiast clearly conceives of a court trial in which Cleon was convicted and fined in the sum of 5*t*, an amount equal to the bribe. Yet by any ordinary *γραφή*, impeachment or accounting, Cleon could *not* have been convicted of *dorodokia* and punished with no greater penalty than forfeit of the bribe. The prescribed penalty would have been ten times the bribe, or execution.⁶ Furthermore, the scholiast's courtroom scenario seems to be contradicted by the record of Cleon's position as *prostates* with undiminished authority from the winter of 426/5 to his death at Amphipolis. If he were convicted, not only would he have been discredited, but he would have incurred an automatic *atimia*, which would bar him, at least temporarily, from public business. Even assuming Cleon could have paid the fine, won reinstatement and won back his pre-eminence, we would expect to hear more of this embarrassing incident from Aristophanes, who never tires of ridiculing Cleon and his successors. But there is no other overt reference in Aristophanes, and from this silence, Müller-Strübing argued, over a century ago, that the 5*t* was not a fine but a budgetary defeat to Cleon as 'Finance Minister'.⁷

Finally, as Lübke observed, Dicaeopolis may not be referring to political events at all. After his comment on Cleon, he mentions three other incidents that affected him

⁵ Hypothesis *Ar. Eq.* II: ...ὁ δὲ χόρος ἐκ τῶν ἱππέων ἐστίν, οἱ καὶ ἐξημίωσαν τὸν Κλέωνα πέντε ταλάντοις ἐπὶ δωροδοκίᾳ ἀλόντα. Cf. anon. *vit. Ar.* 12.3-4: ...καὶ αἴτιος αὐτῷ γέγονε [ὁ Ἀριστοφάνης] ζημίας πέντε ταλάντων, ἃ ὑπὸ τῶν Ἱππέων κατεδικάσθη, ὡς φησιν ἐν Ἀχαρνέυσιν...διήχθρευε δὲ αὐτῷ ὁ Ἀριστοφάνης, ἐπειδὴ ξενίας κατ' αὐτοῦ γραφὴν ἔθετο, ὅτι ἐν δράματι αὐτοῦ Βαβυλωνίους διέβαλε τῶν Ἀθηναίων τὰς κληρωτὰς ἀρχὰς παρόντων ξένων. τὸ κέαρ εὐφράνθηεν ἰδὼν, τοῖς πέντε ταλάντοις οἷς Κλέων ἐξήμεσεν.' Although the passage preceding in 12.3 has to do with the performance of *Knights*, it is clear that the clause καὶ αἴτιος...πέντε ταλάντων begins a new sentence belonging to the discussion of *Ach.* 6 and *Bab.* The jumbled account in *vit. Ar.* 12.3, however, is possibly the source of the error in J. Tzetzes schol. *Nub.* 549a: *Clouds* 550 implies a crushing defeat for the demagogue, and Tzetzes, confusing the chronology, apparently supposed the five-talents fine was prompted by *Eq.*: τουτέστι γράψας κατ' αὐτοῦ τὴν τῶν Ἱππέων κωμωδίαν ἐποίησα πέντε ταλάντοις αὐτὸν ζημωθῆναι.

⁶ For procedures against bribery and corruption, see, most recently, D. M. MacDowell in *RIDA* 30 (1983), 57-78; M. H. Hansen, *Eisangelia* (Odense, 1975), esp. pp. 44-9; J. T. Roberts, *Accountability in Athenian Government* (Madison, WI, 1982), esp. pp. 14-29; and E. Carawan, in *GRBS* 28 (1987), 185-90. Cf. Müller-Strübing, p. 128. For a ten-fold fine against *rhetores*, cf. *Dinarchus* 2.16-17. Alleged embezzlement on the part of *hellenotamiai* was punished by execution in the case mentioned by Antiphon, 5.69. See further below, nn. 20 and 24.

