Rethinking Athenian Democracy

By

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Dr Dawson is currently a Research Associate in the School of Historical Studies, Monash University. The original Ph.D. thesis version of this publication was written within the Department of Politics, with considerable unofficial attendance in Classical Studies around the corner.

The aim of this book is to attract wide attention to the <u>full argument</u> that lies behind several papers published in leading journals, which have so far been read only in isolation:

Published Refereed Articles

'Food in Everyday Classical Greece', *Classicum* 30.2 (2004) 15-22.

'George Grote and the ancient Greeks', *Polis* 17 (2000) 187-198.

'The Athenian Wappenmünzen', *Scholia* 8 (1999): 73-80.

'The Theatrical Audience in Fifth-Century Athens: Status and Numbers', *Prudentia* 29 (1997) 1-14.

'The Egesta Decree IG I3 11', *Zeitschrift für Papyrologie und Epigraphik* 112 (1996) 248-252.

'Rousseau and Athens in the Democratic Imagination', *Political Theory Newsletter* 7.2 (1995) 1-6.

Non-Refereed Contributions to Refereed Journals

'The Earliest English Usage of the Word "Democrat"', *Political Theory Newsletter* 8.2 (1997) 36-38.

Review of J.T. Roberts, Athens on Trial: The Antidemocratic Tradition in Western Thought (Princeton: Princeton University Press, 1994), *Thesis Eleven* 44 (1996) 122-126.

Refereed Conference Paper

'Reinterpreting Athenian Democracy: Some Implications for Contemporary Debate', *Proceedings of the 1999 Conference of the Australasian Political Studies Association*, Canberra (2000) Vol. I: 159-164.

Non-Refereed Papers

'Solon in translation: Parallel references to West and Linforth', *Scriptorium* 2.1 (1997) 38-39.

'Teaching values and modelling virtues: Some reflections on Plato's Laches', *Centre for Applied and Professional Ethics Conference website publication*, Central Missouri State University (2000).

'Mechanics' Institutes and Colonial Equality', Mechanics' Institutes: The Way Forward (*Proceedings of the Inaugural State Conference of Mechanics' Institutes of Victoria, 1998*), Melbourne: Local Government Division, Department of Infrastructure (2000): 13-16.

This book is a revised version of Dr. Dawson's Ph.D. thesis with minor corrections and updates. The quality of the work can best be illustrated by the fact that the article published in *ZPE* on the dating of the Egesta Decree - a crucial document for the growth of the 5th century BC Athenian naval empire - was lifted straight from the thesis with the addition of only an opening and a concluding paragraph, plus the inclusion of a photograph. *ZPE* is the world's most highly regarded journal of ancient epigraphical studies.

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PREFACE

This book is centrally an attempt to re-examine and also to challenge much conventional wisdom about the status of Athens in the Western 'democratic tradition'. The problems it addresses arose from my concern at the participatory emphasis of much contemporary democratic theory. It seemed a common view that increased citizen participation at all levels would somehow make modern Western democracies 'better'. Central to this view in political thought are beliefs about the nature of democracy heavily indebted to the imaginings of Rousseau and the cultural legacy of Periclean Athens.

It seemed, however, that the importance of Rousseau was overstated and that the image of Athens was understated, both as constitutive influences on the formation of modern democratic thought and in respect of the participatory emphasis of contemporary democratic sentiment within British and Australian democratic traditions. Work on the historical reality of Athenian *dêmokratia* and its shifting modern interpretations led to the construction of a complex hypothesis which stands to contribute both to political theory and to the better understanding of some of its classical referents.

This book reappraises the political structure of classical Athens from a viewpoint that does not presuppose a successful Periclean democracy, and contends that there are new reasons to doubt many of the claims for its excellence as a model of democratic politics. It advances an unorthodox reconstruction of Athenian political history which argues that Athenian government in the Periclean era was controlled by its council and not, as generally held, by regular assemblies of citizens. It contends that the orthodox view rests principally on the wrongful use of fourth-century evidence.

It argues that an unhistorical vindication of Athenian, and especially of Periclean, democracy was developed by English Radical and liberalist writers in and after the early nineteenth century. The rehabilitation of Athenian democracy was cemented by George Grote's phenomenally influential mid-Victorian *History of Greece*. At the same time, reasonable scholarly argument against the Radical reconstruction of Athenian politics was discounted under the weight of a widespread sympathy with liberalist sentiments. Grote's portrayal of Athens, it is contended, acted as a legitimising factor in the implementation of democratic political reform in Victorian England. And - despite the advances of classical scholarship - an erroneous view of Athens, rooted in a perspective originally articulated by Grote, continues to influence both classical studies and contemporary democratic discourse.

The nature of the argument requires extensive reference to historical sources and commentary. For the reader's convenience, I have given references to classical sources bracketed within the text but – to avoid congestion – scholarly citations are footnoted to the bottom of each page. This procedure will both leave the text uncluttered and permit the sources of information to be readily followed.

Unless otherwise specified, all three-figure dates are B.C., and four-figure dates are A.D.. Roman numerals have been dispensed with in classical citations; thus, Hdt. 8.48 would be given, not Hdt. VIII.48. Classical authors are abbreviated as per the *Oxford Classical Dictionary* except that the Aristotelian *Athênaiôn Politeia* is abbreviated to *A.P.* Section references to Plutarch's *Lives* refer to the Loeb edition, which varies from the Teubner text. I follow the convention in which ancient writers are spoken of in the present tense ('Thucydides says') and modern commentators in the past tense.

As the bulk of classical commentary uses Latinised spellings of Greek names and places I have followed tis practice in most instances, but in the case of less familiar names and for all technical terms I use transliterated spelling. In any material cited from the work of others, variations from my own practice my occur. Some few terms (e.g. polis, demos, boule, archon) have become so common in discussion that thy have entered the English political vocabulary.

In this book the terms 'boule' and 'Council' always refer to the Clesithenic Council of 500; the Areopagus is always designated as such. Inscriptional material is presented in the format used by the volumes of the series *Translated Documents of Greece and Rome* edited by E. Badian and R.K Sherk.

The title *Rethinking Athenian Democracy* was first used by me in a book proposal of July 1999, which I still have on file. It thus predates a short article of the same title by Morris Kaplan (published in *Political Theory* 30 [2000] 449-452), but I am confident that no confusion will result from our sharing this phrasing.

What now?

I challenge you to put aside your received views of Athenian democracy. Read right through this book at least twice. Even an expert will need two readings to come to terms with and understand the basis of the unconventional perspective advanced here.

Less than two readings and you'll be nitpicking and saying "that can't be right" before you've given yourself a chance to reconstruct your perspective along the lines advocated here. Remember: it's taken dozens of readings of many texts to deconstruct the orthodoxy, and then to construct a new and different view of Athenian democracy.

Once you've read it, head back into the ancient texts. The whole point of this work is to make them more accessible to moderns by stripping away layers of creative political mythology that have encrusted the ancient philosophers and historians; to give them a new lease of life through a better understanding of their context. See if the new perspective advanced here clicks for you as it did for me!

Acknowledgements

As stated in the pre-purchase information, this book is a revised copy of my Ph.D. thesis, *Athens and England: The Discourse of Democracy* (Monash University, 1996) with minor corrections and updates. My reason for re-releasing and promoting it in this form is that advances in classical and political scholarship have altered little in their general perspective and approach to the key questions addressed here.

Yet the significantly different perspective I propose continues to make sense when I pick up and read not just the ancient philosophers – though that was one of the key motivations for undertaking this work, to make their words more comprehensible through a better understanding of the social conditions that produced them – but also much other work on classical life, theatre and social dynamics.

I find I can read new work on a wide range of classical topics and learn much from them, while readily discarding what I recognise as wrong-headed conclusions or hypotheses based on what in this work I have called the 'orthodox' view of Athens (which, however, is

very much broader than the use of that term might suggest). I find that the perspective advanced here continues to greatly enrich and powerfully enhance my understanding of the ancient world, and hope that it may enrich others' lives in turn.

It would be half a lifetime's work to continue to document more evidence to support this perspective. As I am no longer based in a university, the opportunity to do this is unlikely to occur. It seemed best, then, to release this work as it is with its various imperfections, as a small candle to illuminate a new passage into the ancient world.

Stuart Dawson
Melbourne, 2006

INTRODUCTION

Democratic political theory regularly hearkens back to the Greeks, and no one is likely to emerge from a tertiary politics course without encountering Thucydides' Periclean Funeral Oration at some point. In my own studies, however, I was puzzled by marked differences in the translation of this and other passages generally regarded as evidence of ancient democratic sentiment. Did the texts permit divergent readings, or did the differences reflect the proclivities of their translators? The answer to this problem required an extensive investigation of classical texts, modern ideologies, and the history of classical scholarship. The scholarly literature is vast, and the problems of interpretation are compounded by rthe fact that the bulk of what is known of life in Athens no longer comes from literary sources.[1] Much has been invested in the reconstruction of Athenian politics in the Periclean era, for reasons which will emerge clearly in the course of this inquiry, and practically every point which is addressed here has been hotly disputed pro and contra over many years. In consequence, this thesis can do little more than test some ideas against the evidence and against established interpretations, and foreshadow the work that I wish to pursue at greater length in the future.

The view which is centrally challenged here, and which may be regarded as very widely accepted, holds that Periclean Athens was the historical model of an efficient and perhaps even emulable direct democracy. It does so despite the all but unanimous testimony of antiquity that Athenian *dêmokratia* was unstable, faction-ridden, corrupted and inegalitarian. This would not be so bad if it were legitimate to assail – as do some - the ancient and modern critics of Athenian politics as anti-democratic elitists.[2] Yet this

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[1] Whitehead 1986: xxii; Sallares 1991: 1-2; *contra* e.g. Buxton 1978: 8.

[2] So e.g. Ober 1993: 482; Roberts 1984: passim.

endeavour is problematic when literary testimony of the failings of the classical *dêmokratia* is supported by non-narrative and non-literary evidence. Scholars seeking evidence of a successful Athenian democracy have become adept, in the century and a half after George Grote's *History of Greece* (1846-56), at explaining away text and evidence incompatible with that object, and the possibility of applying modern analytical scholarship from a viewpoint which does not presuppose a successful Athenian direct democracy seems never to have been explored.

With respect to the establishment of representative democracy in Victorian England, F.B Smith commenced his *Making of the Second Reform Bill* (1966) with the observation that the most decisive act of democratic reform in English history had been little analysed.[3] Various studies have followed his own, yet none offer any clear explanation for the passage of the 1867 Reform Act in the form which it took, namely, the concession of a far greater degree of reform than had been sought. The pervasive Victorian enthusiasm for Athens is unmentioned in this work, but more: it is effectively unnoticed by most historians dealing centrally with Victorian self-identity (e.g. Asa Briggs, G. Kitson Clark, Gerturude Himmelfarb, Walter Houghton, G.M. Young) and with the evolution of English conceptions of national identity (Gerald Newman). Yet where it has been directly addressed (Richard Jenkyns, Frank turner), it becomes immediately clear that debate over the viability of Athenian democracy occurred at all levels of Victorian life and was an important backdrop to Victorian discussions of political reform. However, a direct ideological connection has, to my knowledge, not been previously claimed.

Frank Turner has written of a different field of historiography that

'for over two hundred years modern British political ideologies and preoccupations

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[3] Smith 1966: 1.

determined not only how the collapse of the Roman republic would be interpreted but also in large measure even whether it would receive historical examination. The various shifts of historical interpretation ... illustrate ... the relentless manner in which contemporary political concerns can shape, revise, and eventually overwhelm modes of historical understanding without discovery of significant new evidence or the application of new methodology'.[4]

It is my contention that a similar interpretive process has applied to the Greeks, but that it has gone unnoticed because it forms a central part of a democratic political discourse within which we continue to think.

