

# POLICING PUBLIC DEBTORS IN CLASSICAL ATHENS

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WHO POLICED PUBLIC DEBTORS in Athens? That is, who ensured that debtors be identified and brought to justice, or at least induced to settle outstanding obligations? In a modern state, the answer would be simple, for mechanisms are usually in place to ensure that individuals do settle, by paying a fine, for example, or taxes in arrears. It was not quite so simple in Athens, where the central authority did not assume full responsibility for policing but left many matters in the hands of its citizens, who exercised their right to self-regulation.<sup>1</sup> Perhaps this may explain why the Athenian debtor is such a contradictory figure, at some times imprisoned and dependent on kin or friends for relief, at others left to engage in normal activities, even those activities from which he was barred. A second explanation may be that the Athenian polis treated public debtors differently depending on the source and nature of their debts. If so, this might be yet another indication of the flexibility and overlap in Athenian procedural law identified by Robin Osborne (1985b; cf. Todd 1993: 122, 160–163). One thing is certain, however: differentiating among public debtors is not an issue that has seriously engaged scholars. In fact, the whole subject of public debtors is not one that recent scholarship has addressed directly,<sup>2</sup> and this despite the ubiquity of such debtors in our sources. In the Attic lawsuits, for example, concern is widespread about the possibility of contracting this kind of debt, especially through fines, indicating that a debt to the state was by no means rare or exceptional. Hence, some rather famous—and some infamous—Athenians were at one time or another stigmatized in this way. They include Agyrrhius, the radical democrat, Andron, the father of the Atthidographer Androtion, and even Demosthenes, the orator.<sup>3</sup>

The aim of the present study is to look closely at the differential treatment of public debtors and its implications for policing. It begins by asking two questions: (a) Were some forms of public debt viewed as less serious than others and correspondingly policed and penalized more leniently? and (b) Is this difference

<sup>1</sup> On self-regulation (and self-help), see Hunter 1994 (esp. chapter 5). As for the collection of taxes (arrears or otherwise), the state did not develop the administrative apparatus to undertake this responsibility but instead contracted their collection, at auction, to tax-farmers. (On the latter, see further below, 24–25.)

<sup>2</sup> The most valuable account is Hansen 1976, which includes public debtors in his chapter on *atimia*. Useful too is Rhodes's discussion of contracts and contractual debtors in his work on the Boule (1972: 88–100, 148–151). Other discussions include Boeckh 1857: 500–509; Caillemer 1877; Gernet 1918; Schulthess 1942; Ruschenbusch 1968: 27–29; Harrison 1971: 172–176, 211–217, 241–244; MacDowell 1962: 106–119; 1978: 164–167, 257; Todd 1993: 143–145; Gabrielsen 1994: 157–169; and Allen 1997: 127–128.

<sup>3</sup> Andron: Dem. 22.33–34, 56, 68; 24.125, 168; Demosthenes: Dem. Ep. 2.17; Plut. Dem. 26.2 and Mor. 846c. For Agyrrhius, see below, 24–25, 30.

reflected in the image of the debtor found in contemporary rhetoric? But before turning to these questions, I think it best to provide some background on what remains a relatively difficult subject. First, I shall offer a definition of the public debtor, then outline the categories into which a debtor might fall, and finally elucidate the procedures and penalties adopted by the Athenians to ensure that debtors met their obligations.

#### DEFINING THE PUBLIC DEBTOR

No single word denotes public debtor. Instead, the notion is expressed by the use of the participle of the verb *ὀφείλιν* together with the article, i.e., *οἱ μὲν ἀργύριον ὀφείλοντες τῷ δημοσίῳ*—"those who owe money to the state" (Andoc. 1.73). For the most part, even the word *ἀργύριον* is usually omitted and a state debtor referred to simply as *ὁ ὀφείλων τῷ δημοσίῳ*.<sup>4</sup>

Who might be a public debtor? Most simply, anyone who had in his possession money or property, whether sacred or profane, that belonged to the state but failed to pay or return it at the appropriate time. (See, for example, Dem. 24.96.) Here sacred money refers to that stored in the treasuries of the gods. For an individual might, through leasing or purchasing land, owe money not just to the city of Athens but to one of the state's religious institutions and so "to Athena or one of the other gods or eponymous heroes" (Dem. 58.14; cf. 24.45; 43.58). In fact, public debtors may be divided into three broad categories: (a) those who held or misappropriated public property, (b) those who contracted a debt to the state, such as tax-farmers and lessees of public property or mining rights (Arist. *AP* 47.2–48.1), and (c) those who had a fine imposed on them either by a court or by a magistrate (Dem. 58.1; 59.6–7; Lys. 9.6–7).<sup>5</sup>

#### CATEGORIES OF PUBLIC DEBTORS

In what follows, I shall provide brief sketches of six Athenian public debtors whose stories illustrate the various ways in which individuals could fall into debt. I

<sup>4</sup>See, for example, Dem. 21.182; 25.4; 40.22; 53.14; 58.14; Din. 2.2; Isoc. 12.10. Inscriptions employ the same terminology. See, for example, Langdon 1991: P26, lines 468–469 and 504, where the expression is varied by the addition of the words *τῷ Ἀθηναίων* after *τῷ δημοσίῳ* (line 469). Occasionally *polis* is substituted for *δημόσιον* (Dem. 24.13; 47.22). In most of the examples cited above, the participle is used as an adjective rather than a substantive. In many modern discussions, *τὸ δημόσιον* is construed as "the treasury" or "the public treasury" rather than "the state" (Meritt 1936: 406; MacDowell 1962: 106; Osborne 1985a: 1).

<sup>5</sup>For an inclusive list of public debtors, see Andoc. 1.73 and 77–78, with MacDowell 1962: 106–118 and Hansen 1976: 82–90. My three broad categories incorporate the groups listed by Andocides. For example, those found guilty at the *euthyna* of wrongdoing while in office and those convicted in a *dike exoules* or a *graphe* (1.73) belong to category (c), individuals in debt as the result of a fine. Cf. Harrison 1971: 173, describing the above as "those convicted in a judicial process." A significant category of debtors on Andocides' list are the sureties of tax-farmers who defaulted. See no. 3, below. MacDowell (1962: 110) also includes among state debtors those found guilty of embezzlement or bribery (Andoc. 1.74: *klope, dora*).

do so for two reasons. First, such examples add a touch of lived experience—even colour—to what might otherwise be a dry legal study. Secondly, they will serve as paradigmatic cases in the ensuing discussion of procedures, penalties, and policing.

