

THE ATHENIAN  
DEMOCRACY IN  
THE AGE OF  
DEMOSTHENES

Structure, Principles, and Ideology

*Mogens Herman Hansen*  
*Translated by J.A. Crook*

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Norman

would it have been if the speeches for the prosecution, especially that of Anytos, had survived.<sup>162</sup> But the prosecution of Socrates is an isolated occurrence in the history of Athens, and normally both citizens and foreigners living in Athens could exercise freedom of speech unhindered. It is Plato and Aristotle who give most of the unfavourable analyses of democracy in general and Athenian democracy in particular, and the criticism of democracy to be heard in Athenian sources is the strongest possible evidence that the Athenians' pride in their freedom of speech was not unfounded.

## 3

## The Athenian Constitution down to 403 BC: A Historical Sketch

The sketch that follows anticipates many important concepts, such as democracy itself, citizenship, and the political geography of Attica, that will only receive their proper treatment later. But, as explained in chapter 2, the principles of this book demand a chronological account of the beginnings and first century of Athenian democracy before we embark on the systematic study of its fourth-century form. What follows will also deal with Athenian political and imperial history only in so far as they are directly related to the constitution: for a brief account of the history of Athens in a more general sense the reader is recommended to turn to other books.<sup>1</sup> Some persistent controversies are also glossed over in this sketch in what may seem a somewhat bland manner; that is because they are of relatively minor importance for our purpose, for which it suffices to follow, up to 403/2, the traditional account of Athenian democracy, without too many 'ifs' and 'buts'. Four subjects, on the other hand, will be treated at rather greater length in excursions at the end of the chapter, because full exposition of them is essential to all that follows: they concern (1) the Solonian propertied classes; (2) the Kleisthenic divisions of Attica; (3) the origins of selection by lot; and (4) the Perikleian citizenship law.

### THE ARCHAIC AGE

\* Say, 750-490 BC

Democracy was introduced into Athens by Kleisthenes in 507 BC;<sup>2</sup> but in order to understand what he did we must go back more than a hundred years to an age when Athens was governed by magistrates (*archai*) picked by, and from, the Eupatridai (the 'well-born'), i.e. the leading clans.<sup>3</sup> \*

<sup>1</sup> Murray (1980), on the archaic period; Hornblower (1983), on the classical period; Schuller (1990), 'Forschungsbericht'.

<sup>2</sup> See p. 4.

<sup>3</sup> Arist. *Ath. Pol.* 3.1, cf. 13.2, 19.3; Poll. 8.111. Toepffer (1889); Wade-Gery (1958) 86-115; Roussel (1976) 55-8.

\* The most powerful magistrates were the nine **archons**,<sup>4</sup> of whom the chief gave his name to the year.<sup>5</sup> In the Athenians' own memory of the archon list – and perhaps it was accurate enough – that system went back to the archonship of one Kreon in 683.<sup>6</sup> An important political assembly was the Board of Chairmen of the forty-eight *naukrariai*;<sup>7</sup> but **so limited is our knowledge of Athens in the archaic age that we have no idea what a *naukraria* was, nor even whether the word is connected with *naus* ('ship') or *naos* ('temple')**.<sup>8</sup> We do know that the Athenians were divided into four tribes,<sup>9</sup> that at the head of each was a king' (*phylobasileus*),<sup>10</sup> and that each tribe was subdivided into three ridings (*tritites*, 'third parts')<sup>11</sup> and twelve *naukrariai*.<sup>12</sup> There is no evidence that Athens in that age had an assembly of the people: to claim that, we have to extrapolate from later evidence.<sup>13</sup> And the Athenians did not know themselves whether the Council of the Areopagos – composed of all ex-archons – had been instituted by Solon<sup>14</sup> or had existed long before his time,<sup>15</sup> originally as the king's council.<sup>16</sup> The laws remained unwritten, but were enshrined in the memories of the magistrates, who had to operate them so as to give judgement in lawsuits between citizens.<sup>17</sup>

Economically also the **Eupatridai were the ruling class. Most of them were substantial landowners**, and besides their own produce they received annual contributions from a large and growing group of smallholders (called *hektemoroi*, 'sixth-parters', because a *hektemoros* was obliged to make over a sixth of his produce every year to the large landowner whose dependant he was: if he failed in that obligation he could be sold into slavery).<sup>18</sup> There was a deepening gulf between rich and poor, perhaps mainly due to **population growth**:<sup>19</sup> the number of Athenians may well have doubled between 750 and 600, and, unlike other Greek states, Athens did not get rid of its surplus population by the founding of settlements abroad (*apoikiai*).<sup>20</sup> Amongst the smaller landowners, the rules of inheritance may have had the effect that the individual's plot

<sup>4</sup> Thuc. 1.126.8; Arist. *Ath. Pol.* 13.3. <sup>5</sup> *M&L* 6 = Fornara (1977) no. 23.

<sup>6</sup> Hieronymus p. 93 (ed. R. Helm, Berlin, 1956); Cadoux (1948) 88. For alternative dates cf. Develin (1989) 27–8.

<sup>7</sup> Hdt. 5.71.2. <sup>8</sup> Billigmeier and Dusing (1981); Gabrielsen (1985).

<sup>9</sup> Hdt. 5.66.2.

<sup>10</sup> Arist. *Ath. Pol.* 8.3. *Hesperia* 4 (1935) 19–32 no. 2.33–5 = Harding (1985) no. 9.

<sup>11</sup> Arist. *Ath. Pol.* fr. 3. *Hesperia* 4 (1935) 19–32 no. 2.37.36–7.

<sup>12</sup> Arist. *Ath. Pol.* 8.3, 21.5. <sup>13</sup> Solon fr. 36.1–2. Andrewes (1982) 387.

<sup>14</sup> Plut. *Sol.* 19; Arist. *Pol.* 1273b35–41. Wallace (1989a) 3–47.

<sup>15</sup> Arist. *Pol.* 1273b41–1274a3. <sup>16</sup> Andrewes (1982) 365.

<sup>17</sup> Busolt and Swoboda (1920–6) 488–9; Willetts (1967) 74.

<sup>18</sup> Arist. *Ath. Pol.* 2.2; Plut. *Sol.* 13.4–5. Rhodes (1981a) 90–7.

<sup>19</sup> Snodgrass (1980) 23–4 [but cf. Hansen (1982) 185 n. 8]; Morris (1987) 23.

<sup>20</sup> Graham (1982) 157.

became so small that its holder had to rely on help, or loans, from the big landowner in the neighbourhood; or that some sons had to leave their father's plot of land and cultivate marginal land or become tenants.<sup>21</sup> Population growth, however, is only one out of many possible explanations of how poor Athenians became *hektemoroi* and eventually indebted to the aristocrats.<sup>22</sup> **What we know is only that a *hektemoros* in the end could end up as a slave, either in Attica or, by being sold, in some other city.**<sup>23</sup> The impoverished smallholders began finally to agitate for the abolition of debt enslavement and the liabilities of the *hektemoroi*, and for a redistribution of the land. In the hundred years from about 630 to 530, **those social and economic tensions produced a series of political crises, of which the most important resulted in the coup of Kylon, the laws of Dracon, the reforms of Solon and the tyranny of Peisistratos.**

#### KYLON, DRAKON, SOLON

In 636 or 632<sup>24</sup> an Athenian called Kylon attempted to set himself up as **tyrannos** of the city.<sup>25</sup> (*Tyrannos* is not a Greek but probably a Phoenician word in origin.<sup>26</sup> At that time it just meant, neutrally, a 'ruler', and only a century later did it begin to mean a 'tyrant'.)<sup>27</sup> He was married to the daughter of the *tyrannos* of neighbouring Megara, and with the help of his father-in-law he and his friends attempted to lay siege to the Akropolis. The coup failed, and Kylon fled and his followers were put to death.

A few years later, in 621,<sup>28</sup> Athens acquired its first written code of laws, as a result of which the Eupatridai no longer had a monopoly of knowledge of the law and the convenience of remembering the clauses it suited them to remember.<sup>29</sup> The **compiling of the laws was entrusted to one Dracon.**<sup>30</sup> His law of homicide remained in force, with modifications, right down to the time of Demosthenes,<sup>31</sup> but the rest of his laws, whose penalties were said to have been 'written not in ink but in blood',<sup>32</sup> were superseded in the very next generation by those of **Solon.**<sup>33</sup>

Meanwhile, the socio-economic problems of the state remained unresolved, and only in 594 did rich and poor unite to give the archon Solon plenary power to dictate a **compromise.**<sup>34</sup> Solon was himself a Eupatrid,<sup>35</sup>

<sup>21</sup> E.g. French (1956). <sup>22</sup> Cassola (1964). <sup>23</sup> Solon fr. 36.8–15.

<sup>24</sup> Develin (1989) 30.

<sup>25</sup> Hdt. 5.71; Thuc. 1.126.3–12; Plut. *Sol.* 12; Schol. Ar. *Eq.* 445.

<sup>26</sup> Murray (1980) 132. <sup>27</sup> Andrewes (1956) 20–30. <sup>28</sup> Develin (1989) 31.

<sup>29</sup> Eur. *Supp.* 433–7; but see Eder (1986).

<sup>30</sup> Arist. *Ath. Pol.* 7.1; Arist. *Pol.* 1274b15–16. Stroud (1968) 74–5; Gagarin (1981).

<sup>31</sup> Andoc. 1.83; Dem. 20.158, 23.51. <sup>32</sup> Plut. *Sol.* 17.3; Arist. *Pol.* 1274b15–18.

<sup>33</sup> Arist. *Ath. Pol.* 7.1. <sup>34</sup> Diog. Laert. 1.62. Develin (1989) 37–8.

<sup>35</sup> Davies (1971) 322–4.

and he was probably not much over thirty when he was invested with power to reform his society. He began with a **general amnesty**,<sup>36</sup> then **abolished enslavement for debt**<sup>37</sup> and gave freedom to those so enslaved, even those who had been sold abroad<sup>38</sup> (however he managed that). Next, he freed the *hektemoroi* from the sixth-parts and allowed them to hold their land free of obligations;<sup>39</sup> but **he set himself against a redistribution of the land**,<sup>40</sup> and for ever after the archon on entering office had to proclaim that he would uphold the existing distribution of property.<sup>41</sup>

Besides his economic reforms Solon also reformed the administration of justice. According to later tradition he **set up a people's court**, called the *Heliaia*,<sup>42</sup> manned by sworn jurors,<sup>43</sup> and gave every party to any lawsuit the right to appeal to the *Heliaia* against the award of the magistrates;<sup>44</sup> two surviving laws prove, however, that the *Heliaia* was not only a court of appeal but could also hear new cases.<sup>45</sup> Solon also expanded the right of legal accusation, hitherto confined to the injured person, by **giving every citizen the right to start a prosecution** either on behalf of the injured person or simply in the public interest.<sup>46</sup>

In Solon's time Athenians were divided into three property classes: *hippeis* (cavalry), *zeugitai* (owners of a yoke of oxen) and *thetes* (literally 'menials', the day labourers). The fourth, top class, *pentakosiomedimnoi* (men worth 500 'measures' of natural produce) may have been added by Solon.<sup>47</sup> The *thetes* were excluded from all state offices,<sup>48</sup> and to the most important offices the electors (probably the People's Assembly)<sup>49</sup> could choose only citizens from the top class<sup>50</sup> or – as in the case of the nine archons – from the top two classes.<sup>51</sup> Thus, **election now depended on wealth instead of birth**, and by that means Solon created the conditions for a shift in Athenian society from the rule of aristocrats to the rule of the wealthy.

