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REWARD AND DETERRENCE IN CLASSICAL AND HELLENISTIC ENACTMENTS

I. Introduction

The discussion in the present paper will focus on the use of financial rewards to volunteers in order to encourage their participation in the process of law enforcement. An invitation to volunteers to become involved as denouncers, prosecutors, and enforcers may in itself have had a considerable deterrent effect when included in a penalty clause of a law or decree. But the deterrence would almost certainly be considerably enhanced, if it was made clear that breaches of the regulation might be pursued not just by individuals who were motivated by personal enmity or a desire to increase their prestige but also by those whose overriding motivation was, quite simply, greed!

It is normally held that the Athenians made only sparing use of such financial incentives to motivate their volunteers. If this is correct, classical Athens appears to have differed in this respect from a number of other Greek communities that are known to have publicised such rewards very prominently in some of their penalty clauses. This in turn may suggest that this area was one in which the administration of justice differed significantly between Greek *poleis*, and that such differences may have been due to differences in the general political framework in which the laws and decrees were applied. However, it will be suggested that, despite the apparent differences, there were a number of recurrent features. Thus, the use of rewards for volunteers attested for Athens may in fact have differed after all that much from practices attested epigraphically for other Greek states.

It will also be suggested that several communities, including Athens, appear often to have built such rewards into their administration of justice in such a way that volunteer participation for pay would not have constituted a significant loss to the treasury. Sometimes we have information that judgement debts were doubled or, in some communities, incurred the *hemiolion*, once the debts had become overdue (see Table II). This would have allowed rewards to be paid to volunteers, while the entire amount of the original penalty would still find its way to its intended destination.¹

The present discussion will take as its starting point the rewards attested for classical Athens; this in turn will lead to a presentation of the evidence for rewards attested in other Greek states in the classical and Hellenistic periods. This will be followed by a brief discussion of the possible similarities and differences that may be detected in our material.

II. Athens

When the scandal of the vandalising of the Herms broke in 415, one of the first responses by the Athenian *demoi* was to announce that financial reward was to be given for further information on the affair. The number of awards is debated,² and so is the question whether separate awards were promised for information on the *hermokopidai* and the profanation of the mysteries respectively, but this is not all that important here. For the purposes of the present paper, two things in particular are of interest. The first is that, according to Andokides (1.27-28) many people fell over themselves to provide information (some of it false, as it turned out), once they saw an opportunity for financial gain. The other is the fact that the Athenians provided a financial incentive for information as an *ad hoc* measure, and only after the crimes had in fact taken place.

If the Athenian decision to award money for volunteer information was an exceptional step, it is not difficult to explain why they resorted to it in 415. It seems to have been clear to them from the start that the vandalising of the Herms and the profanation of the mysteries involved people from the community's wealthiest and most well-connected families. In other words, these were people whom it might be very dangerous to cross. What made the investigation even more difficult was that the profanation of the mysteries had taken place in the homes of private individuals. Apart from the slaves attached to the households concerned, the persons who were most likely to be able to help the investigation were those with close personal ties of

¹ Contrary to my initial hopes when I began my systematic investigation, the surviving evidence does not suggest a link between the imposition of, respectively, the *duplum* and the *hemiolion*, and the types of rewards that amounted to half or one-third of the sum exacted from the perpetrator. Some communities, including Athens, seem in some contexts to have rewarded their volunteers with a third of the sum exacted, and with promises of half the penalty in other contexts. I have not been able to find a satisfactory explanation for that variation, either for Athens or for any other community included in this survey.

² See e.g. MacDowell (1962: 80-81).

friendship and kinship to the ring leaders, who would, for the most part, also have to incriminate themselves.

All this is of course well known; yet, it remains an interesting fact that the Athenians on this occasion shut the stable door only after the horse had bolted. The episode shows very clearly that they were aware of the difference that such a financial incentive might make to the process of investigation by motivating volunteers to come forward. Yet there is no evidence to suggest that they took the next logical step of turning such a financial incentive into a standard feature in their legislation concerning the most serious types of crime, such as treason, revolution, and offences against the divine.

This is in itself remarkable. We know of two classical *poleis*, fifth-century Thasos and fourth-century Abdera, which chose to make a financial reward of this type an integrated part of their legislation on treason and subversion.³ What is more, the Athenians apparently did recognise that prospective criminals might be deterred by a perceived high risk of being caught and convicted, in the same way as they recognised the potential deterrent effect produced by the threat of severe penalties. This is clear from several comments made in surviving prosecution speeches on the importance of detection and prosecution for deterring other would-be criminals.

Yet, at least according to the general modern consensus, the Athenians relied mainly on their volunteer prosecutors being motivated first and foremost by a combination of personal enmity, political ambition and public spiritedness rather than by the prospect of a financial reward. The inference is that they tended to rely primarily on the deterrence created by the severity of their penalties. As has been argued by Scafuro (2014: 218-224), these may at times have been set so high as to suggest that the Athenians did not in fact expect them to be imposed in practice. However, there is also a general consensus that rewards for volunteers did play a part in some aspects of the Athenian administration of justice. The attestations of such rewards do show very clearly that the Athenians were not entirely blind to the part that financial rewards might play in the process of law-enforcement.

For the present purposes it may be useful to distinguish clearly between, first, rewards promised for information that might lead to the successful prosecution and conviction of lawbreakers, and, second, those rewards that were promised to volunteers who assisted in the enforcement of penalties already imposed by a court sentence or as summary fines issued by boards of officials or by the council of 500. The former are, as is well known, securely attested only in two surviving pieces of legislation, in addition to certain types of denunciations referred to as *phasis*. One relates to the unlawful cohabitation between citizens and non-citizens, where the successful prosecutor was entitled to one third of the money raised from the sale

³ ML 83 (Thasos); *I. Aeg. Thrace* 2 (Abdera). Note, however, that Aineias the Tactician 10.15 seems to take it for granted that rewards for information concerning conspiracies against the *polis* would be promised only as *ad hoc* measures during periods of crisis.

of the male non-citizen offender and his property ([Dem.] 59.16). Although doubts have been raised as to whether the document inserted in [Dem.] 59.16 contains the text of a genuine Athenian law, there is no decisive evidence against its authenticity.⁴ If indeed the law is an authentic piece of fourth-century legislation, it may be envisaged that the process of enforcement almost certainly would have commenced immediately upon conviction with the seizure of the person of the defendant (on the assumption that he or she had been present in court rather than convicted in absentia). However, further action may well have been needed in order to identify and appropriate any property that was likewise liable to confiscation. Although the one-third share offered to the successful prosecutor may have been regarded as a perfectly acceptable cut of what was in any case a ‘windfall’, it did mean a reduction in the treasury’s gain from the conviction. Thus, the promise of a reward can still be interpreted as a conscious investment in the policing and reporting of breaches of the law, which most likely increased the deterrent effect of the statute in its entirety.

The other is the text included in [Dem.] 43.71 which purports to be an Athenian law against the removal of olive trees. A reward of one hundred *drachmai* per tree is promised to the denunciator, while another hundred drachmai are destined for the public treasury, with a deduction of ten per cent as a sacred fine for Athena. As Scafuro has commented, ‘the reward for the prosecutor is a mighty enticement to private citizens (in the absence of state prosecutors) to pursue those who dig out olive trees’.⁵ In this instance, the reward was balanced by a risk for the person who took it upon himself to act as prosecutor, in that he was required to make a court deposit, the *prytaneia*, that appears to be proportionate with the reward to which he would be entitled if he won the case. Although apparently unparalleled in our surviving Athenian evidence,⁶ this provision bears some resemblance to similar use of deposits to create a combination of risk and reward attested for other Greek communities, including third-century Delos⁷ and fifth-century Thasos.⁸

⁴ See Canevaro (2013: 183-187).

⁵ Scafuro (2011: 171 n. 144).

⁶ The only possible Athenian parallel that I have been able to find is *IG I* (3) 41, 62-63. However, this inscription, must be treated with caution: the text itself is very lacunose, and Lewis’ restoration seems to have been based precisely on the law text in [Dem.] 43.71 (note e.g. Cataldi’s radically different restoration of the lacuna in *SEG* 34: 14).

