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ARISTOCRATIC PATRONAGE?

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PAYMENTS TO THE DISABLED AT ATHENS:  
SOCIAL JUSTICE OR FEAR OF ARISTOCRATIC PATRONAGE?\*

Physically disabled Athenian citizens were entitled to financial assistance from the city in the fifth and fourth centuries BC, and the allowance paid to them fits into the general context of the payments made to Athenian citizens by the state. But these other payments were in return for services performed for the state, such as serving as a *bouleutes* (member of the *boule*) or *dikastes* (juror), whereas the disabled (the *ady-natoi*), were given an allowance simply because they were disabled. The *ady-natoi* did not serve the city in their capacity as *ady-natoi*, and the reason why payments were made to them is never made explicit. It could perhaps be suggested that Athens was a 'welfare state' that made financial provision for those who could not support themselves, with the Athenians being motivated by considerations of 'social justice' to make provision for those less fortunate than the typical able-bodied citizen. But this does not seem to be the character of Athenian society, even in the age of democracy. Rather, it seems that the Athenians were motivated less by altruistic considerations than by a concern for the democracy itself.

At Athens in the fifth and fourth centuries, payments of various kinds were made to citizens. The *Athenaion Politeia* records that in the fifth century there were twenty thousand individuals supported by the tribute, taxes and the allies as a result of Aristeides' advice that the Athenians take control of the empire (λαβόντες τὴν ἀρχήν)<sup>1</sup>. Many of these were political payments, particularly for service on juries, or salaries for magistrates<sup>2</sup>. The Aristotelian *Athenaion Politeia* states that there were 700

\* Note the following abbreviations:

A.H.M. JONES, *Ath. Dem.: Athenian Democracy*, Oxford 1957.

P.J. RHODES, *Comm.: A Commentary on the Aristotelian Athenaion Politeia*, Oxford 1981.

R.K. SINCLAIR, *Dem. & Part.: Democracy and Participation in Athens*, Cambridge 1988.

<sup>1</sup> [Arist.] *Ath. Pol.* 24.1-3 (cf. [Xen.] *Ath. Pol.* 1.3). For the difficulties involved with the phrase ἀπὸ τῶν φόρων καὶ τῶν τελαῶν καὶ τῶν συμμάχων, see P.J. RHODES, *Comm.*, p. 300-301, and *Addenda* (1993), p. 774. The figure of 20,000 seems reasonable: *Comm.*, p. 302; but M.I. FINLEY, *The Ancient Economy*, London 1985<sup>2</sup>, p. 172-173, rejects it. See R. DEVELIN, *Athenian Officials 684-321 BC*, Cambridge 1989, p. 1-23, for descriptions of the various officials, and note M.H. HANSEN, *Misthos for Magistrates in Classical Athens*, *SO* 54 (1979), p. 5-22.

<sup>2</sup> [Arist.] *Ath. Pol.* 62.2, see P.J. RHODES, *Comm.*, p. 691-695. For the jurors and jury pay, see esp. Ar., *Wasps* 661-662, *Knights* 51, 255, *Wasps* 88; *Ath. Pol.* 24.4, cf. 27.4

internal officials in the fifth century<sup>3</sup>. Pay for assembly attendance was instituted soon after the restoration of democracy in 403, and later increased<sup>4</sup>. There were also payments to those in need<sup>5</sup>: those who were maimed in war<sup>6</sup>, or were disabled due to another cause<sup>7</sup>, were given financial assistance, and the *Athenaion Politeia* mentions orphans amongst those who were maintained from public funds<sup>8</sup>. An inscription<sup>9</sup>, which dates to before 460, mentions orphans in connection with the celebration of the Eleusinian Mysteries. These are generally assumed to be war-orphans, and the mention of orphans in this public decree is possibly evidence that public support for orphans was current as early as the mid-fifth century<sup>10</sup>. Solon's first axon apparently contained an injunction to the archon to give food to widows and orphans<sup>11</sup>. The tendency to attribute numerous laws to Solon needs to be noted, but the reference

(for the criticism of this system, see also Plato, *Grg.* 515e), and further references to Aristophanes' plays in E. DAVID, *Aristophanes and Athenian Society of the Early Fourth Century B.C.*, Leiden 1984, p. 29 n. 130; M. OSTWALD, *From Popular Sovereignty to the Sovereignty of Law: Law, Society, and Politics in Fifth-Century Athens*, Berkeley 1986, p. 68-69; R.K. SINCLAIR, *Dem. & Part.*, p. 20, 128, 134.

<sup>3</sup> *Ath. Pol.* 24.3. There is no reason, as shown by M.H. HANSEN, *Seven Hundred Archai for Classical Athens*, *GRBS* 21 (1980), p. 151-173, to regard this as too high a figure. Pay for political service was one of the defining criteria of democracies according to Arist., *Pol.* 1317b17-18a3.

<sup>4</sup> *Ath. Pol.* 41.3, cf. 62.1; see R.K. SINCLAIR, *Dem. & Part.*, p. 117-118, 134; D. STOCKTON, *The Classical Athenian Democracy*, Oxford 1990, p. 72; M.H. HANSEN, *The Athenian Assembly in the Age of Demosthenes*, Oxford 1987, p. 46-48. The running of the democracy was not, however, parasitic upon the empire, and the introduction and increases in pay for attending the *ekklesia* occurred when there was no longer tribute from the allies: see esp. A.H.M. JONES, *Ath. Dem.*, p. 5-9, and also R.K. SINCLAIR, *Dem. & Part.*, p. 200-202. M.I. FINLEY rejects Jones' arguments that the democracy was not dependent upon the empire: *Ancient Economy* (n. 1), p. 172-174; *Democracy Ancient and Modern*, London 1973, p. 48-50; *The Fifth-Century Athenian Empire: A Balance Sheet*, in P.D.A. GARNSEY & C.R. WHITTAKER (eds.), *Imperialism in the Ancient World*, Cambridge 1978, p. 123, 310 n. 54.

<sup>5</sup> Cf. J. OBER, *Mass and Elite in Democratic Athens. Rhetoric, Ideology and the Power of the People*, Princeton 1989, p. 130.

<sup>6</sup> Plut., *Sol.* 31.2; Diog. Laert. I (Sol.) 55.

<sup>7</sup> [Arist.,] *Ath. Pol.* 49.4; Lys. 24; Philochorus, *FGrHist* 328 F197a, b.

<sup>8</sup> [Arist.,] *Ath. Pol.* 24.3.

<sup>9</sup> *IG* I<sup>3</sup> 6C II. 40-41 (*LSCG* 3).

<sup>10</sup> While R.S. STROUD, *Greek Inscriptions, Theozotides and the Athenian Orphans*, *Hesperia* 40 (1971), p. 288, is willing to accept [Arist.,] *Ath. Pol.* 24.3 as evidence for support of orphans before Ephialtes' reforms of 462, P.J. RHODES, *Comm.*, p. 309, rejects it, and S. HORNBLOWER, *A Commentary on Thucydides I*, Oxford 1991, p. 315, is sceptical.

<sup>11</sup> Harp., Phot., Sud., s.v. σῆτος; see R.S. STROUD, *Drakon's Law on Homicide*, Berkeley 1968, p. 32 with n. 10; *id.*, *art. cit.* (n. 10), p. 288 with n. 11.

specifically to the first axon could be taken as an argument in favour of the authenticity of this law.

Those orphaned by war may be argued to have been a particular case due to the patriotic nature of their status. Aristotle states that laws existed in other Greek states as well as at Athens providing for the public maintenance of war orphans<sup>12</sup>. Whether female as well as male orphans were raised at state expense is not clear: females generally may have been made the responsibility of the nearest relatives. But on Thasos girls orphaned by the death of their fathers in war received a dowry from the state when they turned fourteen years old<sup>13</sup>. Aeschines describes the presentation of the orphans at Athens at their coming of age: they were led into the theatre at the Dionysia, wearing arms, whereupon a herald proclaimed that the youths, whom the state had hitherto supported because their fathers had died in war, were now sent out by the city with its blessing<sup>14</sup>. The *ekklesia* was responsible for the *dokimasia* of the orphans, which presumably established which children were orphans and of these who was entitled to the allowance<sup>15</sup>. The support of war-orphans was clearly a practice at Athens by 431<sup>16</sup>, and Theozotides' decree provides that those Athenian orphans whose fathers had died under the oligarchy of 404/3 were to receive an obol a day as maintenance from the state<sup>17</sup>. There were 'guardians of orphans' at Athens<sup>18</sup>, and these may well have been responsible for ensuring that orphans received the benefits of the state allowance. There is no evidence that orphans other than war-orphans were supported by the state, but war-orphans may well have comprised the major proportion of fatherless children.

<sup>12</sup> Arist., *Pol.* 1268a8.

<sup>13</sup> J. POUILLOUX, *Recherches sur l'histoire et les cults de Thasos (Études Thasiennes, III)*, Paris 1954, p. 371 no. 141; transl.: M.P.J. DILLON & L. GARLAND, *Ancient Greece: Social and Historical Documents from Archaic Times to the Death of Socrates*, London–New York 1994, p. 402. The Rhodians also had such a provision, Diod. XX 84.3. Note S.B. POMEROY, *Charities for Greek Women, Mnemosyne* s. IV, 35 (1982), p. 118–119; R.S. STROUD, *art. cit.* (n. 10), p. 290 n. 26.

<sup>14</sup> Aesch. 3.154. Note also Plato, *Menex.* 249a, b; Theozotides' decree, edited by R. STROUD, *art. cit.* (n. 10), p. 280–301; Aristeides, *Panath. Or.* 368; cf. Hyperides 6.42.

<sup>15</sup> [Xen.,] *Ath. Pol.* 3.4. See also [Arist.,] *Ath. Pol.* 56.7 for the eponymous archon's responsibilities towards orphans.

<sup>16</sup> Thuc. II 46.1.

<sup>17</sup> R.S. STROUD, *art. cit.* (n. 10), p. 281–282; see also the fragmentary speech of Lysias *Against Theozotides* (L. GERNET & M. BIZOS [eds.], *Lysias. Discours* II, Paris 1962, p. 257–259).

<sup>18</sup> Xen., *Poroi* 3.7; cf. Plato, *Menex.* 248e, schol. Dem. 24.20, with R.S. STROUD, *art. cit.* (n. 10), p. 289.