The thesis is divided into two principal parts. Part I aims to demonstrate that the orthodox view of the evolution of Athenian democracy is skewed in certain important respects. By 'orthodox' I mean the view writ large by Grote's mid-Victorian *History of Greece*, and which has persisted - despite dissension on all crucial points - through into the current *Cambridge Ancient History* and the scholarship of the present day. On this view Athens, perhaps in the time of Cleisthenes, probably after the Persian Wars, and certainly from the 'reforms' of Ephialtes to its surrender to Macedon in 322, functioned as a direct participatory democracy in which the political control and direction of the affairs of Attica was in the hands of male citizens over eighteen years of age, meeting in regular mass assembly under the guidance of the *boulê*. Indeed, R.K. Sinclair expressed a widely shared view when he suggested that 'Thucydides in particular and the ancient sources in general give the impression that it was only the assembly debates that mattered' in Athenian internal politics.[5]

In response to that view, the thesis presents a critique of both the political history and

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[4] Turner 1986: 577.

[5] Sinclair 1988: 82.

the portrayal of classical Athens. My contention is that much of the evidence advanced by classicists for 'classical Greek democracy' before 403 is fundamentally misleading: the 'Athenian direct democracy' was essentially a fourth-century development, and one which as the 'conservative' (or perhaps better, 'descriptive') ancients recorded, did not work particularly well. It will be argued that the shifting interpretations of Athens over the last two centuries have very much to do with the concerns of the day and very little to do with the objective presentation of historical evidence.[6] The picture of 'Athenian democracy' reflected in the current *Cambridge Ancient History* was largely formed in substance by the late nineteenth century, and certain crucial elements in its construction seem to have flourished due to ideological empathies, and despite historical evidence which I suggest ought to have refuted much of the foundations on which the view rests.

To establish my interpretation of Athenian political history I have adopted a narrative structure based around the constitutional periods of the Aristotelian *Athenaion Politeia*. Beginning from a reconceptualization of the attainment of Attic statehood, I trace the development of Athenian political institutions through the classical period, marshalling the evidence for their 'democratic' interpretation and arguing the inconsistency of the latter with the source materials. I then offer a rival interpretation which I hold to be consistent with the evidence. The 'democracy' of Periclean Athens has been a principal focus of political

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[6] The very possibility of writing objective history is denied by e.g. White 1973: xii and passim; Bernal 1985: 66; Roberts 1994: 25 n.1; but it is clear that the greater the extent of what is known, the more objective a comprehensive presentation can become, if only by default. (Bernal's work has been justifiably criticized for relatively frequent inaccuracies and unsupported claims and for subordinating scholarship to ideological beliefs [McNeal 1993: 141, 149; Palter 1993: 235; Kristeller 1995: 127]. Where his work has been used in this thesis the caveat of Kristellar has always applied, that nothing in *Black Athena* can be taken on trust without corroboration. That is, he has occasionally been used as a source of ideas but not as an authority.) Conventions of objective historiography originated with Herodotus and were maintained by Greek writers past the classical era into Roman imperial times - Fornara 1983a: 99-112.

commentary since Grote, but I argue that many of its claimed democratic features are wrongly derived from the anachronistic usage of fourth-century evidence.

Mine is not a social history. It is not concerned with whether women, slaves and metics were enfranchised, nor with whether the Athenians were wrong to look down on outsiders, nor with the value and social functions of citizenship and so forth. I make no apology for retreading the well-worn path, currently under fire from the New Humanities, of 'writing about people who exercise political power', as Jennifer Roberts put it. I accept, with Roberts, that 'changes in thinking about Athenian democracy have come about almost entirely from changes in modern political thought and not from the discovery of new physical or textual evidence for its workings'.[7] Yet as will become apparent in Part II of this thesis, I do not exempt the New Classics from this purview and see within it the continuation of an unwitting 'Grotean' endeavour, criticized by the same school of thought, to give contemporary social concerns a classical window-dressing which is no less artificial than that of the earlier classicists whom they attack.

The reconstruction of a non-democratic fifth-century *dêmokratia* presented in Part I leads directly to the problem addressed in Part II: how did the prevalent misrepresentation of the historical Athens arise? I argue that it resulted from the entrenchment of an image of a 'democratic' Athens which was originally constructed in the 1820s. Classics as a discipline took shape in Europe concurrently with movements for political reform, but it was in England and Germany that a general resurgent interest in the Greeks took deepest root.[8] Romantic Hellenism (the advocacy of a reconstructed Greek culture and spirit seen as directly applicable to the modern world) had largely dissipated in Germany by 1830,

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[7] Roberts 1994: 19, 21; I take the term 'New Humanities' from Connor 1989.

[8] Schlegel 1815: 49.

displaced by a more 'scientific' discipline of ancient history (*Altertumswissenschaft*). In England, however, it continued to pervade Victorian culture at all levels, from the House of Lords to the Mechanics' Institutes, for over thirty years before the passage of the Second Reform Act.

It was within this extant culture of Romantic Hellenism that the Radical historian George Grote successfully reversed the erstwhile negative status of Athenian democracy, which then in turn – I content - contributed substantially to the legitimization and acceptance of the democratic ideology underpinning the Act in the eyes of the English upper and middle classes and their parliamentary representatives. Other factors - population growth and demographic shifts, structural economic change, class divisions (and reconciliations), the evolving British empire, and more - were powerful forces in shaping the England of the nineteenth century; but nothing specifically suggests any reason why England's elite should in 1867 have conceded the political reforms then made, so taking - as Lord Derby then put it[9] - 'a leap in the dark'. At that time political agitation was slight, and the conservatives both initiated the reforming legislation and implemented far more than had been asked of them. Certainly England did not follow any pattern of 'reform' seen elsewhere in Europe; and the motive forces behind the passage and acceptance of the 1867 reform continue to be contested by historians.[10] I argue that Grote's Athens has been a neglected factor in the discussion of the (relatively harmonious) introduction of substantial and decisive English democratic reform. The thesis thus parallels the form and structure of Jennifer Robert's <u>Athens on Trial</u>

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[9] Briggs 1959: 513. This famous phrase was also used by Palmerstone, in a letter to Lord Russel in 1859 (Smith 1966: 456-6).

[10] Francis and Morrow 1994: 250 n.2: 'What Disraeli truly intended in his 1867 reform was never to be known'; cf. Cowling 1967: 285, that 'it is difficult to be certain' why Disraeli accepted Hodgkinson's amendment to the 1867 Bill which greatly broadened the resultant franchise.

(1994), but my investigation has led to different conclusions on many points.

I share with Quentin Skinner the view that precise and full historical description constitutes the best possible form of historical explanation, and my writing of history oewes much to his approach and to that of Paul Veyne.[11] Historical descriptions constructed from different perspectives should not be thought incommensurable or incomparable.[12] While it remains true that all attempts at description can only be partial,[13] I draw from various schools in accordance with the demonstrable soundness of their evidence about particular aspects of history with the goal of the fullest description in mind.

Degrees of excellence in description can be judged by their degree of authenticity. As W.G Runciman put it, 'the true criterion of authenticity … has to be sought in the description of things which actually happened by the person to whom they happened for the explicit purpose of conveying to other people to whom they did not happen what is was like for te person to whom they did'.[14] It follows that the authenticity of attempts to describe, for example, the experience of Athenian democracy which are at odds with ancient testimony should be regarded with suspicion. The standard riposte to such suspicions is that the ancient sources are the product of writers who express a profound class bias.[15] One is subsequently asked to believe that Athenian democracy functioned in ways for which there is no historical testimony, and to accept that favourable representations of its workings may be legitimately reconstructed from literary fragments and (more recently) lines from the texts of classical

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[11] Skinner 1966: 214; cf. Skinner 1972: 406-8; Veyne 1984: 15.

[12] Boucher 1985: 271; Runciman 1983: 295-6; and explicitly in ancient history, Finley 1985b: 106.

[13] Runciman 1983: 227.

[14] Runciman 1983: 236; the quotation, 238.

[15] So Roberts 1994: xii.

drama,[16] to the disregard of copious ancient criticism.

This constitutes a claim that class bias renders historical descriptions selectively inauthentic, that is, that they are authentic in respect to some segments of a society but not to all of it. Yet criteria of authenticity require that the (in this case substantial) body of classical source materials antipathetic or hostile to *dêmokratia* be included in any attempt at description of that political structure, regardless that they be supplemented by, or critiqued on the basis of, other evidence reconstructed from fragmentary sources. Authenticity requires representativeness which 'may well require the accumulation of mutually irreconcilable perspectives',[17] and it would be methodologically unsound to dismiss material on the ground that it reflects authorial bias. As Runciman made clear, 'the methodologist can always reconstruct [historiography] in such a way that the value-judgements are sifted out and the ... descriptive content is left behind'.[18]

The structure of the thesis is as follows. Part I presents an unorthodox reconstruction of Athenian political history down into the fourth century. Chapter 1 traces political structures to the time of Cleisthenes and contends that Attica was not unified before the end of the sixth century. It then reviews the evidence for the existence of archaic democratic sympathies with respect to the 'reforms' of Solon, and proposes a redefinition of some crucial elements of the political vocabulary of Ancient Greek. Chapter 2 is concerned with the nature of the Cleisthenic state. It discusses the roles of Athens' central political institutions between 508/7 and 462, and argues that it was the establishment of the Council of 500 which constituted the basis of what became known as *dêmokratia*; the much-vaunted

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[16] Roberts 1994: 7.

[17] Runciman 1983: 244, cf. 249; the quotation, 298.

[18] Runciman 1983: 303.

ekklêsia made little regular appearance under the Cleisthenic state other than for the purpose of military mobilisation. It defends the testimony of *A.P.* to the effect that the Areopagus dominated the Athenian state from ca. 480 to 462, and discusses the impact of Ephialtes on Athenian politics in the years immediately after its curtailment. Chapter 3 questions the orthodox reconstruction of the Athenian empire and argues, following the work of Harold Mattingly, that it developed much later than generally held. These chapters establish the historical background against which the political structures of the Periclean era must be understood.

Chapter 4 extends from the mid century down past the death of Pericles to the rule of the Thirty in 404/3. It argues that under Pericles there was no 'direct democracy' as conventionally understood. The 'Athens' that informed the successful democratization of Victorian England is contended to have been based on relatively infrequent assemblies whose purpose was primarily military. The arts and the building program were resounding showcases for Athenian glory but bore no intrinsic connection with a 'democratic' politics. A quest for wealth and status drew those whose names became famous to Athens, not the nature of its political regime. Chapter 5 concludes the first part of this thesis. It traces the institutional history of the reconstituted *dêmokratia* of 403, certain features of which have come to be cherished as laudable political achievements by scholars who have, it will be argued, anachronistically envisaged them as operative in the Periclean era. It lastly offers a critique of an influential body of recent work which contends that classical drama espouses or reflects egalitarian sentiments.

Part II turns to the interpretation of Athens. Chapter 6 traces the evolution of the English reception of the Greeks from the early eighteenth century to the Victorian era, and delineates the extent of the cultural identification with Athens felt by the early Victorians.

Chapter 7 contends that Grote's *History of Greece* provided the intellectual capstone to unhistorical English reconstructions of Athenian democracy, and argues that the Victorian vision of Athens profoundly impacted on popular but also elite conceptions of the feasibility of democratic political reform. Chapter 8 traces the legacy of Grote's Athens which, although scholastically obsolete, remains ideologically enshrined as its dominant image.

The conclusion reviews the stages of the argument which has been advanced: that the Athenian *dêmokratia* was most fully developed in the fourth century, and that a liberalist interpretation of Athenian politics has influenced, both for better and for worse, the shape of a significant part of contemporary Western democratic political discourse. It then offers an evaluation of the contribution of the thesis to the issues raised.

CHAPTER 1

THE POLITICAL STRUCTURE OF ARCHAIC ATTICA

Most analyses of Athenian *dêmokratia* begin with a narration of the development of Athenian politics in the archaic period. The narrative serves to illustrate the radical extent of the break with the past which was achieved by Cleisthenes at the end of the sixth century. In all cases it is accepted that the state which Cleisthenes transformed had long been geographically and politically unified, and that it utilised a coherent legal code and a set of juridical procedures which were reformulated by Solon in the early sixth century. Where Solon had instituted some level of popular control over extant Athenian juridical practices, it was Cleisthenes who inaugurated the equalitarian measures one may recognise in the *iso-*compounds *isonomia* and *isêgoria* and which constituted the foundation-stones of a radical Athenian *dêmokratia*.

