

Law-enforcement in the Hellenistic cities: Athenian influence, local practice or Pan-hellenic tradition? The process of *praxis* as a test case.

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1. Aristotle *Politics* 1322a

μετὰ δὲ ταύτην ἐχομένη μὲν ἀναγκαιοτάτη δὲ σχεδὸν καὶ χαλεπωτάτη τῶν ἀρχῶν ἐστὶν ἡ περὶ τὰς πράξεις τῶν καταδικασθέντων καὶ τῶν προτιθεμένων κατὰ τὰς ἐγγραφὰς καὶ περὶ τὰς φυλακὰς τῶν σωμάτων. χαλεπὴ μὲν οὖν ἐστὶ διὰ τὸ πολλὴν ἔχειν ἀπέχθειαν, ὥστε ὅπου μὴ μεγάλα ἔστι κερδαίνειν, οὐτ' ἄρχειν ὑπομένουσιν αὐτὴν οὐθ' ὑπομείναντες ἐθέλουσι πράττειν κατὰ τοὺς νόμους· ἀναγκαία δ' ἐστίν, ὅτι οὐδὲν ὄφελος γίνεσθαι μὲν δίκας περὶ τῶν δικαίων, ταύτας δὲ μὴ λαμβάνειν τέλος, ὥστ' εἰ μὴ γιγνομένων κοινωνεῖν ἀδύνατον ἀλλήλοις, καὶ πράξεων μὴ γιγνομένων.

Coming next after this – perhaps the most necessary and trying of all offices – is the one that is concerned with exacting the penalties from those who have been condemned and from those who have been posted according to the lists <as debtors to the city>, and with the custody of their persons. The office is trying because it evokes a great deal of hostility, so that where it is not possible to make great profits from it, people either do not consent to hold it, or when they do consent, are unwilling to act according to the law. (trs. Keyt)

2. Demosthenes 57.63

Εἰ δὲ δεῖ τὴν δημαρχίαν λέγειν, δι' ἣν ὠργίζοντό μοί τινες, ἐν ἧ διαφόρος ἐγενόμην εἰσπράττων ὀφείλοντας πολλοὺς αὐτῶν μισθώσεις τεμενῶν καὶ ἕτερο' ἃ τῶν κοινῶν διηρπάκεσαν, ἐγὼ μὲν ἂν βουλοίμην ὑμᾶς ἀκούειν, ἀλλ' ἴσως ἔξω τοῦ πράγματος ὑπολήψεσθε ταύτ' εἶναι. ἐπεὶ καὶ τοῦτ' ἔχω δεικνύναι τεκμήριον ὡς συνέστησαν· ἕκ τε γὰρ τοῦ ὅρκου ἐξήλειψαν τὸ ψηφιεῖσθαι γνώμῃ τῇ δικαιοτάτῃ καὶ οὐτε χάριτος ἔνεκ' οὐτ' ἔχθρας· καὶ γὰρ τοῦτο φανερόν ἐγένετο καὶ ὅτι ἱεροσυλήσαντες τὰ ὄπλα (εἰρήσεται γάρ), ἃ ἐγὼ ἀνέθηκα τῇ Ἀθηνᾷ, καὶ τὸ ψήφισμ' ἐκκόλαψαντες ὃ ἐμοὶ ἐψηφίσανθ' οἱ δημόται, συνώμνυον οὗτοι ἐπ' ἐμὲ οἱ ὑπ' ἐμοῦ τὰ κοινὰ εἰσπραχθέντες.

But if I must mention my service as demarch, which caused some to be angry at me, because I quarrelled with many of them when I exacted payments, many for sacred lands and for other things they stole from public property, I would like you to hear about it – but perhaps you will regard this as off the point. In this matter, too, I can produce evidence that they have conspired. You seem they have expunged from the oath the phrase “will vote with my most honest judgement and without favouritism or enmity”. (trs. Bers)

3. Demosthenes 58.48

Ὅτι μὲν οὖν περὶ τῆς ἐνδείξεως οὐδὲν ἔξει δίκαιον λέγειν οὔτε Θεοκρίνης οὔτε τῶν ὑπὲρ τούτου λεγόντων οὐδεὶς, σχεδὸν εἰδέναι πάντας ὑμᾶς νομίζω. οἶμαι δ' αὐτοὺς ἐπιχειρήσειν λέγειν, ὡς οὐδ' εἰσὶν ἐνδείξεις τούτων ὅσοι μὴ ἐν ἀκροπόλει ἐγγεγραμμένοι εἰσὶν, οὐδ' ἐστὶ δίκαιον τούτους ὑπολαμβάνειν ὀφείλειν ὧν οὐδεὶς παρέδωκε τοῖς πράκτορσι τὰ ὀνόματα, ὥσπερ ὑμᾶς ἀγνοήσοντες τὸν νόμον, ὃς ὀφείλειν κελεύει ἀπ' ἐκείνης τῆς ἡμέρας, ἀφ' ἧς ἂν ὀφλῇ ἢ παραβῇ τὸν νόμον ἢ τὸ ψήφισμα, ἢ οὐ πάσι δῆλον <ὄν> ὅτι πολλαχῶς