At what date the Athenians began to make payments to physically disabled citizens, *adynatoi*, is uncertain, but the tradition that the payments had their origin with Solon is strong. The allowance was clearly being paid at the beginning of the fourth century<sup>19</sup>. Plutarch records that Peisistratus promulgated a law which provided that those maimed in warfare should be maintained at public expense, but he also records that according to Herakleides Solon passed a decree ensuring that Thersippus (otherwise unknown), who had been maimed in war, be maintained at the state's expense and that Peisistratus was merely following the example set by Solon<sup>20</sup>. Diogenes Laertius writes that Solon reduced the allowances paid to victors in Panhellenic games on the grounds that it would be tasteless to increase the honours for these, while ignoring those who had died in battle, whose sons should be supported and educated at state expense, indicating (according to Diogenes), a Solonian origin for the provision regarding war-orphans<sup>21</sup>. The scholiast to Aeschines also ascribes the measure regarding the *adynatoi* to Solon<sup>22</sup>. There seems to be a tradition connecting Solon with the support of those orphaned by war (though except for Thersippus not those disabled in war), and Peisistratus with those maimed in war, while a measure covering *adynatoi* in general is not connected with either Solon or Peisistratus except by the scholiast to Aeschines.

While grants to individual invalids, especially those disabled in war, may have been made in the sixth century, it is probably the case that allowances to *adynatoi* generally were introduced by the Periklean democracy, rather than being an innovation of either Solon or Peisistratus<sup>23</sup>. The statements that Solon and Peisistratus introduced measures to assist those unable to earn a living should, however, be noted. The tradition that Peisistratus encouraged farmers with financial assistance so that they could earn a livelihood from their farms, and not come into the city and engage in political agitation, is perhaps relevant here<sup>24</sup>. And, in a

<sup>19</sup> Lys. 24. For the date of its delivery, after 403, see 24.25; cf. F. JACOBY, *FGrHist* Vol. 3B Suppl. 1, p. 562-563.

<sup>20</sup> Plut., *Sol.* 31.2. See the remarks of F. JACOBY, *FGrHist* Vol. 3B Suppl. 1, p. 563, on the trustworthiness of Herakleides' account.

<sup>21</sup> Diog. Laert. I (Sol.) 55.

<sup>22</sup> Schol. Aesch. 1.103.

<sup>23</sup> For modern discussion, see F. JACOBY, *FGrHist* Vol. 3B Suppl. 1, p. 562-564, Suppl. 2, p. 451-452; P.J. RHODES, *Comm.*, p. 570.

<sup>24</sup> [Arist.,] *Ath. Pol.* 16.2-7, see M.P.J. DILLON & L. GARLAND, *op. cit.* (n. 13), p. 100-101. Peisistratus' introduction of deme judges, which the *Ath. Pol.* states was due to

very important sense, Solon's abolition of the status of the *hektemoroi* and *pelatai* removed an overt form of patronage<sup>25</sup>, by which the wealthy exercised influence over the poor. In both cases, the legislation may have been primarily intended to defuse political agitation. Certainly, the information concerning the financial arrangements pertaining to the *ady-natoi* is restricted to the post-Periklean period, and the evidence for the payment of allowances to the disabled, the method by which this was done, and the criteria for the eligibility of individuals for an allowance, is provided primarily by Lysias 24, Aeschines' speech against Timarchus, and by the Aristotelian *Athenaion Politeia*.

The existence of the allowance for *ady-natoi* was perhaps indicative of the compassion shown by the democracy towards its citizens. But it had a deeper significance as well. In providing the *ady-natoi* with a means of subsistence, it avoided forcing citizens who could not support themselves to rely upon wealthy citizens for financial assistance. Such assistance could have led to the establishment of patron-client links detrimental to the interests of the democracy. While it could be argued that the number of *ady-natoi* would have been too small for this type of influence of the wealthy over the poorer citizen class to be of any significance<sup>26</sup>, it would have been consistent with democratic ideals to ensure that all citizens could exercise their political rights free from the intimidation of a wealthy patron on whom they relied for support. Moreover, the *ady-natoi* were but one part of a larger citizen body which had to be safeguarded against patronage for the safety of the democracy, and the allowance for the *ady-natoi* needs to be seen in the context of other

Peisistratus' desire to keep people from coming to the city, will also have aimed at weakening the influence of local wealthy landowners: *Ath. Pol.* 16.5; C. HIGNETT, *A History of the Athenian Constitution*, Oxford 1952, p. 115; F.J. FROST, *Politics in Early Athens*, in G.S. SHRIMPTON & D.J. McCARGAR (eds.), *Classical Contributions: Studies in Honor of M.F. McGregor*, Locust Valley 1981, p. 36 (these judges were re-instituted in 453/2: *Ath. Pol.* 26.3; M.I. FINLEY, *Politics in the Ancient World*, Cambridge 1983, p. 47, ascribes this to Perikles, which is a distinct possibility).

<sup>25</sup> M.I. FINLEY, *Politics* (n. 24), p. 40-41, argues that the use of the terms patron and client is justifiable for Greek society, as does P. MILLETT, *Patronage and its Avoidance in Classical Athens*, in A. WALLACE-HADRILL (ed.), *Patronage in Ancient Society*, London 1989, p. 15-16.

<sup>26</sup> Continuous warfare in Athenian history could have led to significant numbers of *ady-natoi*, but we do not hear of large numbers of disabled soldiers in the classical period, and the chances of surviving even slight wounds seems to have been small according to V.D. HANSON, *The Western Way of War: Infantry Battle in Classical Greece*, New York 1989, p. 210-218 (but cf. *supra* n. 6).

measures, particularly state pay, which aimed against the development of patronage. The advent of the Kleisthenic democracy in 508/7 meant that aristocratic patronage was, sooner or later, bound to become a political issue. Kleisthenes clearly attempted to weaken regional ties in the state and the aristocratic patronage which went hand-in-hand with this<sup>27</sup>. His reforms aimed to break down the regional loyalties of Athenians, loyalties which could be exploited by local aristocrats for their own advantage; the creation of demes, trittyes and tribes was clearly aimed at preventing regional areas and their citizens from the possibility of domination by local wealthy landlords.

But the elite, although its political power was curbed in this way by Kleisthenes' reforms, still had its wealth, the mainstay of its power. A good example of the use of wealth to help in the consolidation of political power under the democracy is that of Kimon. According to the Aristotelian *Athenaion Politeia*, Kimon maintained many of his demesmen: any of these could go to Kimon each day and receive from him their needs, and as his land was unfenced there was free access to his property where they could pick the fruit off the trees. Later sources provide further details, that poor Athenians could dine at his house, and that when Kimon went out he was always accompanied by two or three youths, who carried small amounts of money with them which Kimon ordered them to give to those who approached him for assistance; if the need arose, these youths would exchange their cloak with that of any Athenian whom Kimon saw was badly clothed. Kimon was also said to have helped with burial expenses<sup>28</sup>, and to have adorned the agora with paths and by planting plane trees<sup>29</sup>. (In addition, the spoils from the battle of the Eurymedon river, where Kimon was *strategos*, paid for the south wall of the acropolis; less likely, however, is the story that Kimon paid for some sections of the foundations of the Long Walls<sup>30</sup>.) The story of the generosity to demesmen and his open property can be accepted,

<sup>27</sup> J. OBER, *op. cit.* (n. 5), p. 70-73; M.P.J. DILLON & L. GARLAND, *op. cit.* (n. 13), p. 137-138.

<sup>28</sup> [Arist.] *Ath. Pol.* 27.3; *FGrHist* 115 F89, F135; Plut., *Kimon* 10.1-3, *Per.* 9.2; *Kritias* F8. See the comments of P. MILLETT, *art. cit.* (n. 25), p. 23-25 (p. 25-43 deal with patronage in democratic Athens); M.I. FINLEY, *Democracy* (n. 4), p. 39-40, 45-46; R. SINCLAIR, *Dem. & Part.*, p. 35-36.

<sup>29</sup> Plut., *Mor.* 818d; cf. *Kim.* 13.8 for beautification of the Academy.

<sup>30</sup> For Kimon and public works, see the references in P.J. RHODES, *Athens after the Persian Wars*, in *CAH V*<sup>2</sup>, p. 64 with n. 6, and R.E. WYCHERLEY, *Rebuilding in Athens and Attica*, in *CAH V*<sup>2</sup>, p. 210 with n. 6.

though the other points are almost certainly embellishments<sup>31</sup>. This generosity might have been purely altruistic, but it gave Kimon a reputation for concern for his fellow citizens, and along with his military successes against the Persians (and fellow Greeks) enabled him to have a very successful political career. Perikles is said to have been unable to compete against this influence with his own private wealth, but made use of the wealth of the state instead, introducing payment for jury service and similar measures<sup>32</sup>. The classical democracy countered the influence of personal wealth by a complex system of liturgies, which might have given the wealthy something to boast about in law-suits as a means of trying to win over the jury<sup>33</sup>, and also as a way of winning favour as a path to office<sup>34</sup>, but more importantly subordinated part of their wealth to the interests of the community of the polis. On the other hand, Nikias clearly made use of liturgies as a means of overcoming some of his political shortcomings<sup>35</sup>.

Evidently the Athenians were aware of the connection between patronage and political advantage; in fact, Kimon is described as being as wealthy 'as a tyrant' in the context of his liberality to his fellow demesmen<sup>36</sup>. The democracy as a whole must not only have been aware of the possibility of such patronage, but also, because such patronage could undermine the democratic system, have been hostile to it (although individual citizens themselves presumably did not object to

<sup>31</sup> D. WHITEHEAD, *The Demes of Attica 508/7 – ca. 250 B.C.: A Political and Social Study*, Princeton 1986, p. 306-308, argues that Kimon's generosity was limited to his demesmen (of the deme Lakiadai), and that Plutarch and his source, Theopompos, extended this generosity further. P.J. RHODES, *Political Activity in Classical Athens*, *JHS* 106 (1986), p. 135 with n. 26 (cf. *Comm.*, p. 340), holds the same view and cites as further examples of generosity to fellow demesmen: Lys. 16.14, 31.15-16; see also W.R. CONNOR, *Theopompos and Fifth Century Athens*, Washington 1968, p. 30-37; ID., *The New Politicians of Fifth Century Athens*, Princeton 1971, p. 18-22; J.K. DAVIES, *Athenian Propertied Families*, Oxford 1971, p. 311, who notes that in «making Kimon's largesse extend to all needy citizens, Theopompos (115 F89) blurs the political point of the distinction between Kimon and Perikles as between local dynast and national politician».

<sup>32</sup> [Arist.,] *Ath. Pol.* 27.4; Plut., *Per.* 9.2-3; M.I. FINLEY, *Politics* (n. 24), p. 39-40. He handed over to the people what was theirs on the advice of Damon, for whom see esp. C.W. FURNARA & L.J. SAMONS, *Athens From Cleisthenes to Pericles*, Oxford 1991, p. 34-34, 68-69, 160-161.

<sup>33</sup> See the useful summary of J.K. DAVIES, *op. cit.* (n. 31), p. xvii-xviii.

<sup>34</sup> Lys. 19.57.

<sup>35</sup> Plut., *Nik.* 3.

