

Ten Thousand: Fines, Numbers and Institutional Change in Fifth-Century Athens

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The ‘ten thousand’ that will be the focus of this article are the number of drachmae set as a fine in some Athenian decrees of the Classical period. Unlike the Greek mercenaries whose retreat through Asia Minor Xenophon famously described, this ‘ten thousand’ is unlikely to spark wide recognition as a fact of historical interest. Yet I will argue that the 10,000 drachmae fine in these decrees marks a much-discussed shift in the institutions of Athens of the later fifth century BC. Most Athenians and others targeted with this fine were just ordinary citizens, to whom 10,000 drachmae must have seemed a zillion. Indeed, *myrioi*, beside the number 10,000, means ‘countless’. Did the Athenians who imposed this incredible fine on their fellow-citizens have numbers, but no math? In other words, is this amount *real*? It is definitely not an error, as in the case of the 10,000 or 11,000 virgins who, on the misreading of a medieval text, became the set group accompanying Saint Ursula to be martyred at Cologne.¹ In Athenian accounts, amounts of drachmae were written in acrophonic numerals, in which errors of single digits might occur, but in decrees the amounts were normally written in full, so this inconceivable amount really was what the Athenians meant to impose.²

Let me explicate, to avoid misunderstanding, the difference between fines set in decrees and fines imposed by a court after a trial for some misdemeanour, for instance embezzlement (*klopē*) or a proposal against the law (*graphē paranomōn*). In the latter group, fines could be any sum the court thought appropriate and usually they were very high—often many talents. Such fines

1 C.M. Cusack, ‘Hagiography and History: the Legend of Saint Ursula’, in C.M. Cusack and P. Oldmeadow (eds), *This Immense Panorama: Studies in Honour of Eric J. Sharpe* (Sydney: University of Sydney, 1999), 89–104.

2 On the use of letters versus digits for numbers in inscribed documents, see Osborne in this volume; on the use and efficiency of acrophonic numerals, see J.H. Blok (forthcoming), ‘Greek numerals and numeracy’, in Y. Suto (ed.), *Transmission and Organisation of Knowledge in the Ancient World. Proceedings of the Fourth Euro-Japanese Colloquium on the Ancient Mediterranean World, University of Nagoya, Japan. 3–7 Sept. 2018* (Vienna: Phoibos Verlag).

tend to appear in our literary sources when they hit prominent, wealthy Athenians.³ The fines in inscribed decrees, by contrast, were fixed sums, set in advance to anyone who would act contrary to the decree. Many of them target officials who fail in some specific way, and most of these officials were average citizens taking their turn in the running of the polis. We shall compare the two types of fines further below, keeping in mind the differences between them.

When we situate the decrees imposing these fines in their historical context, we need to take the effects of the epigraphic habit into account, such as the increase in the number of inscribed decrees in Athens from the 450s onwards. The corpus of decrees with fines is collected in the appendix, with exposition of technical details, and is discussed further below. It shows, I think, enough consistency to allow us to sketch the tendencies in Athenian fining practices from the late sixth to the fourth century. I will first briefly review the main features of the decrees with 10,000 drachmae fines, then compare them to other fines, and finally address the political context that may explain this mind-boggling penalty.

1 The 10,000 Drachmae Fine: The Evidence

The 10,000 drachmae fine appears in the later fifth century in a group of seven inscribed decrees.⁴ We cannot be sure that there were not more of these decrees, the stelae of which got lost or were not inscribed at all, but I will advance some reasons why our current collection may be considered roughly representative of the period in which they were issued. For three of them, we have definite dates based on the archon year. For the rest, no archon date is known, and their estimated dates have been revised recently following the abandoning of the three-bar sigma criterion. No firm consensus has yet emerged on these new dates, and some are more contested than others. While the main arguments concerning each decree are collected in the appendix, I review the most important aspects here. Three decrees are securely dated:

No. 16 (*IG* I³ 61(2)) of 426/5, regarding the grain trade of Methone on the Macedonian coast; the fine will be meted out to any guardian of the

3 For this procedure and the resulting fines, see Johnstone in this volume (pp. 89–93). An exception to high fines as the outcome of a court case is the fine imposed on seven Delians (*IG* II² 1635 = RO 28) which appear in an inscribed account; see below p. 103.

4 See the appendix. In no. 5, no. 7, no. 20, and no. 25, the amounts are restored in *IG* but illegible on the stone; they are included in the appendix for the sake of completeness.

Hellespont who somehow hampers the export of grain.

No. 18 (*IG* 1³ 71) of 425/4 consists of Thoudippos' decrees on the tribute to be paid by the allies; the fine appears in two different clauses, targeting any official who fails to handle the assessments in time.

No. 23 (*IG* 1³ 84) of 418/7, the decree on leasing the *temenos* of Kodros, Neleus and Basile; any official will be fined who is slow in handling the necessary affairs.

Less securely dated, but not deeply controversial (anymore), are:

No. 15 (*IG* 1³ 133) probably dates to between 430 and 426; it is a decree on a 2% tax on trade in the Peiraieus to fund the cult of the Anakes; the fine is imposed on any *hieropoios* who fails to handle the tax in the prescribed manner.

No. 17 (*IG* 1³ 63) probably dates to c. 426; it deals with the trade, especially of grain, of Aphytis, on the western headland of Chalcidice: anyone who prevents the Aphytaeans from sailing to Athens will be punished with this fine.

No. 24 (*IG* 1³ 1453), the Coinage or Standards decree imposing Athenian coins and measures on the allied cities, is now commonly dated between the mid-420s and 414—perhaps shortly before 414 is the most plausible date. The fine threatens officials who fail to send the heralds in time.

The date of no. 19 (*IG* 1³ 10), a decree adding new judicial agreements to a previous alliance with Phaselis, on the southern coast of Asia Minor, seems the most controversial and therefore needs more comment. Osborne and Rhodes (OR) in their recent edition prefer the 'old' date of before 450, but they do not advance strong arguments in favour of it, rejecting or ignoring arguments brought forward by others for c. 425/4.⁵ Jameson, Papazarkadas and Beretta

5 OR 120; on p. 112 they claim that 'most recent commentators have dated this text between Phaselis' entry into the League and c. 450' (emphasis added), but that is not exactly true. Their most recent is M.H. Jameson, 'Athens and Phaselis, *IG* 1³ 10 (EM 6918); *Horos*, 14–16 (2000–2003), 23–29 who argued for a date c. 425, and so do N. Papazarkadas, 'Epigraphy and the Athenian Empire: Reshuffling the Chronological Cards', in J. Ma, N. Papazarkadas and R. Parker (eds), *Interpreting the Athenian Empire* (Oxford: Duckworth, 2009), 70–71, and M. Beretta Liverani, 'I decreto ateniese per i Faseliti (*IG* 1³ 10) e le multe di 10.000 dracme nel v. sec.' *Historiká*, 3 (2013), 131–158, who revisits points raised by Mattingly in several publications, and by Jameson. On the latter, OR contend that Jameson defended the later date 'half-heartedly', but his tone seems to me careful rather than reluctant, and realistic about the difficulties in identifying the *epistatēs* Neokleides.

Liverani have demonstrated how the decree fits the series of alliances Athens created or renewed between 427 and 423 on both sides of the Aegean, almost all of them previously dated to before 450 due to their three-bar sigma and now more convincingly situated in the Archidamian War.⁶ OR mention Phaselis' importance to Athens' trade with the Levant, but recently historians have pointed out its crucial role in connections with Egypt, being one of the founding cities of the Hellenion,⁷ and here again the grain trade may have been a factor. The name of the proposer, Leon, occurs in various texts, but it is notable that a Leon proposed the treaty with Hermione and took part in the oath of the truce of 422 (Thuc. 5.19.2, 24.1); he might well be the one proposing the treaty with Phaselis. The cutter of the decree has not been identified, but Meritt and McGregor in *IG* held him to be the same man who cut *IG* I³ 9, the alliance with the Delphic Amphiktyons, conventionally dated to c. 458, a further reason why the treaty with Phaselis got associated with the early 450s. However, as Stephen Tracy shows, this identification is untenable, creating further doubts about the conventional date of *IG* I³ 10.⁸ If, as I believe, all these considerations point to a date c. 425 rather than before 450, a final reason for choosing the former date is the comparison of the fine with others in the fifth century. The fine of 10,000 drachmae is an anomaly before 450, but fits the picture without any ado in c. 425.⁹ This date, then, seems to me to be the most plausible for *IG* I³ 10.

Beside these seven decrees that may now be taken to date from c. 430 at the earliest to c. 414 at the latest, there is one outlier: no. 26 (*IG* I³ 1 370), dealing with the founding of a colony in the Adriatic, c. 325/4. The decree targets anyone, private citizen or official, who fails in the aims of the decree with a fine of 10,000 drachmae. Dating roughly a century later than the others, it will be discussed separately. After this one, no Athenian decree set the 10,000 drachmae fine again.

6 Papazarkadas, 'Epigraphy', 70–71; the treaties are with Hermione (*IG* I³ 31), Halieis (*IG* I³ 75), Colophon (*IG* I³ 37), Mytilene (*IG* I³ 66), and Miletus (*IG* I³ 21).

7 A. Bresson, *The Making of the Ancient Greek Economy: Institutions, Markets, and Growth in the City-States*, trans. Steven Rendall (Princeton: Princeton University Press, 2016), 319–320; C. Pébarthe, 'Contrats et justice dans l'empire Athénien: les symbola dans le décret d' Athènes relatif à Phaselis (*IG*, 13, 10)', in P. Brun (ed.) *Scripta Anatolica: Hommages à Pierre Debord* (Bordeaux: Ausonius, 2007), 237–238 with further references. Pébarthe does not decide between the earlier and later date, but for practical reasons chooses the middle (c. 440) because a more precise date is not essential for his legal and administrative analysis.

8 S.V. Tracy, *Athenian Lettering of the Fifth Century B.C.: the Rise of the Professional Letter Cutter* (Berlin: De Gruyter, 2016), 24–25, referring to observations by A.P. Matthaiou; cf. Jameson, 'Athens', 25–26.

9 See for the same argument Beretta Liverani, 'I decreto ateniese'.

The targets of these penalties may be specified as, first, anyone who does not act in accordance with the decree or who raises his voice against it, and second, any official who fails in the duty the decree assigned to him. The first group is targeted in the decrees for Phaselis and Aphytis; the money is to be sacred to Athena, as underlined by the verb *opheilō*, indicating the debt to the deity under whose authority the provision is made. The second group targeted in these decrees are officials convicted at their *euthynai*, whose fines normally went into the *dēmosion*.¹⁰ These officials are *hieropoioi* in the Anakes decree, guardians of the Hellespont in the Methone decree, officials in charge of the assessment procedures and the *prytaneis* in Thoudippos' decrees, the *basileus* and all other officials involved in the lease in the decree on the *temenos* of Kodros, Neleus and Basile, and officials, possibly the *stratēgoi*, in the Coinage Decree.

2 Fines in Athens: Mounting Amounts

Athenians had always set their fines high, and those penalising officials for falling short of their duty were even higher. The latter practice is also found elsewhere in the Greek world: decrees ruled that magistrates and other officials who failed to act appropriately were to be fined double the amount of ordinary citizens.¹¹ In his contribution to this volume, Steve Johnstone shows the range in the amounts and the frequency of the fines attested throughout Archaic and Classical Greece. Yet at Athens, at least, the amounts of fines in extant inscribed decrees do not appear at random or evenly spread, but seem to display a historical pattern.

No. 1, the Salamis-decree (*IG I³ 1*, c. 500), made the archon accountable at his *euthynai* if he failed to penalise cleruchs involved in illegal leases of land on Salamis; the amount of his fine is not stated.

10 For both procedures, A. Scafuro, 'Patterns of Penalty in Fifth Century Attic Decrees', in A.P. Matthaiou and R.K. Pitt (eds), *AΘΗΝΑΙΩΝ ΕΠΙΣΚΟΠΙΟΣ: Studies in Honour of Harold B. Mattingly* (Athens: Hellenikē Epigraphikē Hetaireia, 2014), 299–326; she notes (314–315) the difference between *opheilō* typical of penalties owed to the gods, notably Athena, and the absence of such penalties owed to Athena in the *εὐθύνεσθαι* formulae. We should note, however, that *opheilō* is not used *only* for fines owed to *hieros* treasuries, but can also be used for money owed (here: fines) to non-sacred treasuries; see e.g. no. 4 (*IG I³ 245.8–11*) (Sypalettos) and no. 9 (*IG I³ 59.47*): τὸς τῶι δε]μοσίοι ὀφέλλ[οντας.