⁷ Müller-Strübing's theory depends upon the argument that Cleon held office as 'Finance Minister', (ταμίας τῶν δημοσίων προσόδων) for the four-year term beginning in 426. In support of the argument from silence (cf. Müller-Strübing, pp. 125-6, on *Clouds* parabasis), W. Rennie, in his commentary on *Ar. Ach.* (London, 1909), pp. 86f, assumes that *Clouds* 591f. (ἦν Κλέωνα τὸν λάρον δώρων ἐλόντες καὶ κλοπῆς...) would suggest Cleon had not as yet been convicted. A very useful study of Cleon's policy and his treatment in *Ar.* is given by Ostwald, *Sovereignty*, pp. 205-7.

deeply, and all were recent theatrical events. In this context, Lübke argued, the comment on Cleon's *St* refers not to court proceedings but to a mock trial on stage, in the previous year when Cleon was apparently pilloried in the *Babylonians*.⁸ Lübke's explanation is tempting: we could thus account for the role of the *hippeis*, not as actual judges or prosecutors, but as characters in the drama; and on this assumption all of the legal and political difficulties of the scholiast's scenario would vanish.⁹

II

Lübke's theory of a stage trial, however, involves three major difficulties. First we are required to discount altogether the two fragments of Theopompus (93–4), regarding the quarrel between Cleon and the Cavalry. It is true that the historian gave a partisan slant to his excursus *On the Demagogues*, but he had no need to invent whole episodes out of one-liners in Aristophanes. Were it not for the direct reference to the historian, we might readily dismiss the scholia as mere inference by the scholiast; among the extant fragments of Theopompus, however, we have no reliable evidence of an historical account wholly fabricated from comedy.¹⁰

Secondly, the argument from context – that Dicaeopolis must be referring to a stage trial because he then turns to performances of drama and song on stage – is unconvincing. It is, after all, a familiar mode of comic logic to connect the most disparate examples, *modus absurdus*, throwing together figures of the theatre and politics: so Dicaeopolis, defending his peace against charges of treason, dons Euripides' ragged costume of Telephus, and then confronts the militarist Lamachus with arguments premised upon the predicament of the *Telephus*. The jibe at Cleon is all the more laughable if Dicaeopolis turns from a recent political defeat for the demagogue to reckon in the same category the embarrassing performances of Theognis and Chaeris.¹¹

⁸ Lübke's theory on this issue is part of a general argument against the view that Ar. was charged under a law restricting comic licence, and the argument on that score is sound; cf. Halliwell in *CQ* 34 (1984), 83–8, and Sommerstein in *CQ* 36 (1986), 101–8. In support of the stage-trial theory Tzetzes' comment on *Nub.* 549 is sometimes cited, but see above n. 5.

⁹ Lübke's theory would seem to find some support in the reference to *Acharnians* prologue in the comment by Gregory of Corinth (in Walz, *Rh. Gr.* 7.1345) on Hermogenes *περὶ μεθόδου δεινότητος*, 36.11. Hermogenes cites the first lines (*ὅσα δὲ δέδηγμαί... ἤσθην δὲ βαιά*) as an obvious example of the 'interweaving' (*πλοκή*) of the laughable and bitter, characteristic of comedy. Gregory then explains, *χαίρειν οὖν ἔφη, ὅτι ὁ Κλέων εἰσήχθη ἀπαιτούμενος παρὰ τῶν στρατιωτῶν* [sic] *πέντε τάλαντα, ἅπερ ἀφείλετο ἀπὸ τῶν νησιωτῶν ἵνα πείσῃ τοὺς Ἀθηναίους ἐπικουφίσαι τοῦτοις τοὺς φόρους*. Connor insists (pp. 55–6) that Gregory here implies a stage trial, as the ambiguous term *εἰσήχθη* is used a few lines later meaning 'was brought on stage'; and he supposes the context in Hermogenes would also suggest reference to a stage trial. Neither point is convincing: *εἰσάγειν* of course is regularly used of prosecution, 'to bring before the court', as Connor notes. The context in Hermogenes, moreover, lends little support to the stage-trial theory (so far as I can see). Connor concludes, however, that, though Gregory assumed *Ach.* 6 refers to a stage trial, this is likely to be his own inference from the allusion in Hermogenes, and was not suggested by Theopompus himself.

¹⁰ Connor, though willing enough to see pervasive influence of Old Comedy in the digression *On the Demagogues* (102–3), is none the less inclined to accept 'the simplest hypothesis' (56) that '*Ach.* 6 and Theopompus F 94 both refer to a historical event in which Cleon was somehow forced to part with five talents'. For the common assumption that Theopompus readily followed the slanders of Old Comedy, cf. H. Bloch in *HSCP* suppl., vol. i (1940), 354–5, supposing the identification of Hyperbolus' father as Chremes (F 95) derives from comedy.