<sup>36</sup> [Arist.,] *Ath. Pol.* 27.3.

receiving such assistance)<sup>37</sup>. Peisistratus' financial aid to Athenian farmers who were in need had probably been a measure designed not only to ensure economic prosperity and social harmony, but also to break down the power of the aristocrats, to whom the peasants would otherwise have presumably turned for financial aid, as they probably had in the period before Solon's archonship<sup>38</sup>; Peisistratus' assistance can thus clearly be referred to as 'centralised patronage'<sup>39</sup>. The development of state pay for the citizenry helped to negate this type of patronage, and the wealthy had to become patrons of the citizen body as a whole, both through the system of liturgies, and less directly by conspicuous consumption of a sort that would win popularity, such as Alkibiades' entry of seven chariots in the Olympic games, which he boasted about in the assembly<sup>40</sup>.

The assistance given to the *adynatoi* probably sprang not only from humanitarian motives but from the desire to counteract the possibility of aristocratic patronage over those able to exercise political rights but who found it difficult to support themselves financially. A concern for the *oikos* was no doubt also involved: the allowance would help disabled soldiers to rear their families. The concern of the polis that individual *oikoi* would be perpetuated is indicated by the state undertaking to raise orphans at its own expense<sup>41</sup>. The existence of an allowance for the *adynatoi*, like the provision of political pay (such as for jury service and attendance at the *ekklesia*), must have had the result of reducing the incidence of poverty and destitution amongst the citizen class at Athens<sup>42</sup>. This helped to create a citizen body which was independent of aristocratic patronage, and so at Athens the majority of citizens, being without patron-client links, could deliberate and vote on state matters without being influenced by such patronage. This was an important element in the maintenance of the effectiveness of the democratic nature of the

<sup>37</sup> P. MILLET, *art. cit.* (n. 25), p. 17. R. SINCLAIR, *Dem. & Part.*, p. 121, points out that there was a belief that in the courts poor witnesses were susceptible to bribery; cf. *Dem.* 24.123.

<sup>38</sup> Solon: [Arist.] *Ath. Pol.* 2.1-3, 5.1, 6.1-2; Plut., *Sol.* 13.4; Peisistratus: [Arist.] *Ath. Pol.* 16.2-6, *FGrHist* 115 F135; cf. M.I. FINLEY, *Politics* (n. 24), p. 40; P. MILLET, *art. cit.* (n. 25), p. 23.

<sup>39</sup> P. MILLET, *art. cit.* (n. 25), p. 23; see also P.J. RHODES, *art. cit.* (n. 31), p. 134.

<sup>40</sup> Thuc. VI 16.2; Plut., *Alk.* 11, *Dem.* 1.1; Athen. 3e.

<sup>41</sup> For Athenian legislation concerned with the family, see M.P.J. DILLON & L. GARLAND, *op. cit.* (n. 13), p. 398-399, 404.

<sup>42</sup> Citizens would have found it very difficult to exist on such payments alone: A.H.M. JONES, *Ath. Dem.*, p. 17-18; R. SINCLAIR, *Dem. & Part.*, p. 129, cf. 71; M.H. HANSEN, *art. cit.* (n. 1), p. 7.

Athenian political system. The introduction of state-pay for jurors was, after all, according to the Aristotelian *Athenaion Politeia*, a deliberate measure to counter the patronage of Kimon<sup>43</sup>. But the rationale behind state pay was much more sophisticated than that: it meant that the livelihood of those who had to give up their work on particular days to carry out the duties of political office (for example, as a *bouleutes*), or to serve as a *dikastes*, was not threatened. In the case of those who were no longer able to work, such as the elderly *dikastai* so well satirised in Aristophanes' *Wasps*, it provided a source of income<sup>44</sup>. In this sense, it could be said to provide the poor with a source of income if they were experiencing financial difficulties. Instead of turning to the wealthy for financial assistance, political pay provided the poor with an alternative; they were not merely the individual's 'insurance' against patronage<sup>45</sup>, but the state's as well.

Pay for jury service is the best example here: out of about 30 000 citizens, there were 6000 jurors, who did not of course serve every day of the year (estimates from 200 to 300 days have been made) and not all would have been chosen for service on any one day. Nevertheless many of these 6000 who presented themselves for jury service may have represented the poorer Athenians looking to their pay as an important source of income; the *Athenaion Politeia* at any rate makes such an interpretation attractive, when it records that pay was introduced to counter aristocratic generosity such as Kimon's<sup>46</sup>. It is also probable that the increases in jury-pay and, in the fourth century, assembly pay, were attempts by the politicians involved to win political influence, much as Perikles had done in introducing jury-pay<sup>47</sup>. The majority of Athenians

<sup>43</sup> [Arist.,] *Ath. Pol.* 27.3-4.

<sup>44</sup> Even if Aristophanes is exaggerating the number of poor old men on the juries, there must be at least a kernel of truth in his description: that there were old men on the juries, and that their three obols were seen by their families as a very useful supplement to the family's income (*Wasps* 605-612). For a general treatment of the elderly, see M.I. FINLEY, *The Elderly in Classical Antiquity*, *G&R* 28 (1981), p. 156-171.

<sup>45</sup> M.I. FINLEY, *Politics* (n. 24), 40-41; P. MILLETT, *art. cit.* (n. 25), p. 38.

<sup>46</sup> There is, of course, great debate concerning the socio-economic status of jurors, especially in the fourth century: the most important discussions are those of A.H.M. JONES, *Ath. Dem.*; M.M. MARKLE, *Jury Pay and Assembly Pay at Athens*, in *Crux: Essays in Greek History presented to G.E.M. de Ste. Croix (History of Political Thought, 6)*, London 1985, p. 265-297; and most recently S. TODD, 'Lady Chatterley's Lover' and the *Attic Orators*, *JHS* 110 (1990), p. 146-173. It was probably the case that many of the jurors were poor, seeking the dikastic *misthos* to supplement their incomes.

<sup>47</sup> E. DAVID, *op. cit.* (n. 2), p. 30; S. TODD, *art. cit.*, p. 156.

lived in the country, and most of them will have been farmers, and of these many will have been subsistence farmers. Juries will therefore have been composed to a great degree of poor but 'respectable' Athenian citizens<sup>48</sup>. Political *misthos* for such citizens reduced the risk of aristocratic patronage operating within the state and ensured the participation of the citizen body in public affairs.

Patronage would have limited an individual's political freedom: *eleutheria* (freedom) would have been transformed into *aneleutheria* (lack of freedom) through the payment of money by a private patron. Aristotle in the *Politics* explicitly refers to this, pointing out that it is the poverty of individuals which leads to the ruin of a democratic state<sup>49</sup>. The abolition of payment for public service by the oligarchs at Athens in 411<sup>50</sup> highlights the connection between vigorous democracy and state payments<sup>51</sup>. The role of state pay in making equal 'the equal and unequal' was also clear to Plato<sup>52</sup>. More importantly, pay for political service was not only a feature of Athenian democracy but of other democracies as well<sup>53</sup>. State pay ensured that there was wide-spread participation in the democratic processes, and although it has been argued that it would have been difficult to earn a living from state political pay alone, nevertheless for many of the poor it must have been important as a means of fending off poverty<sup>54</sup>.

The Aristotelian *Athenaion Politeia* provides the most information about the procedures for paying the allowance to the *adynatoi*<sup>55</sup>: the

<sup>48</sup> Cf. S. TODD, *art. cit.*, p. 169.

<sup>49</sup> Arist., *Pol.* 1320a17-b4, translated in P. MILLETT, *art. cit.* (n. 25), p. 40.

<sup>50</sup> The 400: Thuc. VIII 65.3; [Arist.,] *Ath. Pol.* 29.5; the 5000: Thuc. VIII 97.1; [Arist.,] *Ath. Pol.* 33.1; cf. M.M. MARKLE, *art. cit.* (n. 46), p. 271-272.

<sup>51</sup> That state pay insured against the influence of the wealthy, see M.M. MARKLE, *art. cit.* (n. 46), p. 271-273; P. MILLETT, *art. cit.* (n. 25), p. 38-41. [Arist.,] *Ath. Pol.* 9.1 stresses the connection between popular control of the law courts and democracy.

<sup>52</sup> Plato, *Rep.* 558c 5-6; cf. M.M. MARKLE, *art. cit.* (n. 46), p. 272; D. STOCKTON, *op. cit.* (n. 4), p. 176.

<sup>53</sup> G.E.M. DE STE. CROIX, *Political Pay Outside Athens*, *CQ* 25 (1975), p. 48-52; ID., *The Class Struggle in the Ancient World*, London 1981, p. 602-603 n. 24 (correctly criticising M.I. FINLEY, *The Fifth-Century Athenian Empire: A Balance-Sheet*, in P.D.A. GARNSEY & C.R. WHITTAKER, *op. cit.* (n. 4), p. 122-123, 310 n. 53); also of importance for this point is M.M. MARKLE, *art. cit.* (n. 46), p. 265-297, esp. 271-281.

<sup>54</sup> M.I. FINLEY, *Politics* (n. 24), p. 34.

<sup>55</sup> [Arist.,] *Ath. Pol.* 49.4. For a brief account of the *adynatoi*, see T. THEILMAN, 'Ἀδύνατοι, in *RE* 1 (1895), col. 440; A.R. HANDS, *Charities and Social Aid in Greece and Rome*, London 1968, p. 10, 173 n. 165; R. GARLAND, *The Eye of the Beholder: Deformity and Disability in the Greco-Roman World*, London 1995, p. 35-38. I have been unable to

*boule* conducted their *dokimasiai* to ascertain who was eligible, a law (*nomos*) guaranteed the rights of those incapacitated by an infirmity of the body, and were thus unable to perform any work, but with less than three *mnai* of property, to an allowance of two obols a day, and there was a *tamias* (treasurer) elected by lot to handle the relevant finances<sup>56</sup>. While knowledge about the *adynatoi* themselves and their allowance is limited to a handful of references, fortunately two cases involving specific *adynatoi* provide more details. The speaker of Lysias 24, who was an *adynatos* drawing the earlier smaller allowance of one obol, had been challenged at the annual review of *adynatoi* as to his entitlement to an allowance. He spends most of his speech in stressing his physical infirmity and his inability to earn a livelihood<sup>57</sup>. He claims, however, that he is eligible for the allowance even though he can perform *some* work<sup>58</sup>.