(a) *Those Who Held or Misappropriated Public Property*

1. Sopolis of Cydathenaeum (*IG II<sup>2</sup> 1631*, lines 350–403)<sup>6</sup> – 324/3 B.C.

Among Athens' naval records is a decree passed by the Boule concerning Sopolis and his debt to the state. Sopolis had been condemned by the court the previous year for failing to return naval equipment (lines 356–357: the wooden gear for ten triremes) on behalf of his brother, Cephisodorus, who had once held the office of treasurer of the dockyards (*tamias* of the *neoria*). The jury sentenced him to pay more than double the amount owed (lines 359–360). Sopolis had not complied.<sup>7</sup> The proposer of the decree, Polyeuctus of Hestiaeus, denounced all of Sopolis' property, thus formally listing it for confiscation and as liable to be sold at auction by the *poletai*.<sup>8</sup> Polyeuctus also refused the reward that was his under this procedure (an *apographe*). Instead, he set the amount against Sopolis' debt so that the latter might recover his full rights as a citizen (line 368), since, as a public debtor, Sopolis had been disfranchised. The decree also gave instructions to the secretary of the Eleven and the dockyard officials as to how Sopolis' debt was to be erased from the public record.<sup>9</sup>

2. Philocrates, Friend and Associate of Ergocles, the *strategos* (*Lysias 29*)<sup>10</sup> – 388 B.C.

Soon after the death penalty was imposed on Ergocles for embezzlement and bribery, the property of his associate Philocrates was denounced under an *apographe*. His prosecutor, the speaker of *Lysias 29*, accused him of holding thirty

<sup>6</sup> Cf. the cases of Stesilides of Siphnus (*IG II<sup>2</sup> 1623*, lines 202–217, together with *IG II<sup>2</sup> 1627*, lines 194–199 and 1631, lines 429–441) and Demonicus of Myrrhinous (*IG II<sup>2</sup> 1623*, lines 218–224, together with *IG II<sup>2</sup> 163*, lines 288–325). All three are discussed by Gabrielsen 1994: 163–164.

<sup>7</sup> Presumably, Cephidorus himself was dead and Sopolis had assumed his debts. On the issue of who inherited *atimia* and liability for debts in the case of public debt, see Gernet 1918: 187–191: he concludes that only direct descendants inherited *atimia*. Kapparis (1994: 116–117) comes to the same conclusion, citing Harrison (1968: 129–130, n. 3), who points out: "Sopolis might have taken over his brother's debts in the latter's lifetime or been liable as a surety." By contrast, the assumption of a debt to the state by a son or sons is not uncommon in the naval records. See, for example, *IG II<sup>2</sup> 1631*, lines 429–441, where the guardian of Stesilides' minor heirs pays his debts. For other examples, see Hansen 1976: 71, n. 6; Gabrielsen 1994: 62–63. Cf. Dem. 47.32.

<sup>8</sup> On the *poletai*, see *AP* 47.2–3. They are discussed below, 26.

<sup>9</sup> On the procedure of *apographe*, "denunciation," see Finley 1953: 473–478; Harrison 1971: 211–217; and Osborne 1985b: 44–48, the latter well summarized by Todd 1993: 118–119. Osborne includes all three cases, that of Sopolis, Demonicus, and Stesilides, in his catalogue of *apographai* (55, 2B iii–v).

<sup>10</sup> On Philocrates, see further Davies 1971: 542 (no. 14574) and Osborne 1985b: 55, 3A iii.

talents that Ergocles is alleged to have embezzled while on a naval expedition in Asia Minor in the previous year. (See Lys. 28; 29.2, 5.) In this case, the charge went beyond holding money that belonged to the state. As Ergocles' pursuer (*tamias*: 3), Philocrates is charged with conniving with the latter to embezzle state money and to accept bribes, offences that the speaker believes deserve the death penalty (11).<sup>11</sup>

(b) *Those Who Contracted a Debt to the State*

3. Mixidemus of Myrrhinous (IG II<sup>2</sup> 1582; Langdon 1991: P26, 114–115, lines 462–498)<sup>12</sup> – ca 340 B.C.

The *poletai* lists of ca 340 recording the sale of confiscated property include a *synoikia* of Mixidemus in the Piraeus. The building had been denounced by Euthycles of Myrrhinous, its purchase-price (line 497: 3,705 drachmas, 2 obols) meant to defray debts to the state that Mixidemus had incurred while acting as surety for three other individuals, who were also public debtors. The latter, two of them metics, had entered into a variety of contracts, mostly for tax-farming, with the city of Athens. Since none of the three had been able to meet his obligations and pay all of the ten annual instalments (line 482: *katabolai*) that constituted the purchase-price of the contracts, the amount of their debts had been doubled (lines 490–491). Mixidemus was held liable for the whole amount and his name was inscribed on the list of public debtors on the Acropolis.<sup>13</sup>

4. Agyrrhius of Collytus (Dem. 24.134–135)<sup>14</sup> – after 390 B.C.

Agyrrhius, Demosthenes alleges, spent many years in Athens' prison, until he repaid the money in his possession that belonged to the state. When and how Agyrrhius incurred this debt is unclear, since precise details are lacking. We do know, however, that he was involved in tax-farming in the final years of the fifth century in a large operation (farming the *pentekoste*) worth thirty talents that he shared with a number of others. Eventually, he was outbid by Andocides, who accuses him of profiteering at the city's expense (Andoc. 1.133–134).<sup>15</sup> Whether

<sup>11</sup> Examples of individuals accused or convicted of embezzlement include Timarchus (Aeschin. 1.110), Theocrines (Dem. 58.15), Pamphilus (Dem. 40.22, with Davies 1971: 365), and possibly Agyrrhius (no. 4, below). Embezzlement is also charged in Dem. 24, where Androtion and two colleagues are alleged to have in their possession property worth over nine talents which they had seized on an embassy to Caria in 355 (24.11–13).

<sup>12</sup> The date of the inscription, ca 340, is that suggested by Langdon (1991: 58).

<sup>13</sup> Osborne discusses Mixidemus and his associates in the opening pages of his work on demes (1985a: 1–5). He also includes this case in his catalogue of *apographai* (1985b: 54, 2B i). Cf. the case of Nicodemus of Oenoe, which follows (lines 498–530), also an *apographē*. Part of Nicodemus' debt was sacred money he collected as *epimeletes* for the tribe Aiantis but did not hand over to the hero Ajax. See also Osborne 1985b: 55, 2B ii.

<sup>14</sup> On Agyrrhius, see Davies 1971: 278; Rhodes 1981: 492; and especially Stroud 1998: 17–25.

<sup>15</sup> On tax-farmers, see now Stroud 1998, a detailed study which replaces Youtie's brief and undocumented account (1967: 8–10).

Agyrrhius failed to meet his obligations as a contractor or actually embezzled money in that position is unclear. In any case, the Boule had the power to imprison without trial a contractor who failed to meet his obligations or who held monies belonging to the state until his debt was paid (*AP* 48.1).

(c) *Those Who had a Fine Imposed on Them*

5. The Father of Epichares (Dem. 58.1–3, 30–33, 57–60, 68–70)<sup>16</sup> – ca 340 B.C.

Epichares' prosecution of Theocrines was undertaken at the behest of his father, who had been disfranchised as a public debtor and so did not have the right to launch a prosecution himself. Theocrines, the speaker tells us, was responsible for the latter's status as an *atimos*, having indicted him for proposing an illegal decree (a *graphe paranomon*). His father was convicted and condemned to pay a fine of ten talents, an amount subsequently doubled for non-payment, leaving the family no hope of ever meeting their debt or regaining their full rights as Athenian citizens. What Epichares hoped to do before his father died and he inherited his debt and his status was to take vengeance on Theocrines by proving in court that he too was a public debtor and one who, though *atimos*, had acted illegally by preferring indictments.