¹¹ On 'absurdist' technique in Old Comedy, cf. K. McLeish, *The Theatre of Aristophanes* (New York, 1980), p. 67. The parody of Euripides' *Telephus* is a unifying device, imposing a comic

But the greatest obstacle to the stage-trial theory lies in the fragments of *Babylonians*. By any plausible reconstruction, it is difficult to conceive of a role for *hippeis* as major characters, and they are certainly not to be cast as chorus.¹² Moreover, we have no reliable indication that Cleon himself was put on trial in *Babylonians*. The scholiast assumes at *Ach.* 378 that ridicule of Cleon was one of the grounds for charges against Aristophanes, and Lübke took this note as chief evidence for the stage-trial theory; but schol. *Ach.* 378 obviously derives from the same tradition as anon. *vit. Ar.* 12, and the note that libel of Cleon was among the charges against Aristophanes appears to be an added inference of the scholiast.¹³ The fragments clearly reveal a prominent role for the god Dionysus and a trial scene in which the god either spoke in his own defence or as advocate of the slave chorus (fr. 70). Presumably the god was opposed by characters representing famous speakers of the assembly and the courts, and possibly Cleon was a recognizable figure; but if the triumph of the god forced Cleon to cough up the 5*t*, it is surprising that we have no indication of it among so many fragments and testimonia – including reference to the ‘bribetaking of Peisander’ (fr. 81). It is not, perhaps, unreasonable to cast Cleon in the play, but there is no basis for the assumption that he was put on trial and prosecuted by *hippeis*, as Lübke’s theory would have us suppose. We cannot altogether discount the stage-trial theory, but it is unwarranted to disregard the testimony of Theopompus for a supposition that cannot be supported by the fragments of the play.¹⁴

III

Assuming then that the case against Cleon was not simply a stage trial, there are various theories to account for the role of *hippeis*. Müller-Strübing disqualified the Knights from any role as prosecutors or judges, and he discounted the *schol.* to *Eq.* 226 (F 93), as the scholiast’s own inference and not the word of Theopompus.¹⁵ But in recent work Cleon’s quarrel with the Knights has been treated more seriously, and

logic of its own, and the phrase *ἄξιον γὰρ Ἑλλάδι* is meant to be an obvious echo (schol. *Ach.* 8 = fr. 720, Nauck). Cf. P. Rau, *Paratragedia* (1967 = *Zetemata* 45), 19–42; and now Helene Foley in *JHS* 108 (1988), 33–47.

¹² Against the stage-trial theory, see esp. Croiset, p. 68; and Kraus, pp. 32–3. On the assumption that the chorus of *Bab.* were enslaved allies, see further Kraus, pp. 104–7. This traditional interpretation, going back to Wilamowitz (*Kl. Schr.* i.286) was rightly challenged however by Norwood in *CP* 25 (1930), 1–10; his suggestion that the chorus are to be identified as followers of the god, whom he has come to release, should not be lightly disregarded. The view that the chorus were subjugated allies is based upon the apparent identification of some among them as ‘Samian’ (*Σαμίων ὁ δῆμός ἐστιν ὡς πολυγράμματος*, fr. 64 Edmonds); but this is obviously a play upon *πολυγράμματος*.

¹³ Schol. *Ach.* 378: *ἐκωμώδησε γὰρ τὰς τε κληρωτὰς καὶ χειροτονητὰς ἀρχὰς καὶ Κλέωνα παρόντων τῶν ξένων*. See Lübke, p. 18; but cf. anon. *vit. Ar.* 12.4, *διέβαλε τῶν Ἀθηναίων τὰς κληρωτὰς ἀρχὰς παρόντων ξένων*. The note in *vit. Ar.* 12.3, *αἴτιος* [sc. ὁ Ἀριστοφάνης] *ζημίας πέντε τάλαντων*, would also indicate an exposé of corruption, but rather than imply a trial of Cleon on stage, it suggests that *Bab.* stirred public outrage. The notion in schol. *Ach.* 378, that libel of Cleon was among the charges against Aristophanes is also contradicted by what we know of the law on comedy, as there appears to be no restriction against *ὀνομαστί κωμωδεῖν* in this period; see nn. 3–4, and 8 above.

¹⁴ A possible role for *hippeis* in *Bab.* cannot be altogether discounted, especially as they may have been nearly stock characters in early comedy (as suggested by the familiar black-figure amphora depicting a chorus of ‘Knights’ in the Berlin Museum, no. F 1697). Likewise we cannot disprove the alternate hypothesis that a trial of Cleon in *Bab.* was in fact inspired by an earlier prosecution, whether by *hippeis* or others.

