

Praxagora's Court Reform and the *Kleroteria*

τὰ δὲ κληρωτήρια ... εἰς τὴν ἀγορὰν καταθήσω (*Congresswomen* 681)

The Athenian system for manning the courts is reported in detail in *AthPol* 63-6 and illustrated by surviving artifacts—allotment machines (*kleroteria*) and jurors' identification tags (*pinakia*). Yet many of the details remain puzzling. As *AthPol* describes it, the process (ca. 330) amounted to a three- or four-stage sortition, all to thwart dishonesty; but the successive layers of randomization seem redundant, and the very first step is obscure. Each juror's *pinakion* was stamped with a letter indicating one of ten sections in the tribe, A-K; each *kleroterion* has columns for five letters (say, A-E), so that each die decides the fate of five men in a row. But we are never told how the letters were initially assigned. Assuming the letters were assigned randomly, Dow (1939) deciphered the other features, but even he puzzled over the system's inefficiency: If saving time trumped fairness, why not ten columns instead of five? Symbolism matters (Bers 2000), and chance was certainly seen as a democratic safeguard (Kosmetatou 2013), but this paper argues for another calculation: The section-letters represented regional balance on the Kleisthenic model. The major deme theatres were administrative centers for the trittys (Paga 2010), and they probably served as hubs for that first phase of jury selection. Other testimonia suggest that jury duty was once assigned by deme, and the treatment in comedy helps us to reconstruct the successive adaptations.

The chorus of *Wasps* were a band of old war buddies from contiguous communities or on the same route; they are plausible characters in a world where *lochoi* muster at their trittys centers (Siewert 1982), joined (in the 420s) by neighbors displaced by the war. But evidently they were assigned to a particular court for an extended period, and that arrangement—with identifiable groups assigned to predictable venues—invited corruption. By the time of *Congresswomen* and *Ploutos* (392-388), eligible jurors were assigned letters in their local centers (probably three non-sequential letters per trittys); *only the requisite number* were allotted for each section (one hundredth of the total). Then, when they got to the agora, those letters were randomly assigned to their courts. It is

this system that Praxagora subverts, bringing the *kleroteria* into the agora to be used for the opposite purpose: to assure that *everyone* be served, in courts that function as dining halls.

The actual reform—moving the *kleroteria* to the agora—would soon be implemented, prompted by the corruption attested in *Ploutos*. Enterprising individuals had provided themselves with “many letters,” alternate ID to use as the docket might demand. For a man had a better chance of getting assigned to court—or to a particular case where bribes were offered—if he had several section-letters to choose from. Evidently alternate tags could be acquired or fabricated, even after bronze *pinakia* were introduced, ca. 378 (Kroll 1972: 36, 102).

When the *kleroteria* moved from the local centers to the agora, *dikastai* had to present themselves for sortition in defined areas within the tribe. These caucus areas probably corresponded to *trittyes* (on *trittyshoroi*, Raubitschek 1956; Siewert 1982: 10-16). Now even the resourceful jury-jockey with several *pinakia* up his sleeve would have to take his chances with his proper section. This adaptation is attested in two fragments of the comic Euboulos (ca. 370) listing the *kleroteria* among apparatus “for sale” in the agora and envisioning jurors assigned to their courts “one by one”: at this stage each *kleroterion* handled only a single *trittys* (doing the whole tribe one-by-one would take too long). Back at the local center, section-letters were probably assigned by deme. Indeed that is still the working principle in 348, when Mantitheos (in Dem. 39) assumes that two homonymous brothers from the same middle-sized deme would have identical *pinakia* (non-dikastic ID, assigned in the same way). Thus, when local *kleroteria* were combined for sortition by tribe, any row of five letters would include at least one from each *trittys* and, on average, regional interests were balanced in the courts.

Bibliography

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