6. Aristogiton the Orator (Dem. 25 and 26; Din. 2)<sup>17</sup> – 324/3 B.C.

The three orations that are our main source for Aristogiton's career are all entitled *Against Aristogiton*. In them he appears as a notorious "jail-bird" (Dem. 25.30), who allegedly spent more time in prison than out of it (Din. 2.2; cf. Dem. 25.61). Aristogiton's imprisonment was due to the non-payment of his considerable debts, which were mostly the result of fines, one as high as five talents (Dem. 25.67; Din. 2.12). In fact, Aristogiton (together with his brother) had already been imprisoned twice before 324/3, the year in which Lycurgus and Demosthenes prosecuted him under an *endeixis*. The two charged that he had persisted in addressing the Assembly and launching lawsuits while he was a debtor to the state and so *atimos* (Dem. 25.38; Din. 2.2, 12). Aristogiton was convicted and condemned to pay a fine. But since once again he could not pay the amount due, he was handed over to the Eleven and imprisoned (Din. 2.13).

<sup>16</sup>For the date of this lawsuit, see Hansen 1976: 138. He includes Epichares' prosecution of Theocrines by *endeixis* in his catalogue of examples of *apagoge*, *endeixis*, and *ephegesis* (no. 25).

<sup>17</sup>Hansen (1976: 141–142) includes the prosecution of Aristogiton by *endeixis* in his catalogue (no. 32). For his earlier prosecution based on the same procedure, see too nos. 19–20 and 26–28. Hansen's account is helpful in disentangling the chronology of Aristogiton's offences and his periods of incarceration. He argues persuasively that the trial recorded in Dem. 25 and 26 must be dated to 324. I would also accept Hansen's argument (144–152) for the authenticity of Dem. 25 against a hostile tradition descending from Dionysius of Halicarnassus. For a contrary view, see Sealey 1967: 186.

## THE PROCEDURES AND PENALTIES FOR PUBLIC DEBT

All public debtors fell under the jurisdiction of the Boule, the body that supervised public finances in Athens (Rhodes 1972: 88–113, 148–152). In his *Constitution of the Athenians* (AP 47–48), Aristotle documents the way in which the Boule cooperated with boards of officials like the *poletai* and the *apodektai* to ensure that public monies were collected from the second category (b), those who contracted a debt to the state. To consider the *poletai*, they were a board of ten responsible for leasing public property, for letting out contracts for taxes and mines, and for selling confiscated property (AP 47.2). As part of their duties, they kept temporary records of the names of contractors and lessees, inscribed on whitened boards.<sup>18</sup> These records, which were separated according to the date the money was due, i.e., each prytany (in ten instalments), three times a year, or in the ninth prytany (in a lump sum), were handed over to the Boule and put in the care of a public slave. When payments were made, the slave handed the files over to the ten *apodektai*, who deleted the appropriate amount from the record in the presence of the Boule, right in the Bouleuterion (AP 48.1). The *apodektai* also reported anyone in arrears.<sup>19</sup> That person then had to pay double the amount due or go to prison. The Boule, Aristotle tells us further, had the power to exact this money and the legal right to imprison defaulters (cf. Andoc. 1.92–93; Dem. 24.96–98). If the money involved was sacred (i.e., owing to one of the gods' treasuries), a debtor had to make a tenfold repayment (Dem. 24.82–83, 111, 121). Those who defaulted were allowed a period of grace until the ninth prytany before the amount owed was doubled (Andoc. 1.73; Dem. 59.7). In general, payments to public or sacred treasuries were due in the ninth prytany (AP 47.3–4; cf. 54.2).<sup>20</sup>

At this point, Aristotle fails to record an intermediate stage in the collection of public monies. The Boule handed over the names of those in arrears to a third group of officials, the *praktores* ("exactors" or "collectors"), who registered their names and attempted to collect the money. It was also the responsibility

<sup>18</sup> On the *poletai*, see further Rhodes 1981: 552–556 and Langdon 1991: 57–69. Langdon (1994) also defends the long-held view that the *poletai* conducted their business through public auctions against Hallof 1990. On whitened boards, see Thomas 1989: 53–54 and Hunter 1994: 229–230, n. 29. Note too that it was the *basileus* rather than the *poletai* who leased sacred land and brought the leases into the Boule (AP 47.4).

<sup>19</sup> On the *apodektai*, see Rhodes 1981: 557–558. The terminology employed by Aristotle (AP 47–48), which recurs throughout our sources, is worth noting. He regularly uses the verb καταβάλλειν to denote "to make payment," as well as its cognate καταβολή, "payment" or "instalment" (see case no. 3, above). The verb indicating erasure is ἀπολείφειν (AP 47.5–48.1), while "to exact" (money) is expressed by εἰσπράττειν (AP 48.1). Imprisonment is indicated by forms of the verb δεῖν (AP 48.1).

<sup>20</sup> According to Aristotle (AP 54.2), tenfold payments were not doubled. See further Harrison 1971: 173–175 and Rhodes 1972: 150, both noting that not all payments fell due at the ninth prytany. As we have seen (case no. 3 above), contracts might be paid in a number of instalments. Andocides also tells us (1.73) that the property of those who did not pay up by the ninth prytany was confiscated to pay their debts. Here the ninth prytany refers to the ninth prytany of the year and does not signify that the debtor had eight months to pay (Dem. 24.40; MacDowell 1962: 110).

of the *praktōres* to inscribe the names of defaulters on the list of public debtors on the Acropolis (Dem. 25.28; 43.71; 58.19–20, 48; Rhodes 1972: 150).<sup>21</sup> The procedures described above fell under the law governing public contracts (Dem. 24.96, 101, 122). It is this law that we see in operation in the case of Mixidemus (no. 3, above), who had acted as surety for three contractors, a further requirement under the law (Andoc. 1.73, 134; Dem. 24.40).<sup>22</sup> When the three defaulted, he was held responsible and his property confiscated and sold to pay their debts, which had already doubled. Whether the three were in prison is unclear. For imprisonment in such cases was not mandatory but at the discretion of the Boule (Harrison 1971: 242; Hansen 1976: 93–94).<sup>23</sup>

Virtually the same procedural features can be seen at work in the case of those whose debt resulted from a fine. These features lay behind the plight of Apollodorus, as decried by his *synegoros*, Theomnestus, in the opening chapters of *Against Neaera* (Dem. 59.6–7). Threatened with the prospect of a fine assessed by his opponent at fifteen talents, Apollodorus faced utter ruin. For if he did not pay the fine by the ninth prytany, his debt would be doubled and he himself inscribed as owing thirty talents to the state. As a consequence, all his property would be denounced and confiscated (by *apographe*).<sup>24</sup> Apollodorus' fate, in other words, would have approximated that of Epichares' father (no. 5, above), had the jury not taken pity on him and fined him only one talent, a sum he could well afford to pay. What is noteworthy in both cases is that neither in prospect nor in fact was imprisonment an issue. Indeed, it would seem that even Aristogiton (no. 6, above), whose debt to the state as a result of fines was considerable, walked about a free man and was only finally imprisoned because he had insisted on participating in public life as if he were *epitimos* (in full possession of his rights as a citizen).<sup>25</sup>

<sup>21</sup> Cf. Aeschin. 1.35; Andoc. 1.77–79; Antiph. 6.49. The *praktōres* are epigraphically attested at *IG* I<sup>3</sup> 59, line 48 and *IG* II<sup>2</sup> 45, line 7. The Acropolis was not the only place where the names of public debtors were recorded. Records were also kept by the *tamiai* of the gods of those who owed money to Athena or one of the other gods, and by the *basileus* of those who failed to pay rent on sacred land they had leased (Andoc. 1.77; Dem. 43.71; MacDowell 1962: 115). The verb used for recording throughout the sources is ἐγγράφειν.