¹⁵ With *Knights* 225–7: *ΔΗΜΟΣ. ἀλλ’ εἰσὶν ἵππεις ἄνδρες ἀγαθοὶ χίλιοι|μισοῦντες αὐτόν, οἷ βοθηήσουσί σοι, | καὶ τῶν πολιτῶν οἱ καλοὶ τε ἀγαθοί*, cf. schol. *Eq.* 226: *Θεόπομπος* (F 93) *ἐν*

it is sometimes supposed that the feud began when Cleon himself was a member of the Cavalry. After all, the impression we are given by Aristophanes, that Cleon the tanner was a blue-collar bouncer who pulled himself up by his sandal thongs, is a caricature, sketched in part by comic convention.¹⁶ Cleon, in fact, came from a *nouveau-riche* family, and he was almost certainly enrolled in the *hippeis* as a young man. It has even been suggested by W. R. Connor that there were proceedings against Cleon based upon an in-house investigation by the *hippeis*.¹⁷ Connor is probably right in supposing that the Knights held accountings of their own membership (as did other official bodies at Athens); but, any action by *hippeis* as a body is likely to have come some years before the five-talents penalty. Cleon was almost certainly not a member of the Cavalry after 428/7, and hence no longer subject to accounting by their officers. The sequence of events in F 93, in fact, suggests that the Knights' censure came before Cleon's rise to power. Moreover, without question, the *hippeis* would not have been competent to impose so large a fine as 5*t* without reference to the *demos*. Whatever official measures were available to the *hippeis*, charges of this magnitude would necessarily involve the court of the people.

As for the connection between this case and some earlier 'insult to the Knights', the scholiast's explanation, that Cleon brought charges of 'desertion' or 'dereliction of duty' (F 93), has not been taken seriously. It is commonly supposed that Cleon provoked the Knights to political action by various financial measures which fell heavily upon the propertied classes. The *eisphora* was increased at a time when, despite the costs of the war, the juror's pay was raised to three obols (both measures presumably at Cleon's instigation), and while, as Aristophanes suggests, Cleon tried to block increases in tribute for certain favoured allies. It is also supposed that Cleon cut back the direct subsidies to the Cavalry, the grain allowance and the system of state funding (*katastasis*).¹⁸

The puzzling phrase in F 93, ἐπετέθη τῇ πολιτείᾳ, may also indicate policy directed against the propertied families of *hippeis*. The most obvious meaning would be that Cleon 'attacked the constitution', and it is not unlike Theopompus to construe these measures as an 'attack upon the established order'. Connor, however, has suggested

δεκάτω Φιλιππικῶν φησιν ὅτι οἱ ἵππεις ἐμίσουν αὐτόν. προπηλακισθεὶς γὰρ ὑπ' αὐτῶν καὶ παροξυνθεὶς ἐπετέθη τῇ πολιτείᾳ καὶ διετέλεσεν εἰς αὐτοὺς κακὰ μηχανώμενος. κατηγορήσας γὰρ αὐτῶν ὡς λειποστρατούντων. See also Müller-Strübing, pp. 131–3.

¹⁶ Cf. schol. *Eq.* 225, οἱ ἵππεις ἐπέθοντο αὐτῷ, ἐπεὶ ὅτε ἦν εἰς αὐτῶν, κακῶς αὐτοὺς διέθηκεν. J. Tzetzes on *Clouds* 549a, ἵππεὺς περιδείξιος, tends to confirm his status in the cavalry. See Davies *APF* 8674; F. Bourriot, 'La famille et le milieu social de Cléon', *Hist.* 31 (1982), 404–35; and now G. Bugh, *The Horsemen of Athens* (Princeton, 1988), pp. 107–14.

¹⁷ Connor, *The New Politicians of Fifth-Century Athens* (Princeton, 1971), p. 152 n. 32, based upon schol. *Eq.* 627 and *Suda* s.v. 'hippeis', ἔξην δὲ αὐτοῖς ἐπιτιμᾶν καὶ κομᾶν. Bugh, however, notes ἐπιτιμᾶν is omitted in Koster's edition of *Suda*, and, he argues, ἐπιτιμᾶν here means 'to show honour' (i.e. in ceremony) not 'to impose fines' as Connor supposed (since it follows reference to sacrificial processions, *hippades*). If the Cavalry held authority to discipline their own membership, it is highly unlikely that their competence to impose fines extended beyond the 500 drachmas to which the council itself was limited in the fourth century. The official role of *hippeis*, then (as Connor suggested in *Theopompus*, p. 57) was probably no more than that certain officers initiated legal action which was later to come before the proper judicial body.

