

OSTRACISM, SYCOPHANCY, AND DECEPTION OF THE DEMOS: [ARIST.] *ATH. POL.* 43.5*

ἐπὶ δὲ τῆς ἕκτης πρυτανείας πρὸς τοῖς εἰρημένοις καὶ περὶ τῆς ὀστρακοφορίας ἐπιχειροτονίαν διδῶσιν εἰ δοκεῖ ποιεῖν ἢ μὴ, καὶ συκοφαντῶν προβολὰς τῶν Ἀθηναίων καὶ τῶν μετοίκων μέχρι τριῶν ἑκατέρων, κἂν τις ὑποσχόμενός τι μὴ ποιήσῃ τῷ δήμῳ.

In [the chief meeting of] the sixth prytany, in addition to the matters mentioned, they [the Assembly] take a vote on whether or not to hold an ostracism, and on preliminary complaints against sycophants, Athenians or metics, but not more than three of either kind, and against anyone who has failed to perform a promise made to the people. ([Arist.] *Ath. Pol.* 43.5) (tr. von Fritz, adapted)

Several features of this compact passage have puzzled scholars ever since the discovery of the Aristotelian *Constitution of the Athenians* a century ago. First, did the Athenian Assembly really deliberate on all these disparate matters in the chief meeting of the sixth prytany, and if so, why? Second, why did it limit complaints (*probolai*) against sycophants to a total of six divided equally between citizens and metics? Since the answers we give to these questions are fundamental to our understanding of basic Athenian institutions, they deserve careful consideration. This paper will argue that the Assembly *did* deliberate on these matters at the same meeting and indeed that this was natural, since they are all symbolic, as well as practical, instruments for controlling behaviour inimical to the demos' interests. It will also suggest that the limitation on *probolai* against citizen and metic sycophants was introduced to safeguard against the sort of abuse of the label 'sycophant' that took place under the regime of the Thirty, and that the measures described in *Ath. Pol.* 43.5 were, therefore, most likely linked together in the early years of the restored democracy.

I. THE DEMOS AND ITS ENEMIES

While the statement of *Ath. Pol.* 43.5 that the Assembly considered once a year the question of holding an ostracism is uncontroversial, some scholars are sceptical that *probolai* against sycophants and deceivers of the demos were also restricted to a single meeting each year. P. J. Rhodes, for example, maintains that

[t]here is no obvious reason why these accusations [against sycophants] should be admitted once a year, in the sixth prytany: Gilbert... suggested that in spite of the impression given by *A. P.*'s arrangement of his material these *προβολαί* could in fact be presented at any *κυρία ἐκκλησία*, and this may be right.¹

The passage in question does not merely give the impression that *probolai* for sycophants were admitted once a year, however, but unambiguously places them, together with the other matters of business mentioned, in the chief meeting of the

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¹ P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford, 1981), pp. 526–7, citing G. Gilbert, *The Constitutional Antiquities of Sparta and Athens*, tr. E. J. Brooks and T. Nicklin (Sonnenschein, 1895), p. 303 n. 3. Rhodes, p. 527, also questions the assignment of *probolai* against deceivers of the demos to the chief meeting of the sixth prytany. R. J. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle* (Chicago, 1938), ii.67, cite Gilbert without further comment. M. Chambers, *Staat der Athener* (Berlin, 1990), p. 402, citing Bonner and Smith, views the passage as problematic.

sixth prytany.² At the same time, the measures listed in *Ath. Pol.* 43.5 share three features that make comprehensible their assignment to the same meeting of the Assembly: (A) they are all weapons in the demos' arsenal against its enemies; (B) similar restrictions are placed on their use; and (C) their presence on the Assembly's agenda had a largely symbolic function.

A. The weapons and their targets

All three measures mentioned in *Ath. Pol.* 43.5 allow the Assembly to identify and condemn individuals deemed to pose a direct and significant threat to the democracy. Though the specific procedures involved vary, this similarity alone may account for their placement together on the Assembly's agenda. Further grounds for accepting their assignment to the same meeting is their complementary relation to one another. On the one hand, ostracism allowed the demos to act against powerful men of the upper class who were perceived to be hostile to democratic principles. *Probolai* against sycophants and deceivers of the demos, on the other hand, were available against those who, while pretending to embrace the cause of the people, exploited the public trust for their own private purposes. There is thus an intriguing symmetry between these measures directed, respectively, against aristocratic 'outsiders' and democratic 'insiders', which might help explain their assignment to the same annual meeting of the Assembly. Let us consider the targets against whom these three measures were aimed.

Whatever the original function of ostracism, Athenians came to regard it as an instrument by which the demos could keep powerful individuals of high social rank in check.³ This is most evident in the contemporary reaction to the ostracism of Hyperbolus (417–415 B.C.).⁴ Thucydides, for example, remarks that Hyperbolus was ostracised 'not due to fear of his power and status, but because of his wickedness and the shame he brought upon the city' (οὐ διὰ δυνάμεως καὶ ἀξιώματος φόβον, ἀλλὰ διὰ πονηρίαν καὶ αἰσχύνην τῆς πόλεως) (8.73.3). Thucydides makes a special point of commenting on the anomaly of a 'base' democrat, rather than a man of 'power and status' being ostracised. The comic writer, Plato, makes the same point more explicitly by emphasising Hyperbolus' allegedly low birth:

καίτοι πέπραγε τῶν τρόπων μὲν ἄξια,
αὐτοῦ δὲ καὶ τῶν στιγμάτων ἀνάξια·
οὐ γὰρ τοιούτων οὐνεκ' ὄστραχ' ἠύρεθη.