⁷ *ID V* 509 concerning the illegal sale of wood products: ἐὰν δέ τις παρὰ τὰ γεγραμμένα πωλεῖ, πεντήκοντα δραχμὰς ὀφειλέτω, καὶ ἐξέστω εἰσαγγέλλειν τῷ βουλομένῳ τῶμ πολιτῶν πρὸς τοὺς ἀγορανόμους· οἱ δὲ ἀγορανόμοι εἰσαγόντων τὰς εἰσαγγελίας ταύτας εἰς τοὺς τριάκοντα καὶ ἕνα ἐν τῷ μηνὶ ἐν ᾧ ἂν εἰσαγγελῆσθαι· τὸν δὲ μισθὸν τῷ δικαστηρίῳ παραβαλλέσθω ὁ εἰσαγγεῖλας·

⁸ *SEG* 38: 347 = Koerner (1993) no. 66: ---]ον ποιέτω ὅ τι ἄν τις τούτω[ν -----]α τῷ οἴνο καὶ τῷ ὀξέος στερέσ[θω -----]ντος· καὶ ἔκτην κατ’ ἀμοφορέα ἔκα[στον ὀφειλέτω ἱρὴν τῇ Ἀθ]ηναίῃ τῇ Πολιόχῳ καὶ τῷ Ἀπόλλω[νι τῷ Πυθίῳ κ]αὶ τῷ κατεπόντι ἐτέρη· ἀπενγυάτω ὁ [κατεπών τὴν ἀπενγυήν] παρὰ τρηκοσίοισιν κατάπερ τῶν βιαίων·

Common to these two areas of legislation is the fact that the denunciation of the offences would have depended to a great extent on whistleblowers who were close to the offender's household. For them the social costs of making the denunciation were potentially very high, because their targets were most likely to be kin, (ex-)friends, and neighbours, and it is possible that the Athenians would have regarded a financial incentive in these particular contexts as one way of balancing the risks for potential volunteer prosecutors. Thus, although attestations of rewards for denunciations are rare in our Athenian material overall, their appearance in these two law texts is not in itself an indication that the documents in [Dem.] 43.71 and [Dem.] 59.16 are inauthentic.

On the other hand, there is a range of other offences that likewise depended for their detection on denunciations made by volunteers who had personal ties to the perpetrators, but for which we have no evidence for financial rewards being offered to the successful prosecutors. If the lack of evidence is a reliable guide, one may well wonder why precisely the offences of illegal cohabitation with aliens and removal of olive trees constituted exceptions to a general principle that volunteer prosecutors were not entitled to any financial gain in return for their participation.

Yet, rather disturbingly, the common assumption that the majority of public actions carried no financial incentive for the prosecutor is based mainly on an argument from silence. True, we know for a fact that neither the *graphe hybreos*, nor actions for the proposal of unsuitable laws (and possibly also unlawful decrees) offered the successful volunteer any monetary award.⁹ The same may have applied to public actions arising in connection with religious festivals, depending on how we choose to label the procedure brought by Demosthenes against Meidias.¹⁰ But as far as I can ascertain, this is as far as the surviving Athenian evidence will take us. Although it is not my aim to question the prevailing *communis opinio*, it has to be borne in mind that our generalisations on the limited part played by financial incentives in Athenian public actions rest on rather less solid foundations than is often acknowledged.

The one other area where rewards are known to have been offered is in relation to offences committed in connection with trade, initiated by the act of 'showing', φαίνειν, for which the denunciator was entitled to 50% of the items 'shown'. The problems surrounding the terminology of *phasis* and its cognate verb *phainein* have been extensively discussed.¹¹ It is beyond the scope of the present paper to join that debate, except to suggest that some of its applications relating specifically to shipping and the market place may indicate that the act of 'showing' may sometimes refer to the enforcement of a summary penalty that amounted to the confiscation of the goods (or ship) in question. If so, it may be assumed that the application of this type of *phasis* was based on a

⁹ Dem. 21.45, Dem. 24.3.

¹⁰ Dem. 21.28 εἰ δ' ἐγὼ τὴν ἐπὶ τῶν ἰδίων δικῶν πλεονεξίαν ἀφείς τῇ πόλει παραχωρῶ τῆς τιμωρίας, καὶ τοῦτον εἰλόμην τὸν ἀγῶν' ἀφ' οὗ μηδὲν ἔστι λῆμμα λαβεῖν ἐμοί, χάριν, οὐ βλάβην δῆπου τοῦτ' ἂν εἰκότως ἐνέγκοι μοι παρ' ὑμῶν.

¹¹ See above all Wallace (2003).

principle akin to the one attested also in other areas of Athenian legislation: the assets became liable to confiscation (and thus ‘public property’) from the very moment the legislation was breached. Thus, the scenario envisaged is one where the *phasis* would end up before the council or courts *only if* the confiscation itself was contested, by implication along with the claim on which it was based.¹² On this interpretation, the goods would simply have been appropriated and sold, with a 50% share handed over to the denunciator, unless the person in possession of the goods made a formal objection. There are several parallels to such confiscation procedures attested epigraphically for other Greek cities.¹³ Although these do not constitute proof that the same principle applied at Athens, they do suggest that this model should be envisaged as a possibility. If this is indeed the case, some of the procedures that were initiated by the act of ‘showing’ are located in a grey area between initial denunciation of the offence and the act of enforcing the penalty stipulated in the relevant enactment.

It is precisely in the area of enforcement that the Athenians evidently relied to a significant extent on a financial incentive to encourage volunteers to come forward, that is in connection with the registration, *apographe*, of assets liable to confiscation, once the judgement debt had become overdue in the ninth prytany. Although the fraction offered to the denunciator cannot be established with certainty,¹⁴ there is no doubt that the person offering information on moveable and

¹² This is suggested both by the incident reported in Isokr. 18.5–6 and by that reported in Isokr. 17.42. In both, the key verb is ἀμφισβητεῖν. In the former passage, the *phasis* brought by Patrokles is based on the assertion that the money had belonged to a certain Amphilochos who had joined the faction in the Peiraieus, and who had almost certainly sustained a conviction *in absentia* that involved property confiscation. When Kallimachos objected (Ἀμφισβητοῦντος δὲ τούτου), Patrokles proceeded to make his *phasis* to Rhinon, and the case was decided by the council (Ἐκεῖνοι δ’ εἰς τὴν βουλὴν περὶ αὐτῶν ἀπέδοσαν· κρίσεως δὲ γενομένης ἔδοξε τὰ χρήματα δημόσι· εἶναι). In the latter episode, the speaker of Isokr. 17 appears to have contested the claim that the ship denounced was owned by a Delian (Αὐτὸν τοίνυν Πασίων’ ἔργῳ παρέξομαι τούτοις συμμαρτυροῦντα. Ὀλκάδα γὰρ, ἐφ’ ἣ πολλὰ χρήματ’ ἦν ἐγὼ δεδωκώς, ἔφηνέ τις ὡς οὖσαν ἀνδρὸς Δηλίου. Ἀμφισβητοῦντος δ’ ἐμοῦ καὶ καθέλκειν ἀξιοῦντος οὕτω τὴν βουλὴν διέθεσαν οἱ βουλόμενοι συκοφαντεῖν ὥστε <τὸ μὲν πρῶτον> παρὰ μικρὸν ἦλθον ἄκριτος ἀποθανεῖν, τελευτῶντες δ’ ἐπέισθησαν ἐγγυητὰς παρ’ ἐμοῦ δέξασθαι.)

¹³ e.g. *Milet I*, 3 140A 20–29, *IK Erythrai und Klazomenai* 15.18–24. The Athenian law on coinage (*SEG* 26: 72) might likewise envisage a summary penalty in lines 16–18 (στερέσθω ὦν ἄμ [π]ωλῆτ[αι ἐκείν]ῃ τῆι ἡμέραι), depending on whether we interpret ἐκείνη τῆι ἡμέραι as qualifying the verb στερέσθω in the main clause, or the verb πωλῆται in the relative clause. The latter interpretation is probably the more likely, however.

¹⁴ Most scholars have followed Lewis’ suggestion (1966: 191 n. 67) that the wording τὰ τρία μέρη in [Dem.] 53.2 should be emended to τὰ τρίτα μέρη with reference to *Agora XIX P24 B41*. The reason for the plural in the case of [Dem.] 53.2 is then that there were two slaves registered by Apollodoros as liable to confiscation. There is a further epigraphical parallel to τὰ τρίτα μέρη in the sense of ‘a third’ in *SEG* 39: 1285.

Unless emended, τὰ τρία μέρη in [Dem.] 53.2 most likely indicates an entitlement

probably also immovable items subject to confiscation was entitled to a part of the proceeds realised through public auction.

Despite the surviving speeches that pertain directly to the process of *apographe*,¹⁵ there are many questions surrounding it that have yet to be answered, including whether the term referred to several different procedures or to different possible stages of the same procedure.¹⁶ However, it is probable that if no-one stepped forward to stake a claim to the assets registered for confiscation after their due proclamation in the Assembly,¹⁷ the assets would simply have been appropriated and sold without any formal court proceeding being required. In that respect, the process of *apographe* may have worked along similar lines as those suggested for some of the procedures referred to by *phasis* and *phainein*. After the sale, the persons responsible for the *apographe* of the individual items would subsequently receive their share of the proceeds.¹⁸

It seems reasonable to assume that the doubling of the debt in the ninth prytany was not intended as a potential further boost to the proceeds accruing to the treasury from the conviction. Rather, it may be taken as a reflection of the fact that, once the debtor had missed the deadline and it had become clear that he was not going to pay voluntarily, the ‘services’ of the volunteer were enlisted. The doubling of the debt can

amounting to three parts of *four*, something that is (so far) unparalleled in surviving literary and epigraphical sources.