However, of Solon's constitutional reforms the most important, according to the tradition, was his **creation of a Council of Four Hundred, 100 from each of the four tribes**.<sup>52</sup> As to its functions nothing whatever is heard until Plutarch, who says that the Council had the task of preparing all matters to be decided by the Assembly,<sup>53</sup> exactly as the later Council

<sup>36</sup> Plut. *Sol.* 19.4. <sup>37</sup> Arist. *Ath. Pol.* 6.1. <sup>38</sup> Solon fr. 36.8–15.

<sup>39</sup> Arist. *Ath. Pol.* 6.1; Solon fr. 36.3–6. <sup>40</sup> Solon fr. 34; Arist. *Ath. Pol.* 11.2.

<sup>41</sup> Arist. *Ath. Pol.* 56.2. <sup>42</sup> Arist. *Pol.* 1373b35–a3; Arist. *Ath. Pol.* 7.3, 9.1.

<sup>43</sup> Arist. *Pol.* 1274a3. Hansen (1983a) 153–5; (1989a) 242–9, 258–61, *pace* Ostwald (1986) 10–11.

<sup>44</sup> Arist. *Ath. Pol.* 9.1. <sup>45</sup> Dem. 23.28, 24.105. Hansen (1989a) 259–60.

<sup>46</sup> Arist. *Ath. Pol.* 9.1. Ruschenbusch (1968) 47–53; but see Hansen (1976) 115.

<sup>47</sup> Arist. *Ath. Pol.* 7.3. Rhodes (1981a) 137. <sup>48</sup> Arist. *Ath. Pol.* 7.3–4.

<sup>49</sup> Solon fr. 5.1–2. <sup>50</sup> Arist. *Ath. Pol.* 8.1, 47.1.

<sup>51</sup> Arist. *Ath. Pol.* 26.2. Hignett (1952) 101–2. <sup>52</sup> Arist. *Ath. Pol.* 8.4.

<sup>53</sup> Plut. *Sol.* 19.1–2.

of Five Hundred had; and it is worrying that the earliest trace at all of Solon's Council in the sources is to be found in the revolutionary situation of 411, when the Athenians went over to an 'oligarchical' Council of Four Hundred and abolished the Council of Five Hundred.<sup>54</sup> There can be no doubt that the oligarchs in 411 claimed Solon's alleged Council as their paradigm,<sup>55</sup> and thus it is impossible to tell for certain whether the whole thing was just a propaganda invention that got taken afterwards as history or whether it really did once exist.<sup>56</sup>

Last but not least, Solon carried out a **new codification of the laws**,<sup>57</sup> and for hundreds of years 'the laws of Solon' were the juridical foundation of Athenian society:<sup>58</sup> they were not revised till 410–399,<sup>59</sup> when they were recodified;<sup>60</sup> and in that form they remained in force until the abolition of the democracy, Solon's law-code was, of course, not a comprehensive and systematic code in the modern sense, but a collection of laws, divided into sections not according to content but according to which magistrates were to administer them.<sup>61</sup> Moreover, like other codes, that of Solon most likely contained provisions only about what we would nowadays call private law, criminal law and the law of procedure;<sup>62</sup> only in the revision after the restoration of democracy in 403 were there added to the code provisions about the powers of the organs of state and detailed regulations about administration.<sup>63</sup> Hence the extreme difficulty of deciding whether particular constitutional reforms that were later attributed to Solon really do go back to the early sixth century.<sup>64</sup>

**Solon's reforms underwent the usual fate of all sensible compromises: neither side was satisfied.**<sup>65</sup> He tried to get the Athenians to maintain his laws unchanged for ten years,<sup>66</sup> and defended himself in verse pamphlets (prose being as yet unknown for literary purposes), of which substantial parts have come down to us, the first surviving reflections of a European statesman. He went abroad voluntarily for the ten years during which he hoped his laws would be respected,<sup>67</sup> and on his travels he is supposed to have visited King Kroisos of Lydia (560–546) and King Amasis of Egypt (570–526).<sup>68</sup> (The reigns of these monarchs are certain, which raises doubts as to whether the Athenians were remembering their archon list properly when they put Solon's archonship in 594.<sup>69</sup>) But the citizen

<sup>54</sup> Arist. *Ath. Pol.* 31.1. <sup>55</sup> Hansen (1989c) 88–9.

<sup>56</sup> *Pro:* Cloché (1924) 1–26; Andrewes (1982) 387. *Contra:* Hignett (1952) 92–6.

<sup>57</sup> Solon fr. 36.18–20; Hdt. 1.29.1; Arist. *Ath. Pol.* 7.1. Rhodes (1981a) 130–5. Fragments in Ruschenbusch (1966).

<sup>58</sup> Schreiner (1913). <sup>59</sup> Ruschenbusch (1966) 32–7. <sup>60</sup> See p. 162.

<sup>61</sup> Stroud (1968) 32–3, *pace* Ruschenbusch (1966) 27–31.

<sup>62</sup> Von Fritz (1977); Hansen (1989c) 83–4. <sup>63</sup> See p. 165.

<sup>64</sup> See p. 164. <sup>65</sup> Solon fr. 34, 37. <sup>66</sup> Hdt. 1.29.2.

<sup>67</sup> Hdt. 1.29.1; Arist. *Ath. Pol.* 11.1. <sup>68</sup> Hdt. 1.30.1. <sup>69</sup> Plommer (1969).

body was soon split into three competing factions: the 'Men of the Plain' (i.e. the plain around Athens), led by Lykourgos; the 'Men beyond the Mountains' (i.e. beyond Hymettos and Pentelikon), led by Peisistratos; and the 'Men of the Coast', led by the Alkmaionid Megakles.<sup>70</sup> All these leaders were, of course, themselves aristocrats, and now there happened at Athens, rather late, what had happened in many city-states in the previous hundred years: a leader of subsistence farmers got the upper hand over his fellow aristocrats and made himself tyrant.<sup>71</sup>

In Athens, as elsewhere in Greece, changes in the constitution were probably a corollary of changes in the fighting-forces. In most states the core of the army had ceased to be the mounted aristocrats and was now the foot soldiers with lance, shield, helmet, breastplate and greaves: the so-called *hoplitai*, mainly recruited from the farmers (i.e. in Athens the *zeugitai*). Military power led naturally to political power, so it was usually a commander of hoplites who turned against his peers and, with the help of the farmers, set himself up as tyrant.<sup>72</sup>

#### PEISISTRATOS AND HIPPIAS

In 561 Peisistratos became tyrant in a coup.<sup>73</sup> Formally, Solon's constitution remained unaltered.<sup>74</sup> Peisistratos merely saw to it that his supporters were elected archons<sup>75</sup> and kept a mercenary bodyguard about him always.<sup>76</sup> He was tyrant, barring two periods of exile, from 561 to 527;<sup>77</sup> his exiles were both due to the Men of the Coast allying themselves with the Men of the Plain to oust him,<sup>78</sup> but for most of the time he succeeded in obtaining the collaboration of the Men of the Coast under Megakles and of many of the aristocrats. The fourth-century Athenians also believed that Peisistratos championed the poor and so solved the land problem.<sup>79</sup> In any case he founded émigré communities in northern Asia Minor and the Hellespont,<sup>80</sup> and after his death there was never a movement for land reform.

Peisistratos was succeeded by his son Hippias (527–510), who met gradually increasing opposition from the aristocrats, and many of them were forced into exile.<sup>81</sup> Two of those who remained attempted a coup

<sup>70</sup> Hdt. 1.59.3; Arist. *Ath. Pol.* 13.4. Andrewes (1982) 393–8.

<sup>71</sup> Arist. *Pol.* 1305a21–4. Welwei (1983) 80–2, 164–6.

<sup>72</sup> Arist. *Pol.* 1310b12–31. Murray (1980) 120–52.

<sup>73</sup> Hdt. 1.59.4–6; Arist. *Ath. Pol.* 14.1. <sup>74</sup> Hdt. 1.59.6; Arist. *Ath. Pol.* 16.8.

<sup>75</sup> Thuc. 6.54.6. <sup>76</sup> Hdt. 1.59.5; Thuc. 6.57.1; Ar. *Eq.* 447.

<sup>77</sup> Rhodes (1981a) 191–9. <sup>78</sup> Hdt. 1.60.1, 61.2; Arist. *Ath. Pol.* 14.3–15.5.

<sup>79</sup> Arist. *Ath. Pol.* 16.2–3, 9. <sup>80</sup> Hdt. 6.35–6.

<sup>81</sup> Hdt. 5.62.2; Thuc. 6.59.4; Arist. *Ath. Pol.* 19.3. Lewis (1988) 299.

in 514: the young Harmodios and his lover Aristogeiton tried to murder Hippias at the Panathenaic festival, but only succeeded in killing Hippias' younger brother, Hipparchos. They were instantly put to death,<sup>82</sup> and were later regarded as democratic heroes, as martyrs and freedom-fighters: statues of the Tyrant-slayers were put up in 509 and again in 477,<sup>83</sup> a cult for Harmodios and Aristogeiton was instituted<sup>84</sup> and their descendants had dining-rights at public expense in the Prytaneion;<sup>85</sup> and many in later times were convinced that it was they who had unseated the tyrants and made Athens safe for democracy.<sup>86</sup> But the tyranny of Hippias lasted for four more years and was only really overthrown by the intervention of the Spartans: the aristocrats who had fled Athens had as their leader the Alkmaionid Kleisthenes, and he, with the help of Delphi, induced the Spartans to send a force into Attica under King Kleomenes. In 510 Athens was taken and Hippias and his associates besieged on the Akropolis: he soon capitulated on the promise of unhindered departure, and he and his family went into exile in Sigeion.<sup>87</sup>

#### ISAGORAS

No sooner was the tyrant driven out than a split developed between the newly returned aristocrats under Kleisthenes and those who had stayed behind, led by Isagoras who had been a supporter of Hippias until he joined the revolt.<sup>88</sup> Isagoras was elected archon for 508/7,<sup>89</sup> and Kleisthenes, finding that he had no hope of success with only his aristocratic faction to help him, 'took into his faction the ordinary people'.<sup>90</sup> Supported by the *demos* he successfully opposed Isagoras, whose name, ironically, signifies 'freedom of speech' (*isegoria*), the very ideal advocated by Kleisthenes and his supporters.<sup>91</sup> But Isagoras had a guest-friendship with King Kleomenes, and with the help of a Spartan army forced Kleisthenes and his followers into exile, whereupon the Athenian people rose in revolt. They booted the Spartans out, recalled Kleisthenes and condemned Isagoras to death in his absence.<sup>92</sup> In 507, only three years after the expulsion of the tyrants, the domination of the aristocrats, too,

<sup>82</sup> Hdt. 5.55–7; Thuc. 6.54–8; Arist. *Ath. Pol.* 18. Lewis (1988) 299–300.

<sup>83</sup> Plinius *Naturalis Historia* 34.17 (509); *Marmor Parium*, *FGrHist.* 239 A 54 (477). Brunnssäker (1955).

<sup>84</sup> Arist. *Ath. Pol.* 58.1. Kearns (1989) 55, 150.

