

Democracy and the Lot: The Lottery of Public Offices in Classical Athens

Erin Crochetière – 260330331

Department of History and Classical Studies McGill University, Montreal

December 2013

A thesis submitted to McGill University in partial fulfillment of the requirements of the
degree of Master of Arts in Ancient History

© Erin Crochetière 2013

Table of Contents

Introduction.....	1
Chapter 1 The Procedure of Election By Lottery	9
Chapter 2 Theoretical Analysis of Election By Lottery.....	19
Positive Effects of Lottery	19
Negative Effects of Lottery.....	26
The “Blind Break”	28
Chapter 3 The Reforms of Kleisthenes: Mitigating Factionalism	33
The Use of the Lottery as a Method of Assigning <i>Trittytes</i> to <i>Phylai</i>	34
Reforms of the Early Fifth Century: An increased Application of the Lot	40
Ostracism	40
The Boule.....	42
The Courts.....	46
The Archonship.....	50
Chapter 4 Participation, Exclusivity and Identity	55
Effects of Lottery on Instances of Corruption and Fraud	57
Participation and Equality	59
Exclusivity: Maintenance and Restriction of the Pool of Candidates.....	60
<i>Dokimasia</i>	68
Citizenship and Exclusivity	74
Conclusion	80
Appendix 1: <i>Kleroterion</i> from the Agora Museum at Athens	85
Appendix 2: <i>Kleroteria</i> as depicted by S. Dow	85
Appendix 3: Map of Attika after the Reforms of Kleisthenes	86
Bibliography	87

Abstract:

This thesis examines the use of election by lottery in Classical Athens and the political and institutional context within which this procedure was adopted and employed. Through an examination of the theoretical aspects of election by lottery, specifically the break in rationality that occurs when lottery is used as a method of selection, both the positive and negative effects of employing this procedure are explored. Election by lottery was employed primarily as a method of safeguarding against the potential dominance of a political faction which would threaten the democracy. The historical context of the procedure's adoption and implementation demonstrates this motivation behind the institutionalisation of the procedure. Furthermore, the use of election by lottery necessitates careful maintenance of the pool of viable candidates and thus the implementation of this procedure lead to a restricted definition of Athenian citizenship. Moreover, there are a multitude of other institutional changes related to the implementation of election by lottery which reveal similar ideological motivations, specifically the desire to safeguard against oligarchy and the firm belief that Athenian citizenship should be a restricted and exclusive status. The use of election by lottery embodies these two fundamental ideological holdings of the Athenian democracy and, therefore, is integral to a holistic understanding of Athenian society in the Classical period.

Résumé

Ce mémoire examine l'utilisation du hasard pour déterminer le résultat d'une élection à Athènes pendant l'époque classique ainsi que le contexte politique et institutionnel dans lequel cette procédure fut adoptée et employée. Les aspects négatifs et positifs de l'utilisation du hasard sont explorés à travers un examen des aspects théoriques de cette méthode d'élection, particulièrement en ce qui concerne la rupture avec la rationalité qui se produisait lorsque le hasard était choisi comme moyen de sélection. L'utilisation du sort pour déterminer le résultat d'une élection était avant tout un moyen d'éviter la domination potentielle d'une quelconque faction politique qui aurait pu menacer la démocratie. Le contexte historique de l'adoption de cette méthode et son application mettent en évidence la raison derrière l'institutionnalisation de cette procédure. En effet l'utilisation du hasard pour déterminer le résultat d'une élection nécessite de soigneusement maintenir une réserve de candidats potentiels. L'utilisation de ce système électoral a donc mené à une définition restreinte de la citoyenneté athénienne. Il y eu également de très nombreux autres changements institutionnels liés à la mise en œuvre d'un système électoral basé sur le hasard. Ces changements révèlent une motivation idéologique semblable, plus particulièrement la volonté de se prémunir de l'oligarchie et l'idée que le droit de cité athénien devrait être restreint et exclusif. L'utilisation d'un système électoral basé sur le hasard incarne ces deux principes fondamentaux de la démocratie athénienne et est donc essentiel à la compréhension globale de la société athénienne de la période classique.

Acknowledgements:

I would like to thank my supervisor Dr. Hans Beck for his invaluable guidance and support, as well as Dr. John Serrati who has been my mentor throughout my academic career. I would also like to thank Gabrièle Careau, François Gauthier and Katrina Van Amsterdam for their help in various capacities.

Introduction

The Athenian democracy is hailed as the forerunner of modern democracy. Athens not only provides an example of one of the earliest democracies, but also an example of one of the most radical forms of democracy. The political system of Athens also fostered a high level of citizen participation which greatly surpasses that of modern democracies. The high level of participation is partly due to the Athenians' use of election by lottery which promoted the involvement of a large number of Athenian citizens. Further, the use of election by lottery defined the Athenian democracy as it reflected both the anti-oligarchical nature of the polity and also led to the solidification of Athenian identity and citizenship. Most significantly, election by lottery was employed in order to prevent the formation of factions which could potentially seize power and threaten the democracy. The historical narrative surrounding the use of election by lottery demonstrates this complex relationship between democracy and the use of random selection which in turn reflects the overarching ideology of the Athenian democracy. This paper will demonstrate the centrality of the use of lottery within the Athenian context and examine the various consequences this procedure had upon the political system in Athens. During this examination it will become clear that the use of election by lottery reflected core values of the Athenian political system and was deeply embedded in the democratic ideology of Athens.

Throughout this work, the phrase "election by lot" will be used in order to describe the procedure of the selection of various administrative and political officials through the use of random selection, or lottery. Although the term "election" in English usually implies the act of being chosen by vote, recent scholarship on this topic has employed this word as a method of

describing the act of being chosen, by no specific method, for public office. Furthermore, James Wycliffe Headlam's *Election by Lot at Athens*, which is the only comprehensive extant work discussing the use of election by lottery at Athens, employs the phrase "election by lot" and therefore this work will conform to this practice. The precise nature of this procedure will be discussed at length in chapter one so as to clearly define what is meant by "election by lot" and to avoid any confusion with alternate methods of election.

In recent scholarship within the field of political theory, there has been a surge of materials examining the use of random selection in politics. The concept of electing political officials by lottery is often viewed as radical by modern standards as random selection inherently ignores any skill or expertise typically required by those elected. Modern Western governments function under the presupposition that participation in government requires professional skill, and, as such, most Western democracies have a professional class of politicians that dominates most political offices. However, recent works concerning the use of random selection in politics have begun to challenge the notion that politics must be dominated by the expert elite who allegedly possess the skills required for governance. Among these works is *The Political Potential of Sortition: A Study of the Random Selection of Citizen for Public Office* written by Oliver Dowlen, which examines the viability of random selection as a method of election. Dowlen's examination of the theoretical aspects of random selection emphasises the procedure's relationship to democratic ideology; the promotion of equality, the rule of the majority and the participation of the masses. Dowlen also isolates the underlying principle of random selection in politics, what he describes as the "Blind Break," and discusses the ramifications of its application within a democratic political system. Dowlen's work, as well as the works of other political

theorists who discuss the use of lottery as a method of election,¹ often draw on the Athenian example as one of the most rigorous applications of random selection in governments. This paper will employ both the theoretical analysis of election by lottery provided by these theorists and classical Athenian sources in order to determine the function of the allotment procedure as well as the effects this procedure had upon the Athenian political system.

Past scholarship which has addressed this subject is useful, albeit quite out of date. The last comprehensive examination of the use of the lottery in the Athenian case was published by J. W. Headlam in 1890, with an updated edition published in 1933, entitled *Election by Lot at Athens*.² Since the publication of this dissertation there have been numerous discoveries that have drastically changed the discussion of the allotment procedures at Athens. The most significant of these is the discovery of Aristotle's *Athenaion Politeia* which provides the most detailed extant account of the procedure of election by lottery. Additionally, throughout Aristotle's work there are numerous passing references to the use of the lottery and the author provides a useful opinion on why the lottery was employed and the effects the procedure had on a number of political offices. Another discovery that has changed our understanding of the allotment procedures at Athens is the unearthing of various stone fragments as the *kleroteria* mentioned in Aristotle's *Athenaion Politeia* published in 1939 by Sterling Dow.³ At the time of Headlam's publication the word "*kleroterion*" was still widely believed to refer to an allotment room. Since the discovery of these allotment machines and the *Athenaion Politeia* the understanding of the allotment procedures has drastically changed, rendering Headlam's work somewhat incomplete given the current body of available evidence. However, more recent scholarship provides a much

¹ See Stone 1999 for a few examples.

² Headlam. 1933.

³ Dow 1939.

more accurate understanding of the Athenian allotment procedures although none of these works are entirely comprehensive.⁴ Additionally, given the attention that the process of election by lot is currently receiving within the field of political science, it would be useful to conduct an in depth re-examination of the Athenian case in light of this new evidence. This thesis will attempt to fill the current gap in scholarship by providing a thorough analysis of the allotment procedures. Additionally, my work will offer a unique perspective on the subject by employing new interpretive models based on modern political theory.

The main source that will be employed is Aristotle's *Athenaion Politeia*, which describes in detail the complex allotment procedures used to elect the jurors for the *dikasteria* in the fourth century BC. This is the only extant account of the allotment procedures and provides the main evidence for our understanding of the procedures. The majority of the text was found on the reverse of a papyrus fragment containing financial accounts of the late first century AD that was purchased by the British Museum in 1888.⁵ Later, the text was identified as the *Athenaion Politeia* by F. G. Kenyon in 1890 and published the following year. The text consists of four scrolls written on the back of financial statements dating to the 10 and 11th years of Vespasian's reign (77/78 – 78/9 AD) thus the papyrus is dated to the late first or early second centuries AD.⁶ The original text is believed to have been composed before the end of the Athenian democracy in 321 BC and after 335 BC.⁷ The *terminus ante quem* is determined by the fact that the author makes no mention of the end of the democracy and is thus writing before 321 BC when democracy was abolished. The

⁴ Kosmetatou 2013 provides an excellent over view of the procedure.

⁵ Rhodes 1981a: 5.

⁶ Ibid 4.

⁷ Rhodes 1986: 32.

terminus post quem is based on the text's mention of a program of cadet training that was instituted in 335/4 BC.⁸

We have evidence from ancient sources that Aristotle compiled a collection of works on constitutions although few of them have survived to present day.⁹ The *Athenaion Politeia* is believed to be one of the works from this collection, the only one that seems to have survived. The text itself, although commonly attributed to Aristotle was most likely written by someone else as it differs greatly in style from other known works of Aristotle and contains many disagreements with his *Politics*.¹⁰ Instead the work was most likely written by one of Aristotle's pupils who employed his teacher's method of examination and, at times, used a similar style.¹¹ The work itself is rather disorganized, often providing a very unclear or even outright incorrect interpretation of known facts.¹² However, it is unique in its subject matter and provides us with an in depth look into the more procedural aspects of Athenian politics. Furthermore, the section discussing the contemporary functioning of the democracy, chapters 42-69 which includes the detailed description of the election procedure, is most likely based on the author's own observation of contemporary procedures, which would give us little reason to doubt the accuracy of the account.¹³ The *Athenaion Politeia* will be employed extensively within this work and is often the authoritative voice for the implementation of various procedures, constitutional changes, and for the objectives behind these reforms.

Additionally, Pseudo-Xenophon's *Constitution of the Athenians* provides an invaluable source for a critical analysis of the Athenian constitution. As the author, date and purpose of this

⁸ Ibid.

⁹ Arist. *NE*. 10.9.23a.

¹⁰ Rhodes 1986: 11.

¹¹ Ibid 12.

¹² Ibid.

¹³ Rhodes 1981a: 49.

work is uncertain, this source can pose a significant challenge to the ancient historian. However, despite these potential difficulties, for the purposes of this thesis, the text of the *Old Oligarch* provides useful insights into contemporary Athenian opinions concerning their own constitution. Although the date of this document has been fiercely debated, most scholars date the work to approximately 430-413 B.C. which places the text comfortably within the time frame of this examination of the use of election by lottery.¹⁴ Within this work the author discusses various aspects of the Athenian constitution and provides a useful insight into the practical consequences of certain aspects of the Athenians constitution. Overall, the source is openly critical of democracy and yet praises the Athenians for well maintaining their chosen form of constitution. The *Old Oligarch* discusses the reason behind, as well as the consequences of, the use of election by lottery which is fundamental to the topic at hand.¹⁵ Despite the fact that the author represents a small portion of Athenian society, specifically the wealthy and anti-democratic elite, he often discusses the general opinions and beliefs of the Athenians. Often, this source will be employed in order to demonstrate the contemporary views of the Athenian constitution in a very general sense. Specifically, this source will be fundamental to the exploration of the Athenian understanding of election by lottery.

This thesis focuses on the examination of the use of election by lottery and begins with a detailed description of this procedure and an analysis of the motivations behind the institution of this procedure. Early on, it becomes clear that this procedure demonstrates a number of important features of the Athenian political system. The observations made are often of a political and institutional nature, describing and examining the rational motives behind the procedure, these are examined in chapter 2. However, occasionally, these observations will take

¹⁴ Osborne 2004: 5.

¹⁵ Ps. Xen. *Ath. Pol.* I.2.

on a more general character, as the procedure informs on the ideological nature of the Athenian political system and the constructed narrative of the foundation of Athenian democratic practices. In these cases the works of authors such as Greg Anderson become integral to the discussion. Greg Anderson's work *The Athenian Experiment: Building an Imagined Political Community in Ancient Attica, 508-490 B.C* examines, among other things, the construction of the narrative of the foundation of Athenian democracy and the ideological intricacies involved in this construction. His work touches on many aspects which are integral to the understanding of the motives behind the institution of various constitutional arrangements and thus is important for the examination of the Athenian employment of election by lot. Further, Anderson's examination of the Athenian construction of the narrative of the foundation of democracy is useful insofar as it provides a tool for deciphering chronological difficulties that are encountered when examining various constitutional shifts. Within his work, Anderson describes how the reforms of Kleisthenes' represent a drastic shift in the political organization of Attika and that this event, more so than others, should be credited as the foundational moment of the Athenian democracy.¹⁶ He then continues on to examine the reasons behind the fact that the event is not remembered within Athenian collective memory as the moment of the foundation of democracy; instead, the Athenians attribute democracy to other figures such as Solon and Theseus or even Aristogeiton and Harmodios. Anderson's reconstruction of this "imagined" history of the foundation of democracy, as well as his argument supporting the reforms of Kleisthenes as the main moment in the foundation of democracy, allows for a reconciliation of certain dates of institutional reform with the events of 508/509. In many ways this model is adopted for the purposes of this paper. This paper subscribes to the notion that Kleisthenes' reforms represent the most important event in the foundation of Athenian democracy and thus I often argue that

¹⁶ Anderson 2003: 210-211.

institutional reforms were implemented, or more consistently and rigorously employed, contemporaneously to, or shortly thereafter, the events of 508/509. Additionally, the understanding of the constructed narrative of the foundation of democracy with the many anachronisms, also serves as a strong argument for the placement of certain new procedures within the context of Kleisthenes' reforms.

Ultimately, the argument that will be put forth is that the use of election by lottery was employed in Athens primarily as a method of safeguarding against factionalism. This idea will be supported by examining contemporary historical events, the theoretical analysis of the use of election by lottery, and the Athenian adoption of various political practices that reflect this same goal. In so doing, the paper identifies a common sentiment behind certain reforms and throughout the range of Athenian democratic ideology. This sentiment, one of distrust or concern over the integrity of elections and elected officials, is first suggested during the examination of the procedure of election by lottery in chapter one. However, this notion is also found elsewhere in the work; during the discussion of the evaluation of magistrates (*dokimasia*) as well as the examination of instances of electoral bribery (or lack thereof) in chapter four. This preoccupation with the integrity of the election procedures is also intimately related to the discussion of Athenian citizenship, which became increasingly exclusive as these procedures were adopted or renewed.

The section examining the use of *dokimasia* is integrally related to the fundamentality of the use of election by lottery. *Dokimasia*, as a fundamental procedural aspect of the Athenian democracy, is another representation of this collective concern of the integrity of elected magistrates. Specifically, this procedure targets the potential oligarchic threat posed by elected

officials, and the sources reflect that this was quite precisely the aim of this institution.¹⁷

Additionally, *dokimasia* is understood to be one of the manners by which some of the potential negative side effects of election by lottery (which are detailed in chapter two) can be mitigated and is thus fundamental to our understanding of the procedure and its function within the Athenian political system. Christophe Feyel's recent work, which catalogues and examines the evidence for the different forms of *dokimasia* throughout the Greek world, will be central to the analysis and understanding of this procedure.

The use of election by lottery is also fundamentally related to concepts of citizenship and exclusivity of political bodies. Notably, one of the primary purposes behind the procedure of *dokimasia* was to evaluate and confirm a candidates' citizenship status. As will be discussed in chapter two, from a theoretical perspective, election by lottery requires a strict maintenance of the pool of candidates eligible for election. This relationship between the use of lottery as a method of election and the maintenance of exclusivity of citizenship is particularly pertinent in the case of Athens.¹⁸ As such, a detailed discussion of the evolution of the concept of citizenship is necessary for the examination of the political ideology behind the use of election by lottery. Furthermore, election by lottery, as well as other institutional and constitutional changes which occurred contemporary to the reforms of Kleisthenes, demonstrated and embodied the importance of exclusivity, and is both symptomatic and demonstrative of the Athenian understanding of citizenship. Furthermore, both election by lottery and the procedure of *dokimasia* represent examples of institutional procedures which demonstrate two of the main central holdings of the Athenian democracy: the desire to insulate against factionalism as well as the need to maintain an exclusive citizen body. These two principles are not only integral to

¹⁷ Lys. 26. 9.

¹⁸ For a detailed discussion see Ober 1989: 6, 259-261.

democratic systems, but they also represent fundamental aspects of the ideology which became emblematic of the Athenian democracy.

Chapter 1 – The Procedure of Election by Lottery

The Athenians of the sixth, fifth, and fourth centuries BC elected the majority of their magisterial and administrative officials by lottery. Some sources attribute the institution of election by lottery in Athens to Solon,¹⁹ however, these attributions are likely retrojections of later reforms to more illustrious figures of the past in an effort to legitimize the procedure within the political context. However, we have references to officials having been elected by lot, from as early as the battle of Marathon through Herodotus' account of Callimachus' election as polemarch²⁰ as well as Otanes' speech in favour of democracy, under which "magistrate[s] [are] appointed by lot".²¹ As Otanes' speech demonstrates, election by lottery was considered by many to be an important condition for democracy.²² This apparent fundamental connection between democracy and election by lot makes an examination of the procedure of election by lot quite useful in the understanding the character of Athenian democracy. Indeed, the adoption of this procedure led to a number of repercussions throughout the Athenian political system and greatly altered the character of Athenian democracy. These subjects will be addressed in later chapters. Initially, it is essential to examine the procedure itself, as we are fortunate to have a detailed account of the particularities of the election process from Aristotle's *Athenaion Politeia*. An in depth examination of the procedure itself can yield important observations about the purpose of the procedure and provides insight into the collective mindset of the Athenians who adopted and employed such a procedure. The following chapter will describe the election by lottery in detail

¹⁹ [Arist.] *Ath. Pol.* 9.1-2

²⁰ Hdt. 6.109.

²¹ Hdt. 3.80.

²² Arist. *Pol.* 4.1294b; Hdt. 3.80.

and gesture to a number of important features which will be further elucidated in subsequent chapters.

