CHAPTER 9

Nicomachus and the Servants of the City

At the Lenaia of January 404, the spectators gathered together in the sanctuary of Dionysus witnessed a rare, if not unprecedented, event in the history of Athenian theater: Less than a year after its first performance, a play was put back on stage while its author was still alive.[1] The situation of the city at the time was desperate. The Spartan fleet, which now controlled the Aegean Sea, had begun a siege, and the conditions for Athenian surrender were the subject of bitter negotiations. Even twenty-five centuries later, we can still hear the fright of the Athenians if we read the words people sang that day in the theater of Dionysus. Who will save Athens? Such is the worried question that the chorus of Aristophanes' *Frogs* asks.

Spectators then witness a strange descent into the Underworld of the god Dionysus and his slave Xanthias, tasked with bringing back to life the

[1] In his treatise *Peri tōn Dionusiakōn agōnōn* (= *Poetae Comici Graeci*, Kassel-Austin, 3.2), the student of Aristotle Dicaearchus says that Aristophanes' play was put on stage again after its first performance at the Lenaia of 405: 'The play [*The Frogs*] was produced in the archonship of Callias [406/5], who came after Antigenes, through Philonides at the Lenaia. He [Aristophanes] was first, Phrynichus second with *Muses*, and Plato third with *Cleophon*. The play was so admired because of the *parabasis* which it contains, that it was performed again, as Dicaearchus says.' It is therefore the contents of the chorus's *parabasis* that seem to have justified such an honor, made still greater by the granting to Aristophanes of a crown of foliage taken from the sacred olive trees (*Life of Aristophanes*). Historians cannot, however, agree on the date of this second performance. Salviat 1989; Dover 1993, pp. 73–5; Sommerstein 1993, pp. 461–76, or, more recently, Canfora 2017, pp. 294–305, 340–2, have provided two definitive arguments in favor of the Lenaia of 404 (or even the Dionysia of 404, as suggested by Dover) and not the Dionysia of 405: Aristophanes' charge against Adeimantos can only be understood in the aftermath of the defeat of Aigos Potamos (in the fall of 405) for which he is partly held responsible; moreover, precise references to Cleophon's trial, which was held in December 405 or January 404, appear in the preamble of the *parabasis* of the chorus. One might add that the portrait of Theramenes in the play can only be understood in relation to his ambiguous role in 404 (see the remarks of Allan 2012). The difficulty in fixing a date lies in the support that Aristophanes seems to give, through the voice of the chorus of initiates, to Patrocleides' decree, which is dated to the end of 405. Some have considered that since the play defends the contents of the decree, it would not make much sense for it to be put on stage again after it had been voted on. But one can also observe – as we shall see – that the words of Aristophanes' chorus radicalize the very meaning of Patrocleides' decree, so that it is possible to recognize in it an overstatement of the point subsequent to its vote.

late Euripides, who had died less than two years previously. After having received the advice of Heracles, the god and his slave cross the Acheron, accompanied by a croaking chorus of fabulous beasts, half-swan and half-frog. Once they have passed this first test, they meet a second chorus of initiates, devotees of the god Iacchos, who lead them to the residence of Pluto. Finally reaching the land of the dead, a strange poetic contest is organized, opposing Aeschylus and Euripides, who fight for the right to reign over tragedy in the underworld. In the words of Aristophanes, the *agōn* between Aeschylus and Euripides embodies the confrontation between two radically different conceptions of the city. The latter is moreover presented, in the mouth of Ajax, as a 'full-blown *stasis*,' and it is obviously tempting to recognize in this strange expression a premonition of the civil war that is on its way.[2] While Aeschylus embodies the city of an ancient, venerable time, in which governed 'well-born, well-behaved, just, fine, and outstanding men (*kalous te kagathous*), men brought up in wrestling schools, choruses, and the arts (*en palaistrais kai chorois kai mousikē*),'[3] the poetics of Euripides are associated with the deadly reign of democratic passions. The blurring of status distinctions is the rule, as is the leveling of discourse, since women and slaves speak in the same way as free men. In fact, Euripides defends the democratic dimension of his art, boasting that in his tragedies '[he]'d have the wife speak, and the slave just as much.'[4] The 'maker of words (*pseudologos*)'[5] also asserts the clarity of his expression and his recourse to logical reasoning, as if tragic language could be deployed in the continuity of the democratic deliberative speech. His poetry had in short 'the same defects as democracy [. . .]: as everyone could speak, the slave as well as the king, the king disguised as a slave as well as the debauched queen, no tradition was valued and there was no authority, except that of speech.'[6]

Aristophanes' adherence to the oligarchic camp is hardly in doubt when we read the play. It is easy to divine from Aeschylus' triumph over

[2] Aristophanes, *Frogs*, 760 (*stasis pollē panu*). It is for this reason that the battle Aeschylus fights against Euripides (v. 902–4) can be implicitly compared to a centauromachy: see Schneider 1999.