καὶ ὀφείλουσι τῷ δημοσίῳ καὶ ἐκτίνουσιν οἱ βουλόμενοι τοῖς νόμοις πείθεσθαι, καὶ τοῦτο ἔξ αὐτοῦ τοῦ νόμου δηλόν. καὶ μοι πάλιν λαβὲ τὸν νόμον τοῦτον. So I think just about all of you know that neither Theocrines nor any one of those speaking on his behalf will have any just claim to put forward concerning the *endeixis*. But I suppose they will try to say that there cannot be an *endeixis* against those whose names are not posted on the Acropolis, and that it is not right to regard people as state debtors if no one has given their names to the official collectors, as if you were ignorant of the law, which states that the debt starts from the day on which the fine is imposed or when the man violates the law or decree, or as if it were not clear to everybody that people fall into debt to the public treasury in many ways and that those who want to obey the laws pay up, and this is clear from the law itself. [To the clerk] Please take this law once again. (trs. Bers)

4. Antiphon 6.49

Οὐτοὶ γὰρ ποίαν δίκην οὐ δικάσαιντ' ἂν ἢ ποῖον δικαστήριον οὐκ ἔξαπατήσειαν ἢ τίνας ὅρκους οὐκ ἂν τολμήσειαν παραβαίνειν, **οἵτινες καὶ νῦν τριάκοντα μνᾶς ἐπ' ἐμοὶ λαβόντες παρὰ τῶν ποριστῶν καὶ τῶν πωλητῶν καὶ τῶν πρακτόρων καὶ τῶν ὑπογραμματέων οἱ τούτοις ὑπεγραμμάττεον**, ἔξελάσαντές με ἐκ τοῦ βουλευτηρίου, ὅρκους τοιούτους διωμόσαντο, ὅτι πρυτανεύων πυθόμενος αὐτοὺς δεινὰ καὶ σχέτλια ἐργάζεσθαι εἰσήγον εἰς τὴν βουλήν, καὶ ἐδίδαξα ὥς χρὴ ζητοῦντας ἐπεξελεθῆν τῷ πράγματι.

What accusation would they hesitate to bring, what court would they hesitate to mislead, what oaths would they feel any compunction in breaking, after taking thirty minae, as they have, from the Poristae, the Poletae, the Practores, and the clerks attached to them, to bring me into court,^a after driving me from the Council-chamber, and after swearing oaths so solemn, all because during my Prytany I learned of their scandalous malpractices, brought them before the Council, and showed that an inquiry should be instituted and the matter probed to the bottom. (trs. Maidment)

5. I. Eleusis 138.33-35

εἶναι δὲ τῷ βασι|λεῖ τῷμ πρακτόρων ἓνα καὶ τὸν γραμματ[έα ἀπὸ νομη]γίας ἀρξάμενον μέχρι ὅτ' ἂν μύσται λυθῶσιν, καὶ γράψ[αι τούτους τὰς ζημί|ας ἃς ἂν ὁ βασιλεὺς ἐπιβάλῃ ἢ τῶ|ν] ἡρω[μένων μετὰ β]ασιλέως ἐπιμελῆσθαι.

6. Lysias 9.6

οἱ δὲ μετὰ Κτησικλέους τοῦ ἄρχοντος, ἀπαγγείλαντός τινος ὡς ἐγὼ λοιδοροῖμι, τοῦ νόμου ἀπαγορεύοντος ἐάν τις ἀρχὴν ἐν συνεδρίῳ λοιδορῇ, παρὰ τὸν νόμον ζημιῶσαι ἠξίωσαν. **ἐπιβαλόντες δὲ τὸ ἀργύριον πράξασθαι μὲν οὐκ ἐπεχείρησαν, ἐξιούσης δὲ τῆς ἀρχῆς γράψαντες εἰς λεύκωμα τοῖς ταμίαις παρέδωσαν.**

Nevertheless, the supporters of Ktesikles the official claimed the right to punish me when somebody mentioned that I was slandering them: this was illegal, because what the law forbids is if somebody insults an official in the *synedrion*. They imposed an *epibole* but did not attempt to collect the money. Instead, when their term of office ended, they wrote it on a whitened board, which they handed over to the treasurers. (trs. Todd)