¹⁵ Lysias 9, 17, 18, 19, 29 and [Dem.] 53. Lysias 17 was delivered by a creditor who claimed a stake in the confiscated property, while Lysias 19 was delivered by the brother-in-law of the late Aristophanes, whose property was subject to confiscation. The speaker was apparently accused of possessing assets that had formed part of Aristophanes’ estate. Lys. 29 was delivered against a certain Philokrates. As an associate of the late Ergokles, who had incurred a sentence of death and confiscation of property, Philokrates was accused of being in possession of some of the dead man’s assets (29.8). Likewise, [Dem.] 53 was delivered in an *apographe* that seems to have arisen because the ownership of two slaves, whom Apollodoros had registered as liable to confiscation to meet a judgement debt incurred by Arethousios, had been contested by Arethousios’ brother Nikostratos ([53].19). The case of Lysias 18 is more complicated. I have argued (in Danish) that the property liable to confiscation may have belonged to the speaker’s uncle, Diognetos, and that the confiscation process may have been complicated by the fact that Diognetos and the speaker’s father never seem to have divided their property formally (Rubinstein (2011)). Lys. 9 stands out as the only surviving speech that was delivered in a process challenging the justification of a summary fine.

¹⁶ For the view that there were three types of *apographe*, see Osborne (1985: 44–47).

¹⁷ *Ath. Pol.* 43.4.

¹⁸ If this is correct, then that would also explain the rather curious fact, mentioned by Apollodoros in [53].1 that a risk of 1000 drachmai accompanied an *apographe*, even in the present case concerning two slaves valued at merely 250 drachmai. If this risk applied to all *apographai*, it is hard to see how it may have been effective at all as a method of penalty enforcement, in that the risk itself would have deterred denunciation of all but the most valuable assets. But Apollodoros’ statement that his case was brought in response to a formal objection by the debtor’s brother (ὡς αὐτὸς ὁ ἀμφισβητῶν τετίμηται αὐτὰ) permits the interpretation that the risk applied only in connection with *contested* claims.

thus be seen as a way of ensuring, as far as possible, that the sum of the original fine went to the treasury, while also allowing *ho apographon* his share.¹⁹ It must be noted that the Athenians seem to have made no distinction between judgement debts and debts that were incurred as a result of a breach of a public contract. The Athenians seem mostly to have operated with the *duplum* for both types of debt, just as some other Greek states appear to have applied the *hemiolion* rather than the *duplum* to judgement debts.²⁰ The process of *apographe* was probably applicable to most or all types of debt to the state and its sacred treasuries, once the debt had been formally registered as overdue.

One reason why a reward was offered for the denunciation of assets liable to confiscation may well have been that, like the reporting of illegal cohabitation and offences connected with olive trees, the persons who were best placed to contribute to the process of law enforcement were those who possessed intimate knowledge of the debtor and his household. As demonstrated by for example Biscardi (1956) and Foxhall (1989), patterns of ownership inside the Athenian household were often complex. This meant that there may often have been considerable difficulties in distinguishing between assets owned by the debtor outright and assets to which a third party might have a legitimate claim. But in addition to such practical considerations, offering volunteers a share of the proceeds realised from the sale of confiscated items may also have been regarded by the Athenians as a way of increasing the deterrent effect of their penal legislation generally. In addition to the threat of a prosecution and conviction, the increased probability that the penalty would be exacted through a process of confiscation is likely to have had a considerable effect, even in those cases where the penalty itself was rather modest.

That having been said, it may still seem a paradox that the Athenians appear mainly to have prioritised information that might lead to the enforcement of penalties only *after* judgement debts had been incurred, while they apparently did not contemplate systematic financial incentives for the type of information that might lead to the offenders being caught in the first place, even when the crimes

¹⁹ This would also explain the cases cited by Osborne (1985: 45) of property being sold for a price equal to the amount of the doubled debt; rather than interpreting these as cases where the *apographon* was left without his reward, one may consider the hypothesis that, once the sale had been completed, the *poletai* would pass on the money to the relevant *tamiai*, who in turn would be responsible for handing over the reward to the volunteer. A process on this model is attested for C3 Delos (*SEG* 23: 498) where it is the council that carries out *praxis* and subsequently passes on half the proceeds to the *hieropoioi* and the other half to the volunteer denunciator.

²⁰ See e.g. *IG* XII, 5 610 (Karthaiia, C3) for an example of the *hemiolion* being applied to judgement debts: ἐπὶ Διοκύδου ἀρχοντος τούδε [ὄφλ]οντας δίκας ὑπὸ τοῦ Περησιάρχου κ[αί] οὐκ ἐκτείσαντας ἢ βουλή, οὐ δυναμένη πράξει, ἀνέγραψεν τὸ ἡμι[όλ]ιον κατα[δικάσσα?]. To my knowledge, the earliest possible instance is Minon (2007) no. 22 lines 6-8, where the reading ἐ[μ]ιολίζοι seems certain, but so much of the text is missing that it is not entirely certain that it pertained to a judgement debt.

themselves were of a such a magnitude that they had the potential to endanger the very survival of the community. Moreover, when compared to the offences of treason and subversion of the *polis*' laws and constitution, the offences of citizen cohabitation with aliens and the felling of private olive trees for commercial gain appear rather less critical. It is, at first glance at least, striking that the Athenians increased the deterrent by encouraging denunciation for pay in their legislation on the latter, while relying mainly on their citizens' political rivalry, personal animosity and – perhaps – public spiritedness in regard to the former.

III. Rewards for volunteers outside Athens

Modern explanations normally focus on the wider constitutional, that is the democratic, context in which the Athenian administration of justice functioned. Thus, if we go on the assumption that the Athenians applied a financial incentive mainly in procedures relating to the enforcement of sanctions that had already been imposed, as well as to a limited number of offences that would be difficult to detect without the willing participation by individuals for whom the personal risks were very likely high, it remains to be asked to what extent this way of prioritising was a peculiarly democratic feature of the Athenian administration of justice. That question is notoriously difficult to answer. Our knowledge of the social context of the legislation preserved from other Greek states is often very limited, and we rarely have more than a few enactments with information on procedures and penalties from the same community. Worse still, when more than one enactment has survived from a single community, the texts are often dated very far apart, sometimes separated by more than a century. This obviously calls for caution.

Yet, a systematic survey of the rewards for information promised in the classical and Hellenistic inscriptions from other states may help to provide a context with which fourth-century Athenian practices and priorities may be compared and contrasted. To my knowledge, such a survey has not been undertaken since the publication of Ziebarth's article in 1897. Since then, the volume of published inscriptions has grown substantially. It is also worth noting that Ziebarth himself limited his discussion to a range of examples and did not aim to present the material known to him in full.

So far, my own survey of the epigraphical material has produced 80 non-Athenian examples of financial incentives offered in return for information concerning breaches of legislation, which I have set out in Table I appended to the present paper. The chronological range spans from the 6th century (Paros) to my, admittedly arbitrary, chronological cut-off point in the second century B.C. Geographically, the range spans from Tegea and Argos in the Peloponnese to Abdera, Makedonia and Lampsakos in the north; from Delphi, Elatea and Daulis in Phokis and Demetrias in Magnesia to several cities on the western seaboard of Asia Minor; and across a range of Aegean islands as well as a number of Cretan cities.