This chapter reappraises the pre-Cleisthenic political structure and contends that the view that there was an archaic Attic synoecism is wrong. Attic territorial unification was not consolidated until the Peisistratid tyranny, and Attica remained institutionally a protostate - a political structure in which 'offices and positions ... sufficient for the ... maintenance of a centralised state [have] evolved'[1] - until the inheritance of the tyranny by Hippies. Under Hippias' rule a rapprochement was effected between the erstwhile divided Attic nobility. This in turn facilitated a transition to full statehood under the leadership of Cleisthenes. The transition was wrought by the Cleisthenic tribal restructuring at the end of the sixth century, and is institutionally reflected in the establishment of the Council of 500.

The discussion of the historical unification of Attica is interconnected with a reconsideration of the role of the mythological hero Theseus, held by classical Athenians to

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[1] Runciman 1982: 383.

have been responsible for its attainment. It will be argued that the Theseus myth at first assisted Attica's transition from proto- to full statehood, and later (in a more elaborate form) came to reflect the political reorganisation effected by Cleisthenes.[2] The basis of that successful reorganisation, however, is to be located not in an appeal to a new democratic ideology, but within the social structure of the later years of the Peisistratid tyranny.

The lowered date for the attainment of Attic statehood advocated here in turn compels the reconsideration of Solon's political activity. While Athenian citizens doubtless assembled in the archaic period for some purposes, I reject the view of a radical Solonian 'political reform' and the associated view that the demos contributed en masse to the direction of Athenian politics or constituted en masse a regular judicial tribunal.[3] It will be argued that in respect of political participation, Solon's activity resulted in little change from past practices, and that there was no institutionalised mass political or legal participation under Solon. While the machinery of Cleisthenes' *politeia* will be examined in the following chapter, I will here discuss the original application and significance of the terms *isonomia*, *isêgoria*, *isokratia*, and *dêmokratia*. I accept that the *isos-* compounds do not appear until the late sixth-century but contend that, when they do, they have nothing to do with the inauguration of a mass participatory politics. They rather indicate an equalitarian access to

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[2] The story of unification could perhaps be regarded as the dominant classical myth of Theseus. It is the subject of Thucydides' only mention of Theseus (2.15); in Plut. *Thes.* the first mention of Theseus concerns the unification: 1.2 gives him as the founder of Attica; 2.1 states that this was effected by the synoecism. The uniquely Attic aspects of the Theseus myth emerged only ca 520 under Hippias, became prominent around the time of the expulsion of the tyranny and grew to maturity after the defeat of the Persians in 479. It is concisely summarised by Brommer 1982: 149-50. Sealey 1973: 292 observed that Theseus is not credited with the establishment of the Athenian *dêmokratia* before 350.

[3] The conception of Solon as a 'political reformer' is intertwined with notions of reform derived from nineteenth-century politics, and the language of reform will be avoided here. Solon's verse reveals a unifier, not an advocate of popular rights - West frs. 5 (=*A.P.* 12.1), 36.18-9 (=*A.P.* 12.4), 37 (=*A.P.* 12.5), 12 (=Dem. 19.254-5); cf. *A.P.* 5.2.

political office, and designate - as does '*dêmokratia*' itself - a structure of rule manifest in a council, in contradistinction to tyranny. This chapter thus provides the historical basis from which the structure of the classical *dêmokratia* will be critically reappraised.

According to *A.P.* 41.2, the first organised constitution occurred under Theseus - which might, if chronology be forced onto myth, be ca 1250 B.C.[4] - and is described as a slight deviation from absolute monarchy. Hignett demonstrated that any archaic unification must be understood as political only; it did not involve any movement of population to a common centre.[5] While some have accepted the existence of a unified Attica from the late Bronze Age down through the classical era,[6] the more orthodox analysis locates the political unification at the end of the Dark Age (ca 800),[7] notwithstanding that the Athenians believed that it dated from Theseus. Both viewpoints accept a notably early transition to statehood in a territory as extensive as Attica.

Runciman has described the transition from semistate to protostate as the movement 'from the personal or kin-based leadership of retainers and followers' to centralised governmental roles in which power is there 'to be come to or taken'. For the latter to further develop into statehood, four conditions must be met. There must be 'specialisation of governmental roles; centralisation of enforceable authority; permanence, or at least more than ephemeral stability, of structure; and emancipation from real or fictive kinship as the basis of relations between the occupants of governmental roles and those whom they

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[4] So Hammond 1986: 68.

[5] Hignett 1952: 34-5; cf. Thuc 2.16.1.

[6] Hammond 1968: 68; the view is effectively rebutted by Diamant 1982: 45.

[7] Andrewes 1982a: 362.

govern'.[8] Such development is contingent upon a combination of economic productivity, ideological legitimacy and military organisation.[9] In applying this description to archaic Attica, he held that if local Attic aristocracies 'were to accept formal subordination to Athens, this would both imply and indeed necessitate a transition from semi- to protostatehood, and that if Athens were thereafter to hold together, it would become a state both large and powerful by the standards of eighth-century Greece'.[10] He contended, in accord with the orthodox view, that this was what had transpired. However, the application of the above sociological and anthropological understandings permits a different conclusion from that which Runciman has supported.

Thucydides states that before the arrival of Theseus Attica was composed of independent cities which occasionally warred with one another. Theseus abolished their separate councils and governments (*bouleutêria* and *archai*), making one deliberative council (*bouleutêrion apodeixas*) and one seat of government (*prytaneion*) for all. To Thucydides the *synoikia* festival dated from the time of Theseus and was still celebrated in his own day at public expense (2.15.2-3). There is, however, no historical reason to look for an early synoecism of Attica. Synoecism itself was a phenomenon of later rather than earlier Greece: as Davies observed, 'the early fifth century does appear to have experienced a clear shift of mood towards amalgamating political units or towards unifying areas which had hitherto been little more than ethnic or geographical expressions and had no one political central place'.[11] It is around this period that one might also suspect the historical Attic

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[8] Runciman 1982: 351, 356, 368.

[9] Runciman 1982: 362.

[10] Runciman 1982: 374.

[11] Davies: 1992a: 28.

synoecism to have occurred.

A variety of evidence indicates that Attica was not united until Peisistratos's secured tyranny. Before ca 570 Athens remained a fortified citadel,[12] and so there are no grounds to imply references to an extensive Attica in, for example, the mention of border markets in Drakon's homicide law or in Solon's self-description as *Athênaios* and *Attikos*.[13] One might rather think of a developing *asty*, but with surrounding regional power centres not necessarily subordinate to it: had Cylon succeeded in his bid for tyranny ca 630, he would have secured the rule of Athens only. According to both *A.P.* (13.4-5) and Plutarch (*Sol.* 13.1), Attica remained regionally divided throughout the period between Solon and Peisistratos, and a passage in Pollux (8.109-10) strongly suggests that regional division should be seen as the basis of what were termed 'tribal' divisions.[14] According to a fragment of Accius, 'Athens' comprised the towns of Brauron, Eleusis, Piraeus and Sunium.[15] Athens does not seem to have initiated offerings to Eleusis until Ol. 53 (= 568-565)[16] and may not have acquired control over the Eleusinian Mysteries until 546.[17] This casts doubt on any assumption of integration between Athens and Eleusis in the first half of the sixth century. As has been observed, no national army of defence resisted Peisistratos' landing at Marathon

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[12] Vanderpool 1974: 160.

[13] '*Ephoria agora*', *IG* I^3 104.27-28 = I^2 115 (621/0), republished 409/8 - Stroud 1968: 64; D.L. 1.47 = Solon fr. 2 West (before 594).

[14] cf. Jordan 1975: 16.

[15] Accius (in Festus *Fragm.*, s.v. *Quadrurbem)*, in Moggi 1976: 57.

[16] Boardman 1975: 3 and n.8; cf. 5.

[17] Garland 1992: 43; cf. Nilsson 1951: 56, 'the Eleusinian hero Triptolemus ... appears in vase painting at the end of the sixth century B.C. and becomes increasingly popular'.

in his third bid for rule (ca 546),[18] and indeed some of the Athenians from the city joined his forces there. The city paid little attention to Peisistratos' occupation of Marathon until he and his large mercenary force moved against it (Hdt. 1.62), which suggests that the Athenians then still regarded Marathon as a separate region. This struggle, as with those of earlier times, was fought for control of Athens rather than Attica.

Herodotus shows that Croesus learned of the state of affairs at Athens at the point when Peisistratos had secured his tyranny on the third attempt, taken hostages, and purified Delos (1.65). What he learned of Peisistratos' rule over a subject and divided Attica is related at 1.59. In other words, the narrative of the various attempts to secure the tyranny is a digression within the description of Peisistratos' mastery over a still divided Attica, and provides strong evidence against a view of a territorially or institutionally unified Attica before that time. Only with the tyranny is there sure evidence of regional consolidation across Attica, with the enforcement of a new and centralised authority over those who did not flee (Hdt. 1.64; *A.P.* 15.2-4, 16.9) and the inauguration of taxation and legal settlement procedures in outlying areas (*A.P.* 16.4-5).

Under the tyranny, Athenian protostate institutions continued to be held by the tyrants and their supporters (Thuc. 6.54.6). The crucial difference was the enforcement of a central authority over regional dynasts.[19] Prior to the secured tyranny, centralised authority appears to have reached no farther than the territory immediately surrounding Athens itself. No central authority intervened between the shifting coalitions which brought Peisistratos to and removed him from power twice during the period ca 561-555. Given that the Athenians believed that Peisistratos was brought into Athens by Athena on his second bid for rule, this

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[18] Frost 1984: 291; the date, Rhodes 1981a: 197-9.

[19] Hignett 1952: 115.

sanction was of no avail when he fled from a coalition of Megacles and Lycurgus shortly afterwards (Hdt. 5.60-61.2).

The transition from protostate to statehood is dependent upon the existence of formal state institutions, the membership of which is drawn from the eupatridai as a whole.[20] As stressed by Hignett, in opposition to the still prevalent view, the existence of an early Athenian council of 400 should be rejected. There is no sign of a second council before Cleisthenes.[21] The sole archaic Athenian council was the Areopagus. Its continuous existence through the sixth century is beyond question, yet certainly early in the century it was not an institution which reflected pan-Attic unity; it rather remained a partisan organ of protostate authority.[22] Runciman took the establishment of the *thesmothetai* to indicate the early institution of a formal non-kin legal structure.[23] However, there are no grounds to see

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[20] Runciman 1982: 375.

[21] Hignett 1952: 92-6. Hignett observed that there is no basis to postulate a second council for Athens from a possible but unattested second council in archaic Chios (94). Examination of the 'Law of Chios' (ML 8, dated ca 575-550), which was hailed by Jeffery as 'a landmark in Greek constitutional history' and 'a foundation-stone of ancient Greek democracy' in which 'a council of the people is given power, in certain circum-stances, to override the decisions of the highest magistrates of the state'(1956: 157, 167), suggests that these claims are unsustainable. One council only is mentioned (fr. C.2-3); Jeffery hypothesised 'the full citizen body sitting in assembly' from the word '*d_mos*' at A.6 (163); an appeal-right on matters of '*dik_*' (B.1) rests on its first two letters being read dotted, the next wholly restored with no certainty of line length; and the power of the *boul_ d_mosi_* 'to impose fines' (C.5-7) can also be read that it must itself assemble under penalty of fine (Fornara 1983b: 24 n.4). Every step of the case depends upon restorations of a text of uncertain intent, and it is not certain that the four fragments should form one document as C and D are deeper cut (Jeffery 159 and n.3, 165). This did not deter Meiggs and Lewis 1969: 16 from concluding that 'the power of the *d_mos* ... has become considerable by the time of this document'. Rhodes 1981a: 153-4 defended the existence of a council of 400 primarily for probouleusis, and that rationale continues to underpin discussion of this point; see e.g. O'Neil 1995: 19 n.39. Arist. *Pol.* 1273b35-a3 further discounts the view that Solon instituted a council of 400 - the Areopagus alone is mentioned in Aristotle's review of Solon's actions.

[22] *A.P.* 8.4; 16.8; Arist. *Pol.* 1274a1; 1315b22 (existence); D.L. 1.49 (partisanship).

[23] Runciman 1982: 360.

in them more than an archaic protostate institution and therefore such an analysis cannot be sustained. Nothing suggests any basis for their appointment at variance with that of the three central archons, in practice, the election to office of members of dominant families.[24] Neither does the Solonian legal system nor the introduction of an appeal procedure over the legal decisions of individual archons (*A.P.* 3.5, 9.1) attest a sociological transformation of Athenian social institutions from protostate to developed state structure. There is no evidence of pan-Attic legal or political structures before Peisistratos' rule.