Although he got what a man of his character deserved, it was a fate too good for him and his slave's brands. For not on account of men of his sort was ostracism invented. (fr. 203 K.–A.)⁵

² The arrangement of the material in *Ath. Pol.* 43.3–6 is orderly and unambiguous: after noting that the *prytaneis* convene four meetings of the Assembly in each prytany (43.3), the author first discusses the agenda of the *κυρία ἐκκλησία* (43.4) and notes the additional (*πρὸς τοῖς εἰρημέτοις*) matters of business in the chief meeting of the sixth prytany (43.5), and then treats the remaining three regular meetings in turn (43.6).

³ For a survey of the abundant bibliography on ostracism, see Rhodes (n. 1), pp. 267–71. On the institution's social and political implications, see esp. V. J. Rosivach, 'Some Fifth and Fourth Century Views on the Purpose of Ostracism', *Tyche* 2 (1987), 167 and *passim*. J. Ober, *Mass and Elite in Democratic Athens* (Princeton, 1989), p. 75, rightly notes that whomever 'Cleisthenes designed the weapon to be used against, those who ended up ostracized were members of the elite'.

⁴ On the problem of dating Hyperbolus' ostracism, see A. W. Gomme, A. Andrewes and K. J. Dover, *A Historical Commentary on Thucydides* (Oxford, 1981), v.258–64, with earlier bibliography.

⁵ On this passage and Thuc. 8.73.3, see Rosivach's intelligent discussion (n. 3), pp. 166–7. Gomme *et al.* (n. 4), v.258, too readily dismiss the view of ostracism expressed in these passages as 'conventional'.

Plutarch, in quoting this fragment, implies that ostracism fell out of use after this time because of its misapplication to a man of Hyperbolus' station (*Nic.* 11.6–8; cf. *Alc.* 13.9).⁶ Since the institution had already fallen into disuse well before Hyperbolus' time, Plutarch's explanation of the obsolescence of ostracism is unconvincing. All the same, there is a grain of truth to his social analysis: the recorded instances of ostracism in Athens suggest that notable men from established families were its primary targets.⁷

The precise group targeted by *probolai* against sycophants is somewhat more elusive, since we lack definitive evidence of actual complaints of this type being brought before the Assembly.⁸ Everything we know about the use of the designation 'sycophant,' however, suggests that individuals subject to such a charge were, in the public mind, at the opposite end of the social and political spectrum from those subject to ostracism. 'Sycophant' served generally as a hostile characterisation of those who were perceived to manipulate democratic legal procedures for personal gain, whether financial or political, or simply out of sheer love of trouble-making (*polypragmosune*).⁹ We, therefore, find the term applied to a wide range of allegedly unscrupulous legal actors, ranging from popular politicians (*rhetores*) to marketplace informers.¹⁰ In the Athenian mind, this group was far removed from those subject to ostracism: the paradigmatic sycophant was a lower-class opportunist who used the democratic courts, or the threat of recourse to them, to harass men of the upper class.¹¹ He was deemed more likely to bring about the expulsion of his social betters, through litigation or even ostracism, than to suffer this fate himself.¹²

⁶ For a discussion of fourth-century B.C. and later accounts of ostracism, see J. J. Keaney, 'Theophrastus on Ostracism and the Character of his *Nomoi*' (forthcoming).

⁷ Rhodes (n. 1), p. 271, conveniently lists known instances of ostracism. For the much longer list of names recorded on *ostraka*, see R. Thomsen, *The Origin of Ostracism* (Copenhagen, 1972), pp. 61–108.

⁸ Possible instances of *probolai* against sycophants and deceivers of the demos are discussed below, n. 20.

⁹ On the problem of defining 'sycophant' and 'sycophancy', see most recently R. Osborne, 'Vexatious Litigation in Classical Athens: Sykophancy and the Sykophant', in *Nomos: Essays in Athenian Law, Politics and Society*, ed. P. Cartledge *et al.* (Cambridge, 1990), pp. 83–102, and D. Harvey, 'The Sykophant and Sykophancy: Vexatious Redefinition?', in *Nomos*, pp. 103–21. Harvey, pp. 103–4 n. 1, lists earlier bibliography, most notably J. O. Lofberg, *Sykophancy in Athens* (Chicago, 1917). To Harvey's list, add G. Bockisch, 'Sykophanten', in *Soziale Typenbegriffe im alten Griechenland*, ed. E. C. Welskopf (Berlin, 1981), iv.11–25.

¹⁰ M. H. Hansen, *Eisangelia* = Odense University Classical Studies, Vol. 6 (Odense, 1975), pp. 38–9, wrongly maintains that *rhetores* alone were subject to *probolai* against sycophants. Not only is this unlikely, given the diverse groups against whom the charge of sycophancy is levelled in our sources, but also contradicted by the fact that metics, whose status kept them from being *rhetores*, were subject to *probolai* against sycophants (*Ath. Pol.* 43.5).

