

The Ancient History Bulletin

VOLUME TWENTY-SEVEN: 2013

NUMBERS 3-4

Edited by:

Edward Anson ✦ David Hollander ✦ Timothy Howe
Joseph Roisman ✦ John Vanderspoel ✦ Pat Wheatley ✦
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ISSN 0835-3638

ANCIENT HISTORY BULLETIN

Volume 27 (2013) Numbers 3-4

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The subscription rate for Volume 28 (2014), for individual and institutional subscribers is USD 25.00. Detailed instructions about subscriptions and access to digital content can be found on the AHB website: <http://ancienthistorybulletin.org>

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Funding Jury Pay in Athens c. 461 BC

Vincent Rosivach

When the Athenians first began to pay juries for their service, where did the money come from? To elaborate, sometime after 461 the Athenians introduced pay (*misthos*) for jurymen at the rate of two obols per trial.¹ Two obols may not seem like much, but with juries often numbering in the hundreds the total amount of money spent on jury pay quickly added up. The only figure we find in our sources for the annual cost of jury pay is 150 talents given by Aristophanes (*Vesp.* 661-62), which is only an estimate, not an informed statement of fact,² but not necessarily an intentional exaggeration, since the context calls, if anything, for understatement (the speaker is arguing how *little* jurymen are actually paid). On the other hand, the *Vespae* dates to 422, after the rate per trial had been raised, on Kleon's initiative, from two obols to three.³ Reducing Aristophanes' 150 talents by one-third (two obols per trial instead of three) we arrive at an annual figure of up to 100 talents for the costs of the original program,⁴ an approximation sufficient to give us a general sense of scale. An approximation like this, especially based on a source like Aristophanes, leaves much to be desired, but it is still of some value – and sufficient for our present purpose – to know that jury pay cost the Athenians annually something like 100 talents rather than 1,000 or 10.

This figure of up to 100 talents should be juxtaposed with another, 400 talents, a broad approximation of Athens' total annual income from non-imperial sources at the start of the Peloponnesian war.⁵ A brief word about Athenian public finance is necessary here. The Athenians did not use budgets to plan out future revenues and expenditures but rather sought to accommodate current spending to available funds.⁶ We might describe this as living hand to mouth, but the situation was usually not so precarious. Domestic, non-imperial revenues (taxes, fines, etc.) were reasonably predictable under normal circumstances, as were domestic

¹ According to Aristot. *Pol.* 2.1274^a5-9 Ephialtes and Perikles curtailed the power of the Areiopagos Council but Perikles alone introduced state pay, indicating that the latter measure was enacted after Ephialtes' death c. 461. For the sequence of events see Hignett 1952: 342-43. This dating does *not* depend on the story in *AthPol* 27.2-4 (cf. Plut. *Perikl.* 9.2-3) of Perikles using public funds to outdo Kimon's private generosity.

² Jones (1957: 6) suggests that Aristophanes calculated 3 obols a day for each member of the standing panel of 6,000 jurors times some three hundred court days per year = 5,400,000 obols = 900,000 drakhmai = 150 talents. Jones sees this as a theoretical maximum, with the actual cost being somewhat less.

³ For the sources on Kleon's proposal and its likely date (427/6) see Rosivach 2010: 148, note 20.

⁴ I have added the qualification "up to" to allow for Jones' qualification (above, note 2).

⁵ No less than 1,000 talents in revenues from all sources, domestic and foreign (ἀπό τε τῶν ἐνδήμων καὶ τῆς ὑπερορίας, Xen. *Anab.* 7.1.27) minus 600 talents from imperial sources (ἀπὸ τῶν συμμάχων, Thuc. 2.13.3) = 400 talents from non-imperial sources. For reasonable speculation on the components of the 600 "imperial" talents in addition to tribute see Figueira 1991: 186-93. Demosthenes (10.38) provides some confirmation that we are at least in the right neighborhood when he says that in 341 Athens' total revenues (now, of course, without an empire) were 400 talents.