11 In the Archaic law of Dreros (ML 2 = Gagarin and Perlman DRI, c. 650) the man who holds the position of *kosmos* unlawfully for a second time owes twice the amount of any fine

No. 2, the Hekatompedon decree (*IG* 1³ 4), probably inscribed in 485, perhaps after an earlier one, threatened with penalties (θωή) of 3 obols to 2 drachmae anyone misbehaving on the Acropolis;¹² this fine can be compared to the fines that, according to the tradition, Solon had set as a penalty for the slander of living people, namely 3 drachmae to be paid to the offended person and 2 drachmae to the public treasury.¹³ The decree set a fine of 100 drachmae for the priestesses and *zakoroi* who did something not allowed there and 100 drachmae for the *tamiai* who let them do so, all at their *euthynai*. The 100 drachmae fine was twice the maximum fine of 50 drachmae that lower officials such as demarchs, priests and *hieropoioi* could impose on people disobeying decrees.¹⁴

No. 6 (*IG* 1³ 256), a deme decree dated between 440 and 420, set the fines for private persons using the waters of the Halykon without properly paying for them at 5 and 50 drachmae.

Let us label these fines of a maximum of 50 drachmae for private persons and 100 drachmae for failing officials as the ‘traditional penalty’.

At some point, decrees begin setting a 1,000 drachmae fine, a tenfold increase of what we just dubbed the traditional fine. Since the *boulē* could impose fines up to 500 drachmae and had to assign cases concerning higher amounts to a jury court,¹⁵ it seems that these decrees set a standard of twice the maximum penalty the *boulē* could impose, probably to underline the grav-

he imposed in that capacity. In Thasos (OR 104.101–103, 460s), officials who fail to fine trespassers messing up the streets are fined double the amount.

- 12 If he did so knowingly: *IG* 1³ 4B.6–7, 9–10; cf. E.M. Harris, ‘How Strictly Did the Athenian Courts Apply the Law? The Role of *Epieikeia*’, in *The Rule of Law in Action in Democratic Athens* (Oxford: Oxford University Press, 2013), 296. The fine in the Hekatompedon decree can be compared to a fine on a *horos*-stone at Corinth, of about the same date, of eight obols for those who ignore the boundaries of the sacred space, *Corinth* VIII 1 22, cf. Tod (1926/27) 142; (1936/37) 238; 2A.
- 13 Plut. *Sol.* 21.1; LR fr. 32a: κακῶς λέγειν. Solon, according to this account, also forbade anyone to speak ill of the dead. Elon Heymans (in personal communication) has pointed out that the money paid to the offended person can be considered a form of *Wergeld*.
- 14 For this fine of 50 drachmae, see, for example, in the fifth century e.g. *IG* 1³ 82.26: ‘... and if anyone behaves at all disorderly, they [i.e. the *hieropoioi* in charge of the procession for Hephaistos and Athena] shall have the authority to impose fines of up to fifty drachmas and communicate it in writing to the --;’ (trans. AIO); and in the fourth century *IG* 11² 1237.54–58; *IG* 11² 1362.15.
- 15 For the fifth century, see *IG* 1³ 105 = OR 183B; see also the AIO commentary on the same, n. 4; for the fourth century, see Dem. 43.43; [Arist.] *Ath. Pol.* 45.1; RO 25.35–36 with commentary. For the capacity of the *boulē* to fine and punish, see *Ath. Pol.* 8.4.

ity of the issue. Due to the patchy evidence, however, it is difficult to say when the 1,000 drachmae fines exactly began. At first sight, two decrees would seem to be our first cases:

No. 3 (*IG I³ 6*), a decree on the administration of the Eleusinian Mysteries, usually dated to the 460s, imposes a 1,000 drachmae fine on members of the *genē* Kerykes and Eumolpidai if they initiate more than one person at a time; this is explicitly a case of 'failing officials', to be fined at their *euthynai*.

No. 4 (*IG I³ 245*) is a decree from the deme Sypalettos, dated in *IG* to 470–460, which imposes a fine of 1,000 drachmae on anyone who tries to upset the agreements of the deme on the common budget.

However, in the forms presented in *IG*, both decrees pose problems. In no. 3, the amount is restored; the $\chi\lambda\acute{\iota}\alpha\sigma\iota$ (1,000) in *IG* (retained in OR) is not necessarily correct, as $\heta\epsilon\kappa\alpha\tau\acute{\omicron}\nu$ (100) is equally possible; hence I leave this decree out from the 1,000 drachmae fine group. In no. 4, the amount is unmistakable, but the date proposed by David Lewis in *IG* of c. 470–460, is not convincing. On the arguments set out in the appendix, a date between c. 450 and 430 or even the 420s is more likely.

We have, therefore, no secure cases of the 1,000 drachmae fine before 450. Of six other cases in which the 1,000 drachmae fine is certain, unfortunately none are secured by an archon date. Yet, of three such decrees the approximate dates are largely accepted:

No. 9 (*IG I³ 59*) of c. 430, a decree about the navy in which the amount of the fine is plausibly restored.

No. 12 (*IG I³ 78a*), the First-Fruits decree, commonly dated to c. 435, which penalises *hieropoioi* who fail to take action within five days.

No. 13 (*IG I³ 55*), a decree for Aristonous, of c. 431, which threatens a fine of 1,000 drachmae to the *polemarchos* and to the *prytaneis* (?) if they fail to take adequate steps for the legal protection of Aristonous.

Of three further decrees the time span of their dates is still quite wide:

No. 8 (*IG I³ 157*), a decree concerning the allies dated to c. 440–410, which penalises anyone with the 1,000 dr. fine who acts contrary to the decree.

No. 10 (*IG I³ 153*), a decree about the navy dating to c. 440–425.

No. 14 (*IG I³ 149*), on relations with Eretria, dated between c. 430 and 412.

No. 22 (*IG I³ 165*), finally, is a proxeny decree in which the fine is clearly legible, and the date estimated before 420; the *prytaneis* are to be fined if they fail in (illegible) obligations to the *proxenos*.

On this evidence, the ‘traditional fine’ of a few to 50 drachmae is still applied in no. 6, of c. 440–420, but fines leap to 1,000 drachmae, with no. 4, the Sypalettos decree of c. 450–420, no. 8 on the allies of 440–410, and no. 10 about the navy of 440–425 potentially being the earliest cases. All these dates have a wide margin. If we take the more precisely dated no. 12, the First-Fruits decree, and no. 13, for Aristonous, as a lead, the change would appear to begin in the 430s; this date would also account for nos. 14 (Eretria) and 22 (proxeny). These private fines are owed to Athena. Officials who fail in their duties are to pay the fine at their *euthynai* into the *dēmosion*. For them, the ‘traditional fine’ of up to 100 drachmae is still used in some regulations of no. 18 (Thoudippos’ decrees of 425/4), but the leap to a 1,000 drachmae fine appears in no. 9, on the navy (c. 430), no. 12, the First-Fruits decree (c. 435), no. 13 for Aristonous (c. 431), no. 14, on Eretria (c. 430–412), no. 22, a proxeny decree estimated to be before 420, and no. 23, on the *temenos* of Kodros et al. (418/17).

We can now sketch the pattern of fines in the fifth century. The same kinds of offences, namely acting in defiance of the decree in the case of private citizens and failing in the duties specified in the decree for officials, are penalised with steeply rising fines. The ‘traditional’ fines of a maximum of 50 and 100 drachmae respectively do not disappear after 450, but fines leap to 1,000 drachmae for both groups after the mid-century, more specifically from the 430s. The 10,000 drachmae fines, as we saw earlier, date from c. 430 at the earliest to c. 414 at the latest; five decrees (no. 15, 16, 18, 23, 24) target officials, two decrees (nos. 17 and 19) private citizens. In sum, there is a tenfold leap to 1,000 drachmae clearly visible from the 430s onward and yet another tenfold leap, to 10,000 drachmae clearly visible from c. 430 to c. 415.

How does this group of fines compare to other cases? In the 370s, the Athenians imposed a 10,000 drachmae penalty—and perpetual exile—on each of seven Delians convicted of *asebeia* because they had attacked the Athenian Amphiktyons on Delos.¹⁶ It is a hefty fine, but mild compared to no. 11 (*IG I³ 1454*) of c. 435, a decree for the Eteokarpathians, in which anyone who acts con-

16 *IG II² 1635 = RO 28 = AIUK vol. 3, no. 3*, accounts of the Athenian Amphiktyons of 377–373. The fine of 10,000 drachmae imposed on each Delian appears in B (a) ll. 24–30. The seven Delians were penalised after a trial; they had ‘dragged the Amphiktyons from the temple and struck them’ (26–27). The fine was *hieros*, owed to Apollo.

trary to the decree has to pay 50 talents to (probably) the Athenians, of which a tithe is for Athena (see also below, p. 109); and no. 21 (*IG I³ 19*), a proxeny-decree for Acheloion, of the late 420s, which sets a fine of 5 talents for the polis of anyone who kills Acheloion or his children. One would expect that an actual attack on high Athenian sacred officials would be penalised more severely than any misdemeanour against allied poleis and individuals. And one might expect that Delians who attacked high Athenian sacred officials would be penalised more heavily than fellow Athenians in office who were late in carrying out what the demos had decided. But the opposite is the case. It seems, again, that in the last decades of the fifth century the Athenians were inclined to fine higher and more severely than before and after, and for similar or perhaps even less damaging offences.¹⁷

Why these high fines? Fines this size were paradoxical: they might seem to generate income for the polis, but unpayable fines generated citizens who were indebted to the polis and hence *atimos* instead. The archon of Salamis (no. 1) in c. 500 was probably a wealthy citizen, and the *tamiai* (no. 2) were certainly so; they could easily pay 100 drachmae fines. But in the last three decades of the fifth century, the *hieropoioi*, *bouleutai*, *prytaneis*, *polemarchoi*, *basileis* and other officials who were the potential victims of the 1,000 and 10,000 drachmae fines were average citizens who happened to be in office, selected by lot. Would the threat of unpayable fines pressurise them into haste? In her excellent article of 2014 on this evidence, Scafuro argues that the issues to which these penalties apply ‘brook no delay’ and that the clustering of such decrees with high fines in the 420s suggests an empire in crisis. The 10,000 drachmae fine was meant to put on extra pressure, rather than as a ‘real’ fine; surely no one wanted to make, for instance, all 50 *prytaneis* into *atimoi* at their *euthynai* (as in no. 18). By 425/4, the 10,000 drachmae fine was so

17 Fines of 10,000 drachmae occur elsewhere, too. A decree of Telos concerning Kos (*IG XII 4 132*) of c. 300, ll. 123–124 has a fine of 10,000 drachmae payable to Zeus Polieus and Athena Polias by anyone who acts against the agreements. In Arsinoë (Cilicia: *SEG XXXIX 1426.43*) after 238 BCE, a fine of 10,000 drachmae is set for an archon who put to the vote a proposal against the decree, with a fine of 1,000 drachmae for the proposer; the proposal will be invalid and the money will be for the sanctuary of Arsinoë (for these lines, G. Petzl, ‘Das Inschriftendossier zur Neugründung von Arsinoë in Kilikien: Textkorrekturen’, *ZPE*, 139 (2002), 87–88). On Keos, c. 200, officials (*tamiai*, *hieropoioi*, *thesmophylakes*) are to pay this fine if they fail to carry out the decree (*IG XII 5 595*). An agreement between Troezen and Arsinoë (Methana) of 163–146 (*IG IV² 1 76*), sets a fine of 10,000 drachmae for a polis and 1,000 for an individual who acts against the agreement. All of these appear incidental cases, unlike the cluster of high fines in Athens during the 420s.

clearly a fiction that in no. 18, Thoudippos' decrees, real fines of 100 drachmae were tacked on, according to Scafuro.¹⁸ In sum, her answer to the question 'is this amount of 10,000 drachmae real?' is clearly: no.