¹¹ The term most frequently associated with 'sycophant' is *poneros*, a term equally suitable, as Harvey (n. 9), p. 109, notes, to describe the sycophant's moral baseness and low social status. For evidence of the stereotype that sycophants are poor, lower-class men, see, e.g. Eup. fr. 193 K.-A., Ar. Av. 1416–21 (a sycophant dressed in rags), Isoc. 21.5, Aesch. *Ctes.* 255–6, [Arist.] *Rhet. ad Alex.* 1424a31–2, Men. *Georgoi* fr. 1 Sandbach. For the common representation of rich, upper-class men as victims of sycophants, see, e.g., [Xen.] *Ath. Pol.* 1.14, Ar. *Eq.* 258–65 and Ar. 285, Eup. frs. 99.85–7 and 193 K.-A., Isoc. 21.5 and 21.8, Xen. *Mem.* 2.9.1–8, Pl. *Rep.* 565b–566a, Arist. *Pol.* 1304b. Osborne (n. 9), p. 86, Harvey (n. 9), pp. 110–11, and S. C. Humphreys, 'Public and Private Interests in Classical Athens', *CJ* 73 (1977/8), 103, briefly discuss the Athenian characterisation of sycophancy in these terms. This conception of sycophants and their victims is, I believe, a social construct subject to diverse interpretation and manipulation by elite Athenians, on the one hand, and democrats, on the other.

¹² Sycophants cause expulsion: see, e.g., [Xen.] *Ath. Pol.* 1.14, Ant. 5.78, Andok. 1.105, Lys. 18.9, 25.26, all discussed, with additional evidence, by Harvey (n. 9), pp. 117–18. Cf. the frequent

Probolai against deceivers of the demos, like those against sycophants, appear to target democratic insiders who abuse the trust placed in them by the people. In a certain sense, in fact, sycophancy is but a special case of deception of the demos, as it can entail misleading the people through a false prosecution. It comes as no surprise, therefore, that the charges of sycophancy and deception of the demos are intimately connected in our sources from the late fifth century on. In *Knights* (424 B.C.), for example, Aristophanes characterises Cleon repeatedly as both a sycophant and a deceiver of the demos.¹³ Callixenus, who drafted what might be deemed a 'sycophantic' charge against the generals after Arginusae in 406 B.C. (Xen. *Hell.* 1.7.9), was later charged through a *proboule* with deception of the demos (Xen. *Hell.* 1.7.34–5).¹⁴ Late in the fourth century, we find a similar conjunction of sycophancy and deception in Hyperides' assertion that the demos do not tolerate sycophants and their false promises (*Eux.* 33–5).¹⁵

If Athenians viewed ostracism as a measure directed against aristocratic outsiders, and *probolai* as measures against democratic insiders, this is sufficient reason to accept the testimony of *Ath. Pol.* 43.5 that they were all considered at the same annual meeting of the Assembly. Complementary in nature, these measures reflected the demos' power over diverse elements within the city.

B. Restrictions and safeguards

The demos restricted ostracism and *probolai* in similar ways, presumably to prevent their abuse and overuse. In the case of ostracism, rash action against alleged enemies was avoided by holding the vote on whether to conduct an ostracism in the sixth prytany and delaying the actual *ostrakophoria* (if required by the outcome of the first vote) until the eighth prytany.¹⁶ Similarly, *probolai* against sycophants and deceivers of the demos were preliminary in character: the Assembly's vote for or against the accused was simply an expression of public opinion without binding force, although an affirmative vote might prompt the presenter of the complaint to take his charge to the courts later, with the endorsement of the Assembly.¹⁷ A further safeguard is

complaint of elite writers that 'one can no longer live in Athens because of sycophants': Xen. *Mem.* 2.9.1, Arist. fr. 667 Rose, Isoc. fr. 11 Mathieu, and Theophr. *Char.* 26.5.

Sycophants cause ostracism: see Plut. *Alc.* 13.5–6, and *Suda* s.v. *θησείουσιν* (μετὰ γὰρ τὸ χάρισσαι τὴν δημοκρατίαν τοῖς Ἀθηναίοις τὸν Θησέα Λύκος τις συκοφαντήσας ἐποίησεν ἐξοστρακισθῆναι τὸν ἥρωα). A. E. Raubitschek, 'Theophrastus on Ostracism', *C&M* 19 (1958), 78 n. 3, plausibly traces the *Suda*'s citation back to Theophrastus, though he argues unpersuasively that ἐξοστρακισθῆναι is meant metaphorically. For further discussion of this passage, see Rosivach (n. 3), p. 169, with notes.

¹³ Cleon as sycophant: *Eq.* 62–70, 255–65, 299–302, 324–7, 436–7, 773–6, 977–85. Cleon as deceiver of the demos: *Eq.* 48, 633, 809, 1103, 1224, 1345. The two charges are combined at *Eq.* 1356–61. Cf. *Pl.* 864–6, where the sycophant makes sycophantic use of the charge of deception of the demos by levelling it against Wealth.

¹⁴ *Suda* s.v. *ἐναύειν*, as noted by Bonner and Smith (n. 1), ii.65, actually calls Callixenus a sycophant.

¹⁵ For further discussion of the connection between sycophancy and deception of the demos in Xen. *Hell.* 1.7.34–5 and Hyp. *Eux.* 33–5, see Bonner and Smith (n. 1), ii.49–50, 64–5, and A. R. W. Harrison, *The Law of Athens* (Oxford, 1971), ii.61.