The author of the *Athenaion Politeia* begins his discussion of the lottery by listing the various officials who are elected through this method. The list begins with the ten officials charged with the maintenance of the temples, the nine archons, who are among the most influential officials charged with both religious and political duties, including the execution of the allotment procedures used to select jurors for the courts.²³ The last officials appointed by lot listed by Aristotle are the *athlothetae*, who were responsible for the major festival at Athens, the *Panathenaea*.²⁴ It is evident from the extensive list above, and the variety of tasks with which these officials were charged, that election by lot was the accepted method of selection as it was used to elect approximately 1100 magistrates per year.²⁵ Election by majority vote was also employed to elect certain officials, but to a much lesser extent.²⁶ Modern scholars of democracy consider the election process and the right to vote fundamental to the integrity and fairness of the system; similarly the election process of the Athenians can be informative as to the character and integrity of the Athenian political system. This process was the primary method by which the average citizen could engage in political affairs, thus, an examination of this procedure provides an excellent insight into the ideological foundation of the Athenian political community.

Apart from the *Athenaion Politeia*, our primary evidence for the allotment procedures at Athens are the *kleroteria*, discovered during excavations of the Athenian Agora in the 1940's.²⁷ The *kleroteria* were allotment machines used by Athenian magistrates during the process of

²³ [Arist.] *Ath. Pol.* 55.

²⁴ [Arist.] *Ath. Pol.* 50.

²⁵ [Arist.] *Ath. Pol.* 43.1; Hansen 1991: 230.

²⁶ [Arist.] *Ath. Pol.* 61.

²⁷ For an extensive survey of the *kleroteria* see Dow 1937 and Boegehold 1995.

allotment of the jurors in the *dikastic* courts as depicted in *Athenaion Politeia*.²⁸ The earliest reference we have to these allotment machines is found in Aristophanes' *Ecclesiazusae*, written in 390 BC in which he mentions the machines' relocation to the Agora.²⁹ Although the majority of the *kleroteria* that we have date from the second century BC we have little reason to believe that they differed significantly from those used during Aristotle's time and indeed they conform well with the description found in his work.³⁰ The allotment machines differ slightly in size and design, having been employed for the purposes of selecting magistrates to fill various offices of different sizes, however they all conform to the same basic design.³¹ The *kleroteria* were stone stele, rectangular in shape, with horizontal slots arranged in vertical and horizontal parallel columns along the front of the machine. On the front left side of the stele an inverted cone was placed connected to a long tube ending in a small circular hole, with the inverted cone at the top of stele and the small circular hole at the bottom. A small overhanging shelf is carved at the bottom of the stele in order to catch the dice that are released from the end of the tube.³² The existence of these machines represents not only the intricacy of the procedure but also its institutional importance. The procedures were clearly integral to the system if such a complex device was invented and adopted in order to facilitate the process of election by lottery. Furthermore, the existence of the stone machines also suggests that they were used often and for a number of years as the permanence of the device suggests.

According to Aristotle, for the purposes of selection by lot the jurors of the *dikasteria*, there were two allotment machines per tribe, containing five vertical columns each, one for each of the ten sections into which each tribe was divided. Every section was assigned a Greek letter

²⁸ Staveley 1972: 62.

²⁹ Aristoph. *Ecc.* 681; Staveley 1972: 62.

³⁰ Dow 1939: 7.

³¹ Staveley 1972: 67.

³² Ibid 63.

from A-K.³³ The functioning of the allotment machines, based on Aristotle's account, was as follows: upon entering through the doorway marked with the name of their tribe, the candidate would place his ticket, on which was inscribed his name, his father's name and his deme, into a chest marked with the letter of his section. We have evidence that, beginning around 380 BC, these tickets also contained a form of stamp corresponding to the offices for which the person was eligible for election.³⁴ For example, a "triobol" stamp, which consisted of the same design as found on the Athenian triobol coin, would signify eligibility for service in the *dikasteria* as the jurors were paid three obols for their service.³⁵ Subsequently, the receptacle containing the tickets was shaken so as to randomly distribute the tickets, then a ticket would be drawn by the presiding archon, each archon overseeing the allotment procedures for the tribe to which he belonged. This ticket would determine the person who was to draw and then insert the tickets into the allotment machines. Following this step, the citizen chosen as the "inserter" would then draw the tickets from each chest and insert them into the slots of the corresponding vertical column for that section of the tribe until all of the tickets were selected. This would be done until all of the ten columns on the two *kleroterion* were filled and each of the tickets was inserted into a slot. Then the archon would insert the dice, both black and white, into the inverted cone on the top of the allotment machine, the number of white dice corresponding to the number of jurors required for that day. One white die would represent five jurors to be selected, as jurors were selected by horizontal rows, one from each of the five sections of the tribes using this *kleroterion*.³⁶ Then, the archon would somehow, it is unclear exactly how, release the dice from

³³ [Arist.] *Ath. Pol.* 63.

³⁴ Rhodes 1981a:704.

³⁵ Kroll 1972: 12; Rhodes 1981a: 704.

³⁶ [Arist.] *Ath. Pol.* 64.

the tube one at a time.³⁷ Each die would decide the fate of one row beginning from the first row at the top and continuing vertically downwards until the last row. This would continue until a die had been selected for each of the horizontal rows on both of the *kleroteria* and all the required jurors were selected. Additionally, we have evidence that the allotment procedures as described above were often complimented with further precautions against the possibility of fraud through the use of *synclerosis*, or simultaneous allotment.³⁸ This process is described, albeit somewhat unclearly, in the *Athenaion Politeia* whereby, after the jurors are selected, the presiding magistrates for each court are determined by inserting dice marked with the colours of the different courts into one allotment machine and inserting dice marked with the official's names into another. These are then simultaneously drawn from the allotment machines, assigning one official to each court.³⁹

This highly complex procedure was employed to protect the integrity of the election process, leaving little possibility for fraud or manipulation. It is interesting to note the degree to which the absolute randomness of the selection process was assured. At every stage, the officials presiding over the allotment procedure are chosen by lot, presumably, as a precaution against corruption. Additionally, it is clear that the importance of the office had an effect on the method of allotment, as the presiding officials for each court were selected through the use of *synclerosis*, which added further protection against electoral manipulation. The process of simultaneous allotment ensured that even if one would be able to fix the *kleroterion* to ensure that a certain candidate would be chosen, he would have no way of determining the court in which he would be serving unless he could also similarly fix the result of the second *kleroterion*.

³⁷ For a discussion concerning these mechanisms see Bishop 1970.

³⁸ Staveley 1972: 68.

³⁹ [Arist.] *Ath. Pol.* 66.

Therefore, it is likely that the process of *synclerosis* was the primary method used for the selection of the higher level officials in order to further guard against corruption.⁴⁰ This is supported by the *kleroterion* fragments that appear to have contained only ten slots suggesting that they might have been used for the election of the archons.⁴¹

Subsequently, there has been a debate as to the reason behind the use of two *kleroteria* per tribe instead of one during the process of the allotment of the jurors. The simple answer is that a larger *kleroterion* would have been more expensive to build and the smaller ones would be more simple to use and to transport, if they were in fact movable at all.⁴² However, Serling Dow has provided a convincing mathematical incentive for the use of two *kleroteria* instead of one which seems much more likely. Due to the fact that the ten tribes would have differed at least slightly in size and that jury service was voluntary, there was no guarantee that the number of candidates from each tribe, who presented themselves for allotment each morning, would be equal.⁴³ Dow reconstructs a hypothetical situation, in which as few as twenty candidates from one section present themselves for allotment and with one thousand jurors required to fill the courts on that day.⁴⁴ The tickets are inserted into the *kleroterion* and the selection of jurors begins. However, a problem arises when the archon reaches the first horizontal row that has less than five tickets. That is to say, he reaches the row after the one which corresponds to the smallest number of candidates supplied by any one of the five sections represented on that allotment machine.⁴⁵ For example, if the least amount of candidates supplied by one section was twenty, the twenty-first row would be incomplete and the number of tickets in each row would

⁴⁰ Staveley 1972: 68; Hansen 1991: 231.

⁴¹ *IG II²* 2864a; Staveley 1972: 65.

⁴² Dow 1939: 24.

⁴³ *Ibid* 26.

⁴⁴ *Ibid* 27.

⁴⁵ *Ibid* 29.

continue to decline the further down the row is located on the *kleroterion*. This could potentially be highly problematic especially if the archon were to draw a significant number of black die before white, rejecting a larger number of the complete rows. These incomplete rows could not have been included in the allotment procedures as the selection of even hundreds of jurors would not have been efficient with random allotments of four, three, two or one at a time, and thus any candidate whose ticket is placed below the last complete row would automatically be disqualified.⁴⁶ Consequently, this introduces the problem of possible malpractice whereby the ticket-inserter could insert the tickets of those he would not want selected into the last slots in the row.⁴⁷ Although, this pre-supposes that the randomly chosen inserter would be able to identify the ticket before having picked it from the chest in order to choose last the candidates he does not wish to see sitting on a jury. A possible solution to this problem would be to transfer the tickets from the longest columns into the shorter ones thereby ensuring equal opportunity for selection providing that the total number of candidates represented on the *kleroterion* was a multiple of five.⁴⁸ At the very least this would limit the amount of candidates automatically disqualified to four or less. However, this solution could lead to a potentially drastic discrepancy between the number of candidates selected from a given tribe, especially if one tribe was significantly over or under represented.

Another method of preventing the complication of incomplete rows on the *kleroterion* would be to select the candidates from each section individually, using ten allotment machines, thus giving every candidate an equal chance of selection.⁴⁹ No doubt this was the procedure used for the allotment of various other offices at Athens which involved a much lower number of

⁴⁶ Dow 1939: 30; Rhodes 1981a: 707.

⁴⁷ Dow 1939: 31.

⁴⁸ Rhodes 1981a: 709.

⁴⁹ Dow 1939: 31.

candidates and positions to be filled, such as the archonship. However, for the purposes of electing a large number of jurors, this procedure would be overly time consuming.⁵⁰ Instead the Athenians used two allotment machines to mitigate the effect of a tribe with low turn-out, containing its effect to only four other sections within the tribe.⁵¹ Although it may seem initially satisfying, this explanation seems unsatisfactory, leaving unresolved a flaw within an otherwise well organised and systematically designed procedure. However unsatisfactory this explanation may be, it sheds light on the possible constraints of the allotment procedure and provides a plausible reason as to why there were two *kleroteria* per tribe instead of one or even ten. Given that none of the sources discuss this problem, and that we have no other evidence for the frequency with which this difficulty arose, it is safe to assume that the number of candidates was generally high enough to preclude this problem.

In addition to the highly complex allotment procedure involving the *kleroteria*, the election of the jury courts included further procedures. After the jurors were chosen they would draw an acorn from a receptacle, upon which was inscribed a letter corresponding to a court, he would then show the acorn to the attendant of the court to which he had been assigned, and only then be admitted past the barrier into the court.⁵² According to Aristotle, this was done to ensure that the juror was only granted admittance into the court for which he was selected to serve. Upon entering the court, the juror received a staff of the same colour as was painted on the entrance of the court he had been assigned, so that he was easily recognisable if he entered the wrong court. Afterward, the tickets of each of the jurors of any one court were kept within the court in a chest bearing the letter and colour corresponding to each of the courts.⁵³ Once the

⁵⁰ Ibid.

⁵¹ Dow 1939: 33; Rhodes 1981a: 709.

⁵² [Arist.] *Ath. Pol.* 64-65.

⁵³ [Arist.] *Ath. Pol.* 65.

jurors were seated in their respective courts the presiding magistrate, selected through the use of *synclerosis*, chose ten tickets from the chest. One of the jurors selected was in charge of the water clock, four collected the ballots, and the remaining five were in charge of the jurors' stipend.⁵⁴

The complexity of the assignation of jurors to their courts and the use of the coloured staff and the acorn has been the subject of much debate. The use of both the acorn and the staff as methods of identification seem, at first glance, redundant and unnecessary. However, it is clear that the acorn and staff serve distinct purposes. The acorn is used to randomly assign the juror to the court in which he will serve, thus the acorn must be small enough to fit into the receptacle from which it was drawn and presumably kept secret. Then, once the juror enters his court, he is given the staff, which served as a public sign of the court to which he has been assigned. Some have suggested that the staff served a symbolic purpose as it is similar to the sceptres held by the elders presiding over the court as depicted in the Illiad chapter 18.⁵⁵ Thus the staff could be understood as a symbol of the juror's political power and authority.⁵⁶ This is further supported by the fact that the staff was surrendered before the act of voting, suggesting that it was directly linked to the casting of the vote.⁵⁷ The added level of intricacy employed during the process of jury selection might reflect the increased power of the courts that occurred during the fifth and fourth centuries. For this reason, the Athenians might have felt as though the election of jurors required further safeguarding against fraud or electoral manipulation. This might imply that the use of the election by lottery and the employment of the *kleroteria* was not enough to ensure the integrity of the procedures. The very fact that such a complex procedure

⁵⁴ [Arist.] *Ath. Pol.* 66.

⁵⁵ Aviles and Mirhady, 2013: 21.

⁵⁶ Ibid.

⁵⁷ Ibid 22.

existed, and that it was further reformed for the purposes of the election of jurors, reflects a wider sentiment of distrust, or perhaps paranoia, as to the corruptibility of these procedures and the frequency of fraud and electoral manipulation. This collective concern and the reasons behind it will be further examined in later chapters. To some the seemingly over-use of the lottery, particularly in the case of the employment of *synclerosis*, has even been deemed “unnecessary” or “superfluous.”⁵⁸ Nevertheless, it is clear that the Athenians understood that the use of lottery as a method of election had particular effects on the outcome of these elections and that these effects ultimately lead to the procedure’s widespread employment. These effects will be discussed at length in the following chapter.

⁵⁸ Rhodes 1981a: 711, 715.

Chapter 2 - Theoretical Analysis of Election by Lottery

The election of public magistrates by lottery yields unique political and social consequences. Although this form of election has been employed in the past, with varying degrees of success, it is considered a radical approach to political appointment by modern standards as the procedure seemingly ignores all rational considerations involved in selecting individual candidates instead of others. However, recently, political scientists have shown a renewed interest in the study of election by lottery. This renewed interest has led to a re-evaluation of the potential benefits of the random selection of elected officials, as well as the potential short comings of the procedure. The following chapter will examine recent approaches to the procedure of election through lottery, its benefits and pit-falls, and the various social and political consequences of employing random selection for such an essential function of government. This will provide the foundation for the subsequent discussion of the Athenian use of election by lottery and the practical implications of the procedure within the context of these various elements.

Positive Effects of Lottery

One of the primary arguments in support of the use of election by lottery is the procedure's promotion of equality.⁵⁹ Random selection is blind to inequalities such as race, gender, age, aptitude, reputation, or political orientation. Through random selection everyone within the pool of candidates has an equal chance of being selected, whereas in elections, financial resources, political orientation, and many other characteristic play an essential role in

⁵⁹ Carson and Martin 1999: 34.

influencing the outcome. Furthermore, election by lottery allows for everyone to have an equal opportunity to participate in political life and engage in the act of self-governance. Another interesting side effect of this benefit of sortition is the fact that society, as well as the individual, has no reason to consider those who were not selected to be inferior.⁶⁰ This idea can also be flipped, as those who are chosen are not superior by virtue of being selected.⁶¹ Similarly, Cynthia Farrar discusses the use of election by lot and the effect it had on the perceived political legitimacy of Athenian elected officials.⁶² If all citizens are eligible for the positions then, by virtue of participating in the procedure, the citizens are tacitly accepting the legitimacy of the election procedure and the candidate who is eventually chosen.⁶³ Additionally, the use of election by lottery allows the individual citizen to participate in politics at a level distinct from the citizen body.⁶⁴ This is a unique feature of election by lottery, as without this type of procedure most citizens are unable to participate in politics outside of, the often times ill informed, public opinion.⁶⁵

In the Athenian case, the advantage of this type of political participation is illustrated by the Heliastic oath. Within the text of the oath, the first person singular pronoun is used extensively, “I will cast my vote [...] I will listen impartially,” emphasising the importance of the individual judgement of each juror.⁶⁶ This is reinforced by the fact that jurors are elected independently of one another. Even though jurors are elected in groups of five at a time, these groupings are randomly assigned and have no value or purpose beyond the practical efficiency of

⁶⁰ Carson and Martin 1999: 34.

⁶¹ Ibid.

⁶² Farrar 2007: 183.

⁶³ Ibid.

⁶⁴ Dowlen 2008b: 25.

⁶⁵ Ibid.

⁶⁶ Dowlen 2008a: 56; Hansen 1991: 182.

electing five jurors at a time instead of one.⁶⁷ In this sense the randomness of the selection procedure, and the emphasis on individuality of the juror, continues to be pertinent throughout the entire period of the trial.⁶⁸ In the Athenian case, this individuality is further highlighted by the material item that signifies the citizens' eligibility for service; his *pinakion*, or ticket.⁶⁹ A juror's ticket had inscribed upon it the citizen's name, his father's name and his deme and was essential to the procedure of selection (as discussed in chapter 1). A number of these tickets have been discovered during the excavations of graves which suggests a particular political significance for the *pinakion*, as subsequently, during the archaic period, citizens would be buried with their weapons or armour to signify their status.⁷⁰ Clearly a citizen's *pinakion* was an important indication of both the individuality of a citizen, as it listed his name and parentage, and also the juror's membership in Athenian society, as represented by his political unit inscribed on the ticket.⁷¹ These types of tickets, found throughout the Greek world, have been interpreted as a visible and verifiable symbol of membership within a political community or a symbol of the right to own land.⁷² They have also been used as evidence for the existence of democratic institutions in other areas of Greece.⁷³ This type of physical representation of membership within a community is by character democratic as it is clear that the tickets were not mere tools of identification but also symbols of a citizen's status and, in the case of Athens, his right to participate in political activities.

⁶⁷ This is particularly necessary when juries of over one thousand in size were required to try a case, imaginably; the procedure of selection using the *kleroteria* could become quite lengthy.

⁶⁸ Dowlen 2008a: 57.

⁶⁹ [Arist.] *Ath. Pol.* 63.4.

⁷⁰ Hansen 1991: 96, 182; Kroll 1972: 9.

⁷¹ Kroll 1972: 9; Liddel 2007: 259 for a discussion of jury service as intertwined with citizenship and notions of civic obligation.

⁷² Robinson 2002: 72.

⁷³ *Ibid.*

More generally, individual participation not only fosters a sense of belonging within a community, but also promotes a common ownership of political procedures.⁷⁴ If you have held public office, and were chosen by lottery, not only would this encourage respect for the office, but it would also promote a sense of the legitimacy of the procedure of election by lottery. Moreover, promotion of equality is one of the most commonly cited benefits of the use of sortition as a method of election and has profound social and political impacts.

Another benefit of the use of election by lottery is its ability to improve the representativeness of the body of elected officials. Theorists often claim that election by lottery leads to an increased likelihood that the elected officials would represent a cross-section of society.⁷⁵ Similarly, R. K. Sinclair has argued that the use of the lottery in Classical Athens produced a “cross section of the Demos”.⁷⁶ However, this can only occur if the election by lottery is accompanied by a careful manipulation of the candidate pool as well as the procedure of election. A “cross-section” was only achieved in the sense that, for some political offices, selection would happen first at the deme or tribal level, and then from the resulting pool of candidates, which ensured each deme or tribe a level of representation.⁷⁷ However, this does not in any broad sense produce a cross section of the citizen body, as geographic location, financial status and social status, as well as other particulars are not taken into consideration. Furthermore, this type of stratified sampling, I would argue, counteracts one of the fundamental aspects of sortition; its randomness.⁷⁸ Thus, increased representativeness as a result of stratified sampling is not a benefit of the use of selection by lottery, but a measure counteracting random selection in order to produce specific outcomes. Others have noted the problems with this kind of theoretical

⁷⁴ Dowlen 2008b: 25.