Although I agree with Scafuro that these high fines were meant as a deterrent and that the war aggravated the situation, I think the evidence also allows a different reading. Certainly, some of these decrees set a fine to put pressure on officials to make haste: in no. 12, the *hieropoioi* are to act within five days; in no. 13, the polemarch is fined 1,000 drachmae for every day of delay after five days; in no. 18, the assessors are facing a fine of an unknown amount for each day of delay in assessing the tribute. It also seems that it often took the polis administration a while to get things done, and the high fine would signify a matter of importance, to be dealt with at once.¹⁹ But not all issues of these decrees were so urgent as to explain these high fines satisfactorily: in the decree (no. 23) on the *temenos* of Kodros et al., for instance, the haste seems to be artificial and is not actually necessary. This decree and the Coinage Decree (no. 24), furthermore, belong to what was officially peace time. We may also note that some of the decrees had to do with issues of the highest importance to the demos: the grain supply (nos. 16, 17), the collection of taxes, tribute and other income of the polis and the polis' gods (nos. 15, 18, 23, 24) the handling of which was liable to corruption. The international standing of Athens was at stake in proxy relations and dealings with the allies (nos. 19, 21), for which the pressure of high fines might seem justified. But why are some delays in the assessment of tribute in Thoudippos' decrees (no. 18) penalised with only 100 drachmae, and others with 10,000? Why was the tiny community of the Eteokarpathians worth imposing a fine of 50 talents on anyone who did something undesirable to it, *after* it presented a great gift to Athens? An even more telling comparison, perhaps, is the absence of fines, either for delays or any other failure of officials, in the so-called Grain-Tax Law of 374/3 (RO 26). And why would the huge fine work as a threat if everybody knew it was not real, as Scafuro suggests? Finally, as we shall see, by 405 there were indeed large numbers of *atimoi* due to their *euthynai*. So, I propose to look once again at these numbers.

18 Scafuro, 'Patterns of penalty', 318, 322.

19 [Xen.] *Ath. pol.* 3.1–8 observes that many complain that things take so long to get done by the *boulē* and assembly in Athens, and next explains why this is the case: a combination of the sheer mass of matters to be settled and the numerous festivals in Athens, stopping the administration from actually operating on many days.

3 Crippling Fines

Who could pay such fines? Of course, the answer must be different for the wealthy and for citizens at the lower end of the economic scale. For the fourth century, far more evidence is available on these issues than for the fifth. In her comparative analysis of various approaches to the questions of income and wealth, Claire Taylor finds that around half the Athenian citizen population lived below the median income of 450 drachmae a year, and around 20% at or below half the median income of 3 obols a day; 77% of the citizens owned less than the median wealth of 2,650 drachmae.²⁰ In the later fifth century, the average daily wage of a skilled labourer was one drachma, i.e. c. 300 drachmae a year.²¹ Many Athenians owned a tiny piece of land and/or a modest house they could sell, lease or mortgage, but its value does not seem to have been very high; Socrates' property, for instance, was estimated at 500 drachmae (*Xen. Oec.* 2.3) and, as van Wees argues, even many citizens serving as hoplites probably owned property valued at less than 1,000 drachmae.²² Many citizens owned no property at all, earning their living by other means.

For an average Athenian, then, a fine of 1,000 drachmae was a burden, for which family and friends had to be called upon to help collect the money; a 10,000 drachmae fine was a disaster. At the top end of society, the liturgical class comprised c. 4–5% of Athenian citizens.²³ For those in its lower ranks, who owned 3–4 talents, paying 10,000 drachmae meant losing around half their

20 C. Taylor, *Poverty, Wealth, & Well-Being: Experiencing Penia in Democratic Athens* (Oxford: Oxford University Press, 2017), 77–84; she draws mainly on J. Ober, 'Wealthy Hellas', *TAPA*, 140 (2010), 241–289, and G. Kron, 'The distribution of wealth in Athens in comparative perspective', *ZPE*, 179 (2011), 129–138.

21 In the Netherlands (in 2021), the minimum wage for adults of 21 years is €77 per day. Although comparison with present-day earnings cannot carry real weight because the economic and social circumstances are fundamentally different, just for clarification's sake we note that the 10,000 drachmae fine would be €770,000 in the Netherlands today.

22 H. van Wees, 'Demetrius and Draco: Athens' property classes and population in and before 317 BC', *JHS*, 131 (2011), 98; for the hoplite census in 411, see 'The Myth of the Middle-Class Army: Military and Social Status in Ancient Athens', in T. Bekker-Nielsen and L. Hannesta (eds), *War as a Cultural and Social Force: Essays on Warfare in Antiquity* (Copenhagen: Kongelige Danske Videnskabernes Selskab, 2001), 45–71; Wees, H. van, 'Mass and Elite in Solon's Athens: the Property Classes Revisited', in J.H. Blok and A.P.H.M. Lardinois (eds), *Solon of Athens: New Historical and Philological Approaches* (Leiden: Brill, 2006), 351–389, at 371–375. For the wealth of buyers of public property at 1,000 and 100 drachmae in the later fourth century, see S.D. Lambert, *Rationes Centesimalium: Sales of Public Lands in Lykourgan Athens* (Amsterdam: Gieben, 1997), 243–250.

23 For criteria defining the wealthy and the estimated size of this group, Taylor, *Poverty*, 70–76, with further refs.

property: painful, but not fatal.²⁴ Only for the exceptionally wealthy few, c. 1% of the citizens, owning 5 talents and more, did this fine pose no serious problems.

This group of the wealthy, however, was targeted with crippling fines of many talents in a different way, namely imposed by the jury courts through a procedure of *eisangelia* or a *graphē paranomōn*, trials instigated more often than not by political opponents of the defendants. In the later fifth and fourth centuries, this practice was well-established.²⁵ But when did it begin?

Of the three earliest cases of such trials with crippling fines mentioned in our sources, which concern Miltiades, Cimon and Callias, the historicity is at least partly doubtful. Herodotus (6.132–136) recounts that Miltiades (the Younger), when he failed to capture Paros in 489, was convicted for deceiving the demos (τῆς Ἀθηναίων ἀπάτης εἶνεκεν) and had to pay a fine of 50 talents, i.e. 300,000 drachmae. Miltiades died the same year from wounds incurred in the adventure and the fine was paid by his son Cimon. The background to this story seems plausible enough: the Parian expedition is a typical case of an alliance between the Athenian demos and a prominent Athenian, to serve the economic interests of both parties in the northern Aegean.²⁶ For the demos, securing access to grain-producing areas was probably the decisive motive. And since Miltiades the Elder had created a colony in the Chersonese in the mid-sixth century, the Philaidai had laid a claim to gold mines in the area, which Miltiades further secured by marrying Hegesipyle, the daughter of the Thracian king Oloros.

But regarding the fine imposed on Miltiades, this account has odd features.²⁷ Cimon inherited enormous wealth, largely consisting of the properties

24 Athenians owning 4 talents or more fell into the liturgical class in the fourth century, J.K. Davies, *Athenian Propertied Families* (Oxford: Oxford University Press, 1971), xxiv; this group comprised approximately 1–2% of the citizens, J.K. Davies, *Wealth and the Power of Wealth in Classical Athens* (Salem, N.H.: Ayer, 1984), 27–28; Taylor, *Poverty*, 70–76.

25 M.H. Hansen, *The Athenian Ecclesia II: A Collection of Articles 1983–1989* (Copenhagen: Museum Tusulanum Press, 1989) 271–281; for the pre-Ephialtic practices, see in particular E.M. Carawan, 'Eisangelia and Euthyna: the Trials of Miltiades, Themistocles, and Cimon', *GRBS*, 28 (1987), 167–208.

26 For such alliances in these profitable enterprises, L. Kallet, 'The Origins of the Athenian Economic Arche', *JHS*, 133 (2013), esp. 53–54. For the significance of the northern region for the Athenian grain supply and the intricate connections between the Athenian elite and their counterparts in the wide northern area, A. Moreno, *Feeding the Democracy: the Athenian Grain Supply in the Fifth and Fourth Centuries B.C.* (Oxford: Oxford University Press, 2007), 144–169; for the importance of the cleruchies on Lemnos for the grain supply, 102–115.

27 Details of the failed attempt of Miltiades to capture Paros—a seeming betrayal of the polis by a priestess, which the Parians claim was later vindicated by Delphi as a ruse because

in Thrace, from his father (and mother). Why could Miltiades not pay the fine himself? And where does the stupendous amount of 50 talents suddenly come from? In the procedure of *eisangelia*, as was the case here, penalties of any kind or size could be proposed—including the death penalty, depending on the charge.²⁸ But in 489, a fine of this size was without any precedent or plausible motive. Later sources name two men who allegedly paid Miltiades' fine for him: either his son Cimon or Callias, cast as the wealthy 'Lakkoploutos' member of the *genos* Kerykes who became Miltiades' son-in-law. A second version features another Callias, namely Cimon's son, who paid a fine of 50 talents for his father.²⁹ The accuracy of these accounts, preserved by Diodorus and Plutarch and providing a mishmash of private entanglements, does not inspire trust. They all seem to embroider a tradition that Cimon and Callias each paid a 50 talent fine. While for Diodorus and Plutarch these fines had to do either with Miltiades' fine or with Cimon's incestuous relationship with his sister, Demosthenes contended that both men were required to pay the 50 talent fine because they were convicted of *eisangelia*, barely escaping the death penalty.³⁰ In his speeches against Aristocrates (Dem. 23) and Aeschines (Dem. 19) respectively, Demosthenes holds up both cases for emulation. Although both Cimon and Callias were wealthy men, highly respected and important to the polis,

she had been instrumental in bringing about Miltiades' death (Hdt. 6.134–135)—and the highly mythological coverage of Miltiades' capture of Lemnos (Hdt. 6.137–140) do not inspire much faith in the historical accuracy of the accounts Herodotus heard about the Philaid family; cf. R. Thomas, *Oral Tradition and Written Record in Classical Athens* (Cambridge: Cambridge University Press, 1989), esp. 161–173.

- 28 See also Johnstone, this volume, pp. 89–93, on *timēsis*; Carawan, 'Eisangelia', esp. 192–194. Given the nature of Athenian politics in these years, alternatively we might expect that his opponents would have tried to get the general of Marathon ostracised. See S. Forsdyke, *Exile, Ostracism, and Democracy: the Politics of Expulsion in Ancient Greece* (Princeton: Princeton University Press, 2005), 281–284 for the debate on the introduction of ostracism and arguments for a Cleisthenic date, observing that the institution was perhaps applied unsuccessfully until 488/7, when the first known case, that of Hipparchos, took place.
- 29 Diodorus (perhaps after Ephorus, see *FGrH* 70 F64) 10.30–31 says that, when Miltiades died in prison unable to pay off the fine, Cimon retrieved his father's body for burial and assumed the debt himself, delivering himself for imprisonment. With Isodike, an Alcmeonid, Cimon had a son, Callias, but he had also lived with his own sister, Elpinike; Callias paid a fine of 50 talents to prevent his father being punished for this disgraceful relationship. 10.32 holds that Cimon owed his wealth to his wife. According to Plutarch (*Cim.* 4), Miltiades died in prison because he had not yet found the money to pay the fine, but Callias (here the son of Hipponikos, of the Kerykes and exceptionally wealthy) wishing to marry Elpinike, Cimon's sister, offered to pay the fine imposed on Miltiades, now his father-in-law.
- 30 Cimon: Dem. 23.205; Callias: Dem. 19.273–275.

Demosthenes says that the ancestors of his present audience did not hesitate to punish them heavily for the same type of misconduct they were trying right now: undermining the constitution (Cimon and Aristocrates) in the one case (Dem. 23.205), and bribery (Callias and Aeschines) in the other (Dem. 19.273). According to Plutarch, however, Cimon was charged twice by the demos. In 463, when he did not push to conquer Macedonia, he was charged with bribery but acquitted (*Cim.* 14), and in 461, after the Spartans had first asked and next refused the help of Athens against the Messenians and helots, he was ostracised as friend of the Spartans but very soon recalled (*Cim.* 17). No fine was imposed on Cimon, if we believe Plutarch, who gives a highly virtuous portrait of Miltiades' son. On this rather shaky evidence, I think we should hesitate to accept the historicity of the 50 talent fines of Miltiades, Cimon or Callias.