¹⁶ Philochorus (*FGrHist* 328 F 30) appears to place the *ostrakophoria* in the eighth prytany. In his commentary on the fragment, F. Jacoby argues plausibly for this interpretation, but dismisses as 'trivial' J. Carcopino's reasonable suggestion in *L'Histoire de l'ostracisme Athénien* (Paris, 1909), p. 126, that the interval between the vote on holding the *ostrakophoria* and the *ostrakophoria* itself was a safeguard against its rash use.

¹⁷ On the character of *probolai*, see J. H. Lipsius, *Das Attische Recht und Rechtsverfahren* (Leipzig, 1905), i.211–19, E. Berneker, 'προβολή', *RE* xxiii.1.43–8, Bonner and Smith (n. 1),

evident in the limits on the number of persons subject to ostracism and *probolai* against sycophants: if an *ostrakophoria* was held, only one individual could be ostracised (and only if a majority of *ostraka* were against him); only six persons could be condemned as sycophants through *probolai*.¹⁸ Seen in this light, the statement that *probolai*, as well as the vote on holding an *ostrakophoria*, were held just once a year makes good sense: by limiting all these measures to one annual meeting, the Assembly provided an additional safeguard against overuse.

C. Symbolic measures

A further similarity between these measures is that they held a symbolic value for the demos which ensured them a continuing place on the Assembly's agenda despite infrequent use. This is particularly evident in the case of ostracism: although there are no actual instances of ostracism after the late fifth century, the Assembly continued to vote each year through Aristotle's time on whether to hold an ostracism.¹⁹ *Probolai* against sycophants and deceivers of the demos were, as best we can tell, infrequent.²⁰ Their presence on the Assembly's annual agenda, however, like the vote on whether to hold an *ostrakophoria*, served as a warning to potential offenders that the demos retained the power to condemn them publicly. Their primary value, therefore, would

ii.63–71, Harrison (n. 15), ii.59–64, D. M. MacDowell, *The Law in Classical Athens* (Ithaca, 1978), pp. 194–7, and Rhodes (n. 1), pp. 526–7 and 659–60. Since there are few direct references outside of *Ath. Pol.* 43.5 to *probolai* against sycophants (Isoc. *Antid.* 314, Theophr. *Nomoi* fr. 3 Szegedy-Maszak, Pollux 8.46, and cf. Lys. 13.65) and deceivers of the demos (Xen. *Hell.* 1.7.34–5), most of our information about the procedure derives from *probolai* arising from offences at festivals, for which see esp. D. M. MacDowell, *Demosthenes: Against Meidias* (Oxford, 1990), pp. 13–16.

The relation of *probolai* against sycophants to the *graphe sycphantias* is disputed: see esp. Harrison (n. 15), ii.62–3, with ii.61 n. 3. L. W. A. Crawley, 'ΓΡΑΦΗ ΣΥΚΦΑΝΤΙΑΣ', in *Auckland Classical Essays Presented to E. M. Blaiklock*, ed. B. F. Harris (Auckland, 1970), p. 85, questions the existence of a *graphe* of this type, but is rightly challenged by Harvey (n. 9), p. 106 n. 12. [Arist.] *Ath. Pol.* 59.3 is convincing testimony to its existence. The relation of *probolai* against deceivers of the demos and *eisangeliai* against (apparently) the same category of offender (D. 20.100, 135 and D. 49.67) is discussed by Hansen (n. 10), pp. 38–9. On 'deception of the demos' and related charges, see MacDowell, *Law* (n. 17), pp. 179–81.

¹⁸ On the rules governing ostracism, see esp. Rhodes (n. 1), p. 270. One might well wonder why three was selected as the limit on *probolai* against sycophants in each category, citizen and metic. The number three, however, was significant in other Athenian institutions, as R. Garner, *Law and Society in Classical Athens* (London, 1987), p. 97, notes, and, in fact, appears repeatedly in the description of the Assembly's regular agenda in [Arist.] *Ath. Pol.* 43.6. On the similarity of ostracism and *probolai* against sycophants, see Garner, p. 70, who notes that 'both procedures created a sort of inverse priamel by finding the worst rather than the best'.

There was apparently no limit on the number of deceivers of the demos subject to *probolai*. One explanation for this is that the label 'deceiver of the demos' was never abused in the way that 'sycphant' was by the Thirty (see below in the text) and, therefore, no numerical limit was placed on *probolai* of this type.

¹⁹ For the view that the Assembly continued to vote each year on holding an ostracism, see Rhodes (n. 1), p. 526, and Rosivach (n. 3), p. 163, who infers that 'ostracism continued to have a symbolic value for the Athenians even after it had apparently ceased to play any role in practical politics'.

²⁰ Xen. *Hell.* 1.7.35 provides our only certain instance of *probolai* against deceivers of the demos, Lys. 13.65 the most likely candidate for an actual case of a *probole* against a sycphant. M. H. Hansen, *The Athenian Ecclesia II* (Copenhagen, 1989), p. 27 n. 8, wrongly cites the former as an instance of *probolai* against sycophants, and takes the *probole* alluded to in D. 21.218 as one for failure to fulfil a promise to the demos rather than, as MacDowell, *Meidias* (n. 17), pp. 419–20, rightly notes, one arising from an offence at a festival.

appear to be symbolic: once each year the Assembly paraded the weapons available to it against public enemies, if only to assert its power, and then set them aside until the next year.