<sup>22</sup> Rhodes (1972: 150) reconstructs the law. See too Rhodes 1981: 559.

<sup>23</sup> As for those guilty of embezzlement or bribery (above, n. 11), the former were required to pay ten times the amount they had embezzled, while the latter were liable to a fine of ten times the amount of the bribe, or to death. See *AP* 54.2, with Rhodes 1981: 598–599, citing Dem. 24.112, 127 on the penalty for embezzlement and Din. 1.60 on that for bribery. Other references to the tenfold fine for bribery include Din. 2.17 and Hyp. 5, col. 24. On embezzlement, see further Rhodes 1972: 111–113 and Cohen 1983: 49–51. Roberts (1982) notes the use of impeachment (*eisangelia*) in some cases of embezzlement, including that of Ergocles (96–100) and Pericles (30–32) in his removal from office in 430. Often charges followed the *euthyna*.

<sup>24</sup> The procedures delineated by Theomnestus in the 340s, the date of *Against Neaera*, conform to those described by Andocides in the late fifth century (1.73).

<sup>25</sup> On the prosecution of Aristogiton by *endeixis*, see above, n. 17. His earlier prosecutions by *endeixis* would also suggest illegal activity while *atimos*, similarly resulting in imprisonment (Dem. 25.67; Din. 2.9; Hansen 1976: 134, 151).

We must conclude then that public debt incurred through fines did not lead to a stay in Athens' prison unless a jury stipulated an additional penalty requiring a condemned man to remain in prison until he paid the fine assessed. Indeed, in a number of cases imprisonment as an additional penalty was obligatory and so automatic if a fine was not paid at once. For example, anyone guilty of *hybris* who did not pay a fine within eleven days went to prison (Aeschin. 1.16; cf. Dem. 21.47). Immediate incarceration also faced a disfranchised person found guilty by the court of breaching the rules of *atimia* by entering a forbidden area. If the penalty imposed was a fine, he must remain in prison until he paid it (Dem. 24.105; Din. 2.12–13).<sup>26</sup> (This was the procedure that led to Aristogiton's incarceration in 324/3 in case no. 6, above.) Yet another inmate of the prison might be a juror who served when he was not entitled to do so, because he was *atimos*. If convicted by the court and fined, he too must stay in prison until he paid the fine. Moreover, if he was a public debtor before serving as a juror, he must stay there until he paid the original debt as well (*AP* 63.3).<sup>27</sup>

The question of imprisonment for debt is complicated by the law of Timocrates, passed in 353 (Dem. 24.39–40). On the other hand, the law itself helps to clarify the procedures involved when an additional penalty of imprisonment was imposed on debtors. Thenceforth, instead of going to prison at once, such a debtor was allowed to name sureties and remain free until the ninth prytany. At that point, if neither he nor his sureties paid the debt, he was imprisoned.<sup>28</sup> This extension to most debtors of the right to remain free until the ninth prytany indicates that before 353 not all debtors enjoyed the privilege of naming sureties but some went straight from the courtroom to the prison in the custody of the Eleven.<sup>29</sup>

As for penalties, the major sanction public debtors faced was *atimia* (cases no. 1, 5, and 6, above). In effect, those who owed money to the state were

<sup>26</sup> The law Demosthenes cites refers to persons who maltreated their parents or shirked military service. The same rule applied to any *atimos*, including a public debtor, found guilty of entering a forbidden area.

<sup>27</sup> In at least one case, an individual convicted of serving as a juror while in debt to the state received the death penalty (Dem. 21.182). In addition, in a highly rhetorical passage, Demosthenes indicates that this was the penalty for anyone convicted of holding office while a public debtor (Dem. 20.156). Hansen (1976: 96) accepts this statement, though there is no way to test it. For other examples of obligatory imprisonment, see Hansen 1976: 37, 92 and Hunter 1997: 304. They include anyone who could not pay a fine or the amount adjudged against him in the following cases: impiety, an *eisangelia*, or a suit against a merchant or ship-owner (a *dike emporike*).

<sup>28</sup> The terminology used for additional penalty, *δεσμού προστίμων, προστίμια*, recurs throughout Demosthenes 24 (see, e.g., 46, 56, 71–72, 79). Under the law, sureties nominated had to be approved by the Assembly (Dem. 24.39). In addition, the law specifically excluded contractors and their sureties (24.40). Remission of debts was rare, requiring a vote in the Assembly with a quorum of 6,000 (24.46).

<sup>29</sup> This was also the case in the 320s, indicating that at some point after 353 Timocrates' law was reversed (Din. 2.13; *AP* 63.3). See especially Dem. 56.18, where the speaker alleges that his opponent, who had not repaid a maritime loan, intended to bring the money he owed to the courtroom and, if he lost the case, repay it at once, thus avoiding arrest and imprisonment.



on a par with cowards, deserters, profligates, and others who suffered total disfranchisement: they were barred from Athens' political space, the Agora, and forbidden to speak or move resolutions in the Assembly, hold office, sit as jurors, initiate lawsuits, or enter holy places (*hiera*).<sup>30</sup> *Atimia* in this case was automatic and immediate, imposed from the moment a debt was incurred and removed only when it was paid (Dem. 58.21, 49).<sup>31</sup> It was also hereditary, transmitted at death to one's heirs, who became the *kleronomoi* of their father's *atimia* until such time as they could wipe out the debt (Dem. 22.33–34; 24.201; 58.2, 17, 59; *Ep.* 3 with Hyp. fr. B23; Isaeus fr. 33; Lys. 20.35). Meantime, the original debt doubled, sometimes reaching a sum so high as to make payment impossible. Confiscation of property followed. For some too public debt held out the additional prospect of imprisonment. Who precisely they were, we have documented above.