⁷⁵ Carson Martin 1999: 34.

⁷⁶ Sinclair 1988: 79.

⁷⁷ Hansen 1991: 247-248.

⁷⁸ Stone 2011: 137.

approach to random selection, as it is evident that if you were to throw a dice four times it is just as likely that you will roll four sixes, or four completely different numbers; there is no guarantee of any diversity of results.⁷⁹ Similarly, if one were to select four elected officials at random from any given population, it is just as likely (or the difference in likelihood is mathematically negligent) that you will choose candidates from four different geographical regions, or that the four candidates would be from the same area. This articulates exactly what is perhaps one of the most notable disadvantages of the use of election through lottery. For example, if random selection should yield a body of elected officials who have common political orientations, this could lead to potentially negative consequences for the population, as the officials would not be representative of the political orientation of the population and thus might act contrary to the interest of the majority.

This problem is closely related to another important aspect of random selection of officials; the control or restriction of the candidate pool. Using lottery, or random selection, necessitates that every member of the candidate pool be a viable choice.⁸⁰ Thus, there must be some sort of restriction of the candidate pool. This is a feature common to both random selection as well as election by majority vote. Whether eligibility to vote or to be entered into the lottery for public office is based on citizenship, or if eligibility is granted by an evaluation of the candidates' abilities, the candidate pool must be carefully defined. In the case of election by lottery this is of even greater importance, as any candidate might be chosen and so every candidate must be a viable candidate for public office.

The Athenians of the Classical period had a number of methods of controlling the quality of candidates. The most significant of these methods is the Athenians' maintenance of the

⁷⁹ Dowlen 2008a: 54.

⁸⁰ Carson and Martin 1999: 36.

exclusivity of their citizen body. The fact that citizenship was such a guarded status in classical Athens suggests that the Athenians were well aware of the fundamental relationship between democratic practices and the maintenance of an exclusive citizenry. This will be examined in conjunction with the use of election by lottery in chapter 4. Additionally, depending on the magisterial position, there were different qualifications for eligibility. For example, the archonship was traditionally restricted to the highest property classes and was only later expanded to include the *zeugitai*, or middle class.⁸¹ Similarly, citizens were only eligible for jury service if they were 30 years of age or older and were not indebted to the state.⁸² Furthermore, the Athenians had institutionalized evaluations of all members chosen for public office before their terms of service.⁸³ The motivations behind and the consequences of employing these methods of managing the candidate pool will be further discussed in later chapters. Additionally, it will be argued that representativeness, beyond the fact that it is not really promoted by the use of election by lottery,⁸⁴ was not a primary concern for the Athenians and was not a part of their motivation for implementing election by lottery.

The most fundamental benefit of the use of election by lottery is the resulting insulation against corruption and factionalism. This, I will argue, is the main reason behind the implementation of election through lottery in fourth century Athens and it will be discussed at length in chapter 3. This benefit is related to the promotion of equality mentioned as it hinges on the procedure of election by lottery's blindness to individual characteristics. Because political orientation, reputation, familial ties, and political alliances all are irrelevant when electing officials by lottery, factionalism is virtually immaterial during the election of officials. Further,

⁸¹ Hansen 1991: 37.

⁸² [Arist.] *Ath. Pol.* 63.2.

⁸³ Hansen 1991: 218.

⁸⁴ We have evidence supporting the fact that magistrates elected by lot were not in fact a cross section of society in the Athenian case. Taylor 2007: 323-345. This will be further discussed in chapter 4.

the unpredictability of election through lottery prevents political parties from influencing elections in order to have their preferred candidates selected or pre-planning in other ways which might influence the outcome of political decisions. Additionally, as re-election is never guaranteed the elected officials are less likely to “rent-seek” by pandering to particular political factions.⁸⁵ When elected by lot, politicians are more likely to focus on the issues at hand and make rational decisions, because they are not concerned with maintaining political support, or conforming to the opinions of their political factions. The utility of this effect of random selection is particularly useful during trials as the jurors are able to make decisions independent of factional pressure or government intervention.⁸⁶ In this sense, the use of random selection insulates political procedures and the functioning of magistrates from political power struggles.⁸⁷ In effect, this creates a system in which parties are irrelevant to magisterial positions. Although political factions, or parties did exist in archaic and classical Athens, due to the use of election by lot, the functioning of government was unrestrained by the practical consequences of these parties such as the need to appease political allies. It is evident from the multitude of contemporary examples, that political alliances and factionalism can create serious obstacles to the efficiency of democracies. Often, power struggles dominate the political arena and the administration of the state and the welfare of the population take a back seat to power consolidation and electioneering. Introducing an impartial or “blind” procedure, that effectively mechanises the process of election, safeguards against these often debilitating problems experienced by democratic societies. The use of election by lot serves precisely this function and leads to specifically this result in the Athenian case.

⁸⁵ Stone 2011: 128-129.

⁸⁶ Carson and Martin 1999: 27.

⁸⁷ Ibid 32.

Negative Effects of Lottery

Despite the many benefits of the use of election by lottery, there are also a number of disadvantages. One, that has already been mentioned briefly, is the possibility of alignment of magistrates of similar political orientation, which might lead to a biased magisterial body. This negative side effect is caused by the “lack of rationality” that occurs when random selection is employed. Although, lack of rationality leads to positive side effects, such as equal opportunity, it also means that the elections are divorced from considerations of the merit or competency of candidates. This, depending on the political and administrative context of the use of random selection can have devastating effects. For example, grossly incompetent or highly corrupt individuals might be elected to a position of power where they could do considerable damage.⁸⁸ This particular negative effect often leads to the restriction of the candidate pool by implementing certain standards in order to qualify as a potential candidate. In order to mitigate this effect, the Athenians instituted the procedure of *dokimasia*, whereby candidates were examined by the *Thesmothetai* before being admitted into the pool of viable candidates. The adoption of this process seems fairly intuitive as ensuring the overall viability of a potential candidate could curtail the election of unsuitable candidates. At first glance, the procedure of *dokimasia* seems to focus mainly on an evaluation of the citizen’s practical qualifications for holding public office, such as citizenship and property requirements, not their suitability for public office.⁸⁹ However, *dokimasia* certainly reinforced the fact that the right to hold public office was exclusive to Athenian citizen body and thus maintained a restricted candidate pool. Furthermore, the evaluation of the candidates’ character suggests another purpose behind the procedure which could potentially mitigate the possibility of electing undesirable candidates.

⁸⁸ Carson and Martin 1999: 35.

⁸⁹ Hansen 1991: 235.

Thus, candidates were examined for their ability to perform as elected officials, but only based on one main criterion; their potential oligarchic sympathies. The intricacies of this procedure and the effect it had on the pool of candidates deserve further examination and will be addressed in chapter 3.

An additional disadvantage of election through lottery is that the elected officials have a reduced obligation to the population, as they are not dependant on them for re-election.⁹⁰ Notably, this negative effect is the inverse of the positive effect described earlier. The politicians are free from political obligations to their parties but they are also free from obligations to the citizen body. This could lead to elected officials acting contrary to the public's interest. Additionally, because election by lottery implies a short term in office and, in the Athenians case even precludes the possibility of re-election, there is a high turnover of elected officials.⁹¹ This high turnover can lead to a lack of continuity in public policy and foreign relations.⁹² There are numerous examples of contemporary sources which criticise the Athenian democracy for precisely these reasons, claiming that the people were fickle in their decisions and inconsistent in their policies.⁹³

*The "Blind Break"*⁹⁴

These various benefits and disadvantages all ultimately stem from a single fundamental aspect of sortition, what Oliver Dowlen calls "the Blind Break."⁹⁵ This term refers to the lack of rationality or reasoning behind the procedure of election by lottery.⁹⁶ This means that random

⁹⁰ Carson and Martin 1999: 35.

⁹¹ Hansen 1991: 232.

⁹² Carson and Martin 1999: 36.

⁹³ Thuc. 8.1.; Ps. Xen. *Ath. Pol.* II.17.

⁹⁴ Dowlen 2008a: 11; Stone 2011: 65.

⁹⁵ Ibid.

⁹⁶ Ibid.

selection guards against elections becoming based on popularity or political alliances. This leads to the benefits of equal access and insulation against factionalism and political domination. However, this also means that the election of magistrates is not based on merit or competence. In effect this removes the agency of the decision maker, or elector, and prevents any biases or rationalizations from influencing the outcome.⁹⁷ This is the feature that comprises the core of all the arguments both for and against the use of election by lottery. Oliver Dowlen, provides a very useful explanation of the “Blind Break,” stating that it is “the state of deliberate discontinuity in the chain of rationality.”⁹⁸ This discontinuity is essential for the effective use of the lottery, which allows for the numerous benefits of a-rationality during election procedures. This suggests that lottery is most effective when used if the potential negative effects of rational decision making outweigh the negative effects of random selection.⁹⁹ In this sense, the “Blind Break” is the same as John Rawls’ “Veil of Ignorance,” which serves the purpose of nullifying the effect of the particular considerations which incite individuals to make decisions that benefit themselves; the veil of ignorance helps insure that decision will be based on more general considerations.¹⁰⁰ In many ways election by lottery performs the same function, as Rawls’ “veil” is synonymous to the break in rationality that occurs through the use of random selection. Both of these concepts prevent the consideration of particularities in order to ensure an unbiased result.

The use of election by lottery leads to a number of important questions about the political context in which the procedure is implemented, particularly concerning the nature of the pool candidates from which magistrates are elected. One of these questions is whether public offices can be considered a desirable good. For many theorists there is an important distinction between

⁹⁷ Dowlen 2008a: 13, 14.

⁹⁸ Ibid 13.

⁹⁹ Stone. 2011: 36.

¹⁰⁰ Rawls 1971: 137.

the use of random decision-making for the allocation of goods, such as limited resources, and the random selection of elected officials.¹⁰¹ The allocation of resources by lottery seems almost intuitively logical. If everyone in a given group has equal claim to the limited resources, lottery seems like the only fair method of determining who should gain the resources.¹⁰² However, the situation is not so clear in the case of election, where the question as to whether every member of the group has equal claim to public office is much more difficult to answer. Resources are much easier to evaluate because resources have quantifiable value and determined outcomes whereas public service is much more difficult to quantify and define. Is it even possible to consider election as a “good” comparable to limited resources? The consequences of elections extend far beyond the person who is elected, and thus the effect of the allocation of the “good” of political office is impossible to quantify. Take the example of the allocation of resources, if we can determine that every member of a given group has equal claim to the “good” that is public office, is it not also intuitive that random selection is the most just method of determining who has access to that good?¹⁰³ Let us first address the question as to whether political positions in the government considered desirable by the average classical Athenian citizen.

According to Aristotle, in the middle of the fifth century BC, Athens was experiencing an increase in the number of citizens, as Pericles’ laws regarding citizenship were enacted “on account of the large number of citizens.”¹⁰⁴ Therefore, there must have been a sufficient amount of people eligible for most political positions. Although there were a large number of citizens eligible to participate in politics, there is evidence to suggest that turn-out was often low. Aristotle states that payment for attendance in the assembly was instituted because “men were

¹⁰¹ Stone 2011: 123.

¹⁰² Ibid.

¹⁰³ Stone 2011: 126.

¹⁰⁴ [Arist.] *Ath. Pol.* 26.4.

staying away from the assembly”, evidently the citizens required incentives to participate even at the basic level. However, some citizen undoubtedly needed to work and did not have the time to travel to the Pnyx and spend the day discussing political matters, especially given that this would happen four times in every political month (approximately every 34 days).¹⁰⁵ Additionally, payment in the amount of 3 obols was given to those who served as jurors. This was perhaps due less to the lack of willing participants and more to the fact that they provided a useful function for the state that benefited them less than, for example, participation in the assembly.¹⁰⁶ This is an important distinction that raises a fundamental question about payment for political participation: was it an incentive to instigate participation, or remuneration for services given to the public?¹⁰⁷ Evidently, the answer to this question depends upon the form of political participation, and in some cases the payment might have been both an incentive and remuneration. However, one can speculate that it would not always have been easy to fill the required annual selection of 6000 jurors, given the frequency that the courts were assembled, somewhere between 175 and 225 times a year.¹⁰⁸ Other magisterial positions, similarly, had difficulty being filled at one point or another. Approximately 1100 magistrates were selected by lot each year, out of a viable pool of about 20,000 candidates.¹⁰⁹ Although the *prytaneis* lists demonstrate that at least this board of officials was usually full, there is evidence that other offices, such as the ten *Hellenotamiai*, often had vacancies.¹¹⁰ This is most likely due to the difference in levels of power and prestige of the various offices, whereas archonship generated much prestige and political powers, being a treasurer might have been tedious and even costly.¹¹¹

¹⁰⁵ Stone 2011: 135.

¹⁰⁶ [Arist.] *Ath. Pol.* 62.2.

¹⁰⁷ Carson and Martin 1999: 93.

¹⁰⁸ Hansen 1979.

¹⁰⁹ [Arist.] *Ath. Pol.* 43.1; Hansen 1979: 232.

¹¹⁰ Hansen 1979: 233.

¹¹¹ Hansen 1991: 233.

However, we also have numerous accounts of citizens seeking public offices in order to receive the payment; Aristotle states that approximately 20 000 men obtained their livelihood from payment for service to the state in some form or another.¹¹² Similarly, there are numerous accounts of competition for offices in classical Athens. Demosthenes describes a fierce competition between two citizens for public office and a lengthy debate as to how the matter should be settled.¹¹³ Evidently, the question as to whether or not political participation and public offices were considered desirable in Classical Athens is not an open and shut case, and thus the principal behind the use of election by lottery is obscured. However, I would argue that the Athenians saw access to political offices as an inherently good, and regardless of the discrepancies in the value of different positions, it was understood that every citizen had the right to an equal chance at holding public office. Indeed, although the ancient authors are at times critical of the use of lottery,¹¹⁴ there is a general consensus among the sources that democracy required the use of election by lottery.¹¹⁵ Therefore, we can infer that since Athens was a democracy, and that democracy must have been considered superior to other forms of government,¹¹⁶ that participation in public offices was considered desirable in a general sense. Therefore, in the Athenian example, the approach to the allocation of public offices by lottery is similar, if not identical, to the allocation of public “goods”. This simplifies our evaluation of the use of sortition as a means of election in the Athenian case as we can now assume a basic level of desirability for the magisterial positions that are elected by lottery.

¹¹² [Arist.] *Ath. Pol.* 24.

¹¹³ Dem. 39. 10; Additional example; Isoc. 7.25.

¹¹⁴ Xen Mem. 1.2.9

¹¹⁵ Arist. Rhet. I.8.4.; Hdt. 3.80; Plat. Rep. 561b; and Ps. Xen. *Ath. Pol.* I.4, on the election by lottery and the preservation of democracy.

¹¹⁶ Hdt. 3.80.

The above examination of the political and sociological implications of the use of random selection in politics, specifically the use of sortition as a method of election, is fundamental to the examination of the use of lottery in the Athenian example. As we have seen, the random selection of magistrates has a particular effect on a political system. These effects are integral to the understanding of why the Athenians employed the lottery in the manner that they did and will further illustrate how fundamental the procedure of election by lottery was to the political culture of the Athenians. This chapter served to provide a framework for the inquiry into the political and social functions of the lottery in fourth century Athens. Many of the ideas briefly alluded to in this chapter will be further expanding in forthcoming sections.

Chapter 3 – The Reforms of Kleisthenes: Mitigating Factionalism

At the turn of the fifth century B.C., after a period during which Athens was ruled by the Peisistratids, Kleisthenes, a member of one of the leading factions, reorganised the political landscape of Attika. This was the beginning of the reforms which would transform Athens into a direct democracy. Over the next few decades, numerous reforms increased the level of citizen participation and altered the character of the political regime. The most notable of these changes was the use of lottery as the primary mechanism of election. Such a radical and complex procedure of election led to numerous benefits for the political system as well as a number of difficulties. The historical narrative of events during this period, including the numerous political reforms which took place during the years preceding Kleisthenes' reforms, demonstrates a clear pattern within political developments in Attika. This pattern of political reform stems from the reforms of 508, which comprised the first major steps towards rectifying the main obstacle for political stability: factionalism. Through an examination of the historical narrative as well as the political reforms of the 5th century B.C. it becomes clear that the primary motive for the democratic reforms, in particular the implementation of election by lottery, was the realization that the primary cause of political instability throughout the previous decades was the factionalism that had plagued Attika. Thus, in order to create a stable political community, these factions had to be abolished and new ones had to be prevented from forming. The primary method of undertaking this task was the institution of election by lottery, which through the application of the principle of the "Blind Break" prevented the rise of factions.

The Reforms of Kleisthenes: The Use of Lottery as a Method of Assigning trittyes to phylai

The historical narrative of the sixth century describes the warring factions during the period preceding the reforms of Klesithenes as the men of the plains, the men of the shore, and the men of the hills,¹¹⁷ each faction headed by a leading family aspiring towards a monopoly of power. The factions during this period were drawn based on geography and kinship ties. These were the factors that allowed the leading family of Athens, the Peisistratids, to dominate Athens for a time. However, their power was continuously challenged by the other factions, their most notable rivals being the Alkmeonidai. The sources represent Peisistratos favourably, describing him as a moderate tyrant who championed the poor and was responsible for the resolution of the land shortage problem.¹¹⁸ However, the ancients were not blind to his ambitions and some realized that Peisistratos kept the citizens happy mostly to keep them distracted from public affairs.¹¹⁹ Although some sources claim that Peisistratos enjoyed the support of both aristocrats and the common people,¹²⁰ he was twice exiled from Athens by an allied force of the men of the plains and the men of the shore.¹²¹ Eventually he was able to secure an alliance with Megakles, the Alkmeonid leader of the Men of the Coast, which secured Peisistratos' longest period in power. This dynamic of power demonstrates that the foundation for political power during this period was the geographic and familial factions that dominated Attika. This led to an ever increasing level of instability within the region which became the main focus of the later lawgivers and future constitutional reforms.

¹¹⁷ Hdt. 1.59.

¹¹⁸ [Arist.] *Ath. Pol.* 16.2.

¹¹⁹ Ibid 16.3.

¹²⁰ Ibid 16.9.

¹²¹ Hdt. 1.59; [Arist.] *Ath. Pol.* 21.4.

Eventually, the Peisistratid tyrants were deposed by a combined effort of the Alkmeonids, led by Kleisthenes, and Isagoras, a former ally of the Peisistratids.¹²² Soon after the overthrow of the tyrant, competitive politics resumed and strife broke out between the two new leading political factions. According to our source, at this time Kleisthenes realized that in order to secure his power he had to gain the support of the majority of citizens, therefore he “took into his faction the common people.”¹²³ He won his support by advocating for freedom of speech and proposed to give power over to the common people. After this, Isagoras succeeded in securing Kleisthenes’ exile with the help of Spartan intervention, whereby the people rose up in revolt and expelled the Spartans and recalled Kleisthenes.¹²⁴ Once his position in power was secured, the first reform he instituted was the reorganization of the political units of Attika. This reform would drastically reshape the character of Athenian politics and would set the tone of future reforms. Indeed, in one instance Herodotus hails Kleisthenes as the founder of democracy in Athens.¹²⁵

Previously, Athens had been divided along kinship ties, geographic proximity and property qualifications. The ancient tradition describes a narrative wherein Attika is divided into four tribes, each named after a son of Ion.¹²⁶ Each of those tribes were divided into three *trittyes* and twelve *naukrariai*.¹²⁷ These divisions are believed to have been used primarily for the levying of military forces, as the name *naukrariai* might suggest some sort of naval levy.¹²⁸ During this period, Attika was divided into a number of *phratries* which were comprised of a

¹²² Hdt. 5.66; [Arist.] *Ath. Pol.* 20.1.