⁶ The *merismos* system adopted at the end of the fifth century was a step to budgeting expenditures but did nothing on the anticipated revenue side (on the *merismos* system see Rhodes 1972: 99-105).

expenses (the petty cash accounts of the *boulē* and *ekklēsia*, recurrent religious festivals like the Panathenaia, etc.). While it was of course impossible to balance accounts out to the last obol, basically the Athenians raised annually the funds they needed for domestic programs and they annually spent the funds they raised. They did not seek on principle to maximize domestic revenues – their governance was not “predatory” in the language of contemporary political-economic analysis⁷ – because in the annual cycle of predictable expenses there was no place for a structural surplus.⁸ Faced with a bonanza like the rich new vein of silver found at Laureion in 483/2 the Athenians’ reaction was first to distribute the new revenues among themselves, then to spend it, but not to save it.⁹ Deficit spending was also impossible.¹⁰ Since the value of money depended on the precious metal in the coins rather than on “the full faith and credit” of the Athenian government, there was simply no way the government could spend money it did not have in anticipation of future revenues.¹¹ Finally, as Andreades (1933: 273) points out, revenue from taxes was actually quite limited, and the only way of raising really large amounts of money was from tribute (which the Athenians conscientiously reserved for imperial purposes, at least until the financial crisis late in the Peloponnesian war¹²) and from mines.

To return to our figure of roughly 400 talents, since on the domestic front the Athenians basically spent everything that came in, roughly 400 talents of non-imperial revenue translates into roughly 400 talents of domestic expenditures annually, a figure that includes the up to 100 talents spent on jury pay. Again, it should be stressed, we are dealing with very broad approximations, but that being said, it is clear that jury pay accounted for a substantial part of domestic spending in 431. Approximations become even more imprecise when we try to extrapolate these figures for domestic income and expenditures back roughly thirty years to the introduction of jury pay c. 461, but at a bare minimum we can say that jury pay was a major additional expense, increasing domestic spending by perhaps as much as a quarter to a third. Now it is the fact that jury pay was a major new expense, and not its exact cost that is important to our present argument. Since this additional expense could not be

⁷ E.g. Levi 1988: 3-4; Lal 1998: 181-90. Lyttkens’ 1994 paper is a fascinating attempt, in the end only partially successful, to use Levi’s notion of “predation” to analyze the Athenian political economy.

⁸ This is, of course, in contrast to imperial/military spending, where emergencies could be expected, and where accumulating funds therefore made sense (cf. Thuc. 2.13.3).

⁹ Hdt. 7.144, *AthPol* 22.7; cf. the sixth-century Siphnians, who each year similarly distributed the income from their gold and silver mines among themselves (Hdt. 3.57.2), and the Thasians, who used the added revenues from their mines to eliminate their crop tax (Hdt. 6.46.3) rather than saving it for a rainy day.

¹⁰ Monies borrowed from Athena and the Other Gods always involved the physical transfer of coins and precious metal, and were understood as loans to balance the current ledger, not as deficit spending. Such borrowing was also limited to military expenses.

¹¹ In the fourth century Dem. 24.96 imagines the courts (and other government business) shutting down for lack of funds, something that apparently did happen in 350 (Dem. 29.17).

¹² Cf. Rhodes 1972: 102 with note 7.

funded by deficit spending, and there is no indication that jurymen were paid with imperial revenues,¹³ where did this much extra money come from?

Whatever the funding source was, it had to be something that was expected to continue producing a substantial amount of annual revenue into the foreseeable future, and it had to have become available, all at one time (rather than through incremental growth¹⁴), not long before jury pay was instituted. The only funding source that appears to fit this bill is gold mines on the Thracian coast, control of which Athens acquired in 464/3.¹⁵ These mines¹⁶ lay on the mainland opposite the island of Thasos, and had originally been controlled by the Thasians, for whom, Herodotos (6.46.3) tells us, they regularly yielded an annual revenue of some 80 talents¹⁷ in the years before the Persian invasion.¹⁸ Perdrizet (1910: 26) may well be right that their yield gradually decreased over time (as is true of most mines), but it was still enough to attract the Athenians in the 460s.¹⁹ Conflict over the mines (and the *emporía* also on

¹³ See the previous note. Note also that jury pay was introduced c. 461 (cf. above, note 1), well before the League treasury was transferred from Delos to Athens c. 454. Later on, state pay became a major target of resentment on the part of *eisphora*-payers during the Peloponnesian war but their argument was that this money would be better spent on the war effort, not that it had been misappropriated from imperial revenues.

¹⁴ Cf. our discussion above on the absence of structural surpluses in Athens' domestic account.

¹⁵ Meiggs (1972) gives both 463 (p. 80) and 462 (p. 266). Diodoros (11.70.1) mentions the revolt and reduction of Thasos (and Athens' acquisition of the gold mine) under the *arkhōn* year 464/3, while Thucydides (1.101.3) says that Thasos was captured in the third year of its siege. Dating the siege 464/3-462/1 does not allow enough time for Kimon to bring unwanted help to the Spartans in 462, so a date of 466/5-464/3 seems preferable. Rhodes (1992: 45) links Thasos' revolt with the failed attempt to found a colony at Ennea Hodoi in 465/4, and so dates the siege to 465/4-463/2, but offers no explanation of the date in Diodoros. In any event, what is important for our present purpose is not the precise date of Thasos' defeat but the fact that it occurred shortly before jury pay was begun.