It is no wonder then that some who contemplated life as a debtor lamented the loss of freedom of speech and even of citizenship itself (Lys. 9.21; 20.35; cf. Dem. 24.201). Others lamented their family's impending ruin. In the case of sons, the disabilities they experienced are obvious, including poverty and loss of honour. But daughters too shared in a family's hardships, as Theomnestus intimates in describing the financial destitution Apollodorus and his family would have faced had the jury fined him fifteen talents. It would have rendered his second daughter unmarriageable. "For who," he asks rhetorically, "would ever have married a woman without a dowry, the daughter of a public debtor without means?" (Dem. 59.8). Apollodorus, of course, was spared by the jury, and so was his daughter. Not so Plangon, the daughter of Pamphilus, the former *strategos* who was convicted of embezzlement and died a debtor to the state (above, note 11). It is generally believed that Plangon's marriage to Mantias of Thoricus, a man in the liturgical class, ended in divorce as a result of her father's disgrace and financial ruin (Rudhardt 1962: 47; Cox 1998: 87, 181). But there could be other effects on the family as well. The example of Demosthenes reveals that debts to

<sup>30</sup> For a complete list of *atimoi*, see Hansen 1976: 72–74. Exclusion from the Agora: Dem. 24.103, 126; the Assembly: Dem. 22.32–34; 24.123; 26.1; Din. 2.12–13; office: Dem. 20.156; 24.22; Xen. *Mem.* 2.2.13; jury service: Dem. 21.182; 24.123; *AP* 63.3; lawsuits: Dem. 58.2, 15, 45 (including *graphai*, *phaseis*, and *endeixeis*); Isaeus fr. 33; holy places: Dem. 22.73; 24.181; Lys. 6.24, 52. For an exhaustive list of references in all these categories, see Hansen 1976: 61–62.

<sup>31</sup> The point at which *atimia* was imposed is contested, with some arguing that it supervened only at the ninth prytany. Harrison (1971: 173–175) discusses these arguments and adopts the view that a person incurred *atimia* from the moment he became "a state debtor in the technical sense," i.e., "immediately on his conviction in a court" or "at the date set for payment." Cf. Hansen (1976: 93–94), who also believes that *atimia* was automatic and immediate, except in the case of an *agon timetos*, where it was uncertain whether or not the outcome would be a fine. On payment, debts, and even portions of debts, were erased from the public record (Dem. 58.50–52). The verb used for erasure is ἀπαλείφειν or ἐξαλείφειν. (Cf. Andoc. 1.77, where ἐκγράφειν is also found.) In other words, unlike most public records inscribed on stone, the list of debtors was not intended to be a permanent record. Thus the list located on the Acropolis in the sanctuary of Athena was inscribed on a *sanis* or wooden board (Dem. 25.70). *Sanides* were synonymous with *leukomata*, whitened boards, and were used for temporary records: On the latter, see above, n. 18.

the state were transmitted through an inheriting daughter or *epikleros*, here his mother, Cleoboule (Gernet 1918: 195–196; Kapparis 1994: 115–116). For on his mother's side, Demosthenes was the direct descendant and so the *kleronomos* of his grandfather Gylon, who had once been a public debtor.<sup>32</sup> If Gylon had been insolvent at his death, Demosthenes would have been responsible for his debts (Dem. 28.1–4; Gernet 1918: 187; Davies 1971: 122). In the event, he argues, Gylon had been solvent and he owed nothing. It seems then that the burden of debt incurred by an *epikleros*' father could constitute a genuine liability for her, for her *kyrios* (usually her husband), and for her children.<sup>33</sup>

On the other hand, the penalties inflicted on public debtors were not meant to punish so much as induce them to make payment. This was especially the case with imprisonment, as Demosthenes makes clear in his strenuous opposition to Timarchus' law, which took away the authority of the Boule and the lawcourts to imprison most debtors immediately (Dem. 24.96–98). In so doing, he argues, it also took away the fear of imprisonment, a weapon he himself deemed effective in forcing debtors to pay up. In other words, the threat of imprisonment was thought to have the same effect as it did in eighteenth-century England: it "was supposed to frighten a debtor into paying his debts or 'to torture the consciences' of his friends and relatives into paying for him" (Haagen 1983: 225). Under such circumstance, debtors had "a substantial incentive to meet their obligations" (*ibid.* 229). This was surely the case in Athens as well, where imprisonment meant shame and physical hardship and where the release of a friend (or a relative) from prison was an act of reciprocity (Antiph. 5.17–18, 63; Hunter 1997: 297, 306). As a result, many Athenian debtors would have found the means to pay their debts rather than endure incarceration, suggesting that some instances of imprisonment (or even of *atimia*) held out as a threat in our sources were just that, a threat, and need not have become a reality.

It is also worth observing that imprisonment for debt did not necessarily bring a man's political career to an end. For if, as seems probable, Agyrrhius was imprisoned before 374 (Stroud 1998: 23–24), some time after his release he returned to political life and was confident enough to propose the grain-tax law of 374/3.

#### DIFFERENTIATING AMONG DEBTORS

We began with the notions of flexibility and overlap in procedural law. The same qualities characterize the treatment of those in debt to the state, with procedures and penalties depending on the manner in which a debt was contracted. In order to illustrate this principle, let us return to case no. 1, above.

<sup>32</sup>On Gylon, see Davies 1971: 121–122. Other ancient sources for Gylon include Aeschin. 1.171–172 and Plut. *Dem.* 4.1.

<sup>33</sup>Kapparis (1994: 115–116) also cites Isaeus 10.16 as evidence that her *kyrios* was responsible for the debts an *epikleros* inherited from her father.

There, Sopolis was condemned by the court for failing to return naval equipment on behalf of his brother. As well as being sentenced to pay more than double the amount owed, Sopolis lost his civic rights and possibly was in prison at the time his property was denounced (Hansen 1976: 56, n. 14; Gabrielsen 1994: 163). In fact, Sopolis' example is exceptional. Generally speaking, naval debtors, who were virtually all defaulting trierarchs, were treated with the utmost leniency: they were neither disfranchised nor imprisoned, despite the fact that they were indebted to the state for naval equipment (Dem. 47.22). Nor were their names inscribed among the public debtors on the Acropolis. Instead, records of those in arrears were drawn up by the *epimeletai* of the *neoria* (dockyard officials) as part of their annual inventory of naval equipment (Gabrielsen 1994: 14–15). Inscribed on stone, the records were displayed in public in the dockyards (Dem. 47.18, 22; Jordan 1975: 31). One small portion of the list for 324/3 (*IG* II<sup>2</sup> 1631) was our source for the provenance and subsequent erasure of Sopolis' debt. In other words, trierarchs who defaulted were not public debtors in the sense defined above. On the contrary, they were treated rather like private debtors and the responsibility for recovering naval equipment left to an incoming trierarch. The latter first tried persuasion and only later, if so authorized by the court, attempted to distrain upon the property of the debtor. If the efforts of the speaker of Demosthenes 47 to recover naval gear from his predecessor are typical, this could be an onerous, even a dangerous enterprise.<sup>34</sup>

In his study of the finances of the Athenian navy, Vincent Gabrielsen has discussed the tolerance displayed towards naval debtors and concludes that it was not the result of negligence but a deliberate policy. He explains: "Enforcement of coercion with a view to improving the stock in the dockyards was likely to produce the undesirable effect of lessening the enthusiasm of naval financiers to undertake voluntary trierarchies" (Gabrielsen 1994: 158; cf. 169). As a result, naval defaulters were treated more leniently than other debtors to the state. The point is that the trierarchy was a liturgy, the crown, as it were, of a system of euergetism that required Athens' wealthiest citizens to contribute to her public finances through service to the community. As well as being based on an individual's property, the trierarchy was both honorific and competitive. Nor was its avoidance an indictable offence. Rather, the policing of the institution lay outside the courts and involved