[3] Aristophanes, *Frogs*, 727–9.

[4] Aristophanes, *Frogs*, 949. Aristophanes' scholiast (v. 949) comments on this line in the following way: 'for this too he mocks Euripides, for attributing inappropriate speeches indiscriminately to his characters.'

[5] Aristophanes, *Frogs*, 1521.

[6] Judet de La Combe 2012, p. XLIII. See in particular Aristophanes, *Frogs*, 952–67. As Judet de La Combe 2012, p. XLII, also writes: 'with Euripides, a linguistic community can be established, and tragedy, which will deal with obvious and not mysterious or authoritarian realities, will thus enter into a real practice of democratic exchange.'

Euripides, but that's not the main point: Aristophanes' inclinations mainly come through when he evokes the Athenian political conflicts of the years 405–404. The chorus of the initiates speaks for him in the *parabasis* when it demands that power should be entrusted to the honest men (*chrēstoi*; i.e. the social elite), and that the exiles of 411 be recalled and restored to their political rights: 'I say that those who slipped up at that time should be permitted to dispose of their liability and put right their earlier mistakes. Next I say that no one in the city should be disenfranchised (*atimon*).'[7] The chorus's words explicitly supported the decree of Patrocleides, which restored the rights of the citizens exiled following the oligarchic coup of 411,[8] and it is for this advice that the poet was crowned by the city.[9] Aristophanes even wanted to extend the scope of the decree: While the measure primarily concerned public debtors, Aristophanes wished to extend it to all Athenians exiled for political reasons, among whom were many former oligarchs. These were precisely the men who would later return to Athens after the surrender of the city and become the core of the new oligarchic regime.

Aeschylus in the Underworld: Chorus and Anti-Chorus

The *Frogs* occupies a singular place in the history of Athenian theater due to its representation of two seemingly opposite choruses. The first was composed of strange frogs–swans chirruping cacophonously from perhaps underneath the stage.[10] From here, the croaking of the frogs and the harmonious song of the swans were mixed together. In the tradition of animal choruses of ancient comedies, this grotesque ensemble accompanied Dionysus with its 'magnificent and admirable' song as he rowed behind Charon to cross the infernal marshes of the Acheron. Inversely, just as Odysseus had to resist the seductive song of the sirens, Dionysus had to struggle against these terrible sounds in order to move forward.[11] Here, Aristophanes was mocking the new authors of dithyramb, whose sophistication and mannerisms produced only dreadful cacophonies. In contrast to this, the second chorus, accompanied by flutes and sacred songs, and marked by Eleusinian solemnity, provided an idealized version of the Athenian community.[12]

[7] Aristophanes, *Frogs*, 690–2. [8] Andocides, *On the Mysteries* (1), 77.
[9] See MacDowell 1995, p. 298.
[10] According to the suggestion of the scholiast of the *Frogs*. From the first dialogue between Dionysus and Heracles, to the duality between master and slave (Dionysus/Xanthias) and the confrontation between Aeschylus and Euripides, the *Frogs* is full of doubles, mirror images and inversions.
[11] See Corbel-Morana 2012, pp. 222–48. [12] See also on this point Belis 1991.

It is especially striking to observe that the salvation of the city is identified with choral practice at the end of the play. 'So our city could survive and continue her choral festivals (*in hē polis sōtheisa all chorous agēi*)'[13]: This is the mission that Dionysus finally assigns to the best of the poets. The formula must be understood in two ways: Aeschylus must save the city so that choral activity may go on, as if the permanence of Athens was guaranteed by the ritual repetition of choral practice. He also had to lead choruses himself (*chōrous agēi*), as if theatrical rites had the power, at least for as long as a play lasted and thanks to the power of musical choruses, to heal the city. No sooner said than done: At the end of the comedy, Aeschylus becomes the head of a chorus embodying a reconciled and pacified city. In it are gathered mortals and gods, women and men, free citizens and slaves singing and dancing in unison in a beautiful final *parodos*.[14]

But this poetic community is also a vigilante chorus, full of violence. The beautiful city is guided back together by its best poet, but only after announcing several death sentences. When he releases Dionysus and Aeschylus from the Underworld, Pluto entrusts to Aeschylus the task of sending several malefactors back to him:

> Fare you well then, Aeschylus. Save our city with your fine counsels, and educate the thoughtless people; there are many of them. And take this and give it to Cleophon; and this to the Commissioners of Revenue (*toisi poristais*), together with Myrmex and Nicomachus; and this to Archenomus; and tell them hurry on down here to me, without delay; and if they don't come quickly, by Apollo I'll tattoo them, clap them in leg irons, and dispatch them below ground right quick, along with Leucolophus' son, Adeimantus![15]

Aeschylus therefore had to provide several individuals with the instrument of their own death, since otherwise Pluto would brand them like runaway slaves before sending them underground. Like a 'tragic Erinys,'[16] the poet had to lead several Athenians to the Underworld, whose names were offered up to the wrath of the assembly of spectators. Who were this anti-chorus of men destined to be sent to the Underworld?