The authenticity of this speech has sometimes been questioned, but not successfully, and most scholars accept that it is authentic<sup>59</sup>. However, Roussel rejected the speech as unauthentic, and Reeve in reviewing his work accepts his conclusions. Reeve, for example, sees the argument in (9) as a non-argument: here the speaker states that if he were made a *choregos*, his accuser would rather perform the duty ten times than agree to an exchange of properties, an antidosis. Reeve is willing to admit that even Aristotle slips into the «non-arguments» of the kind that Reeve

make use M. VERCRUYSE, *Een Atheense invalide voert het woord*, *Kleio* 8 (1978), p. 23-31. Payment of the allowance was referred to in several ways: [Arist.] *Ath. Pol.* 49.4 refers to τροφή. Lysias 24 uses several terms τὸ παρὰ τῆς πόλεως ἀργύριον (4), πρόσσοδος δέ μοι οὐκ ἔστιν ἄλλη πλὴν ταύτης (6), τὸ ἀργύριον τοῦτο (8, cf. 22), cf. περὶ ὀβολοῦ μόνον (26). Similarly, note that in the *psephisma IG II<sup>2</sup> 222* (discussed below), the daily allowance which is granted to Peisitheides is referred to simply as an amount: δραχμὴν τῆς ἡμέρας (line 39) and as [τὸ ἀρ]γύριον τ[ο]ῦτο (line 44). Aeschines 1.104 in discussing the allowance for *adynatoi* refers to μισθός and τὸν τῆς πρυτανείας μισθόν.

<sup>56</sup> [Arist.] *Ath. Pol.* 49.4: Δοκιμάζει δὲ καὶ τοὺς ἀδυνάτους ἢ βουλή· νόμος γάρ ἐστιν ὃς κελεύει τοὺς ἐντὸς τριῶν μῶν κεκτημένους καὶ τὸ σῶμα πεπηρωμένους ὥστε μὴ δύνασθαι μηδὲν ἔργον ἐργάζεσθαι δοκιμάζειν μὲν τὴν βουλήν, διδόναι δὲ δημοσίᾳ τροφήν δύο ὀβολοῦς ἐκάστῳ τῆς ἡμέρας. καὶ ταμίας ἐστὶν αὐτοῖς κληρωτός; Philochorus, *FGrHist* 328 F197a, b.

<sup>57</sup> Lys. 24.7-8, 10-12, 16.

<sup>58</sup> Lys. 24.6. A.H.M. JONES, *Ath. Dem.*, p. 135 n. 1, accepts that Lysias' client could legitimately work because the allowance was a dole (i.e., in addition to money earned otherwise).

<sup>59</sup> On the question of the inauthenticity of speeches in the corpus of Lysias, see K.J. DOVER, *Lysias and the Corpus Lysiacum*, Berkeley 1968 (accepting the speech of the *adynatos* as an authentic work of Lysias, p. 189), and T.N. WINTER, *On the Corpus of Lysias*, *CJ* 69 (1973), p. 34-40.

sees in this speech, but that Aristotle but not the *adynatos* can be excused because the philosopher «had no pension at stake»(!)<sup>60</sup>. Moreover, Reeve dismisses the arguments in 13–14 as «some of the silliest things in Greek oratory», as does Roussel, but he overlooks the very real point being made by the speaker about his ability to hold office, which is discussed more fully below: the speaker argues correctly that if he is not classified as a disabled person, then he should be able to draw lot for political office.

More recently Wood rejects the speech as unauthentic<sup>61</sup>, but relies too heavily on simply re-iterating Roussel's arguments. Wood's only real objection is that the *Athenaion Politeia* states that the *adynatoi* are those incapable of doing any work, whereas this *adynatos* clearly can do some work; it could always be assumed that there had been tightening up of this provision since the time of Lysias' speech, perhaps in connection with the increase in payment to two obols. The speaker is honest in admitting he is able to perform some work and obviously this is a weak point in his case, but an understandable one. If this speech was merely a Hellenistic school exercise, as Wood suggests it is, this complication would hardly have been included. Just as other citizens sought to earn a little extra through jury service, the temptation to earn money through his craft (*tekhnē*) and also to claim the allowance would have been great. This *adynatos*' expectation of children is ridiculed by both Roussel and Wood. Nevertheless he need neither have been too old nor too incapacitated to sire children, and in fact he is making an important point: he does not have children to support him, and therefore he relies *largely* (for he admits that he has a trade) on this allowance. Wood also objects to the speech because of her larger concerns, attempting to argue against one of the commonplaces of modern scholarship on Athenian slavery which is evident in this speech: the speaker states that he does not yet have a slave to help him (6, this must be the meaning of τὸν διαδεξόμενον δ' αὐτὴν οὐπω δύναμαι κτήσασθαι). Wood comes at this from the wrong point of view: there is no need to argue that the whole speech is unauthentic simply to dismiss this piece of (for her obviously inconvenient) evidence. What the speaker is doing is making clear an

<sup>60</sup> M.D. REEVE, *CR* 18 (1968), p. 237-238, reviewing the edition of the speech by L. ROUSSEL, (*Pseudo*) *Lysias. L'Invalide*, Paris 1966, and accepting Roussel's arguments that the speech is not genuine. Cf. K.J. DOVER, *op. cit.*, p. 189, who describes the speech as «elegant».

<sup>61</sup> E.M. WOOD, *Agricultural Slavery in Classical Athens*, *AJAH* 8 (1983), p. 45-47.

ideal situation; if he could, he would have a slave to help him. It is not that most Athenians had slaves, but that if possible they all would have had them: as Xenophon states so clearly, those who could bought slaves to assist them<sup>62</sup>.

The objections against the authenticity of the speech are not compelling; in fact the speech contains so many references which clearly reflect the reality of the provisions concerning *adynatoi* that it must be accepted as a genuine speech. The fact that the *adynatos* in having a trade obviously does not completely fit in with the definition of an *adynatos* eligible for the allowance as given in the Aristotelian *Athenaion Politeia* ought not to surprise anyone: after all, that is why he is in court. In addition, the fact that this *adynatos* has wealthy friends who can lend him a horse (5) is seen as an absurdity in the argument, but it can be noted that the blind *adynatos* Arignotus, before receiving the state allowance, had been maintained by an allowance from his brother's estate, and in the (admittedly shadowy) line of work in which the *adynatos* of Lysias 24 is engaged, it might be possible that he had associates who owned horses. Indeed, the most telling objection to the authenticity of this speech, perhaps, is that this *adynatos* could afford to pay Lysias to write the speech for him. But it is clear that the speaker did have friends who had money and these may well have financed the writing of the speech<sup>63</sup>. There are no compelling reasons to deny Lysias' authorship; the speech contributes greatly to our knowledge about the *adynatoi* and their status.

The speaker of Lysias 24 is clearly disabled as he hobbles around with the aid of two sticks (12, 23), or occasionally can borrow a friend's horse (5, 10-12). He claims that he has only just stopped supporting his mother on her death two years ago and as yet has no children to support him<sup>64</sup>, and he cannot afford a slave (6). Previous *boulai* had granted this *adynatos* an allowance<sup>65</sup>, and in doing so they had presumably been aware that he was capable of some work, although it is possible that he had concealed this. If the *boule* which considered his plea on this occasion accepted his argument that although he was capable of some work he was entitled to the allowance, then the statement of the Aristotelian

<sup>62</sup> Xen., *Mem.* II 3.3.

<sup>63</sup> Cf. K.J. DOVER, *op. cit.* (n. 59), p. 189.

<sup>64</sup> Lys. 24.7, 22, 26, cf. 23.

<sup>65</sup> Lys. 24.6-8; W.R.M. LAMB, *Lysias*, London 1930, p. 517 translates οὐπω as «not yet».

*Athenaion Politeia* needs to be expanded: both *adynatoi* who could not work and those who could only do a little work were entitled to the allowance<sup>66</sup>. Clearly the ability of this *adynatos* to earn some income from a livelihood, and his association with men of «better means» (5: ὅτι δύναμαι συνεῖναι δυναμένοις ἀνθρώποις ἀναλίσκειν) has been used as the grounds to challenge his right to the allowance.

Also relevant is Aeschines' speech against Timarchus in 361<sup>67</sup>: in order to attack Timarchus, Aeschines narrates the case of the blind *adynatos* Arignotus, Timarchus' uncle, whose right to collect an allowance had been successfully challenged. Timarchus, although a member of the *boule*, had remained silent while the case concerning his uncle was being judged. Arignotus was deprived of his allowance when his case was reviewed by the *boule*, and the reason why he was declared ineligible for an allowance might have been because he was not able to prove, when challenged as to his right to an allowance, that his nephew Timarchus had given him no share of the family estate after Arignotus' brother had died and Timarchus had inherited it. Certainly his being blind classed him as an *adynatos*, and some other factor (probably wealth) must have influenced the *boule* when considering his case.

As generally was the case when the monies of the polis were involved, only citizens were eligible for the payment to *adynatoi*, and women would not have been eligible (though it can be noted again that the daughters of Thasian war-dead were given a dowry). The restriction of the payment of the allowance to those who possessed less than three *mnai* of property meant that there was a maximum property qualification for those drawing the allowance, and an *adynatos* who had some property would have to prove that it was worth less than three *mnai* (that is, 300 drachmas)<sup>68</sup>. The state did not expect that the *adynatoi* be completely

<sup>66</sup> Cf. A.H.M. JONES, *Ath. Dem.*, p. 135 n. 1.

<sup>67</sup> Aesch. 1.104; the speech dates to 361, see Aesch. 1.109. The mentally infirm were presumably not given an allowance and were probably considered to be the responsibility of the family.

<sup>68</sup> [Arist.] *Ath. Pol.* 49.4; Philochorus, *FGrHist* 328 F197a, b. Cf. Lys. 24.5-7, 9 (and note 11). A.H.M. JONES, *Ath. Dem.*, p. 14, with 142 n. 36, calculates (on the basis of Lys. 19.29, 42) that a five-acre farm would be worth twenty *mnai* and bring in 160 drachmas of rent, which would not feed a single man; as he notes such a piece of property could have supported a family if they farmed it; some properties might have been less expensive (but presumably the rental value was also less). The implication seems to be that someone with less than three *mnai* would have no or little land, and was probably to be classed as one of the landless poor.

impoverished in order to claim the allowance, and there *might* even have been some *adynatoi* who owned a small land holding, though this is unlikely. An *adynatos* would have to prove that he had less than three *mnai* of property when he first applied for the allowance, and also when the *boule* reviewed the cases of those whose right to collect the allowance had been challenged. The speaker of Lysias 24 asks the *boule* to «cast the same vote» as had previous *boulai*, indicating that all cases were voted on each year, otherwise we could be justified in thinking that the *boule* would have carried out this time-consuming task only in disputed cases (26). The state would presumably have accepted the *adynatos*' own evaluation of his property, just as the state accepted the property list drawn up by those who formed the leitourgic class, where much larger amounts of property were in question<sup>69</sup>. On the basis of what little is known about land values, this would mean that the person involved was almost certainly landless. This limit on the ownership of property was obviously formulated in order to ensure that only *adynatoi* who were actually in need of financial support received funds from the polis. Thus the money which the polis allocated for the support of those of its citizens who were in need would be used for those who most required assistance.