¹²³ Hdt. 5.66.

¹²⁴ Hdt. 5.66. 69-71.

¹²⁵ Hdt. 6.131.

¹²⁶ [Arist.] *Ath. Pol.* 1.

¹²⁷ [Arist.] *Ath. Pol.* 8.3.

¹²⁸ Hansen 1991: 46.

number of *gene* or clan groups.¹²⁹ Solon's reforms created four property classes; *hippeis* (cavalry), *zeugitai* (owners of a yoke of oxen), *thetes* (menials, or labourers) and the *pentakosiomedimnoi* (the 500-measure men).¹³⁰ This last property class, made up of those who were worth at least 500 measures of agricultural produce, comprised the highest class. These property classes became the new mechanism for political participation, as a citizen was eligible to hold different offices based on his class. However, the highest offices, such as the archonships and military leadership were exclusive to the first two property classes whereas the class of labourers were only granted the ability to serve in the courts as jurors.¹³¹ Thus, political participation was no longer dominated by the aristocratic families such as the Eupatridai, but became the domain of the wealthy instead. This would remain generally true until the reforms of 403 B.C., when magisterial positions were opened up to the hoplite class. Of course, this was no sudden shift in political power, as far as the sources describe, but this reform allowed for political mobility as every citizen could aspire to a greater sway in politics. However, as demonstrated by the years of political strife that followed these reforms, this reorganisation of the property classes did little to disseminate political power or to stabilize Athenian politics.

Kleisthenes' would have a far greater impact on the Athenian political system. The first of his reforms reorganized Attika into ten *phylai* or tribes, which were further divided into *trittyes* (thirds) and *demes*.¹³² These new political and geographic units would become the main vehicle for participation in politics at Athens as well as a defining characteristic of Athenian identity. The most important of the results of this reorganization was the institutional mechanisms that

¹²⁹ Ibid.

¹³⁰ [Arist.] *Ath. Pol.* 7.3.

¹³¹ Ibid.

¹³² [Arist.] *Ath. Pol.* 21.4.

allowed for the political activity of the lower classes.¹³³ Even though magistrates were active during the period under Peisistratus, the power of the magistrates were subordinate to the political sway of competing factions.¹³⁴ This would change after the reforms were implemented as non-elite citizens would become to wield a significant amount of political power.¹³⁵

It is clear, both in the sources as well as in the resulting organisation of political units, that during his reorganization of Attika, Kleisthenes was mindful of both the geographic and familial based factionalism that had plagued Athens during the past decades. As the contemporary political context demonstrated, the four Ionian tribes were no longer viable and would require drastic alteration.¹³⁶ Thus, each of the three *trittyes* of every *phyle* were chosen from different regions of Attika, the shore, the plain and the hills, so “that each tribe should have a share in all the regions”.¹³⁷ In doing this, Kleisthenes specifically targeted past factions and effectively nullified their former allegiances.¹³⁸ Notably, according to tradition, Kleisthenes did not abolish the phratries nor the *gene* and they retained their religious associations but were rendered null for political and military purposes.¹³⁹ As political participation as well as military alignment was based on the four tribes, this new division made it virtually impossible for these former factions to exercise any power under the rubric of the newly established constitution. Aristotle emphasises this important effect of the reorganization by recounting the fact that Kleisthenes refused to divide Attika into twelve tribes for fear that the *trittyes* would reorganise based on their former alliances.¹⁴⁰ If Kleisthenes had created twelve tribes they might have easily

¹³³ Anderson 2003: 74.

¹³⁴ Ibid.

¹³⁵ Ibid 76.

¹³⁶ Ostwald 1988: 309.

¹³⁷ [Arist.] *Ath. Pol.* 21.4.

¹³⁸ Farrar 2007: 174.

¹³⁹ Ibid 21.6.

¹⁴⁰ Ibid 21.3.

realigned along the basis of their former tribes. Although, Kleisthenes used other methods to guard against this possibility, the sources suggest that he was unwilling to create twelve tribes based on this concern. If this detail is factual, then it would further support the idea that Kleisthenes approached the reorganization of Attika in a mathematically minded manner, which might suggest that he, and perhaps the other Athenians involved, might have had a deeper understanding of the mathematical effects of the procedure of election by lottery. Regardless, this source does emphasise that the goal of these reforms were to “mix up [the people] so that more men should have a share in the running of the state.”¹⁴¹ This is further supported by the fact that Kleisthenes is said to have established the practice of being named after your deme rather than your father’s name or the name of your *gene*.¹⁴² This deemphasised the importance of the phratries and the leading aristocratic families and instead fostered the notion of identity based on *deme* membership. Aristotle further claims that the allocation of *trittyes* to tribes was done by lottery, to further ensure the “mixing” of the people, which was likely undertaken with an eye towards a potential mathematical solution.¹⁴³ Although this point has been debated, the literary evidence combined with an examination of the reconstructed divisions of Attika provides convincing evidence in support of the use of random selection during this procedure.¹⁴⁴ This would certainly have resulted in a random geographic distribution of *trittyes* and would have guaranteed that there was no amount of gerrymandering on Kleisthenes’ part.¹⁴⁵ These political units became the mechanism by which citizens were able to participate in politics, through service on the Council of 500, in the courts and in military operations.

¹⁴¹ [Arist.] *Ath. Pol.* 21.2.

¹⁴² Ibid 21.4.

¹⁴³ Ibid.

¹⁴⁴ Map of Attika J.S. Traill [appendix 3]. For a detailed discussion on the likelihood that lottery was the means of the selection and what this procedure would have entailed see Hansen 1987: 34-44.

¹⁴⁵ Dowlen 2008a: 43.

This random distribution of political units not only served to break up the factions which caused so much political strife in the past, but also to foster a notion integral to the Athenian democracy; equality. By randomly assigning membership to political units Kleisthenes placed all citizens on even ground, regardless of wealth, kinship or political alignments. Simply put, it did not matter which of the coastal *trittyes* were assigned to each *phyle*, similarly for the city *trittyes* and inland *trittyes* as they were equally acceptable options. Furthermore, based on the historically factional nature of Athenian politics, it is clear that any other method of organization, based on geography, kinship, wealth, religious association or any other such criteria, could lead to further factionalism. In other words, if one were to organise the political units based on any common feature this common feature could become the basis for the formation of a new faction. Thus random selection as a means of election is employed. This is only possible because all possible outcomes are acceptable, and absolute neutrality is beneficial under these circumstances. Thus, the only commonality between the members of the Klesithenic political units was their tribal membership, which emphasised the primary function of the *phyle* as a purely practical division that facilitated the political participation of citizens and allowed for increased access to political offices.

This use of lottery in the Athenian context is the first instance which demonstrates a clear understanding of the utility of “randomness” within a political context. Notably the sources make no reference to the divine association of random selection. Although one could speculate that the fact that the *phylai* were named after ten heroes which were supposedly chosen by the Pythian oracle at Delphi constitutes divine sanction. However, this would constitute a sanction of the *demes* themselves and would have no bearing on the use of random selection or lottery. Instead this application of random selection demonstrates that the Athenians understood the effect that

random selection had on political outcomes and how it could be utilised in order to achieve a particular political outcome.

Reforms of the Early Fifth Century: An Increased Application of Lottery

Ostracism

Additionally, it is important to note that the democratic reforms of the early fifth century also included other measures to guard against factionalism, which emphasizes the fact that factionalism was perceived as one of the primary obstacles to a stable political structure during this time. One of the most notable of these reforms is the institution of the practice of ostracism.¹⁴⁶ Each year the assembly voted on whether an ostracism was necessary for that year, and if that vote was in the affirmative then the ostracism would take place two months later in the agora.¹⁴⁷ At this point the citizens would inscribe the name of the person they wished to exile on an *ostraka* (pottery sherd) and, if the quorum of 6000 votes was met, the person with the most number of votes against them would be exiled for a period of ten years.¹⁴⁸ According to Aristotle, Kleisthenes' motives behind the institution of this practice were formed by a "suspicion of men in a powerful position, because Pisistratos from being popular leader and general had made himself tyrant".¹⁴⁹ Additionally, other sources praise the practice of ostracism as an important method by which democracy safeguards the equality of citizens.¹⁵⁰ Notably, the person exiled did not lose status or wealth and was free to return after the allotted ten years to his former wealth and station. The purpose of this practice was clearly to mitigate political alignment and influence, not to strip the offending citizen of his property and rank. A period of

¹⁴⁶ [Arist.] *Ath. Pol.* 22.1.

¹⁴⁷ *Ibid.* 43.5.

¹⁴⁸ Plut. *Arist.* 7.5.

¹⁴⁹ [Arist.] *Ath. Pol.* 22.3.

¹⁵⁰ *Arist. Pol.* 3.1284a.

ten years in exile would effectively ensure that whatever influence the figure had gained over the assembly would have been lost to the fickleness of the masses.

This practice provided an institutionalised method by which a majority of citizens could manage the possible negative side effects of having one figure become overly influential without resorting to the harsher measure which were used in the past such as execution or permanent exile of entire families.¹⁵¹ However, there are a number of potential problems with the practice of ostracism which could undermine the goals of the institution. Although ostracism could safeguard against tyranny and factionalism, paradoxically, it could also be used to strengthen an individual leader by removing a political opponent and in turn strengthening that individual's political influence.¹⁵² Furthermore, the ostracism required a simple majority in order to exile a citizen; thus, the leading member of the currently largest faction could conceivably control enough votes to have his political opponent ostracised. The ostracism might regularly result in the ostracism of the second most influential citizen, removing potential rivals. This certainly seems to be the case with Perikles, who, after the exile of his political rival Thucydides son of Melesias, became the leading citizen in Athens.¹⁵³ However, any newly powerful individual would of course be subject to the same potential exile if he were to be perceived as overly influential and was unable to secure enough votes against a rival.

Nevertheless, it is clear that the decades of instability preceding the reforms of Kleisthenes led to a fairly radical reorganisation of the Athenian *polis* which was undertaken with a clear focus of mitigating the factionalism that had plagued Athenians in past decades. Although ostracism occurred a fair number of times in the fifth century (approximately 15

¹⁵¹ Fröhlich 2013: 253.

¹⁵² Sinclair 1988: 169.

¹⁵³ Ibid 170.

times),¹⁵⁴ it fell into disuse in the fourth century. Arguably, the practice was abandoned when tyranny became a more distant threat in the collective Athenian memory. Through an examination of the numerous reforms that occurred in the first few decades of the fifth century it is clear that mitigating factionalism was a primary concern for those spearheading the reforms, and that one of the primary methods of safeguarding against the return of factionalism and instability was the use of randomness in decision making, specifically, the use of lottery as a means of election.

The Boule

Another key aspect of Kleisthenes' reforms is the creation of the council of 500 which was elected by lottery from the ten tribes. Although the literary sources seem to point to an earlier institution of the use of lottery as a mechanism of election, it is really only after the turn of the fifth century that this form of election is applied in a larger scale.¹⁵⁵ There is a debate as to whether the council of 500 was originally elected by lottery, or whether this was a later modification enacted around the time of the institution of the election of archons by lot in 487.¹⁵⁶ As the archonship was elected by majority vote during Kleisthenes' time some scholars have concluded that the *boule* might have been elected by similar methods.¹⁵⁷ Others argue that Kleisthenes would have used election by majority vote in order to placate the elites, who were likely uncomfortable with the amount of power being distributed to the lower classes.¹⁵⁸ However, the selection of the council by *phyle* and the large number of members would have made it difficult for any elite group to significantly affect the functioning of the *boule* even

¹⁵⁴ Hansen 1991: 35.

¹⁵⁵ [Arist.] *Ath. Pol.* 4.3, Drakon creates the council of 400 elected by lot.

¹⁵⁶ [Arist.] *Ath. Pol.* 22.5.

¹⁵⁷ Rhodes, P.J (1981) 251. Hansen seems to agree with this, Hansen 1999: 49-52.

¹⁵⁸ Ober 1989: 73.

without the implementation of election by lottery.¹⁵⁹ Furthermore, if, as Aristotle's *Athenaion Politeia* claims, Drakon's council of 400 was elected by lot, a procedure that continued through Solon's reforms, then there would have been a precedent for such a method of selection.¹⁶⁰ Additionally, following the former period of political instability and Kleisthenes' use of random selection during the reorganization of Attika, the use of election by lottery follows the overall political inclination of the reforms.¹⁶¹ Nevertheless, at least by 487 when the archonship became elected by lottery, and certainly well before the 320's when the *Athenian Constitution* was composed, the members of the *boule*, as well as almost all other political offices, were elected by lottery.

Although we do not have a detailed account of the procedure of the election by lot of the council of 500 we know that the selection of the council members was based on the ten *phylai* as well as the *demes*.¹⁶² Each *phyle* would present a number of candidates for selection (from each of the demes that comprised the *phyle*) and the procedure would take place centrally, at the sanctuary of Theseus.¹⁶³ Like the election of jurors, the election of the council involved the bronze *pinakion* and therefore the *kleroteria*. Therefore, we can speculate as to the similarity of the procedure in comparison to the procedure of the election of the jurors as described by Aristotle. It is reasonable to assume that, like the election of the jurors, the election of the council members were similarly complex and highly regulated. As demonstrated by the detailed description in chapter 1, the procedure itself demonstrates an almost obsessive insurance of the randomness of the procedure, with multiple applications of the "Blind Break" throughout the process of election. This notion of layered uses of random decision making, or multiple

¹⁵⁹ Farrar 2007: 174.

¹⁶⁰ [Arist.] *Ath. Pol.* 4.3-5.4.

¹⁶¹ For a detailed argument in agreement with this statement see Dowlen 2008a: 48-49.

¹⁶² Hansen 1991: 247.

¹⁶³ [Arist.] *Ath. Pol.* 62.1.

applications of the “Blind Break,” also appears during the election of the magistrates which will be discussed further on.

Citizens were only permitted to serve on the council twice in their lifetime, and they were not allowed to serve two years in a row.¹⁶⁴ A study of the inscription of council members has shown that few citizens served twice and that the average age of the council members was about 40 years of age.¹⁶⁵ Based on statistical analysis of the population and the average age of council members, it is estimated that about two thirds of all citizens over forty became council members, some of them more than once.¹⁶⁶ Arguably, as the council was charged with controlling the agenda of the *ekklesia* as well as the administration of public finances, the *boule* was one the most powerful political entity within the Athenian democracy. Thus, their election by lottery would have had a significant impact on the political organization of Athens. The significance of this choice of election procedure cannot be over-stressed, as it would have had a number of effects on the functioning of Athenian politics. As discussed above, such a large council with such a strict rotation of member allows a large part of the population to gain access to political office. Furthermore, membership on the council was a fairly prestigious and powerful position. Not only did councillors receive payment but they also dined at public expense. The council met every day except on feast days, and so membership on the council was essentially a full time occupation. There is a debate as to whether membership on the council, and the holding of public office on a grander scale, was a desirable good, or whether it was viewed as more of a burden,

¹⁶⁴ [Arist.] *Ath. Pol.* 62.3.

¹⁶⁵ Hansen 1985: 56, for a full discussion of the demographics of political participation. The figures and statistics in question are based on a number of inscriptions most of which are catalogued in *The Athenian Agora XV* (1974) and analyzed subsequently by J.P. Rhodes in a series of articles published in the *ZP*: J.P. Rhodes, “Ephebi, Bouleutai and the Population of Athens” in *ZPE* Bd. 38 (1980) 191-201; J.P. Rhodes, “Members Serving Twice in the Athenian Boule and the Population of Athens” in *ZPE* Bd. 57 (1984) 200-202; J.P. Rhodes, “More Members Serving Twice in the Athenian Boule” in *ZPE* Bd. 41 (1981) 101-102.

¹⁶⁶ Hansen 1991: 249.

hence the need for remuneration. The evidence suggest that few members of the council served twice,¹⁶⁷ perhaps because citizens who had already served on the council did not present themselves for re-election. This is certainly possible as those who relied on agriculture for their subsistence, presenting oneself almost every day in the *bouleuterion*, would lead to a serious neglect of their land. Overall, the evidence suggests that holding public office was generally coveted by Athenians.¹⁶⁸ In this sense, the use of random selection reaffirms each citizen's right to political office and facilitates the highest level of citizen participation.

This type of access to public office would no doubt contribute to the political education of citizens, further aiding in the dissemination of information. The dissemination of information is always a central concern for democracy, particularly in democracies with high levels of participation. If the citizen body is charged with the administration of the state then, in order for those citizens to participate in politics and make well informed decisions, the citizens must have access to the information necessary for making proper decisions. Thus, participation in the *boule* might further engage citizens in the political organization of Athens and thus lead to further dissemination of information, both on the subject of the mechanisms of government as well as the details of any particular issue placed before the assembly.

However, the most significant effect of using the lottery as a means of selection was the fact that the likelihood of factions gaining control of the council was greatly reduced. There is speculation as to whether the councillors were chosen from all property classes or only from the highest economic class. Nevertheless, even if the wealthy were over represented on the council, it still would have been difficult for one faction to even attempt to control the *boule*. Instead, the

¹⁶⁷ Rhodes 1981b: 102.

¹⁶⁸ Ps. Xen. *Ath. Pol.* discussion of election by lottery seems to be based on the assumption that being elected to public office was desirable, and that this right was highly coveted. Although, at I.2 the author makes it clear that the common people specifically seek the positions that are well paid.

application of the “Blind Break” ensured that all members of the council were chosen without any bias towards political inclination or alignment.

The Courts

Another integral part of the Athenian government was the people’s court. In many ways this body of jurors held significant sway within the political arena, rivalled only by the assembly. While the *boule* controlled the agenda of matters set before the assembly, the courts had the exclusive right to overturn a decree passed by the assembly and decisions made by both the council and various magistrates. According to the *Athenaion Politeia*, the creation of the people’s court and the establishment of the selection of jurors by lottery is credited to Solon at the beginning of the sixth century,¹⁶⁹ and therefore this use of election by lottery cannot be placed within the context of democratic reforms of Kleisthenes. However, in the *Politics*, Aristotle seems to state the exact opposite when he writes that Solon was not responsible for the implementation of election by lottery as the method of electing jurors.¹⁷⁰ As we know the *Athenaion Politeia* was likely written by a student of Aristotle and not by Aristotle himself and therefore this inconsistency is perhaps explained by the different sources the two authors employed. Based solely on these two sources we have little reason to believe one over the other. However, there is a strong argument for the possibility that many of the political reforms credited to Solon were retrojections of later events.¹⁷¹ These types of retrojections seem to occur frequently within the history of the political developments of archaic and classical Athens as the

¹⁶⁹ [Arist.] *Ath. Pol.* 9.1-2.

¹⁷⁰ Arist. *Pol.* 2.1274a. ; De Ste. Croix argues convincingly that the account given in the *Athenaion Politeia* is likely a retrojection of later political developments by outlining the general explanations for this anachronism as well as pointing out the lack of corroborative evidence within other sources, De Ste Croix 2004: 90-99.

¹⁷¹ Anderson 2003: 62.

Athenian political community established and re-established their political history. This is particularly true in the case of Kleisthenes' reforms.