¹⁸ G. Gilbert, *Beiträge zur innern Geschichte Athens im Zeitalter des peloponnesischen Krieges* (Leipzig, 1877), pp. 133–42, argues that a charge of *lipostratia* was prompted by the inactivity of the *hippeis* in summer campaign 427, and the 5*t* was a proposed reduction in the *katastasis*. Cf. Busolt, *GG* 3.2: 994 n. 6; Gomme, *HCT* 2: 290. On the role of Cleon in raising *eisphora*, see R. Thomsen, *Eisphora* (Copenhagen, 1964), pp. 168–70; and cf. Ostwald, *Sovereignty*, p. 205 n. 23. Aristophanes clearly implies, however, that Cleon had profited from Miletus and Mytilene: *Eq.* 361, 830–5 and 923–40.

that the phrase means simply Cleon 'applied himself to politics'; he sought power to avenge himself upon the nobility.¹⁹ A more ingenious but none the less plausible interpretation was suggested by Fornara, that the term *πολιτεία* is a gloss by the scholiast, to render an unfamiliar phrase in Theopompus, *ἐπετέθη τῇ καταστάσει*. Fornara assumes that the object of Cleon's attack was the system of state funding, *katastaseis*, a valuable perquisite of the *hippeis*. It is reasonable to suppose that Cleon tried to cancel such benefits, and justified the cutbacks with allegations of *lipostratia* such as F 93 suggests. *Katastasis* is also a synonym for *politeia*, and the scholiast, unaware of the technical meaning, may have simply inserted the more familiar term. If Fornara is right, then we have yet another specific measure directed against the propertied classes, at a time when the costs of the war were mounting, and the *hippeis*, owing to the Periclean strategy, had been all but inactive.

It is the prevailing view that Cleon's attack upon the Cavalry may amount to no more than financial measures such as these, and the five-talents penalty was no more than a reversal of Cleon's policy on tribute and other revenues. The scholiast, however, evidently understood from the sources available to him that Cleon did not simply make allegations but brought formal charges against *hippeis* for *lipostratia*, and the Knights in turn not only joined the opposition to Cleon's policy, but initiated charges of corruption. It is precisely those details of the tradition deriving from Theopompus which would indicate specific procedures not to be deduced from the comedy itself, which should be given the best claim to credibility. None of the historical theories has given us any more cogent explanation of the procedure by which the Knights initiated legal action and Cleon was condemned for corruption with no further penalty than forfeit of the bribe.

If we accept the procedural implications of Theopompus F 93-4, we must then assume that the case against Cleon was settled without trial by some legal action which allowed him to avoid the penalties prescribed for *dorodokia*. There was, in fact, a public action allowing for precisely this sort of extra-judicial remedy, and it is likely, moreover, that bribery *per se* was not the principal charge. By the procedure known as *προβολή*, charges of misconduct against public officials or citizens acting in an official capacity were initiated before the assembly; if the people decreed for trial, it was still possible for the accused to make restitution, settle out of court, and avoid more serious penalties. This procedure was specialized in the fourth century as a remedy against false prosecution, sycophancy, and violations in regard to the Dionysia, as notably in the case of Demosthenes against Meidias (Dem. 21). Meidias had assaulted Demosthenes during a performance of which he was choregus; Demosthenes took his grievance before the assembly, won a preliminary verdict from the people and forced Meidias to settle up. This is a trivial example, but it demonstrates the use of this procedure as a means of forcing the offender to settle out of court. The testimony of Demosthenes and Isocrates as well would indicate that *προβολή* was an ancient procedure against 'deception of the people'. In Xenophon we find the most famous example: in consequence of the trial of the generals who returned from Arginusae, Callixenus, who had engineered the illegal proceedings, was charged by *προβολή* with deception of the people (*Hell.* 1.7.35). Perhaps the most relevant parallel to the case against Cleon is that mentioned in Dem. 21.218, whereby Aristophon was forced to relinquish crowns from his foreign clients by this procedure: by giving up the illegal gifts, he avoided further prosecution. Evidently