The material, when considered in its entirety, at first appears to be rather chaotic. It features a wide variety of procedural designations, and a financial incentive is applied to an equally wide variety of offences.²¹ As far as the procedural designations are concerned, there are 24 (or 26) instances that use verbs of ‘showing’ ((έν)/(κατα)δεικνύειν,²² (ἐμ)/(ἀπο)φαίνειν,²³), and the use of the terminology suggests a similar loose application as that demonstrated by Wallace (2003) for classical Athens. Furthermore, a total of 15 instances employ verbs of ‘reporting’ or ‘denouncing’ (κατεπειν,²⁴ (εἶς)/(προσ)αγγέλλειν,²⁵ (ἐξ)ἀγορεύειν,²⁶ πεύθειν,²⁷ μηνύειν²⁸). A further six enactments use verbs that imply physical action by the volunteer, that is arrest²⁹ and/or seizure of the offender or his goods.³⁰

Verbs that appear to imply that the reward was given in return for an actual prosecution are found in a total of 28 instances: γράφεσθαι,³¹ δικάζεσθαι,³² ἐγδικάζεσθαι,³³ καταγορεῖν,³⁴ δίκαν ἐλεῖν,³⁵ διώκειν,³⁶ μέμφεσθαι,³⁷ and μωλεῖν.³⁸

²¹ It must be emphasised at this point that the material represents only a part of a much larger database recording volunteer participation in different stages of law enforcement. As is the case for Athens, many enactments from other Greek cities appear to have offered no explicit financial reward for the volunteers. Others may have done so but have been incompletely preserved. Even in inscriptions that have been completely preserved, it is not always safe to assume that a volunteer denunciator would have gone without a financial reward for his service to the community. In several enactments, the invitation to the volunteer is followed by a cross reference to another enactment, and it cannot be ruled out that a possible reward was specified there. See, for example, *SEG* 33: 1039 (Kyme, C2) where the penalty clause runs: ἐὰν δέ τις τῶν ἐν τῷ ψη[φί]σματι τούτῳ κατακεχωρισμένων τι μὴ ποιήσῃ ἢ βλάβῃ τὴν πόλιν ἢ ἀδικήσῃ ὡτινιοῦν τρόπῳ εἶναι κατὰ τοῦ ἐναντίου τι ποιήσαντος ἔ[ν]δειξιν κατὰ τὰ περὶ τῶν κατεχόντων τι ἢ ἀδικούντων τὸν δῆμον ἔγγραφα. Here one has to leave open the possibility that an *endeixis* for the embezzlement of public property or the more vague ‘crime against the *demos*’ would have carried a reward for the person carrying out the *endeixis*.

²² nos. 4, 5, 17, 37, 43 (total 5).

²³ nos. 6, 27, 39, 40, 41, 42, 43, 45, 46, 50, 51, 54, 55, 56? (restored), 57? (restored), 62, 66, 67, 70, 75, 80 (total 19, or 21 if restorations are correct).

²⁴ nos. 1, 71, 75, 76.

²⁵ nos. 11, 12, 13, 19, 44, 49, 52 (total 7)

²⁶ nos. 3 (partly restored), 10.

²⁷ no. 35.

²⁸ no. 53.

²⁹ nos. 28, 47, 60.

³⁰ nos. 29, 47, 58, 59.

³¹ no. 2.

³² nos. 25, 38, 61, 68, 69, 73, 74, 78, 81 (total 9).

³³ nos. 7? (restored), 8, 18, 20, 21, 22, 23, 24, 26, 52? (restored) (total 10).

³⁴ nos. 14, 16.

³⁵ no. 15.

³⁶ nos. 30, 31.

³⁷ no. 32. Note, however, the interpretation proposed by Gagarin and Perlman (2016: 437-439). According to them, the complainant, who will be entitled to 50% of the doubled fine imposed on the *titai* for neglect of their duty, is the person who was originally unlawfully enslaved.

³⁸ nos. 34, 36.

Finally, a series of texts from Phokis that pertain to the intervention by a volunteer to prevent the appropriation of a slave who has been transferred to the protection of a sanctuary by sale or dedication employ the verb *προιστάναι*, 'to act as protector'. This almost certainly refers primarily to the physical intervention by the volunteer but it can also imply prosecution. That would presumably be required if the person who had appropriated the manumitted resisted or subsequently refused to pay the fine that had been stipulated in the manumission document as a penalty for the act of enslavement.³⁹

The range of offences is wide: from the most serious crimes of revolution and treason to the everyday acts of washing one's animals, clothes or tools in a public fountain. There seems at first glance to be a noticeable difference between the use of financial incentives in Athens and in these other cities. But on closer inspection it may be possible to detect a pattern that may warn us against exaggerating the differences.

Especially the application of verbs of 'showing' and 'reporting' is suggestive. They are attested several times in contexts where rewards are used to encourage the reporting of unauthorised possession of objects belonging to the state, a sanctuary, or a foundation.⁴⁰ Verbs of 'showing' and 'reporting' are likewise used in connection with other acts involving physical objects or animals that can easily be 'pointed out', not least in the regulations that aim to protect sacred land and its vegetation.⁴¹

Common to most offences of these types is that they would be difficult to police effectively, that they were 'victimless' crimes in that they did not cause harm to any particular individual, and that each of them might come across as rather inconspicuous when considered on its own, yet had the potential to cause major damage if committed repeatedly. Moreover, the reporting in most of these cases was likely to have been based on a direct encounter between perpetrator and denunciator. I do not think it is too far-fetched to assume that, had it not been for the prospect of a financial reward, it must have been tempting for the latter to choose the path of least resistance and turn a blind eye in most of such instances. And all the more so, if the perpetrator was physically stronger or more powerful and well-connected than he was.

A combination of physical courage and personal knowledge was likely to be required also in connection with the enforcement of contracts relating to the consecration or sale of slaves into the protection of a sanctuary. Any volunteer who might consider intervening in an unlawful act of enslavement of such a manumitted would have to be sure of the latter's status, and this would have presupposed a level of personal knowledge of the manumitted him- or herself and of the household of his or her former master (or mistress). If the attempted act of re-enslavement was

³⁹ nos. 9, 25 (here combined with *δικάζεσθαι*), 63, 64, 65.

⁴⁰ nos. 27, 46, 62, and 70.

⁴¹ nos. 4, 19, 39, 57; cf. 51 which prohibits the construction of an altar in any other place than the one prescribed (this, however, is probably aiming to protect the priest and his privileges from unwanted competition and unauthorised sacrifices).

perpetrated by a total stranger, such a connection between the volunteer and the manumittee's household may not have been a problem at all; it might, however, present far more serious complications, if the attempt at re-enslavement was made by a member of the manumittor's own family, who claimed, for example, that the manumittee was part of his inheritance.

A few of the regulations offering rewards to the volunteer appear to have shown little consideration for his personal safety. For instance, it must have required some courage and physical strength for a volunteer to assist in the enforcement of the regulation from third-century Kyme that prohibited the sale or hypothecation of arms donated by Philetairos to the city (*SEG* 50: 1195). For this enactment prescribed arrest of the offender by the volunteer, without apparently offering him the option of asking the relevant officials (the *phylarchoi*) to carry out the arrest in his place. The promise of a reward amounting to 50% of the fine of five *stateres* per item of weaponry was probably not overly generous, considering the possible circumstances.

A particular challenge, in regard to the social costs for the denunciator, may have been presented by a Teian regulation from C3 (*SEG* 44: 494). This enactment was passed in response to an especially severe crisis following an attack on the city by pirates, which had resulted in the city's being faced with a large demand for ransom. It seems that the Teians hoped that some or all of this might be met through public subscription, but the enactment further provided that all inhabitants were to register gold and silver jewellery and cups, minted silver and bullion, and various other luxury items in their private possession. The enforcement of the enactment depended in part on volunteer informants, and here it must be assumed that those who were likely to possess relevant knowledge would have been persons who had had close contact with the individual household and its members. Although the crisis itself may have motivated a higher level of public-spirited behaviour from the Teians generally than might normally have been the case, the lodging of information that would lead directly to a house search (line 56: ἐὰν δέ τις φωραθῆι κεκτημένος τι τῶν ἀπειρημέ[νων...]) cannot have been an altogether easy task in terms of the social costs potentially faced by the denunciator. This may well account for the offer to the volunteer (τοῦ φήναν[τος]) of an award of half the proceeds generated by the sale of assets confiscated from the offender.

At the same time, the generosity shown towards the volunteer in these circumstances is all the more remarkable, precisely because the enactment itself, with its severe provisions, was passed in order to address a financial crisis. For that very reason, the Teian text is among the best examples of an enactment which clearly prioritises the deterrent effect that could be generated by the promise of a financial reward payable to the volunteer. The intention behind the offer must have been to motivate the inhabitants of Teos to part with their prized personal assets by conjuring up the very disturbing prospect that their house would be 'shown' and searched at the instigation of a volunteer motivated mainly by the prospect of financial gain.

For the most part, however, communities seem to have made only very limited financial sacrifices when it came to deterrence achieved though the promise

of rewards. In most cases, the reward payable to the volunteer was built into the enactment from the start. The fact that the informer would be entitled to a 50% cut may not have seemed such a bad deal if it was assumed that the offence would most likely not be denounced and fined at all, had it not been for this financial incentive. And in those cases where a summary fine would be doubled if contested (e.g. no. 68), the reward paid to the volunteer would not have affected the treasury's income in any significant way.