<sup>85</sup> *IG I<sup>3</sup>* 131.5–9 = Miller (1978) 139–40. no. 26; Is. 5.47.

<sup>86</sup> Thuc. 1.20.2, 6.53.3; Ath. 695B.

<sup>87</sup> Hdt. 5.62–5; Thuc. 6.59; Arist. *Ath. Pol.* 19.

<sup>88</sup> Hdt. 5.66.1; Arist. *Ath. Pol.* 20.1. Wade-Gery (1958) 136–9.

<sup>89</sup> Dion. Hal. *Ant. Rom.* 1.74.6. Develin (1989) 51. <sup>90</sup> Hdt. 5.66.2.

<sup>91</sup> Hdt. 5.78. <sup>92</sup> Hdt. 5.66, 69–70, 72; Arist. *Ath. Pol.* 20.2–3. Ostwald (1988) 305–8.

was abolished in favour of a new form of constitution, 'democracy',<sup>93</sup> which was actually arising in several Greek city-states at the time.<sup>94</sup>

## KLEISTHENES

In order to break up the old social structure<sup>95</sup> and create a new, homogeneous one, Kleisthenes instituted a new organ of state, the Council of Five Hundred,<sup>96</sup> based on a new division of Attica into ten tribes, thirty ridings (*trittyes*) and 139 demes,<sup>97</sup> a new 'bouleutic' calendar based on the solar year,<sup>98</sup> and new cult associations based on the ten tribes.<sup>99</sup> It is worth comparing these innovations with the French Revolution, in which amongst the most wide-ranging reforms were the creation of an elected legislative assembly based on a new division of France into eighty-eight *départements* and over 500 districts, the introduction of a new religion, and a new calendar with new names for all the months. The religion and the calendar were speedily given up, but the legislative assembly and the divisions of France were permanent and far-reaching. Just so at Athens in 507: a hundred years later the new calendar had to be adjusted back to fit the old, lunar one,<sup>100</sup> and the new cult organizations never caught on, but the Council became one of the principal organs of state alongside the Assembly and the People's Court throughout the classical period, and the redistribution of Attica was the basis of a political structure that lasted, with modifications, for more than 700 years.<sup>101</sup>

That redivision is described in more detail below; here it is more important to list a series of reforms whose purpose was to secure the new democracy from enemies inside and out. Kleisthenes saw to it that many non-Athenians and even freed slaves were inscribed in the new demes, thus becoming Athenian citizens and firm adherents of the new regime.<sup>102</sup> The redivision of Attica was also probably undertaken at least in part with an eye to a New Model Army,<sup>103</sup> for each of the ten tribes was to supply a hoplite regiment; and not long afterwards, in 501,<sup>104</sup> the Board of Generals (*stratēgoi*) was first introduced, elected annually by the people

<sup>93</sup> See p. 69. <sup>94</sup> Hdt. 3.142.2-5 [but see Raafflaub (1985) 139-40], 4.137.2, 6.43.

<sup>95</sup> Lévêque and Vidal-Naquet (1963) 13-24.

<sup>96</sup> Arist. *Ath. Pol.* 21.3. Rhodes (1972) 1-14.

<sup>97</sup> Hdt. 5.69; Arist. *Ath. Pol.* 21.2-4; Arist. *Pol.* 1319b19-27. Traill (1975, 1986).

<sup>98</sup> Ant. 6.44-5. Meritt (1928) 121-2.

<sup>99</sup> Hdt. 5.66.2; Arist. *Pol.* 21.6. Kron (1976); Kearns (1989) 80-92.

<sup>100</sup> Rhodes (1972) 224. <sup>101</sup> Hansen et al. (1990) 30-2.

<sup>102</sup> Arist. *Pol.* 1275b34-7; Arist. *Ath. Pol.* 21.4. Newman (1887-1902) III 145-7.

<sup>103</sup> Effenterre (1976); Siewert (1982). <sup>104</sup> Rhodes (1981a) 262-3.

and with ten members:<sup>105</sup> they commanded the army,<sup>106</sup> in the first period jointly with the polemarch,<sup>107</sup> and were the most important board of magistrates all through the fifth century. Finally, there was ostracism.

Ostracism is the best-known of all Kleisthenes' novelties.<sup>108</sup> In the years 510-507 he had had personal experience of how the rivalries of political leaders could split the state: to obviate such *stasis* in the future<sup>109</sup> he introduced a procedure by which a leader could be sent into banishment (but not penal exile, with no loss of status or property) for ten years.<sup>110</sup> It was called *ostrakismos* because voting was by means of *ostraka*, potsherds; but it was in fact a two-stage process. Each year the people voted in an Assembly meeting, by ordinary show of hands, whether they wanted an ostracism,<sup>111</sup> and if (and only if) they voted in favour of having one the ostracism took place some two months later in the Agora. The citizens went by tribes into an enclosure and there each cast a potsherd on which he had scratched the name of the leader he wanted to see banished.<sup>112</sup> The potsherds were counted, and if (and only if) there were at least 6000 they were then sorted by names, and that person whose name appeared most times (i.e. by a simple, not an overall, majority) had automatically, within ten days, to go into banishment for ten years.<sup>113</sup>

The law of ostracism is correctly attributed to Kleisthenes,<sup>114</sup> but it was twenty years before the Athenians actually used it, in order to banish Hipparchos, a relative of the former tyrant, in 487.<sup>115</sup> The following year the Alkmaionid Megakles was banished, and two years after that Xanthippos, the father of Perikles, and then, in 482, Aristides,<sup>116</sup> whom people called 'the Just'.<sup>117</sup> Banishment by ostracism was used some fifteen times during the fifth century,<sup>118</sup> the last occasion being in one of the years 417-5,<sup>119</sup> when the victim was the 'demagogue' Hyperbolos.<sup>120</sup> The procedure was never abolished, but was a dead letter in the fourth century.

The reason for so many cases of ostracism in the 480s was connected with two especial dangers faced by the Athenians: the wish of the tyrants to get Athens back and that of the king of Persia to conquer the Greeks.

<sup>105</sup> Arist. *Ath. Pol.* 22.2; Hdt. 6.104.1. <sup>106</sup> Hdt. 6.103.1.

<sup>107</sup> Hdt. 6.109.1-2, 111.1; *MC&L* 18 = Fornara (1977) no. 49. <sup>108</sup> See p. 21.

<sup>109</sup> Ostwald (1988) 344-6. <sup>110</sup> Philoch. fr. 30. <sup>111</sup> Arist. *Ath. Pol.* 43.5.

<sup>112</sup> Philoch. fr. 30. <sup>113</sup> Plut. *Arist.* 7.6. <sup>114</sup> Dover (1963); Thomsen (1972) 11-60.

<sup>115</sup> Arist. *Ath. Pol.* 22.3-4 = Androt. fr. 6. <sup>116</sup> Arist. *Ath. Pol.* 22.5-7.

<sup>117</sup> Plut. *Arist.* 7.7.

<sup>118</sup> Rhodes (1981a) 271. Add Lys. 14.39: Megakles and Alkibiades were probably ostracized twice; see p. 5.

<sup>119</sup> Theophr. *Nomoi* fr. 18 (Szegedy-Maszak).

<sup>120</sup> Thuc. 8.73.3; Theop. fr. 96; Plut. *Nic.* 11.1-10; *Alc.* 13.4-9. Andoc. 4 is spurious; see p. 18.

The two threats were two sides of the same coin, because Hippias and his family and adherents had taken refuge in Sigeion and had powerful influence at the Persian Court.<sup>121</sup>

★ In 490 the Athenian army under Miltiades defeated the **Persians** at **Marathon**; a year later Miltiades was struck down in a political prosecution and died in prison.<sup>122</sup> In the following decade **Themistokles** was the leading figure at Athens, and his hand may well have been behind the ostracisms of the 480s by which his rivals were successively removed from the game.<sup>123</sup> **Themistokles may also have been behind the reform of 487/6 by which the method of selection of the nine archons was changed from election to selection by lot (though from an elected short-list).**<sup>124</sup> Already in 493/2, as archon, he had got the Athenians to build a fortified harbour in the **Piraeus**,<sup>125</sup> and when in 483/2 a rich vein of silver was found at Maroneia in southern Attica he persuaded them to use the windfall to build a hundred naval vessels instead of distributing it equally among the citizens.<sup>126</sup> When King Xerxes invaded Greece in 480, Themistokles persuaded the people to evacuate Attica and meet the Persian onslaught at sea,<sup>127</sup> and the reward for his far-sighted policies came in late summer that year, when he led the Athenian contingent at the battle of Salamis. Yet, for all the honours Themistokles won, he soon shared the fate of Miltiades and was forced out by new leaders, Aristides and Kimon, the son of Miltiades. About 471 he was ostracized,<sup>128</sup> and a few years later he was condemned to death *in absentia* for treason, since he, like Hippias, had become an honoured pensioner of the great king of Persia.<sup>129</sup>



#### EPHIALTES



By defeating the Persians and ostracizing the supporters of tyranny, and by creating the Delian League in 478 and consolidating the predominance of the Athenian fleet in the Aegean, the Athenians laid the groundwork for a further advance of democracy. The transformation of Athens from a land power to a sea power led to a shift in the internal balance of power, because the land forces (the hoplites) were recruited from the

<sup>121</sup> Ostwald (1988) 337–9. <sup>122</sup> Hdt. 6.136. Hansen (1975) cat. no. 2; Ostwald (1986) 29.

<sup>123</sup> Ostwald (1988) 342–3. <sup>124</sup> Arist. *Ath. Pol.* 22.5. Badian (1971) 21–6.

<sup>125</sup> Thuc. 1.93.3. Dickie (1973) 758–9. <sup>126</sup> Arist. *Ath. Pol.* 22.7. Labarbe (1957).

<sup>127</sup> Hdt. 7.143–4; *M&L* 23 = Fornara (1977) no. 55. <sup>128</sup> Thuc. 1.135.3. Lenardon (1959).

<sup>129</sup> Thuc. 1.135.2, 137.3ff; Krateros fr. 11–2. Hansen (1975) cat. no. 4; Carawan (1987) 196–200.

middle class<sup>130</sup> whereas the **navy was manned by the poor (the *thetes*).**<sup>131</sup> Furthermore, now that Athens had to lead and administer the League, the Assembly and Council and courts had far more and greater tasks to fulfil, so that the role of all three must have been significantly enlarged.<sup>132</sup> The result of these developments was the passing, on the motion of one Ephialtes, of a law transferring the political powers of the Areopagos to the democratic decision-making bodies.