Since the measures mentioned in *Ath. Pol.* 43.5 share so much in common, we should accept the passage's assertion that the Assembly considered them all in the same annual meeting and take this as evidence that ideological, as well as practical, concerns shaped its agenda for the chief meeting of the sixth prytany. Although we cannot be certain when these measures were joined together, it is unlikely that this occurred any earlier than the late fifth century.²¹ While the vote on *ostrakophoria* probably originates in the late sixth century,²² *probolai* against sycophants make little sense before the end of the fifth century, when the word 'sycophant' first comes into vogue in Athens.²³ *Probolai* against deceivers of the demos are more difficult to pin down: although the category 'deceiver of the demos' may date back at least to Miltiades' time (490/489 B.C.), there is little evidence for *probolai* of any kind before the late fifth century, and some evidence, in fact, that they were introduced only in the last decades of the century.²⁴ It will be argued below that the form of the measure against sycophants allows us to date it, and consequently the joining together of the three measures described in *Ath. Pol.* 43.5, to sometime after 404/403 B.C.

II. SYCOPHANTS, METICS AND THE THIRTY

Scholars have long puzzled over the assertion of *Ath. Pol.* 43.5 that *probolai* against sycophants were limited to three against citizens and an equal number against metics. D. Harvey, for example, points to two difficulties in this statement:

(a) A sykophant needed to be able to prosecute. Could a metic bring a *graphe*? The modern consensus is yes...but only in exceptional cases. If so, it is surprising that citizen and metic maxima are identical. (b) Since the number of citizens greatly exceeded the number of metics, this would imply, not that metics were *as* active as citizens in sykophancy, but that they were *more* active – even odder since their numbers dropped in the fourth century when the *Ath. Pol.* was written...²⁵

²¹ Hansen (n. 10), p. 38, suggests that 'the detailed rules of procedure laid down for the Assembly may not have been introduced until the second half of the fourth century. Aristotle's description of the agenda for the various meetings of the Assembly resembles his description of the division of powers within the Board of Generals which dates only from c. 340'. Even if this is true of much of the agenda described by *Ath. Pol.* 43.3–6, the matters of business outlined in 43.5 may have been joined together at an earlier date, as argued below in the text.

²² The controversy over the date of the introduction of ostracism is discussed by Rhodes (n. 1), pp. 268–9.

²³ The earliest use of a word based on the root *sukophant-* is perhaps [Xen.] *Ath. Pol.* 1.14, dating to the early years of the Peloponnesian War. On this and other early instances of words based on this root, see J. L. Marr, 'Notes on the Pseudo-Xenophontic *Athenaion Politeia*,' *C&M* 34 (1983), 53 n. 9.

²⁴ Miltiades was tried before the demos *ἀπάτης εἵνεκεν* after his failed expedition against Paros (Hdt. 6.136). Hansen (n. 10), p. 69, argues that the procedure used was *eisangelia*. The two *probolai* discussed above (n. 20) date to 406 B.C. (Xen. *Hell.* 1.7.35) and sometime in the last decade of the fifth century (Lys. 13.65). Isocrates' attribution of the *probole* against sycophants to Solon (*Antid.* 314) is surely fanciful and tells us nothing about its antiquity, *pace* MacDowell, *Meidias* (n. 17), p. 14 n. 1. As MacDowell, *Meidias* (n. 17), p. 14, rightly argues, *probolai* for offences at festivals do not appear to have been in use before the late fifth century (see esp. D. 21.147); those against sycophants and deceivers of the demos probably also came into use at about this time.

²⁵ Harvey (n. 9), p. 106 n. 13.

Such difficulties have led R. Osborne to propose a different translation of the passage:

If the *Ath. Pol.* were written in the best literary Greek, it would be imperative to translate this [43.5] to mean 'hear accusations about informers, whether Athenians or metics (with a limit of three of each)'; but since it is not, it is possible that the genitives do not all refer to the same persons, and hence the limitation might be that three Athenians and three metics could bring charges against sycophants in this way annually.²⁶

I will argue, on the contrary, that we ought to accept the natural reading of the passage, and that it makes good sense, in fact, as a reaction to the purges of the Thirty.

A. *Metic sycophants*

If we assume initially, as Harvey does, that the label 'sycophant' was applied only to individuals actually bringing *graphai*, it is not unreasonable to conclude that citizen 'sycophants' outnumbered metic 'sycophants', since metics were fewer in number than citizens and had limited access to the courts. Even under such circumstances, however, there is a very plausible explanation for why an equal number of citizens and metics were subject to *probolai* as sycophants: the numerical equality reflects Athenian society's relative intolerance of 'sycophancy' among its metic population. A higher proportion of metics than of citizens was accordingly subject to *probolai* as sycophants, because abuse of the legal system by resident aliens was deemed more objectionable than the same behaviour among citizens. That metics might be held to a higher standard of behaviour than citizens is consistent with what else we know about the relative status of these groups: the ideal metic, after all, was one who did not trouble the citizens who generously allowed him residence in their state.²⁷

The same considerations render Osborne's reading of the passage improbable. If, as Osborne would have it, metics were allowed the same number of complaints as citizens against sycophants, this would mean, because of their smaller numbers, that they enjoyed greater privilege to complain to the Assembly about sycophants than citizens did.²⁸ This is very hard to believe and, together with the difficulties of taking the Greek in this way, makes Osborne's hypothesis untenable.