In those cases where a court case was envisaged either as a possibility or as an actual requirement, deposits to cover the costs was sometimes asked for, initially from the person who had lodged the denunciation.⁴² Other factors than merely a desire to save the treasury money may have motivated such measures: among them may have been the desire to deter frivolous prosecutions by introducing an element of risk, in the same way as the Athenians appear to have applied a risk of the thousand drachmai fine in *apographai* in those cases where *ho apographon* wished to press ahead in spite of claims by a third party that the assets in question were not part of the estate liable to confiscation. The balance between risk and reward must have been a difficult one to strike, in so far as the risk itself, if the bar was set too high, may have constituted a hindrance to effective law enforcement. Yet, I have found only one secure example where the risk was off-set by an increase of the possible reward to two-thirds of the amount of the penalty to be imposed on the offender (no. 11).

In a few documents we find examples of the deterrent effects of exorbitant fines, similar to those discussed by Scafuro (2014), which are enhanced further by the added deterrent constituted by the promise of a reward for the volunteer. The most striking examples are found in documents pertaining to foundations, more precisely in their penalty clauses that aimed at deterring embezzlement as well as the diversion of funds away from the foundation itself. In two of these the penalties are set at an extremely high level. 60,000 drachmai are promised in *IG XII, 9 236* from second- or first-century Eretria (no. 28), of which the volunteer was entitled to 1/3 upon successful arrest – and presumably conviction – of the offender, while *Syl.* (3) 578, 40-65 from second-century Teos (no. 68) prescribes what appears to be a summary fine of 10,000 drachmai. This fine is to be doubled if the offender contests the fine and is subsequently convicted, with half of the doubled fine going to the successful prosecutor. Rewards set at this level are, however, quite rare, except in some of the Phokian manumission documents where volunteers were promised 50% rewards of fines amounting to 300 *mnai* (nos. 24, 25, 63, 65) and even one talent (no. 26). For both types of documents, it must be considered a possibility that the high level of fines and rewards reflected the particular wishes of the individuals who had made the donations and dedications rather than general penal practice in the communities to which they belonged.

Even so, the Eritrean and Teian foundations both point to one area where reward practices attested in other Greek communities do appear to have differed from those

⁴² Thus nos. 11, 45, 71.

attested for classical Athens. No fewer than a further 26 attested penalty clauses carrying rewards are directed against officials or priests who are found guilty of being in breach of the regulations pertaining to their office.⁴³ Six of these are found in Thasian enactments, which is in itself a warning that penal practices, and perhaps also epigraphic habits, may have varied considerably from one community to the next.

By contrast, the absence of attested rewards for prosecutions of officials at Athens may perhaps be taken as an indication that the Athenians did not consider incentives of this type necessary as an additional deterrent to keep their officials on the right side of the law, or, perhaps more importantly, to encourage ordinary citizens to act as whistleblowers against officials. In a less egalitarian *polis*, such as fifth-century Erythrai (nos. 30 and 31) and Thasos appear to have been, it may well have been the case that most ordinary citizens would have been too scared to come forward unless they could be tempted by a financial reward. A similar level of general apprehension may also have discouraged ordinary individuals from challenging decisions that had been made by personnel attached to the Makedonian military (nos. 52 and 53).

Thus, if it can be shown that, in the Athenian case, the absence of evidence for rewards in procedures against officials is also evidence of absence, then it is more than likely that this area is one that reflects a particularly democratic aspect of the Athenian administration of justice.⁴⁴

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⁴³ nos. 5, 6, 7, 8, 14, 15, 18, 30, 31, 32, 34, 36, 37, 46, 48, 50, 52, 53, 56, 61, 72, 74, 77, 78, 79, 81.

⁴⁴ I should like to express my gratitude to Professors K. Harter Uibopuu and A. Lanni for their comments and encouragement, to my respondent Professor I. Arnaoutoglou, and to the editors Professors D. Leão and G. Thür for their understanding and patience. My thanks is also due to the Leverhulme Trust for a research grant (2004-2006), during which much of the empirical work presented here was undertaken.

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TABLE I
Epigraphical attestations of rewards for volunteers (until ca. 150 BC)

no.	Reference	polis	date
1	<i>I Aeg. Thrace 2</i>	Abdera	C3
2	<i>IG XII,7 515</i>	Aigiale (Foundation)	C2
3	<i>IG IV 555</i>	Argos	C5
4	<i>IG XII, 7 62 = RO 4, 35-39</i>	Arkesine	C4
5	<i>IG XII, 7 62 = RO 4, 50-54</i>	Arkesine	C4
6	<i>IG XII, 3 168, I 8-9</i>	Astypalaia	C2
7	<i>EKM 1 A 47-50</i>	Beroia	C2
8	<i>EKM 1 B 32-35</i>	Beroia	C2
9	<i>IG IX, 1 66 = Darmezin no. 152</i>	Daulis	C2
10	<i>ID V 503</i>	Delos	ca 300
11	<i>ID V 509</i>	Delos	C3
12	<i>SEG 23: 498 = LSCG Suppl. 107</i>	Delos	C3
13	<i>SEG 48: 1037</i>	Delos	C2
14	<i>CID I, 9 = RO 1 A38-44 (reward inf. from C10-15)</i>	Delphi, Labyadai	C5/4
15	<i>CID I, 9 = RO 1 C 10-15</i>	Delphi, Labyadai	C5/4
16	<i>CID I, 3 = Koerner 45, Nomima II 97</i>	Delphi	C4
17	<i>FD III, 1 294</i>	Delphi	C4
18	<i>CID 2: 74</i>	Delphi	C4
19	<i>SEG 37: 449 = IG IX, 2 1109</i>	Demetrias	C2
20	<i>IG IX, 1 121</i>	Elateia	C2
21	<i>IG IX, 1 122 Darmezin 156</i>	Elateia	C2
22	<i>IG IX, 1 124 = Darmezin 156</i>	Elateia	C2

type of offence	role of volunteer	reward
planning revolution	κατειπεῖν	1 talent
breach of entrenchment clause	γράφεσθαι	50%
not certain	ἀγ]ορεύειν?	50%
illegal herding on sacred land	ἐνδεικνύειν	50%
neglect by <i>neopoiai</i> (in regard to public auction)	ἐνδεικνύειν (to <i>masteres</i>)	50%
failure by official to register <i>proxenos</i>	φαίνειν (to <i>logistai</i>)	50%
failure by <i>praktor</i> and <i>epistatai</i> to enforce fine	ἐγδικάζεσθαι? (restored)	1/3
failure by <i>praktor</i> and <i>epistatai</i> to enforce fine imposed on <i>gymnasiarchos</i>	ἐγδικάζεσθαι	1/3
vindication of manumittee dedicated to Athena	προιστάναι	50%
illegal herding on sacred land	ἐξαγορεύειν	50%
unauthorised sale of wood products and evasion of import tax	εἰσαγγέλλειν (to <i>agoranomoi</i>)	2/3
deposit of ashes or other rubbish in sanctuary	εἰσαγγέλλειν	50%
unauthorised herding in sanctuary	εἰσαγγέλλειν	50%
unauthorised receipt of <i>apellaia</i> by <i>tagoi</i>	καταγορεῖν	50%
any breach of stipulations in the enactment, prosecuted by volunteer	δίκαν ἐλεῖν	50%
removal of wine from <i>dromos</i>	καταγορεῖν	50%
lending at interest above the limit prescribed in enactment	καταδείκνυμι ⁴⁶	50% of debt? or of fine?
offences (lost) committed by <i>tamiai</i> of amphiktyony	ἐκδικάζεσθαι (prosecution apparently by volunteers among the 'well-behaved' <i>tamiai</i>)	100% (!)
illegal wood cutting (and perhaps also herding) on sacred land	προσαγγέλλειν	50%
vindication of manumittee	ἐγδικάζεσθαι	50%
vindication of manumittee	ἐγδικάζεσθαι	50%
vindication of manumittee	ἐγδικάζεσθαι	?50% (restored)