¹⁹ On F 93, cf. Connor, pp. 52-5; Jacoby, *FGH Hist* IIB Komm. 370f. Fornara's solution, 'Cleon's Attack Against the Cavalry', *CQ* 23 (1973), 24, is now accepted by Kraus, pp. 32-3, and Bugh, p. 112.

this breach of ethics was not charged as *dorodokia* proper, and hence not subject to the more serious penalties prescribed for such high crimes in *graphai* and *euthynai*. Cleon may have profited from allied clients either by similar honoraria or in his business dealings. If, so, it would not be surprising to find that a scholiast or partisan historian treated the charges loosely as bribery, though the scholiastic tradition itself suggests that principal charges involved more than mere financial advantage (as we shall see further below, at n. 24). We have therefore no legal grounds to reject the testimony of Theopompus, that Cleon was accused of corruption and forced to relinquish the favours of allied clients, to avoid more serious penalties.²⁰

Some such defeat of Cleon appears to be the premise or 'organizing idea' of the *Knights* at the Lenaia the following year, and the lampoon of Cleon in the *agon* seems to give some indication of the actual charges. In the comic equation demagoguery and corruption are portrayed as food theft and gluttony: we are continually presented with the image of the corrupt servant of Demos stealing food from his master, gobbling it up or guzzling it down; and there is frequent allusion to the remedy, choking or probing down Paphlagon's gullet or into his innards, to expose what he has consumed and force him to cough it up. So the Sausageseller, arguing he is more worthy to be the favoured servant of Demos, boasts that he'll choke off all the other orators (356–61); but Paphlagon protests his rival shall not gobble up the Milesian sea-bass (λάβρακες Μιλησίοι) which he claims for his own. Then Demos urges the challenger to prop open Paphlagon's mouth, pull out his tongue and peer up his gaping posterior 'to see what piles he's got' (375–81). Again, when Paphlagon threatens to enroll his rival at the higher assessment for *eisphora*, the Sausageseller prays that Paphlagon, in a rush to the assembly to earn his talent in debate on the Milesian question, gobble up a plate of squid and choke on it in his greed (923–40). Later Demos reveals his remedy for demagogic gluttony: 'I watch and wait, pretending not to see them steal and then I force them to cough up (ἐξεμείν) what they have stolen from me, probing down their gullets with the ballot box' (1145–50). Much of the abuse seems conventional, but the specific and repeated reference to Miletus as an object of Paphlagon's greed was evidently intended to recall an event of recent notoriety, and there is an obvious echo of 'the five talents Cleon coughed up' (ἐξήμεσεν).²¹

If these passages were inspired by the same débâcle mentioned in *Ach.* 6, then we have a further clue to the sequence of events. Miletus is twice mentioned as a source of gain for Cleon; and it is likely that later in the year 425, not long after *Ach.*, Miletus was indeed assessed an added 5*tr* in tribute (*IG* I³ 71; cf. *ATL* 1:342–3). Assuming Cleon was charged with 'deception' or 'speaking not in the best interest' in his attempt

²⁰ On procedure in *προβολή*, cf. *Ath. Pol.* 43.5; Isoc. 15.314; Dem. 21, esp. 218, Ἀριστοφῶν ἀποδοὺς τοὺς στεφάνους ἔλυσε τὴν προβολήν. See also Lipsius, *Das attische Recht und Rechtsverfahren* (Leipzig, 1905–15), pp. 215–16; and Carawan, *GRBS* 28 (1987), 170–8. Another possible procedure, with simple fine in the amount of the damages, is suggested by *Ath. Pol.* 54.2, on *euthynai* in the fourth century. Presumably Cleon could have been charged with *adikion* in the accountings of *bouleutai*, mid-summer 426; but such a painless remedy probably applied only in petty offences (cf. MacDowell, *RIDA* 30 [1983], 58), and such a scenario does not help to explain the role of *hippeis*. Admittedly, we have no certain instance where proceedings for bribery *per se* were initiated by *προβολή*, but I think it is a reasonable conclusion that the so-called 'accountings' of Cimon (Plut. *Per.* 10.5 = *Cim.* 14.4) were in fact initiated by *προβολή*: see my arguments in *GRBS* 28 (1987), 202–5. In any event, the fact that *προβολή* was a regular procedure against sycophancy would certainly suggest that it was a proper remedy against official misconduct involving financial gain.