The archaic **Areopagos** had had oversight of the laws, the magistrates, the politically active citizens, and the general conduct of all Athenians, and it could pronounce judgement, not excluding the death sentence, in political trials.<sup>133</sup> Kleisthenes had made no change in its powers except indirectly, by giving the Assembly too the right to hear political trials<sup>134</sup> and by allowing his new Council a hand in the control of the magistrates. But a group of democrats, led by **Ephialtes**<sup>135</sup> and his henchmen, the young Perikles<sup>136</sup> and Arcestratos<sup>137</sup> (otherwise unknown), were keen to remove altogether the island of aristocratic power in the midst of a democratizing state, and in 462 they succeeded in reducing the Areopagos to the single function of being the court for homicide in cases where the deceased was an Athenian citizen.<sup>138</sup> It happened that just at that moment 4000 hoplites under Kimon were in the Peloponnese, where they had been sent to help the Spartans overcome a helot revolt,<sup>139</sup> so the poor citizens were in the majority in the Assembly.<sup>140</sup> Also, as we have seen, in 487/6 the Athenians had gone over to selecting the nine archons by lot from an elected short-list, and the result was that over a generation that body had ceased to be an assembly of leading political figures and turned into a more random cross-section of the upper class (for archons still had to be chosen from the richest citizens and *zeugitai* became eligible only after Ephialtes' reforms, in 458/7).<sup>141</sup> Thus, in 462 the perfect chance presented itself to curtail the powers of the Areopagos in order to make it correspond to its changed composition; the powers that it lost were divided between the **Assembly**, the **Council** and the **People's Court**.<sup>142</sup> On his return Kimon tried to get the new law reversed, but he drew the short straw and was himself ostracized in 461.<sup>143</sup>

<sup>130</sup> See p. 116. <sup>131</sup> Arist. *Ath. Pol.* 24, 26.1; Ps. Xen. *Ath. Pol.* 1.2.

<sup>132</sup> Schuller (1984).

<sup>133</sup> Arist. *Ath. Pol.* 8.4. Hansen (1975) 19; Wallace (1989a) 64–9.

<sup>134</sup> Hansen (1975) 19; but see Sealey (1981). <sup>135</sup> Arist. *Ath. Pol.* 25.1, 28.2, 41.2.

<sup>136</sup> Arist. *Ath. Pol.* 27.1; Plut. *Cim.* 15.2; *Per.* 9.5. <sup>137</sup> Arist. *Ath. Pol.* 35.2.

<sup>138</sup> Arist. *Ath. Pol.* 25.2; Philoch. fr. 64.

<sup>139</sup> Thuc. 1.102; Ar. *Lys.* 1138–44; Plut. *Cim.* 16.8–17.4.

<sup>140</sup> Plut. *Cim.* 15.2. Cole (1974) 373–8; Martin (1974) 39.

<sup>141</sup> Arist. *Ath. Pol.* 26.2. <sup>142</sup> Arist. *Ath. Pol.* 25.2.

<sup>143</sup> Plut. *Cim.* 15.3, 17.3; *Per.* 9.5.

## PERIKLES

★ Ephialtes was, however, murdered<sup>144</sup> about the same time, and was succeeded as 'leader of the people' by Perikles the son of Xanthippos, who was connected with the Alkmaionids through his mother.<sup>145</sup> For the next thirty-two years Perikles was the acknowledged but not uncontested leader of Athens; a brief period of opposition led by Thucydides the son of Melesias ended when the latter was ostracized in 443.<sup>146</sup> Year after year Perikles was elected general,<sup>147</sup> and as speaker and proposer he so dominated the Assembly that Thucydides the historian was moved to coin the famous apophthegm that in those years Athens was 'in name a democracy but in fact under the rule of the first man',<sup>148</sup> but it was through, and as champion of, democracy that Perikles exercised his power. Under him democratic development was pushed further, especially on two fronts: citizens began to be paid for political activity,<sup>149</sup> and the criteria for citizenship were made more severe.

The first of those reforms was a natural consequence of Ephialtes' law. The new pressure of business, especially on the Council and courts, involved an increase in the number of meetings, but many citizens could only afford to participate if they received compensation for working-time lost. Perikles introduced daily pay, first for the jurors in the People's Court<sup>150</sup> and then for councillors and the rest of the magistrates.<sup>151</sup>

The second reform, the tightening of conditions for citizenship, followed naturally from the first: in 451/50 Perikles had a law passed confining citizenship for the future to those whose parents were both Athenian, i.e. the legitimate sons of an Athenian mother as well as father.<sup>152</sup> It is tempting to see Perikles' law in relation to the decision of the Athenians to give pay for jury service: once citizens had got an advantage out of political activity they were glad not to have too many others to share it with.<sup>153</sup> By Perikles' reforms the gulf that separated citizens from non-citizens was made deeper, and the citizenry became a closed population with a very limited potentiality for growth.<sup>154</sup>

<sup>144</sup> Ant. 5.68; Arist. *Ath. Pol.* 25.4, *pace* Stockton (1982).

<sup>145</sup> Hdt. 6.131.2. Davies (1971) 379, 455–6. <sup>146</sup> Plut. *Per.* 14.

<sup>147</sup> Plut. *Per.* 16.3. Develin (1989) records twenty-two generalships.

<sup>148</sup> Thuc. 2.65.9. <sup>149</sup> Arist. *Ath. Pol.* 1274a8–9; Pl. *Grg.* 515E.

<sup>150</sup> Arist. *Ath. Pol.* 27.3.

<sup>151</sup> *IG* I<sup>3</sup> 82.20; Thuc. 8.69.4; Ps. Xen. *Ath. Pol.* 1.3. Hansen (1979a) 12–4.

<sup>152</sup> Arist. *Ath. Pol.* 26.4. See pp. 52–4. <sup>153</sup> Walker (1927) 102–3.

<sup>154</sup> See p. 90.

## THE SUCCESSORS OF PERIKLES

The growth of the Athenian Empire and the fear of it amongst the other states led to the Peloponnesian War. The major contestants were, of course, Athens and Sparta. Sparta was the land power, representing and supporting oligarchy; Athens the sea power, supporting democracy and exporting her own constitution to the allied states.<sup>155</sup> The ideological aspect was as important in the conflict as that of power politics. The war lasted twenty-seven years, 431–404; in the first two years Perikles still led Athens, but as a result particularly of the plague in 430–429 he for the first time failed to persuade the people to follow his policies, and was actually sentenced to a big fine in a political trial (429).<sup>156</sup> True enough, the Athenians elected him again to the generalship, but he died soon after entering office, perhaps a victim of the plague.<sup>157</sup>

His death brought a great change into Athenian politics;<sup>158</sup> historians have sometimes made too much of it, but it is authentic enough. Down to and including Perikles all Athenian leaders (except, perhaps, Ephialtes) had been aristocrats and landowners;<sup>159</sup> after him they were often of lower birth – just as wealthy, but their wealth based more on slave-manned workshops. The new leaders could still be elected generals,<sup>160</sup> but their power was based much more on their ability to persuade the people in the Assembly.<sup>161</sup> The best-known of them are the tannery-owner Kleon,<sup>162</sup> who fell at Amphipolis in 422, the lamp-manufacturer Hyperbolos,<sup>163</sup> the last Athenian leader to be ostracized, and the lyre-maker Kleophon,<sup>164</sup> condemned and executed in a political trial in the last year of the war.<sup>165</sup> They competed for power, and that was bad for the Athenian conduct of the war: the philosophers disdainfully called them 'demagogues'.<sup>166</sup> But the remaining leaders of the old type, Nikias and Alkibiades, also competed, and their competition was also disastrous.<sup>167</sup> In 415 Alkibiades persuaded the Athenians into an expedition against Syracuse in the grand manner under his own leadership; but just as the fleet was due to sail he was denounced for having parodied and

<sup>155</sup> Thuc. 3.82.1; Ps. Xen. *Ath. Pol.* 1.14–6; Isoc. 4.104–6; Arist. *Ath. Pol.* 1307b22–4.

<sup>156</sup> Thuc. 2.65.3; Plut. *Per.* 32, 35. Hansen (1975) cat. no. 6.

<sup>157</sup> Thuc. 2.65.5; Plut. *Per.* 38. <sup>158</sup> Thuc. 2.65.8–10.

<sup>159</sup> Eupolis fr. 103. Connor (1971) 10–2; Bicknell (1972).

<sup>160</sup> Hansen (1989a) 17 with n. 46.

<sup>161</sup> Connor (1971) 155, 159. <sup>162</sup> Schol. Ar. *Eq.* 44; Critias DK 88 fr. 45.

<sup>163</sup> Schol. Ar. *Pax* 692 (= Cratinus fr. 196). <sup>164</sup> Andoc. 1.146; Aeschin. 2.76.

<sup>165</sup> Lys. 30.10–3, 13.12. Hansen (1975) cat. no. 139.

<sup>166</sup> Arist. *Ath. Pol.* 41.2; *Pol.* 1313b40; Isoc. 8.129; Xen. *Hell.* 2.3.27.

<sup>167</sup> Connor (1971) 140ff.



profaned the Mysteries in nocturnal orgies,<sup>168</sup> and friends of his were denounced for mutilating the statues of Hermes that stood about the streets of Athens.<sup>169</sup> The culprits were found and sentenced to death, and several were executed: it is remarkable how many of them belonged to the circle of Sokrates.<sup>170</sup> The trial of Alkibiades was put off till after the campaign, but hardly had he departed with the fleet than he was summoned back to Athens. He escaped, instead, to Sparta and was condemned to death in his absence.<sup>171</sup>

#### OLIGARCHICAL REVOLUTIONS

The Sicilian expedition, 415–413, imposed on the Athenians by the persuasion of Alkibiades but commanded in his absence by Nikias, who had been against it, ended in catastrophe, and the effect was the rise of oligarchical opposition, putting all the blame on the leaders who had persuaded the people and on the people themselves for being cozened by them.<sup>172</sup> The leaders of the opposition were Peisander and Theramenes (with the general Phrynichos in command of the fleet at Samos and the orator Antiphon in the background);<sup>173</sup> the faction was organized through the clubs of the upper-class, the *hetaireiai*,<sup>174</sup> its programme a 'return to the constitution of Solon',<sup>175</sup> its method terrorism.<sup>176</sup> Contact was made with Alkibiades, now in exile in Persian territory, and he promised he could get an alliance with Persia if Athens would give up democracy and reverse his death sentence. The result was a constitutional somersault in **411**: at an irregular meeting the Assembly voted to abolish the democracy and put the government in the hands of a **Council of Four Hundred** chosen by the oligarchs.<sup>177</sup> Why did the Assembly do such a thing? No doubt because the Athenians were weary of the war, the democratic leaders were intimidated by the terror, and many of the lower classes were with the naval forces stationed off Samos.

The rule of the Four Hundred lasted only four months:<sup>178</sup> Alkibiades could not deliver the promised alliance, and the fleet at Samos stuck to democracy; we, they said, are the people of Athens, and we do not

<sup>168</sup> Andoc. 1.11–14, 27; Thuc. 6.28–9. Hansen (1975) cat. no. 11.

<sup>169</sup> Andoc. 1.34–69; Thuc. 6.27–8, 60–1. Hansen (1975) cat. nos 43–60.

<sup>170</sup> Hansen (1980e) 73–5.

<sup>171</sup> Thuc. 6.53.1, 61.1.7; Plut. *Alc.* 19, 21–2. Hansen (1975) cat. no. 12.

<sup>172</sup> Thuc. 8.1.1. <sup>173</sup> Thuc. 8.68; Arist. *Ath. Pol.* 32.2. Rhodes (1981a) 407–9.

<sup>174</sup> Thuc. 8.48.3–4, 65.2, 92.4; Xen. *Hell.* 2.3.46. Calhoun (1913) 97–147.

<sup>175</sup> Arist. *Ath. Pol.* 29.3. Hansen (1989c) 88–9. <sup>176</sup> Thuc. 8.65.2.