This construction of a narrative of events that describe the establishment of various institutions and practices which come to embody the Athenian democracy has been examined at length by Greg Anderson. Anderson explores the features of this constructed narrative and describes the function of such a narrative in relation to various fundamental aspects of the Athenian political system. Within this work, he argues that the reforms of Kleisthenes were likely the most fundamental for establishing the Athenian democracy and that earlier reforms, such as those enacted by Solon, represented much less of a shift from the status quo and contribute less to the ultimate form of Athenian democracy.¹⁷² Furthermore, the book examines the frequent retrojection of political reforms onto prominent political and even mythical figures, such as Solon and Theseus, as methods of legitimizing and entrenching political practices within the past.¹⁷³ Anderson argues, very effectively, that the narrative constructed by the Athenians largely ignores the fundamentality of Kleisthenes' reforms and instead focuses on figures like Harmodius and Aristogeiton who were much more suited to the role of political liberators than Kleisthenes.¹⁷⁴ Furthermore, the author examines a number of events contemporary to the reforms, such as changes to the landscape of the agora and the modification or adoption of new cult practices which support the notion that Kleisthenes' reforms had a profound effect on the political community. Ultimately, the author suggests that the reason behind the fact that Kleisthenes' reforms are largely overlooked by the constructed narrative of the Athenian democracy lies in the desire of Kleisthenes' group of political reformers to establish themselves

¹⁷² Anderson 2003: 62.

¹⁷³ Ibid 43, 63.

¹⁷⁴ Ibid 205.

as maintainers of the status quo, and not radical revolutionaries.¹⁷⁵ Given the historical context, rife with violent uprisings, perhaps underplaying the revolutionary nature of these reforms was beneficial, even if these reforms ultimately established the political system that would be continuously referenced as the “traditional mode of government” throughout Athenian history.¹⁷⁶ Anderson’s work is invaluable to the discussion of the constructed narrative of the establishment of the Athenian political community and is essential to the understanding of the chronology and significance of the reforms of Kleisthenes. Anderson makes clear that, although various sources attribute the establishment of democratic practices to prominent figures that predate Kleisthenes’ reforms, there is every reason to believe that these changes might have occurred during or shortly after the reforms, as the events of 508/509 represent a sharp break from the institutions of the past.¹⁷⁷

Aristotle’s *Athenaion Politeia*, our most extensive source for the allotment of jurors, was written circa 320 B.C and describes a complex and rigorous procedure that makes use of the Kleisthenes’ *deme* divisions as well as a number of physical buildings within the agora which have been dated to the classical period.¹⁷⁸ Therefore, it is clear that the procedure of election by lottery of the jurors as well as the organization of the courts, discussed at length in chapter one, underwent modifications after the democratic reforms of the late sixth century. Again, with respect to jury service, the question of desirability arises. According to the sources, Perikles instituted payment for jury duty in the amount of three obols.¹⁷⁹ This remuneration would serve to compensate for a full day’s wages and perhaps alleviate some of the burden of jury service. We have evidence in the form of bronze allotment tickets, used during the procedure of allotment

¹⁷⁵ Ibid 211.

¹⁷⁶ Anderson 2003: 210, 211.

¹⁷⁷ Ibid 81.

¹⁷⁸ For an identification of these buildings and the dates of their use see Boegehold 1995: 91-110.

¹⁷⁹ [Arist.] *Ath. Pol.* 27.3.

of jurors that were buried with their owners, suggesting that the tickets were an important part of the citizen's identity and that jury service was a prestigious endeavour.¹⁸⁰

Given the high degree of power wielded by the courts it is strange to think that the jurors had no amount of professional experience or expertise. Then again, the power of the court is only rivalled by that of the assembly which passed all decrees and was made up of Athenian citizens, regardless of any expertise or experience, and without the qualifications required of the jurors.¹⁸¹ The use of the lottery as the method of selection of jurors had a number of important effects on the institution of the courts. It promoted the equality of all citizens in the sense that every citizen over the age of thirty was equally eligible for jury service. Furthermore, this form of selection emphasised the individuality of the jurors as they were not selected based on membership within any political faction or aristocratic family. The individuality of the juror would also have facilitated decisions based truly on an individual's interpretation of the evidence, instead of based on the collective sway of other jurors. The selection of jurors by lot would also ensure that the court focused on the issue at hand rather than political power struggles, as the average juror would most likely not have a stake in the outcome of the trial.¹⁸² Again, the most significant outcome of using lottery as a means of election was the prevention of any outside political entity from exerting any type of influence over the proceeding. This is compounded by the fact that the "Blind Break" was applied multiple times during the procedure of jury selection. This layered use of randomness would have rendered any form of bribery or jury manipulation extremely difficult, if not impossible.¹⁸³ In this sense, the use of the lottery for jury selection is in

¹⁸⁰ Kroll 1972: 70. For a complete discussion see chapter 2.

¹⁸¹ [Arist.] *Ath. Pol.* 63.3. The requirements were to be at least 30 years of age and to not be indebted the state.

¹⁸² Carson and Martin 1999: 32.

¹⁸³ Dowlen 1972: 55.

conformity with the overall tone of Kleisthenes' reforms, as political factions were essentially removed from the functioning of the courts.

The Archonship

Another integral reform that took place during the early fifth century was the adoption of election by lottery for the archonship. Within Aristotle's *Athenian Constitution*, Drakon is credited with the introduction of selection by lot for minor magistracies circa 620 B.C. and following this reform, Solon, allegedly extended election by lot (from an elected short list nominated by *deme*) to all of the magistrates circa 595 B.C.¹⁸⁴ Subsequently, archons were selected by majority election up until 487 B.C. when the lottery was reintroduced as the method of election.¹⁸⁵ Additionally, in 403, election by lottery was extended to all magistrates and the office of archon was opened up to the hoplite class.¹⁸⁶ This sequence of reforms is far from concretely established and the sources themselves exhibit confusion as to the method by which magistrates were elected during the sixth century. Our knowledge of the content of the constitution of Drakon is foggy at best as the sources demonstrate significant difficulty when dealing with the period of his reforms.¹⁸⁷ Some have suggested that the section concerning his reforms was a later insertion within the text of the *Athenaion Politeia* and might have been included as a response to contemporary constitutional debates.¹⁸⁸ Furthermore, in the *Politics* Aristotle states that Solon retained the use of majority election as a method of placating the aristocratic element.¹⁸⁹ Similarly, others suggest that Kleisthenes maintained this method of

¹⁸⁴ [Arist.] *Ath. Pol.* 4.3, 8.1.

¹⁸⁵ *Ibid* 22.5.

¹⁸⁶ *Ibid* 55.1.

¹⁸⁷ Hansen 1991: 19.

¹⁸⁸ *Ibid*.

¹⁸⁹ *Arist. Pol* 1273b.

election, perhaps for reasons similar to those of Solon.¹⁹⁰ This might follow the later part of sequence of the historical account of the *Athenaion Politeia* if election by lot was reinstated, as the source claims, during the archonship of Telesinus.¹⁹¹ However unlikely it is that election by lottery of the magistrates was introduced as early as Drakon or Solon, and despite the confusion and conflict within the sources, there is no reason to doubt the fact that after 487 the archons were elected by lottery.¹⁹² Again, as demonstrated by Greg Anderson's recent work, these type of chronological difficulties can be attributed to the Athenian construction of the narrative of political reforms, which often retrojected later innovations in order to establish the legitimacy of these practices (as discussed above).¹⁹³ Certainly by the time of the *Athenaion Politeia* the election of magistrates by lottery was a well-established practice.

The election by lottery of magistrates is a much more difficult concept to rationalise compared to the election by lottery of the *boule* and the courts. Magisterial positions usually require a certain amount of expertise and thus the application of the "Blind Break" in this case seems counterintuitive. Furthermore, the magisterial positions, especially the archonship, were traditionally the domain of the aristocracy and the introduction of election via lottery could be interpreted as a direct attack on the political influence of the wealthy. As demonstrated by the delay of the implementation of the use of election by lottery of the magistrates, an attack of this kind on the aristocracy was a risky endeavour and past lawgivers were likely loath to enact this reform. Indeed, there is evidence that both Solon and Kleisthenes retained election by majority of the magistrates in order to placate the aristocratic factions during times of drastic political

¹⁹⁰ Isoc. 12. 153-4.

¹⁹¹ [Arist.] *Ath. Pol.* 22.5.

¹⁹² Hdt. 6.109. During the period of the Persian wars Callimachus' election as polemarch by lot.

¹⁹³ Anderson. 2003: 206-207.

reforms which granted increasing power to the citizens.¹⁹⁴ It is important to note that after 487 although the archons were selected by lottery, only the top two classes of citizens were eligible for selection.¹⁹⁵ Additionally, each tribe would elect by majority vote ten candidates who would then be selected by lottery from the group of one hundred. Therefore, election was still occurring at the tribal level before the use of the *kleroteria*. This, combined with the fact that presumably only those with enough wealth and time would present themselves for election, leads to the assertion that the archonship, and likely the other magisterial positions, was still dominated by the highest economic classes. In this sense the aristocracy might have been content with the institution of lottery as a means of selection. However unequal access to the archonship might have been during the period of 487-403 B.C., the institution of the lottery as the method of election of the archons would still have been in conformity with the overall objectives of the Kleisthenic reforms. The use of the “Blind Break” would still have insured that no amount of pre-planning could have affected the outcome of the election and would have significantly reduced the chances of particular political factions manipulating the election of offices. This situation in particular emphasises the utility of election by lottery as even though the archonship remained dominated by the higher class, political alignment, partisanship and corruption would have been significantly deterred by this method of election.

After 403 B.C. when all magisterial positions were elected by lottery and access to these offices were granted to the *zeugitai*, the procedure became noticeably more democratic. Not only was the pool of candidates significantly broadened, but the element of election by majority was removed and the pool of candidates presented by each tribe was selected by lottery. This is again an example of a layered application of the “Blind Break,” which demonstrates the importance of

¹⁹⁴ Ostwald 1988: 320.

¹⁹⁵ [Arist.] *Ath. Pol.* 7.3, 22.5.

a break in rationality within the procedure of election. This reform would have seriously undermined the dominion of the aristocracy. Some scholars have suggested that the institution of election by lottery for the archonship was a direct attempt at devaluing or depoliticizing the position.¹⁹⁶ By using sortition as the method of election, and opening up the office to the *zeugitai*, the office of the archonship became on par with the lower level political positions such as the council members and jurors. This again can be interpreted as an attack on the aristocracy, or perhaps an attempt to moderate the political influence of the magistrates. However, by this time the use of election by lottery had become representative of democracy and safeguarding against factional corruption had again become a primary concern after the overthrow of the 30 tyrants in 403 B.C.

The sequence of reforms occurring from the end of the sixth century until 403 B.C. demonstrates a clear pattern of democratization and political awareness. The Tyrannies of the sixth century and the rule of the 30 at the end of the fifth century prompted a number of reforms geared towards political consolidation. As the tyrannies demonstrated, the rule of small select factions was not a sustainable form of political organization. Thus, the Athenians became increasingly aware of the obstacle that factionalism presented to stable governance and the reforms of this period represent a direct attempt at guarding against the formation of factions. The reorganization of the political units of Attika undermined the old kinship and geographic alliances of the past and institutionalised a new system of political units which defied traditional factions and emphasised the practicality of these political units as a vehicle for citizen participation in politics. The selection of the *trittyes* by lottery was also the first application of the “Blind Break” principle with a particular political outcome in mind. Other reforms during

¹⁹⁶ Dowlen 2008: 59.

this time such as the institution of ostracism demonstrates further the collective understanding of the Athenians that overly influential men posed a threat and that safeguarding the wider distribution of power was necessary in the pursuit of political stability. However, the most important trend of this period was the gradual adoption of election by lottery for every political office except the military commanders. As discussed in the previous chapter, election by lottery is widely considered to be the most democratic form of election. Pseudo-Xenophon quite explicitly iterates his approval of this method of election as a primary method by which democracies maintain themselves.¹⁹⁷ The procedure promoted a high level of participation in politics and fostered an ideology of equality amongst citizens. Moreover, the primary motive for the application of the “Blind Break,” in the Athenian case, is the objective of safeguarding against factionalism. Notably, during his brief discussion of the infrequency of the unjust deprivation of civic rights in *the Constitution of the Athenians*, Pseudo-Xenophon implies that the power of the factions was diminished during the period in which he is writing.¹⁹⁸ The infrequency of the deprivation of civic rights was due directly to the power given to the masses and therefore, implicitly, the restriction of the power of political factions. Only this type of procedure, which removes any possibility of decisions based on rational considerations, could so effectively have prevented the formation of factions.¹⁹⁹ Electoral fraud and any form of manipulation of governing bodies were rendered effectively impossible by the adoption of this procedure. Furthermore, as the sequence of historical events suggests, the institution of election by lottery was a direct response to the tyrannies of the late sixth century and the rule of the thirty in 403 B.C.

¹⁹⁷ Ps. Xen. *Ath. Pol.* I.4.

¹⁹⁸ Ps. Xen. *Ath. Pol.* III. 12-13

¹⁹⁹ Ibid.

Chapter 4 - Participation, Exclusivity and Identity

The fifth century, flanked by periods of oligarchical rule, witnessed a number of reforms that radically changed the character of Athenian politics. As established by the previous chapters, one of the most significant reforms was the adoption of election by lottery for the vast majority of political and administrative offices. The context of the electoral reforms as well as an examination of other new political mechanisms, such as the practice of ostracism, demonstrate that the Athenians undertook these reforms with a very particular goal in mind: the maintenance of political stability through safeguarding against factionalism. The adoption of the procedure of election by lottery resulted in a number of consequences which altered the Athenian political system, as discussed in chapter two. One of these effects was the alleviation or lessening of corruption, factionalism and fraud, the successfulness of which will be briefly discussed. Additionally, the procedure greatly altered the nature of citizen participation in government and resulted in a modified understanding of Athenian identity and citizenship. Finally, the adoption of lottery as a means of election led to the consequence of a restriction of the pool of eligible candidates for election. This last effect notably altered the character of Athenian politics as citizenship requirements and methods of restricting the candidate pool were gradually adopted. These effects will be examined in detail and the overall outcome of the adoption of election by lottery will be discussed.

The adoption of election by lottery was chiefly a reaction to the dangers of factionalism and oligarchy, and an attempt to secure stability in spite of these potential problems. The

successfulness of this endeavour is difficult to measure as the absence of tyrannical leadership is hardly sufficient evidence for a positive assertion that this particular reform was successful.

However, it is important to note that after the reforms of 508, Athens enjoyed a largely uninterrupted democratic stretch, up until the brief revolution of the Four Hundred in 411 BC followed by the equally brief reign of the Thirty in 404 BC. However, the reign of the Thirty was introduced thanks to the military intervention of the Spartans shortly after the Athenians' defeat in the Peloponnesian war. In this case, political organisation has little bearing on the matter as military intervention of an external power effectively trumps all possible internal checks on the establishment of tyrannical or oligarchical rule. The revolution of the Four Hundred provides a much better example of the failure of internal political mechanisms as this revolution was led by a number of prominent Athenian politicians. Nevertheless, military force was again a decisive factor as the leaders of this revolution held military command over the Athenian army at Samnos; the democracy was defeated by force and prominent democrats were murdered.²⁰⁰

However, the movement began with the alignment of prominent men in Athens and was conducted through the manipulation of various political factions, the most important being that of Alcibiades and his allies.²⁰¹ Evidently, despite the various mechanisms guarding against the formation of political factions, political alignment against the democratic majority could still occur. Legislative and administrative efforts can only go so far, especially when men are willing to act outside of the political system and employ military methods. What such efforts do accomplish is the prevention of the formation of alliances that are recognised and legitimate. These efforts force any such alliance to occur outside the accepted realm of political discourse, precluding any possibility of an uprising from within. Therefore, the establishment of election by

²⁰⁰ Thuc. 8.40, for the control of the army at Samos and Thuc. 8.92 for the murder of prominent democrat Phrynichus.

²⁰¹ Thuc. 8. 45-50.

lottery had the desired effect on the political system by contributing to the overall maintenance of political stability. At the very least, this particular mechanism seriously hindered the political alignment of prominent citizens and the manipulation of political offices for their benefit.

Effects of the Lottery on Instances of Corruption and Fraud

Furthermore, the institution of lottery guarded against electoral corruption and fraud. The randomness of the procedures rendered bribery and electoral manipulation difficult. In a recent study of the corpus of fourth century orations, Claire Taylor found that there was no evidence of electoral bribery within the sources.²⁰² Although the use of lottery as a method of election would preclude the possibility of bribing your way into office, there was nothing save the established penalties that would deter an officer from accepting a bribe once in office. Thus, is it understandable that there are a number of accusations of bribery against magistrates found within the sources. The case is somewhat different with respect to jurors, as the increase in numbers, would optimistically suggest that an entire jury would be difficult to corrupt. As previously discussed, the allotment of jurors resulted in a number of positive consequences; the layered use of randomness during the selection of the jurors would have rendered any effort of bribery or jury manipulation extremely difficult.²⁰³ This is certainly true for the process itself. Furthermore, because the jurors were randomly selected, it would be unlikely that all or most of them would be amenable to bribery, as they were selected from a variety of political and economic backgrounds. This observation, while persuasive and based on solid suppositions, is reliant on the basic belief that jurors who were not politically aligned would have little reason to accept bribes and perhaps many reasons to avoid such bribes, such as the penalty of death for both the

²⁰² Taylor 2001a: 56.

²⁰³ Dowlen 2008a: 55; Staveley 1972: 55.

bribed and the briber.²⁰⁴ The fact that the penalty for jury manipulation was so high might suggest that the Athenians took this possibility seriously and wished to present a serious deterrent to its undertaking. We do know of one successful instance of bribery of an entire jury by one Anytos, who bribed a jury to acquit him after being accused of treason in 409.²⁰⁵ Although we know little of the details involved in this bribery Diodorus Siculus tells us that this was reputed to be the first instance of a successful jury bribery.²⁰⁶ Evidently, at least in some cases, financial gain was enough to convince some Athenians who were otherwise not invested in the outcome of the trial to sell their votes. According to Taylor, this is due to the more overarching reality of the culture of Athenian politics; that money could grant you a degree of political amnesty.²⁰⁷ Although the institution of election by lottery precluded any possibility of bribery or manipulation at the level of elections, after elected, or chosen as a juror, individuals could still be bribed. This is slightly mitigated by the fact that in the case of juries, the diversity of political and economic backgrounds, might lead to a more difficult jury to sway. This notion can somewhat be applied to magisterial positions as well, as the magistrate might be elected from a number of different social, political and economic backgrounds which might or might not make him more amenable to bribery. Basically, the use of lottery can only ensure that bribery could not alter the outcome of the selection of magistrates or jurors, but it could not do the same once the candidates were selected. However, due to the randomization of the candidates the procedure might have lessened the possibility of the formation of a culture of bribery wherein bribery becomes commonplace and accepted by all those involved. This is due to the fact that given the diversity of backgrounds it is presumably less likely that all members of a jury, or all candidates

²⁰⁴ Aeschin 1.87 and Dem. 46.26 for a description of the law against bribery.

²⁰⁵ Diod. Sic. 13.64.6; [Arist.] *Ath. Pol.* 27.5.

²⁰⁶ Diod. Sic. 13.64.6.

²⁰⁷ Taylor 2001b: 167-168.

for a magisterial position, participated in a culture of corruption. Although this is largely hypothetical, the argument above serves to clearly define both the capabilities of the procedure to prevent corruption and also its limitations in this regard. In short, election by lottery prevented bribery and manipulation of the outcome of the election, but had little effect on the instances of bribery after election had occurred.