<sup>34</sup>On this case, see further Hunter 1994: 122–124; Gabrielsen 1994: 164–166; Christ 1998: 536–541. Demosthenes 47 also illustrates how and when this ostensibly private misdemeanour could become a public offence and a defaulting trierarch like Sopolis lose his civic rights. A crucial point was the involvement of the Boule and the institution of an *eisangelia* against the trierarch who refused to surrender equipment. For a full account, see Gabrielsen 1994: 157–169. Here Gabrielsen also discusses Periander's reform of 358/7 creating trierarchic symmories and introducing the principle of extended liability. Paradoxically, the effect of the legislation of 358/7 and 357/6 was to tighten "the responsibilities of debt collectors" (successor trierarchs) rather than to place "legal constraints on debtors" (Gabrielsen 1994: 161). In other words, though a lawsuit was a possibility, naval defaulters still received preferential treatment.

community pressure, loss of reputation and influence, and self-regulation by the trierarchic class itself through the procedure of *antidosis* (Gabrielsen 1994: 139).<sup>35</sup>

Somewhat similar principles are seen in the operation of the *eisphora* system. For even though the *eisphora* was a form of taxation, those who defaulted were not treated as public debtors. Instead, their arrears were the responsibility of a group of 300 citizens, Athens' wealthiest, who advanced to the state the full amount levied (the *proeisphora*) and then assumed the burden of collecting it from those designated as contributors. To assist them in coercing defaulters, those who paid the *proeisphora* (*proeispherontes*) had the courts at their disposal (Dem. 37.37). Like the trierarchy, the position of *proeispheron*, being a liturgy, was regulated by the procedure of *antidosis*. In other words, the entire system was based on private initiative. Thus the state intervened but rarely in the collection of arrears. One such occasion was the year 356/5, a period of financial crisis during the Social War. In attempting to collect arrears from defaulters, Demosthenes alleges, Androtion conducted the Eleven right into their homes and dragged them off to prison (22.50–57). The exceptional nature of Androtion's behaviour allows Demosthenes not only to express his deep indignation but also to differentiate among debtors. Androtion, he storms, had no right to imprison defaulters, since the *eisphora* was not a tax on one's person but on one's property (22.54). Hence, the proper way to redress the problem was by means of confiscation or denunciation. Such defaulters, he continues, are the very opposite of those who embezzle and waste public monies (i.e., those who are answerable with their persons and, as public debtors, may be imprisoned). They are ordinary tax-payers who have fallen behind in their payments because of other legitimate expenses like raising children or fulfilling public obligations (22.65; cf. 22.43).<sup>36</sup> The respect and leniency Demosthenes extends toward those who failed to pay the *eisphora* are, in my view, a reflection of a real distinction in the treatment of those who owed money to the state. Like trierarchs who failed to return naval gear, those who defaulted in the payment of the *eisphora* did not face the penalties inflicted on public debtors. Instead, policed by their peers, they retained their status and dignity.

But this was not the only distinction that existed among those who owed money to the state. Even in the case of public debtors *stricto sensu*, there was

<sup>35</sup>In addition to Gabrielsen 1994, works consulted on the trierarchy, and on liturgies in general, include Davies 1981, Whitehead 1983, Gabrielsen 1987, and Christ 1990.

<sup>36</sup>The problems surrounding the date of the institution of the *proeisphora* are discussed by Wallace (1989: 483–485), who argues persuasively for 378/7. Wallace also believes that Androtion was collecting arrears of *eisphora* back to 378/7 that should have been paid to the *proeispherontes*. Cf. Thomsen 1964: 218–226, offering a different explanation of the arrears Androtion collected, based on a date for the *proeisphora* of ca 373/2. For other campaigns to collect public debts, see Dem. 22.63 and 24.11. In the latter instance, the Assembly appointed a board of investigators (*zetetai*) before whom information could be laid against anyone holding public money. It was the work of this board that precipitated Timocrates' law of 353.

a gradation both in the penalties inflicted and in the locus of responsibility for ensuring that such individuals were brought to justice. All debtors, as we have seen, were disfranchised and all suffered the indignity of having their names inscribed on the Acropolis. All too faced the doubling of their debt by the ninth prytany, with possible confiscation of their property following. But not all debtors went to prison. In the case of those who incurred a simple fine, prison was not prescribed. Only if an individual breached the rules of *atimia* might he face imprisonment as a consequence of procedures of *endeixis* set in motion against him. His detention might be precautionary, if he was not allowed bail (i.e., sureties) before his trial, and/or coercive, if he could not pay a fine that resulted from his conviction.<sup>37</sup> Whether this occurred at all, of course, depended on his fellow citizens. Was there a person (or persons) among them concerned enough about his illegal activities to institute such procedures and perhaps, if an arrest were required, undertake it himself? In other words, further indictment and punishment of such a debtor depended on private initiative.

Procedures were much more stringent for contractors in arrears. Here there was no room for laxity or private initiative. Imprisonment was an immediate threat, though always at the discretion of the Boule. In other words, the polis was concerned to retrieve arrears of taxes or rent as soon as possible and gave itself the weapons to coerce contractors. The sanctions employed could be very harsh indeed: before 403 defaulting tax-collectors were not only imprisoned without bail but placed in the stocks (Andoc. 1.92–93; cf. MacDowell 1978: 166–167). This raises the question of metic liability. For as we saw in case no. 3, above, metics entered into contracts with the city of Athens, among them contracts to farm taxes (cf. Plut. *Alc.* 5). Yet default on the part of a metic could not entail *atimia*. This apparent paradox seems to indicate that the penalty non-citizens faced was less serious than that imposed on citizens. Perhaps not, given the Boule's powers—retained even after 353—to imprison defaulting contractors. Did it routinely imprison metic contractors who owed money to the polis, thus having recourse to a sanction other than *atimia* to coerce metic debtors or perhaps even deter them in the first place? Our sources do not tell us, but such a procedure makes sense and would approximate the imprisonment of metics who could not produce three sureties when summarily arrested for an alleged offence and taken to the office of the Polemarch (Dem. 32.29; Isoc. 17.12; Hunter 2000: 21–22).

Finally, imprisonment was both obligatory and automatic in certain cases when a fine was not paid at once. This was an additional penalty affecting, among others, those guilty of *hybris* or impiety who could not pay a fine imposed on them. Here no discretion was allowed, as it was in the case of contractors, since

<sup>37</sup>“Precautionary” is Rhodes’s description of detention before trial or execution (1972: 179, n. 3; 1981: 580). Cf. Hunter 1997: 307, where the terms used for the two forms of imprisonment are “custodial” and “coercive.”

additional penalties of this kind were fixed by law. In such cases, the polis took full institutional responsibility for coercing public debtors, using a sanction that came close to being a form of penal imprisonment (Hunter 1997: 307). In sum, real differences existed in the treatment of public debtors, ranging from concerted leniency, on the one hand, to obligatory imprisonment codified in law, on the other.