Development into statehood further requires a transitional period in which a stable structure of governmental roles exists in which groups of office holders can be replaced - even if by violence - 'without bringing about regression to semistatehood or anarchy'.[25] It is clear from *A.P.* 13-15 that such stability did not exist before the centralised authority of the Peisistratid tyranny. Before that time political power continued to rest in the hands of an unstable coalition of forces under the sway of noble families.[26] Not before Hippias' inheritance of the tyranny in 528/7 is there evidence of the wider incorporation of eupatridai into magistral offices outside of the Peisistratidai and their circle.[27] Although Peisistratos may have forced territorial unification onto Attica, there is no basis to see the establishment of institutions which reflect both territorial and eupatrid integration, marking the transition to statehood, before the final quarter of the sixth century, and not until the inauguration of the Cleisthenic Council of 500 can it be said that formalised institutions of statehood were fully

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[24] Littman 1990: 55.

[25] Runciman 1982: 356.

[26] On clan rivalry and regional faction, Ellis and Stanton 1968: 95-110; Sealey 1976: 95ff; Littman 1990: passim. Hignett 1952: 123 described Solonian Attica as 'a confederacy of local dynasts'.

[27] Meiggs and Lewis 1969, no. 6c and pp. 11-2.

established.[28]

Some have claimed that Peisistratos attempted to forge an identification between his own actions and the legendary activities of Theseus. W.R. Agard implied a link between the depiction of Theseus at Delos on the François Vase (ca 570) and 'more intimate' links between Delos and Athens under the tyranny.[29] Peisistratos conducted the purification of Delos after his securing of rule (Hdt. 1.64), that is, after 546. Before ca 560 Peisistratos seems to have been linked, as was Athens generally, with Delphi rather than Delos.[30] It follows that the François Vase is too early to indicate any political link between Theseus, Delos, and the tyranny, and shows no more than an episode in the Minotaur story.

W.R. Connor held[31] that Peisistratos (followed by his sons) encouraged Theseus' growth in popularity as symbolic of a unified Attica, arguing that (1) Peisistratos' magnification of the Greater Panathenaic festival held in legend to have been founded by Theseus is indicative of an active identification; (2) Peisistratid coinage utilised an ox-head device traditionally ascribed to a legendary coinage of Theseus and which might symbolise Peisistratos' own links with the region of Marathon; and (3) black-figure vase painting begins to depict Theseus' defeat of the bull of Marathon - a region linked with the Peisistratidai[32] - shortly after Peisistratos' securing of the tyranny. I contend that none of these arguments for a Peisistratid promotion of Theseus are sound.

According to schol. Aelius Aristides 8.189.4-5, the only source linking Peisistratos to

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[28] cf. Whitehead 1986: 352.

[29] Agard 1928: 85.

[30] Forrest 1982: 316.

[31] Connor 1970: 145-7.

[32] Hignett 1952: 103.

the Panathenaia,[33] the greater quadrennial festival was established by Peisistratos. However, the festival was most likely founded in 566,[34] which predates Peisistratos' initial attempt at the tyranny in 561/0. The combined length of his first two tyrannies totals little over a year[35] and little should be expected from them in the way of substantial change in Attica; during the second period the tyranny rested insecurely on a coalition of the forces of Peisistratos and Megacles. As has been observed,[36] any claim that by 566 Peisistratos was in control of the state and founded the quadrennial Panathenaia is at odds with all other evidence for the chronology of the tyranny.

There seem insufficient grounds to propose any identification with Theseus by the Peisistratidai on the basis of coinage. The ox-head is one of fifteen surviving Wappenmünzen didrachm designs probably issued under the tyranny of Peisistratos and his sons.[37] The low ratio of the ox-head to other devices alone tells against any attempt by Peisistratos to symbolically link his family with Theseus via this coinage. Moreover, the Wappenmünzen emblems are now thought to represent moneyers' signatures,[38] and it follows that they do not in themselves express any single political association.

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[33] Davison 1958: 29.

[34] Davison 1958: 26-7, based on the evidence of Panathenaic amphorae, Eusebius, and Marcellinus *Vita Thuc*. 4.

[35] Hind 1974: 11. Rhodes 1981a: 198 gives similar dates with equally brief occupancies of the tyranny.

[36] Davison 1958: 29.

[37] Kroll 1981: 23. Root 1988: 9-10 has provided compelling evidence for the existence of an Athenian Owl tetradrachm in circulation in Persia in 499, necessitating that at least the bulk of the Wappenmünzen were coined under the tyranny. Given that the Wappenmünzen were probably issued over a period of about 20 years (Kroll, loc. cit.) they would be predominantly the coin of Hippias, even if the Owls commenced ca 510.

[38] Kroll and Waggoner 1984: 331.

Jacoby observed that 'among the many Herakleia celebrated in Attika those of the Tetrapolis were the most important',[39] and attempts to see evidence in vase-painting for a Peisistratid identification with Theseus must confront a much stronger case for a positive Peisistratid identification with the hero Herakles.[40] Boardman has presented statistics indicative of the frequency of representations of Theseus and Herakles in myth scenes on Attic vases over the sixth and early fifth centuries. Herakles appears in forty-four percent of mythological scenes on extant Athenian black-figure ware prior to 510, but representations of him decline rapidly thereafter: he appears in approximately nineteen and a half percent of red-figure myth scenes of the first quarter of the fifth century. By contrast, Theseus appears in some five percent of extant black-figure mythological scenes prior to 510, whereas in red-figure pottery he appears in some thirteen percent of extant myth scenes of the first quarter of the fifth century.[41] The relative frequency of their representations does not favour Theseus under Peisistratos: 'for every single Athenian vase with Theseus of earlier date [than 510] there are more than eight with Herakles'.[42]

Any attempt to link Theseus with Peisistratos necessarily assumes the active promotion of a cult of Theseus under the tyranny, but there is reason to doubt the existence of any early official cult. Other than *A.P.* 15.4, which holds that Peisistratos held a military review at the Theseum, there is no evidence for the worship of Theseus before the late sixth century.[43] Rhodes concluded that *A.P.* was probably guilty of anachronism, which could

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[39] Jacoby *FGrH*, commentary on 328 F 74, III b (Supplement), I. 354.

[40] Boardman 1972: 58; cf. Boardman 1989: 158-9.

[41] Boardman 1975: 1-2.

[42] Boardman 1972: 58.

[43] Boardman 1982: 16. Further, there was no cult of Theseus outside of the city of Athens itself in either the archaic or classical periods - Walker 1995: 20.

have arisen from the Theseum mentioned at 62.1.[44] Of most importance here is, rather, the lack of any identifiable Thesean cult site in the time of Peisistratos.

In a recent study of Athenian myth and politics, Tyrrell and Brown asserted that (1) Peisistratos sought to show Theseus in a favourable light by the alteration of poetry in his favour as per Plut. *Thes.* 20.1; (2) the Athenians unanimously viewed unification as ancient; and (3) the political actions of Peisistratos were mirrored in the mythological actions of Theseus in a conscious process of identification.[45] Against the first point, Plutarch there stated that the purpose of these alterations was to gratify the Athenians, and the passage attests no more than a longstanding interest in the Theseus/Ariadne story which provides the context for Plutarch's remark.

Second, despite Thucydides' dating of the *synoikia* festival to the mythical time of Theseus, Athenian belief in the antiquity of the synoecism carries no weight. The Greeks had something of a free attitude to foundation cults, and a cult did not need a longstanding historical existence for its successful adoption. Examples of the successful late institution of foundation cults occur in Amphipolis, Rhodes, Megalopolis and Patrae, and in the latter case the use of an antedated heroic synoecism myth is also attested.[46] These examples show that synoecism in its fusion of 'the human and divine inhabitants' of different districts or territories, as Nilsson put it,[47] through the reorganisation of myth and cult, was a standard

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[44] Rhodes 1981a: 211.

[45] Tyrrell and Brown 1991: 163-4.

[46] Amphipolis (Thuc. 5.11.1), noted by Lewis 1992d: 430 n.154; Nilsson 1951: 10-1 (Rhodes), 18f (Megalopolis), 21-22 (Patrae).

[47] Nilsson 1951: 18. The antedated attribution of significant events to legendary figures may be seen also in the additions to the 'laws of Lycurgus' by the Spartans: in the third century Spartan kings 'were still promoting [radical change] as being a necessary return to the original constitution' - Murray 1980: 154. In the same way, the Athenians attributed to

Greek political practice. Most of the Greek colonies were 'carried back to itinerant heroes of the mythical age'.[48] There is no historical evidence for the existence of an Attic synoecism myth before the late texts of Euripides (*Suppl.* 353) and Thucydides, both of whom wrote well after Theseus' prominence was widely entrenched (cf. Plut. *Thes.* 35.5, 36.2). It is further unlikely that there was any *Theseid* epic before the early fifth century,[49] and the belief of the Athenians in their ancient autochthony has now been shown to be probably also a late product, most likely of the period 480-450.[50]

Lastly, Tyrell and Brown asserted that an active process of identification could be seen between the actions of Peisistratos - his aiding the poor to make a living from farming, the establishment of 'circuit judges' and settlement of disputes, his winning over of the nobles (*A.P.* 16) - and the legendary deeds of Theseus. Against this, *A.P.* states that these actions of Peisistratos were intended to keep the Athenians out of the city and out of public affairs (16.3, 5). There is no paralleling of Theseus and Peisistratos in *A.P.*, and no evidence elsewhere compels such an identification.

Herter (and similarly, Shapiro) suggested that much of the Theseus legend dates to the Solonian period and that there was a continual rise in Theseus' prominence through the sixth century in which the original legend was progressively reshaped to accommodate changes within Attica.[51] This view is not compatible with other evidence which shows that Theseus' rise to prominence was both dramatic and late, nor with the radical changes in the

Solon laws actually formulated in the fourth century (Hignett 1952: 89).

[48] Nilsson 1951: 13.

[49] Walker 1995: 134, 195 (myth); Neils 1987: 12 (epic).

[50] Rosivach 1987: 304-5.

[51] Herter 1973, cols. 1212-8; Shapiro 1989: 145-6.

myth brought about by the acquisition of the cycle of labours and the accompanying representational change of Theseus from man to ephebe in the period ca 420-410.[52] (Although elements of the Theseus cycle commence after 520 but still under the tyranny, it was not fully developed before the early fifth century.[53]) Prior to ca 520 Theseus was known 'principally for his fight with the Minotaur, his desertion of Ariadne, his friendship with ... Peirithoos, and their abduction of Helen and journey to the underworld'.[54] Other early evidence 'does not suggest [he was] a particularly Attic hero'.[55] Clearly there was a core Theseus myth of great antiquity, but what we see near the end of the sixth century is not part of an ongoing process of development but rather a wholesale mythological reconstruction commencing under the rule of Hippias and predating Cleisthenes' successful political restructuring of Attica.

It has been widely accepted that the Cleisthenic restructuring of Athenian politics occurred between Cleisthenes' 'volte face' appeal for support to the demos and the inauguration of the Council of 500, generally dated either two or seven years later.[56] Yet even the allowance of the longer period is no substitute for an explanation of how such a radical transformation from centralised tyranny to structured regional collaboration became manifest. It would, however, be consistent with the evidence that the belief in Theseus as unifier reflects an ideological legitimisation of the territorial and institutional integration of Attica which was initiated under the tyranny, and which came to possess a still greater

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[52] For the drastic changes in the Theseus myth, see Taylor 1991: 38-9.

[53] Schefold 1946: 65; cf. Shapiro 1994: 13.

[54] Carpenter 1991: 160.

[55] Kearns 1989: 117.

[56] Hignett 1952: 126; Ostwald 1986: 16. For the inauguration of the Council of 500 in 506/5, Andrewes 1977: 247, and in 501/0, Rhodes 1981a: 263-4.

significance following its overthrow.