Participation and Equality

One of the most widely known effects of the use of lottery as a method of election is the increase of citizen participation in politics. The following pages will determine whether the institution of election by lottery raised levels of participation and whether this participation was restricted by any geographical, social or economic particularities. The use of election by lot primarily serves as a method of preventing political factions from manipulating or otherwise affecting the outcome of elections. This occurs through the application of the “Blind Break” principle which prevents any form of rational decision-making or particularities from affecting the outcome of elections. This same principle, in theory, also promotes equality of access and thus, potentially, a higher level of individual participation.²⁰⁸ As demonstrated in past chapters, the primary motive behind the institution of election by lottery was political consolidation through safeguarding against the formation of political factions. The promotion of equality, I would argue, was not central to the decision to use lottery as a means of election; however, it is one of the more evident outcomes of the implementation of this procedure. All those entered into the draw have an equal chance of being selected regardless of extenuating social, economic or political factors. Therefore, the lot is fundamentally equalizing in the sense that, because of the “Blind Break,” during the election procedures, all men are inherently equal in every respect.

²⁰⁸ Dowlen 2008a: 14.

However, because it is the mechanics of the procedure which assumes this equality, all decision-making before and after the actual procedure do not necessarily follow suit. For example, there were a number of qualifications set in place for eligibility to hold public office, such as economic class and age, as discussed in chapter 3. These factors, along with other practical considerations such as proximity to political centers and the luxury of time required for citizens who wish to engage in public service affect the equality of access to public office. The following few paragraphs will discuss the effect of these factors upon the level of citizen participation in Athens.

Often integral to discussions of equality and participation is the effect the use of the lottery has on the representativeness of the elected officials, which was briefly discussed in chapter 2. However, the idea that the lottery served as a method of achieving a representative cross-section of society²⁰⁹ does not apply to the Athenians case for a number of reasons. Primarily, achieving this outcome is only possible if, before the use of random selection, a method of stratified sampling is applied.²¹⁰ This would involve a careful manipulation of the candidate pool, the selection of the particular characteristics which would define the samples, and an application of the lottery by individual sample to ensure that the resulting selection of magistrates conforms to a proportional representation of the population. This only occurs in the Athenian case in the sense that for some political offices, selection would happen first at the *deme* level and then, from the resulting pool of candidates, which ensured each *deme* equal representation.²¹¹ Some might argue that the use of the *demes* in sampling was most likely a practical feature of the procedure used to facilitate the application of the lottery to such large

²⁰⁹ Sinclair 1988: 79.

²¹⁰ Dowlen 2008a: 54.

²¹¹ Hansen 1991: 247-248.

numbers of potential candidates. However, for the election of magisterial positions where the number of candidates was much smaller, the goal of achieving a proportionally representative administration was likely a concern. This is certainly the case with the office of the archonship; the nine archons and the secretary of the archons were each selected from one of the ten tribes.²¹² Similarly, for the election of jurors, the *kleroteria* contained columns representing each deme in order to ensure that every time a white token was drawn a juror from each of the ten tribes would be selected. The importance of the ten tribes for the election procedures is consistent with the objectives of the Kleisthenic reforms of 508, which emphasised the political importance of the new *demes* and tribes. Notably, the effect of the lottery on the representativeness of the election procedures is markedly different from what is typical of proportional considerations. While typically, stratified sampling is geared towards representativeness based on gender, ethnicity or political alignment, in the Athenian case, sampling only occurred at the level of the organisational political units. This emphasised the importance of the Kleisthenic *demes* and tribes as the new defining characteristic for Athenian identity. Therefore, the Athenian use of election by lot was clearly not employed as a method of insuring the proportional representativeness of the elected candidates in any manner except at the level of the *deme*.

Approximately 1100 magistrates were elected each year; 500 members of the boule and 600 other assorted magistrates not including those selected by majority election.²¹³ The additional 6000 jurors selected annually by lottery added to the available opportunities for political participation.²¹⁴ Furthermore, the assembly had a set quorum of 6000 men for any major decision including ostracism and the granting of citizenship.²¹⁵ Thus, the number of men

²¹² [Arist.] *Ath. Pol.* 55.1.

²¹³ [Arist.] *Ath. Pol.* 43.1, 50-60; Hansen 1991: 232.

²¹⁴ [Arist.] *Ath. Pol.* 24.3.

²¹⁵ Plut. *Arist.* 7.5.

required for the functioning of government is indicative of a high level of participation. Although there is likely a high level of overlap in these groups, given the fact that a number of these official positions could only be held once a lifetime, or not for two consecutive terms, adds to the high level of participation required by the organisation of the Athenian government. Estimations of the size of the citizen population of Athens range from approximately 20,000 to 30,000 although these numbers are highly debated and the population levels might very well have significantly decreased during war times.²¹⁶ These estimates yield an annual citizen participation level of between 20 and 30% just for service in the courts and attendance in the assembly. For magisterial positions, participation was between 3.7 and 5.5%, a much lower rate of participation but impressive nonetheless. However, these calculations cannot meaningfully be combined to estimate the overall level of participation as it is impossible to tell how much overlap occurred between the jurors, the magistrates and those who regularly attended the assembly. Nevertheless, the estimations suggest a high degree of citizen participation. However, that all citizens theoretically had access to public office does not imply that all citizens actively participated in political life. The 20 to 30% of citizens participating in politics during any given year might have come from a select group of politically active citizens, while the other 70 to 80% of citizens might have been largely uninvolved in the functioning of government. Furthermore, although most public offices were available to the entire citizen population, save the few restricted to the upper economic classes, other factors such as economic viability and geographic proximity affected a citizen's ability to participate in politics.

In a recent study, Claire Taylor compared the resulting geographic distribution of elected officials from both elections by majority and election by lottery. By comparing the distribution

²¹⁶ For a detailed discussion on the validity of this estimate and the methodology behind the calculation of these numbers see Hansen 1985. See also Sinclair 1988: 114 for a brief discussion on the same topic.

of citizens holding the offices of *strategoi*, which were elected by majority vote, and *tamiai*, which were chosen by lottery, and their respective *demes*, Taylor determined that the *tamiai* were much more evenly geographically distributed, whereas the *strategoi* were elected from *demes* which were in close proximity to the city.²¹⁷ Taylor further attempts to connect this correlation to a more firm notion that the discrepancy in geographic distribution is caused by the differing methods of election. This is done by comparing the results of a number of other public offices which are elected by lottery.²¹⁸ This seems to be a fairly obvious conclusion, since random selection does not take into account geographic location, whereas during an election by majority geographic proximity could definitely affect a candidate's popularity and his level of exposure to the current political atmosphere. This would not have been affected by the fact that election by lottery often occurred first at the tribal level, as the sub-units that makeup these tribes were taken from each of the three main geographic areas; the plains, the hills and the coast. Furthermore, registration in a *deme* was based on the geographic distribution of the population during the Klesithenic reforms and thus members of a *deme* could have moved elsewhere in Attika any time after these reforms and still retain their membership in the *deme* where their family resided during the reforms.²¹⁹ Thus, the tribes as vehicles for political participation were not an effective method for reducing the possibility of geographical bias. As demonstrated by Taylor's study, there appears to be a direct correlation between the method of election and the geographic distribution of elected officials. According to this particular study, the use of election by lottery mitigated geographical biases.²²⁰

²¹⁷ For a detailed description of the established correlation between the method of election and the result geographical distribution of candidates as well as a discussion of the accuracy of the Chi-Square test see Taylor 2007: 335, Appendix p. 341.

²¹⁸ Taylor 2007: 336-338.

²¹⁹ Sinclair 1988: 24.

²²⁰ Taylor 2007: 340.

However, even if we assume that geographical biases were mitigated by the use of election by lottery, it is evident that a disparity did exist between the levels of political participation of those residing in the city and those living further away. This is particularly apparent in the case of the less wealthy Athenian citizens. As mentioned above, registration in a *deme* did not necessarily imply residence in said *deme*'s geographical boundaries.²²¹ Indeed, we can assume that those who endeavoured to participate actively in the political arena for a large portion of his life might have chosen to relocate closer to the political center of Athens. For the wealthy Athenian citizens who were not economically tied to their land, this was no doubt an option. However, if this solution was adopted by all those wishing to engage in political life, the result would still be an inadequate representation of rural concerns within Athenian politics. Furthermore, for those who for any reason were unable to relocate, the logistics of political participation might have been a serious deterrent. Whereas an Athenian citizen might have been willing to walk a considerable distance for an important assembly meeting or a particular trial, it is much less likely that a citizen could feasibly manage the commute on the more regular basis that would be required by service in the courts, membership in the *boule*, or a position as magistrate.²²² It can be assumed then, that the less wealthy citizens residing in the country side were less likely to present themselves as candidates for public office.

Related to considerations of geographical proximity is the issue of the economic requirements for holding public office. Unsurprisingly, political participation was largely dominated by wealthier Athenian citizens.²²³ The wealthy had the leisure to participate in politics as they were not compelled to work for their livelihoods. Some scholars argue that the Athenian

²²¹ Sinclair 1988:107.

²²² Ibid 107-108.

²²³ Sinclair 1988: 115; Taylor 2007: 340.

democracy was dependant on slave labour as the ownership of slaves gave the citizens the free time to actively participate in political life.²²⁴ However widespread the use of slaves might have been, the majority of citizens likely would have had to work in the field for a living.²²⁵ Therefore, the majority of Athenian citizens could not afford to abandon their livelihood, even if they did reside within a reasonable proximity of the city, in order to participate in politics. This potential obstacle to political participation was partially alleviated by the institution of payment for public service. For example, jurors were awarded payment in the amount of 3 obols per day, and members of the *boule* received 5 obols,²²⁶ while magistrates also received remuneration for their services. The institution of payment would have been largely motivated by lower attendance in the assembly, and low turnout of candidates for political offices.²²⁷ Although the cost of living in Attika during the fifth and fourth centuries is a hotly debated topic, a typical estimate of the cost of living for a family of four range from 2.5 to 3.5 obols per day, if the family was living sufficiently frugally.²²⁸ Let us take the example of payment for jury service, as it is the example of a political office open to all economic classes and offers one of the lowest amounts of compensation. Although the institution of pay might have led to an increase in the participation of male citizens without a family, the payment for a full day's work would have been a more reliable source of income for a family man and would have most likely yielded almost double the payment than that of jury service.²²⁹ Furthermore, in the text of the *Athenaion Politeia*, Aristotle claims that the institution of payment for jury service was a political move

²²⁴ Hansen 1991: 319.

²²⁵ Ibid 318.

²²⁶ For a list of payment for public service and the increases of payment for jury service see [Arist.] *Ath. Pol.* 62; Sinclair 1988: 130.

²²⁷ For a discussion on the desirability of public service see Sinclair 1988: 130,132.

²²⁸ Sinclair 1988: 129.

²²⁹ Ibid 129.

made by Pericles which served to counteract the generosity of one of his opponents.²³⁰ Aristotle continues, saying that the primary result of the institution of payment was that the integrity of the courts declined as “it was the ordinary people rather than the better sort who were eager to be picked for jury service.”²³¹ Furthermore, he heralds this as the beginning of judicial corruption as demonstrated by the first known instance of judicial bribery conducted by Anytos in 409.²³² Disregarding for now the qualitative judgement on the character of the lower class Athenians, Aristotle’s account provides us with evidence that the implementation of payment resulted in the increased participation of the lower class. However, it can be safely assumed that participation in politics remained difficult for those who were economically bereft, with the exception of the single adult citizen who might have been able to subsist comfortably on the payment of 3 obols per day.²³³ This point is less relevant for some magisterial positions which were traditionally restricted to the top two economic classes. However, once most of the offices were opened up to all economic classes, this became an important consideration for the discussion of political participation.

Exclusivity: Maintenance and Restriction of the Pool of Candidates

Apart from these more practical considerations which would have greatly affected the level of citizen participation in politics, access to political office was actively and purposefully restricted in other manners. With the use of randomness as a method of election, restriction of the candidate pool is integrally connected to the application of the “Blind Break” in any political

²³⁰ [Arist.] *Ath. Pol.* 27.4

²³¹ [Arist.] *Ath. Pol.* 27.4

²³² [Arist.] *Ath. Pol.* 27.5.

²³³ Markle 2004: 102-112 argues that 3 obols a day would have been enough for the average Athenian citizen to support his family for a limited length of time.

system. If all candidates can possibly be chosen, then all candidates must be viable options.²³⁴ As Headlam reiterates, one of the primary results of employing lottery as a means of election in the Athenian democracy is not that every citizen must be chosen, but that every citizen might be chosen.²³⁵ The use of lottery as the primary mechanism of election is therefore intrinsically related to the exclusivity of the Athenian *demos*. Josiah Ober claims that one of the central ideological holdings of the Athenians democracy was the widespread understanding that it was necessary to maintain the exclusivity of the citizenry.²³⁶ This holding, according to Ober, was essential to the basic functioning of the Athenian democracy as effective political discourse and dissemination of information necessitate a restricted political community.²³⁷

The Athenians managed the exclusivity of the electoral candidate pool in a number of ways. Age restrictions were applied as well as, in some cases, a restriction of eligibility to the higher economic classes, usually excluding at least the *thetes* class. Gradually, restriction to only some of the economic classes was abandoned and eventually citizens from all economic classes were eligible to hold public offices. Another method by which the Athenians maintained the exclusivity of the citizenry was through the process of *dokimasia*, an institutionalised form of scrutiny that all citizens were required to undergo if they endeavoured to hold public office or serve on the jury. This procedure was not intended as an evaluation of the candidate's abilities with respect to his function in office, as one might expect, but instead served to maintain a certain standard of character among the magistrates. This will be further discussed and elaborated at a later point. Notably, the procedure of *dokimasia* also serves as evidence against the institution of election by lottery for religious purposes, as this type of evaluation is hardly in

²³⁴ Stone 2011: 125.

²³⁵ Headlam. :1933: 50.

²³⁶ Ober 1998: 33. Ober 1989: 6, 259-261.

²³⁷ For further discussion on the importance of exclusivity see Ober 1996: 166-167.

conformity with the notion that the magistrates were elected by divine will.²³⁸ If elected by divine will, evaluation would be entirely unnecessary. However, the primary method by which the Athenians maintained the exclusivity of the candidate pools for participation in political life was through the maintenance of the exclusivity of citizenship. The relationship between citizenship exclusivity and the implementation of election by lottery is demonstrated by the parallel historical development of the increased application of lottery as a means of election with the increasing exclusivity of Athenian citizenship. Both the procedure of *dokimasiai* as well as the increased level of exclusivity with regards to citizenship, and these factors' connection with the use of lottery will be discussed in detail in the following few pages.

Dokimasia

Christophe Feyel has recently published a volume entitled *Dokimasia: la place et le rôle de l'examen préliminaire dans les institutions des cités grecques*. The volume contains an extensive study of the practice of *dokimasia* throughout the Greek world and the role this type of evaluation played within political, religious and social institutions. By closely examining literary and epigraphical evidence, Feyel has catalogued and examined the various forms of *dokimasia* and their role within specific institutional and political settings. Feyel's work is fundamental to the examination of the role of *dokimasia* in relation to the use of election by lottery and his volume will be employed extensively throughout the following pages.

The term *dokimasia* refers to a number of different constitutional procedures instituted by the Athenian *demos* that involved the scrutiny of an individual before a change in social status or before entrance into an office. An *ephebe*, before he was inscribed on the *deme* registers, would

²³⁸ Hansen 1991: 51.

undergo a scrutiny, to ensure he was of an appropriate age (18 years) and that he was an Athenian citizen.²³⁹ This procedure marked the youth's coming of age and his attainment of full citizen status. The procedure itself was highly physical in nature as the boy's age was often judged by his size and strength.²⁴⁰ Similarly, cavalry men as well as their mounts underwent an evaluation of their physical fitness for duty.²⁴¹ Additionally, handicapped individuals seeking financial support in the form of public doles underwent scrutiny to establish his eligibility for such a form of support.²⁴² The majority of these evaluations were conducted by the *boule*, although individuals usually had the option of appealing before the courts.²⁴³ These types of *dokimasiai* all involve a physical aspect of evaluation and serve primarily practical objectives, such as maintaining cavalry standards or preventing fraudulent claims for public support. However, the *dokimasiai* of the magistrates are somewhat different in character. All magistrates, before assuming office, were required to undergo this procedure of evaluation before the *boule*.²⁴⁴ During the procedure a magistrate would be asked a number of questions concerning his parentage so as to securely establish his citizenship, his fulfillment of filial duties towards his parents, his piety, and his military service.²⁴⁵ Witnesses would be summoned to testify in support of the candidate and once the questioning was completed, accusations could be brought against the candidate.²⁴⁶ If accusations were made, the *boule* would hear evidence both for and against the accusation and then vote by ballot.²⁴⁷ If a candidate was rejected by the *boule* they retained

²³⁹ [Arist.] *Ath. Pol.* 42.1-2.

²⁴⁰ Feyel 2009: 136; Borowski 1975: 4.

²⁴¹ Feyel 2009: 55, 64.

²⁴² [Arist.] *Ath. Pol.* 49.4.

²⁴³ Harrison 1971: 201-202.

²⁴⁴ [Arist.] *Ath. Pol.* 55.2.

²⁴⁵ [Arist.] *Ath. Pol.* 55.3.

²⁴⁶ [Arist.] *Ath. Pol.* 55.4.

²⁴⁷ Ibid.

the right to seek appeal in the courts.²⁴⁸ Unlike the other types of *dokimasiai* mentioned above, the primary subjects of a magistrate's *dokimasia* were his citizenship and his moral character.²⁴⁹

The origins and the date of the institution of the procedure of *Dokimasia* is somewhat unclear. A passage from Demosthenes attributes the introduction of this form of scrutiny to Solon.²⁵⁰ However, it is only at the end of the 5th century, shortly after the overthrow of the Thirty in 403, that *dokimasia* became necessary for all elected officials, whether chosen by lottery or by majority election.²⁵¹ In this case it might very well have been Solon who established this procedure of scrutiny for magistrates. The *Athenaion Politeia* relates Solon's reformation of the archonship office describing how he established the procedure of the archons' election by lottery from a pre-selected pool of candidates.²⁵² Originally, the source claims, the Areopagus "called men up, judged them and made its disposition, appointing the most suitable man to each of the offices."²⁵³ This passage suggests that prior to the Solonian reforms the Areopagus conducted a formal evaluation of the magistrates before they entered into office. Although Aristotle's account of the newly established procedures does not mention a formal evaluation under the Solonian reforms, the "judgement" of the Areopagus might be the origins of the subsequently established *dokimasiai*. Indeed, F. Borowski has suggested that, since the origins of *dokimasia* are likely archaic, the responsibility of conducting the procedures were probably inherited by the Kleisthenic *boule* from either the Solonian council of 400 or the Areopagus.²⁵⁴

²⁴⁸ [Arist.] *Ath. Pol.* 45.2.

²⁴⁹ Feyel 2009: 155 ; Fröhlich 2013: 261.

²⁵⁰ Dem. 20. 90.

²⁵¹ Feyel 2009: 155 ; Borowski 1975: 81.

²⁵² [Arist.] *Ath. Pol.* 8.1.

²⁵³ [Arist.] *Ath. Pol.* 8.2.

²⁵⁴ Feyel. 2009: 22.