Yet, by the 430s, plausible cases of a 50 talent fine *do* appear. Thucydides recounts that in 430, when the demos blamed Pericles for the Spartan invasions of Attica (2.59), he was charged, probably by *eisangelia*, convicted, fined and removed from office (2.65.3).³¹ Thucydides only mentions the fine, Diodorus (12.45.4) holds that the fine was 80 talents, while Plutarch (*Per.* 35.4) says that the lowest fine mentioned in his sources was 15 talents, the highest 50. That the demos was prepared to hand out fines of 50 talents in these years is confirmed by the decree for the Eteokarpathians (no. 11, *IG* I³ 1454) of c. 435, briefly mentioned above; the beneficiaries had supplied a cypress for the temple of Athena, probably of Athena Polias on the Acropolis. In the damaged text, the 50 talents are legible (l. 24), as is the obligation to pay one tenth of the fine to the goddess (Athena); the latter clause plausibly suggests that the fine was to be paid to the Athenians, who then were to receive 45 talents in case someone was convicted. But who was threatened with this exorbitant fine? In ll. 20–23, we can only read that 'if someone' (ἐάν τις) does something in connection to the Eteokarpathians—anyone who acts contrary to the decree—they are liable to this penalty. Would the Athenians hold a single man accountable to pay this fine, or rather his entire city? The latter is how the relevant clause in the proxeny decree for Acheloion (no. 21, *IG* I³ 19) of the late 420s has been restored, setting a fine of 5 talents (30,000 drachmae) to be paid by the city of the man who kills Acheloion or one of his children. Yet, in the Eteokarpathians decree, there is hardly room for a clause that shifts the burden of this bizarre fine to a city; rather, it seems to target an individual. How the demos imagined it would actually realise a fine of this size from someone who was not an Athenian citizen is obscure, but on the evidence just discussed we must conclude that in

31 Plato (*Grg.* 516a) reports that the charge was embezzlement (*klopē*).

the 430s the Athenians did not hesitate to hold out fines of 50 talents to individuals who somehow thwarted their wishes, and that they probably imposed this fine on Pericles soon after the beginning of the war. It seems plausible that his fate played a role in stories of the same fine imposed on Miltiades, Cimon and Callias, projected back in time.³²

Before turning to the political context in which we may situate these exorbitant fines, one more case is relevant. The Athenian general Phormion was reputedly crippled by a debt, and various accounts of its details circulated. Androtion (*FGrH* 324 F8) reports that Phormion could not pay 100 minae at his *euthynai* (no additional reason given), hence he became *atimos*. When the Akarnanians asked him to help them in the war, he answered that, being *atimos*, he was unable to do so; hence, the demos lifted his *atimia* by paying his debt for him.³³ Pausanias (1.23.10) heard the story that when Phormion was in debt (again, no reason given), the Athenians asked him to be their *stratēgos*; he refused, and only consented when the Athenians paid his debts for him. They gave him a state burial and a statue that was still visible in Pausanias' time. Thucydides (2.80–92, 103) does not mention any debt; he recounts Phormion's military successes, his aid to the Akarnanians and his return to Athens, where he dealt with the war captives, in 429/8. Phormion was elected *stratēgos* in 440, 439, 436, 432, 431, 430 and 429. Androtion's version of the story implies that Phormion's *euthynai* and his debt took place at some point (shortly) before the campaign of 429/8, perhaps after his service as *stratēgos* in 431/0; the version of Pausanias is even more difficult to pin down in time.³⁴ Thucydides' silence on the debt does not necessarily mean that this element of the story is fictitious: for his account of the war at this point Phormion's *euthynai* was simply not relevant. As we shall see below, Thucydides aptly describes the political atmosphere in Athens during the Archidamian war without going into the details of

32 Likewise, the fine of 1,000 drachmae that according to Herodotus (6.21.2) the demos imposed on the poet Phrynichus in 492 because his play about the fall of Miletus upset them too much, may have been a sum fitting the fining conventions of the 430s rather than the 490s, and the charge probably had more to do with a breach of the rules of the Dionysia, as Carawan, 'Eisangelia', 195 plausibly argues.

33 *FGrH* 324 F8 = schol. Ar. *Pax* 347: ἀτιμωθεὶς δὲ τῶι μὴ δύνασθαι τὰς ῥ̄ μνᾶς τῆς εὐθύνης ἀποδοῦναι.

34 Cf. P.E. Harding, *Androtion and the Atthis* (Oxford: Oxford University Press, 1994), 99–104 c. 430. R. Develin, *Athenian Officials 684–321 BC* (Cambridge: Cambridge University Press, 1989), 121 suggests Phormion was fined *after* the campaign of 428, but that date cannot be reconciled with the tenet of the story that requires Phormion to be fined *before* his (last) campaign. See also Thuc. 2.68.7–8, with S. Hornblower, *A Commentary on Thucydides, I: Books I–III* (Oxford: Clarendon Press, 1997), 353–354 on an earlier campaign of Phormion involving the Akarnanians, probably in the early 430s.

the fines meted out to officials. Although we see only the contours of this episode, its core is a sum of 100 minae that Phormion had to pay but could not, a debt of which the demos relieved him. I am inclined to recognise in this sum, which, according to Androtion, Phormion had to pay at his *euthynai* and which made him *atimos*, the 10,000 drachmae fine which was imposed on officials at their *euthynai* as attested in decrees from c. 430 onward. Taken together, the accounts about Pericles and Phormion indicate that from c. 430 the demos not only held up devastating fines as a threat, but actually imposed them.

4 Athenian Political Institutions

Losing one's property crippled a citizen's position in the polis and unpayable fines made citizens *atimos*. In the fourth century, politicians used litigation with unpayable fines to remove their opponents from the political arena, a strategy that gradually had come to replace ostracism as a political weapon amongst the elite.³⁵ For the average citizen, as we just saw, the 10,000 drachmae fines of the last decades of the fifth century were as disastrous as were the multi-talent fines for the wealthy elite. Why and how could such fines ever have seemed to make sense to the polis?

The amounts of these fines are not just monetary values, but penalties with a forceful social meaning.³⁶ Rewards and punishments operated in a conception of the relationship between citizens and polis based on reciprocity, in which the material or immaterial contribution to the polis, or, adversely, any damage done to the polis affected the valuation of the individual by the community.³⁷ The Greek word for 'fine' was the same as for 'honour', namely *timē*, which I prefer to translate as 'value'.³⁸ In fines, numbers indicated amounts representing a negative valuation of citizens, which were mirrored in amounts for gold crowns awarded as positive valuation: for both fines and crowns, 500 and 1,000 drachmae became the standard values in the fourth century.³⁹ While on a

35 For this effect, see esp. M. Zimm, 'Constraints on Speech in Democratic Athens: 480–270 B.C.E.', MA thesis (Yale University, 2016).

36 See also Johnstone, this volume.

37 See further J.H. Blok, *Citizenship in Classical Athens* (Cambridge: Cambridge University Press, 2017), 198–248 for reciprocity structuring the relationships between citizens and polis.

38 Blok, *Citizenship*, 198–200 for *timē* as 'value' and 187–248 for its function as a measure of citizens' value to the polis, with concomitant honours and penalties.

39 Until the mid-fourth century, epigraphic evidence on crowns is extremely scarce; for the

structural level these sums were monetary expressions of social valuation, the precise amounts came to be set in particular historical circumstances. As we just saw, after the first leap to 1,000 drachmae fines just after 450, perhaps in the 430s, the 10,000 drachmae fine was meant to devastate the offending citizen's civic and social life. What circumstances may account for this extravagantly harmful application of the demos' legislative power?

Our sources indicate two features of Athenian institutions that are relevant to answer this question. Both were institutionally embedded in the democratic polis, but could take a problematic turn under particular conditions. The first occurred when the demos' notion of its sovereignty turned into a view of sheer unlimited entitlement. Empowered by the democracy, the demos felt that it could justly claim a maximum return for its political excellence, both within its own polis from its own citizens and beyond, notably from the empire in the fifth century. As Danielle Allen aptly observes, anyone who thwarted this expectation by losing a battle, refusing to obey or missing a deadline was to be punished heavily, raising the anger of the demos for failing to reciprocate its favours.⁴⁰ The other feature was the financing of a court system on which the *politeia* ultimately relied. The *Athenaion Politeia* (27.4), in a passage (27–28) overtly critical of the democracy, puts the blame for Athens' decay on the *misthos* introduced by Pericles, possibly in the 440s or 430s, because it laid the power of the courts in the hands of the mob.⁴¹ This critical statement oversimplifies an institutional set-up better illuminated by Scafuro. She shows how the Athenian judicial system operated on an economy of risk: court procedures potentially ending in fines or confiscations would, if the case was lost, backfire in a fine on the plaintiff, but if the case was won, it meant a substantial profit for the plaintiff and/or the demos. Balancing the costs of the courts by meting out punishments and rewards was not inherently the aim of the system,

fifth century, the only inscribed case concerns the crown of (1,000?) drachmae for Thrasyboulos of Kalydon (*IG* 1³ 102.1–14, 410/9). For a summary of the evidence and the costs involved, D.M. Pritchard, *Public Spending and Democracy in Classical Athens* (Austin: University of Texas Press, 2015), 87–90.

40 D.S. Allen, *The World of Prometheus: the Politics of Punishing in Democratic Athens* (Princeton: Princeton University Press, 2000), reciprocity 62–65; anger: 128–133; conflict between the rule of judgment and the rule of law: 179–183.

41 *Ath. Pol.* does not mention the date of the introduction of *misthos* for the *dikasteria*; although many scholars assume this happened shortly after Ephialtes' changes in the 450s (M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology* (Oxford: Oxford University Press, 1991; Norman: University of Oklahoma Press, 1999), 38, 188; Pritchard, *Public Spending*, 52–53. See J.H. Blok, 'Perikles' Citizenship Law: a New Perspective', *Historia*, 58 (2009), 148 n. 23 on why the 440s or 430s are more likely.

but nonetheless speakers in court tried to influence the *dikastai*, admonishing them that they were to reimburse themselves through fines.⁴²

At the beginning of the Peloponnesian War the conditions were indeed conducive to a problematic turn, when the Athenians decided to ‘run their *politeia* themselves’, as the *Ath. Pol.* (27.2) puts it.⁴³ Thucydides, Aristophanes and Xenophon, each in their own way, describe how in the final decades of the fifth century political leaders fanned the flames of expectation and wrath in the courts and assembly. Generals were penalised at their *euthynai* for any failure the demos could be persuaded to hold them responsible for with huge fines, like Phormion, or with exile, like Thucydides, or even with death, such as the generals after the battle of the Arginusai, with a conviction *in absentia* if they avoided trial by not returning to Athens. This extreme vindictiveness against anyone who was found guilty of any shortcoming was not against the law—and it could not be, for the demos was the sovereign of the laws of its own making.

Harris, examining how the laws at Athens were applied, concludes that not only ‘the Athenians were obsessed with preventing the abuse of power by officials’, but also that in political contests about such alleged abuse political spokesmen and leaders used legal means and arguments grounded in law.⁴⁴ Revisiting the ways in which Cleon made litigation against rivals and the prosecution of generals the new strategy for political success, Harris convincingly

42 A. Scafuro, ‘The Economics of the Athenian Court System’, in A.P. Matthaiou and N. Papazarkadas (eds), *ΑΞΩΝ: Studies in Honour of Ronald S. Stroud* (Athens: Hellenikē Epigraphikē Hetaireia, 2015), 363–392.

43 *Ath. Pol.* 27.2: τὴν πολιτείαν διοικεῖν αὐτός. *Arist. Pol.* 1274^a5–8 seems to refer to this tendency when he states: ‘For as the law-court grew strong, men courted favour with the people as with a tyrant, and so brought the constitution to the present democracy’ (trans. H. Rackham, Loeb edition). The context is whether Solon was ultimately to blame for this process, because he founded the Athenian public court system, cf. 1313^b38: the demos wants to be *monarchos*. For the financial side of the *demos tyrannos*, L. Kallet, ‘*Dēmos Tyrannos*: Wealth, Power, and Economic Patronage’, in K.A. Morgan (ed.), *Popular Tyranny: Sovereignty and its Discontents in Ancient Greece* (Austin: University of Texas Press, 2003), 117–154.