<sup>177</sup> Thuc. 8.67.2–69.1; Arist. *Ath. Pol.* 29.4–5. <sup>178</sup> Arist. *Ath. Pol.* 33.1.

recognize the regime at home.<sup>179</sup> Hoped-for peace with Sparta failed and the Athenians were hard-pressed; so in autumn 411 the moderate oligarchs under Theramenes tried another constitutional switch: full political rights were to be given to all who could afford hoplite equipment – nominally 5000 men,<sup>180</sup> actually a good many more than that, perhaps more like 9000;<sup>181</sup> and they would form the Assembly.<sup>182</sup> The Four Hundred were punished with *atimia*,<sup>183</sup> Peisander fled to Sparta,<sup>184</sup> and Antiphon was condemned and executed.<sup>185</sup> But **the 5000** also only lasted a few months: the Athenians won a badly needed naval victory, and, with morale restored, **re-established democracy in spring 410**<sup>186</sup> and started on the **revision of the laws of Drakon and Solon** (which was only to reach completion in 399).<sup>187</sup> ★

On the whole, however, Athens' difficulties in the war grew steadily greater. She won some more naval victories under Alkibiades, but after a minor defeat in 407 he went into exile. A naval battle in 406 off the Arginoussai islands was a further victory for the Athenian fleet, but its consequences, paradoxically, were a shattering blow to political morale; for the Athenian survivors were not picked up, and many drowned. The generals were held responsible, and eight of them were impeached for treason, tried (unconstitutionally) all together in the Assembly, and condemned: two were absent, the other six were executed forthwith.<sup>188</sup> The Trial of the Generals was cited by contemporaries as evidence that assembly democracy was a bad form of government.<sup>189</sup> The Athenians suffered definitive naval defeat at Aigos Potamoi in the following year, and endured four months' siege by the Spartans; and in spring **404** they capitulated, on various terms including the dissolution of the naval empire, the pulling down of the Long Walls and an amnesty for all exiles (which allowed the survivors of the 400 exiled oligarchs to return home).<sup>190</sup> The constitutional consequences were then spelt out: democracy, people said, was bankrupt. **The oligarchs,<sup>191</sup> organized in *hetaireiai*,<sup>192</sup> came to the fore once again, this time under Theramenes<sup>193</sup> and Kritias, the uncle of Plato's mother.<sup>194</sup>** They had the help of the Spartans, who by their naval presence under Lysander forced the people

<sup>179</sup> Thuc. 8.75–6. <sup>180</sup> Thuc. 8.97.1–2; Arist. *Ath. Pol.* 33.1–2.

<sup>181</sup> Lys. 20.13. <sup>182</sup> Rhodes (1981a) 412, *pace* Ste Croix (1956).

<sup>183</sup> Andoc. 1.78. <sup>184</sup> Thuc. 8.98.1; Lys. 7.4.

<sup>185</sup> Thuc. 8.68.2; Ant. fr. 3 (Budé); Plut. *Mor.* 833D–834B. Hansen (1975) cat. no. 135–7.

<sup>186</sup> Arist. *Ath. Pol.* 34.1; Andoc. 1.96–8. <sup>187</sup> See pp. 162–4.

<sup>188</sup> Xen. *Hell.* 1.7.1–35. Hansen (1975) cat. no. 66. See p. 6.

<sup>189</sup> Arist. *Ath. Pol.* 34.1; Diod. 13.102.5.

<sup>190</sup> Xen. *Hell.* 2.2.20; Arist. *Ath. Pol.* 34.2–3; Diod. 14.3.2–7. Bengtson (1962) no. 211.

<sup>191</sup> Whitehead (1982) 106 with n. 4. <sup>192</sup> Lys. 12.55; Arist. *Ath. Pol.* 34.3.

<sup>193</sup> Xen. *Hell.* 2.3.15ff; Lys. 12.72–8. <sup>194</sup> Xen. *Hell.* 2.3.15ff; Aeschin. 1.173.

to pass a decree appointing a Commission of Thirty to govern Athens and by a revision of the laws to restore the ancestral constitution.<sup>195</sup> The Thirty were duly appointed and acquired a short popularity by their stern measures against sycophants,<sup>196</sup> but they soon turned themselves into a ruling junta and fully earned the name they have always gone by, the **'Thirty Tyrants'**.<sup>197</sup> Kritias led the extremist wing of the oligarchs, and when Theramenes protested against the severity of their actions he was executed on the spot.<sup>198</sup> A Spartan garrison held the Akropolis,<sup>199</sup> and more than 1500 citizens were put to death,<sup>200</sup> while the Eleven in charge of the prison, a board of ten in charge of the Piraeus, and a corps of 300 whip-bearers were all the law there was for those who remained;<sup>201</sup> and they were eventually reduced to 3000 full citizens,<sup>202</sup> while all the other Athenians were disfranchised, disarmed<sup>203</sup> and expelled from Athens.<sup>204</sup>

Of course, many loyal democrats had fled; and it was they who gathered and organized the resistance.<sup>205</sup> Early in 403 they entered the Piraeus again under their leader Thrasybulos,<sup>206</sup> and in a pitched battle at Mounichia near the ruins of the Long Walls the forces of the oligarchs were defeated and Kritias fell.<sup>207</sup> The oligarchs tried a final sleight-of-hand by substituting a Commission of Ten for the Thirty:<sup>208</sup> they were supposed to mediate between oligarchs and democrats, but they merely stepped into the shoes of the Thirty. They appealed to Sparta, and Lysander was prepared to invade Athens again in their support, but his king, Pausanias, took things into his own hands, appeared in Attica with a Spartan force, and brought the *stasis* to an end with an enforced compromise: the Athenians could have their democracy back if they would let the oligarchs create their own little *polis* at Eleusis in north-west Attica.<sup>209</sup> In autumn 403 the democrats returned in triumphant procession to Athens and an **amnesty** was proclaimed;<sup>210</sup> two years later Eleusis was recovered and the remaining **oligarchic leaders executed**,

<sup>195</sup> Xen. *Hell.* 2.3.2; Lys. 12.72–5; Arist. *Ath. Pol.* 34.3. Fuks (1953) 52–83; Krentz (1982) 49–50.

<sup>196</sup> Lys. 25.19; Xen. *Hell.* 2.3.12; Arist. *Ath. Pol.* 35.2–3. <sup>197</sup> Arist. *Ath. Pol.* 41.2.

<sup>198</sup> Xen. *Hell.* 2.3.23–56; Arist. *Ath. Pol.* 37.1.

<sup>199</sup> Xen. *Hell.* 2.3.13–14; Arist. *Ath. Pol.* 37.2.

<sup>200</sup> Isoc. 20.11; Aeschin. 3.235; Arist. *Ath. Pol.* 35.4.

<sup>201</sup> Xen. *Hell.* 2.3.54–5; Pl. *Ep.* 7 324C; Arist. *Ath. Pol.* 35.1.

<sup>202</sup> Xen. *Hell.* 2.3.18; Arist. *Ath. Pol.* 36.1.

<sup>203</sup> Xen. *Hell.* 2.3.20; Arist. *Ath. Pol.* 37.2.

<sup>204</sup> Isoc. 7.67; Diod. 14.5.6–7.

<sup>205</sup> Xen. *Hell.* 2.4.2–7.

<sup>206</sup> Xen. *Hell.* 2.4.10; Arist. *Ath. Pol.* 38.1.

<sup>207</sup> Xen. *Hell.* 2.4.10–19; Arist. *Ath. Pol.* 38.1.

<sup>208</sup> Xen. *Hell.* 2.4.23–4; Arist. *Ath. Pol.* 38.1; Lys. 12.53–4.

<sup>209</sup> Xen. *Hell.* 2.4.38; Arist. *Ath. Pol.* 39. <sup>210</sup> Lys. 13.80; Xen. *Hell.* 2.4.39.

without intervention by the Spartans.<sup>211</sup> A **new amnesty** was proclaimed – and this time it was largely respected.<sup>212</sup> **Democracy was restored and even deified: in the fourth century offerings were made to the goddess Demokratia in Boedromion<sup>213</sup> – probably on the 12th of that month, i.e. on the anniversary of the restoration of democracy.<sup>214</sup>** The date suggests that the cult of Demokratia, though not attested before the 330s, was in fact set up in 403, when the democrats returned to Athens after the civil war.

#### EXCURSUS 1 SOLON AND THE PROPERTY CLASSES

By Solon's reforms the Athenians were divided into four classes (*tele*) by property. The citizen who produced annually at least 500 'measures' (*metra*) of corn, wine or olives counted amongst the *pentakosiomedimnoi*; if he produced between 300 and 500 measures he was among the *hippeis*; if he produced between 200 and 300 he belonged to the *zeugitai*; and if he produced less than 200 he belonged to the *thetes*.<sup>215</sup> The first striking thing about this system is that wealth is measured in produce, not in capital, and the second is that the only relevant produce is crops. The word 'measures' (*metra*) covered both liquid and dry measures, i.e. *medimnoi* of 52 litres, by which corn was measured, and *metretai* of 39 litres, by which wine and olives were measured. The fact that Solon's first class were called *pentakosiomedimnoi* implies that his reform was brought in at a time when Attic farmers mainly grew corn and not wine or olives. Income from trade or manufacture was not taken into account, and there is no sign that the amounts were converted into a money value – which would have been absurd given that a measure of corn and a measure of wine or oil had different monetary values.<sup>216</sup> The division into classes must have been based on some kind of self-assessment. But was the basis a good year or a bad year? We do not know; and it is also impossible to say anything, on the evidence of the product, about the size of the estate it came from. For 200 measures of olives would have taken up a much greater area than the corresponding quantity of wine, though, on the other hand, the Athenians would have planted corn between olive-trees and got two crops off the same area.<sup>217</sup>

Historians have never reached agreement as to the purpose of Solon's

<sup>211</sup> Xen. *Hell.* 2.4.43; Arist. *Ath. Pol.* 40.4. <sup>212</sup> Xen. *Hell.* 2.4.43.

<sup>213</sup> IG II<sup>2</sup> 1496.131–2, 140–1. <sup>214</sup> Plut. *Mor.* 349F; Palagia (1982) 111.

<sup>215</sup> Arist. *Ath. Pol.* 7.3–4. <sup>216</sup> Zimmermann (1974) 101–3.

<sup>217</sup> Skydsgaard (1988).

reforms and the significance of the four terms. The significance of the first term is plain enough. *Hippeus* is a 'horseman' and, according to Aristotle, means a man who can afford to keep a horse.<sup>218</sup> The lexicographers thought that *zeugites* came from *zeugos*, a span of oxen, and that *zeugites* was a citizen who owned such a span.<sup>219</sup> The etymology of *thes* is unknown, but in archaic and classical Greece it meant a day labourer, a propertyless man who had to work for another.<sup>220</sup>

In antiquity itself the Solonian property classes were always interpreted as a class division based on economic criteria; but many modern historians have wanted to connect the property classes with the organization of the army,<sup>221</sup> and for that reason have translated *zeugitai* differently. Both *zeugites* and *zeugos* are connected with *zygon*, a word that normally means a 'yoke' but can also mean a line of men in the hoplite phalanx;<sup>222</sup> so *zeugites*, it is held, could mean a man who serves in the ranks as a hoplite.<sup>223</sup> That fits in well, of course, with the interpretation of *hippeus* as a cavalryman. So the real purpose of the Solonian division, it is claimed, was as a basis for a new army organization resting no longer on cavalry but on hoplites. The theory finds support in the fact that in the fifth century the property classes were indeed the basis of conscription for military service; nevertheless it is dubious. First of all, the other two terms, *pentakosiomedimnoi* and *thetes*, are purely economic, with no verbal connection with military structure whatsoever. Secondly, whatever archaic, aristocratic cavalry force the Athenians may have had, the corps of *hippeis* as we know it was set up only in the middle of the fifth century,<sup>224</sup> so there is no evidence that the Solonian *hippeis* had anything to do with an archaic military structure.<sup>225</sup> As for the proposed etymology of *zeugites*, it is based on the erroneous assumption that the verbal substantive has to be interpreted as passive ('people who are all gathered under a yoke') rather than as active ('possessor of a *zeugos*'): the ancient etymology may perfectly well be right.<sup>226</sup> Finally, we have not the least evidence that Solon initiated any army reform at all.