Unlike the other forms of *dokimasiai* that mentioned discussed, the scrutiny of the magistrates does not have a simply practical and mechanical function. Although, some have argued that the primary purpose of the *dokimasia* of the magistrates was to serve as a check on the *deme* registers, to ensure that those elected to office had full Athenian citizenship.²⁵⁵ This interpretation would place this type of *dokimasia* on the level of the other forms of scrutiny which were purely practical in nature. Similarly, Mogens Herman Hansen views *dokimasia* as a mere formality which would have been largely uneventful and boring.²⁵⁶ Hansen bases this conclusion on the fact that there are so few examples of accusations being made against candidates during *dokimasia* and further concludes that this purely formulaic practice demonstrates the Athenians' love of formality and procedure.²⁵⁷ Whereas this might be true of the earlier use of *dokimasia*, by the fourth century the sources suggest that there were other motives behind the evaluation procedures. One of the most important textual references is found in Lysias' speech concerning the *dokimasia* of Evander. The speech is an excerpt from the scrutiny of Evander, which occurred after the man who was elected archon was accused of oligarchic tendencies and rejected by the council after undergoing *dokimasia*, Evander was then called to fill the position. This speech provides evidence that in fact, during the election procedures, a second candidate would be selected in the event that the first candidate be rejected during *dokimasia*.²⁵⁸ This suggests, perhaps, that instances of rejection as a result of this procedural scrutiny were more common than originally thought. The following passage within Lysias' speech highlights the purpose of *dokimasia* and also the importance of properly conducting the procedure:

²⁵⁵ Sinclair 1988: 78.

²⁵⁶ Hansen 1991: 220.

²⁵⁷ Ibid.

²⁵⁸ Lys. 26.; Feyel 2009: 158.

The author of the law concerning scrutinies had chiefly in view the magistrates of the oligarchy; for he thought it monstrous that the men responsible for the overthrow of the democracy should regain office under that very constitution, and get control over the laws and over the city of which they had formerly taken charge only to maim her with such shameful and terrible injuries. Hence it is not right to be careless of the scrutiny, or to make it of so slight account as to ignore it: no, you should keep guard over it; for on the just title of each magistrate depends the safety of the government and of your whole people.²⁵⁹

As discussed in earlier chapters, after the oligarchic coups d'états of the late fifth century, the Athenian democracy became highly concerned with the suppression of oligarchic sympathizers. Similarly, Pseudo-Xenophon comments that the Athenians “examine more officials than all others out together”.²⁶⁰ This suggests that the procedure was much more than a mere formality and a check on the citizen registers. This is reflected in the evolved role of the *dokimasia*.²⁶¹ Scholars have tended to focus on the evaluation of the candidates citizenship status as the most important aspect of *dokimasia*; however, as demonstrated by the passage above, as well as the questions listed in the *Athenaion Politeia*, clearly the character of the individual was also a primary concern of this procedure. The questions listed by Aristotle not only ask for the identity of the candidates parents, but also whether the candidate takes proper care of his parents.²⁶² Similarly, the candidate had to produce witnesses to attest to his religious piety.²⁶³ These questions, along with the above mentioned speech, which clearly states that *dokimasia* primarily served to prevent oligarchic sympathizers from holding public office, suggest that *dokimasia* was not merely a formal check of the *deme* citizen registers, but an evaluation of the candidate's overall character. Thus, I would argue that the procedure of *dokimasia* served both the equally

²⁵⁹ Lys. 26. 9.

²⁶⁰ Ps. Xen. *Ath. Pol.* III.2.

²⁶¹ Feyel 2009: 159.

²⁶² [Arist.] *Ath. Pol.* 55.3.

²⁶³ [Arist.] *Ath. Pol.* 55.3.

important function of confirming the citizenship status and, evaluating the character of the candidate.

The fact that the subject of the *dokimasia* procedure was not the evaluation of a candidates skills or expertise has led some scholars to determine that *dokimasia* did not serve to mitigate possible negative side effects of election by lottery.²⁶⁴ It is true that the evaluation did not address a candidate's ability to perform the duties required by his office, however, this does not necessarily translate into a complete disconnect between the use of election by lottery and the procedure of *dokimasia*. It understandable, given our modern perception of the use of lottery as a method of election, that one would assume that any kind of evaluation after the selection of a magistrate by lottery would focus on the candidates ability to perform the duties required by his office. This is typical of modern society as most consider holding public office to be a professional occupation, and, like most occupations, public service must then require a specific set of skills and training. However, the Athenians did not have a class of professional politicians,²⁶⁵ and they did not consider training or a particular skill set necessary for holding public office.²⁶⁶ For the Athenians it is much more important for a candidate to be a full Athenian citizen on both his maternal and paternal sides, and be of upstanding moral character.²⁶⁷ After 403, the procedure expanded to include an examination of particular aspect of a candidate's character, namely, his oligarchical sympathies.²⁶⁸ Therefore, *dokimasia* did serve as a check on the use of election by lottery as it ensured that only men of upstanding and non-oligarchical character would be able to assume office. Furthermore, as we have seen, one of the

²⁶⁴ Sinclair 1988: 78.

²⁶⁵ Headlam 1933: 145.

²⁶⁶ Ps. Xen. *Ath. Pol.* I.2 on the understanding that the generals and cavalry commanders require certain technical skills, which meant that not all citizens were equally viable candidates, and thus these positions were not elected by lottery.

²⁶⁷ Feyel 2009: 159.

²⁶⁸ Ibid.

primary motives behind the use of election by lottery was the desire to safeguard against oligarchy and tyranny. However, as discussed in chapter 2, the use of randomness in decision making and the “Blind Break” principle dictates that election by lottery might result in unfavourable candidates being appointed to office, such as tyrants or oligarchs. Thus, by instituting a procedure of evaluation of character, this particular negative effect of the lottery can be prevented. The logic in the relationship between these two procedures, election by lottery and *dokimasia*, is quite clear as both serve complimentary functions.²⁶⁹ Thus the procedure of *dokimasia* served to insure that holding of public office was an exclusive right of Athenian citizens and also the exclusive domain of the democratic faction.

Citizenship and Exclusivity

The other main method of maintaining and restricting the pool of candidates eligible for election was the increasing exclusivity of the Athenian citizenry. As demonstrated above, establishing the citizenship status of a candidate was an integral part of the procedure of the evaluation of all magistrates. The reforms of Kleisthenes naturalized many metics and foreigners who became full citizens when their names were inscribed on the deme registers.²⁷⁰ Subsequently these deme registers became the standard method of verifying and recording citizenship statuses.²⁷¹ During this period non-citizen mothers could still give birth to citizens, provided the child’s father was an Athenian citizen.²⁷² There is also evidence to suggest that during this time it was much more common for metics to become naturalized.²⁷³ This, along with

²⁶⁹ Both Hansen and Feyel, recognise that the procedure of *dokimasia* did in fact mitigate some of the negative effects of the lottery: Feyel 2009: 218; Hansen 1991: 218; see Fröhlich 2013: 265, for a similar thought.

²⁷⁰ [Arist.] *Ath. Pol.* 21.4; Hansen 1991: 52.

²⁷¹ Sinclair 1988: 24.

²⁷² Hansen 1991: 53.

²⁷³ *Ibid.*

the rise in birthrates, led to an increase in population of male citizens.²⁷⁴ In 451, Perikles put forth the law that restricted citizenship to only those with two Athenian parents.²⁷⁵ The motivations behind this law are much disputed and theories range from an influx of outsiders to a serious laxation of the maintenance of the *deme* registers.²⁷⁶ Aristotle only vaguely states that this law was enacted “on account of the large number of citizens”.²⁷⁷ Some suggest that the influx of foreigners led to an increased awareness of Athenian identity which caused citizenship to become a more jealously guarded status.²⁷⁸ Along these lines, Osborne has argued that the law was a reaction to the large number of foreign liaisons being conducted by the elite, which had resulted in increased levels of foreign influence.²⁷⁹ As foreign connections were often associated with tyranny and oligarchy, these might have been considered a threat to democracy. Others have argued that the law was instituted as a response to the growing legal need for a strictly defined notion of citizenship within the realm of judicial decision making.²⁸⁰ Nevertheless, after the enactment of this law, citizenship became much more restricted and the number of citizens declined. According to the sources, shortly after the institution of this law, the king of Egypt gifted a large amount of grain to the Athenians and the grain was to be distributed to only full Athenian citizens under the new law.²⁸¹ This led to a persecution of a large number of men who were no longer considered full citizens under the new law. Apparently, during this incident 5000 men were convicted and sold into slavery, leaving, according to Plutarch only 14,040 legitimate citizens.²⁸² Even if the details of this episode are somewhat uncertain, at the very least the event

²⁷⁴ Ibid.

²⁷⁵ [Arist.] *Ath. Pol.* 26.4.

²⁷⁶ Sinclair 1988: 24.

²⁷⁷ [Arist.] *Ath. Pol.* 26.4.

²⁷⁸ Osborne 2010: 251; Sinclair 1988: 24.

²⁷⁹ Osborne 2010: 251.

²⁸⁰ Boegehold 1994b: 57-58.

²⁸¹ Plut. *Per.* 37.3.

²⁸² Plut. *Per.* 37.3.

indicates that, during this period, the Athenians were willing to take drastic measures in order to maintain the exclusivity of the citizenship.

However, during the Peloponnesian War, citizenship laws were slackened as citizen numbers declined and the demand for soldiers increased.²⁸³ This laxation lasted until the end of the Peloponnesian Wars when, after the overthrow of the Thirty in 403 the law was reaffirmed and citizenship became once again a very jealously guarded status.²⁸⁴ This coincided with the development of the procedures of *dokimasia* which became increasingly focused on preventing oligarchs from holding public offices suggesting that the Athenians were generally concerned about who was granted the right to participate in government. This mirrors the type of concern and preoccupation with the integrity of the political system and the candidates chosen demonstrated by complexity of the procedures of the election of jurors discussed in chapter 1. Clearly the Athenian community became aware of the need for these complex procedures in order to safeguard against various threats to political stability, namely the threat of factionalism and political stasis. Moreover, throughout the fourth century, citizenship remained a strictly maintained status as demonstrated by the laws and procedures which, by the time during which the *Athenaion Politeia* was written, were further entrenched within the constitution.²⁸⁵ Furthermore, there are a number of fourth century trials within which the citizenship of the accused is a central topic of the proceedings.²⁸⁶

The gradual restriction of the citizenship, punctuated by a brief laxation during the Peloponnesian War, coincides with the increased use of election by lottery, which, by the mid-5th

²⁸³ Hansen 1991: 54; Sinclair 1988: 24.

²⁸⁴ [Arist.] *Ath. Pol.* 42.1; Hansen 1991: 54; Sinclair 1988: 25.

²⁸⁵ [Arist.] *Ath. Pol.* 42.1, describes the registration of youths within demes and the *dokimasia* which occurred at this time. See also [Arist.] *Ath. Pol.* 26.4 for Perikles' citizenship law and 42.1 for its reaffirmation in 403 BC.

²⁸⁶ See Demosthenes' *Against Eubulides* and *Against Neaera* for a few examples of citizenship as a primary focus of a trial.

century, became the primary method of electing public officials. This along with the increased application of a more sophisticated form of *dokimasia* suggests that the Athenians were becoming increasingly aware of the necessity of maintaining the exclusivity of the Athenian body. According to Josiah Ober, “citizenship itself conferred upon the Athenian the essential political standing without which there could be no legal or political privilege”.²⁸⁷ This status therefore was highly guarded and kept exclusive in order to maintain the value of the citizens’ rights and the elite status these rights granted.²⁸⁸ The citizenry, according to Ober, was the elite class within which all other elite were necessarily subsidiary.²⁸⁹ Similarly, Osborne has argued that during the fifth century, particularly the second half of the fifth century, there was an increase in the belief in Athenian autochthony which was connected to the maintenance of the citizen body’s exclusivity.²⁹⁰ Robert Connor has argued that the introduction of the autochthony into the constructed narrative of Athenian identity was a response to the diversity of the population.²⁹¹ Connor argues that the invention of such myths of autochthony and the adoption of strict measures limiting citizenship were a response to the fact that the Athenian citizen body was significantly culturally, linguistically and ethnically diverse.²⁹² As a result, this myth served to create a common narrative for all Athenians in an effort to justify the restriction of access to citizenship as the political system required.²⁹³ Especially during the period of the Delian league, during which the Athenians sought to establish their superiority over the league member states, the maintenance of this exclusivity would be essential.²⁹⁴ This idea is inherently linked with the

²⁸⁷ Ober 1989: 261.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Osborne 2010: 250.

²⁹¹ Connor 1994: 38.

²⁹² Ibid.

²⁹³ Ibid.

²⁹⁴ Osborne 2010: 265.

use of lottery, as we have seen, the use of lottery requires a strict maintenance of the pool of candidates.

The institution of election by lottery had a number of important effects on the Athenian political system. The formation of factions and the abilities of factions to manipulate political affairs were significantly reduced. Furthermore, the possibility of bribery during elections was rendered effectively impossible. More generally, the use of election by lottery inherently promoted the equality of all citizens and a high level of citizen participation despite economic, social and logistical considerations. However, one of the most significant effects of the use of election by lottery was the solidification of Athenian identity and citizenship. Through the restriction of the candidate pool, necessitated by the use of the lottery, Athenian notions of citizenship and identity evolved. *Dokimasia* and citizenship requirements helped to redefine what it meant to be an Athenian citizen and participation in government. These reforms led to the creation of a political elite which was comprised of the entire citizen population of Athens, whose identity was contingent upon their ability to participate in political affairs. As Aristotle states: “a citizen pure and simple is defined by nothing else so much as by the right to participate in judicial functions and in office.”²⁹⁵ This notion, as well as the use of election by lottery, led to the maintenance of the exclusivity of the citizen body becoming one of the central holdings of the Athenian democracy.

²⁹⁵ Arist. *Pol.* 1275a.

Conclusion

Lottery as a method of selection is currently an under-discussed topic that is largely overlooked within the context of western liberal democracy. As a method of election, random selection is in disagreement with our modern preoccupation with rationalization, order, and predictability. However, the lottery is employed in a number of ways within western democracies, most notably as a method of selecting jurors. In this sense, the utility of election by lottery is recognised as a method of attempting to ensure the neutrality or the diversity of jurors. This has both positive and negative side effects and is successful with varying degrees, as discussed in chapter two. Moreover, in the United States, immigrants are given the opportunity to gain a green card through entering their application into an annual lottery. In this case the lottery is understood to increase the fairness of allocation of a good; in this case the first step to gaining American citizenship.

Furthermore, recently some scholars of Athenian democracy have suggested that modern democracies lack a specific civic habit, a civic habit that must be constantly reinforced and revised.²⁹⁶ This lack of civic habit translates into an overall lack of meaningful participation in modern democracies. This problem, it has been suggested, can be solved by introducing a popular branch of government elected by lottery,²⁹⁷ which would add “a genuinely popular voice to decision making”.²⁹⁸ In this sense, the use of lottery as a method of election has become more relevant to modern political discourse as scholars have begun to recognise the procedure’s utility

²⁹⁶ Walter 2013: 522.

²⁹⁷ Ibid 523.

²⁹⁸ Farrar 2007 187.

and centrality within democratic systems. In 2004, a randomly selected but representative body of citizens were assembled in British Columbia to deliberate and recommend an electoral reform. A new system of election was recommended and later adopted by the province. Similarly, in 2006, the province of Ontario assembled a randomly selected body of citizens for the same purpose, although the reform recommended by the assembled group was never enacted. These instances reflect a growing understanding that random selection can play a crucial role in modern democratic regimes.

These applications of lottery are much more specific and restricted employments of random selection and they seem to have had little effect on the greater political system. The use of lottery as a means of selecting public officials seems on the surface to be a highly problematic if not radical idea. The notion of removing all aspects of rationalization from the procedure of election seems hazardous, as the candidates are not chosen based on any particular qualities that might make them better or worse candidates for holding public office. This assumption, that all candidates are equally qualified to hold public office is also highly problematic. In effect, the notions of expertise or ability become entirely irrelevant when random selection is employed. This break in rationalization, the “Blind Break” causes a multitude of challenges within any given political system.

In Athens, however, there was no concept of professionalism for those who participated in politics and so it was widely held that every citizen was an equally acceptable candidate for holding public office.²⁹⁹ This was largely due to the fact that the Athenian citizen body formed a privileged elite within society and citizenship was a highly guarded status. This, by default, restricted and maintained the pool of candidates who could gain access to public office. Moreover, election by lottery served a very important function within the Athenian political

²⁹⁹ Ps. Xen. *Ath. Pol.* I.3.

system. Not only did the procedure encourage a high level of citizen involvement within political affairs but it also served as a safeguard against the formation of political factions which could threaten the stability of the democratic regime. The very same concept of the “Blind Break,” which allows for a break in rational thinking during the selection of candidates, prevents electioneering and the rise of political factions. This is one of the main reasons for which the Athenians employed this procedure, as their democracy was under constant threat of oligarchical or factionally based coups. In this sense the use of the lot was quintessential to the stability of the Athenian democracy.

The character of Athenian democracy and some of the most essential ideological holdings of the political system are embodied in the procedure of election by lottery. As demonstrated in chapter one, the layered and intricate employment of random selection reflects a strong collective concern regarding the integrity of the election procedures and of the candidates elected to public office. This concern, I have argued, is based on the constant threat of oligarchical revolution and the resulting political and social instability. The periods of oligarchical and tyrannical rule which punctuate Athenian history, from the reign of the Peisistratids to the revolution of 403, solidified within the Athenian collective memory a strong realization that factionalism posed a serious threat to the stability of the political system. Thus, the Athenian democracy adopted a number of constitutional procedures which safeguarded against this threat. The most notable of these constitutional procedures is the election of public officials by lottery.

The theoretical analysis of the use of lottery as a method of election provided in chapter two demonstrates both the benefits and the negative effects of this procedure. As a central institutional feature of the democracy, the adoption of such a procedure had important consequences for the functioning and organisation of the Athenian political system. The use of

election by lottery rendered electoral bribery difficult, if not impossible, and mitigated the possibility of political alignment among public officials, thus reducing the likelihood of a political faction becoming overly powerful. Moreover, the employment of lottery as a means of election increased the level of citizen participation in politics as more citizens could aspire to gain access to public offices. That is not to say that every citizen was guaranteed to hold public office if he so chose, but that his chances were equal to that of every other citizen who presented himself for election. This notion in itself greatly affects the character of Athenian democracy as election by lottery creates an opportunity for a high level of participation within politics without necessitating that every citizen actually hold public office. Participation in the procedure of election by lottery amounts to a higher and more active form of participation than, for example, voting. Each citizen, by presenting himself with his *pinakion* inscribed with his name and *deme*, and by taking part in the procedure that was so fundamental to Athenian political ideology would reaffirm his membership within the community and assert his right as a member of the elite group of Athenian citizens. Thus, it is apparent that this procedure was highly ideologically charged and exemplifies fundamental aspects of Athenian democracy.

The use of election by lottery is also intimately related to the development of the Athenian concept of citizenship. As the use of election by lottery became more central to the functioning of the Athenian government so too did citizenship become a more restricted status. The use of election by lottery necessitates the strict maintenance of a restricted pool of candidates viable for election. As all candidates have an equal chance of being elected they all must be acceptable for holding public office. Therefore citizenship, which granted a person the right to potentially participate in even the highest level of public administration, became a highly coveted status. Furthermore, the Athenians maintained the integrity of pool of candidates for

election by institutionalising a procedure of evaluation, *dokimasia*, which served to ensure that the candidate was indeed a citizen, and that the candidate had no oligarchical aspirations; two features which embody the character of the Athenian political culture and drive much of its constitutional and institutional organization.