It included prominent politicians, such as Adeimantus and Cleophon. A close friend of Alcibiades, Adeimantus had taken part in the profanation of the Mysteries and the mutilation of the Herms. His

[13] Aristophanes, *Frogs*, 1418.
[14] On Xanthias' role as part of the chorus, see Griffith 2013, pp. 209–11. Aeschylus 'is going back home again, a boon to his fellow citizens, a boon as well to his family and friends' (v. 1487–9), therefore to a community that is not limited to the circle of citizens.
[15] Aristophanes, *Frogs*, 1500–14. [16] Judet de La Combe 2012, p. XIV.

goods confiscated,[17] he had been condemned to exile, before returning to Athens in 407. A *stratēgos* during the year 405/4, he was accused of having 'delivered the fleet' to the Spartans during the defeat at Aigos Potamos.[18] The dishonor that struck him undoubtedly explains in large part Aristophanes' violent accusation. Cleophon, by contrast, was a well-known politician, who was depicted by ancient authors as the archetype of the demagogue. At the first performance of *The Frogs*, Aristophanes was in competition with Plato (the comic poet), whose play expressly targeted Cleophon.[19] A dominant figure in Athenian political life since 416, the 'lyre maker' had made intransigence toward the Spartans his trademark. In 405, he was clearly a staunch supporter of continuing the war against the Spartans, and he opposed the destruction of the Long Walls. Well before Pluto demanded that he join him in the Underworld, Cleophon was the subject of accusation earlier in *The Frogs*. In the opening of his famous *parabasis*, the chorus of Initiates alluded to the Thracian origins of his mother, who, like an exotic swallow, was sitting on a barbarian branch:

> Embark, Muse, on the sacred dance (*Mousa chorōn hierōn*),
> and come to inspire joy in my song,
> beholding the great multitude of people,
> where thousands of wits are in session
> more high-reaching than Cleophon,
> on whose bilingual lips
> some Thracian swallow (*Thrēkia chelidōn*)
> roars terribly,
> perched on an alien petal,
> and bellows the nightingale's weepy
> song, that he's done for,
> even if the jury's hung.[20]

Here, the chorus was alluding directly to the trial of Cleophon by hoping – in contradiction to Athenian customs – that the demagogue would be convicted even in the event of a tied vote. This passage is, however, incomprehensible if it is read in relation to the trial brought by Satyrus and the 'partisans of the oligarchy'[21] against Cleophon in January 404, to which the second performance of the *Frogs* is contemporary. In this

[17] His name appears on the stele of the Hermokopidai: *IG* I^3 426, l. 10, 43, 106, 141, 185, 190.
[18] Xenophon, *Hellenica*, 2.1.32. At the beginning of 405, he opposed the decree that proposed to mutilate the Peloponnesian sailors by cutting off their hands. The scholiast of the *Frogs* (v. 1513) adds: 'Perhaps he was the one who is said to have been fraudulently registered as a citizen: for the expression "to brand them" is peculiar to him: he was a foreigner.'
[19] See Pirrotta 2009, pp. 143–5. [20] Aristophanes, *Frogs*, 675–85.
[21] Lysias, *Against Agoratus* (13), 12; Lysias, *Against Nicomachus* (30), 11.

period already dominated by *stasis*,[22] Aristophanes took a vigorous stand in favor of the death sentence for the demagogue; it seems, therefore, that the poet contributed, at least poetically, to the installation of the Thirty . . .

Nicomachus, Scribe and Administrator

Behind these well-known figures of Athenian political history, three men denounced by Pluto seem to form a coherent group: Myrmex, Archenomus and Nicomachus. We know almost nothing about the first two of them, and this quasi-anonymity perhaps demonstrates their subordinate position in the service of the civic administration. It is possible that the first was a member of the *poristai*, a college of magistrates in charge of civic finances, or that he was one of their assistants.[23] The name of the second is in itself noteworthy. It consists of two parts: *archē* (command) and *nomos* (law); the man seems to merge with his professional role, ensuring the laws of the city were respected. But it is actually the third character, Nicomachus, who allows us to identify the nature of this chorus destined for Aeschylus' vengeance. Known because of the indictment for treason (*eisangelia*) brought against him in the summer of 399, for which Lysias wrote the prosecution speech,[24] he belongs to the circle of the city's administrators and servants.

After the first restoration of democracy in 410, the Athenians had decided to completely revise the city's laws. They even instituted a board of 'writers' (*anagrapheis*) of the laws, tasked with working closely with the *nomothetai*, and Nicomachus was one of its members.[25] The work of the commission lasted longer than expected, from 410 to 404, then from 403 to 399, after a brief interruption under the regime of the Thirty. For almost eleven years, Nicomachus was one of the board's principal

[22] Xenophon, *Hellenica*, 1.7.35: 'in the civil war during which Cleophon found death (*husteron de staseōs tinos genomenēs, en hē Kleophōn apethanen*).'