44 E.M. Harris, ‘Cleon and the Defeat of Athens’, in *The Rule of Law in Action in Democratic Athens* (Oxford: Oxford University Press, 2013), quoted 346; cf. Zimm, ‘Constraints’ who argues that imposing unpayable fines was the legal instrument *par excellence* against political opponents, being, in effect, ‘lawfully applied constraints of free speech’. M.H. Hansen (*per. ep.*) observes the surprisingly scarce evidence of *euthynai* as a type of public action heard by the court, see Hansen, *Athenian Ecclesia II*, 10 n. 32; Hansen, *Athenian Democracy*, 224. In some cases, a source uses the term *euthynai* for what other sources describe as an *eisangelia*, cf. the *eisangeliai* against Iphikrates (Hansen, *Athenian Ecclesia II* no. 100) and Timotheos (no. 101), both called *euthynai* at Isoc. 15.129.

argues that it was not the allegedly different social background of Cleon that earned him the disgust of his peers. Rather, it was the different policy he represented, using the institutions of Athens to raise his own profile without considering adverse consequences or the common good in the long run. Cleon applied this strategy not only in the courts, but also in the assembly: in the Mytilene debate as rendered by Thucydides, he insisted that killing the population of the city was in accordance with the law and that it befitted Athens' power to enforce the law (Thuc. 3.37–40). After Cleon's death in 422, political leaders continued this policy, first Hyperbolus and then others up to the Arginusai trial of 406.⁴⁵

The 10,000 drachmae fines fit this climate. They hit persons even of modest wealth with a vindictiveness for which Zimm rightly uses the notion of 'punitive force': the demos used fines not as a means of enacting justice but as punitive legal instruments.⁴⁶ Imposing such penalties demonstrated the demos' power, inflamed by orators to an emotional intensity that probably also enforced a strong sense of collectivity and discouraged voicing disagreement.⁴⁷ The decrees on Aphytis and Phaselis (nos. 17 and 19) penalise anyone, Athenian and non-Athenian, acting contrary to the statutes of the decree or speaking against it with a fine of 10,000 drachmae owed to Athena (*opheilein*). With these crippling fines the decrees threaten offending citizens in effect with being rendered *atimos*. The decrees about the colony to Brea (*IG* 1³ 46), for Miletus (*IG* 1³ 21) and for Chalcis (*IG* 1³ 40) do explicitly punish a citizen and his children with becoming *atimos*, together with the loss of his property of which a tenth is to be dedicated to the deity, for acting contrary to the statutes of the decree or speaking against it, i.e. the same offences as in the decrees on Aphytis and Phaselis.⁴⁸ Officials convicted at their *euthynai* paid their fines to the polis

45 Harris, 'Cleon'.

46 M. Zimm, 'The Punitive Force of Fines in Athenian Law', paper given at the 11th Meeting of the Classical Association of the Middle West and South, Boulder, CO, 25–28 Mar. 2015: 'punitive force is force that is used to punish rather than to accomplish lawful results'; cf. R.V. del Carmen and C. Hemmens, *Criminal Procedure: Law and Practice* (10th edn., Boston: Cengage Learning, 2017), 180–181.

47 Cf. D. Moon, 'Powerful Emotions: Symbolic Power and the (Productive and Punitive) Force of Collective Feeling', *Theory and Society*, 42 (2013), 261–294 for strong collective feeling creating a heightened sense of power, as well as disciplinary force against dissent.

48 In *IG* 1³ 46, the Brea decree, ll. 24–30, anyone proposing to bring to the vote an action against the decree is liable to this penalty, and if this fails, the colonists themselves owe (what the penalty should have been?); the *dekatē* is to be paid to Athena. The latter provision probably also applies in *IG* 1³ 21.26–28. In *IG* 1³ 40.32–36, all adult Chalcidians are to swear the oath of allegiance to Athens; anyone who does not swear is to be punished with *atimia* and loss of property with one tenth for Olympian Zeus.

treasury, if they could do so; no tithe for the gods is mentioned here. No. 18, Thoudippos' decrees, and no. 24, the Coinage Decree, have it all: the traditional fine, the high fine of 10,000 drachmae and *atimia* with property confiscated.⁴⁹ With these penalties the demos was convinced that it was punishing offenders as they deserved; the *atimia* that might result was not just collateral damage, but intentional. That the fines also funded the newly empowered court system was an additional benefit; if the Athenians really believed the annual costs of the *dikasteria* to be 150 talents, as is claimed in Aristophanes' *Wasps* (663) of 422, they needed huge income from fines to keep the system going.⁵⁰

That this policy was carried out on a large scale may be inferred from attempts to terminate it. Abolishing *eisangelia* and *graphē paranomōn*, the legal instruments hitting primarily the political elite, was among the first measures of the changed constitution of 412/11; everyone was now to feel free to speak about the situation, with threats, this time, to those trying to prosecute a citizen for doing so (*Ath. Pol.* 29.4). However, after the fall of the oligarchs both procedures were clearly reinstated,⁵¹ and in the fourth century they became the legal weapons *par excellence* in the competition between political leaders.

The fines at *euthynai*, however, fared somewhat differently. Andocides in *On the Mysteries* recounts how in 405, on a proposal of Patrocleides, the Athenians decided to restore many categories of *atimoi* to their former status to strengthen the active citizen population. The first group of *atimoi* consisted of citizens indebted to the *dēmosion*, notably those who, following their *euthynai*, had lost a civil suit (*dikē exoulēs*) and those fined by a *graphē* or by a magistrate.⁵² Clearly, the numbers of such *atimoi* were by now considerable and at this low point in the war the Athenians wanted to undo the *results* of their

49 No. 24, *IG* 1³ 1453: copy B 7–8 sets for each *thesmothetēs* an (illegible) fine if they fail to bring (?) to the *heliaia*, and ll. 8–14 punishes with *atimia* and the loss of property, with a tenth to the goddess, the officials in the allied cities who do not act at once in accordance with the decree. If there are no Athenian officials in a city, those of the city itself are responsible in the same manner. Copy C 18–21 lays down the death penalty for anyone who acts against the decree or puts a proposal against it to a vote. For the 10,000 drachmae fine for *stratēgoi* (?) in copy D and E, see the appendix.

50 On the estimation of Pritchard, *Public Spending*, 56–57, the real costs of the *dikastēria* were 53 talents 2,800 drachmae annually in the 420s, but what mattered here is what the Athenians *believed* them to be.

51 These procedures were central in the Arginusai-trial of 406 (cf. Carawan, 'Eisangelia', 173–175). The prosecution of Erasimides by Archidamos (*Xen. Hell.* 1.7.2) for withholding public money and badly handling his *stratēgia*, could be either a *euthynai* or *eisangelia*.

52 Andoc.1. 73–76: οἱ μὲν ἀργύριον ὀφείλοντες τῷ δημοσίῳ, ὅποσοι εὐθυνας ὄφλον ἄρξαντες ἀρχάς, ἢ ἐξούλας ἢ γραφάς ἢ ἐπιβολάς ὄφλον (etc.).

policy of fining their (ex-)magistrates. But some evidence suggest that they came to realise there was something wrong with the system itself, too. That in a constitution where all (male) citizens together made the law and where the rule of law applied to all equally, the laws could nevertheless be unjust, posed a paradox that few apparently were aware of.⁵³ But what the Athenians did notice was that the system was counterproductive. Such may be inferred from a change visible in subsequent extant decrees.

In the fourth century, after the revision of the Athenian laws, only *two* decrees threaten officials at their *euthynai* with a fine, the amount of which is unfortunately not legible, compared to the *fourteen* such decrees in the fifth century.⁵⁴ As to high amounts, in the fourth century there are four decrees setting a 1,000 drachmae fine, one of which fines magistrates for failing in a specific duty set by the decree, the other three fine private persons acting contrary to the decree.⁵⁵ In all these cases the 1,000 drachmae are to be paid to a deity; there is no stimulus to benefit the *dēmosion* directly. In the fifth century, there are twelve certain or plausible cases of a 1,000 drachmae fine in decrees, of which three are to be paid to a deity (*opheilein*) and nine to the *dēmosion*, usually following *euthynai*. To this number, we should add the seven 10,000 drachmae fines. In one, unique, fourth-century decree, a fine of 3,000 drachmae is to be paid to the *dēmosion* by each magistrate failing in a specific duty set by the decree.⁵⁶ Given that overall there are more than twice as many extant polis decrees of the fourth century than of the fifth,⁵⁷

53 [Xen.] *Ath. pol.* 3.12–13, responding to a (rhetorical) claim that at Athens no one was unjustly deprived of citizen rights, observes that in fact some *atimoi* lost their rights in Athens unjustly, but that it is difficult to maintain that many citizens lose their rights unjustly because the citizens themselves are the people filling the offices. Beside the matter of legal principle discussed here, the text (probably dating to the late 420s–early 410s) suggests that the number of *atimoi* and the justice of their situation were topics of contemporary debate.

54 *Euthynesthai*: Scafuoro nos. 15 and 16. No 15: *SEG* xxx 61 fr A + B; *Agora* xvi 56 [1] A, c. 380–350, a law on the city Eleusinion concerning the Mysteries; ll. 36–37: the *basileus* and the *epimeletai* each owe [?] drachmae to the Two Goddesses. No. 16: *SEG* xxvi 72.26–28; *Agora* xvi 106 C (375/4): a law regulating silver coinage. No. 15 is also included in Scafuoro's *opheilein*-list (as no. 23) because in ll. 11–14 a board of magistrates owes (*opheilein*) a sum to the goddesses if they fail to do something. Not included is the very lacunose *IG* 11² 1240.

55 Officials: *IG* 11³ 1 452 (334 BCE). Private persons acting against statutes: *IG* 11² 17; *IG* 11³ 1 433.3; *IG* 11² 1237.22–26 = RO 5 (Demotionidai; 396 BCE).

56 *IG* 11² 1631 about Sopolis, ll.392–393: 'the magistrates of the dockyards and the secretary of the Eleven, if they do not wipe out from the debt of Sopolis the money [...] each owes (*opheileto*) to the *demosion* 3,000 drachmae'.

57 From c. 500 to 403, c. 225 polis decrees are known, and from 403 to 322/1, 572 polis decrees.

this picture suggests that the Athenians revised their previous policy of threatening citizen office holders with devastating fines at their *euthynai*.

There is no certain case of the 10,000 drachmae fine after 415, except the outlier no. 26 (*IG* II³ 1 370) of c. 325/4. After promising crowns to the first who succeed in its aims, the decree sets a fine of 10,000 drachmae owed to Athena (*opheilein*) for anyone acting against it and for the *euthynos* and his *paredroi* if they fail to impose the fine.⁵⁸ The decree concerns founding a colony in the Adriatic, led by Miltiades, a descendant of the famous general of Marathon and coloniser of the Thracian shores, to secure, once again, the grain trade to Athens.⁵⁹ Stephen Lambert points to the historicising features of this decree, fitting the atmosphere of Lycurgan Athens looking back to the glories of the fifth century.⁶⁰ It would seem, then, that the fine set in the decree was also copied from the fifth century. Had the Athenians forgotten that this fine of the past was far from glorious, or was the amount of 10,000 drachmae no more than a hollow threat—in other words, was 10,000 by now indeed *unreal*?

Conclusion

The 10,000 drachmae fine set in decrees from c. 430 to c. 414 was a punitive force hitting anyone who did not comply with the wishes of the Athenian demos, especially officials found wanting at their *euthynai*. The first steps towards this exorbitant fine were fines of 1,000 drachmae appearing shortly before or in the 430s. Yet the 10,000 drachmae fine reflects a particular political climate, exemplified by a fine of 50 talents imposed on Pericles and other cases of heavy

58 On this decree, see also Johnstone in this volume, p.89.

59 Lines 48–62. J.M. Camp II, 'Drought and famine in the 4th century B.C.', *Studies in Athenian Architecture, Sculpture and Topography, Presented to Homer A. Thompson (Hesperia Supplements, 20)*; Princeton: American School of Classical Studies at Athens, 1982), 15 n. 19 remarks: 'Colonization was a standard response to famine, and it is interesting to note this late revival of the institution.'