We can reject, without going further, Harvey's objections to *Ath. Pol.* 43.5 and Osborne's alternate reading of it. We ought, however, to call into question as well the assumption that one had to bring a *graphe* to be publicly charged as a sycophant through a *probole*. Our sources apply the term 'sycophant' not only to persons actually bringing *graphai*, but also to those believed to be involved in other types of legal chicanery, including blackmail, perjury, and collaboration with those bringing false suits.²⁹ That such persons might also be charged as sycophants through *probolai* is plausible and, indeed, we have no reason to believe that the Assembly was

²⁶ Osborne (n. 9), pp. 94–5 n. 37. Harvey (n. 9), p. 106 n. 13, finds Osborne's translation appealing.

²⁷ For this ideal, see esp. Eur. *Suppl.* 891–5, discussed by D. Whitehead, *The Ideology of the Athenian Metic* = Cambridge Philological Society, Vol. 4 (Cambridge, 1977), p. 37, and L. B. Carter, *The Quiet Athenian* (Oxford, 1986), pp. 126–7.

²⁸ Non-citizens could address the Assembly but, as Rhodes (n. 1), p. 527, notes, only by special permission.

²⁹ Osborne (n. 9), p. 92, notes that defendants in private suits (*dikai*) regularly accuse their opponents of sycophancy. Harvey (n. 9) collects the ancient sources associating sycophancy with blackmail (p. 111), perjury (p. 108, s.v. 'plotter and perjurer'), and collaboration in legal abuse (p. 115 n. 39).

constrained by a narrow legal definition of sycophancy: a sycophant was presumably anyone, citizen or metic, so judged by the Athenians in Assembly.³⁰

Specific evidence that Athenians might regard metics, regardless of their precise legal privileges, as sycophants is found in the first parabasis of *Wasps* (422 B.C.). The chorus praise Aristophanes for his heroism in a comedy of the previous year, in which he attacked the agues and the fevers, who by night strangled (ἤγχον) fathers and choked grandfathers, and who lay down on the beds of the peaceable folk (ἀπράγμοισιν) among you and stuck together affidavits, summonses and depositions, so that many jumped up in terror to go to the polemarch. (1037–42) (tr. Sommerstein, adapted)

These criminals who attack *apragmones* are without a doubt ‘sycophants’.³¹ The most plausible explanation for why the victims of these sycophants seek out the polemarch is that their assailants are metics and the polemarch the magistrate who receives complaints against members of this group.³² Although Aristophanes is no doubt taking a cheap shot at metics by insinuating that they, and not citizens, are responsible for malicious litigation, his audience may have been willing to believe the worst of them.³³ Sycophancy, after all, is depicted regularly in comedy and oratory as an invasion from outside the city.³⁴

B. *The Thirty*

Although there need have been no specific historical event to warrant the inclusion of metics in the measure described by *Ath. Pol.* 43.5, this measure looks very much like a direct response to the reign of terror of the Thirty (404/403 B.C.), who used the label ‘sycophant’ to purge the city of their enemies among both the citizen and, in all likelihood, the metic populations. It was to safeguard against such excesses in the future that the demos restricted the number of metics and citizens who could be charged with sycophancy.

Xenophon distinguishes three stages by which the Thirty proceeded to eliminate those hostile to their regime:³⁵

...first, they arrested and brought to trial for their lives those persons whom all knew to have lived off sycophancy under the democracy (οὓς πάντες ᾗδεσαν ἐν τῇ δημοκρατίᾳ ἀπὸ συκοφαντίας ζώντας) and to have been offensive to the aristocrats; and the *Boule* gladly condemned them, and the rest of the citizens – at least all who were conscious that they were not of the same sort themselves (ὅσοι συνᾗδεσαν ἑαυτοῖς μὴ ὄντες τοιοῦτοι) – were not displeased. (Xen. *Hell.* 2.3.12–13) (tr. Brownson, adapted)

After this initial step, Xenophon relates, the Thirty called in a Spartan garrison, to

³⁰ MacDowell, *Law* (n. 17), pp. 65–6, rightly questions the existence of any legal definition of sycophancy. Harvey’s suggestion (n. 9), p. 106, that ‘[t]here ought surely to have been *some* legal definition of sykophancy’ is unconvincing.

³¹ Aristophanes depicts *apragmones* as favourite victims of sycophants in *Eq.* 258–65 and ‘throttling’ (ἀγχων) as a sycophantic tactic (*Eq.* 775–6). Cf. *Ar. Ach.* 713, where malicious prosecutors interfere with the sleep of old men.

³² I follow here the interpretation of the passage advanced by Bonner and Smith (n. 1), ii.69 n. 2, and D. M. MacDowell, *Aristophanes: Wasps* (Oxford, 1971), p. 268.

³³ Since metics were heavily involved in economic activity within the city, they may have been especially susceptible to the charge of venality that is so closely connected with sycophancy.

³⁴ See, e.g., *Ar. Ach.* 515–19, 703–5, and D. 26.17 (cf. D. 25.63 and 25.82). Cf. Plato, *Leg.* 938b–c, where sanctions are provided against non-citizens, as well as citizens, who ‘multiply suits’ (πολυδικεῖν) or assist in such legal chicanery.