[23] We favor the second option. The scholiast of Aristophanes (v. 1506) writes: 'Myrmex is not exactly one of ther *poristai* [. . .] neither Nicomachus. He [Nicomachus] was either the actor of tragedies, either the citizen about whom we have spoken.' It is possible that Myrmex was the father of Euphanes, known to us from an epitaph dated to the early decades of the fourth century (*SEG* 13, 201), or he may be seen as one of the citizens hired to work on a trireme at the very end of the fifth century (*IG* I^3 1032, l. 187). Our knowledge of the *poristai* is very scarce, but there is evidence of this office in 419 (Antiphon, *On the Choreutes* [6], 49), as well as in the fourth century (Demosthenes, *First Philippic* [4], 33). It is not known how the possible link between Archenomus and his homonym (*IG* II^2 1145, l. 2; fourth century) can be understood.

[24] Lysias, *Against Nicomachus* (30).

[25] On the whole process, initiated by Teisamenus' decree (Andocides, *On the Mysteries* [1], 83), see Volonaki 2001.

members, and therefore his contribution to rebuilding Athenian legislation after the civil war was considerable. There is, moreover, every indication that during the oligarchic year of 404–403 Nicomachus had sided with the democrats. Certainly, Lysias' speech suggests that he played some kind of role in the trial against Cleophon at the beginning of 404 by producing rare laws that apparently facilitated the demagogue's conviction.[26] But he also indicates that Nicomachus had been banished (or had fled) under the Thirty[27]; he even suggests that his opponent blamed the Athenians for their behavior during the *stasis*. Believing that 'he should be allowed to rake up grudges (*mnēsikakein*) unjustly against others,' he was accused of having defied the duty of forgetting established by the city.[28] One might also conclude that if Nicomachus was reelected to the commission once democracy was restored, it must be because his democratic engagement was not in doubt.

But how can we explain the violence of the attack against Nicomachus? Lysias' client denounces, in particular, the role that he supposedly played in establishing a new cult calendar after the *stasis*. He blames him for introducing new cults to the detriment of traditional rites. Historians agree that the remnants of this new calendar can be recognized in a vast inscription placed inside the Stoa Basileios in the Agora of Athens. The calendar is engraved on two sides of the same stone, before and after the year 403, and there is every indication that it was already in use before Nicomachus' trial.[29] Its structure is particularly complex. In the manner of an inventory, it lists a series of sacrifices following a logic that appears erratic, grouping each according to whether they were the responsibility of the 'chiefs of the tribe' (*phulobasilikoi*), took place every month, had no fixed day, or even came from a previous inscription or other written material.[30]

Lysias' speech fortunately makes it possible to grasp the way in which Nicomachus undertook his work. Following the instructions of the board in charge of revising the laws, he drew up the new calendar by gathering together two distinct types of sacrifices: on the one hand, those that, already engraved on the plaques deposited in the Stoa Basileios, could be

[26] Lysias, *Against Nicomachus* (30), 10–1.

[27] Lysias, *Against Nicomachus* (30), 15: 'I would not have mentioned this, if I had not heard that he would try to save himself in defiance of justice by portraying himself as a democrat and that he would use his exile as an indication of his goodwill towards the People (*kai tēs eunoias tēs eis to plēthos tekmēriōi chrēsomenon hoti ephugen*).'

[28] Lysias, *Against Nicomachus* (30), 9.

[29] See Lambert 2002 (= *SEG* 52.48). Side A is in Attic script, side B in Ionian. On this change of writing, see *supra*, Chapter 3, pp. 106–7.

[30] See side A, fr. 3, l. 77: *ek tōn st[ēlōn]* or *ek tōn s[uggraphōn]*.

traced back to an archaic calendar; and on the other hand, those that had a more recent origin and were inscribed 'on the stelai.'[31] In the course of this operation, it seems that Nicomachus deleted old sacrifices and replaced them with new cults. This is at least what Lysias' client would have us believe, although it obviously exaggerates the role of his adversary whose name does not appear on the stele.[32] The full religious dimension of the confrontation remains obscure, however. Is the litigant an advocate of religious conservatism, furious at witnessing more recent cults become official? Or is he, in fact, disturbed by the writing down of these rites, since it might endanger ritual knowledge based on the oral tradition?[33] Is it, on the other hand, the excessive cost of certain cults that seemed unreasonable? It is illusory to pretend to be able to answer these questions, and this in any case is not the crux of the matter.

Politics and Its Borders

The main reason for the hatred directed at Nicomachus, and which Aristophanes manifested as early as 405, was not that he drafted this calendar. More generally, it was due to the anomalous position that he had acquired in the city, allowing him to undermine representations of political authority as the Athenians understood them.[34] By compiling and reorganizing the corpus of Solonian laws, this simple secretary apparently appropriated for himself the power of a legislator and a *nomothetes* like Solon: This is the scandal that our litigant unceasingly denounces. The power acquired de facto by the *anagrapheus* called into question one of the constitutive features of civic order: that which required civic administration to be subordinated to the magistrates' authority. It obscured the necessary distinction between the order of politics and that of 'service,' or administration.