23	<i>IG IX, 1 127 = Darmezín 159</i>	Elateia	C2
24	<i>FD III, 2 120 = Darmezín 145</i>	Elateia	C2
25	Darmezín 206	Elateia	C2
26	Darmezín 207	Elateia	C2
27	<i>IG IV(2), 1 45</i>	Epidauros	C2?
28	<i>SEG 38: 875, IG XII, 9 236</i>	Eretria	C2
29	<i>IG XII, 9 207, 42-47</i>	Eretria (and other Euboian cities)	C3
30	<i>IK Erythrai u. Klazomenai I, 17</i>	Erythrai	C5
31	<i>IK Erythrai u. Klazomenai I, 2</i>	Erythrai	C5
32	<i>IC IV 78</i>	Gortyna	C5
33	<i>IC IV 231</i>	Gortyna	C3
34	<i>IC IV 165 - Chaniotis #71</i>	Treaty Gortyna - Phaistos	C3
35	<i>IC 162 (SEG 28: 732)</i>	Gortyna	C3
36	<i>SEG 46: 1229 = IC I xvi 1, Chaniotis #18, l. 31-36</i>	Gortyna - Lato	C3
37	<i>SEG 46: 1222 = IC III iii 1 A</i>	Hierapytna - Antigonos Doson	C3
38	<i>IC III iii 4 = Chaniotis # 28</i>	Hierapytna - Priansos	C2
39	<i>IG XII, 5 2</i>	Ios	C4
40	<i>IG II (2) 1128 = RO 40, 35-37</i>	Ioulis	C4
41	<i>SEG 48: 1404</i>	Kolophon	C3
42	<i>SEG 48: 1404</i>	Kolophon	C3
43	<i>IG II (2) 1128 = RO 40, 16-21</i>	Koresia	C4
44	<i>IG XII, 4 1 304, 19-28 (heavily restored)</i>	Kos	C2
45	<i>IG XII, 4 1 100, 24-30</i>	Kos	C2

vindication of manumittee	ἐγδικάζεσθαι	≈50% (rest.)
vindication of manumittee	ἐγδικάζεσθαι	50%
vindication of manumittee	προιστάναι, δικάζεσθαι	50%
vindication of manumittee	(ἐγ)δικάζεσθαι	50%
removal of sacred equipment	ἐμ]φανίζεσθαι	50%
breach of entrenchment clause (fine of 60,000 dr.)	ἀπάγειν	1/3
failure by <i>technitai</i> to undertake work according to contract	ἀφαιρεῖν (πράξις by confiscation of contractor's possessions)	50%
servicing as <i>syneleoros</i> or secretary more than once within 10 years	διώκειν	50%
<i>bis</i> : breach of restrictions on eligibility for office (?) and withdrawal by volunteer prosecutor	διώκειν	50%
failure by <i>titas</i> to enforce prohibition ag. enslavement (?)	μέμφεσθαι	50%
offence is related to unlawful (re?) - enslavement	lost	fraction uncertain
probably offence committed by <i>kosmoi</i> , perhaps in a judicial capacity.	μωλεῖν	50%
not preserved (Manganaro's restorations are very bold)	πεύθεν	50%
failure by <i>kosmoi</i> to comply with regulations in enactment	μωλῆν	50%
breach (by commanders and privates?) of regulation on military activity as defined in treaty	ἐνδεικνύειν	50%
breach by official or <i>idiotes</i> of the treaty (<i>isopoliteia</i> agreement)	δικάζεσθαι	1/3
failure by individual (tenant?) to swear oath pertaining to herding in sanctuary	φαίνειν	50%
unauthorised export of ruddle	φαίνειν (to <i>astynomoi</i>)	50%
unlawful contractual <i>telone</i> agreements or the aiding and abetting of these	φαίνειν	50%
unlawful launching of <i>dike telonike</i> by tax farmers not registered in Kolophon and Notion	φαίνειν	50%
unlawful export of ruddle	φαίνειν/ἐνδεικνύειν	50%
sacrificing or initiating by unauthorised person	εἰσαγγέλλειν	50%
≈appropriation of funds belonging to foundation of Aristokreon?	φαίνειν to the <i>demarchos</i> ⁴⁶	50%

46	<i>IG XII, 4, 1 319, 33-35</i>	Kos	C2
47	<i>SEG 50: 1195</i>	Kyme	C3
48	<i>IK Kyme 11</i>	Kyme	C3
49	<i>IK Lampsakos 9</i>	Lampsakos	C2
50	<i>I. Magnesia 100, 33-36 = LSAM 33</i>	Magnesia Maiandros	C2
51	<i>I. Magnesia 99, 12-15 = LSAM 34</i>	Magnesia Maiandros	C2
52	<i>SEG 49: 855, A 12-17</i>	Makedonia	C3 or C2
53	<i>SEG 49: 855, A 26-31</i>	Makedonia	C3 or C2
54	<i>IPArk. 30, 13-16</i>	Megalopolis	C2
55	<i>SEG 25: 984</i>	Minoa	C5 or C4
56	<i>IG XII, 3 87</i>	Nisyros	C3
57	<i>IG XII, 5 108</i>	Paros	C5
58	<i>IG XII, 5 107</i>	Paros	C5
59	<i>SEG 51: 1071</i>	Paros	C6
60	<i>Saba The Astynomoi Law of Pergamon = SEG 13:521</i>	Pergamon	C2
61	<i>IK Priene 7</i>	Priene	C3
62	<i>IK Priene 145, 23-27</i>	Priene	C2
63	<i>IG IX, 1 36 = Darmezis 148</i>	Steiris	C2
64	<i>IG IX, 1 34 = Darmezis 150</i>	Steiris	C2
65	<i>IG IX, 1 42 = Darmezis 151</i>	Steiris	C2
66	<i>IPArk. 3, 21-25</i>	Tegea	C4
67	<i>IPArk. 3, 25-32</i>	Tegea	C4

non-compliance by priestess with instructions in enactment on sacrifices to Aphrodite Pontia	φαίνειν	50%
unlawful sale, hypothecation and purchase of weapons donated by Philetairos	ἐπιλαμβάνεσθαι and ἄγειν to <i>phylarchoi</i>	50%
perhaps litigation in breach of a reconciliation agreement. ⁴⁷	not preserved	50%
impossible to reconstruct, but probably related to sacrifices	καταγγέλλειν	50%
failure by secretary to read aloud Diagoras' decree on specified date	φαίνειν	50%
construction of altar to Serapis in unauthorised place	φαίνειν to <i>euthynoi</i>	50%
offence related to registration of individuals in <i>pyrokauseis</i>	προσαγγέλλειν and ἠεδικάζεσθαι (restored)	1/3
enrolment by <i>epistatai</i> and their secretaries of non-citizens in <i>pyrokauseis</i> without royal consent	μηνύειν	50%
breach of entrenchment clause in enactment relating to archiving of contracts (?)	ἐμφανίζειν?	?
unlawful carrying of arms in sanctuary	ἀποφαίνειν ? (partly restored)	50%? (partly rest.)
failure by officials to enforce enactment against unlawful burials	not preserved; ed. restores φαίνειν	?
unlawful wood cutting in sanctuary	?φαίνειν	50%
unlawful deposit of <i>ekkatharmata</i>	?πράσσεσθαι	100%?
deposit of coffin, ashes, or <i>mnema</i> in sanctuary	πράσσεσθαι	100%? ⁴⁸
washing of animals, clothes or tools in public fountains (confiscation)	ἐπιλαμβάνειν, ἄγειν, ἐπιφέρειν	50%
failure by <i>timouchoi</i> to introduce lawsuits for injured Maronitai within 30 days	δικάζεσθαι	100% to injured party
failure by private individuals to return cult objects to sanctuary	φαίνειν	50%
vindication of manumittee consecrated to Asklepios	προιστάναι	50%
vindication of manumittee consecrated to Asklepios	προιστάναι	50%
vindication of manumittee consecrated to Asklepios	προιστάναι	50%
unlawful cartel formation by contractors	ἰμφαίνειν	50%
contractors acquiring more than two contracts without consent from <i>haliastai</i>	ἰμφαίνειν	50%

68	<i>Syl.</i> (3) 578, 40-65	Teos	C2
69	<i>Syl.</i> (3) 578, 66-69	Teos	C2
70	<i>SEG</i> 44: 949	Teos	C3
71	<i>SEG</i> 38: 347 = Koerner no. 66	Thasos	C5
72	<i>SEG</i> 36: 792 = <i>IG XII Suppl.</i> 349	Thasos	C5 or C4
73	<i>IG XII Suppl.</i> 347 = Koerner no. 68	Thasos	C5 or C4
74	<i>IG XII Suppl.</i> 347 II = Koerner no. 69	Thasos	C5 or C4
75	<i>ML</i> 83 = Koerner no. 70 = <i>LSAG</i> p. 412 no. 78	Thasos	C5
76	<i>ML</i> 83 = Koerner no. 70 = <i>LSAG</i> p. 412 no. 78	Thasos	C5
77	<i>SEG</i> 57: 820, 42-46	Thasos	C4
78	<i>IG XII,8</i> 267, 13-16	Thasos	C3
79	<i>IG XII Suppl.</i> 358	Thasos	C3
80	<i>SEG</i> 17: 416	Thasos	C3
81	<i>IG XII Suppl.</i> 362	Thasos	C2

⁴⁵ The preserved part of lines I 17-20 and II 1-2 shows clearly that the penalty for breaching the restriction on interest means that the lender forfeits the debt (*σπαρέστω*) and incurs a fine of 20 dr. The former, I think, is effectively a cancellation of the debt, and the beneficiary is the debtor, rather than the treasury. By contrast, the fine was shared between the volunteer and – presumably – a public or sacred treasury (no information on the destination of the fine has survived).