7. Aristotle *Politics* 1322a

διὸ βέλτιον μὴ μίαν εἶναι ταύτην τὴν ἀρχήν, ἀλλ' ἄλλους ἐξ ἄλλων δικαστηρίων, καὶ περὶ τὰς προθέσεις τῶν ἀναγεγραμμένων ὡσαύτως πειρᾶσθαι διαιρεῖν, ἔτι δ' ἓνια πράττεσθαι καὶ τὰς ἀρχὰς τὰς τε ἄλλας καὶ τὰς τῶν ἔνων μᾶλλον τὰς νέας, καὶ τὰς τῶν ἐνεστώτων ἐτέρας καταδικασάσης ἐτέραν εἶναι τὴν πραττομένην, οἷον ἀστυνόμους τὰς παρὰ τῶν ἀγορανόμων, τὰς δὲ παρὰ τούτων ἐτέρους. ὅσῳ γὰρ ἂν ἐλάττων ἀπέχθαι ἐνὶ τοῖς πραττομένοις, τοσούτῳ μᾶλλον λήψονται τέλος αἱ πράξεις.

That is why it is better for this office not to be a single office, but to consist of different persons from different lawcourts, and why in regard to the posting of the names of those registered as debtors, one should try to divide the task in the same way. Furthermore, the officials too should exact some penalties and other officials others, and the incoming officials rather than the ones in office; and in the case of penalties imposed by officials currently in office, when one office has convicted, a different office should be the one that exacts the penalty. For example the *astynomoi* should exact the penalties imposed by the *agoranomoi*, and other officials those imposed by the former. For the less hostility in it for those who exact the penalty, the more will such exactions attain their end. (trs. Keys, modified)

8. Demosthenes 22.49-50

...ψηφίσματα δ' εἶπεν ἐν ὑμῖν δεινὰ καὶ παρὰ νόμα, δι' ὧν ἡργολάβει καὶ πολλὰ τῶν ὑμετέρων κέκλοφεν, τοὺς ἑνδεκα γράψας ἀκολουθεῖν μεθ' ἑαυτοῦ. εἶπ' ἔχων τούτους ἡγ' ἐπὶ τὰς ὑμετέρας οἰκίας. καὶ τὸν μὲν Εὐκτῆμονα, ὃν εἰσπράξιν ἢ καταθήσειν αὐτὸς ἔφη τὰς εἰσφορὰς, οὐδὲν εἶχεν ἐλέγχειν περὶ τούτων, ὑμᾶς δ' εἰσέπραπτεν, ὥσπερ οὐ διὰ τὴν Εὐκτῆμονος ἔχθραν ἐπὶ ταύτ' ἐλθόν, ἀλλὰ διὰ τὴν ὑμετέραν. καὶ μηδεὶς ὑπολαμβάνετω με λέγειν ὡς οὐ χρὴν εἰσπράττειν τοὺς ὀφείλοντας. χρὴν γάρ. ἀλλὰ πῶς; ὡς ὁ νόμος κελεύει· τῶν ἄλλων ἕνεκα· τοῦτο γὰρ ἐστὶ δημοτικόν.

...but right in front of you he proposed terrible illegal decrees, adding a clause instructing the Eleven to follow him around, which allowed him to make a profit and to steal much of your money. [50] Then he took them along with him and led them into the houses of you citizens. But as for Euctemon, from whom he said he would collect money or pay the taxes himself, he was able to prove none of the charges against him but collected the money from you, as if he were going about this not because of his hatred for Euctemon but out of his hatred for you. Let no one assume that I am saying that it was not necessary to collect from those who owed the money. It was necessary. But how? In the way the law commands and for the benefit of other citizens. This is the democratic way. (trs Harris)

SEG 51: 1071 (Paros, C6)

Ἔσω τὸν ἡώρο/ν πρῶς τὴν πυ/ρὴν μὴ τιθέτ/ο σωρῶν μηδέ ὡστέα μηδέ μ/νῆμα, μηδὲ ἐπ'ι τῇ πυρῇ· ἡ/ο δὲ π[ο]ιέον π/[α]ρ[ο] ἃ τὰ γεγρα/[μ<μ>έ]να πεντακ/[οσί]ας δραχ<μ>-[έας] ὠφελέ<το> τῶ/ι ἐθ[έ]λωντι π/[ρῆ]χσ[α]σθαι τῶ/[ν φρη]τέρων ν

Gagarin and Perlman G14 (Gortyn 600-525)