60 S.D. Lambert, 'Connecting with the Past in Lykourgan Athens: an Epigraphical Perspective', in L. Foxhall, H.-J. Gehrke, and N. Luraghi (eds), *Intentional History: Spinning Time in Ancient Greece* (Stuttgart: Franz Steiner, 2010), 225–238. J. Ober, 'Comparing Democracies: A Spatial Method with Application to Ancient Athens', in V. Azoulay and P. Ismard (eds), *Clisthène et Lycurgue d'Athènes: Autour du Politique dans la Cité Classique* (Paris: Publications de la Sorbonne, 2011), 307–322, in a thought experiment features a fifth-century citizen, Poseidippos, checking how the fourth-century democracy compares to his own. On reading the decree no. 26 discussed here with the 10,000 drachmae fine, 'Poseidippos would note that the decree provided for very severe sanctions for disobedience' (318)—indeed, old-fashioned severity!

penalties, in which the demos acted as a violent, impatient and unforgiving master of its own citizens and others. Thucydides, Aristophanes, Xenophon and the *Ath. Pol.* sharply portray the political climate of this era from c. 430 to c. 405 (the oligarchic episode excepted) as marked by political leaders intent on pursuing their own agenda by fuelling the demos' sense of entitlement and concomitant desires, as well as its anger and vindictiveness. This portrayal, not above some suspicion of anti-democratic bias, is now found to be fairly true to reality thanks to the evidence of the decrees. The legislative power of the demos to act on these feelings was reinforced by their judicial powers, exacerbated by their concern to fund the jury courts by fines and confiscations.

This wave of punitive extravagance fitted the wider system of Athenian institutions for dispensing rewards and punishments, honour and dishonour to its citizens, embedded in the underlying reciprocity between citizens and polis. Within this system, however, the 10,000 drachmae fine was an excess, for which, tellingly, no equivalent in honours existed; the most prominent honours for citizens (such as *sitēsis* or a statue) were not expressed in monetary values. Expressing citizens' valuation for the polis in amounts of money may be considered one of the most significant effects of numeracy on the polis since the Archaic age.

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Appendix

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE

	Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
1.	<i>IG I³ 1</i> (1) Salamis decree	c. 510–500	ll. 4–7 The tenant and land- lord who lease property on Salamis	unknown	ἀποτίν[εν] to the <i>dēmosion</i> ;
			ll. 5–8 The archon who fails to exact the fine in the above case	unknown	εὐθ]ύ[νεσθαι
<p>Moreno (2007) 102–106, esp. n. 121 with further ref. and n. 139, suggests that the obligations of the cleruchs (tax, army service) were laid down in Solon's time, when Salamis became part of Athens, and that the decree was inscribed in the late sixth century. The verb <i>euthynesthai</i> is almost entirely restored, but quite plausible. In l. 10, a sum of 30 dr. is mentioned, which cannot be made out to be a fine.</p>					
2.	<i>IG I³ 4</i> (2) Hekatompedon- decree	485/4?	A l. 5: unclear (to do with a guard)	A l. 5: 50 dr.	unclear
			A l. 26: unclear	A ll. 26–27: 2 dr.	to the <i>dēmo- sion</i>
			B ll. 7–8: anyone performing rituals in the wrong place/ manner (?)	B ll. 7–8: up to 3 ob.	θοᾶν to the <i>tamiai</i>
			B ll. 12–13 anyone doing something wrong near the sanctuaries	B ll. 12–13: up to 3 ob.	θοᾶν to the <i>tamiai</i>
			B. ll. 13–16 priestesses and <i>zakeroi</i> roasting barley (?) on the Acropolis	B. ll. 15–16: 100 dr. each	εὐθ]ύνε[σθαί]
			B ll. 16–17: the <i>tamiai</i> who let them do this	B. ll. 16–17: 100 dr. each	[εὐθ]ύνεσθαί]
			B ll. 21–23: <i>tamiai</i> who fail to be present	B. l. 22: 2 dr. each time; the <i>prytanis</i> is to fine them	[ἀποτίνε]ν

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
		B. ll. 23–24: the <i>prytanis</i> who fails to fine them	B. l. 23: 2 dr.	εὐθ[ύ]νεσθ[αι]
<p><i>IG</i> 1³ 4A.14–15 and B.27–28 assign the decree to archon (restored) Philocrates, 485/4; for an earlier date of the decree with possible reinscription: Jordan (1979); <i>contra</i> Stroud (2004); cf. Butz (2010) ix for further refs.</p>				
3. <i>IG</i> 1 ³ 6 (3) = <i>IEleusis</i> 19 = OR 106 Eleusis decree	c. 460	The Kerykes and Eumolpidai; if they (initiate) more than one person at a time	C ll. 29–30; [...] dr. each	εὐθύνε- σθα[ι...6.../ .1] δρα[χ]μέσι
<p>The date is approximate, based on letterforms. The amount of the fine was restored by Meritt (1945) 71: εὐθύνεσθα[ι χιλιάσι] δρα[χ]μέσι and retained in subsequent editions; see e.g. OR who keep square brackets in the text but not in the translation; AIO: [a thousand]. However, <i>ἡεκατὸν</i> is equally possible.</p>				
4. <i>IG</i> 1 ³ 245 Deme decree of Sypalettos	c. 450–420	Anyone who brings to a vote a proposal about the distribution or the donation of the money	ll. 5–12: 1,000 dr. (χιλίας δρα[χμᾶς]) to the <i>koinon</i> of the Sypalettioi	ὀφειλέτο

The stone is roughly worked (Lewis' supposition in *IG* of a crown on the top is unwarranted) and inscribed in an unsophisticated manner. *IG* 1 suppl. p. 134 estimated the date mid-fifth century or a bit later. The date in *IG* 1³, 470–460, is probably strongly influenced by the three-bar sigma criterion, which is now abandoned. Some elements point to before 450: the short, paratactic phrases; Φ as a circle with a vertical line through it (cf. Tracy (2016) 217) and N bending slightly to the right. Others point to a later date: E with horizontals that are not very angled; Attic script with some Ionic elements intruding, occasionally wrongly: l. 6: λέχσεως but l. 7 δόσεος and l. 10 [τ]δι κωνδι. Other deme documents with Ionic script are dated approximately to c. 450–415; Matthaïou (2009a) 208. Missiou (2011) 139 points to the 'unfamiliarity of Athenians with the proper use of the omega' in this deme decree and in *IG* 1³ 7, the Praxiergidai decree issued by the polis. The latter is dated in *IG* 1³ to 460–450, but see now AIO and OR 108 for c. 460–420 or perhaps 440–420, due amongst other factors to a dative plural in -αις, common after 420. For λέχσις (distribution, from λαγγάνω) among demesmen, cf. *IG* 1³ 244C.5 = OR 107. I thank S. Lambert and A.P. Matthaïou for their comments on the date on autopsy.

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

	Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
5.	<i>IG</i> 1 ³ 41 (6) Decrees on Hestiaia	c. 446/5? after 428/7?	The <i>nautodikai</i> who fail to provide a [fully manned] court	ll. 91–92: amount unknown (1,000 dr.?)	εὐ]θυνέσθo
<p>It is very difficult to connect this heavily damaged decree securely either to the aftermath of the revolt of Euboea in 447/6 (Thuc. 1.114–115; Diod. Sic. 12.22) or after 428/7: Mattingly (1996) 246–248; cf. Lambert (AIO-paper 8, 2017). The amount of the fine is entirely restored.</p>					
6.	<i>IG</i> 1 ³ 256 Decree on the waters of the nymphs on authority of a Pythian oracle	440–420?	Who, without paying the annual <i>hieros</i> obol, drinks from the well of the Halykon; who takes away an amphora of water	l. 10: 5 dr. (πέντε) l. 12–13: 50 dr. (ᾶ)	ἀποστίνειν ὀφειλέτω
<p>Deme decree, probably from Lamprai, in Ionic script, dated in <i>IG</i> 1³ to 440–430; cf. Matthaiou (2009a) 205, 208. However, in l. 13 τὰ[ίς] Νύμφαις may point to a later date, after 420.</p>					
7.	<i>IG</i> 1 ³ 14 Erythrai decree OR 121	435/4	The <i>boulē</i> of E. if they fail to sacrifice properly (?)	l. 18 [1,000 dr.] (restored in <i>IG</i> : [χι]λ[ί]α[σ]τ[ι]ν)	ξेमίδσαι
<p>Dated in <i>IG</i> to c. 453/2? and in AIO to 454–450?, but see Papazarkadas (2009) 78 for doubts, and Moroo (2014), who makes a strong case for 435/4. OR, following Malouchou (2014) leave out the amount of the fine (illegible), neither is the amount restored in AIO.</p>					
8.	<i>IG</i> 1 ³ 157 Decree about jurisdiction concerning allies (very damaged)	c. 440–410	Anyone who acts contrary to decree	l. 13: 1,000 [to Athen]a χιλ[ί]α[ς] δρα- χμάς [ἡιερὰς τέτ Ἄθεν]/[αία]ι.	[ὀφειλέτω]
<p>Dated in <i>IG</i> to c. 440–410.</p>					
9.	<i>IG</i> 1 ³ 59 Decree about the navy	c. 430	each (official)	l. 45 1,000[? dr.] l. 50 [...] dr. to Athena	

The text is heavily damaged; plausibly dated to c. 430 in *IG*. In a section clearly dealing with fines, l. 45 [δραχμῆσι χιλί]ασι *ἡέχα*[στος] is a plausible restoration; in ll. 49–50 the fine payable to Athena cannot be restored.

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
10. <i>IG</i> 1 ³ 153 (20) Decree about the navy	c. 440–425	Every trierarch, steersman or anyone who acts against the rules of this decree on how the ships are to be manned	ll. 16–18: 1,000 dr. to Athena	ὀφελέτο χιλία[ς] [δρα- χμᾶς <i>ἠεράς</i> τέι] Ἀθηναίαι
Text is heavily damaged; dated in <i>IG</i> to c. 440–425.				
11. <i>IG</i> 1 ³ 1454; OR 136 Decree for the Eteokarpathians	c. 435	Anyone who acts contrary to the decree	ll. 24–26: 50 talents to the Athenians (?), of which 1/10 to Athena (?)	ὀφέλεν πεντ]ήκοντα τάλαντα/ [Ἀθη- ναίοις κ]αί τὸπιδέκα[το][ν τῆς θεᾶ εἶνα]ι·
The decree grants a special status to the 'Eteokarpathians' because the beneficiaries supplied a huge cypress for the temple of Athena Polias; see OR 136; Ma (2009). In l. 25, Ἀθηναίοις is restored, as is the title for the goddess, but the context, which explicitly refers to the <i>thesmothetai</i> in Athens (ll. 27–28) makes this restoration plausible.				
12. <i>IG</i> 1 ³ 78a (10) = <i>I.Eleusis</i> 28 = OR 141, First-Fruits decree	c. 435	The <i>hieropoioi</i> who fail to take action within five days after it has been announced, when grain from cities comes in	l. 20: 1,000 dr. each	εὐθυσόσθον <i>ἠοι</i> <i>ἠεροποιοὶ</i> χιλί- αισιν ν δραχμᾶσι
This much-discussed decree is dated in <i>IG</i> 1 ³ to c. 422, but to c. 435 by Cavanaugh (1996) 73–95, to c. 440–435 by <i>I. Eleusis</i> and c. 435 or earlier by OR. Tracy (2016) 115–116 assigned it to the cutter of <i>IG</i> 1 ³ 50. The only datable inscription associated with that cutter is <i>IG</i> 1 ³ 302 of 424/3; he also inscribed <i>IG</i> 1 ³ 131 (Prytaneion decree), dated by Blok and van 't Wout (2018) on historical grounds to the early 420s (see also below no. 15, <i>IG</i> 1 ³ 133). Other decrees cut by the cutter of <i>IG</i> 1 ³ 50 date from c. 435 (<i>IG</i> 1 ³ 50) to c. 409 (<i>IG</i> 1 ³ 105).				
13. <i>IG</i> 1 ³ 55 (7) Decree for Ariston- ous	c. 431	The polemarch for every day of delay after five days of having filed a charge, if an Athenian or an ally wrongs A. or a child of his; the [<i>prytaneis</i>] (?) for every day after 10 days that they fail to implement legal protection measures for A.	A, ll. 8–9: 1,000 dr. B, l. 20: 1,000 dr.	εὐθυσέσθω [εὐθύνεσθαι]