⁴⁶ Lines 33-36 shows that the volunteer denunciator has to make a court deposit of 20% (*τὸ πέμπτον μέρος*), and in line 35 there is mention of a further payment of 10% (*τὸ δέκατον μέρος*). The combination of *epipempton* and *epidekaton* is attested also in *EKM* 1 B 106-107 (here in connection with a successful appeal against fine imposed summarily by a *gymnasiarchos*). The exact rationale behind the Koan deposits, payable by *ὁ φάνας* prior to the hearing, cannot be reconstructed. However, what they do show is that the *phasis* brought by the volunteer must have concerned not only the sacred fine of 1000 drachmai mentioned in lines 26-27, but also the money unlawfully appropriated from the Foundation to which the 20% and 10% fractions must surely have pertained. It is most likely that the volunteer was entitled only to 50% of the fine, while the money for which the suit was brought was to be returned to the Foundation in full.

virements of funds belonging to the Foundation or failure to comply with instructions in the enactment	δικάζεσθαι	50% of double penalty
failure by <i>tamiai</i> to lend out money or pay teachers as prescribed	δικάζεσθαι	50% ?
failure by private individuals to hand over objects of precious metal as prescribed	φαίνειν	50%
offence against regulation of wine sale	κατειπεῖν	50%
failure by <i>karpologoi</i> to administer oath (text is heavily restored, and involvement by volunteer is conjectural)	not preserved	50%
purchase of wine on the vine	δικάζεσθαι	50%
failure by <i>hoi epitetrammenoi</i> to enforce regulation on wine import (?)	δικάζεσθαι	50%
plot to instigate revolution in Thasos	κατειπεῖν and φαίνειν	1000 stateres
plot to instigate revolution in any Thasian <i>apoikia</i>	κατειπεῖν	200 stateres or 400 stateres
non-compliance by officials with regulations concerning war orphans	not preserved	50%
failure by <i>apologoi</i> to prosecute breaches of entrenchment clause	δικάζεσθαι	50%
failure by <i>apologoi</i> to prosecute breaches of entrenchment clause ? (heavily restored)	not preserved	fraction lost
possibly absenteeism by <i>dikastai</i> ?	φαίνειν	50%
failure by <i>apologoi</i> to prosecute breaches of entrenchment clause? (heavily restored)	?δικάζεσθαι	1/3

⁴⁷ The text is problematic. The ed. suggests that the *dikaskopoi* were entitled to 50% of the penalty, but a volunteer prosecutor seems more likely, since the *dikaskopos* is very clearly the convicted defendant in l. 6 (----)ον ὁ δικάσκοπος νενικαμ[.]

⁴⁸ The two Parian enactments nos. 58 and 59 both invite volunteers to carry out *praxis*, but offer no information on whether the volunteer is required to pass some or all of the money on. Thus no. 58: μίαν καὶ πεντήκοντα δραχμ[ά]ς ὀφελέ[τ]ω τῷ θε[λ]οντι πρ[ῆ]χ[σαι], (but the text may have been considerably longer), and no. 59: ἡ δὲ π[ο]ιέον π[α]ρὰ τὰ γεγραμ[μ]ε[ν]α πεντακ[ο]σί[α]ς δραχμ[ά]ς ὀφελέ[τ]ο τῶ[ν] ἐθ[ε]λωντι π[ρ]ήχ[σασθαι] τῶ[ν] φρη[τ]έρον. This may suggest a 100% reward, which would certainly have increased the level of deterrence, and this interpretation certainly cannot be dismissed *a priori*. However, it is also possible that both texts imply a process similar to that prescribed in the decree of the Demotionidai (IG II (2) 1237, 40–44): ...ἐσπραττέτω δὲ τὸ ἀργύριον τοῦτο ὁ ἱερεὺς τῶ Δεκελειῶν οἴκο, ἢ αὐτὸς ὀφειλέτω· ἐξείναι δὲ καὶ ἄλλωι τῷ βολομένωι τῶν φρατέρων ἐσπραττεν τῷ κοινῶι.

TABLE II

Epigraphical attestations of the *hemiolion* (until ca. 150 BC)

(entries in bold indicate instances where the imposition of the *hemiolion* was not based directly on a contractual agreement)

<i>polis</i>	reference	date	context
Aigiale	<i>IG XII, 7 515, 29-35</i>	C2	Failure by borrowers of funds belonging to the foundation to pay interest on time.
Amos	<i>IK Rhod. Peraia 351</i>	C3 or C2	Failure by tenant of land to pay <i>misthoma</i> on time.
Amos	<i>IK Rhod. Peraia 354</i>	C3 or C2	Failure by tenant of land to pay <i>misthoma</i> on time.
Amos	<i>IK Rhod. Peraia 24</i>	C2	Failure by tenant of land to pay <i>misthoma</i> on time.
Amos	<i>IK Rhodian Peraia 26</i>	C2	Failure by tenant to pay <i>misthoma</i> on time.
Arkesine	<i>IG XII, 7 62, 49-50</i>	C4	Failure by tenant to pay <i>telos</i> (and perhaps also other dues) in the month of Thargelion.
Arkesine	<i>IG XII, 7 67 B = Migeotte L'emprunt public no. 49, 11-13</i>	C4 or C3	Failure by <i>tamiai</i> to hand over interest on public debt to creditor, exacted from residents of Arkesine.
Athens (probably deme of Myrrhinous)	<i>IG II (2) 1183</i>	C4	Appeal to entire <i>deme</i> of decision made by elected committee of 10.
Beroia	<i>IKM 1, B 104-108</i>	C2	From the context it appears that the <i>hemiolion</i> was imposed on those who claimed to have been wrongly subjected to summary fines by the <i>gymnasiarchos</i> . If they appealed successfully against him, he had to refund them the <i>hemiolion</i> .
Delos	<i>ID 369, 40</i>	C3	Receipt of <i>hemiolion</i> registered from tenants of sacred <i>temene</i> .
Delos	<i>ID 503, 30-33</i>	C3	Failure by tenants of sacred land to pay rent or hand over crops on time as specified.

owing/paying verb	comments
Council, <i>logistai</i> and <i>archon</i> παρασέτωσαν παραχρήμα καθάπερ καὶ τὰ ἱερὰ χρήματα πρὸς τὸ ἡμιόλιον	Contract; <i>hemiolion</i> is calculated on the basis of interest owed.
ἀποτεισάτω	Contract.
σπο[τεισάτω	Contract.
ἀποτεισάτω	Contract.
ἀπο[τεισάτω	Contract.
πρακτὸς ἔστω τοῦ ἡμιολίου τοῖς [τα]μίαις	Contract.
πρακτοὶ ἔστωμ Πραξικλεῖ οἱ μὴ ἀποδόντες ἡμιόλιον τὸ ἀργύριον ἐκ τῶν ἰδίων πράξει πάση	The <i>hemiolion</i> is incurred by <i>tamiai</i> personally, because of their official responsibility to honour the <i>polis'</i> contractual obligation to its creditor.
ὀφειλέτω	The penalty is probably not based on a contract. The process relates to local procedure of accounting.
ἀποτινέτω τῶι νικήσαντι	The original <i>hemiolion</i> appears to have been imposed for non-payment of summary fine.
ἐπι]βαλόντων ἡμῶν τὸ ἡμιόλιον	Contract.
ἀποτινόντων, εἰσπραξάσθων	Contract.

Delos	<i>ID</i> 503, 36-39	C3	Breach of contract by tenants, leading to reletting of contract.
Delos	<i>ID</i> 503	C3	The <i>hemiolion</i> is imposed on contractor for whom a guarantor has paid, and it is owed directly to the guarantor.
Delos	<i>IG XI</i> , 2 142, 8 and 12	C4	Entries in account of <i>hemiolion</i> incurred because of late payment of rent (land leasing contracts).
Delos	<i>IG XI</i> , 2 287, 139-142	C3	Failure by tenant to provide guarantors, leading to reletting of contract.
Delos	<i>IG XI</i> , 2 288	C3	<i>Hemiolion</i> incurred because of late payment by tenant of <i>erosion</i> .
Delphi	<i>CID</i> 2, 1 I, 13-15	C4	It is uncertain what led to payment of the <i>hemiolion</i> entered in the account. The ed. suggests that this may have been a voluntary added contribution.
Delphi	<i>SGDI</i> II 2006	C2	Failure by sellers and <i>bebaiotes</i> to confirm sale of manumittee to the sanctuary.
Delphi	<i>SGDI</i> II 2012	C2	Failure by seller and <i>bebaiotes</i> to confirm sale of manumittee to the sanctuary.
Delphi	<i>SGDI</i> II 2049	C2	Failure by sellers and <i>bebaiotes</i> to confirm sale of manumittee to the sanctuary.
Delphi	<i>SGDI</i> II 2072	C2	Failure by seller and his <i>bebaiotes</i> to confirm sale of manumitees to the sanctuary.
Delphi	<i>SGDI</i> II 2080	C2	Failure by seller and her <i>bebaiotes</i> to confirm sale of manumittee to the sanctuary.
Delphi	<i>Syl.</i> (3) 672, 72-77	C2	Failure by borrowers of funds belonging to the foundation to pay interest on time.
Delphi	<i>Syl.</i> (3) 672, 81-75	C2	Failure by <i>epimeletai</i> to pass on money exacted by them to the <i>polis</i> .
Delphi - Pellana	<i>FD</i> III 1: 486, II B 15-16	C3	Apparently related to the application of unlawful methods of exacting of judgement debt by victorious party in <i>dike</i> ?
Elis	Minon <i>IED</i> 22	C5	Apparently a penalty imposed for late payment of judgement debt or summary fine.