The evidence of Aeschines, when he refers to the allowance as τὸν τῆς πρυτανείας μισθόν («the prytany *misthos*»), seems to make it clear that the allowance was paid to the disabled once every prytany<sup>70</sup>. Rhodes argues that alternatively «the point [of the passage] may be that ἱκετηρία [appeals] to the *boule* as to the assembly ... were allowed once a prytany»<sup>71</sup>. However, this would mean assuming that the *dokimasia* of the *adynatoi* occurred once a prytany. Appeals to the *boule* for reinstatements of the allowance could have occurred only every prytany

<sup>69</sup> See V. GABRIELSEN, *ΦΑΝΕΡΑ and ΑΦΑΝΗ ΟΥΣΙΑ in Classical Athens*, *C&M* 37 (1986), p. 99-114, who discusses the problem of how the polis might ascertain precisely what an individual owned.

<sup>70</sup> Aesch. 1.104; cf. F. JACOBY, *FGrHist* Vol. 3B Suppl. 1, p. 562. In this sense, the payment to the *adynatoi* differs from *misthos* (political pay): the allowance of the *adynatoi* was paid at a daily rate for every day of the year, whereas *misthos* was paid at a daily rate when service was performed in a particular capacity: *dikastai* did not serve every day of a prytany, and therefore were not paid once a prytany for their services, but at a daily rate on the day when they served; see A.H.M. JONES, *Ath. Dem.*, p. 136-137 n. 10; M.H. HANSEN, *art. cit.* (n. 1), p. 7.

<sup>71</sup> P.J. RHODES, *Comm.*, p. 570. For *dokimasiai* carried out by the *boule*, see M. OSTWALD, *op. cit.* (n. 2), p. 50-51 (citing Lys. 24.7, 26 at p. 51 n. 189).

if the *boule*, every prytany, conducted a *dokimasia* which had the potential to terminate the payment of the allowance. But the Aristotelian *Athenaion Politeia* writes in such a way as to suggest conclusively that the *boule* conducted a *dokimasia* of the *adynatoi* only once a year, and that this was a duty each *boule* undertook only once<sup>72</sup>. The nature of the Athenian financial system, which worked on a prytany system, supports the idea that payments took place once a prytany. The Aristotelian *Athenaion Politeia* indicates that on the first day of the prytany the financial officials known as the *apodektai* received the payments which were owed to the polis, and that on the same day these officials allocated the money to various financial officials who required funds<sup>73</sup>. The second day of the prytany would thus have provided a logical day for the allowance to be paid out to the *adynatoi* themselves. Furthermore, from a humanitarian point of view, it would have been easier for *adynatoi* themselves to have collected their payment once a prytany. Many of the *adynatoi* would have had difficulties of mobility<sup>74</sup>, and daily collection, which presumably could not have been done by proxy, would have been an inconvenience, though whether or not this would have been a consideration is unclear. There is corroborative evidence for payments once a prytany to *adynatoi* in the provisions which were made for an allowance paid in the fourth century to Peisitheides of Delos, a pro-Athenian who had fled to Athens. In the decree which honours this individual his privileges include an allowance which is to be paid at the rate of one drachma a day. It is clear from the decree that the allowance was to be paid out once each prytany<sup>75</sup>, and so is evidence that at least one other type of allowance was calculated at a daily rate and paid out once a prytany. From an administrative point of view, it would have been easier to pay each *adynatos* once a prytany, rather than on each day of the prytany.

<sup>72</sup> [Arist.,] *Ath. Pol.* 49.4.

<sup>73</sup> [Arist.,] *Ath. Pol.* 48.2.

<sup>74</sup> Lysias 24.12, 23.

<sup>75</sup> *IG II<sup>2</sup> 222*, ll. 37-41, 46-48: τὸν ταμίαν τοῦ δήμου [τὸν ἀεὶ τ]αμ[ι]εῦοντα διδόναι Πεισι[θειδῆ] δραχμὴν τῆς ἡμέρας ἐκ τῶ[ν κατὰ ψηφί]σματα ἀναλισκομένων [τῶι δήμωι] ... ὁ δὲ τ[αμίας ἀπο]δότη Πει[σι]θειδεὶ κατὰ [τὴν πρυτ]ανείαν ἑκάστην («The tamias of the demos, [whoever is acting as t]am[i]as, is to give Peisi[theides] a drachma a day from the monies [set aside by dec]ree for the expenses [of the people] ... The t[amias] is to g[ive] Pei[si]theides (the money) each [pryt]any»). Cf. M.H. HANSEN, *Did the Athenian Ecclesia Legislate After 403/2 B.C.?*, *GRBS* 20 (1979), p. 41.

According to the Aristotelian *Athenaion Politeia*, the allowance paid to the *adynatoi* was guaranteed by a law (*nomos*)<sup>76</sup>. There is other evidence to indicate that disbursements which were given to various officials for specific expenditure were made in accordance with *nomoi* which laid down that certain expenses were to be met by the state<sup>77</sup>. The financial official in charge of paying the allowance would have received funds for this purpose, as provided for by the law, on the first day of the prytany. In the time of Lysias 24, the polis had provided for the allowance by a *psephisma* (Lys. 24.22), whereas it is referred to later as a *nomos* (*Ath. Pol.* 49.4; schol. Aesch. 1.103), and it is probable that when the allowance was raised from one to two obols, the «revision of the original *psephisma* may have taken the form of a *nomos*»<sup>78</sup>.

The procedure involved every prytany in paying the allowance to the *adynatoi* presumably involved the *tamias* responsible for the payment of these allowances having a list of those who were eligible. The *adynatoi* may well have been required to present a *pinakion*, like the *dikastai*, for purposes of identification prior to payment. The amount of the payment per *adynatos* per prytany was presumably calculated at the daily rate multiplied by the number of days in the current prytany, as in the case of Peisitheides<sup>79</sup>. The official who was responsible for making the payment would have been allocated in the *merismos* which he received once a prytany the amount which each *adynatos* was eligible for (one or two obols depending on the period) multiplied by the number of eligible recipients.

The question as to which financial official was responsible for making the payments to the *adynatoi* must be examined. The Aristotelian *Athenaion Politeia* states of the *adynatoi*: καὶ ταμίας ἐστὶν αὐτοῖς κληρωτός<sup>80</sup>. Wilamowitz suggested that the *tamias* referred to as being elected by lot was the *tamias* of the *boule*, claiming that αὐτοῖς

<sup>76</sup> [Arist.,] *Ath. Pol.* 49.4; schol. Aesch. 1.103.

<sup>77</sup> See *IG* II<sup>2</sup> 29 (387/6), II<sup>2</sup> 240 (337/6), II<sup>2</sup> 354 (328/7); cf. P.J. RHODES, *The Athenian Boule*, Oxford 1972, p. 100 with n. 6; M.H. HANSEN, *art. cit.* (n. 75), p. 40 with n. 32, cf. 42. For the date of *IG* II<sup>2</sup> 29, see A.S. HENRY, *Polis/Acropolis, Paymasters and the Ten Talent Fund*, *Chiron* 12 (1982), p. 105.

<sup>78</sup> M.H. HANSEN, *Nomos and Psephisma in Fourth-Century Athens*, *GRBS* 19 (1978), p. 319. The allowance may well have been abolished by the Thirty, and re-instated in the archonship of Euclides or soon after, as the speaker of Lysias 24 had been receiving the allowance for several years.

<sup>79</sup> Cf. *IG* II<sup>2</sup> 222, ll. 41–46.

<sup>80</sup> [Arist.,] *Ath. Pol.* 49.4.

referred to the *boule*<sup>81</sup>. Kahrstedt assumed that the payment of the allowance was the responsibility of the *tamias* of the *boule*<sup>82</sup>. Several editors of the Aristotelian *Athenaion Politeia*, Blass and Thalheim in their joint edition<sup>83</sup>, Sandys<sup>84</sup>, and Kaibel<sup>85</sup>, however, took αὐτοῖς as a reference to *adynatoi*, meaning that the *adynatoi* had a separate *tamias*. Rhodes argues that given that the statement καὶ ταμίας ἐστὶν αὐτοῖς κληρωτός comes immediately after «... a sentence which has mentioned the *boule* in the singular (as always)<sup>86</sup> and the individuals in the plural, Kaibel's is the more natural interpretation of the Greek ...». He notes, however, that there is no other evidence for the existence of a *tamias* of the *adynatoi* with a special fund<sup>87</sup>. This is hardly a serious objection given that none of the sources of information concerning the payment of the allowance to the *adynatoi* concern themselves in any way with the method by which the allowances were paid to the *adynatoi*<sup>88</sup>.

Given the text of the *Athenaion Politeia*, the *adynatoi* almost certainly had their own *tamias*. Schwahn, who assumes the existence of a separate *tamias* of the *adynatoi*, states that he was probably elected from amongst the *adynatoi* themselves, and disbursed the allowances from money which he would have received from the *boule*<sup>89</sup>. At Athens, however, *tamiai* were to be elected from the *pentakosiomedimnoi*, the highest of the four economic classes at Athens (these classes were the *pentakosiomedimnoi*, *hippeis*, *zeugitai* and *thetes*) which might seem to rule out the *adynatoi*<sup>90</sup>, but the *Athenaion Politeia* points out that *tamiai* could nevertheless be poor men<sup>91</sup>. However, the election of a *tamias* from a

<sup>81</sup> U. VON WILAMOWITZ-MOELLENDORFF, *Aristoteles und Athen I*, Berlin 1893<sup>2</sup>, p. 214.

<sup>82</sup> U. KAHRSTEDT, *Untersuchungen zur Magistratur in Athen*, Stuttgart 1936, p. 193. J.J. BUCHANAN, *Theorika*, New York 1962, p. 2 n. 2, states simply that the allowance «smacks of distribution by the *tamias* of the *boulê*».

<sup>83</sup> Cited by J.E. SANDYS, *Aristotle's Constitution of Athens*, London 1912<sup>2</sup>, p. 194.

<sup>84</sup> J.E. SANDYS, *op. cit.*, p. 194.

<sup>85</sup> Cited by P.J. RHODES, *Comm.*, p. 570.

<sup>86</sup> *Boule* is given in the dative plural at Lys. 24.26 (ταῖς ἄλλαις βουλαῖς), where the speaker refers to previous *boulai*.

<sup>87</sup> P.J. RHODES, *Comm.*, p. 570.

<sup>88</sup> Note too that there is very little information concerning the *tamias* of the *boule*, so that it is not surprising that the financial arrangements concerning the *adynatoi* are obscure. For the *tamias* of the *boule*, see A.C. JOHNSON, *Notes on Attic Inscriptions*, CPh (1914), p. 418; W. SCHWAHN, *Tamiai*, in *RE IVA 1* (1932), col. 2109; U. KAHRSTEDT, *op. cit.* (n. 82), p. 193.

<sup>89</sup> W. SCHWAHN, *art. cit.*, col. 2110.