What he surely did aim at was to add the wealthy to the well-born in the running of the state, by permitting only the well-off to hold office. Some offices, such as those of the Treasurers of Athena, could be held only by *pentakosiomedimnoi*.<sup>227</sup> The highest magistrates, the nine archons, were chosen from the two top classes;<sup>228</sup> *zeugitai* only got access to the

<sup>218</sup> Arist. *Ath. Pol.* 7.4. Bugh (1988) 21–5. <sup>219</sup> Poll. 8.132.

<sup>220</sup> Hom. *Od.* 11.489; Pl; *Euthphr.* 4C; Arist. *Pol.* 1278a12–13; Isoc. 14.48. Wyse (1904) 464–5.

<sup>221</sup> Whitehead (1981); Rhodes (1981a) 138; Andrewes (1982) 385. <sup>222</sup> Thuc. 5.68.3.

<sup>223</sup> Plut. *Pelopidas* 23.4. <sup>224</sup> Bugh (1988) 39–52. <sup>225</sup> Bugh (1988) 20–34.

<sup>226</sup> Hansen (1985c) 56, *pace* Rhodes (1981a) 138. <sup>227</sup> Arist. *Ath. Pol.* 47.1.

<sup>228</sup> Arist. *Ath. Pol.* 7.3, 26.2. Hignett (1952) 101–2.

archonships in 457/6,<sup>229</sup> thirty years after that magistracy had lost its predominance by being chosen by lot instead of election. *Thetes* were excluded from office altogether.<sup>230</sup> New offices, however, such as the Board of Generals (from 501) and the *Hellenotamiai* (from 478) were not, as far as we know, confined to the top two classes, which, taken with the fact that access to the archonships was extended in 457, suggests that the property classes began to lose some of their importance for office-holding after the introduction of democracy in 507.<sup>231</sup> Yet two dedications postdating 480 show that an Athenian might still think it important what property class he belonged to. One is a statue of Anthemion discussed by Aristotle, who also quotes the inscription: 'Anthemion son of Diphilos dedicated this statue to the gods having changed his status from *thes* to *hippeus*.'<sup>232</sup> The other is a fragmentary dedication on stone to Athena, and if the text is correctly restored it is a thank-offering from one of the *thetes* who had advanced to the status of *zeugites*.<sup>233</sup>

Moreover, in the fifth century there is evidence that the Solonian classes were still relevant to colonization and to military service. A decree of about 450 establishing a colony lays down that the colonists shall be drawn from *zeugitai* and *thetes* – i.e. not from the *plousioi* (the wealthy);<sup>234</sup> and the relationship of the classes to military service emerges from several passages in Thucydides about the Peloponnesian War. The Athenian army had three arms: the cavalry (*hippeis*), the heavy infantry (*hoplitai*) and the light infantry (*peltastai* or *psiloi*). Much the most important element were the hoplites, and for their call-up on each occasion a special muster-roll (*katalogos*) was drawn up<sup>235</sup> based on the population registers of the demes.<sup>236</sup> We know from Thucydides that a hoplite *katalogos* did not include *thetes*;<sup>237</sup> and Harpokration also says that *thetes* did not serve as hoplites.<sup>238</sup> Similarly with naval service: apart from trierarchs and officers (*hyperesia*), the naval vessels were manned by marines (*epibatai*) and oarsmen (*nautai*):<sup>239</sup> and in connection with the despatch of a fleet to Lesbos in 428 we learn that *pentakosiomedimnoi* and *hippeis* were not called up for naval service.<sup>240</sup> *Epibatai* may have had hoplite equipment, but two passages in Thucydides show that they were normally recruited from the *thetes*,<sup>241</sup> and received their equipment from the state.<sup>242</sup> Thus, social groups and types of national service corresponded: the upper class

<sup>229</sup> Arist. *Ath. Pol.* 26.2. <sup>230</sup> Arist. *Ath. Pol.* 7.3–4. <sup>231</sup> See pp. 107–8.

<sup>232</sup> Arist. *Ath. Pol.* 7.4. Rhodes (1981a) 145–6.

<sup>233</sup> Raubitschek (1949) no. 372 = no. 269 (P. A. Hansen).

<sup>234</sup> *IG* I<sup>3</sup> 46.43–6 = *M&L* 49.39–42 and Fornara (1977) no. 100.

<sup>235</sup> Ar. *Eq.* 1369–71; Thuc. 7.16.1; Lys. 9.4. Hansen (1985a) 83–9.

<sup>236</sup> *IG* I<sup>3</sup> 138; Meritt (1962) 22–34. <sup>237</sup> Thuc. 6.43.1.

<sup>238</sup> Harp. s.v. *thetes kai thetikon*. <sup>239</sup> Morrison (1984). <sup>240</sup> Thuc. 3.16.1.

<sup>241</sup> Thuc. 6.43.1, 8.24.2. <sup>242</sup> Gomme, Andrewes and Dover (1970) 310.

served in the cavalry, the middle class were the core of the army as hoplites, and the lower class, the *thetes*, dominated the fleet and served as light armed soldiers in the army.<sup>243</sup> In the fifth century and the first decades of the fourth the Solonian property classes went on playing this important role in the structure of Athenian society.

#### EXCURSUS 2 KLEISTHENES' REDIVISION OF ATTICA

We have seen that before Kleisthenes the Athenians were divided into four tribes (*phylai*), and each tribe into three ridings (*trittyes*) and twelve *naukrariai*.<sup>244</sup> There was also a quite different set of divisions: the tribes were divided into a number of phratries (*phratrīai*), and the phratries were subdivided into a number of *gene*.<sup>245</sup> A *genos* was a clan,<sup>246</sup> but not necessarily an aristocratic kinship group, though that has been the accepted view until recently.<sup>247</sup> Perhaps the phratries were in origin military comrades' associations,<sup>248</sup> but in the classical period the Athenians preferred to regard them as groups of people very distantly related to each other,<sup>249</sup> centred round the cult of Zeus Phratrios, Athena Phratrīa, Zeus Herkeios and Apollo Patroös.<sup>251</sup> They all celebrated the festival of Apatouria,<sup>252</sup> common to all Ionians,<sup>253</sup> and on the third day of the festival fathers had their three- to four-year old sons inscribed in their phratry.<sup>254</sup> A passage in Drakon's homicide law implies that every Athenian citizen was a member of a phratry.<sup>255</sup> A preserved list of phratry members records only twenty names<sup>256</sup> and another list indicates a membership of about 120.<sup>257</sup> Thus there must have been at least a hundred phratries, perhaps even several hundred. This whole archaic social structure was allowed to survive in classical times<sup>258</sup> (except the *naukrariai*, which were abolished either by Kleisthenes or at the beginning of the fifth century);<sup>259</sup> but the old tribes were reduced by Kleisthenes' reform to cult societies without significance for politics, and the condition for becoming a citizen was no longer membership of a phratry alone but registration in a Deme as well.<sup>260</sup>

<sup>243</sup> Arist. *Pol.* 1321a5–15. <sup>244</sup> Arist. *Ath. Pol.* 8.3. Roussel (1976) 193–204.

<sup>245</sup> Arist. *Ath. Pol.* fr. 3. <sup>246</sup> Bourriot (1976). <sup>247</sup> Andrewes (1961a).

<sup>248</sup> Hom. *Il.* B 362–6. Andrewes (1961B) 140; Roussel (1976) 121.

<sup>249</sup> Philoch. fr. 35; Arist. *Pol.* 1252b16–18. Nilsson (1951) 65ff. <sup>250</sup> *JG II* 2344.1.

<sup>251</sup> Pl. *Euthydemus*. 302B–D; Arist. *Ath. Pol.* 55.3.

<sup>252</sup> Schol. Ar. *Ach.* 146. Deubner (1932) 232–4; Parke (1977) 88–92. <sup>253</sup> Hdt. 1.147.2.

<sup>254</sup> *JG II* 1237.26–9; *P. Oxy.* 2538 col. ii 25–7 (Lys).

<sup>255</sup> *JG I* 104.18 = *M&L* 86 and Fornara (1977) no. 15B. <sup>256</sup> *JG II* 2344. Flower (1985).

<sup>257</sup> *JG II* 2345.

<sup>258</sup> Arist. *Ath. Pol.* 21.6; *Hesperia* 4 (1935) 19–32 no. 2 = Harding (1985) no. 9.

<sup>259</sup> Arist. *Ath. Pol.* 21.5; Clid. fr. 8. <sup>260</sup> Isoc. 8.88; Dem. 57.46.

Kleisthenes' reform is described in two sources, Herodotus 5.69 and Aristotle, *Constitution of Athens* 21.2–6. Attica was divided first into three regions, the city (*asty*), the inland region (*mesogeios*) and the coast (*paralia*); each region was divided into ten ridings (*trittyes*);<sup>261</sup> and each riding comprised a number of demes, in the fourth century from one to ten demes per riding.<sup>262</sup>

The demes were the foundation of Kleisthenes' reform. A deme was a natural geographical entity: a country village plus its surrounding fields; a stretch of coast centred on a harbour; a valley at the foot of a mountain; a quarter in Athens itself, which was the only large conurbation.<sup>263</sup> But a deme was also a political entity, in that all the citizens living within the area of the deme were made members of it.<sup>264</sup> In fact, a deme was a society rather than a locality. Geographically speaking, it was first and foremost the place where its members met for purposes of politics and cult: it was a point rather than an area, and Strabo is evidence that there were no literal 'parish boundaries' between demes,<sup>265</sup> though accumulating discoveries of boundary stones between demes<sup>266</sup> are a warning that there must have been numerous exceptions to what Strabo says. In Kleisthenes' time, indeed, the members of a deme were all those citizens living in the neighbourhood of the place where the deme held its assembly, but prosopographical studies show that Kleisthenes made deme-membership hereditary,<sup>267</sup> thus building into his reform a feature that in the course of time was bound to break up the politico-geographical unity of the demes.

There is no evidence that any new demes were created before the Hellenistic age, and it is still universally believed that Kleisthenes created 139 demes in all.<sup>268</sup> The demes varied in size, but not until the fourth century do we acquire, from lists of the *prytaneis* and the Council, evidence for their representation on the Council and so for their relative sizes.<sup>269</sup> There must have been changes between the end of the sixth century and the beginning of the fourth;<sup>270</sup> but by cautious extrapolation we can conclude that several demes even in Kleisthenes' time were so

<sup>261</sup> Arist. *Ath. Pol.* 21.4. Hansen (1990d), *pace* Kinzl (1987), (1989) 348.

<sup>262</sup> The inland ridings of Oineis (VI) and Aiantis (IX) consisted of one deme only, i.e. Acharnai (VI) and Aphidna (IX), whereas the city riding of Aigeis (II) consisted of ten small demes.