¹⁶ Thucydides uses the singular *μετάλλου/μέταλλον* (1.100.2, 1.101.3), Diodoros the plural *μετάλλων* (11.70.1); cf. *χρυσεία* (sc. *μέταλλα*), Plut. *Kim.* 14.2. We should probably think of a single lode worked at multiple points (note that Thuc. 4.105.1 also uses the plural *μετάλλων* apparently referring to the same lode). Isaac's view (1986: 27, followed by Pébarthe 1999: 134-35) that Thucydides intentionally chose the singular to contrast one mine worked by the Thasians with all the other mines worked by Thracians depends on a distinction which the ordinary reader is not likely to notice.

¹⁷ The 80 talents are revenue (cf. *προσήιε* [Hdt. 6.46.3], picking up *πρόσοδος* in the previous sentence [6.46.2]), not the total amount of metal extracted; for *πρόσειμι* (-εἶμι) in this sense see *LSJ*⁹ s.v. III. As a cash figure the 80 talents must be silver (the usual medium of exchange), not gold. The figure of 80 talents is, of course, a broad approximation (cf. *τὸ ἐπίπαν*), but like the other ancient figures cited in this note, it does give us a sense of scale, which is sufficient for our purpose.

¹⁸ On the identification of the mines ceded to the Athenians with those described by Herodotos see Meiggs 1972: 83.

¹⁹ Athens' conflict with Thasos should be seen as part of a broader "Thracian" strategy that also includes the failed attempt to found a colony at Ennea Hodoi (Thuc. 1.100.3); on this strategy and its economic intentions see Kallet 2013.

the mainland) led the Thasians to revolt from the Delian League,²⁰ a revolt that Athens moved to suppress apparently with no help from, or even consultation with, her League allies.²¹ In the third year of the siege the Thasians came to terms that included the loss of the mines (Thuc. 1.101.3), which now became an Athenian possession (τὰ χρυσεῖα τὰ πέραν Ἀθηναίοις προσεκτίσατο [sc. Κίμων], Plut. *Kim.* 14.2).

The Thracian mines, acquired in 464/3, were the Athenians' only large new source of revenue in the years shortly before the political changes c. 461 that led to the institution of pay for jurymen. If the income from the mines, probably somewhat less than 80 talents a year,²² was not enough to pay in full the annual jury tab of perhaps as much as 100 talents it would still have covered at least the better part.²³ Indeed, while there is nothing to suggest that the Athenians took control of Thasos' Thracian mines in order to fund jury pay, it is nonetheless fair to say that without the annual income from those mines, at least c. 461, jury pay would have been simply impossible.²⁴

We may safely assume that, as was the case at Laureion, the Athenians did not exploit the mines directly but rather derived their income from leasing the mining rights to private contractors who organized the actual mining operations²⁵ and sold the gold on the open

²⁰ Our sources (Thuc. 1.100.2, Plut. *Kim.* 14.2, Diod. 11.70.1) are technically incorrect when they say that the Thasians revolted from the Athenians – Thasos was never an Athenian possession – but they reflect the underlying political reality of Athens' domination of the League.

²¹ In contrast to the colony at Ennea Hodoi, which included both Athenians and allies (Thuc. 1.100.3) there is no mention of the allies in connection with the Thasian campaign. Cf. on this point Meiggs 1972: 83–84, who notes that allies were included among the colonists, not as a gesture of good-will towards the allied states, but to raise sufficient manpower to safeguard Athenian interests.

²² Because of the gradual decrease in the mines' yield over time. On the other hand it was probably not substantially less: given the economic motives underlying the Athenians' expansion in the area (on which see Kallet 2013: 49–50) there is no reason to believe that they exploited the mines any less efficiently than the Thasians did before them.

²³ As one of *AHB*'s referees points out, we have no evidence for the number of jurymen required when the system of popular courts was first created, and it is possible that fewer were needed at first, in which case the original annual tab, while still substantial, would have been less than the c. 100 talents later required.