<sup>90</sup> [Arist.,] *Ath. Pol.* 8.1, 47.1, cf. 4.2, 7.3.

<sup>91</sup> [Arist.,] *Ath. Pol.* 47.1. Presumably the law about the *tamiai* having to be *pentakosiomedimnoi* was ignored: P.J. RHODES, *Comm.*, p. 551.

special interest group which had not been democratically elected would surely not have been permitted in democratic Athens. Moreover, as officials had to be physically sound, this would have excluded the *adyntoi* from this position. It is more likely that the *tamias* for the *adyntoi* was chosen by lot from amongst all those who nominated for the position. The *tamias* does not seem to have been elected from amongst the *bouleutai*, for lists of bouleutic officials do not include the title of this official.

At the time of the delivery of Lysias 24 the payment to the *adyntoi* was at the rate of one obol per day<sup>92</sup>, but this amount had been doubled by the time of the writing of the *Athenaion Politeia*<sup>93</sup>. However, late lexicographers cite the historian Philochorus, who was writing in the late fourth century, as stating that the *adyntoi* were given ἑ δραχμὰς κατὰ μῆνα, nine drachmas per month<sup>94</sup>. If allowances were paid to the *adyntoi* once a prytany, Philochorus' statement as transmitted must be reconciled with the prytany system. It is possible that Philochorus made this particular statement after 307/6, this being the year in which the Athenians had created two new tribes, in order to honour their liberators, Demetrius and Antigonos. This would mean that in the period in which Philochorus was writing there were twelve prytanies, roughly corresponding to the twelve months of the Attic year. If he was writing after 307/6, it was probably just as natural for him to write κατὰ μῆνα as to write κατὰ πρυτανείαν. However, if the payment to *adyntoi* was nine drachmas per month when Philochorus wrote, then this was in effect a decrease in the allowance paid to the *adyntoi* of some six obols a

<sup>92</sup> Lys. 24.13, 26; Lysias is cited by Philochorus, *FGrHist* 328 F197a, b. The orphans in Theozotides' decree were to receive an obol a day (ll. 9-10), the same figure as in Lysias 24. The *hellenotamiai* in *IG* I<sup>3</sup> 377, ll. 10-17 make payments ἐς τὸν ὀβολόν, but these could be for orphans, or the *adyntoi*, or even for the *dikastai* at this stage. But the figure of one obol as given by Lysias for the *adyntoi* is therefore equivalent to other payments being made by the state.

<sup>93</sup> [Arist.,] *Ath. Pol.* 49.4. The scholiast on Aesch. 1.103 refers to a payment of three obols. It has been suggested that this results from a confusion with the amount paid for serving on the jury: see A. BOECKH, *Die Staatshaushaltung der Athener* II, Berlin 1886, p. 310 (§344); cf. P.J. RHODES, *op. cit.* (n. 77), p. 175 n. 6. Philochorus, *FGrHist* 328 F197b refers to five obols. This cannot be explained away so neatly and must be assumed to be a gross error (the suggestion of R. GARLAND, *op. cit.* (n. 55), p. 36, that this represents the value of the allowance in the third century is implausible). It is perhaps a confusion with the allowance paid to the *bouleutai*, cf. F. JACOBY, *FGrHist* Vol. 3B Suppl. 2, p. 452. The increase in the value of the allowance may have been due to the possibility of the falling value of money in the fourth century: cf. S. TODD, *art. cit.* (n. 46), p. 157.

<sup>94</sup> Philochorus, *FGrHist* 328 F197a, b.

month. Twelve months at nine drachmas (54 obols) is 648 obols a year. Two obols a day (the rate given by the Aristotelian *Athenaion Politeia* 49.4) is 720 obols a year based on a year of 360 days; the length of prytanies, months and years varied, but here a standard month is taken as a basis of calculation for the sake of convenience and in order to show what the standard variation would have been. The difference, 72 obols, represents an annual decrease on the Aristotelian rate of 36 days allowance, or a reduction of 10%; the monthly decrease was one of six obols. This decrease may actually have occurred, but it is also possible that corruption in the transmitted text of Philochorus has taken place<sup>95</sup>, and that the figure of Philochorus, transmitted by the lexicographer Harpocration, was corrupted from *iota*, (ἰ), to a *theta*, (θ). Such a change is not uncommon<sup>96</sup>. If the figure was an *iota*, then the discrepancy between the figure of the Aristotelian *Athenaion Politeia* and Philochorus can be explained away. For (ἰ) would be ten drachmas a month, the equivalent of two obols per day, the sum mentioned by the *Athenaion Politeia*. But if no corruption has occurred in the transmission of Philochorus' statement, and there was a decrease in the value of the allowance between the 320s and 307/6, then an explanation must be sought as to why this change was implemented. Jacoby proposes that it «... is manifest that in the bourgeois republic the sense of social obligation continued to dwindle ...»<sup>97</sup>. By «bourgeois republic» Jacoby is referring to the fourth-century democracy, as his account makes clear<sup>98</sup>, which has been viewed as being dominated by the 'middle classes', in contrast to the 'radical democracy' of the fifth century.

However, this explanation is unconvincing. That the sense of 'social obligation' dwindled in the fourth century is an unsupported contention. In fact it can be noted that between the time of the delivery of Lysias 24, and the 320s when the *Athenaion Politeia* was written, the allowance for the *adynatoi* was doubled. The 'bourgeois republic' apparently illustrated its declining interest in social justice by increasing its financial commitment to the disadvantaged. It was also in the fourth century that payment for attendance at a *kyria ekklesia* increased from six to nine

<sup>95</sup> Cf. F. JACOBY, *FGrHist* Vol. 3B Suppl. 1, p. 563.

<sup>96</sup> Cf. R. DEVELIN, *Numeral Corruption in Greek Historical Texts*, *Phoenix* 44 (1990), p. 31-45.

<sup>97</sup> F. JACOBY, *FGrHist* Vol. 3B Suppl. 2, p. 452 n. 5.

<sup>98</sup> F. JACOBY, *FGrHist* Vol. 3B Suppl. 1, p. 563. See too A.H.M. JONES, *Ath. Dem.*, p. 10; the 'bourgeois' tone of fourth-century democracy is very much overstated.

obols, and for an ordinary meeting from three to six obols<sup>99</sup>, and thus in the fourth century the practice of making state payments to citizens for various reasons was extended.

If *adynatoi* were allowed to supplement their allowance with political pay, it may have been thought that their allowance could be reduced from two obols per day to nine drachmas per month without causing them much financial harm, while saving the polis money. But *adynatoi* had presumably always been able to rely on this political *misthos*, so that it is difficult to accept that it would be singled out in the late fourth century as a reason for reducing the amount of the allowance, especially since there is no reason to assume a decline in the feeling of social obligation in the fourth century. The increased value of the political *misthos* in the fourth century can not be used as an explanation for the reduction in the allowance. All the increases in *misthos* had taken place by the time of the composition of the *Athēnaion Politeia*, which both records the higher fourth-century rates of political pay, and the fact that the allowance for the *adynatoi* was fixed at two obols a day. No connection between the higher fourth-century rates of political pay and a reduction in the rate of the allowance paid to the *adynatoi* can be postulated.

It might well be that a reduction had been carried out on the grounds of financial stringency, but how much money the state would save by decreasing the allowances would depend on the number of *adynatoi* who received benefits. It has been calculated that the reduction would allow one talent to be saved for every 500 *adynatoi*<sup>100</sup>, which is hardly an appreciable saving. The level of the allowance was much lower than the average daily wage, and this may have been because the *adynatoi* had access to other income besides their allowance, in the form of political pay, and in the case of the speaker of Lysias 24 from a craft as well. While *adynatoi* were not able to serve as officials<sup>101</sup>, this need not mean that they would have been debarred from the exercise of other political rights which entailed the receiving of payment, and surely the *adynatos*

<sup>99</sup> See discussion by P.J. RHODES, *Comm.*, p. 691.

<sup>100</sup> J. Keil, cited by F. JACOBY, *FGrHist* vol. 3B Suppl. 2, p. 452 n. 5. It is impossible, of course, to know how many *adynatoi* there were at Athens at any one time (cf. A. BOECKH, *op. cit.* [n. 93] II, p. 311 (§346); J.J. BUCHANAN, *op. cit.* [n. 82], p. 3). At two obols a day, 100 *adynatoi* would have cost the state two talents a year, 1000 *adynatoi* would have cost 20 talents. The *misthos* for meetings of the *ekklesia* was 50 talents a year (based on 6000 participants).

<sup>101</sup> Lys. 24.13.

of Lysias 24 whose mobility is impaired<sup>102</sup> could have sat in a *dikasterion* or in the *ekklesia*. If *adynatoi* were denied the right to do either of these things, it would in effect have almost reduced them to the status of *atimoi*, those deprived of citizen rights, for the denial of the right of voting in the *ekklesia* or serving in a *dikasterion* would have involved a far greater degree of *atimia* than the denial of the right to hold political office. There was a justification for not allowing *adynatoi* to hold political office, as there is evidence that priests had to be of sound body to perform their religious duties<sup>103</sup>. Just as offerings to the gods had to be unblemished, so too did the offerer. Many officials at Athens had to perform religious duties on behalf of the state, and such officials would need to be of sound body and physically fit. This could explain the exclusion of those who were physically disabled: an unblemished offering from a blemished offerer would not be acceptable to the gods.

But there was no reason why *adynatoi* could not attend the *ekklesia* and *dikasteria*. The disability of the *adynatoi* was a physical, and not a mental, infirmity. Citizen soldiers who had become disabled in battle would not have taken kindly to being excluded from the *dikasteria* and *ekklesia* because of infirmities gained in defending, and adding to the power of, their democratic state. In fact, a reference in Aristophanes seems to provide a reference to a blind citizen participating in sessions of the *ekklesia*<sup>104</sup>. On the other hand, against the idea that *adynatoi* were eligible for jury service and assembly pay is the fact that although their allowance was below the average wage, it could support a single *adynatos*, and might have supported an *adynatos* with family.

<sup>102</sup> Lys. 24.12, 23.

<sup>103</sup> F. SOKOLOWSKI, *Lois sacrées des cités grecques*, Paris 1969, no. 166, l. 9; Plato, *Laws* 759c; cf. R. PARKER, *Miasma: Pollution and Purification in Early Greek Religion*, Oxford 1983, p. 175. Presumably this was because the duties of such an office required full mobility. A disabled official might be more prone to dying or becoming so sick that he could not fulfil his official duties, though it could be noted that there was no restriction on the age at which an official might hold office, and in fact old age was not considered to be an impediment to service as an official: the arbitrators were those in their sixtieth year [Arist.,] *Ath. Pol.* 53.4 (note also that one could not serve as a *dikastes* or a *bouleutes* until one was thirty), and the age qualification for members of the *gerousia* at Sparta was sixty years.