In the *Statesman*, Plato shows the importance of this hierarchical distinction at the heart of Greek thought. When apprentice philosophers undertake to define the authentic royal function (the *archē basilikē*), they

[31] Lysias, *Against Nicomachus* (30), 17: *ek tōn kurbeōn kai tōn stēlōn kata tas suggraphas*.

[32] This was the interpretation of Dow 1960, 1961, which made Nicomachus a fervent democrat. Dow suggested that Nicomachus had introduced new cult rites open to most people into the calendar by suppressing old traditional cults of an aristocratic nature.

[33] This is suggested in particular by Heinrichs 2003, pp. 56–7.

[34] Lysias, *Against Nicomachus* (30), 28, makes Nicomachus a *hupogrammateus* (*kai heterous anthrōpous hupogrammateas*). Hansen 2019 argues that Nicomachus was probably in the service of other magistrates. One might also see this as a generalization on the part of the litigant, reducing Nicomachus' role to the tasks of any *hupogrammateus*.

come to circumscribe, by means of successive dichotomies, what political competence consists of. This is distinguished, they explain, from all the other 'auxiliary arts': Even though they are essential, the production of goods or ritual practices could never be part of the political art. Among these auxiliary arts, one in particular creates a problem for the young philosophers: that acquired by 'all those who become accomplished at writing by having repeatedly given their services in this respect, and certain others who are omnicompetent (*pandenioi*) at working through many different tasks relating to public offices.'[35] Because of their administrative expertise, these individuals could stake a claim to the title of holders of royal competence. The Stranger even states that politics is based on 'the class of slaves and all those people who are subordinate to others,' who 'dispute with the king about the woven fabric itself.'[36] Slaves and servants as masters of authentic political competence? The hypothesis is absurd, and Socrates the Younger refutes it bluntly: Since they are 'subordinates, and not themselves rulers in cities,'[37] these false rivals of the politician cannot participate in any way in royal functions, and the Stranger is forced to recognize that it would be absurd to look for anyone with such skills 'in a servant class.'[38] The Platonic dialogue therefore reveals the potential confusion between two types of skill at work in the governing of the city, while seeking to ward it off by reminding the reader of the necessary exclusion from the field of politics of those with administrative knowledge.

However, Nicomachus transgressed this division, carrying out, in the manner of a magistrate, tasks that, in an ordered world, should have been entrusted to a slave. This is the reason why his allegedly servile origins are constantly recalled by the litigant, as if this son of a public slave had only become a citizen by some kind of infraction. Nicomachus, in short, personified a form of usurpation, by which the effective power in the city fell to its servants and its magistrates, to the detriment of the civic community as a whole.

This charge appears already in the comedy of Aristophanes, if one listens to the reproaches that the chorus of the initiates addressed to Euripides:

> And what evils can't be laid at his door? Didn't he show women procuring, and having babies in temples, and sleeping with their brothers, and claiming that 'life is not life?' As a result, our community's filled with under-secretaries (*hupogrammateōn*) and clownish monkeys (*bōmolochōn*

[35] Plato, *Statesman*, 290b. [36] Plato, *Statesman*, 289c. [37] Plato, *Statesman*, 290b.
[38] Plato, *Statesman*, 290b–c.

dēmopithēkōn) of politicians forever lying to the people, and from lack of physical fitness there's nobody left who can run with a torch.[39]

Hupogrammateus – that is to say, the undersecretary in the service of a magistrate: This is the scandalous term that in itself says so much about the sad destiny of the democratic Euripidean city.[40] Left in the hands of its servants and administrators, civic hierarchies are reversed. And if Euripides embodied this vicarious threat better than any other, it is not only because he had portrayed it in his tragedy about Palamedes, as Dionysus reminds him,[41] but also because an insistent rumor, relayed by Aristophanes, was circulating about him, saying that his own slave Cephisophon was the real author of his plays. 'By Palamedes, that's good; you're a genius! Did you think that up yourself, or was it Cephisophon?' asks Dionysus.[42] The scholiast delivers the end of the story by affirming that 'Cephisophon the slave composed with Euripides his plays, and especially the lyric parts; one makes fun of him also because he frequented the wife of Euripides.'[43] Of democratic inspiration, Euripides' poetry was as erudite as it is inauthentic, to the extent that a slave might be considered its true author.

But let us return to Nicomachus. His office as an *anagrapheus* was not an ordinary magistracy. The litigant is scandalized that no inspection was organized after Nicomachus had succeeded in abusively extending its duration, suggesting that he escaped the 'universal accountability' of the classical Athens magistracies.[44] He is especially indignant that, contrary to the principle of noniteration governing most magistracies, it led the same individual to occupy the same office for a long time, freed de facto from

[39] Aristophanes, *Frogs*, 1078–88.