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
Dated in <i>IG</i> on prosopographical grounds to 431 or slightly later; the honorand is probably Aristonous of Larissa, a leader of the Thessalian cavalry fighting for Athens in 431 (Thuc. 2.22.2–3); cf. Matthaiou (2009a) 202.				
14. <i>IG</i> I ³ 149 (13) Decree on relations with Eretria; concerning court cases	c. 430–412	The polemarch? if he fails to file a charge within twenty days (?); (official)	ll. 9–10: [1,000 dr.(?)] ll. 17–18: 1,000 dr.	[εὐθυνέσθο χιλία][ις δρα]χμαίς [εὐθυν]έσθο χι[λί]α[ις δρα- χμαίς]
The decree is heavily damaged, but in ll. 9–10 the stoichedon and legible dative fem. plur. of the drachmae give some support to the restoration of the fine and context (<i>euthynai</i>), an amount and condition recurring in better shape in ll. 17–18. The <i>kōlakretai</i> in l. 3 provide a date <i>ante quem</i> .				
15. <i>IG</i> I ³ 133 (12) Decree on a tax for the cult of the Anakes	430–428 or two years later	The <i>hieropoioi</i> if they fail to account for (?) the money received for the Anakes	l. 18: 10,000 dr.	εὐθυνός[θον] μ[υρία]ς δρα- χμαίς
The heavily damaged decree seems to impose a tax of 2% (l. 25) on sea captains and merchants, to be collected by <i>hieropoioi</i> and overseen by the <i>tamiai</i> (restored) of the Other Gods. The latter officials provide a <i>post quem</i> based on <i>IG</i> I ³ 52A, conventionally dated to 434/3 (<i>IG</i> ; OR 144; AIO) but see Kallet (1989) and Samons (2000) 113–138 for 433/2. Mattingly (1999) 121 argues for 430–428 or two years later for <i>IG</i> I ³ 133, as do Blok and van 't Wout (2018), due to its connection to <i>IG</i> I ³ 131 and to no. 12, <i>IG</i> I ³ 78.				
16. <i>IG</i> I ³ 61 = OR 150 (2) (8) Decrees about Methone	426/5	the guardians of the Helle-spont if they somehow prevent Methonians from exporting grain	ll. 38–39: 10,000 dr. each	εὐθυνέσθον μυρίασι δρ[αχ][μείσ]ιν ἕκαστος·
17. <i>IG</i> I ³ 63 (18) Decree about trade, especially of grain, from Aphytis to Athens	c. 426	Anyone who proposes a vote against this decree; Anyone who prevents the Aphytaeans from sailing to Athens	ll. 4–5: (10,000? 1,000?) dr. sac- red to Athena ll. 18–19: 10,000 dr.	(a) ὀφελέτο (b) [ὀφελέτ]ο μυρ[ί]ας δρα- χμαίς]

Non-stoichedon. In ll. 4–5, *IG* restores μυρίας δραχμάς, but χιλίας is also possible.

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
18. <i>IG</i> 1 ³ 71 = ML 69 = OR 153 (9; 19) Thoudippos' decrees on trib- ute	425/4	<ul style="list-style-type: none"> – Each assessor for each day of delay of assessment – Oath administrators who fail to ... – The polemarch (?) ... who fails to take the assessments (?) – The <i>prytaneis</i> (at Gr. Panathenaea) who (in the future) fail to put the assessment on the agenda within their term of office – Anyone preventing the assessments being made at Gr. Panathenaea – Each of the <i>prytaneis</i> if they fail to finish the assessments within their term of office 	<ul style="list-style-type: none"> l. 10 (100 dr. AIO); [1,000 dr. <i>IG</i>]; [...] OR l. 11: 'same penalty' l. 15: 10,000 dr. ll. 28–30: 100 dr. to Athena and 100 dr. to the <i>dēmosion</i>, and 1,30: 1,000 dr. 10,000? each ll. 32–33 ἄτ/[ι]μος ἔσ[το], property to be <i>dēmosion</i>, and a tithe to the goddess ll. 37–38: 10,000 dr. 	<ul style="list-style-type: none"> [ἀποτεισιάτο] [ἔ] ὀφελέτο <i>héka-</i> <i>stos té</i>]ν αὐτέν ζεμ[ίαν] εὐθυ]νέσθο μ[υ]ρίασι δραχ[μ]έσι ὀφ[έ]λεν [εὐθύνεσθαι] [χιλί]ασι? [μυρί]ασι? εὐθύν]έσθο μυρίασι δρ[αχμ]έσι
19. <i>IG</i> 1 ³ 10 (17); OR 120 Phaselis decree	c. 425/4	Anyone violating the contents of the decree	10,000 dr. sacred to Athena	ὀφελέτο

IG 1³ 71, 'Thoudippos' decrees, is inscribed in stoichedon 70; the text is heavily damaged and overly restored; for text and comm. see Matthaïou (2009b) 18–68; Lambert, AIO-paper 8 (2017) and OR 153. In l. 10, AIO follows Matthaïou in reading *ἐκατόν*, but although Attic *h* is occasionally omitted (l. 10 *ἐμέρας*, l. 15 *ἐλιαίαι, ἐ]λιαστῶν*) it is used almost throughout and notably with *h*[*ἐκατόν*] (l. 30), so the restoration in *IG* *χιλίας* is also plausible; OR leave the passage open.

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
<p>The date in <i>IG</i> of c. 460 is defended by OR; they concur with the view that the dat. plur. fem. ending in -αις is not a criterion for a date after c. 420 in this case because the text is entirely in Ionic script. This view is contested by Jameson (2000–2003) 26, pointing out that the dialect of the decree is entirely Attic and that script and dialect should not be confused. Papazarkadas (2009: 70–71) and Beretta Liverani (2013), revisiting Mattingly (1964; 1996: 215–258) and Jameson (2000–2003) situate the decree in the context of the alliances Athens made between 427 and 423 (OR's option that the treaty with Hermione might date to c. 450, rather than to c. 425, for no clear reason refuses to accept Mattingly's and Jameson's strong arguments for the later date). The proposer Leon may be the same man who proposed the treaty with Hermione (<i>IG</i> 1³ 31) and took part in the oath of the truce of 422 (Thuc. 5.19.2; 24.1). For the cutter, Tracy (2016) 24–26, cf. Scafuro (2014) 316–317 for other connections with nos. 17 and 18.</p>				
20. <i>IG</i> 1 ³ 34 (5) Kleinias' decree on tribute	425/4 or slightly later	The <i>prytanis</i> who fails to bring a complaint filed by an Athenian or ally into the <i>boulē</i>	l. 37: 1,000? 10,000? dr. on a charge of bribery	εὐθ]υνέσθο δόρο[ν
<p>The date in <i>IG</i> (448/7) is now revised to 425/4 or a little later, as the decree presupposes <i>IG</i> 1³ 68 and 71 (cf. comm. in AIO). In l. 37, the amount of the fine is illegible; given the stoichedon (23) and, where legible, the consistent use of Attic <i>h</i>, there is space for either <i>μυρίασι</i> (as in <i>IG</i>: εὐθ]υνέσθο δόρο[ν μυρίασι δραχμ]ῆσ[ι <i>h</i>]έκαστος) or <i>χιλίασι</i>, but <i>heκατόν</i> would not fit. AIO leave the amount open.</p>				
21. <i>IG</i> 1 ³ 19 Proxeny decree for Achelion	Late 420s.	[the polis of] anyone who kills Achelion or one of his children, as if he were an Athenian	l. 10: 5 T. (= 30,000 dr.)	ὀφέλεν (restored)
<p>Dated in <i>IG</i> to c. 450/49; Mattingly (1996) 363–366: 422/1; Rhodes (2008): late 420s.</p>				
22. <i>IG</i> 1 ³ 165 Decree about hon- ours and proxeny	Before 420?	The <i>prytaneis</i> who fail to bring forward ...	ll. 2–5: 1,000 dr. to Athena and each ... dr. [at their <i>euthynai</i>]	[ὀφελεν χι]λίας δ[ραχμάς] ... [δρ]αχμαίσι [εὐθύνεσθαι έκαστον αὐτόν]
<p><i>IG</i> dates this inscription before 420(?). The [δρ]αχμαίσι in ll. 4–5 could also point to a later date. The amount in l. 3 is secure, but in l. 4 it cannot be restored.</p>				

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

	Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
23.	IG 1³ 84 = OR 167, (11) Decree on the sanctuary of Kodros, Neleus and Basile (enacted in the prytany of Pandionis)	418/7	Every <i>bouleutēs</i> if the decree has not been implemented by the end of their term; for the <i>basileus</i> and all others instructed about these matters, if they fail to carry out what is decreed by the prytany of Aegeis	l. 10: 1,000 dr. l. 20: 10,000 dr.	εὐθύνεσθαι εὐθύνεσθω μυρίασι δραχμῆσιν
<p>The officials targeted with the huge fine of l. 20 were, beside the <i>basileus</i>, probably the <i>poletai</i> responsible for contracts (ll. 5–6), the <i>horistai</i> who were to demarcate the territory of the <i>temenos</i> to be leased (l. 7) and perhaps others. The deadline with the fine is set in the following prytany.</p>					
24.	IG 1³ 1453 = OR 155, (14) Standards or Coinage Decree	Between mid-420s and shortly before 414	Officials (<i>stratēgoi</i> ?) who fail to send heralds announcing the measure	E, l. 1: 10,000 dr.	εὐθύνοσθω μυρίασι δραχμήσιν
<p>There is now consensus that this decree, dated in <i>IG</i> to c. 449, must be down-dated; see Papazarkadas (2009) 72, and for a plausible date shortly before 414 see Kroll (2009) 201–203, AIO and OR 155. Multiple fragments of non-<i>verbatim</i> copies, sent to the cities of the Athenian empire, have come to light; the clauses of the decree include various penalties to be meted out to those officials and cities who somehow fail to comply with the decree. Here, the fragment found on Siphnos (E) is relevant, where in l. 1 an Athenian official (in the singular) is threatened with a 10,000 dr. fine; in the copy from Syme (D), l. 6 <i>IG</i> restore οἱ στρατηγοί, who are to despatch heralds to every region of the empire, so who exactly is targeted with this fine, is unclear. In AIO, this clause is rendered as clause 7.</p>					
25.	IG 1³ 117 (21) = OR 188 Provisions for the construction of ships in Macedon and honours for Archelaos, King of Macedon	407/6	Anyone who fails to do what is stated in order to get the ships as quickly as possible to Athens	ll. 20–22: 1,000? 10,000?	ὀφελ[εν μυρίας δραχμῆς αὐτὸ]ν ἠιεράς τῆι Ἄθ[εναίαι·

The decree is heavily restored; the restoration in *IG* μυρίας could also be χιλίας; OR leave the amount open. The date is uncontested; the decree was cut by the prolific cutter of *IG* 11² 17, Tracy (2016) 151.