<sup>104</sup> Ar., *Wealth* 716-25; cf. M.H. HANSEN, *Demography and Democracy*, Herning 1986, p. 18. The speaker of Lysias has a *tekhne*, which he presumably practises from premises, but as he states that his father left him nothing (6), perhaps he does not own any property.

The allowance and the amount of the allowance were guaranteed by a law. Any change in the level of the allowance would thus have required a change in the *nomos*, involving the *nomothetai*<sup>105</sup>. Any measure to reduce a payment to citizens would seem uncharacteristic of the democracy, particularly given the negligible savings that would have resulted. It is, however, possible that the change to nine drachmas a month took place but not in a period of democratic government. The reduction of the allowance would certainly have been more consistent with the actions of an oligarchy than of a democracy. There are two periods of oligarchy which could be pinpointed as possible dates for the change: that of Demetrius of Phaleron 317-307 and the oligarchy following 301. Demetrius abolished liturgies, such as the *choregia*, which had been required of the wealthy, and it was possible that cutbacks in public services took place then. But Athens was reasonably prosperous during his rule, and any reductions probably occurred not due to financial exigencies but for ideological reasons. His restriction of the franchise to those who possessed more than 1000 drachmas, the change to election of officials by direct election rather than by lot, and the sumptuary legislation concerning funerals, suggest that Demetrius could have been a likely candidate for reducing the allowance to the *adynatoi* to a level which he thought appropriate, rather than abolishing it altogether<sup>106</sup>. If not reduced by Demetrius, it is possible that the oligarchy which gained power in 301 was responsible for a reduction. But the reduction is a small one, and it might be supposed that an oligarchy would have reduced the amount by a greater percentage or have abolished the allowance altogether.

There are thus two alternatives to explain the rate of the allowance as given by Philochorus. The first of these is that the amount as transmitted from Philochorus' account by the lexicographers has been subject to corruption, and there was no change from the rate of two obols a day. The second alternative is that if there was a change, then this is best explained by reference to a change in the form of government at Athens. As a third possibility, it may be that Philochorus himself, in expressing the allowance of two obols a day as a rate over twelve prytanies, made a mathematical mistake. Of these alternatives, the second seems to be most suitable, in that it does not involve emendation of the evidence.

<sup>105</sup> M.H. HANSEN, *art. cit.* (n. 75), p. 42.

<sup>106</sup> See, for Demetrius' rule, W.S. FERGUSON, *Hellenistic Athens*, London 1911, p. 38-61.

How much 'buying power' did an obol in the early fourth century and two obols by the 320s represent? In the mid-fourth century, two obols per man was considered sufficient as provision money for Demosthenes' proposed standing force against Philip<sup>107</sup>. Calculations on the cost of living (in analysing whether the three obols for jury pay was sufficient inducement for the poor to participate in jury service) are very instructive: Markle calculates that the daily cost of barley, the most important part of the diet, for a family of four would have been 1.65 obols, with the cost for the adult male in the family 0.6 obol of this amount. The prices of other commodities were low: two drachmas for a *medimnos* of olives or figs, while olive oil was half an obol per *kotyle*<sup>108</sup>. The allowance of one obol, and later two, was still very much below the level of the average wage, but this was a regular *per diem* allowance<sup>109</sup>. Markle gives calculations on prices in the fifth and fourth centuries, and argues that a *dikastes* earning three obols a sitting could support a wife and two children with half an obol left over for that day<sup>110</sup>. The two obol allowance granted to the *adynatoi* was thus generous, especially since they did not have to perform any service to the state in order to receive it, and received it for every day, not irregularly like jury pay. This payment of an obol or two obols thus had the advantage of being regular, whereas jury pay might only be for 200 or 300 days a year at most, and the *adynatos* was guaranteed the payment by law.

It is probable that at time of the implementation of the allowance for the *adynatoi* the fact that they would be eligible for payment from attending the *ekklēsia* and *dikasteria* was recognised. This, in fact, may have had some effect in the setting of the level of the allowance. The

<sup>107</sup> Dem. 4.28; M.M. MARKLE, *art. cit.* (n. 46), p. 277, cf. 294-295. A.H.M. JONES, *Ath. Dem.*, p. 135 n. 1, and D. STOCKTON, *The Classical Athenian Democracy*, Oxford 1990, p. 9, point out that this figure is probably deliberately low to support Demosthenes' point that the force could be maintained at a reasonable cost; in the Eleusinian accounts two decades later, the public slaves were allowed three obols a day for food (*IG II<sup>2</sup> 1672*), and the ephebes had an allowance of four obols a day for provisions ([Arist.] *Ath. Pol.* 42.3).

<sup>108</sup> M.M. MARKLE, *art. cit.* (n. 46), p. 277-281, 293-297; see also J. OBER, *Fortress Attika*, Leiden 1985, p. 24-25 (cf. *id.*, *op. cit.* [n. 5], p. 131 with n. 68); R.K. SINCLAIR, *Dem. & Part.*, p. 129 with n. 91; note the brief criticisms of Markle's calculations by S. TODD, *art. cit.* (n. 46), p. 157.

<sup>109</sup> See A.H.M. JONES, *Ath. Dem.*, p. 135 n. 1, 143-144 n. 86 for the value of wages in the fifth and the fourth centuries; cf. R.K. SINCLAIR, *Dem. & Part.*, p. 226-227.

<sup>110</sup> M.M. MARKLE, *art. cit.* (n. 46), p. 277-281; note also L. FOXHALL & H.A. FORBES, *Σιτομετρία: The Role of Grain as a Staple Food in Classical Antiquity*, *Chiron* 12 (1982), p. 51-62.

remuneration for attendance at the *ekklesia* and in the *dikasteria* did not mean that the *adynatos* would necessarily be well-off. But for many of the *adynatoi* there would not have been any other means of support besides their allowance and political *misthos*. While young to middle aged men of sound physical body in addition to political pay might well have worked as manual labourers, or may have had a viable trade, *adynatoi* were incapacitated in the sense that they were unable to find regular employment as labourers or work regularly at a craft.

The speaker of Lysias 24 states that he possesses a trade (*tekhne*) but that this provides him with little financial assistance, and he finds it difficult to work at it by himself and cannot find anyone to take over the work for him<sup>111</sup>. One editor of this speech notes that it «... displays in a remarkable degree the sympathy which enabled Lysias to enter into the humble way of life of the small, struggling tradesman, who has to conceal his uneasy sense of being able to do a certain amount of work under the brave air of a crippled man who is making a hard fight for existence. His case was probably on the border-line ...»<sup>112</sup>. There were presumably many such cases of *adynatoi* who tried to earn money by working to supplement their allowance. Clearly, the *adynatos* speaker of Lysias 24 is not to be understood literally when he states that he has no other source of income — *prosodos* — than this allowance<sup>113</sup>, for immediately before this statement he has told the boule of his *tekhne* which does bring in revenue. *Prosodos* here might thus seem to mean a regular income. The allowance is paid regularly at a daily rate, whereas he argues that the workshop brings but a small income. Similarly, the political pay which he probably earned was also not regular in the sense that it did not provide a regular daily income, but would only have brought in money at certain times.

Some *adynatoi* would have had families to rely upon as a means of support, particularly when it is remembered that poorer citizen wives went to work<sup>114</sup>. On the other hand *adynatoi* maimed in war could well have had children to support. Many of those who were *adynatoi* from

<sup>111</sup> Lys. 24.6.

<sup>112</sup> W.R.M. LAMB, *op. cit.* (n. 65), p. 517.

<sup>113</sup> Lys. 24.6: πρόσδοδος δέ μοι οὐκ ἔστιν ἄλλη πλὴν ταύτης, ἢν ἂν ἀφέλησθέ με, κινδυνεύσαιμ' ἂν ὑπὸ τῆ δυσχερεστάτῃ γενέσθαι τύχῃ («I have no other source of income except this allowance, and if you should deprive me of it, I would be placed in danger of finding myself in the most unfortunate state»).

<sup>114</sup> M.P.J. DILLON & L. GARLAND, *op. cit.* (n. 13), p. 402-403.

birth<sup>115</sup>, or from their early childhood years (through, for example, the agent of a crippling disease in their childhood), might not have married and had families, but this would also have meant that they would have had no children to support them in their old age. The case of Arignotus, the uncle of Timarchus, is relevant here. Arignotus had ill health, and suffered from eye disease, and so Arizelus, the father of Timarchus and Arignotus' brother, provided Arignotus with an allowance from the estate which they had inherited from their father. But when Arizelus died, Timarchus made off with the whole estate, and failed to provide Arignotus with an allowance. The latter, as a consequence of not having any family support, had to rely entirely on the allowance which was paid by the city to *adynatoi*. The speaker of Lysias 24 outlines the problems of an *adynatos* lacking the support of a family (and in this case, he had had until recently to support his ageing mother)<sup>116</sup>.

While it was a *nomos* of the *ekklesia* which provided that an allowance be paid to citizen *adynatoi*, responsibility for deciding who was an *adynatos* and thus eligible for an allowance rested with the *boule*<sup>117</sup>. The speaker of Lysias 24, whose status as an *adynatos*, and consequently his right to collect the allowance, had been challenged, states that he had never had to give an account of his life previous to being challenged on this occasion by his opponent (by his life, he is referring to both his life-history and his life-style)<sup>118</sup>, despite the fact that previous *boulai* had granted the allowance to him. Thus there was clearly a *dokimasia* for each *adynatos* annually, though this statement tends to suggest that if no-one challenged the individual's claim to the status of an *adynatos*, and thus his entitlement to an allowance, then the *dokimasia* by the *boule* would have been of a very superficial kind. Presumably the *adynatos* presented himself and made visible his infirmity and may also, but not necessarily, have given a short explanation to the *boule*, stressing his infirmity and inability to work, and, if he had been granted an allowance in previous years, this fact also.

<sup>115</sup> The Spartan requirement for exposure of unhealthy infants (Plut., *Lyk.* 16.1-2) does not seem to have held at Athens, where individual parents would make their own decision on this matter. Compare the Roman situation: *The Laws of the Kings* 4 and Table IV.1 of *The XII Tables*.

<sup>116</sup> Lys. 24. 6.

<sup>117</sup> Lys. 24; [Arist.,] *Ath. Pol.* 49.4; Philochorus, *FGrHist* 328 F197a, b.

<sup>118</sup> Lys. 24.1. In the *dokimasia* for officials, the nature of one's lifestyle would be taken into consideration: G. ADELEYE, *The Purpose of the Dokimasia*, *GRBS* 24 (1983), p. 297-301.

