

## Lycurgus' *Against Leocrates*: An Attempt at Capital Controls?

ἐπειδὴ διὰ τὴν εἰρήνην ἀδείας ἔτυχεν, ἦν ἐνθάδ' ἐκέκτητ' οὐσίαν φανεράν, ταύτην ἐξαργυρίσας πρὸς ἐκεῖνον ἀπάγων οἴχεται.

“After he obtained immunity due to the peace, whatever real property he had acquired, he converted to coin, left the City and went off to Philip.”

(Demosthenes 5. 8)

Demosthenes' account of the flight of Neoptolemus and his capital from Athens to Macedon contrasts sharply with the recent images of everyday Greeks cued at ATMs waiting to withdraw their daily allotment of Euros after the Syriza-led government imposed capital controls to avert default upon its foreign debt. Everyday Greeks were not seeking to abscond with their money to foreign parts. Neoptolemus was a charlatan and a traitor who had promised to lavish Athens with his wealth, but instead took the money and ran. While a modern day central government can easily restrict the flow of capital, in Classical Athens all Demosthenes can seem to do is complain. However, the civic leader and master financier, Lycurgus, tried to do something about it: he tried to enlist the courts to discourage capital flight.

The *eikoste*, the 2% harbor tax, assessed upon all goods shipped through Piraeus was instituted after the Sicilian disaster. The tax replaced the tribute lost from allies in revolt (Thuc. 7.28). Athens relied heavily upon the tax in the 4th century. Lycurgus understood that Athens' fiscal health depended upon the volume and value of harbor transactions. Leocrates' flight with his money and subsequent commercial life in Megara undermined Athens' public finances: if others were permitted to do the same, Athens' commercial and financial life would be harmed.

Lycurgus does not denounce Leocrates for a particular crime that buttresses the claim that Leocrates was “betraying the fatherland” (e.g. Lycurg. 2 “προδόντα τὴν πατρίδα”). No specific

laws, decrees of resolutions are invoked that Leocrates violated. Rather, Lycurgus elaborates paradigms of the self-sacrificing *philotimia* of mythic (Codrus [Lycurg 84-7]) or historical ancestors (e.g. Persian Wars [Lycurg. 75-82]) who sharply contrast with Leocrates' corrosive selfishness. Lycurgus repeatedly demands that his fellow citizens execute Leocrates in order to make a negative example of him (e.g. Lycurg. 9-10, 27).

Lycurgus' patriotic reminiscences and reverence for the City's gods and cults suggest that moral outrage motivated the prosecution: the deeply conservative aristocratic elite was genuinely appalled by Leocrates' cavalier departure during Athens' darkest hour. Lycurgus' call for vindictive retribution particularly resonates with Plato's later views about law and civic responsibility (Allen 2000: 20-2).

However, the financier's dry-eyed pragmatism permeates his withering assault upon Leocrates' character. Lycurgus extensively recounts how Leocrates alienated all of his Athenian property in order to underwrite his life as a *metic* in Megara (Lycurg. 25-6). What does liquidating assets years after Chaeronea have to do with deserting Athens in a moment of crisis? Everything. For Lycurgus, a citizen fleeing with his capital is as subversive as one who drops his shield or abandons his post (Lycurg 85). After all, his resources would be available to serve the state, just as Leocrates would still be paying the *eikoste* -- if he were not trading "away from home" (κατ'ἐμπορίαν ἀπεδήμει [Lycurg. 58]).

By equating Leocrates' economic pursuits with civic betrayal, Lycurgus presumes that previously private economic activities now fall within the ambit of "public interest." This reflects the changed relation between the *polis* and citizen. In an era that saw increasing professionalism in its army and navy, Athenian citizens increasingly conceived of *philotimia* in financial terms. Demosthenes may have decried the trierarch who sub-contracted to a professional (Dem 21.155)

or citizens who were disinclined to fight for themselves (Dem. 1.6), but honorific grants tell a different story. Increasingly, Athens acknowledged the value of public service not in the form of actual voluntary service, but in the form of discretionary monetary contributions to the cause (Hakkarainen 1997: 24-28; Engen 2010: 75-102).

*Against Leocrates* takes the changed nature of *philotimia* as its point of departure. Lysurgus presumes that Athens necessarily enjoyed and required virtually unlimited power to regulate economic activity and/or commandeer private resources for the public good. The speech itself can thus be read as a pragmatic attempt to chill those who might imitate Leocrates. Lysurgus prosecuted Leocrates to make an example of him. In contrast to Demosthenes, Lysurgus did not just complain, he tried to do something about it.

#### Bibliography

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