²⁴ Looking forward, it is sometimes argued (originally by Böckh 1851: 2.632–33) that the increase in Thasos' tribute sometime before 443 reflected the recovery of the mines, but Meiggs (1972: 86) would explain the earlier lower figure as temporary relief while Thasos paid off the war indemnity mentioned in Thuc. 101.3 (cf. Cavaignac 1908: 48, note 1, and see further Hornblower 1991: 158 *ad loc.*; on the indemnity see Pébarthe 1999: 140). In fact, Athens continued to derive revenue from the region, and thus from the mines, until the Spartans captured Amphipolis in 424 (cf. χρημάτων προσόδω, Thuc. 4.108.1, with Meiggs 1972: 572; the later, and heavily restored, φθοῖ[δες χρυσίου Σκαπτ]εσυλικὸ [IG I³ 376.118–19] shows only – assuming the restoration is correct – that this money entered the treasury of Athena in the form of *phthoides* of gold produced at Skaptē Hulē, as opposed to e.g. statērs from Lampsakos or Kyzikos, not that it was revenue derived from Skaptē Hulē).

²⁵ Böckh 1851: 1.423.

market.²⁶ Here one thinks of Kimon's relative, the historian Thucydides,²⁷ who later held mining rights in the Thracian region.²⁸ We know from Plutarch (*Kim.* 14.2) and Diodoros (11.70.1) that Kimon was in command of the Thasian campaign, and it is not unreasonable to conclude that he was also a supporter and probably a promoter of the broader policy to gain control of the Thracian coast, a policy from which he was likely to benefit financially.²⁹

We find in the *Athēnaiōn Politeia*³⁰ that Perikles, unable to match Kimon's private generosity to the citizenry and the political benefit it bought, instead used public funds to the same end, "giv[ing] to the many what was already theirs" (διδόναι τοῖς πολλοῖς τὰ αὐτῶν, *AthPol* 27.4) by sponsoring the legislation which provided pay for jurymen. In time *misthos* – state pay for civic service – became the practical and (at least in the eyes of its enemies) the ideological cornerstone of Athenian democracy. The *Athēnaiōn Politeia* story, whether true or not,³¹ nonetheless points up the considerable irony that it was the conservative Kimon's defeat of the Thasians, whereby Athens gained control over the Thasian mines, that first made democratic *misthos* possible.³²

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²⁶ Thus, *pace* Perdrizet (1910: 18), the fact that Athens did not issue gold coins cannot be used as evidence that it did not take control of the mines.

²⁷ τοῖς περὶ Κίμωνα κατὰ γένος προσήκων (Plut. *Kim.* 4.2), but the exact relationship is difficult to pin down. For a discussion of the sources see Kirchner 1901: 469-70 = *PA* 7267, Davies 1971: 233-35 = *APF* 7268, III-VI.

²⁸ κτήσιν τε ἔχειν τῶν χρυσείων μετάλλων ἐργασίας ἐν τῇ περὶ ταῦτα Θράκῃ, Thuc. 4.105.1. *Pace* Isaac (1986: 32) ἐργασία does not mean "mine" but "operation, working" (*LSJ* s.v. II.2) a meaning consistent with its use at Xen. *Vect.* 4.29 cited by Isaac. Statements in our sources that various individuals "owned" mines reflect a misunderstanding of these leasing arrangements: considering that a dispute over the mines was the *casus belli* of Athens' war with Thrace (cf. Thuc. 1.101.2) it is inconceivable that the Athenians would let the working of these mines fall into private hands and not derive some public revenue from them.

²⁹ Sears 2013: 70-73. Our sources do not say that Kimon benefited specifically from the formerly Thasian gold mines, as Sears believes he did, but the belief is reasonable. Kimon was certainly wealthy enough to purchase mining leases if he wished.

³⁰ *AthPol* 27.2-4; cf. Plut. *Perikl.* 9.2-3.

³¹ The claim that Perikles owed the idea of jury pay to Damon/Damonides of Oa (*AthPol* 27.4) may be nothing more than a malicious slur (cf. Rhodes 1981: 342), but *pace* Hignett (1952: 342) it does not undermine the credibility of the story as a whole.

³² One of *AHB*'s referees has pointed out a further dimension of this irony, that according to Theopompos (*FGrH* 115 F 89) Kimon's generosity to the public was patterned on that of Peisistratos (μυησάμενος ἐκεῖνον in Athenaios' paraphrase [12.533a]), who himself had drawn important revenues from the areas around Thracian Pangaion, presumably from exploiting the mines there (*AthPol* 15.2 with Rhodes 1981 *ad loc.*; Hdt. 1.64). On the Theopompos fragment and its relevance to Perikles' rivalry with Kimon see Connor 1968: 32-37.

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