³⁵ The Thirty’s purge is also described in [Arist.] *Ath. Pol.* 35.3–4, D. S. 14.4–5, and Just. 5.8.11–5.9.2. Cf. the brief mentions in Plut. *Mor.* 959d and 998a–b. On the relation of the ancient accounts to one another and the different chronologies they offer, see P. Krentz, *The Thirty at Athens* (Ithaca, 1982), pp. 131–47, Rhodes (n. 1), pp. 415–22, and M. Ostwald, *From Popular Sovereignty to the Sovereignty of Law* (Berkeley, 1986), pp. 481–4.

assist in putting 'scoundrels' (*poneroi*) out of the way (2.3.13). When they received the garrison, however, they arrested not 'scoundrels and persons of little account' (*τοὺς πονηροὺς τε καὶ ὀλίγου ἀξίους* 2.3.14), but proceeded against those who might be able to muster the greatest support against them (2.3.14). Finally, Xenophon notes, the Thirty 'killed many out of enmity and many for money' and condemned to death wealthy metics and confiscated their property to raise money for their regime (2.3.21).

Although Xenophon describes only the first group of victims as 'sycophants', there is good reason to believe that the Thirty used the catchword 'sycophant' throughout their purge.³⁶ Elite Athenians regularly wield this term against democrats who irk them both in and out of the courts, and this is surely the use to which the Thirty put it, although with more dire consequences for those so labelled.³⁷ Xenophon's tripartite description of the purge obscures an important fact: in all cases the Thirty were acting against opponents to whom they might ascribe, because of their advocacy of democracy or opposition to the oligarchy, the characteristic vice of active democrats, 'sycophancy'. This becomes evident upon a close examination of Xenophon's account.

That ardent democrats were the first victims of the Thirty is logical, as they posed the greatest threat to the reactionary regime, and this would appear to be what Xenophon describes, although in typically aristocratic terms.³⁸ According to Xenophon, the Thirty first arrested and tried those, 'whom all knew to have lived off sycophancy under the democracy and to have been offensive to the *kaloi kagathoi*'.³⁹ The addition of the latter clause leaves little doubt as to the political basis of the charge levelled: those executed were surely Athenians of strong democratic sentiment who had angered the *kaloi kagathoi* now in power.⁴⁰ That a *Boule* handpicked by the Thirty (2.3.11) agreed that the accused were 'sycophants' tells us only that they shared Xenophon's reactionary views.⁴¹ Democrats, if of a brand slightly less

³⁶ Osborne (n. 9), p. 101 and p. 101 n. 54, rightly suggests that the Thirty used 'the label sykophant as an excuse for attacking all and sundry', but does not attempt to prove the point. That 'sycophancy' may have performed other functions as well in the propaganda of the Thirty is evident from [Arist.] *Ath. Pol.* 35.2, which states that the Thirty altered inheritance laws 'in order that there might be no leeway for sycophants'.

³⁷ The Old Oligarch, for example, characterises the entire demos as sycophantic, when he asserts that they 'sycophant' against aristocrats in the subject states ([Xen.] *Ath. Pol.* 1.14). On the class implications of the label, see above n. 11.

³⁸ Xenophon apparently remained in the city under the Thirty (see, e.g., G. Cawkwell, *Xenophon: A History of my Times* [New York, 1979], p. 9) and was at least initially sympathetic to their rule. He, therefore, approves of their purge of democratic 'sycophants', but objects to the extension of the purge to men of his own class.

³⁹ The common assertion in our sources that certain men 'live off sycophancy' is best regarded as a vivid slander against those perceived to abuse the courts (cf. Osborne [n. 9], pp. 87–8), and not as evidence of a professional class of legal tricksters (*pace* Harvey [n. 9], pp. 114–16).

⁴⁰ The political basis of the purge from its start is explicit in [Arist.] *Ath. Pol.* 35.3, which notes that the Thirty 'removed sycophants and those who were associating undesirably with the people so as to win favour with them and who were malefactors and scoundrels' (*τοὺς συκοφάντας καὶ τοὺς τῷ δήμῳ πρὸς χάριν ὀμιλοῦντας παρὰ τὸ βέλτιστον καὶ κακοπράγμονας ὄντας καὶ πονηροὺς ἀνθρώπων*). Rhodes (n. 1), p. 446, reasonably places the condemnation of Agoratus' victims – Strombichides and other generals and taxiarchs of 405/404 (Lys. 13.35–8) – during this early phase of the Thirty's rule.

⁴¹ Scholars have too readily believed Xenophon and other elite writers ([Arist.] *Ath. Pol.* 35.3 and D. S. 14.4.2–3) who assert that there was wide approval of the initial purge: see, e.g., Lofberg (n. 9), p. 25, Bonner and Smith (n. 1), ii.70, Crawley (n. 17), p. 77, and Garner (n. 18), p. 65. The only evidence for popular approval of the purge of sycophants is Lysias 25, whose oligarchic speaker asserts before a popular audience that they would have considered the Thirty to be 'good men,' had the Thirty restricted their violence to those who, under the democracy,

offensive to the Thirty, were clearly also the targets of the second wave of attacks, made this time on 'any who, if they undertook to offer any opposition, would obtain supporters in the greatest numbers' (2.3.14). Theramenes tellingly characterises this group of victims as men 'honoured by the demos' (2.3.15). The final phase of the purge, in which metics were targeted, was, according to Xenophon, motivated by financial concerns (2.3.21). Our other sources reveal that the Thirty killed two birds with one stone, however, by executing metics who were both wealthy and opposed to their regime.⁴²