[40] Aristophanes' scholiast (on v. 1084) glosses Aeschylus' statement by saying that the city 'has become full of people who wanted to be secretaries and not go on military expeditions; he attacks the secretaries for their intrigues.'

[41] Aristophanes, *Frogs*, 1451. According to Jouan and Van Looy (eds.) 2000, pp. 490–2, the Euripidean version of the Palamedes legend was the following: Agamemnon, Odysseus and Diomedes seized a slave and forced him to write a letter in Phrygian characters, signed with the name of Priam and addressed to Palamedes. After having killed the slave, they corrupted one of Palamedes' slaves and had him place under the bed of his master the letter and the Phrygian gold, proving his treason. Palamedes' tent was then searched, the gold and the letter were discovered and he was sentenced to be stoned to death. Thus, the inventor of writing was apparently the victim of his own invention; the written proof, intended to constitute the surest means to decide a legal case according to Palamedes, turns out here to be a forgery that condemns him to death. In this etiological account, therefore, the slaves play a determining role in Palamedes' misfortunes, writing the letter of denunciation or hiding it to prove his treason. It is through a slave that writing comes to betray its inventor (see Ismard 2019, pp. 158–60).

[42] Aristophanes, *Frogs*, 1451–2. Euripides replies: 'All by myself, but Cephisophon thought up the vinegar bottles.'

[43] Scholiast of Aristophanes, *Frogs*, 944a.

[44] Fröhlich 2004, p. 333. See in particular Lysias, *Against Nicomachus* (30), 2–3, 29.

the control of the people: 'Worst of all, even though a man cannot legally serve twice as clerk under the same official, you have allowed the same man to remain for an extended period in full control of matters of the greatest importance.'[45] Now, the position acquired by Nicomachus is explained largely by his expertise in the field of the law and in writing. It was also his Achilles' heel, isolating him from a political field that refused to believe specialized skills entitled someone to govern.[46] A citizen, but the son of a public slave, not strictly speaking at the head of a magistracy, Nicomachus was the only visible representative of the working people without which the democratic city could not function, but whose existence it preferred not to mention.

A Chorus of Bureaucrats

By the side of the coryphaeus Nicomachus, there was in fact a vast chorus of city servants, who worked behind the scenes with the magistrates, and without whom city administration would have been impossible. So it was with the *paredroi*, chosen by the archons when they took office. Like magistrates, they were scrutinized by *dokimasia* and had to render accounts at the end of the year. They could even be honored by decree. Their appointment did not, however, rely on an election or the drawing of lots from the community as a whole, but from the discretionary choices of the archons. As a result, the *paredroi* were men who often had family or friendly ties with the archons.[47] At the same time, many citizens acted as secretaries (*grammateis*) or undersecretaries (*suggrammateis* or *hupogrammateis*) to the magistrates, although it is not always possible to determine whether their office was considered a magistracy in itself.[48] Their number

[45] Lysias, *Against Nicomachus* (30), 29. [46] Todd 1996, p. 115. See also Ismard 2017.

[47] On the *paredroi*: Pseudo-Aristotle, *Athenian Constitution*, 56.1: 'The Archon, the King and the polemarch also take two assessors (*paredroi*) each, chosen by themselves, and the qualifications of these are checked in the Jury-court before they hold office, and they are called to account when they retire from office.' On the link between the archon and his *paredros*, see Demosthenes, *Against Meidias* (21), 178–9 (father and son), [Demosthenes], *Against Neaira* (59), 72, where the *archon basileus* marries the presumed daughter of his *paredros* (and 79–84). Cf. *IG* II² 2811 (the *paredros* is the archon's brother). It should also be noted that the *paredros* could also be honored with the archons (Clinton 2008, n° 100, end of the fourth century; *IG* II² 668, l. 17–22, from 281/0 BC) or form dedicatory communities with them (probably *IG* II² 2811).

[48] They should probably be distinguished from the secretaries of the Council and the People, the secretaries to the prytany or the secretaries in charge of the laws (*epi nomou*), who were *bouleutai*, and whose office constituted indeed an *archē*. On these different secretaries of the Council, see Rhodes 1972; Sickinger 1999; Pébarthe 2006. In Delos, in the middle of the second century, the *grammateus* who assisted the *agoranomos* was decided by lot (*ID* 1833, l. 6).

and the scope of their work are difficult to determine, as the function of undersecretary (*hupogrammateus*) seems to be presented in Athenian judicial speeches as an insult, the term only serving to qualify, in a pejorative way, the office of *grammateus*. There is every indication, however, that it was an ordinary position, generally devolved to citizens, and did not constitute in any way a magistracy.