Appeal against an unfavourable decision made by the *boule* in such a case seems to have been to the *boule* itself. Aeschines claims that when Timarchus' aged uncle, Arignotus, had been left off the list of *adynatoi* at their *dokimasia* by the *boule*, the old man presented himself as a suppliant and requested that the allowance be reinstated. This indicates that an individual could make a speech for the reinstatement of an allowance payment which had been terminated, just as an individual whose status as an *adynatos* had been challenged, and thus was in danger of losing his allowance, had the right to make a speech before the *boule*. These appeals, as the speech by the *adynatos* of Lysias 24 implies to have been the case, suggest that at the *dokimasia* the *adynatoi* would not have made a speech of more than perfunctory length, if at all, if their status as an *adynatos* went unchallenged. As noted, the speaker states he has never before given an account of his life. Further, Aeschines attacks Timarchus, who although a member of the *boule* did not say a word in his uncle's defence<sup>119</sup>. Presumably, then, there was the opportunity to call witnesses and supporters to the defence of one's status as an *adynatos* if it was challenged. Or the point could alternatively be that this was not generally allowed, but because Timarchus was on the *boule* which disqualified Arignotus, he ought to have spoken in his defence. This seems less likely, and Arignotus as a suppliant was presumably allowed to call persons to his defence.

Assuming that Timarchus' uncle took the usual procedure for appealing against an adverse decision of the *boule*, first recourse against a decision of the *boule* seems to have been to the *boule* itself. Whether further appeal was possible is unknown; Aeschines does not mention it, but this is not conclusive proof against it. If Timarchus' uncle having made an unsuccessful appeal to the *boule* had taken his claim to a *dikasterion*, and still received no assistance from Timarchus and lost the case, or won the case without Timarchus' help, surely this would have been utilised by Aeschines to further damage Timarchus' reputation? It seems likely that there was no appeal against the *boule*'s decision, if supplication was unsuccessful, though perhaps Timarchus' uncle could have appeared as a suppliant before the *ekklesia* if he was determined enough to win back the right to collect his allowance.

An important feature of the argument of the speaker of Lysias 24 is the fact that previous *boulai* had granted him the allowance in the past;

<sup>119</sup> Aesch. 1.104.

this point is mentioned several times. It is used as an inducement to convince the current *boule* that it ought to grant him the allowance once again. The *adynatos* argues that he has no regular source of income except the allowance, and that if this is terminated he would be in a terrible situation. The *boule* must not ruin him by depriving him of the allowance, which they granted to him when he was younger and in better health (νεωτέρῳ, ἔρρωμένῳ), now that he is older and weaker (πρεσβύτερον, ἀσθενέστερον). The antithesis of the two states of being creates an argument from contradiction: what was given in the past, when the *adynatos* was even less handicapped than he is now, cannot be taken away<sup>120</sup>. This is an appeal for justice. What has been given to him in the past ought not to be taken away from him: if he has always been judged an *adynatos* in previous years, then this judgement must stand. The *adynatos* also makes an appeal to the humanitarian feelings of the Athenians. He states that the *boule* is known for giving the greatest compassion to those suffering from no fault of their own, and ought not to be moved by the prosecutor to deal harshly with those who arouse pity even in their enemies<sup>121</sup>. The *boule* is reminded that since «Heaven» (ὁ δαίμων) has robbed the *adynatoi* of the «greatest things», the city had provided the allowance to the *adynatoi* «considering that the chances of encountering evil and good are common to all»<sup>122</sup>.

The speaker also makes other points: if he is deprived of his allowance, he will be in the most desperate plight<sup>123</sup>. But if the *boule* decides to continue his grant, they will have his gratitude (27). It is perhaps implicit here that if his allowance is denied, and he has to rely on the generosity of a wealthy individual, then that citizen will have the *charis*, not the *boule*. Admittedly, in the democracy, patronage on the larger scale tended to be institutionalised, and was directed at bodies rather than individuals: demes, tribes and the *demos* as a whole, through the system of liturgies, became the recipients of a state organised system of patronage<sup>124</sup>. The patron liturgists then called in their patronage directly in the

<sup>120</sup> Lys. 24.6-7. The argument is continued at 24.8. J.J. BATEMAN, *Some Aspects of Lysias' Argumentation*, *Phoenix* 16 (1962), p. 166, cites Lys. 24.8 as an example of the use of contradiction in Lysias' speeches.

<sup>121</sup> Lys. 24.7.

<sup>122</sup> Lys. 24.22: ἡγουμένη κοινὰς εἶναι τὰς τύχας τοῖς ἅπασι καὶ τῶν κακῶν καὶ ἀγαθῶν.

<sup>123</sup> Lys. 24.6: τῇ δυσχερεστάτῃ ... τύχῃ.

<sup>124</sup> S.C. HUMPHREYS, *The Family, Women and Death: Comparative Studies*, London 1983, p. 28-29 (= *CJ* 73, 1977/78, p. 102); cf. P.J. RHODES, *art. cit.* (n. 31), p. 136.

courts through timely reminders of their services, or in terms of political influence in the *ekklesia* through an enhanced reputation as a keen liturgist<sup>125</sup>, which strongly confirms the view that the reason behind the allowance was the fear of patronage of the poorer citizens. If there were disabled soldiers, the allowance would ensure that they did not need to rely on the patronage of wealthy citizens, and possibly was intended by the state to indicate that loss of livelihood caused by battle wounds would not go uncompensated.

Since the *dokimasia* of the *adynatoi* was not held by a *dikasterion* but by the *boule*, this could support the idea that the allowance was paid from the *boule*'s allocation of funds, its *merismos*<sup>126</sup>. However, the fact that the *boule* conducted the *dokimasia* need not imply that it had the fiscal responsibility of making payments to the *adynatoi*. The *boule* was presumably preferred for the task because the *dokimasia* of *adynatoi* was relatively unimportant compared with the *dokimasia* of other officials, as it only involved deciding which individuals could be classified as *adynatoi*. The *dikasteria* were concerned with the *dokimasia* of state officials, an important matter; the *dokimasia* of the *adynatoi* could be left to the *boule*. The *adynatos* of Lysias 24 asks that the *boule* cast the same vote as had previous *boulai*, and that they bear in mind that the matter is not about state monies he might have had charge of or an office he might have held, but only about one obol<sup>127</sup>. However, the fact that another *adynatos*, Arignotus, had also been deprived of his allowance, indicates that whereas the *adynatos* of Lysias 24 stresses that it is only one obol which is in question, the state was not philanthropic to the extent of tolerating payments to those who could be shown not to deserve or need their payment.

That some of the cases may have involved deformities embarrassing for the *adynatoi* may also have been a factor in the *boule*'s conducting the *dokimasia* of the *adynatoi*. The *bouleuterion* would have provided a more intimate venue than the *Heliaia*, whose court rooms were designed for public viewing. Consequently no special financial significance ought to be attached to the fact that the *boule* conducted the *dokimasia* of the

<sup>125</sup> Note the comments of J. OBER, *op. cit.* (n. 5), p. 232-233; cf. P.J. RHODES, *art. cit.* (n. 31), p. 141-142.

<sup>126</sup> P.J. RHODES, *Comm.*, p. 570-571. But note that P.J. RHODES, *op. cit.* (n. 77), p. 104 (with n. 3), is sceptical of Kahrstedt's view that the *adynatoi* were paid from the *boule*'s fund, noting that the conduct of the *dokimasia* by the *boule* need have had no implication for the financial arrangements made for the *adynatoi*.

<sup>127</sup> Lys. 24.26.

*adynatoi*. Payment of the allowance, and the conduct of their *dokimasia*, were two separate administrative duties, and the *boule* need have had charge of only the latter. The *boule* had jurisdiction over various types of *dokimasia*, and it was reasonable that they be given the task of scrutinising those who claimed that they had a right to the allowance granted to *adynatoi*. It is also relevant to note that the *boule* had experience in conducting *dokimasiai* of large numbers of individuals, with each *boule* being responsible for conducting the individual *dokimasiai* for the 500 incoming *bouleutai*<sup>128</sup>.

The Lysias speech in favour of the *adynatos* provides a good deal of information about the *adynatoi* at Athens. The outcome of the case is unknown. It is possible that the *boule* of the year followed the precedent set by previous *boulai* and allowed the speaker's allowance to continue. The charge brought against this *adynatos* is that he is healthy and that he has a trade which brings him an income, shown, respectively, by his ability to ride a horse and his association with affluent individuals. He argues that his trade brings him little money: he carries it on with difficulty, and has no-one to help him with it. He rides a horse because he is disabled, not because he has wealth; if he had money he would ride a mule, and not borrow other people's horses<sup>129</sup>. This does not, however, negate the accusation that he associates with men of means; if he borrows a horse, surely this indicates the economic standing of his associates. But this does not mean that he can support the same lifestyle as they do, and he argues that he borrows a horse from them, because he cannot afford to own a horse; if he had the choice he would ride a mule. But the prosecution has a case which gives rise to another question of social equity in Athens: how can this individual be classed as poor if he associates with wealthy men? Could a poor individual at Athens have rich friends? The speaker mentions his trade, but does not specify what it is: if he had done so these questions might have been easier to answer. While one editor has described the speaker as a tradesman «who has to conceal his uneasy sense of being able to do a certain amount of work under the brave air of a crippled man who is making a hard fight for existence»<sup>130</sup>, there is clearly something in the presence of these rich

<sup>128</sup> [Arist.,] *Ath. Pol.* 45.3; P.J. RHODES, *op. cit.* (n. 77), p. 176, cf. 14-15; ID., *Comm.*, p. 542-543.

<sup>129</sup> Lys. 24.6-12.

<sup>130</sup> W.R.M. LAMB, *op. cit.* (n. 65), p. 517.

associates which arouses the suspicion of the dispassionate bystander. But even if the speaker has more wealth than he is admitting, the fact that he wants to claim one obol a day indicates that he is hardly wealthy. The main point seems to be that the speaker clearly does have a few things which he was prepared to hide, and the fact that this is not a straight-forward case is quite clear. Obviously his prosecutor did have a case against him.

The allowance was obviously important for disabled individuals such as the speaker of Lysias 24 and for Arignotus. That the state was careful in assessing who was eligible indicates an awareness that only those who really needed the money should be entitled to it. Naturally, many details are unknown concerning the procedures involved in assessing who was entitled to the allowance and why such a provision was made. Many of the disabled will not have owed their condition to battle wounds, and therefore the allowance cannot simply be explained as a form of compensation for disabilities received due to military service, and it falls into a different category than the provisions for war orphans. The fact that an allowance existed for the disabled demands an explanation: were the Athenians humanitarians who did not want to see the disabled suffering from poverty or destitution? Perhaps this was the case, but another consideration seems more important. The poor in Athens had, historically, been susceptible to patronage, as Kimon's patronage of his demesmen indicates. Political pay and the allowance for the *adynatoi* must have been viewed as a means of avoiding such aristocratic patronage. The allowance was therefore part of a concern to uphold the democratic system by ensuring that those who cast votes (in either the *ekklesia* or *dikasteria*) did so free from considerations of patronage.

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