²¹ The connection between this passage in *Knights* and the allusion in *Ach.* 6 was noted by Bugh, p. 111 (who kindly sent me a draft of his chapter on this episode).

to block such an increase, by the procedure in *προβολή* his deal with Miletus may have been exposed before it could be carried into effect; he was then able to avoid prosecution by forfeiting his receipts to the state, claiming, as politicians will do, that he had, indeed, acted in the interests of the people. In the fourth century *προβολαί* were introduced at the *κυρία ἐκκλησία* of the sixth prytany, and if a similar schedule was also followed in the 420s, then the charges against Cleon may have been brought before the people just before the Lenaia and the production of *Acharnians*.²² Not long before that performance, Aristophanes was given the inspiration for the *Knights*, to be produced at the Lenaia the following year; and in *Ach.* he evidently added a late revision or two.²³ The chorus of *Acharnians* (300f.) looks ahead to the next year's performance: 'I hate you more than Cleon, whom I'll soon cut into shoelather for the Cavalry'. The *Knights* seems to assume audience awareness of some such defeat of Cleon as the loss of *5t* that delighted Dicaeopolis, and it is inherently more likely that the inspiration came after the allotment of choruses in later summer or autumn of 426, when the concept for *Acharnians* was already set, rather than months or years earlier.

The role of *hippeis* in these proceedings cannot be determined with certainty, but the scenario in Theopompus F 93-4 – that Cleon had prosecuted *hippeis* for *lipostratia*, and the five-talents penalty was a retaliation – is at least consistent with the theory that Cleon was prosecuted by *προβολή*. After all, it is not unlikely that Cleon had actually made formal charges of dereliction, as the scholiast suggests, rather than merely partisan allegations, as often supposed. Officers of the Cavalry, who had been the defendants in the suit for dereliction of duty, would then have been the principal accusers in an action for sycophancy or false prosecution.²⁴ The charges

²² Cf. *Ath. Pol.* 43.5. The rule calling for *probolai* in the sixth prytany was possibly introduced along with restrictions of *eisangelia* in the fourth century, but it is likely that, prior to the rule, *probolai* against official misconduct were ordinarily initiated around mid year. For the date of the Lenaia, see J. Mikalson, *The Sacred and Civil Calendar of the Athenian Year* (Princeton, 1975), pp. 109–10 and 200–1. The Lenaia would have occupied at least 4 days (consecutive) during the period Gamelion 12–21. There was a day or two devoted to procession and other observances before the dramatic contests; and thus the performance of *Acharnians* was no earlier than Gamelion 13 or 14, and perhaps a few days later. The *κυρία ἐκκλησία* in the sixth prytany is likely to have been no later than Gamelion 9 or 11 (when assemblies are later attested). On the bouletic calendar see P. J. Rhodes, *The Athenian Boule* (Oxford, 1972), pp. 224–8.

²³ For similar revision in *Frogs* after the death of Sophocles, cf. T. Gelzer, *Der epirrhematische Agon bei Aristophanes* (1960 = *Zetemata* 23), pp. 26–31; C. Russo, *Aristofane Autore di Teatro* (Florence, 1962), pp. 311–16; K. J. Dover, *Aristophanic Comedy* (Berkeley, 1972), pp. 180–3. See also Russo, p. 339, on *Ecclesiazusae* 1154–62, and Reckford, pp. 134–5. In *Ach.* 300, Aristophanes evidently draws upon recent events to give advance publicity to his next lampoon of Cleon; presumably the late-breaking story made the news sometime after the allotment of choruses in late summer or fall of 426. If the clash with Cleon in the *Knights* were a sequel to *Bab.*, we would expect it to have come a year earlier.

²⁴ For false prosecution and *προβολή*, cf. Xen. *Hell.* 1.7.35, and see n. 20 above. The officers charged with 'dereliction of duty' possibly included one or both of the hipparchs mentioned in *Eq.* 242–3, Simon and Panaitios. Bugh supposes, pp. 90–2, that one or the other may have been a hero of the recent victory at Solygeia. The scholiast suggests that they were advocates of the *hippeis* against malicious charges: *ὡς συκοφαντούμενοι ἐπικαλοῦνται εἰς βοήθειαν τοὺς ἰππέας*. References to the Cavalry as 'conspirators', in *Eq.* 626–30 *et passim*, probably reflect partisan rhetoric: there is no mention of conspiracy proceedings (*eisangelia*) in the scholia, though various explanations of *ξυνωμοσία* are given (schol. *Eq.* 236, 257, 476–8) and the scholiast attempts to explicate the proceedings in council parodied in *Eq.* 626–30. Charges of dereliction or desertion (*ἀστρατείας* or *λιποταξίου*) were ordinarily heard before military juries, as in *Lysias* 14, 15; cf. Lipsius, 452–5. The charges in *Lys.* 14.5–7 suggest an interpretation of the law suitable to our case: the younger Alcibiades is accused of taking refuge in the cavalry to avoid more hazardous duty in the ranks of the hoplites.