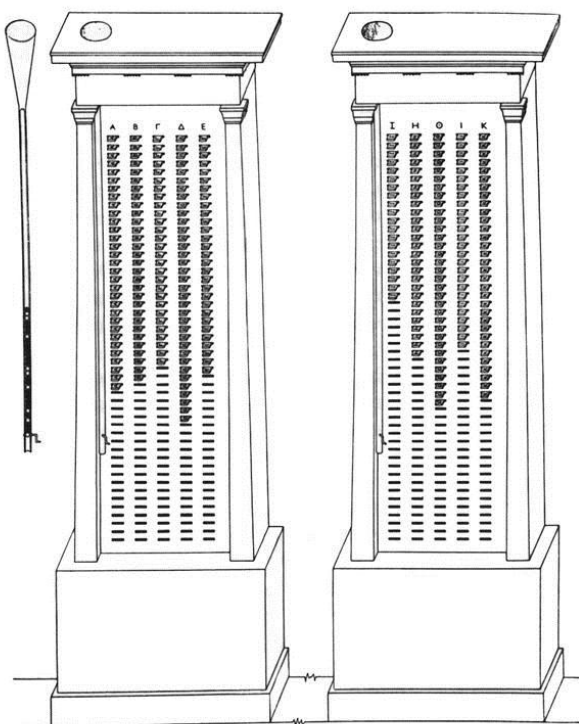
This thesis demonstrates that the use of election by lottery is informative as the procedure illustrates the most fundamental aspects and collective concerns of the Athenian democracy. The collective recognition of the need to safeguard against factionalism arises out of a number of factors, which is discussed within the body of the thesis. However, this concern is more fundamentally a feature of any democratic political institution as democratic systems must ensure their self-preservation.³⁰⁰ In this regard, the procedure of election by lottery is essential to the Athenian democracy as well as a consequence of the political system. Similarly, as put forth by a number of political theorists, exclusivity is also a fundamental aspect of democratic systems. Citizens, as they are defined in contrast to those who are not citizens, are considered equals, and therefore those who are non-citizens must be unequal. The value of citizenship and equality among citizens only has real implications of there are those who are unequal and non-citizen. This idea is particularly important within the Athenian political system because the citizen body had direct access to administrative and official positions through the use of the lottery. Thus the distinction between citizens and non-citizens is paramount to the organisation and effectiveness of the democracy at Athens.³⁰¹ If the citizens have a monopoly on political power, citizenship becomes a highly valuable and coveted right. The case of Athens adds, thus, even further weight to the necessity of a restricted concept of citizenship as the use of election by

³⁰⁰ Ps. Xen. *Athn. Pol.* I.3-8. For a contemporary explanation of how election by lottery safeguards democracy and III. 12-13 describing the decreased influence of factions at Athens.

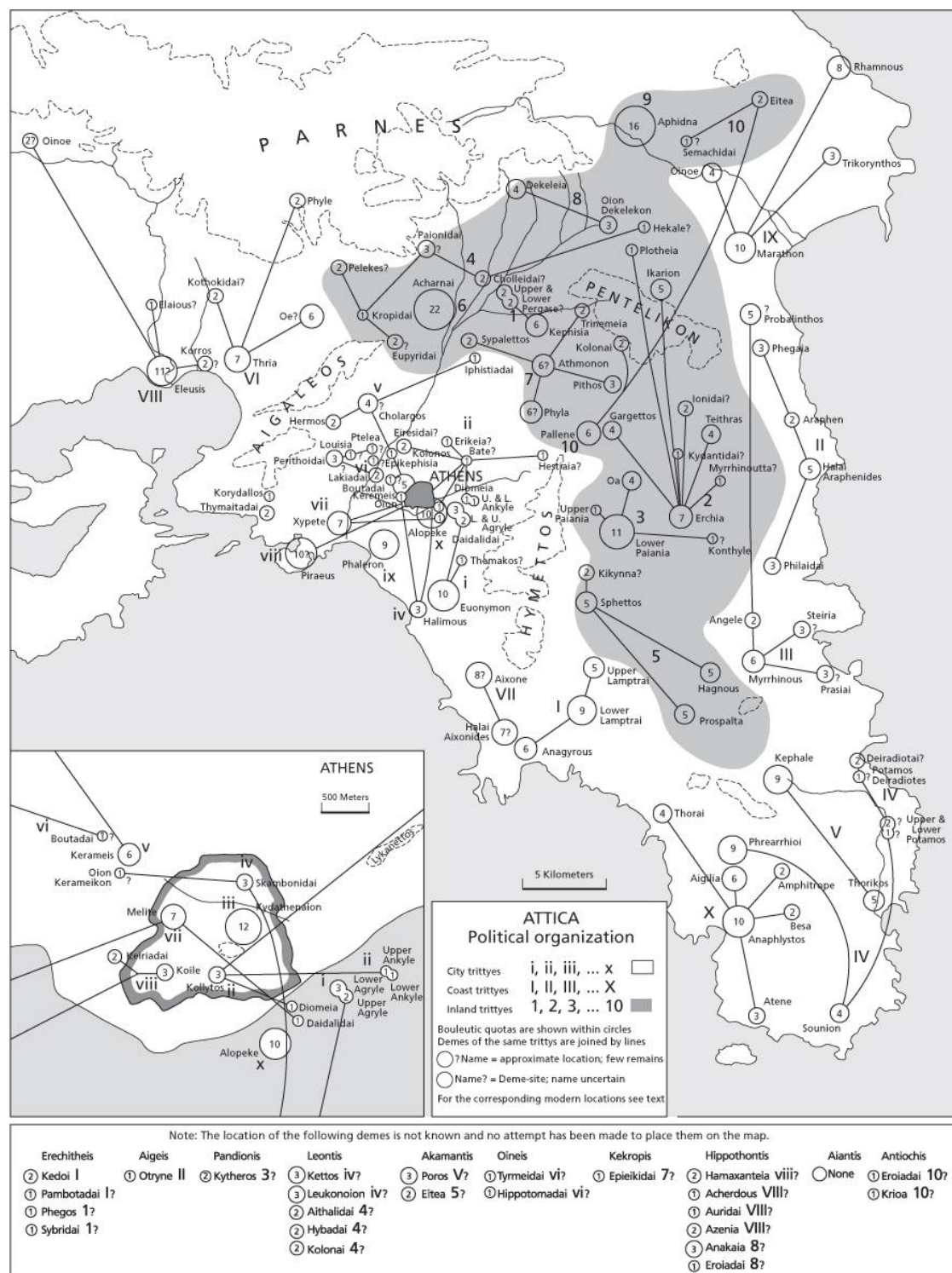
³⁰¹ Beck 2013b: 4.

lottery allows for any given citizen to potentially gain access to political office and increases the level of political power of the individual. Furthermore, in systems which employ election by majority vote, exclusivity is perhaps less of an issue because public opinion would theoretically eliminate the possibility of unfavourable candidates from being elected. Therefore, the Athenian democracy required a highly exclusive concept of citizenship, given the context of the political system's constitutional and procedural aspects. The examination of election by lottery in the Athenian case provides an excellent vehicle for understanding and examining these fundamental aspects of Athenian democracy and is invaluable to an overall understanding of Athenian politics and society.

Appendix 1: *Kleroterion* from the Agora museum at Athens, Third- Second Century BC.



Appendix 2 (Left): *Kleroteria* as depicted by Sterling Dow in “Aristotle, the *Kleroteria* and the Courts” *Harvard Studies in Classical Philology* 50 (1939).

Appendix 3: Map of Attika after the reforms of Kleisthenes. The *phylai*, *trittyes* and *demes*.

From: J.S. Traill. *The Political Organization of Attica; a Study of the Demes, Trittyes, and Phylai, and their Representation in the Athenian Council*. American School of Classical Studies at Athens (1975).

Primary Sources

- Aeschines, Against Timarchus. Adams, Charles Darwin. (trans). 1919. *The Speeches of Aeschines*. The Loeb Classical Library. T.E. Page et al (eds.). London: William Heinemann Ltd.
- Aristophanes, The Ecclesiazusae. Rogers, Benjamin Bickley. (trans). 1924. *Aristophanes. Volume III: The Lysistrata, The Thesmophoriazusae, The Ecclesiazusae, The Plutus*. The Loeb Classical Library. T.E. Page et al (eds.). Cambridge: Harvard University Press.
- Aristotle, the Art of Rhetoric. Freese, John Henry. (trans). 1926. *Aristotle: The "Art" of Rhetoric*. The Loeb Classical Library. T.E. Page et al (eds.). Cambridge: Harvard University Press.
- Aristotle, Nicomachean Ethics. Rackham, H. (trans). 1934. *Aristotle: The Nicomachean Ethics*. The Loeb Classical Library. G.P. Goold (ed). Cambridge: Harvard University Press.
- Aristotle, The Politics. Rackham, H. (trans). 1932. *Aristotle: The Politics*. The Loeb Classical Library. T.E. Page et al (eds.). London: William Heinemann Ltd.
- Aristotle, the Athenian Constitution. Rhodes, P. J. (trans). 1986. *Aristotle: the Athenian Constitution*. England, Suffolk: Richard Clay Ltd.
- Demosthenes, Against Leptines. Vince, J.H. (trans). 1930. *Demosthenes: Olynthiacs, Philippics, Minor Public Speeches, Speech against Leptines*. The Loeb Classical Library. T.E. Page et al (eds.). London: William Heinemann Ltd.
- Demosthenes, Against Boeotus, Against Stephanus. Scafuro, Adele C. (trans). 2011. *Demosthenes, Speeches 39-49*. The Oratory of Classical Greece. Michael Gagarin (ed). Austin: University of Texas Press.
- Diodorus Siculus. Oldfather, C.H. (trans). 1933. *Diodorus of Sicily. Volume V: Books XII-XII*. The Loeb Classical Library. T.E. Page et al (eds.). Cambridge: Harvard University Press.
- Herodotus. De Selincourt, Aubrey. (trans). 2003. *Herodotus: The Histories*. London: Penguin Classics Ltd.
- Isocrates. Norlin, George. (trans). 1928. *Isocrates. Volume II*. The Loeb Classical Library. T.E. Page et al (eds.). London: William Heinemann Ltd.
- Lysias, On the Scrutiny of Evander. Lamb, W.R.M. (trans). 1957. *Lysias*. The Loeb Classical Library. T.E. Page et al (eds.). Cambridge: Harvard University Press.
- Plato's Laws. Bury, R.G. (trans). 1917. *Plato in Twelve Volumes. Volume X: Laws Books I-VI*. The Loeb Classical Library. E.H. Warmington (ed.) Cambridge: Harvard University Press.
- Plato's Laws. Bury, R.G. (trans). 1917. *Plato in Twelve Volumes. Volume X: Laws Books VII-XII*. The Loeb Classical Library. E. Capps, T.E. Page and W.H.D. Rouse (eds.) London: William Heinemann Ltd.

- Plato, the Republic. Shorey, Paul. (trans). 1930. *Plato: The Republic. Volume I: Books I-V*. The Loeb Classical Library. T.E. Page et al (eds.). Cambridge: Harvard University Press.
- Plato, The Republic. Shorey, Paul. (trans). 1930. *Plato: The Republic. Volume II: Books VI-X*. The Loeb Classical Library. T.E. Page et al (eds.). Cambridge: Harvard University Press.
- Plutarch, Life of Aristides. Perrin, Bernadotte. (trans). 1914. *Plutarch's Lives. Volume II: Themistocles and Camillus, Aristides and Cato Major, Cimon and Lucullus*. The Loeb Classical Library. T.E. Page and W.H.D. Rouse (eds). London: William Heinemann Ltd.
- Plutarch, Life of Pericles. Perrin, Bernadotte. (trans). 1914. *Plutarch's Lives. Volume III: Pericles and Fabius Maximus, Nicias and Crassus*. The Loeb Classical Library. T.E. Page and W.H.D. Rouse (eds). London: William Heinemann Ltd.
- Pseudo-Xenophon, The Athenian Constitution. Osborne, Robin. (trans). 2004. *The Old Oligarch: Pseudo-Xenophon's Constitution of the Athenians*. Second edn. The London Association of Classical Teachers.
- Thucydides. Warner, Rex. (trans). 1954. *Thucydides: History of the Peloponnesian War*. London: Penguin Classics Ltd.
- Xenophon, Memorabilia. Marchant, E.C. and O.J. Todd. (trans). 1923. *Xenophon: Memorabilia, Oeconomicus, Symposium, Apology*. The Loeb Classical Library. G.P. Goold (ed). Cambridge: Harvard University Press.

Bibliography

- Anderson, Greg. 2003. *The Athenian Experiment: Building an Imagined political community in Ancient Attica, 508-490 B.C.* Michigan: Ann Arbor.
- Aviles, D. and David Mirhady. 2013. "Law Courts" in Hans Beck ed. *A Companion to Ancient Greek Government*. Chichester: Wiley-Blackwell.
- Beck, Hans. 2013a. (ed) *A Companion to Ancient Greek Government*. Chichester: Wiley-Blackwell.
- Beck, Hans. 2013b. "Introduction: A Prolegomenon to Ancient Greek Government" in Hans Beck ed. *A Companion to Ancient Greek Government*. Chichester: Wiley-Blackwell.
- Boegehold, Alan L. 1994a. and Adele C. Scafuro eds. *Athenian Identity and Civic Ideology*. Baltimore: Johns Hopkins University Press.
- Boegehold, Alan. 1994b. "Perikles' Citizenship Law of 451/450 B.C." in Alan L. Boegehold and Adele C. Scafuro eds. *Athenian Identity and Civic Ideology*. Baltimore: Johns Hopkins University Press.
- Boegehold, A. L. 1995. *The Athenian Agora Volume XXVIII: the Lawcourts at Athens, Sites, Buildings, Equipment, Procedure and Testimonia*. The American School of Classical Studies at Athens, Princeton: New Jersey.
- Borowski, F. S. 1975. *Dokimasia: A Study in Athenian Constitutional Law*. Dissertation, University of Cincinnati.
- Bishop, J.D. 1970. "The Cleroterium". *Journal of Hellenistic Studies* 90. 1-14.
- Carson, L. and Brian Martin. 1999. *Random Selection in Politics*. Connecticut: Praeger.
- Connor, Robert 1994. "The Problem of Athenian Civic Identity" in Alan L. Boegehold and Adele C. Scafuro eds. *Athenian Identity and Civic Ideology*. Baltimore: Johns Hopkins University Press.
- Dow, S. 1939. "Aristotle, the Kleroteria and the Courts" *Harvard Studies in Classical Philology* 50. 1-34.
- Dow, S. 1937. "Prytaneis: A Study of the Inscriptions Honoring the Athenian Councillors" in *Hesperia Supplements Vol. 1*.
- Dowlen, Oliver. 2008a. *The Political Potential of Sortition: A Study of the Random Selection of Citizen for Public Office*. Imprint Academic: London.

- Dowlen, Oliver. 2008b. *Sorted: Civic Lotteries and the Future of Public Participation*. Toronto: MASS LBP.
- Farrar, Cynthia. 2007. "Power to the People" in Kurt A. Raaflaub, Josiah Ober, and Robert W. Wallace eds. *Origins of Democracy in Ancient Greece*. Berkeley: University of California Press. 170-189.
- Feyel, Christophe. 2009. *Dokimasia: la place et le rôle de l'examen préliminaire dans les institutions des cités grecques*. Paris: Boccard.
- Fröhlich, Pierre. 2013. "Governmental Checks and Balances" in Hans Beck ed. *A Companion to Ancient Greek Government*. Chichester: Wiley-Blackwell.
- Hansen, Mogen H. 1991. *The Athenian Democracy in the Age of Demosthenes: Structures, Principles and Ideology*. Oxford: Blackwell.
- Hansen, Mogen H. 1985. *Demography and Democracy: The Number of Athenian Citizens in the Fourth Century B.C.* Denmark: Systime.
- Hansen, Mogens H. 1979. "How Often Did the Athenian "Dicastria" Meet" in *Greek, Roman and Byzantine Studies* 20.3, (Autumn) 243 -246.
- Hansen, Mogen H. 1987. "Did Kleisthenes use the lot when assigning tribes?" in *Ancient World* 15. 34-44.
- Harrison, A.R. 1971. *The Laws of Athens* vol. II. Oxford: Clarendon Press.
- Headlam, J.W. 1933. *Election by Lot at Athens*. first. edn 1890. Ed. James McGregor. Cambridge.
- Kosmetatou, Elizabeth. 2013. "Tyche's Force: Lottery and Chance in Greek Government" in Hans Beck ed. *A Companion to Ancient Greek Government*. Chichester: Wiley-Blackwell.
- Kroll, John. H. 1972. *Athenian Bronze Allotment Plates*. Massachusetts: Harvard University Press.
- Liddel, Peter. 2007. *Civic Obligation and Individual liberty in Ancient Athens*. Oxford University Press.
- Markle, M.M. 2004. "Jury Pay and Assembly Pay at Athens" in P.J. Rhodes ed. *Athenian Democracy*. Oxford: Oxford University Press. 95- 131.
- Morreti, J.C. 2001. "Kleroteria trouvé à Délos" *Bulletin de correspondance hellénique* volume 125.1. 133-143.
- Ober, J. 1989. *Mass and Elite in Democratic Athens*. New Jersey: Princeton University Press.
- Ober, J. 1998 *Political Dissent in Democratic Athens*. New Jersey: Princeton University Press.

- Ober, J. 1996. *The Athenian Revolution*. New Jersey: Princeton University Press.
- Osborne, R. 2010. *Athens and Athenian Democracy*. Cambridge: Cambridge University Press.
- Osborne, Robin. (trans). 2004. *The Old Oligarch: Pseudo-Xenophon's Constitution of the Athenians*. Second edn. The London Association of Classical Teachers.
- Ostwald, M. 1988. "The Reform of the Athenian State by Cleisthenes" in John Boardman, N.G.L. Hammond, D.M. Lewis and M. Ostwald (eds.), *Cambridge Ancient History IV*. second edn. Cambridge University Press. 303-346.
- Raaflaub, Kurt A., Josiah Ober, and Robert W. Wallace. eds. 2007. *Origins of Democracy in Ancient Greece*. Berkeley: University of California Press.
- Rawls, John. 1971. *A Theory of Justice*. Massachusetts: Belknap Press of Harvard University Press.
- Rhodes, P. J. 1981a. *Commentary on the Aristotelian Athenaion Politeia*. New York: Clarendon Press.
- Rhodes, J.P. 1981b. "More Members Serving Twice in the Athenian Boule" in *ZPE* Bd. 41. 101-102.
- Rhodes, P.J. ed. 2004. *Athenian Democracy*. Oxford: Oxford University Press.
- Robinson, Eric W. 2002. "Lead Plates and the Case for Democracy in Fifth-Century BC Camarina" in Vanessa B. Gorman and Eric W. Robinson eds. *Okistes: studies in Constitutions, Colonies, and Military Power in the Ancient World. Offered in honor of A.J.Graham*. Brill: Leiden.
- Sinclair, R.K. 1988. *Democracy and Participation in Athens*. Cambridge University Press.
- Staveley, E.S. 1972. *Greek and Roman Voting and Elections*. New York: Cornell University Press.
- De Ste Croix, G.E.M. 2004. *Athenian Democratic Origins and other Essays*. David Harvey and Robert Parker eds. Oxford: Oxford University Press.
- Stone, P. 2011. *The Luck of the Draw. The Role of Lotteries in Decision-Making*. New York: Oxford University Press.
- Taylor, C. 2001a. "Bribery in Athenian Politics: Part I Accusations and Slander." in *Greece and Rome* 48. 53-66.
- Taylor, C. 2001b. "Bribery in Athenian Politics: Part II Ancient Reaction and Perception." in *Greece and Rome* 48.2. 154-172.
- Taylor, C. 2007. "From the Whole Citizen Body? The Sociology of Election and Lot in the Athenian Democracy" in *Hesperia* 76. 323-345.

- Traill, J.S. 1975. *The Political Organization of Attica; a Study of the Demes, Trittyes, and Phylai, and their Representation in the Athenian Council*. American School of Classical Studies at Athens.
- Walter, Uwe. "Epilogue: The Legacy of Greek Government – Something That Has 'Never Occurred Again'?" in Hans Beck ed. *A Companion to Ancient Greek Government*. Chichester: Wiley-Blackwell.