Demosthenes' diatribe against Aeschines, in the speech *On the Embassy*, is enlightening in this regard. Intending to detail the past political career of his opponent, he twice attacks his role as undersecretary and servant of the Council.[49] Next, he attacks Aeschines and his brother Aphobetus by claiming that they 'took bribes while working as petty clerks in all the civic offices (*hupogrammateuontes d'autoi kai hupēretountes hapasais tais archais*) until, finally, elected by you citizens to the rank of secretary (*grammateis*), they were maintained for two years in the Tholos.'[50] Demosthenes' statement indicates that there were undersecretaries (*hupogrammateis*) for most of the magistracies.[51] But it also suggests that Aeschines accomplished two different tasks within the Council for two years in a row, working first as a simple undersecretary, then, once chosen as Council member himself, as a secretary to the Boule and the people.[52] In this regard, Aeschines' trajectory can be compared with that of Anticles, the undersecretary of the *epistatai* of the Parthenon for seven years and then a secretary (*grammateus*) for the following four years between 443 and 432.[53] The case of Aeschines highlights an interesting configuration, according to which the principle of noniteration of office could be subverted de facto by the presence of the same citizen for two consecutive years: spending the first year as secretary to a magistrate and the second year as a magistrate himself. This pattern is confirmed by several inscriptions honoring *prytaneis*.[54] It is possible to hypothesize that the skills acquired by an individual as undersecretary could be mobilized once he became a magistrate, and might even explain his appointment, despite the principle of drawing lots.

[49] Demosthenes, *On the Embassy* (19), 70, 249; in § 237, he mentions only his activity as *hupogrammateus*.
[50] Demosthenes, *On the Embassy* (19), 249.
[51] Hansen 2019, p. 345, lists all the attestations of *grammateis* or *hupogrammateis* attached to magistracies.
[52] It may be that the distinction between *hupogrammateus* and *hupēretes* refers to this succession of the two tasks (see MacDowell 2000, p. 238).
[53] *IG* I^3 436–51, l. 115, 171, 240, 287, 312, 344, 366, 370, 411.
[54] For example, Euthymachos, son of Ergochares of Kerameis, was undersecretary in 193/2 (*Agora* 15.168, l. 39), then secretary of the Council and the People in 190–189 (*Agora* 15.170, l. 11).

Next to all these free men who assisted the magistrates, there were many public slaves, collectively owned by the Athenian people, and if the office of undersecretary was so easily mocked, it is precisely because it was dangerously similar to the offices held by these slaves. These public slaves (*dēmosioi*), who allegedly included Nicomachus' father himself, were placed in the service of the Council or the law courts, counting votes, making sure that sessions ran smoothly or filing and copying the civic archives, but they also regularly assisted the magistrates in their tasks, sometimes outside Athens. Insofar as their work was very similar to that of citizens who were *hupogrammateis*, they were part of the same chorus: that of the city's bureaucrats. Like the latter, they received pay but were exempted from rendering accounts and could fill the same position for several years in a row, and the relative technicality of their tasks allows us to imagine that, very often, they may have helped new magistrates in the performance of their tasks. The Athenians sometimes even honored these public slaves, implying that they understood their influential role in the operation of the civic institutions.[55] But one thing is certain: Their slave status was used to justify the tasks they were given. By entrusting slaves with indispensable duties that were carefully kept out of the field of politics, the Athenians aimed to conceal the bureaucratic work inherent in the democratic regime: These tasks were projected onto a figure of radical otherness – that of the slave. In other words, relying on slaves made it possible to mask the inevitable gap between state and society, the necessary administration of public life and the democratic ideal.[56]

Public slavery therefore gives substance to the Platonic distinction between authority (*archē*) and service (*hupēresia*), since slaves were required to perform administrative jobs that were not magistracies. It is difficult, however, to determine the bonds that these slaves could maintain with citizens who also held administrative positions. Was there a unitary chorus of bureaucrats, whose common identity, or dignity, based on professional pride and knowledge of administrative workings, transcended statutory distinctions?[57] Or should we imagine two half-choruses within it,

[55] See Ismard 2017. In addition to their role in the service of the Council and the Courts, public slaves assisted the *stratēgoi*, their treasurers, the archons, the *astunomoi*, the treasurers of the goddess, the *epimeletai* of the arsenals, the *epistatai* of Eleusis and the Eleven, but one may assume that the list was in fact much more extensive (see the recent synthetic survey of Hansen 2019, p. 339).

[56] See Ismard 2017.

[57] See the particularly suggestive case of the salaried officials (*apparitores*) who attended the Roman magistrates and priests of the Roman Republic, manifesting the dignity and the power attached to their functions. David 2019, pp. 140–7, has clearly shown that while they shared a collective

according to whether city services were accomplished by slaves or free men?