Differentiation among public debtors is also reflected in contemporary rhetoric. As we noted above, in his oration against Androtion, Demosthenes distinguished two kinds of debtors, defaulting “tax-payers” (i.e., those who failed to pay the *eisphora*), a relatively blameless group, who stood in contrast to embezzlers and wastrels of public monies (22.65). Since the former were taxed on their property, they made restitution in the same coin, through their property. The latter, on the other hand, were answerable with their persons and might be imprisoned (22.54). Elsewhere, in arguing against Aristogiton (25.85–91), Demosthenes broadens his two categories, slightly altering them but still delineating two opposing groups—the “unfortunate” and the “criminal.” One group are respectable people down on their luck through acts of kindness towards others (25.86: φιλανθρωπίαι). They might have stood as surety, for example. As a result, they have incurred unexpected debts by way of fines that affect them as individuals but are not the result of serious offences against the community (κοίν’ ἀδικήματα). The second category are virtual criminals, men who have somehow escaped the heavier penalty—of death, for instance—which their offences merit, getting off lightly with a fine. In other words, debtors are not all alike, but must be distinguished by the original act that led to their debt (25.86–88; cf. 25.18).

Demosthenes then proceeds to describe the intelligence and sensitivity of Athenians in the matter of public debtors. Many citizens, while remaining aware of the activities of the “unfortunate” among them, i.e., public debtors, turn a blind eye to them (25.89).<sup>38</sup> The debtors, in turn, make it clear by their behaviour that they are being cautious and have a sense of shame. The result for the city is *homonoia*, a harmonious state of coexistence. It is this harmony that Demosthenes’ target, Aristogiton, is undermining. For he does not share the discretion of other “unfortunates,” but insists on making a stir (25.90).<sup>39</sup> In fact, by calling attention to himself, he allows others to point the finger at debtors who are their personal enemies. As a result, the issue of public debt is in the air and scandals are

<sup>38</sup>Hansen (1976: 59) has also called attention to this passage as evidence for the tendency of Athenians to turn a blind eye to *atimoi*—especially public debtors—who acted as *epitimoi*.

<sup>39</sup>I have used the word “unfortunate” several times, and once “down on their luck,” to construe forms of the verb ἀτυχεῖν. As used by the orator, it suggests misfortunes for which one is not entirely responsible and thus further polarizes the two kinds of debtors, those who are honest and virtually blameless and those who are on a par with criminals. The same verb, as well as its cognate, ἀτύχημα, was also used by Epichares in respect of his father (Dem. 58.1, 60). Perhaps in everyday parlance it was a euphemism indicating public debt. Cf. Isaeus 10.17, 20.

circulating about men who cannot be equated with the defendant. Aristogiton is thus responsible for subverting Athens' capacity to live and let live and the harmony it brings the city.

These two passages, with their insight into popular mentality, reveal a deep ambivalence on the part of Athenians toward the public debtor. But perhaps ambivalence is to be expected, given the differential treatment debtors experienced at the hands of the law. Does the gradation we described above tell us something about the seriousness with which offences were viewed? Certainly, it is understandable that stringent measures should be in effect against contractors in arrears: the money they owed was, after all, a crucial part of the financial estimates for a given year. But other criteria beyond the needs of the budget come into play where obligatory additional penalties were involved. Again, it is understandable that those who breached the rules of *atimia* should face stringent penalties. As we have seen, the disfranchised were a difficult group to control. But why *hybris* or impiety? The only explanation I can offer is that Athenians considered these offences among the most serious infractions of the law and were ready to inflict immediate imprisonment on those who failed to make monetary restitution at once.<sup>40</sup>

#### GENERAL CONCLUSIONS: THE QUESTION OF POLICING

Who then policed public debtors in Athens? Simply stated, it depended on the nature of the debt itself and how it was incurred. On the one hand, the Boule, working with a series of officials, kept a close watch on contractors, its ultimate sanction being the power to imprison. The courts too had limited jurisdiction and could impose a supplementary penalty of imprisonment on certain individuals too impecunious—or perhaps unwilling—to pay a fine upon conviction. But the capacity of the Boule or the courts to police debtors was limited, leaving the control of the vast majority to self-regulation on the part of their fellow citizens. Here I am not alluding just to trierarchs in default or to those who owed

<sup>40</sup> In Demosthenes' view (24.96–97), the money owed represented a significant part of the revenues that supplemented taxation. In fact, supplementary payments (24.97: προσκαταβλήματα) are at the heart of his attack on Timocrates' law, which, he argues, crippled Athens' financial administration by eliminating the sanctions meant to ensure that the portion of these payments derived from the courts be paid immediately. Without them the city could not meet the expenses of the Assembly, the Boule, the cavalry, and other public institutions. Rhetoric aside, sometimes there were shortfalls in revenue, given the variability of taxes and fines over time, as well as the possibility of default on the part of those who owed money to the treasury, not to speak of drastic fluctuations in external revenues. Thus, in the fourth century total revenues fluctuated from a low of 130 talents in the 350s (Dem. 10.37) to a high of 1,200 after 338 (Plut. *Mor.* 842f, with Burke 1985: 251, n. 5). In other words, concern about revenues was one reason for the requirement that some fines be paid immediately. On the components of Athens' internal revenues, see Jones 1957: 101–102, distinguishing Demosthenes' *tele* from his supplementary payments, the latter including "fees, fines and confiscations imposed by the courts." See also Rhodes 1972: 151 and, for a synopsis of Athens' revenues, Hansen 1991: 260–261.

*eisphora* payments. In their case, structures for self-policing had developed within the liturgical institutions themselves encouraging peers to coerce, or attempt to coerce, defaulters into paying arrears or returning equipment. More importantly, self-regulation was often the rule in the very disclosure of the debt and the way in which it was laid open to public inspection and sanction. As we have seen above, one means of indicting a public debtor and ensuring that his property was confiscated was resort to an *apographe* denouncing all or part of such property in the name of the polis. A classic instance is Apollodorus' suit against Arethusius, the brother of his enemy Nicostratus (Dem. 53). At the time of the suit, Arethusius was already a debtor to the state, having been condemned for false testimony and fined a talent (53.15–18). According to Apollodorus, he had not handed over all his property to the state but had retained two skilled slaves worth two and a half minas, whom Nicostratus and a third brother claimed as theirs. Apollodorus' aim is to retrieve this property which, he asserts rhetorically, belongs to his listeners, the jury (53.27–29). He does not hesitate to assert in addition that his motive is vengeance (53.1–2). Arethusius of course was already identified as a public debtor and the *apographe* a device to ensure that his property was confiscated.<sup>41</sup> Sometimes even the identification of a public debtor resulted from a suit brought for this very purpose. For example, Epichares' prosecution of Theocrines through an *endeixis* brought to light a series of misdemeanours that, if proven, meant that the defendant was a public debtor and so *atimos* (Dem. 58.14). Epichares' avowed motive was also vengeance (58.1, 58; cf. Lys. 9.16–17). But vengeance need not lie behind every attempt to prosecute another as a public debtor. In fact, the identification of such debtors was a civic duty on the part of the volunteer prosecutor (ὁ βουλόμενος), who brought the case on his own initiative whatever his motive.<sup>42</sup>

In other words, just as Athens did not have institutions of social control such as a police force, bailiffs, or official tax collectors, so, for the most part, the polis had no state structures or officials dedicated to identifying and bringing to justice the majority of public debtors.<sup>43</sup> This may serve to explain why some debtors went about their business undisturbed in Athens. As long as they did not,

<sup>41</sup> For *apographe* used to recover a debt, see Osborne 1985b: 54, 2A iv.