As has been observed, the Cleisthenic reorganisation presupposes both the territorial stabilisation of Attica and the entrenchment of Athens as its political centre.[57] As argued above, these conditions were not met before the rule of the Peisistratidai. Under the tyranny Athens was greatly enhanced as the dominant site of Attica,[58] and the deme structure later used by Cleisthenes as the basis of his tribal reorganisation became increasingly formalised. Hippias inherited the tyranny in 528/7, and the altar to the twelve gods in the Agora, from which distances within Attica were measured, was built in 522/1 (Thuc. 6.54.6; Hdt. 2.7.1). Herms were set up halfway between the city and each deme (Pl. *Hipparch*. 228d, 229a); logically, this would have been after the central reference point was established. Evidence from vase painting corroborates the first introduction of herms ca 520 B.C.[59] It was this integrated deme structure which would be adopted by Cleisthenes as the basis for the selection of *bouleutai* in his new Council of 500.

The tyranny soured after the murder of Hipparchus in 514; Hippias then allied himself to Persian Lampsacus (and so to the expanding Persian empire) by marrying his daughter to its tyrant (Thuc. 6.59.2-3). Following Alcmaeonid influence on the Delphic oracle, Hippias was expelled in 511/0 by the Athenians with the aid of a Spartan army (Hdt. 5.62.2-65.3).[60] A struggle for power took place between the two principal factions. Cleisthenes' faction was losing to that of Isagoras when the former 'took the demos into his *hetaireia*' (Hdt. 5.66.2), or 'promised to put the *politeia* into the hands of the demos' (*A.P.*

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[57] Calame 1990: 421.

[58] Kolb 1977: 136-7.

[59] Osborne 1985b: 48. Burial patterns also change from ca 525 - Morris 1987: 134.

[60] In the year of Harpokides (cf. Cadoux 1948: 112-3).

20.1), and won out. At this point there is a discrepancy in the sources: while Herodotus places the tribal restructuring before the expulsion of Cleisthenes and his supporters, *A.P.* places it after his return. This has led to a dispute as to which boule resisted Cleomenes, with significant consequences for the interpretation of Cleisthenes' program.[61]

Some follow Herodotus' narrative over that of *A.P.*, but without agreement whether the council concerned was a Solonian council of 400 (the existence of which was rejected above), the Areopagus, or Cleisthenes' Council of 500.[62] Those who follow *A.P.* over Herodotus must reject that the council could have been the 500, but they have favoured the existence of a Solonian 400 over the Areopagus.[63] Much of this scholarly confusion is due to a belief that Herodotus was *A.P.*'s sole authority,[64] but there is no authority for this. *A.P.* has, as Rhodes acknowledged, a more coherent sequence: 'to have won the upper hand Cleisthenes must have at least proposed his reforms' before Isagoras summoned Cleomenes.[65] It is Herodotus, not *A.P.*, who has placed events out of sequence. Both relied on prior informants, and the fact that *A.P.* follows Herodotus precisely on the preliminary matters, but diverges after Cleisthenes' pledge to hand the *politeia* to the demos, suggests

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[61] In the sequence of events provided by *A.P.*, Isagoras called on Cleomenes, who brought a Spartan army to Athens. Cleisthenes and seven hundred families were expelled. Cleomenes attempted to dissolve the boule, which resisted. A crowd gathered, and Cleomenes, Isagoras and their forces fled to the Acropolis. They quit it under a truce, upon which Cleisthenes and the expelled families returned. Cleisthenes then undertook his tribal restructuring, the institution of the Council of 500, and the establishment of demarchs (20.2-21.5). Herodotus lists essentially the same events, but places the tribal reorganisation before the intervention of Cleomenes (5.66, 69.2-73.1).

[62] For a council of 400, Fritz and Kapp 1950, n.45; for the Areopagus, Hammond 1986: 185-7; for the 500, How and Wells 1912: II, commentary on 5.70.1.

[63] So Rhodes 1981a: 246, 'to abolish the venerable ... Areopagus was probably unthinkable'.

[64] Rhodes 1981a: 244; so too Hignett 1952: 94.

[65] Rhodes 1981a: 244.

that he is presenting a corrected version of the narrative which will consequently be followed here. On this account, Cleisthenes instituted his program in 508/7 shortly after his return;[66] it was this reorganisation which constituted the inauguration of the *dêmokratia*,[67] and Cleisthenes, having been eponymous archon in 525/4 and of equal first stature with Isagoras, was unquestionably well placed to carry it through.

It has been suggested that the *synoikia* festival celebrated a combining of the 'houses' or 'lodges' of the phratries.[68] Such combination was exactly what Cleisthenes accomplished; a 'mixture of the patrilineal descent group organised by kinship, the phratry, together with the descent group of the new tribe and deme, whose organising principle was locality and then patrilineal descent'.[69] The deme and trittys basis of bouleutic selection for the Council of 500 requires that at any given time the new Cleisthenic state was steered by a cross-section of men drawn from the still-functioning phratry system but whose fortunes were now enmeshed in a pan-Attic and not a patrilocal political structure.

Herodotus contrasts the cohesiveness of the Athenians under the Cleisthenic state with their condition under the tyranny in a narrative of 'the notable events' that occurred after the expulsion (*apallagê*) of the tyrants (5.65.5, cf. 5.78). The contrast centred on the now unified Attica with its newly integrated ten-tribe structure, against the structure under the tyranny which had given Athens no noticeable advantage over its neighbours. Herodotus expresses the contrast in terms of military capacity, in reference to the battles of 506: 'Under the tyranny the Athenians were no better at war than their neighbours, yet when they were

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[66] Fritz and Kapp 1950, n. 46 found *A.P.*'s sequence viable.

[67] Concisely stated by Fornara 1971: 2 and n.5.

[68] Robertson 1985: 238.

[69] Littman 1990: 53.

quit of the tyrants they were the first of all' (5.78). As Rhodes put it,[70] 'at the end of the sixth century Athens was not strikingly different from other cities, but in the first half of the fifth she developed as the others apparently did not. The beginnings of the difference are to be sought in Cleisthenes' organisation and its consequences'.

How and Wells held that 'by making Athens the one place where members of a tribe gathered together ... for a common purpose, Cleisthenes ... completed the work, ascribed in legend to Theseus, ... [of] the unification of Attica'.[71] Although clan rivalries persisted into the fifth century (now tackled by the ostracism of elite figures rather than the exile of whole families), the Cleisthenic state achieved a new degree and form of integration which had not previously existed, and in which the still prominent, even pre-eminent[72] aristocracy actively assented. The story of Theseus' synoecism is the mythologised representation of the transition to statehood. For the classical Athenian, Theseus could symbolise both the defeat of the tyranny and the rise of the new pan-Attic state, facilitated by the sharing of rule by a wider eupatrid base under Hippias but institutionally unified for the first time through the new tribal organisation reflected in the structure of Cleisthenes' Council of 500.

Lastly, the claim of Sourvinou-Inwood[73] that Theseus was Cleisthenes' 'mythological counterpart' seems misconceived: nothing commemorates Cleisthenes. Furthermore, the commencement of Theseus' escalation to prominence predates Cleisthenes' activity. Rather, to the Athenians, the unifier was the hero, Theseus. Had Cleisthenes been honoured for the action of unification, there would be little to distinguish between a leader-

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[70] Rhodes 1992b: 90.

[71] How and Wells 1912: II. 36.

[72] Frost 1976: 68: 'in Athens aristocratic leadership survived almost unchallenged well into the fourth century'.

hero pairing of Peisistratos-Heracles and Cleisthenes-Theseus. In the political consolidation of Attica, the territorial nobilities were united not by a man but by their hero, who was immediately celebrated in art and cult and later fought for them at Marathon (Plut. *Thes.* 35.5).

To this point, I have argued that Attic transition to statehood did not occur before the late sixth century and consisted, when it took place, of a tribal restructuring with a demographically equal representation in the new Council of 500 instituted in 508/7. Given the above reconceptualisation, the role of Solon in respect of instituting significant political change must be reconsidered. It will then be possible to examine the historical origins of the vocabulary of *iso-* compounds and *dêmokratia*.

Solon's activity has been much lauded,[74] but the above analysis, if correct, suggests that its impact was confined to Athens and its immediate surrounds; it was not a set of pan-Attic actions.[75] It is only his activity in respect of political participation which is of concern to this thesis. It bears initially noting that under his legislation all offices were held by persons classified by land yield as *zeugetai* or above; the bulk of the population, the thetes, continued to be excluded from any office (*A.P.* 7.3; Plut. *Sol.* 18.1).

A.P. holds that it was under Solon's constitution that *dêmokratia* had its beginnings

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[73] Sourvinou-Inwood 1979: 27.

[74] Ehrenberg, for example, wrote that Solon 'was the first to claim in purely human terms the eternal right of justice and freedom for every member of the community' (1950: 238). Recent work has attempted to redate Solon's activity from the traditional date, his archonship in 594/3, to ca 580-570 (Sealey 1976: 122). I follow the defence of the traditional date by Wallace 1983: 82 and passim, that it is well-attested by ancient sources and that none of the arguments for the proposed downdating are either necessary or convincing. Sealey's 1985 revised reprint did not acknowledge Wallace's argument.

[75] Hansen 1982: 39 doubted all of Solon's judicial and constitutional activity as fourth-century anachronisms.

(*archê dêmokratias egeneto*, 41.2).[76] In the same passage, he writes that the demos 'administer everything through decrees of the assembly and decisions of the law courts, in which they hold the power'. It was in these two spheres - assembly and court - that Solon allowed the only scope for participation by thetes (*A.P.* 7.3; Plut. *Sol.* 18.2), but it is likely that this first was not innovative: Rhodes held that the thetes probably attended assemblies before Solon. But he also thought that 'on the few occasions when it met, ... only the rich and aristocratic would speak in [the assembly pre- and post-Solon]'.[77] This seems right: not until 479 were the thetes - some two-thirds of the citizenry - admitted to the tribal regiments,[78] and it is reasonable to doubt that their voice counted for much before their military worth was acknowledged. It has been observed that the term 'demagogue' in reference to the archaic period indicated not a popular leader but a '"leader of the aristocracy" which ... held the active rights of citizenship as its privilege to the exclusion of other groups',[79] and it is notable that with the exception of Themistocles no non-aristocratic political leaders are known until before 429.[80]

A.P. records 'the three most populist features (*ta dêmotikôtata*) of Solon's constitution' (9.1, immediately afterwards called 'the most populist [*dêmotika*] features of Solon's laws', 10.1). Ehrenberg stated that '*ta dêmotikôtata* ... of Solon's *politeia* to which [*A.P.*] points do not refer to a democratic constitution, or to a constitution at all. They were

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[76] It would become a commonplace that Solon had intended to create a *dêmokratia* (e.g. Plut. *Comp. Sol. Publ.* 2.1), but he was not accorded this aim before the end of the fifth century (Rhodes 1981a: 159), and it was remote from his mind (Ehrenberg 1973: 67).

[77] Rhodes 1981a: 140-1; 113.

[78] Ostwald 1988: 324.

[79] Boer 1969: 6.

[80] Lacey 1968: 20.

to indicate the foundations on which democracy was to be built'.[81] That is, they show what was held to be the most beneficial of his actions for the mass of the people.

The third of these features[82] is that 'which is said particularly to have contributed to the power of the *plêthos*, the right of adjudication (*ephesis*) in a court; for when the demos are masters of the vote, they are masters of the state'.[83] Rhodes stated that '*ephesis*' denotes 'not an appeal but the removal of a case from one plane to another'.[84] Two points seem to be involved here: first, that disputes could be heard publicly rather than by an archon (in some circumstances), and second, that the common people could vote in such a public hearing.[85] It was this sway over the courts (as they developed) which would eventually give them a determinative voice in the state (cf. *A.P.* 41.2), and it was Solon who first gave the thetes, excluded from other office, a voice in public legal deliberation (*A.P.* 7.3; Plut. *Sol.* 18.2).

It has been held that the court of Solon's day was the *heliaia* and that, by a linguistic parallel with some non-Attic dialects in which '*haliê*' indicated an assembly, the word

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[81] Ehrenberg 1950: 538.

[82] The first two, 'the first and most important, a ban on loans on the security of the person', and 'next, permission for anyone who wished to seek retribution for those who were wronged', are not associated with the question of political participation (for discussion, Rhodes 1981a: 159-60, cf. 125-8) and will be laid aside.