Beyond Freedom and Slavery

Answering such a question is an intrepid undertaking, since the ancient sources say so little about all the minor employees who ensured institutions ran smoothly. This enterprise requires us in any case to look far downstream from the events of 403 and to focus on the honors (*timai*) granted to slaves and citizens who performed administrative tasks in the service of the city. The dedicatory inscriptions and the honorific decrees of the *prytaneis* of the Council of the fourth and third centuries offer, in this respect, the best documentation. The members of the Council, including secretaries and undersecretaries, but also the public slaves working for the institution, are indeed honored on three occasions. The latter are first mentioned in the fragment of a prytany inscription of 343/2.[58] The slave of the Council, Metrodorus, is named just after the secretary (*grammateus*) to the Council and the People, Blepyrus of the deme of Paiania.[59] But in another inscription from the same year, a dedicatory inscription of the *prytaneis* of the Aigeis tribe, the secretary is again mentioned but not the public slave, whose name is consciously omitted. In the eyes of the *prytaneis*, the *dēmosios* had never been the recipient of the honors that had been granted to them.

However, the situation was different in 303/2, just one century after the Athenian civil war. Eight public slaves of the Council (*hupēretai tēs boulēs*)[60] were this time mentioned following a list of *prytaneis* of the Pandionis tribe. It would, however, be a mistake to believe that the *dēmosioi* were henceforth part of the honorific community that constituted the *bouleutai*, and among whom the secretary to the Council and the People, Procleides of the deme of Xypete, was distinguished.[61] The slaves of the Council are grouped together as a collective, but their names were added *a posteriori*, as if they did not clearly belong within the honored community.[62] Moreover, the purpose of this list of names, which brings together the Council members and its administrative support, is unknown.

identity, there was a clear hierarchy of prestige and dignity between *ingenui* (free men born free) and freedmen *apparitores*.

[58] *Agora* 15.37, l. 4. [59] *Agora* 15.36, col. II, l. 35. [60] *Agora* 15.62, col. V, l. 10–8.

[61] *Agora* 15.62, fr. col. IV–V, 350.

[62] They were engraved by different hands: see Traill 1968, p. 4.

Although their names were engraved, the Council's slaves were not part of the honorific community.

Finally, in a list of members of the Council, drawn up in 281/0, public slaves are mentioned, but in a substantially different form. The name of each of them is engraved after the list of *prytaneis*, as if their activity was associated with the exercise of a specific prytany.[63] It is not known why the slaves of the Council are mentioned in 303/2 in the form of a collective made up of (at least) eight individuals, whereas twenty years later their presence is individualized and associated with a prytany. Let us simply observe that, once again, their names must have been engraved *a posteriori* and were therefore presented as an addition to the list of the *prytaneis*.

The prytany inscriptions therefore reveal a paradoxical situation. The inclusion of public slaves in these lists is remarkable. Individualized in the form of a personal name, they are given prominence with regard to the operation of the institution. However, there is no evidence that they were granted any honors. They never appear in the dedicatory inscriptions of the *prytaneis* of the classical period, and if, from the third century onwards, their names are visible, it is always in lists that have no honorific function. Above all, the engraving of their names always seems to be a matter of supplement or exception. The slaves of the Council are certainly recognized as members of the community, indispensable to the administration of public affairs, but they cannot receive the same honors as the citizens who were secretaries or undersecretaries. Among the Council's servants, the statutory distinction between free men and slaves remained an essential dividing line.

* * *

Around Nicomachus, the alleged son of a public slave, who became the collector and transcriber of the city's laws, a group of men in the service of Athenian institutions takes shape. Radically distinct from that of the magistrates, their activity was well and truly outside the political field, as described in Plato's *Statesman*. It brought together slaves and free men, whether they played the role of *paredroi* to the archons or of undersecretaries to certain magistrates. Reading the prytany inscriptions suggests that, within it, the distinction between free men and slaves prevented the

[63] *Agora* 15.72, col. I, l. 5, col. II, l. 67, 211, col. III, l. 83, 266. This inscription does not concern all the prytanies, but according to J. S. Traill, who edited the text, while three of them do not mention the name of any public slaves, a blank space was left so that they could be added later: Traill 1969, p. 463.

formation of a collective identity based on a specific skill and professional dignity. The chorus of bureaucrats that surrounds Nicomachus, in short, is only a mirage.

Trapped by the city's self-representation, such a reading would, however, be erroneous. It undoubtedly underestimates the existence of an administrative culture of which these men, whether they were free *or* slaves, could be the guardians, and about which our sources are admittedly tenuous. Above all, it ignores the opportunities public slaves were given to accede, if not during their lifetime, then possibly via the intermediary of descent, to the society of free men. Nicomachus, after all, was perhaps the son of a *dēmosios*, and, if this was the case, it allows us to suggest, on the one hand, that service to the city could lead some of these slaves to see their descendants acquire citizenship and, on the other hand, that citizenship could be acquired through the transmission of professional skills from father to son, which were put to service for the common good. Therefore, it is perhaps through the transmission, over several generations, of a skill used in the service of Athens that the chorus of the bureaucrats of the city came into being, which transcended the distinction between free men and slaves.