ἐγγραφόντων αὐτοὺς καὶ τοῦτο ἡμιόλιον	The <i>hemiolion</i> is calculated on the basis of the difference between rent in old contract and rent in the re-let contract.
ἐγγραφέτω ἢ βουλή κυρία οὔσα τῷ ἐγγυητῇ τὸν καταστήσαντα τὸ ἀποτεισθὲν ἀργύριον ἡμιόλιον καθάπερ τοὺς ὠφληκότας	This is clearly a penalty intended to deter contractors from shunting their contractual responsibilities onto their guarantors.
Not applicable	Contract.
ὀφείλουσι	The <i>hemiolion</i> is calculated on the basis of the loss incurred by reletting of the contract.
ὀφείλουσι	Contract.
Not applicable	Contract.
πράκτιμοι ἐόντων τῷ θεῶι καὶ Σωτίω καὶ τῷ (...) θέλοντι	Contract; the <i>hemiolion</i> is calculated on the basis of the purchase price.
ἀποτεισάντων	Contract; the <i>hemiolion</i> is calculated on the basis of the purchase price.
πράκτιμοι ἐόντων τῷ θεῶι καὶ Σατύρωι καὶ τῷ (...) θέλοντι	Contract; the <i>hemiolion</i> is calculated on the basis of the purchase price.
πράκτιμοι ἐόντων τῷ θεῶι καὶ Ξένωνι καὶ Πειθολάωι καὶ τῷ (...) θέλοντι	Contract; the <i>hemiolion</i> is calculated on the combined purchase price of the two slaves.
πράκτιμοι ἔστων αὐτῶν καὶ τῶν ἡμιολίων	Contract.
πράκτιμοι ἔστωσαν τοῖς ἐπιμεληταῖς οὗ ἕκαστος φέρει τόκου τῶν δεδανεισμένων, αὐτοῦ καὶ τοῦ ἡμιολίου	Contract; the <i>hemiolion</i> is calculated on the basis of interest owed.
ἄτιμοι ἀπογραφέντω ὑπὸ τῶν ἐπικατασταθέντων ἐπιμελτᾶν ποτ' αὐτὸ καὶ τὸ ἡμιόλιον	Here the <i>hemiolion</i> is clearly a summary penalty, which is not based on a contract, but is simply imposed on the officials for withholding funds.
Not preserved	The text is heavily restored; almost certainly a penalty <i>not</i> based on a contract.
Not applicable; the surviving text runs κ' ἐ]μιολίζοι ἅ πόλις	Judgement debt?

Epidaurus	IG IV (2) 1, 98	C3	Enforcement of contested summary fine imposed by <i>agonothetes</i> and <i>hellanodikai</i> .
Karthaia	IG XII, 5 610	C3	<i>Hemiolion</i> incurred by individuals because of late payment of judgement debts: τὸσδε [ὄφλ]όντας δίκας ὑπὸ τοῦ Πετρησιάρχου κ[αί] οὐ[κ ἐκ]τείσαντας ἢ βουλή, οὐ δυναμένη πράξει, ἀνέγραψεν τὸ ἡμι[όλ]ιον κατα[
Kolophon	SEG 48: 1404	C3	Unlawful pursuit of a <i>dike telonike</i> by a tax farmer not registered in Notion or Kolophon; probably (but not certainly) payable to injured party.
Lebadeia	IG VII 3072, 37-40	C2	Failure by contractor to make good damage for which he has been responsible.
Lebadeia	IG VII 3074, 1-7	C2	Breach of contract leading to new franchising process.
Lebadeia	IG VII 3074, 15-18	C2	Failure by contractor to make good damage to stone(s).
Mylasa, Ortokondeis	IK Mylasa 208	C2	Failure by tenant of land to pay <i>phoros</i> as specified in contract.
Mylasa, Ortokondeis	IK Mylasa 212	C2	Failure by tenant of land to pay <i>phoros</i> as specified in contract.
Mylasa, Ortokondeis	IK Mylasa 218	C2	Failure by tenant of land to pay <i>phoros</i> as specified in contract.
Naupaktos	IG IX, 1 (2) 3: 640	C2	Failure by manumittee sold to sanctuary of Asklepios to abide by the <i>paramone</i> specified in contract.
Oianthea - Chalcion	IG IX, 1 (2) 3: 717	C5	The <i>hemiolion</i> is imposed for the retention of unlawfully seized property or persons for more than ten days (αἱ δὲ πλέον δέκ' ἀμαρᾶν ἔχοι τὸ σῦλον, ημιόλιον ὄφλετο <h>ᾧτι συλάσαι).
Olymos	IK Mylasa 801	C2	Failure by tenant of land to pay <i>katabole</i> .
Olymos	IK Mylasa 830	C2	Failure by tenant of land to pay <i>phoros</i> .
Pergamon	Saba <i>Astynomoi Law</i> 82-87	C2	The <i>hemiolion</i> is imposed on individuals refusing to comply with instructions to cover up water channels, leading to work being contracted out.

ὀφείλει	Contract; penalty unsuccessfully contested.
ἀνέγραψεν τὸ ἡμι[όλ]ιον	The <i>hemiolion</i> is incurred as a result of judgement debt.
ὀφείλιν	The penalty is not based on a contract. It is uncertain precisely what the destination of the <i>hemiolion</i> is. The enactment provides that there is to be <i>praxis</i> καθάπερ ἐγ δίκης δεδικασμένης ἀδ<ι>κίου. In addition the offender is liable to a sacred fine of 1000 dr.
ἀποτείσει	Contract; the <i>hemiolion</i> amounts to half the value of the price for letting the remedial work.
ἀποτινέτω	Contract; the <i>hemiolion</i> is calculated in relation to expense of the new contract, as well as the original contract price.
ἀποτείσει	Contract; the <i>hemiolion</i> is calculated in relation to cost of letting the remedial work.
ἀποτείσει	Contract.
δότη, ἀποτεισάτω	Contract.
ἀποτείσει	Contract.
Not preserved	The <i>hemiolion</i> is perhaps to be paid by οἱ τὰν ὤνὰν φυλάσσοντες.
ὀφλέτο	This is clearly a penalty that is not based on a contract.
ὀφιλῆσι	Contract.
ἀποτείσει, ὀφειλήσει	Contract.
καὶ τὸ γενόμενον ἀνάλωμα πραξάτωσαν παρὰ τῶν ἀτακτούντων ἡμιόλιον	The penalty is not for breach of contract. The <i>astynomoi</i> themselves will incur it, too, if they fail to comply with the instructions.

Pergamon	Saba <i>Astynomoi</i> <i>Law</i> 7-14	C2	The <i>hemiolion</i> is imposed on individuals refusing to comply with instructions to remedy infrastructure, leading to the work being contracted out. Part of the money exacted is to be paid to contractors, the remainder (presumably the <i>hemiolion</i>) goes to the treasury.
Stymphalos & Demetrias	<i>IP Ark.</i> 17. 79	C4	The text is lacunose, but, as suggested by Thür and Taeuber, it is very likely that the <i>hemiolion</i> was connected with the process of the enforcement of verdicts.
Thespiiai	<i>I Thesp.</i> 44	C3	Failure by tenant to pay fees due or to provide acceptable guarantors, leading to new letting process.
Tyrrheion, Akarnania	<i>IG IX, 1 (2) 2:</i> 245	C3	Failure by tenant to pay rent on time.
Zeleia	<i>Syl.</i> (3) 279	C4	The <i>hemiolion</i> is imposed on person who unsuccessfully contends that land claimed by committee to be public property has in fact been lawfully acquired by him.

τὸ διάφορον πράξαντες ἡμιόλιον παρὰ τῶν ἀπειθούντων	The penalty is not for breach of contract.
Not preserved	Perhaps imposed on officials for neglect of responsibility to pass on information on verdicts.
The debtor and his guarantors are to be registered by ἀρχά	Contract.
Not preserved	Contract.
τὴν τιμὴν αὐτὸν ἐκτίνειν ἡμιόλιον	The penalty is akin to those imposed on persons who unsuccessfully appeal summary penalties.