[83] So also Plut. *Sol.* 18.2, 'even in cases which Solon assigned to the magistrates, anyone who wished had *ephesis* to a court'. Rhodes 1981a: 160 wrote that although both *A.P.* and Plutarch speak of 'courts' in the plural, 'there cannot have been a plurality of *dikastêria* as early as this'. I do not mean to imply that a formal standing court existed.

[84] Rhodes 1981a: 160; cf. Harrison 1968-71: II. 73-4 and esp. 190-1.

[85] It has been noted that 'Solon's laws seem to have been grouped not according to their subject but under the magistrate who was to deal with them' (Hignett 1952: 303). This sits ill with an archaic process which could commonly bypass magistral authority. If the Areopagus heard all homicide trials, perhaps some other type of matter was heard before the community? Perhaps Solon broadened the vote from a given group to all?

should indicate 'a judicial session of the whole assembly'.[86] On the other hand, Hansen observed that scholiasts reiterated a belief that the word was derived from '*helios*' and indicated that the court was exposed to the sun.[87] There is no certainty about the nature of the court or the role of the thetes,[88] but nothing suggests that the latter amounted to more than at best a simple vote; Plutarch states that in its day it was of no moment (*Sol*. 18.2). Again, it bears stressing that at this time the context is a meeting of some kind in the town of Athens, and there is no sign of an advanced degree of participation within it.

It follows from the above review of the evidence that there is little to support the view that Solon's activity constituted much advance on such public participation as already existed.[89] While the story of Solon inspired many in later times, the effect of his political activity in his own day was short-lived. *A.P.* records that Solon's laws 'had been consigned to oblivion by the tyranny through not being used' (22.1), and Solon was held unfortunate by Plutarch in that 'he lived to see with his own eyes the dissolution of his *politeia*' (*Comp. Sol. Publ.* 3.3). Under the tyranny the poor were aided by Peisistratos in such a way as to keep them out of the city and out of public affairs (*A.P.* 16.3), and not until its overthrow are there signs that an increased political participation was formally structured to any extent. It remains to reconsider the orthodox understanding of some important elements of Greek political terminology.

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[86] Rhodes 1981a: 160 (also Peloponnesian, *aliaia*). Sealey 1987: 77 wrote that it is 'an unanswerable question whether Solon created the heliaia or merely enlarged its scope'.

[87] Hansen 1982: 16.

[88] Hansen 1982: 30, 33, rejected that '*heliaia*' indicated a judicial assembly, arguing that in the classical period 'a judicial session of the assembly was called *ekklesia* and not *heliaia*' (citing Xen. *Hell*. 1.1.7-9, 11, 13), but this is of little value for the archaic era.

[89] Compare Jeffery 1976: 86, 94, who held that archaic mass juries heard appeals from archons' courts, and accorded the assembly a determinative voice in pan-Attic affairs.

At least since Grote, discussion of the meaning of the terms *isonomia*, *isêgoria*, and *isokratia* has been generally conducted from the presupposition that they are intrinsically related to and closely foreshadow, if not directly equate with, *dêmokratia*, itself conceived as describing an assembly-driven state.[90] The first attested of these terms is *isonomia*, 'equality of law'.[91] Ostwald held that it was 'not a name for a form of government but for the principle of political equality which, though it is ... associated with a democratic constitution, ... is not necessarily confined to it'.[92] On the other hand Gomme, in an undeveloped suggestion, held that *isonomia* meant not only a definite political structure, but 'a constitutional regime whether oligarchic or democratic, ... the contrary of the irresponsible tyranny'.[93]

I examine each of the passages in which these terms have been held to bear on political structures and advance a hitherto neglected possibility, that the *iso*-compounds, and indeed '*dêmokratia*' itself, indicate not participatory democracy but eligibility to hold ruling office. I contend that in no case is there any evidence that the terms denote the supremacy of a citizens' assembly as a primary organ of power. This will be a survey of terminological usage only; the mechanics of Athenian *dêmokratia* will be discussed in the following chapter.

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[90] Grote [1848] 1888: III. 393-5 translated *isonomia* as 'democracy'. To Ostwald 1986: 50, Ephialtic *dêmokratia* is an extension of an earlier Cleisthenic *isonomia*. To Vlastos 1953: 356, *isonomia* was the Athenians' 'favourite ideological slogan', whereas to Hansen 1989: 24, *isêgoria* was the 'aspect of equality ... [most] cherished as democratic' and was 'closely linked to equality of opportunity'.

[91] Trans. Vlastos 1953: 350. I follow this as a neutral rendering which avoids the sense of 'equality before the law' demonstrated by Vlastos 1981: 181-3 to be incompatible with some sources.

[92] Ostwald 1969: 97.

[93] Gomme 1949: 125. Vlastos 1981: 165 wrote that Gomme took it no further. But neither

A skolion known as the 'Song of Harmodius' contains the verses, '[10] ... I will wear the sword like Harmodius and Aristogeiton when they killed the tyrant and made Athens *isonomous*. [12] ... at the sacrifice to Athena they slew a tyrant-man, Hipparchus. [13] Forever will [they] have fame ... because they slew the tyrant and made Athens isonomous'.[94] Ostwald held that the skolion is problematic because the death of Hipparchus did not render Athens isonomous; the tyranny lasted a further three years. He asserted that the verses which mention *isonomia* should be dated to 507 because the establishment of 'Athenian democracy' is 'the only event to which ... the lines ... can refer'.[95] Although plausible, this is excessively rigid. Thucydides states that the Athenians of his day held that Hipparchus had been the elder tyrant (1.20.2); they did not make the distinction of Thucydides and modern scholars. While the verses suggest that *isonomia* indicates a direct contrast between Athenian politics under and after the tyrants, they cannot be securely dated,[96] and there is insufficient information at this point to justify a direct equation of the *isonomia* of the song with the later Athenian *dêmokratia*.

The second important reference to *isonomia* is Alcmaeon fr.4, dated between ca 480 and 440, which says that 'the bond of health is the *isonomia* of the powers, of wet and dry, cold and hot, bitter and sweet, and the rest, while *monarchia* among them causes disease, since *monarchia* of either opposite causes destruction. ... Health, on the other hand, is the

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had Gomme had abandoned the view in 1956 - see Gomme et al. 1945-81: III. 542.

[94] Athenaeus 695a-b; trans. Ostwald 1969: 122. 'Tyranny' may denote the rule of one or the rule of a house - Hdt. 5.109.1; Thuc. 6.53.3; *Hell. Oxy.* 15.1; Ply. *Symp.* 182c.

[95] Ostwald 1969: 122, 130.

[96] I regard endeavours to date the verses separately (discussed at length by Ostwald 1969: 122-36) as unprovably speculative.

well-proportioned mixture of the qualities'.[97] *Isonomia* and *monarchia* are counterposed, and *isonomia* is regarded as healthful. But because *isonomia* describes a state of balance among a plurality of opposed elements, its meaning cannot be restricted to indicate 'a balance in the body politic, seen as the equilibrium of two "powers"' as Ostwald contended, and the passage provides no basis to accept with Ostwald that *isonomia* implies a bipolar state structure in which 'the power of those who govern is balanced by the power of those who are governed'.[98] All that can be said on the basis of these texts is that Athens after the expulsion of the Peisistratidai was one example of a state structure which was characterised by a balance of elements in contradistinction to tyranny.

Three passages of Herodotus are relevant.[99] At 3.80ff, Herodotus presents a 'debate on government' conducted between three of seven present Persian nobles who had successfully conspired to overthrow the false king Smerdis in 522.[100] Herodotus is twice adamant that the debate took place with the content and in the context he recorded (3.80.1, 6.43.3).[101] In that debate, Otanes holds that monarchy is without pleasure or good, and is marred by hubris. He contends that 'when the *plêthos* rules, ... [that rule] is given the finest of all names, *isonomiê*.... [Under it,] offices are assigned by lot and are subject to scrutiny (*euthyna*), and all matters of counsel are publicly discussed' (3.80.2-6).

Although Otanes' references to the lot, audit, and public decision have been taken to

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[97] Trans. Ostwald 1969: 177; the date, 99.

[98] Ostwald 1969: 106.

[99] Nothing can be learned from a fourth (3.83.1) in which Otanes, having failed to convince his fellows to institute isonomy in Persia, withdrew from a forthcoming contest for kingship.

[100] The date, Ostwald 1969: 107.

[101] As '*isonomia*' is used in the skolion as well as in Herodotus in relation to events which predate Cleisthenes' *dêmokratia*, I reject any certainty that the debate is unhistorical.

refer to (or perhaps even to be based on) later Athenian practices,[102] they are not exclusive to *dêmokratiai*. Hignett observed that the lot was used in some oligarchies, although he downplayed the oligarchic use of the lot as 'politically less important than its role in [democratic] Greek states'. As there is so little evidence, the conclusion is unwarranted.[103] Scrutiny of officials is treated by Aristotle as characteristic of both *oligarchiai* and *dêmokratiai* (*Pol.* 1322b36); to Otanes, sole rule was distinguished by its being not subject to scrutiny (3.80.3). These institutions show above all that office was not distributed on the basis of birthright or personal favour. The earliest Spartan *rhetra* directed that while the *gerousia* was to 'introduce and rescind measures, the *damos* must have the deciding voice and *kratos*' (Plut. *Lyc.* 6.1).[104] Matters may be discussed before '*to koinon*' (3.80.6) such that they hear, acclaim and respect good counsel without contributing to it, and Sealey showed generally that 'decision by a majority vote in a primary assembly does not distinguish city constitutions called *dêmokratia* from city constitutions called *oligarchia*'.[105]

Vlastos argued that in the debate, '*isonomia*' was to be identified with 'democracy': 'it is that which exists where "the management of public affairs is made common" [3.80.2]

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[102] So Larsen 1948: 4 with 7.

[103] Hignett 1952: 229, citing Headlam 1933: 201-2 for evidence of the oligarchic use of the lot. Hignett relied on Herodotus' *isonomia*, which he wrongly claimed referred to 'democracy, not oligarchy' and Aristotle (*Pol.* 1294b7f, 1317b20f), but this tells us only how the lot had come to be viewed in the fourth century under 'extreme' *dêmokratia*, 'the last to arise' (1293a1f). Hignett dismissed Isoc. 7.23, that sortition could favour less populist men, as 'a shallow paradox', but this reveals his own presuppositions.

[104] Ostwald 1969: 112-3 noted the use of the lot in oligarchies, and, in Sparta, the existence of 'some form of *euthyna*', and that 'many matters of public policy were decided not only in the Gerousia but also in the Assembly'. Sealey 1973: 270 noted that the *rhetra* can be meaningfully discussed notwithstanding that the relevant clause is corrupt.

[105] Sealey 1973: 271-2, but his argument from silence against Plut. *Lyc.* 6.4, discussed below, that the *gerousia* had no power of veto, is not compelling. For an account of a Spartan assembly-meeting in 475, Diod. 11.50.

and "the power is given to the masses" [3.81.1], where "the masses rule" [3.82.4], and do so through the characteristic devices of the democratic *polis*'.[106] Yet he also saw that the *isos*-notion of equality is marked off etymologically from *dêmokratia*, 'which does not mention equality'.[107] A review of the evidence is required. Although Herodotus' analysis is tripartite, an initial terminological difficulty must be noted. Subsequent to Otanes' speech, Megabyzos proposes an oligarchy in which power (*kratos*) would be invested in a company of the best men (*aristoi androi*) of whom they should form a part (3.81.1, 3). Darius uses 'oligarchy' similarly, to describe a situation in which, when 'many [of the best men] desire to do the state good service, enmity is often engendered as each wishes his advice to prevail': the outcome is *stasis* and bloodshed, ending again in monarchy (3.82.3).[108] 'Oligarchy' here designates a self-selected group of nobles. Elsewhere in Herodotus, the term designates only the rule of the Bakchiad clan in Corinth (5.92.β1).[109] It does not here denote what it commonly denoted in the late fifth century, a state structure within which Otanes' institutions of rule also applied, but which had come to form a stock contrast with

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[106] Vlastos 1981: 166. He earlier held that *isonomia* 'promised the poorest citizen an equal right in the ... power of the state', and indicated '"the rule of the masses" in contrast to both tyranny and oligarchy', and that to Herodotus *isonomia* was a word which 'belligerently' proclaimed democracy - 1953: 337, 355; cf. 339.