of sycophancy were possibly linked to corruption in the tribute assessment, as the suit against *hippeis* was obviously part of a campaign to shift the burden of financing the war on to the propertied classes. Aristophanes suggests that Cleon had given favourable treatment to Miletus in the tribute assessment, while he made greater demands upon domestic revenues, including *eisphora*; thus he attempted to balance the budget without alienating his constituency or foreign clients, and he made the *hippeis* prime targets of his populist programme. Any financial advantage that Cleon received from favoured clients among the allies would have suggested conflict of interest and tended to corroborate the charges that his prosecution of *hippeis* had been sycophancy and ‘deception of the people’. Thus, assuming the charges against Cleon were initiated by *προβολή*, there is at least a plausible connection between the suit against the Knights for dereliction and the five-talents penalty against Cleon, just as the scholia suggest. The scholiast is not likely to have inferred such legalities from the comedies; in fact, had he constructed a scenario solely from comic references, he could only have supposed that Cleon’s attack upon the Cavalry came as a consequence of the five-talents penalty, rather than claim, as he does (schol. *Ach.* 6), that the ‘insult to the Knights’ had cost Cleon the five talents.

CONCLUSION

We cannot entirely discount Lübke’s theory, that the *5t* in *Ach.* 6 refers to a mock trial in *Bab.*, but neither can we disregard the fragments of Theopompus simply because we are justifiably suspicious of any political commentary deduced from comedy. The stage-trial theory has no support in the ancient evidence beyond the note that slander of Cleon in *Bab.* was among the charges against Aristophanes (schol. *Ach.* 378). And that note is almost certainly the scholiast’s own inference: it does not appear to derive from Theopompus; and the notion of legal restriction against *ὀνομαστί κωμῶδειν* is an anachronism.²⁵ The anon. *vit. Ar.* suggests that the exposé in *Bab.* roused the opposition to take action before the court or assembly of the people, and Aristophanes himself was thus responsible (*αἷτιος*) for Cleon’s loss; but this, too, may be only an inference from the sequence of events, and it certainly need not imply a stage trial. On the other hand, the scholiastic tradition gives a connected account and plausible procedural details: schol. *Ach.* 6, 300; schol. *Eq.* 226, 242, 630; the hypothesis II in *Eq.* and anon. *vit. Ar.* 12, all support the tradition of a legal dispute involving Cleon and the Cavalry. From such testimony, alongside other evidence of the 420s, the events can be roughly reconstructed as follows: Cleon and the Cavalry were involved in a longstanding quarrel perhaps going back to his days as a member of the corps; Cleon attacked the Knights as the butt of his populist programme, probably undercutting their special state subsidies, the grain allowances and *katastaseis*, while the *eisphora* also fell heavily upon the families of *hippeis*. He justified such measures by accusing the Cavalry of ‘dereliction of duty’, and brought formal charges against officers of the corps. Sometime after *Babylonians*, and probably some months after the allotment of choruses in late summer or autumn of 426, Cleon himself was accused of taking bribes to favour the interests of allied clients. Theopompus suggests a connection between these proceedings and the earlier ‘insult to the Knights’, and it is therefore a reasonable conclusion that Cleon was indicted before the assembly by *προβολή* on charges of sycophancy and ‘deception of the people’ (in the case against *hippeis*), and accused of corruption (in the assessment of tribute). To avoid trial and yet more

²⁵ Cf. schol. *Ach.* 378 and anon. *vit. Ar.* 12.3, and see above nn. 3–5, 8–9, 13.

serious penalties, Cleon 'coughed up the five talents': the proceeds of his dealings with allied clients were remitted to the state; tribute and fiscal policy were to be adjusted accordingly. And, although the demagogue's power was unimpaired, it was a reversal to gladden the heart of Dicaeopolis.²⁶

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