<sup>263</sup> Traill (1986) 123–49. <sup>264</sup> Arist. *Ath. Pol.* 21.4. Whitehead (1986) 16–38.

<sup>265</sup> Strabo 1.65. Thompson (1971) 72–9. <sup>266</sup> Traill (1986) 116–22.

<sup>267</sup> E.g. Megakles Hippokratous of Alopeke (*JG I* 2 908; Hdt. 6.131.2), father of Megakles Megakleous of Alopeke (*JG I* 3 322–4).

<sup>268</sup> Traill (1975) 73–6; Whitehead (1986) 21. <sup>269</sup> *Agora XV* 2–56.

<sup>270</sup> Hansen et al. (1990) 30.

tiny that they only sent one representative to the Council, while others were ten or twenty times larger.<sup>271</sup>

The 139 demes were distributed among 30 ridings: we have no evidence as to Kleisthenes' basis for the distribution, but it is reasonable to suppose that the ridings were roughly equal in population, and that a riding was originally a geographical unit; the considerable geographical irregularities in the make-up of the ridings in the fourth century are likely to be due to adjustments made, perhaps, in 403/2, when so much else was redrawn.<sup>272</sup>

It was by the assignment of demes to tribes and ridings that Kleisthenes sought to break up the old social structures and create new political entities. In the north-east corner of Attica, for example, lay the Tetrapolis (the 'Four Towns') of Trikorynthos, Probalinthos, Oinoe and Marathon, which, in the *stasis* of the sixth century, had supported Peisistratos; so it is no chance that the Tetrapolis was broken up by Kleisthenes: Probalinthos was removed and became part of one tribe (Pandionis, tribe III), while the remaining three became part of another (Aiantis, tribe IX), along with the deme Rhamnous to the north, which had a quite different background and tradition.<sup>273</sup>

It has been suggested that Kleisthenes, who was a member of the Alkmaionids, arranged by his distribution to privilege the interest of his own clan and prevent others from gaining too great political influence.<sup>274</sup> That may well be so: the trouble is that we are not, by and large, in a position to know which irregularities in the structure go back to Kleisthenes and which are due to the probable later revision, which we may date about 403/2.

Each of the ten new tribes was composed of three ridings, one from the city, one from the inland region and one from the coast. According to Aristotle the distribution of the ridings into tribes was decided by lot,<sup>275</sup> and we have no reason to doubt him. If we suppose that Kleisthenes' desire was to break up the old groupings,<sup>276</sup> that purpose was sufficiently served by the use of the lot, and it was of secondary importance if it occasionally resulted in a tribe having, for example, an inland riding and a coastal riding geographically side by side. Precisely that situation can be detected on the east coast of Attica, where the coastal ridings of tribes IX, II, III and V bordered directly on the inland ridings of the same tribes. That configuration may perfectly well have been the outcome of the lot;<sup>277</sup> but it cannot, of course, be excluded that Kleisthenes gerrymandered the allotment in some way. With that reservation, how-

<sup>271</sup> See p. 102.

<sup>272</sup> Hansen (1990d) 53. <sup>273</sup> Lewis (1963) 30-1.

<sup>274</sup> Lewis (1963); Stanton (1984). <sup>275</sup> Arist. *Ath. Pol.* 21.4. <sup>276</sup> Arist. *Ath. Pol.* 21.2.

<sup>277</sup> Hansen (1987b), *pace* Siewert (1982) 26.

ever, in general the system ensured that each tribe would consist of citizens from different parts of Attica.

The tribes were named after the heroes of Athens. The story is that Kleisthenes picked the names of 100 heroes and sent them to Delphi, and the Delphic oracle picked the ten heroes after whom the tribes were to be named: Erechtheis (I), Aigeis (II), Pandionis (III), Leontis (IV), Akamantis (V), Oineis (VI), Kekropis (VII), Hippothontis (VIII), Aiantis (IX) and Antiochis (X).<sup>278</sup> That order was official and was used, for example, in lists of councillors, citizens fallen in battle, and boards of magistrates.<sup>279</sup>

What, then, to sum up, was the purpose of these complexities? For what purposes of political organization was it needful to break up the old groupings and invent new ones that smack so strongly of the abstract drawing-board? What practical matters were artificial space and artificial time supposed to influence? For we can hardly suppose that Kleisthenes did it all, and that the Athenians accepted it, for merely academic satisfaction. Reflection suggests that two Athenian institutions above all were intended to be put beyond the reach of the old aristocratic influences: the army and the Council. The army was divided into ten regiments, of which each tribe supplied one, and the citizens of a tribe – coming from all over Attica – would henceforward fight side-by-side in the ranks, commanded by officers from their own tribe.<sup>280</sup> But still more important was the politico-geographical reform of Kleisthenes for the structure of his Council of Five Hundred, organized by tribes but related to the sizes of the demes, the basic unit of the whole democracy.<sup>281</sup>

#### EXCURSUS 3 SELECTION OF MAGISTRATES BY LOT

Deep disunity prevails amongst historians as to when the Athenians first began to select their magistrates by lot. The disunity has its roots in our principal source, the *Constitution of Athens*, where Aristotle sets out the development in five stages: selection by lot of minor magistrates (Drakon's alleged constitution of c.621);<sup>282</sup> selection of all magistrates by lot from an elected short-list (Solon, c.594);<sup>283</sup> election of archons (from the sixth century to 487);<sup>284</sup> selection by lot of archons from an elected short-list (487-403);<sup>285</sup> selection by lot of archons and other magistrates (403

<sup>278</sup> Arist. *Ath. Pol.* 21.6. Kearns (1989) 80-92.

<sup>279</sup> *Agora* XV 42; *Agora* XVII 23; *IG* II<sup>2</sup> 1388.1-12.

<sup>280</sup> Arist. *Ath. Pol.* 61.3; Thuc. 6.98.4. <sup>281</sup> Traill (1975) 64-72.

<sup>282</sup> Arist. *Ath. Pol.* 4.3. <sup>283</sup> Arist. *Ath. Pol.* 8.1.

<sup>284</sup> Arist. *Ath. Pol.* 22.5.

<sup>285</sup> Arist. *Ath. Pol.* 22.5.

onwards).<sup>286</sup> Aristotle's account exhibits a curious symmetry (A-B-C-B-A), which may delight a structuralist but is worrying to the historian; it takes one aback that the use of the lot, which is supposed to be *par excellence* the 'democratic' way of doing things,<sup>287</sup> should have been introduced as early as the end of the seventh century (minor magistrates) and the beginning of the sixth (archons). Aristotle, it is true, like many of his contemporaries, believed that Athenian democracy was invented by Solon, abolished by Peisistratos and reintroduced by Kleisthenes;<sup>288</sup> but alleged pre-Peisistratean democracy can only be a reflection of the constitutional conflicts between democrats and oligarchs at the end of the fifth century, when both factions claimed to be restoring the 'ancestral constitution'.<sup>289</sup> There can really be **no doubt that Drakon's alleged constitution must be rejected as a reminiscence of a political pamphlet that has crept into history by mistake.**<sup>290</sup> And can one rely to any greater degree on Aristotle's second stage, where he carries selection by lot back to Solon? He quotes, indeed, a law of Solon for the proposition that the Treasurers of Athena, one from each tribe, must be selected by lot from the *pentakosiomedimnoi*;<sup>291</sup> but the law in question can only have said that they must be chosen from that class: that they had to be chosen *by lot* and *one from each tribe* must be either Aristotle's own paraphrase of a genuine Solonian law (quite correctly understood from the standpoint of his own day) or a quotation from the Solonian law as revised in 403/2.<sup>292</sup>

Now, whether one believes or disbelieves that the Athenians were using the lot as early as Solon really depends on one's conception of the original purpose of the lot as a process of selection. Some think that it was only secondarily a democratic procedure, and that it was originally an institution reflecting the nexus of state and religion in archaic Greece; by using the lot you left to the gods the decision about who should run the community.<sup>293</sup> **Only in the fifth century was it reinterpreted as the supremely democratic procedure for maintaining the equality of all and their equal right to rule.**

Seeking the advice of the gods by means of the lot is, indeed, an age-old device in every country all over the world. If you wanted the gods to give sentence in a difficult case you could use the lot, or dice, just as well as ordeal; and, if you wanted to ask them for advice about the future, one well-known method was to offer them a set of alternatives to choose from by a drawing of lots by oracular priests.<sup>294</sup> On Germanic

<sup>286</sup> Arist. *Ath. Pol.* 8.1, 55.1, 62.1. Hansen (1986b), *pace* Abel (1983).

<sup>287</sup> Hdt. 3.80.6; Ps. Xen. *Ath. Pol.* 1.2–3; Arist. *Pol.* 1294b8–9.

<sup>288</sup> Arist. *Ath. Pol.* 41.2. <sup>289</sup> See p. 40. <sup>290</sup> See p. 19.

<sup>291</sup> Arist. *Ath. Pol.* 8.1, 47.1. <sup>292</sup> Hansen (1990e) 57–8.

<sup>293</sup> Coulanges (1878) 613ff; Glotz (1907) 1401–8; Andrewes (1982) 386.

<sup>294</sup> Latte (1939) 831ff.

soil the ordeal was widespread but the lot oracle little used; by contrast, in ancient Greece there are only a few traces of ordeal,<sup>295</sup> whereas cleromancy, the lot oracle, flourished in archaic, classical and Hellenistic times.<sup>296</sup> In a fourth-century decree of the Athenian Assembly there is a minute description of the procedure of drawing lots where a matter is to be put to the Delphic oracle.<sup>297</sup> Priests were often selected by lot:<sup>298</sup> **priests are the servants of the god; let him choose.** Now, it is on that analogy that historians speculate that the lot was also used in archaic times in the choice of magistrates: archons had, after all, wide-ranging responsibilities in relation to cult. **Aristotle**, it is said, was quite right in his information that the archons were selected by lot in Solon's time, only **wrong** in his interpretation of it as a 'democratic' institution.

The theory is exciting, but weakly based. For one thing, **the only text that unambiguously states that priests were selected by lot so as to leave the choice to the gods is a passage in Plato's *Laws*;**<sup>299</sup> but in that very work Plato distinguishes between selection by lot of priests and election of magistrates<sup>300</sup> and insists on the distinction between sortition and divine decision.<sup>301</sup> What is more, those lot-chosen priests were subject to *dokimasia*, the scrutiny of qualifications before entry into office<sup>302</sup> – hardly a compliment to divine omniscience. All in all, there is not a single good source that straightforwardly testifies to the selection of magistrates by lot as having a religious character or origin.<sup>303</sup> **Whereas the connection of lot and democracy is a commonplace in the sources.** Now, that could be simply due to the fact that the sources only begin to be abundant at a time when the lot had already come to be seen as a democratic procedure: **the shortage of sources prior to 403 is so marked that the theory about the religious significance of sortition of officials can certainly not be ruled out by an argument from silence.** More significant, however, is that other sources actually contradict the *Constitution of Athens*: in book 2 of the *Politics* Aristotle himself writes that Solon introduced the 'ancestral democracy' as a 'mixed' constitution in which election (as opposed to sortition) of magistrates was retained as the 'aristocratic' element;<sup>304</sup> and election was praised by Isokrates as just such an element in the 'original' democracy, introduced by Solon and reintroduced by Kleisthenes,<sup>305</sup> while in a forensic speech from the fourth

<sup>295</sup> Hom. *Il.* 3.316ff, 7.161ff. Glotz (1904); Ehrenberg (1921) 73ff; (1927) 1452.