<sup>42</sup> In some cases (e.g., *apographai*), a successful prosecutor received a part of the confiscated property as a reward. Note, however, that Apollodorus deliberately begins his denunciation of Arethusius' property by stating he will hand over to the public the money that will be his if he is successful. He also points out the risks involved in such a suit: if he is not successful (i.e., does not receive one fifth of the jury's votes), he will himself be fined and partially disfranchised (Dem. 53.1–2). Clearly, such a procedure could invite sycophancy. Other examples of debt identified by individuals on their own initiative include: Hyp. 4.34, an *apographe* (Osborne 1985b: 55, 3A iv); Dem. 53.14, an *endeixis*; Lys. 9.5–7, an *apographe* (Osborne 1985b: 54, 2A i); and Lys. 29 (case no. 2, above). See also Dem. 59.6, where the testimony of witnesses is adduced to reveal that Apollodorus, the defendant in a *graphe paranomon*, had owed money to the treasury for years.

<sup>43</sup> But for special campaigns on the part of the polis and its officials to collect public debts, see above, n. 36.



like Aristogiton, create a stir or, like Arethusius and Theocrines, have personal enemies, they might even escape being revealed as debtors at all.<sup>44</sup>

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## BIBLIOGRAPHY

- Allen, D. 1997. "Imprisonment in Classical Athens," *CQ* n.s. 47: 121–135.
- Boeckh, A. 1857. *The Public Economy of the Athenians*. Tr. of second German edition A. Lamb. Boston and London.
- Burke, E. M. 1985. "Lycurgan Finances," *GRBS* 26: 251–264.
- Caillemet, E. 1877. "Atimia," *DS* 1.1: 521–525.
- Christ, M. R. 1990. "Liturgy Avoidance and *Antidosis* in Classical Athens," *TAPA* 120: 147–169.
- 1998. "Legal Self-Help on Private Property in Classical Athens," *AJP* 119: 521–545.
- Cohen, D. 1983. *Theft in Athenian Law*. Munich.
- Cox, C. A. 1998. *Household Interests: Property, Marriage Strategies, and Family Dynamics in Ancient Athens*. Princeton.
- Davies, J. K. 1971. *Athenian Propertied Families 600–300 B.C.* Oxford.
- 1981. *Wealth and the Power of Wealth in Classical Athens*. New York.
- Finley, M. I. 1953. "Multiple Charges on Real Property in Athenian Law: New Evidence from an Agora Inscription," in *Studi in onore di Vincenzo Arangio-Ruiz*. Naples. 3.473–491.
- Gabrielsen, V. 1987. "The *Antidosis* Procedure in Classical Athens," *C&M* 38: 7–38.
- 1994. *Financing the Athenian Fleet: Public Taxation and Social Relations*. Baltimore and London.
- Gernet, L. 1918. "Notes sur les parents de Démosthène," *REG* 31: 185–196.
- Haagen, P. H. 1983. "Eighteenth-Century English Society and the Debt Law," in S. Cohen and A. Scull (eds.), *Social Control and the State: Historical and Comparative Essays*. Oxford. 222–247.
- Hallof, K. 1990. "Der Verkauf konfiszierten Vermögens vor den Poleten in Athen," *Klio* 72: 402–426.
- Hansen, M. H. 1976. *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes: A Study in the Athenian Administration of Justice in the Fourth Century B.C.* Odense.
- 1991. *The Athenian Democracy in the Age of Demosthenes: Structure, Principles and Ideology*. Tr. J. A. Crook. Oxford.
- Harrison, A. R. W. 1968–71. *The Law of Athens*. 2 vols. Oxford.

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- Hunter, V. J. 1994. *Policing Athens: Social Control in the Attic Lawsuits, 420–320 B.C.* Princeton.
- 1997. "The Prison of Athens: A Comparative Perspective," *Phoenix* 51: 296–326.
- 2000. "Introduction: Status Distinctions in Athenian Law," in V. Hunter and J. Edmondson (eds.), *Law and Social Status in Classical Athens*. Oxford. 1–29.
- Jones, A. H. M. 1957. *Athenian Democracy*. Oxford.
- Jordan, B. 1975. *The Athenian Navy in the Classical Period: A Study of Athenian Naval Administration and Military Organization in the Fifth and Fourth Centuries B.C.* Berkeley.
- Kapparis, K. 1994. "Was *atimia* for Debts to the State Inherited through Women?," *Revue internationale des droits de l'antiquité* 41: 113–121.
- Langdon, M. K. 1991. "Poletai Records," in *The Athenian Agora* 19: *Inscriptions*. Princeton. 57–143.
- 1994. "Public Auctions in Ancient Athens," in R. Osborne and S. Hornblower (eds.), *Ritual, Finance, Politics: Athenian Democratic Accounts Presented to David Lewis*. Oxford. 253–265.
- Macdowell, D. M. ed. 1962. *Andokides: On the Mysteries*. Oxford.
- 1978. *The Law in Classical Athens*. Ithaca, N.Y.
- Meritt, B. D. 1936. "Greek Inscriptions," *Hesperia* 5: 355–430.
- Osborne, R. 1985a. *Demos: The Discovery of Classical Attika*. Cambridge.
- 1985b. "Law in Action in Classical Athens," *JHS* 105: 40–58.
- Rhodes, P. J. 1972. *The Athenian Boule*. Oxford.
- 1981. *A Commentary on the Aristotelian Athenaion Politeia*. Oxford.
- Roberts, J. T. 1982. *Accountability in Athenian Government*. Madison.
- Rudhardt, J. 1962. "La reconnaissance de la paternité: Sa nature et sa portée dans la société athénienne," *MusHelv* 19: 39–64.
- Ruschenbusch, E. 1968. *Untersuchungen zur Geschichte des athenischen Strafrechts*. Cologne.
- Schulthess, O. 1942. "Ὀφείλοντες τῷ δημοσίῳ," *RE* 18.1: 627–629.
- Sealey, R. 1967. *Essays in Greek Politics*. New York.
- Stroud, R. S. 1998. *The Athenian Grain-Tax Law of 374/3 B.C.* *Hesperia* Supplement 29. Princeton.
- Thomas, R. 1989. *Oral Tradition and Written Record in Classical Athens*. Cambridge.
- Thomsen, R. 1964. *Eisphora: A Study of Direct Taxation in Ancient Athens*. Copenhagen.
- Todd, S. C. 1993. *The Shape of Athenian Law*. Oxford.
- Wallace, R. W. 1989. "The Athenian *Proeispherontes*," *Hesperia* 58: 473–490.
- Whitehead, D. 1983. "Competitive Outlay and Community Profit: φιλοτιμία in Democratic Athens," *C&M* 34: 55–74.
- Youtie, H. C. 1967. "Publicans and Sinners," *ZPE* 1: 1–20.