— —] πεντήκοντα λέβη[τας] ἑκάστο καταστᾶσαι. κόσμος ὁ ἐπιστάς | αἱ μὴ ἐστείσαιτο, ἄφ[τ]δ[ὸν] ὁ π[ή]λεν | καὶ τὸν τίταν | αἱ μὴ ἴστείσαιτο τ[— —]
-- he is to pay fifty cauldrons in each case. The *kosmos* in charge, if he does not exact payment, is to owe it himself, and the *titas*, if he does not exact payment, --

Gagarin and Perlman G75B

— — — — — ὅπλα ἀνδρὸς ἐλευθέρο· ὅττ' ἐνς πόλεμον ἴσκει, πλάν φέμας κ' ἀνπιδέμας, ἰστός, ἔρια κερίθεκνα, φεργαλειᾶ σιδάρια, ἄρατρον, δυγὸν βοσῶν, κάπετον, μύλανς, ὄνον ἀλέταν, ἐ<κ>ς ἀν δρεῖο ὅτ<τ>' ὁ ἀρκὸς παρέκει κατ' ἀνδρεῖον, εὐνὰ ἀνδρὸς καὶ γυναικὸς, ἐ[λε]υθέρο ὁ [— — — — — — — — — —]

-- the arms of a free man which he has for war, except for a cloak and footwear, a loom, wool that has been worked, iron tools, a plow, a team of oxen, a pot, lower millstones, upper grinding stone, from the *andreion* whatever the leader provides for the *andreion*, the bed of a husband and wife, a free mans --

Delos ID 509, lines 22-27

ἐὰν δὲ ὀφλεῖ, τὸν τε μισθὸν ἀποτεισάτω τῷ παραβαλομένῳ καὶ τοῦ γεγραμμένου ἐπιτιμίου τὰ δύο μέρη, τὸ δὲ τρίτον μέρος τῷ <δ>ημοσίῳ, καὶ οἱ ἀγ[ο]ρανόμοι προξάτωσαν αὐτὸν δέκα ἡμερῶν ἀφ' ἧ[ς] ἂν ὀφλεῖ, ἀνεύθυνοι ὄντες·

Imbros IG XII, 8 51.4-8

ἐὰν δέ τι μὴ ποιήσωσιν οἱ πράκτορες[ς] τῶν [ἐν τῷ] δε τῷ ψηφίσματι γεγραμμένων ἢ τῶν ἐν τῷ νόμ[ω] γεγραμμένων, ὀφειλέτω ἕκαστος αὐτῶν Ἡ δραχμὰς τοῖς Θεοῖς τοῖς Μεγάλοις καὶ μὴ εἶναι αὐτοῖς τὰς εὐθύνας[ς] δοῦναι πρὶν ἂν ἐκτείσωσιν·

IG XII, 9 207.42-45 (Euboea, 294-288 B.C.)

ὑπὲρ ζημιῶν· ἐὰν δέ τινες τῶν τεχνιτῶν λίπωσι τῶν ἔργων τι τῶν ἐγδοθέντων, ἀποτινόντων ζημίαν τὸ διπλάσιον οὔ ἂν [λάβωσι τὸ ἔργον, ἢ δὲ π]ρᾶξις ἔστω {το} τοῦ τεχνίτου καὶ τοῦ ἐργολάβ[ου καὶ] τοῦ ἐγγύου καθ' ἐκάστην πόλιν ἐν αἷς ἂν λίπωσιν, καὶ ἔστωσαν ἐντὸς] τῆς Εὐβοίας ἀγώγιμοι καὶ αὐτοὶ καὶ ὅς' ἂν ἔχοντες δια[πορε]ύωνται δι' Εὐβοίας στερεέσθων πάντων, ἕως ἂν [ἐκτείσωσι τ]ὴν ζημίαν καθὰ γέ[γ]ραπται·

Gagarin and Perlman G80

αἱ δὲ κα ν[ικ]αθεῖ τον ἐνεκύρον, διπλεῖ καταστᾶσαι τὰν ἀπλόον τιμὰν αἱ ἐν τῇ 'πόρῃ ἐ[γ]ρα[τ]ται, προάδδεν δὲ τὸν Ριττένιον κόσμον. αἱ δὲ κα με προάδδοντι, τὸνς πρειγ[ί]σ[ι]τονς τούτονς προάδδοντας ἄπατον ἔμεν.

And if he is convicted in a case involving security, he is to pay double the simple value, as is written in the *ephor's* place, and the Rhittenian *kosmos* is to exact payment. And if they do not exact payment, there is to be immunity for the elders who exact it from them.