[107] Vlastos 1981: 172, in rebuttal of Ehrenberg 1950: 539, who held that Herodotus used the two expressions 'indiscriminately'.

[108] Both oppose any form of wider rule: Megabyzos derides the ignorance which prevails when the *plêthos* has *kratos*, and Darius holds that when the demos rules, the state is racked with conspiracies against the common good (3.81.1-2, 82.4).

[109] The options presented by Megabyzos are close to the conception articulated in Pindar's mention of rule by 'a tyrant, or by the turbulent army, or by the wise' (*sophoi*, *Pyth.* 2.86-8) ca 468. But neither Megabyzos' *aristoi* nor Pindar's *sophoi* denote a third part of the later threefold division between monarchy, *dêmokratia*, and oligarchy. In 414, when the Athenians heard of the Mysteries being parodied, they recalled the tyranny of the Peisistratidai, 'and they thought that everything had been done for the sake of an oligarchical and tyrannical conspiracy' (Thuc. 6.53.3, 60.1), so linking the terms as closely as did

dêmokratia in which there was substantially greater participation in rule.

Otanes praises *isonomia* (described as 'the rule of the *plêthos*') over tyranny, which 'turns the laws upside down' (3.80.5-6).[110] He begins by stating that its virtue lies in two things: first, in its having the 'finest of all names', and secondly, in that it does 'none of the things a monarch does'. These clauses express no more than the contrast between *isonomia* and tyranny found in the skolion and Alcmaeon. As discussed above, Otanes' ensuing description of the institutions by which the *plêthos* rules applies to both of what would come to be commonly described as *oligarchiai* and *dêmokratiai* and provides no ground to distinguish between them. It is for this reason that one cannot conclude that *isonomia* exclusively foreshadowed *dêmokratia*. But precisely because these institutions are not restricted to *dêmokratiai*, they provide no evidence for the ubiquitous claim that Otanes proposes to institute a participatory democracy. Ephorus speaks of a time when the Helots and the Spartiates were 'isonomous'; he explains this as their sharing of citizenship and offices.[111] I therefore propose, in accord with these texts, that *isonomia* indicates an equal eligibility to hold office from among those who comprise the citizen body.

Vlastos contended that Herodotus elsewhere calls the same form of constitution as

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Herodotus above.

[110] There is nothing to be gained in seeking to distinguish *monarchia* from *tyrannis* here; cf. Andrewes 1956: 26-8. The terms are used interchangeably by Otanes.

[111] Ephorus *FGrH* 70 F 117 in Strabo 8.5.4; they share *politeias kai archei_n*. (The text has been emended to '*isotimous*' in parallel with that word in the subsequent sentence.) Plato *Ep*.7 writes that Dion's friends should call in help to resettle Sicily and establish *isonomia* (336d). This is consistent with the establishment of a ruling body formed on a basis of the equal sharing of office. He also says that 'men of influence in cities which are constantly changing their form of government from tyrannies to oligarchies to *dêmokratiai* are bound to find the very words "*dikaios*" and "*isonomia*" intolerable' (326d). Such men have no wish to share eligibility for rule widely. In a similar way Aristagoras rebukes those Syracusan youth who do not want to be on a level with (*isonomeisthai*) the many (Thuc. 6.38.5).

that favoured by Otanes a *dêmokratia*.[112] When the Persian general Mardonius arrived in Ionia in 492,[113] he did what Herodotus 'set down for those who will not believe that Otanes declared that Persia should be ruled "by the demos"' (*dêmokrateesthai*): he deposed the Ionian tyrants and established *dêmokratiai* in their cities (6.43.3). But although Herodotus records two extraordinary things, the speech of Otanes and the acts of Mardonius, he does not refer to Otanes as advocating *dêmokratia*. The 'rule of the demos' advocated by Otanes at 6.43 says no more than I have proposed; that office would be open to the demos under *isonomia* by contrast with monarchy. It does not warrant the equation of the structure Otanes calls *isonomia* at 3.80 with the structure Herodotus calls *dêmokratia*.[114]

In a second key passage, Herodotus records that in 522,[115] Maiandrios of Samos determined to abandon his tyranny and called an assembly of the townsmen. He declared that he would 'place the rule in the middle' and proclaim them isonomous (3.142.2-3). Vlastos held that the offer of isonomy was 'descriptively preceded and paralleled in sense by the phrase, *es meson tên archên tithes*' (which he rendered as 'I call you to share all power'), and

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[112] Vlastos 1981: 170.

[113] The date, Larsen 1948: 3.

[114] Nakategawa 1988: 263 concisely puts the view that Herodotus had not known the words *dêmokratia* and *dêmokrateomai* at the time he wrote books 1-3 (and thus would have used them had he known them), but accepted them from later use, writing the bulk of his history in the 440s and 'perhaps' also in the 450s, before which time the words had not been coined. This is unlikely as (without entering the long-running dispute over the dating of Herodotus' activity) it is clear from 7.137.1 and 9.73.3 that at least these books were composed after the outbreak of the Peloponnesian War. It is rather likely that Herodotus was fully aware of (and himself utilised) a distinction which other Greek writers appear to have maintained between *isonomia* and *dêmokratia*, and which is reflected in the fact that the terms are elsewhere used together where no tautology is created (e.g. Isoc. 7.20). The date of Herodotus' writing has been much disputed; Smart 1977: 251 and n.13 gave the latest proposed date I have encountered for the composition of the debate on government, placing it as late as the end of the fifth century.

[115] The date, Ostwald 1969: 107.

that this was akin to the proposal of Otanes discussed above.[116] This again supposes that isonomy implies a *dêmokratia*, but this is not what Maiandrios said when he called the citizens to share in the *archê* of an isonomous city, and this passage does not furnish textual support for the view that the terms should be equated.

Ostwald contended that 'by "placing the rule in the middle" [Maiandrios] offers any citizen the right to hold office. That ... every citizen is meant is shown by the fact that the speech is made before an assembly of all Samians', and for Ostwald there was 'no doubt' that 'a democratic form of government' was proposed, notwithstanding that he held that were *dêmokratia* per se meant, the verb should be *kathistêmi* or *methistêmi* instead of *proagoreuô*. 'The only alternative' to its meaning "*dêmokratia*"', he held, 'is that [*isonomia*] is the principle of political equality'.[117] Against Ostwald, however, such a 'principle of equality' says nothing about what Maiandrios was proposing to replace his tyranny with, yet the proposal requires that some definite arrangement was understood. But if '*isonomia*' here indicates a particular structure which was counterposed to tyranny, there would be no reason for Ostwald to dispute that Maiandrios could make the proclamation that Herodotus recorded, or to conclude that a principle rather than a constitution was involved.

In a third relevant passage, Herodotus records that in 499, Aristagoras made a pretence (*logô*) of abdicating his tyranny in making Miletus isonomous (5.37.2). Ostwald specifically observed that the term '*logô*' refers to the abdication, not the isonomy, and that the historical establishment of isonomy was proved by subsequent events at Miletus. Yet he

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[116] Vlastos 1981: 170.

[117] Ostwald 1969: 107-8. Cf. *LSJ*, s.v. *kathistêmi* A.II.2.b, to establish a constitution; *methistêmi* A.I.1, to change a constitution; *proagoreuô* II.1, to proclaim publicly.

suggested that Aristagoras had somehow 'reserv[ed] for himself an "unequal" status'.[118] I contend that it would be more consistent with the text that Aristagoras succeeded in instituting some form of ostensibly shared rule over which he retained effective sway.[119]

The above passages indicate that *isonomia* describes a relation of power conceptually prior both to *dêmokratia* and to *oligarchia* as later understood. Consequently, I suggest an explanation for what *A.P.* meant when he says that Cleisthenes promised to put the *politeia* into the hands of the demos (20.1), and for what Herodotus meant when he says that Cleisthenes 'took the demos into his *hetaireia*' prior to his tribal reorganisation (5.66.2): Cleisthenes won political support by promising *isonomia*. The skolion, and the record of Otanes, Maiandrios and Aristagoras, all suggest that *isonomia* indicates a general stage of political transition across late archaic Greece. From around the end of the sixth century *isonomia*, in its contrast with tyranny, became a less important distinction in Greece to that between *oligarchiai* and *dêmokratiai*. But subsequent passages indicate that '*isonomia*' continued to designate eligibility to hold office regardless whether *oligarchia* or *dêmokratia*

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[118] Ostwald 1969: 110. Nakategawa 1988: 268 held that the sentence indicated that Aristagoras had made a pretence of establishing isonomy, and suggested by way of explanation that through Aristagoras' subsequent abolition of Ionian tyrannies and their appointment of generals, the cities would 'have enjoyed *isonomia* in internal affairs, at the same time they were under the leadership of generals in military and foreign affairs'. This fails to explain how Aristagoras as tyrant could have made a pretence of establishing isonomy in Miletus, which is what Nakategawa wished to argue.

[119] Vlastos 1981: 170 argued that the Aristagoras passage may be read in the light of 4.137.2 where Histiaeus tells his fellow Ionian tyrants that each of their respective cities would prefer the rule of the people, *dêmokrateesthai*, to tyrannical rule, *tyranneuesthai*. While the people may indeed have preferred this, Vlastos' argument conflates the terms *isonomia* and *dêmokratia* from different passages, and his parallel is therefore illegitimate. As with the reference to Otanes' advocacy of 'rule by the demos' at 6.43.3, discussed above, the Histiaeus passage shows only the contrast between the monopoly of office under monarchy and open eligibility for office under *isonomia*. One could equally argue from 5.97.1-2 that Aristagoras succeeded in his pretence at Miletus as he had an extraordinary capacity for mass deception.

was concerned.

Two passages in Thucydides demonstrate contrasting uses of '*isonomia*'. In the first, a Theban speaker at Sparta holds that during the Persian Wars, Thebes had been governed 'neither as an *oligarchia isonomous* nor as a *dêmokratia* but by a *dynasteia* of a few men' (3.62.3-4). Ostwald wrote that this passage 'has caused most trouble to scholars', and argued that the best explanation of an isonomous oligarchy would be that, within a restricted base of citizenship, 'all full citizens enjoyed equal political rights and equal political power'.[120] While on my argument this is right, insofar as it denotes eligibility for office, there would be no need for the Thebans to use this phrase simply in order 'to impress the Spartans', as Ostwald suggested, for (as he also noted), the Theban constitution of the day was elsewhere called an oligarchy by Thucydides (5.31.6) and had been so for some time.[121] Given that oligarchy and *dêmokratia* are the two constitutional forms which are regularly contrasted with tyranny, '*oligarchia isonomous*' should in this context describe a constitution similar to that of Sparta.

Some assistance may be obtained from Isocrates, who says that while the intelligent class among the Spartans 'established such *isonomia* and *dêmokratia* among themselves as men must observe if they are to be constantly in accord, they turned the demos into *perioikoi*', taking the best part and quality of the land which all ought to share equally, and imposing duties upon them which only civic partners should be expected to bear (12.178-80). Here, *isonomia* applies only among Spartiates, and can thus be said to exist within an oligarchy such that there could be an *oligarchia isonomous*.[122]

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[120] Ostwald 1969: 116, 119.

[121] Ostwald 1969: 114, 118-9.

[122] Isocrates also says that the Spartans are a democratic rather than an oligarchic people,

Shortly afterwards, Thucydides discusses the civil wars which broke out in many cities (both *oligarchiai* and *dêmokratiai*) from ca 427 in which the leaders (*prostates*) within the cities advocated either political *isonomia* for the masses (*plethos isonomia politikê*) or rule by the aristocracy; yet in either case, while they pretended to aim at the common good, they actually sought to make it their own prize (3.82.8). In both Thucydidean passages the use of '*isonomia*' is consistent with the proposal that it designates those eligible for office. Neither passage indicates that public affairs should be directed by a mass participatory democracy.