Although Xenophon is not concerned in his account with detailing the specific complaints the Thirty threw against their opponents, he hints that sycophancy was one of the regular charges they made.⁴³ The ironic note with which Xenophon concludes his description of the first wave of attacks points in this direction: those who did not think the label 'sycophant' applied to themselves were not unhappy at the proceedings. The implication is surely that when the Thirty later used the catchword 'sycophant' as pretext to arrest and punish an ever-widening circle of persons, those initially passed over began to rue their acceptance of the first purge. The words that Xenophon later attributes to Theramenes in his defence against the Thirty, in fact, point to the same conclusion: Theramenes complains of how the Thirty moved from their earlier policy of 'arresting men *agreed* to be sycophants' (*ὁμολογουμένως συκοφάντας ὑπάγεσθαι*) to attacking *kaloí kagathoi*, whether citizen or metic (2.3.38). Theramenes has little reason to emphasise that those first arrested were sycophants 'by common agreement' unless he means to suggest that the Thirty later applied this label to those not agreed to be sycophants.

What little information Xenophon provides about the charges levelled against the second and third groups of victims points in the same direction as the evidence cited above. When he describes the second phase of the purge as directed against *poneroi*, we must not assume that the Thirty no longer employed the label 'sycophant'. On the contrary, the categories 'sycophants' and *poneroi* are intimately connected in the Athenian mind and are often interchangeable.⁴⁴ Although Xenophon gives us no direct evidence of the pretext upon which the Thirty attacked metics, Theramenes' charge that the Thirty were now worse than sycophants (Xen. *Hell.* 2.3.22–3) has an additional bite if we understand this to be one of the charges the Thirty levelled against their metic, as well as citizen, victims. This would also lend deeper significance to Lysias' similar charge against the Thirty as he introduces his description of their purge of metics:

When the Thirty, scoundrels and sycophants (*πονηροὶ ... καὶ συκοφάνται*) that they were, came into power, and declared that the city must be purged of unjust men and the rest of the citizens inclined to virtue and justice, despite these professions they had the effrontery to discard them in practice ... (Lys. 12.5–6) (tr. Lamb, adapted)

embezzled public funds, took bribes, and 'sycophanted' the allies (25.19). Since we do not know the outcome of this trial, however, we cannot be at all sure that the public received this characterisation of the purge warmly. The fact that it does not appear elsewhere in the extant orations, which speak so frequently of sycophants, suggests that this view was not widely accepted.

⁴² For evidence that the attack on metics was motivated by both financial and political considerations, see Lys. 12.6 and [Arist.] *Ath. Pol.* 35.4.

⁴³ Our sources provide a number of terms of abuse that the Thirty may have thrown against their opponents: *συκοφάνται* (Xen. *Hell.* 2.3.12 and *passim*, [Arist.] *Ath. Pol.* 35.3), *πονηροί* (Xen. *Hell.* 2.3.14, [Arist.] *Ath. Pol.* 35.3, D. S. 14.4.2), *κακοπράγμονες* ([Arist.] *Ath. Pol.* 35.3), *ἀδικοί* (Lys. 12.5), and *νεωτερίζοντες* (D. S. 14.4.4).

⁴⁴ On this connection, see above n. 11. Diodorus Siculus (14.4.2), therefore, groups the first victims of the purge together as *πονηρότατοι*.

Lysias, I would suggest, casts against the Thirty the very catchwords they used to condemn their victims, citizen and metic.

Viewed against this historical backdrop, the limit on *probolai* against sycophants described in *Ath. Pol.* 43.5 becomes readily comprehensible. The abuse of the label 'sycophant' by the Thirty prompted the Assembly to restrict to six the number of individuals who could be charged with sycophancy before it. The fact that the Thirty had used this label against both citizens and metics explains why *maxima* were established for both groups. At the same time, it is significant that the Assembly was unwilling to do away with charges against sycophants altogether: despite their experience under the Thirty, the demos wished to retain the right to condemn behaviour they deemed sycophantic.

III. CONCLUSIONS

Ath. Pol. 43.5 thus provides an accurate description of the special agenda of the Athenian Assembly in the chief meeting of the sixth prytany. The measures described in this passage were assigned to the same annual meeting of the Assembly because they embody fundamental precepts of democratic power. If my dating of the measure concerning sycophants is correct, we can surmise that the measures described in *Ath. Pol.* 43.5 were linked together on the Assembly's agenda no earlier than 403 B.C. I would suggest, in fact, that it was soon after the fall of the Thirty that the restored democracy set its special agenda for the sixth prytany. In the aftermath of an oligarchic coup that had rallied support by condemning democratic excess, the demos asserted its control over extreme oligarchs and extreme democrats through a modification of the Assembly's agenda. Once each year, the demos reminded its elite citizens of its power to expel them through ostracism, while at the same time reminding democrats who frequented the courts and addressed the Assembly that their privileges were not to be abused. These counterbalancing measures accord well with the spirit of moderation in which the restored democracy set forth to ensure that civil strife would never again divide the city.

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