TABLE 4.1 Fines in Attic Decrees of the Fifth Century BCE (*cont.*)

	Corpus number; Scafuro (2014) number (bold) and topic	Date	Who and why?	Fine	Conditions/ terms
26.	<i>IG</i> 1 ³ 1 370 = RO 100, Decree on found- ing a colony in the Adriatic	c. 325/4	Anyone, private or official, who does not act according to the decree and the same fine for the <i>euthynos</i> and <i>paredroi</i> if they fail to impose that fine.	ll. 65–72: 10,000 dr.	ὀφειλέτω to Athena

Bibliography

- Allen, D.S., *The World of Prometheus: the Politics of Punishing in Democratic Athens* (Princeton: Princeton University Press, 2000).
- Beretta Liverani, M., 'I decreto ateniese per i Faseliti (*IG* 1³ 10) e le multe di 10.000 dracme nel v. sec.', *Historiká*, 3 (2013), 131–158.
- Blok, J.H., 'Perikles' Citizenship Law: a New Perspective', *Historia*, 58 (2009), 141–170.
- Blok, J.H., *Citizenship in Classical Athens* (Cambridge: Cambridge University Press, 2017).
- Blok, J.H. and P.E. van 't Wout, 'Table Arrangements: *Sitēsis* as a Polis Institution (*IG* 1³ 131)', in F. van den Eijnde, J.H. Blok and R. Strootman (eds), *Feasting and Polis Institutions* (Leiden: Brill, 2018), 181–204.
- Blok, J.H. (forthcoming), 'Greek Numerals and Numeracy', in Y. Suto (ed.), *Transmission and Organisation of Knowledge in the Ancient World. Proceedings of the Fourth Euro-Japanese Colloquium on the Ancient Mediterranean World, University of Nagoya, Japan. 3–7 Sept. 2018* (Vienna: Phoibos Verlag).
- Bresson, A., *The Making of the Ancient Greek economy: Institutions, Markets, and Growth in the City-States*, trans. Steven Rendall (Princeton: Princeton University Press, 2016).
- Butz, P.A., *The Art of the Hekatompedon Inscription and the Birth of the Stoichedon Style* (Leiden: Brill, 2010).
- Camp, J.M., II, 'Drought and Famine in the 4th Century B.C.', *Studies in Athenian Architecture, Sculpture and Topography, Presented to Homer A. Thompson (Hesperia Supplements, 20)*; Princeton: American School of Classical Studies at Athens, 1982), 9–17.
- Carawan, E.M., 'Eisangelia and Euthyna: the Trials of Miltiades, Themistocles, and Cimon', *GRBS*, 28 (1987), 167–208.
- Cavanaugh, M.B., *Eleusis and Athens: Documents in Finance, Religion and Politics in the Fifth Century B.C.* (Atlanta: Scholars Press, 1996).

- Cusack, C.M., 'Hagiography and History: the Legend of Saint Ursula', in C.M. Cusack and P. Oldmeadow (eds), *This Immense Panorama: Studies in Honour of Eric J. Sharpe* (Sydney: University of Sydney, 1999), 89–104.
- Davies, J.K., *Athenian Propertied Families* (Oxford: Oxford University Press, 1971).
- Davies, J.K., *Wealth and the Power of Wealth in Classical Athens* (Salem, N.H.: Ayer, 1984).
- Del Carmen, R.V. and C. Hemmens, *Criminal Procedure: Law and Practice* (10th edn., Boston: Cengage Learning, 2017).
- Develin, R., *Athenian Officials 684–321BC* (Cambridge: Cambridge University Press, 1989).
- Forsdyke, S., *Exile, Ostracism, and Democracy: the Politics of Expulsion in Ancient Greece* (Princeton: Princeton University Press, 2005).
- Hansen, M.H., *The Athenian Ecclesia II: A Collection of Articles 1983–1989* (Copenhagen: Museum Tusulanum Press, 1989).
- Hansen, M.H., *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology* (Oxford: Oxford University Press, 1991; Norman: University of Oklahoma Press, 1999).
- Harding, P.E., *Androtion and the Atthis* (Oxford: Oxford University Press, 1994).
- Harris, E.M., 'Cleon and the Defeat of Athens', in *The Rule of Law in Action in Democratic Athens* (Oxford: Oxford University Press, 2013), 305–344.
- Harris, E.M., 'How Strictly Did the Athenian Courts Apply the Law? The Role of *Epieikeia*', in *The Rule of Law in Action in Democratic Athens* (Oxford: Oxford University Press, 2013), 274–301 = *BICS*, 56/1 (2013), 25–46.
- Hornblower, S., *A Commentary on Thucydides*, i: *Books I–III* (Oxford: Clarendon Press, 1997).
- Jameson, M.H., 'Athens and Phaselis, *IG* 1³ 10 (EM 6918)', *Horos*, 14–16 (2000–2003), 23–29.
- Jordan, B., *Servants of the Gods: A Study in the Religion, History and Literature of Fifth-Century Athens* (Hypomnemata 55; Göttingen: Vandenhoeck & Ruprecht, 1979).
- Kallet-Marx, L., 'The Kallias Decree, Thucydides, and the Outbreak of the Peloponnesian War', *CQ*, 39 (1989), 94–113.
- Kallet, L., 'Dēmos Tyrannos: Wealth, Power, and Economic Patronage', in K.A. Morgan (ed.), *Popular Tyranny: Sovereignty and its Discontents in Ancient Greece* (Austin: University of Texas Press, 2003), 117–154.
- Kallet, L., 'The Origins of the Athenian Economic Arche', *JHS*, 133 (2013), 43–60.
- Kroll, J.H., 'What about Coinage?', in J. Ma, N. Papazarkadas and R. Parker (eds), *Interpreting the Athenian Empire* (London: Duckworth, 2009), 195–210.
- Kron, G., 'The Distribution of Wealth in Athens in Comparative Perspective', *ZPE*, 179 (2011), 129–138.
- Lambert, S.D., *Rationes Centesimarum: Sales of Public Lands in Lykourgan Athens* (Amsterdam: Gieben, 1997).

- Lambert, S.D., 'Connecting with the Past in Lykourgan Athens: an Epigraphical Perspective', in L. Foxhall, H.-J. Gehrke and N. Luraghi (eds), *Intentional History: Spinning Time in Ancient Greece* (Stuttgart: Franz Steiner, 2010), 225–238 = *Inscribed Athenian Laws and Decrees in the Age of Demosthenes: Historical Essays* (Leiden: Brill, 2018), 115–131.
- Ma, J., 'Empires, Statuses and Realities', in J. Ma, N. Papazarkadas and R. Parker. (eds), *Interpreting the Athenian Empire* (London: Duckworth, 2009), 125–148.
- Malouchou, G.E., 'A Second Facsimile of the Erythrai Decree (*IG* 1³ 14)', in A.P. Matthaiou and R.K. Pitt (eds), *ΑΘΗΝΑΙΩΝ ΕΠΙΣΚΟΠΙΟΣ: Studies in Honour of Harold B. Mattingly* (Athens: Hellēnikē Epigraphikē Hetaireia, 2014), 73–95.
- Matthaiou, A.P. (2009a), 'Attic Public Inscriptions of the Fifth Century BC in Ionic Script', in L. Mitchell and L. Rubinstein (eds), *Greek History and Epigraphy: Essays in Honour of P.J. Rhodes* (Swansea: Classical Press of Wales, 2009), 201–212.
- Matthaiou, A.P. (2009b), *Studies in Attic Inscriptions and the History of the Fifth Century B.C.*, Ph.D. thesis (La Trobe University, 2009).
- Mattingly, H.B., 'The Financial Decrees of Kallias (*IG* 1² 91/ 92)', *The Proceedings of the African Classical Associations*, 7 (1964), 35–55.
- Mattingly, H.B., *The Athenian Empire Restored: Epigraphic and Historical Studies* (Ann Arbor: University of Michigan Press, 1996).
- Mattingly, H.B., 'What are the Right Dating Criteria for Fifth-Century Attic Texts?', *ZPE*, 126 (1999), 117–122.
- Meritt, B.D., 'Attic Inscriptions of the Fifth Century', *Hesperia*, 14/2 (1945), 61–133.
- Missiou, A., *Literacy and Democracy in Fifth-Century Athens* (Cambridge: Cambridge University Press, 2011).
- Moon, D., 'Powerful Emotions: Symbolic Power and the (Productive and Punitive) Force of Collective Feeling', *Theory and Society*, 42 (2013), 261–294.
- Moreno, A., *Feeding the Democracy: the Athenian Grain Supply in the Fifth and Fourth Centuries B.C.* (Oxford: Oxford University Press, 2007).
- Moroo, A., 'The Erythrai Decrees Reconsidered: *IG* 1³ 14, 15 & 16', in A.P. Matthaiou and R.K. Pitt (eds), *ΑΘΗΝΑΙΩΝ ΕΠΙΣΚΟΠΙΟΣ: Studies in Honour of Harold B. Mattingly* (Athens: Hellēnikē Epigraphikē Hetaireia, 2014), 97–120.
- Ober, J., 'Wealthy Hellas', *TAPA*, 140 (2010), 241–289.
- Ober, J., 'Comparing Democracies: A Spatial Method with Application to Ancient Athens', in V. Azoulay and P. Ismard (eds), *Clithène et Lycurgue d'Athènes: Autour du Politique dans la Cité Classique* (Paris: Publications de la Sorbonne, 2011), 307–322.
- Papazarkadas, N., 'Epigraphy and the Athenian Empire: Reshuffling the Chronological Cards', in J. Ma, N. Papazarkadas and R. Parker (eds), *Interpreting the Athenian Empire* (Oxford: Duckworth, 2009), 67–88.
- Pébarthe, C., 'Contrats et justice dans l'empire Athénien: les symbola dans le décret d'Athènes relatif à Phasélis (*IG*, 1³, 10)', in P. Brun (ed.), *Scripta Anatolica: Hommages à Pierre Debord* (Bordeaux: Ausonius, 2007), 237–260.

- Petzl, G., 'Das Inschriftenossier zur Neugründung von Arsinoë in Kilikien: Textkorrekturen', *ZPE*, 139 (2002), 83–88.
- Pritchard, D.M., *Public Spending and Democracy in Classical Athens* (Austin: University of Texas Press, 2015).
- Rhodes, P.J., 'After the Three-bar Sigma Controversy: the History of Athenian Imperialism Reassessed', *CQ*, 58 (2008), 500–506.
- Samons, L.J., II, *Empire of the Owl: Athenian Imperial Finance* (Historia Einzelschriften, 142; Stuttgart: Franz Steiner Verlag, 2000).
- Scafuro, A., 'Patterns of Penalty in Fifth Century Attic Decrees', in A.P. Matthaiou and R.K. Pitt (eds), *ΑΘΗΝΑΙΩΝ ΕΠΙΣΚΟΠΙΟΣ: Studies in Honour of Harold B. Mattingly* (Athens: Hellēnikē Epigraphikē Hetaireia, 2014), 299–326.
- Scafuro, A., 'The Economics of the Athenian Court System', in A.P. Matthaiou and N. Papazarkadas (eds), *ΑΞΩΝ: Studies in Honour of Ronald S. Stroud* (Athens: Hellēnikē Epigraphikē Hetaireia, 2015), 363–392.
- Stroud, R.S., 'Adolf Wilhelm and the Date of the Hekatompedon Decrees', in A.P. Matthaiou and G. Malouchou (eds), *ΑΤΤΙΚΑΙ ΕΠΙΓΡΑΦΑΙ, ΠΡΑΚΤΙΚΑ ΣΥΜΠΟΣΙΟΥ ΕΙΣ ΜΝΗΜΗ Adolf Wilhelm* (Athens: Hellēnikē Epigraphikē Hetaireia, 2004), 85–97.
- Taylor, C., *Poverty, Wealth, & Well-Being: Experiencing Penia in Democratic Athens* (Oxford: Oxford University Press, 2017).
- Thomas, R., *Oral Tradition and Written Record in Classical Athens* (Cambridge: Cambridge University Press, 1989).
- Tod, M.N., 'Further Notes on the Greek Acrophonic Numerals', *ABSA*, 28 (1926/1927), 141–157.
- Tod, M.N., 'The Greek Acrophonic Numerals', *ABSA*, 37 (1936/1937), 236–258.
- Tracy, S.V., *Athenian Lettering of the Fifth Century B.C.: the Rise of the Professional Letter Cutter* (Berlin: De Gruyter, 2016).
- Wees, H. van, 'The Myth of the Middle-class Army: Military and Social Status in Ancient Athens', in T. Bekker Nielsen and L. Hannesta (eds), *War as a Cultural and Social Force: Essays on Warfare in Antiquity* (Copenhagen: Kongelige Danske Videnskaberne Selskab, 2001), 45–71.
- Wees, H. van, 'Mass and Elite in Solon's Athens: the Property Classes Revisited', in J.H. Blok and A.P.H.M. Lardinois (eds), *Solon of Athens: New Historical and Philological Approaches* (Leiden: Brill, 2006), 351–389.
- Wees, H. van, 'Demetrius and Draco: Athens' Property Classes and Population in and before 317 BC', *JHS*, 131 (2011), 95–114.
- Zimm, M., 'The Punitive Force of Fines in Athenian Law', paper given at the 11th Meeting of the Classical Association of the Middle West and South, Boulder, CO, 25–28 Mar. 2015.
- Zimm, M., 'Constraints on Speech in Democratic Athens: 480–270 B.C.E.', MA thesis (Yale University, 2016).