<sup>296</sup> Latte (1939). <sup>297</sup> *IG* II<sup>2</sup> 204.23–54 = Harding (1985) no. 78.

<sup>298</sup> *IG* I<sup>3</sup> 35.3–8 = *MG&L* 44 and Fornara (1977) no. 93; *SEG* 12 80; Dem. 57.46ff. Feaver (1957).

<sup>299</sup> Pl. *Lg* 759B, cf. 741B. <sup>300</sup> Morrow (1960) 159–62.

<sup>301</sup> Pl. *Lg* 757B.

<sup>302</sup> Pl. *Lg* 759C.

<sup>303</sup> Headlam (1891) 78–87; Ehrenberg (1927) 1461–4; Staveley (1972) 34–6.

<sup>304</sup> Arist. *Pol.* 1273b35–41. <sup>305</sup> Isoc. 12.145, 153–4.

century it is asserted that the king archon under the 'ancestral democracy' was chosen by election from an elected short-list – double election and no lot at all.<sup>306</sup>

The sources are in conflict, which shows that the Athenians themselves had no clear knowledge how the archons were chosen in the seventh and sixth centuries; and the only form of selection by lot that can with any plausibility be thought to go back to Solon is the annual sortition of jurors for the People's Court. Against that, there is absolutely no doubt that the selection of the archons by lot in the classical age was a 'democratic' procedure, introduced twenty years after the reforms of Kleisthenes; and, if we ask how it was done before that, it can be said that archons were chosen by direct election in the period 501–487, while before that the evidence is contradictory.

But there is one powerful indication of election as the original procedure for choosing magistrates: in the classical age the Athenians held absolutely fast to the principle that military magistrates must be elected and not selected by lot. It is hardly conceivable that in the seventh and sixth centuries they put themselves in a position of fighting under commanders chosen by lot.<sup>307</sup> The Board of Generals was instituted in 502/1;<sup>308</sup> from then down to 487 the army was commanded by the polemarch and the generals together,<sup>309</sup> whereas before 501 it had been commanded by the polemarch alone. It is just possible that the nine elected archons in the period 501–487 drew lots for which of them should be archon and which king archon and which polemarch;<sup>310</sup> but it is extremely unlikely that Solon introduced the procedure by which the polemarch was chosen by lot from an elected short-list of forty, of whom only a few would have been likely to possess the necessary military experience.

These considerations should be sufficient to put out of court the notion that in the archaic age the Athenian magistrates were selected by lot.

#### EXCURSUS 4 PERIKLES' CITIZENSHIP LAW

By means of the democratic reform of 507 Kleisthenes had got a large number of metics and foreigners naturalized,<sup>311</sup> and down to the middle of the fifth century citizenship was given without question to *metroxenoi*, those whose fathers were citizens but their mothers not: Kleisthenes' own

mother was a daughter of Kleisthenes of Sikyon,<sup>312</sup> and both Themistokles<sup>313</sup> and Kimon<sup>314</sup> had Thracian mothers. (It is even possible that citizens could have their offspring from slave women inscribed as citizens in their deme.) In the first half of the fifth century the citizen population must have risen steadily, partly by natural increase (but that was never more than a few tenths of a percentage point a year), partly because of the *metroxenoi*, and partly, it must be concluded, because Athens attracted many metics, who somehow had no great difficulty in becoming citizens if they settled, especially if they married a citizen woman.<sup>315</sup> The result was that Athens simply had too many citizens to function properly as a polis: in 450 there may have been something like 60,000 adult male citizens.<sup>316</sup> One remedy employed by Perikles was to send thousands of poorer citizens, sometimes to start émigré communities as colonists, but more frequently to various subject cities, where they received plots of land and were called *klerouchoi* (possessors of a *kleros*), retaining their Athenian citizenship.<sup>317</sup> But a more important remedy was the citizenship law of 451, by which Athenian citizenship was made to depend on Athenian parentage on both sides, and the son of an Athenian citizen and a foreign woman could no longer be registered in his father's deme as a full citizen;<sup>318</sup> what is more, at least by Demosthenes' time, mixed marriages were actually heavily penalized.<sup>319</sup> Aristotle says explicitly that Perikles' law was enacted 'because of the number of citizens'.<sup>320</sup>

Perikles' citizenship law was not made retroactive, but those born of non-citizen mothers and not yet adult in 451/50 were probably excluded from citizenship.<sup>321</sup> When Prince Psammetichos of Egypt in 445/4 sent the Athenians 30,000 (or 40,000) *medimnoi* of corn to be distributed free among the citizens, opportunity was taken to look into who really possessed the citizenship, and it appears that the investigation led to the expulsion of no less than 5000 people from the registers.<sup>322</sup> This large number indicates that the citizenship law was at that time being applied as rigorously as possible. The Peloponnesian War, however, brought with it such a drastic reduction in citizen numbers that for a time the Athenians turned a blind eye to the Periklean law<sup>323</sup> and, what is more, on several occasions bestowed citizenship on larger groups of foreigners, for example the Plataians in 427<sup>324</sup> and the Samians in 405.<sup>325</sup> Upon the restoration

<sup>312</sup> Hdt. 6.130–1. <sup>313</sup> Plut. *Them.* 1.1.

<sup>314</sup> Hdt. 6.39.2; Plut. *Cim.* 4.1. <sup>315</sup> Davies (1977–8) 107; Patterson (1981) 70.

<sup>316</sup> Rhodes (1988) 275; Hansen (1988a) 14–28. <sup>317</sup> Jones (1957) 167–73.

<sup>318</sup> Arist. *Ath. Pol.* 26.4. <sup>319</sup> Dem. 59.16. <sup>320</sup> Arist. *Ath. Pol.* 26.4.

<sup>321</sup> Hignett (1952) 345; Humphreys (1974) 92–3. <sup>322</sup> Philoch. fr. 119; Plut. *Per.* 37.2.

<sup>323</sup> Isoc. 8.88. Humphreys (1974) 93–4.

<sup>324</sup> Dem. 59.104–5. Osborne (1981) D 1.

<sup>325</sup> IG II<sup>2</sup> 1.51–5 = Tod 97 and Fornara (1977) no. 166. Osborne (1981) D 4.

<sup>306</sup> Dem. 59.75. Hansen (1986b) 225. <sup>307</sup> Meyer (1937) 608 n. 2.

<sup>308</sup> Arist. *Ath. Pol.* 22.2. Rhodes (1981a) 262. <sup>309</sup> Hdt. 6.109.2.

<sup>310</sup> Lang (1959) 88; Bicknell (1971) 147–9.

<sup>311</sup> Arist. *Pol.* 1275b35–7; Arist. *Ath. Pol.* 21.4.

of democracy in 403/2, however, the law of Perikles was reintroduced by Aristophan and Nikomenes;<sup>326</sup> it remained unmodified all through the fourth century<sup>327</sup> and the Athenians no longer passed block grants of citizenship,<sup>328</sup> only individual grants, mostly as honours to foreigners who would not dream of taking up residence in Attica.<sup>329</sup>

Perikles' citizenship law had wide-ranging consequences, ideologically as well as demographically. The citizen population was, even more than before, a closed circle, deliberately isolated from the rest of the population; and demographically it had an effect perhaps much more drastic than had been foreseen: namely, that the natural increase in the citizen numbers was curtailed and at some periods could not even balance the numbers who left Attica to live elsewhere as metics or *klerouchoi*.<sup>330</sup> The citizen population of Athens had probably been halved in the Peloponnesian War,<sup>331</sup> and it never again approached the size it had been under Perikles, no doubt mainly because a juridically defined group, such as the Athenian citizen body was after 451, was incapable of recovering from the losses from the war (431–404), the plague (430–426), and the famine during the siege of 405/4. Throughout the fourth century, citizen numbers were stationary at about 30,000.<sup>332</sup>

The decline in citizen numbers must have affected all aspects of Athenian society. For one thing, in the fourth century there must, on average, have been twice as much land per citizen, and that may well be one of the reasons why redistribution of land, a major question in other democratic city-states, is never heard of as a problem at Athens. The introduction of pay for attending the Assembly in about 400 may have been another consequence: the Athenians upheld the requirement of a quorum of 6000 for certain types of decree and in the course of the century extended it, for example to citizenship decrees.<sup>333</sup> But, although, after the Peloponnesian War, it became more difficult to collect 6000 citizens, instead of lowering the quorum they preferred to stimulate attendance by paying for participation.<sup>334</sup>

It is often remarked that Spartan society suffered from lack of citizens (*oligantropia*),<sup>335</sup> but it has not been often enough pointed out that fourth-century Athens also suffered from *oligantropia*, which, though less severe than in Sparta, affected the democratic institutions and the society as a whole.

<sup>326</sup> Ath. 577B; Schol. Aeschin. 1.39. <sup>327</sup> Hansen (1982) 177.

<sup>328</sup> Hansen (1982) 178. <sup>329</sup> Osborne (1983) 147–50.

<sup>330</sup> Hansen (1982) 179–84; (1985) 8–9. <sup>331</sup> Hansen (1988a) 26–8.

<sup>332</sup> See p. 92. <sup>333</sup> See p. 130. <sup>334</sup> See p. 150.

<sup>335</sup> Cartledge (1979) 307–18.

## 4

Athens as a City-State and  
as a Democracy

## ATHENS AS A CITY-STATE

*Polis*

Classical Greece was divided into some 750 *poleis*<sup>1</sup> or 'city-states', as people like to call them. To the 750 must be added at least 300 more, founded by the Greeks as émigré communities outside Greece proper, mostly in the archaic age:<sup>2</sup> thus, historians have identified seventy-two *poleis* in Thrace alone between the Strymon and the Danube.<sup>3</sup> All round the coasts of the Mediterranean and the Black Sea sat Greek city-states 'like frogs round a pond', in Plato's vivid phrase.<sup>4</sup> Most of them were tiny, with an average territory of less than 100 sq. km and a citizen population of fewer than 1000 adult males; not more than a couple of hundred were larger than that, and even a powerful city-state such as Corinth only covered 900 sq. km, with a population in the classical period of about 10,000–15,000 adult male citizens.<sup>5</sup> Athens was in population the largest of all the *poleis* in Greece itself, and in territory the second largest next to Lakedaimon; and the town of Athens proper (the *asty*) along with the harbour town of the Piraeus was the only large conurbation in the territory of Attica, which had an area of about 2500 sq. km.<sup>6</sup> The size of the population as a whole is unknown, but it can be deduced from the evidence that there were some 60,000 male citizens when Perikles was the leader of Athens in the fifth century<sup>7</sup> and about 30,000 when Demosthenes was its leader against Philip of Macedon a hundred years later.<sup>8</sup> In fact, in some Greek eyes, Athens was actually too *large* to be a proper *polis*.

<sup>1</sup> Ruschenbusch (1978a) 3–17; (1985b) 253–63.

<sup>2</sup> Graham (1982) 160–2 (the best selection). <sup>3</sup> Isaac (1986) xii, 283.

<sup>4</sup> Pl. *Phd.* 109B. <sup>5</sup> Salmon (1984) 165–9.

<sup>6</sup> Busolt and Swoboda (1920–6) 758. <sup>7</sup> Hansen (1988a) 14–28.

<sup>8</sup> See p. 92.