Thucydides later holds that if Thessaly had been isonomous rather than under a dynastic rule, Brasidas would never have been able to march an army through it.[123] As it was, Brasidas was challenged by some who said that he travelled without the consent of the *pl_thos* (4.78.2-3). Vlastos contended that Thucydides 'uses *isonomia* to refer to the kind of government in which the sovereign decisions are made by the *plêthos* itself; and since this happens only in a democracy, our word here designates democracy in a very straightforward way'.[124] Yet the contrast of *isonomia* with *dynasteia* does not lead only to Vlastos' conclusion: *isonomia* is not exclusive to *dêmokratia*,[125] and all that can be said is that the

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'because in their selection of magistrates, and in their daily life and practices, one can see that the principles of equality (*isotêta*) and uniformity are applied amongst them more strenuously than elsewhere' (7.61); that is, within the body of the Spartiates themselves they do not restrict the citizen base. Isocrates is therefore not using the conception of a Spartan isonomy at 12.179 in an illegitimate way. At 7.20 he holds that Athens in the days of Solon and Cleisthenes did not train the citizens to regard *dêmokratia* as *akolasia*, *eleutheria* as *paranomia*, and *isonomia* as *parrêsia*, but the city then punished such men. This shows once more that *isonomia* and *dêmokratia* connoted different things.

[123] This does not say much, as Thucydides also says there that Thessaly was difficult to cross at the best of times.

[124] Vlastos 1981: 183.

[125] So too Gomme et al. 1945-81: III. 542 on the use of '*isonomia*' here. Gomme saw no

crossing which was possible under the dynasty would not have been so otherwise.

The final text is Plato's *Menexenus*. Socrates delivers a part of an address which runs, 'brothers all, born of the same mother [i.e. autochthonous, 237b], we would not deem it right to be each others' slaves or masters. But *isonomia* in respect of our nature obliges us to seek *isonomia* in respect of our laws, and to defer to each other in nothing save on account of virtue or wisdom' (239a). Vlastos contended that 'the word [*isonomia*] was so conspicuously attached to democracy that Plato could use it to link the nominal democracy he praises here with the actual one he denounces in the *Republic*',[126] but this is not so. The passage is part of an encomium on the government of Athens from its foundation to Plato's day which is intended to lift its hearers 'almost to the Isles of the Blest with its words', and to elevate the Athenians over all others (235-6b). In this context its government is praised as one which is and always was the 'rule of the best' under various names, and in which office is held by the wise and good (238cd) to whom the others are happy to defer (239a). We can almost hear Plato sigh across the centuries, 'if only it were so'. It is not in any way a description of the Athenian *dêmokratia* and does not purport to be (235d).[127] It is, however, consistent with all previous texts discussed in indicating that *isonomia* expresses an equal eligibility for office within a designated citizen body.

The second term which must be analysed is '*isêgoria*', 'equality of speech', and the date at which it can be said to have acquired political relevance has been disputed. Herodotus

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obvious purpose in recording the names of those who met Brasidas at the border; the context suggests these men would be connected with the ruling house which made the crossing feasible.

[126] Vlastos 1981: 201.

[127] Compare *Rep*. 561e (on *isonomia*) and the lead up to it (b-d). The *Menexenus* is set shortly after the Peace of Antalcidas of 387 (Grote 1865: III. 4).

held that *isêgoria* was responsible for Athenian military prowess in 506 (5.78). Griffith contended that to Herodotus, *isêgoria* signified the Cleisthenic *dêmokratia*, but he held that Herodotus was mistaken. Rather, in Athens, 'the introduction of *isêgoria* for all' should most probably be placed between Ephialtes' overthrow of the authority of the Areopagus in 462 and the opening of the archonship to *zeugetai* in 457/6. Before this time, 'there still remained an *élite* of elected magistrates, the archons and presently the generals, and the Areopagus'; these would have dominated the public forum - perhaps exclusively - before the later rise of *hoi rhêtores*, to whom the assembly opened up 'after the establishment of *isêgoria* had made it possible for them to exist'. He suggested that the period of Areopagite dominance recorded by *A.P.* 25.1 was explicable if the assembly of those years was one in which 'only "the authorities" were allowed to speak', and 'it was only when the Areopagus had been successfully attacked in 462 that [political] advances were made'.[128]

Against this, Lewis suggested that Solon had probably legislated for *isêgoria*, which was then restricted under the tyranny until Cleisthenes again 'removed the muzzle'. He contended that Lysias, Demosthenes and Aeschines had thought that Solon had ascribed the 'origin of the right' of 'every citizen to address the assembly' to Solon.[129] Yet none of Lewis' evidence utilises the term '*isêgoria*', and his argument is entirely inferential. Lysias and Demosthenes do not ascribe any such right to Solon, and Aeschines held only that at an earlier period an age class system, introduced by Solon, had prevailed in the assembly such

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[128] Griffith 1966: 123-6; cf. Woodhead 1967: 131. Griffith held that 'we may suppose that the stages in the development of the Athenian constitution did not matter very greatly' to Herodotus, and we 'cannot possibly feel sure' that he was 'not wrong' in ascribing *isêgoria* to Cleisthenes (115-6).

[129] Lewis 1971: 139-40.

that speakers were heard by seniority of years (3.2-4, cf. 1.23).[130] In any event, fourth-century writers frequently attributed laws to Solon which demonstrably arose in their own day,[131] and other aspects of Athenian society continued to be regulated by an age class system.[132] Aeschines himself holds that the law to which he refers was current, and his belief that it was Solonian is no evidence that *isêgoria* applied in the time of Solon. Ultimately, therefore, Lewis' case rests solely upon the assertion that 'one should be able to assume' that there was no evidence to contradict an alleged yet unattested fourth-century opinion that Solon had introduced *isêgoria*.[133]

Both sides of the scholarly debate equate *isêgoria* with an equal right to speak at a determinative assembly, and bypass the evidence of Herodotus that the development of *isêgoria* may be located after the overthrow of the tyranny and before Athens' new-found military prowess which he says it reflected. Herodotus does not locate *isêgoria* in a popular assembly; that is solely an assumption of modern scholars, and one which unwarrantedly precludes the view to be advanced here, that *isêgoria* describes the equality of speech conducted within a ruling council.[134]

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[130] Lewis 1971: 134-8 adduced D.L. 1.55 and Dem. 22.30, that Solon had barred male prostitutes from the *bema*; it is thus presupposed (a) that there were regular Solonian assemblies and (b) that anyone who was not specifically barred could address them. Against this see Griffith 1966: 120-1. Lewis also adduced Hdt. 5.79 but it is not known whether any citizen could speak at that Theban assembly. His arguments from Hdt. 7.142 and Plut. *Cim.* 8.1 concern post-Cleisthenic events. Although Herodotus reflects on Solon's activity in Athens (1.29; 2.177.2), *isêgoria* is unmentioned in connection with him.

[131] Hignett 1952: 18ff, and noticed by Lewis 1971, n.17.

[132] See esp. Sallares 1991: 175, 177-8.

[133] Lewis 1971: 139.

[134] This view was indirectly foreshadowed by Woodhead 1967: 139, who wrote that 'as regards both the formation and the execution of policy Cleisthenes will have had the council rather than the assembly in mind as the real organ of government'.

The meaning of 'isêgoria' is not self-evident. Lewis examined the texts which mention isêgoria and it is worth stressing his observation that he could not find any passage 'where isêgoria (or its cognate forms) unequivocally refers to "the right of every citizen to address the assembly"',[135] regardless that this is what is it generally accepted to mean.[136] It was without evidence, therefore, that he determined that isêgoria had held the 'precise sense' of 'the right of all to address the assembly' in Athens from 508.[137] A reconsideration is in order. As a working definition, isêgoria may be understood simply as a practice that makes free speech possible.[138] This phrasing avoids any presupposition that isêgoria was a 'civic right', or that it applied to any particular institutions of government.

Two passages help clarify the meaning of isêgoria.[139] First, in the earliest occurrence of the term, Herodotus lists a series of events: Cleisthenes' tribal reorganisation, the Council's resistance to Cleomenes, the return of exiled families, and the military victories of 506 which reflected isêgoria. He states that the victories 'proved how great a thing isêgoria

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[135] Lewis 1971: 129.

[136] *LSJ* s.v. '*isêgoria*': 'equal freedom of speech, and, generally, equality'. Griffith 1966: 115 held that *isêgoria* indicated that 'any Athenian who pleased [could] address the Assembly', and that it was a term specific to *dêmokratia*, as 'freedom of speech among an *élite* [could] be taken for granted'. Ostwald 1986: 203 held that it meant that any citizen could speak at the Athenian Council, assembly, and courts.

[137] Lewis 1971: 131, where he posited that its 'more general sense' was as a 'synonym of democracy'; so too Ehrenberg 1950: 526.

[138] I have adapted this from Nakategawa 1988: 262: '*Isêgoria* is not a constitution but a practice or a customary institution that makes free speech in the assembly possible'.

[139] Of no help is Dem. 21.124, which says that anyone 'who through intimidation tries to debar anyone from reparation is robbing us of our *isêgoria* and our freedoms', as the intimidation is decontextualised; nor is 60.28, which holds that Theseus first brought *isêgoria* to Athens, but is not dateable to any particular stage of development of the myth. In Xen. *Cyr.* 1.3.10, the young Cyrus jokes that once when the king was drinking rowdily with his companions, all of them were talking at once. They were thus practising *isêgoria*, for none of them listened to the others. Lewis 1971: 129 did not see the joke, and suggested that *isêgoria* here 'seems to mean a lack of restraint at social gatherings'.

was in all respects, for while the Athenians were under the tyranny they were no better in war than their neighbours, yet once they were rid of the tyrants they were the best of all. This shows that while they were held down they shirked in combat, as do all who work for a master, whereas when they were freed, each was keen to achieve for himself' (5.69, 72-8). While '*isêgoria*' here could indicate a general 'right of free speech', it would be as logical that it describes the equality of speech institutionalised in Cleisthenes' new Council, the focal point of his introduction of *dêmokratia* through the tribal restructuring (6.131.1). But the most likely way that military prowess could be said to demonstrate the benefits of *isêgoria* is, I contend, by reflecting the strengthened military position that resulted from Cleisthenes' newly reconstituted pan-Attic army, the product of the reorganisation centred on the Council of 500.

Second, Polybius holds that 'one could not find a political system so marked by the principles of *isêgoria*, *parrêsia*, and *alêthinê dêmokratia* as the Achaean League. ... For in reserving no special privileges for the original members and putting all new adherents on an equal footing, it soon attained its aim, being aided by two very powerful coadjutors, *isot_ta* and *philanthrôpia*' (2.38.6-8). In this passage, Polybius has used equalitarian attributes to describe a structure in which member states have an equal voice in a common council; it operated successfully over a long time, despite the fact that the military strength of its members varied greatly (cf. 2.38.3, 39.9-10). The passage does not praise *isêgoria* and *dêmokratia*, but rather the *isotêta* and *philanthrôpia* of the structure to which it refers.

It is consistent with both passages that the concept of *isêgoria* reflects an equality of speech within a council. The idea that it indicates a 'civic right' of speech at assemblies rather than speech within a political council is ubiquitous but, to restate the observation of Lewis, there is no unequivocal evidence for it. He expressed surprise that 'no fourth century

critic of democracy [was] able to point to the individuals responsible for the unfortunate [innovation of *isêgoria*]'.[140] This is less surprising if *isêgoria* referred to a council structure. Not before the Periclean era does the universality implied in a fragment of Eupolis' *Golden Race* (in which it is said of Athens, 'Your first need was *isêgoria* for all')[141] seem warranted, but, as I have argued above, the historical context for this sentiment may be located in the establishment of the Council of 500. Given that *isonomia* indicated those eligible to hold office, and that this was a broad group even in the late sixth century, *isêgoria* may well have developed broader connotations through the fifth century.[142]

The third relevant term is *isokratia*, 'equality of force', which connotes in general terms a state of balance among different elements of equal strength, and has a social context in three passages.[143] First, Herodotus records that at a meeting of Sparta's allies ca 505/4,[144] the Spartans proposed to reinstate Hippias as tyrant in Athens. This was vigorously opposed by a Corinthian speaker who is reported as saying, 'surely the sky will be beneath the earth ... when you, Lacedaemonians, overthrow *isokratiai* and are getting ready to restore tyrannies to

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[140] Lewis 1971: 129, 138. In the archaic assembly as reflected in Homer there was no room for commoners to speak (Griffith 1966: 117); although this is disputed, it is worth remembering that the Peisistratidai introduced Homeric recital to Athens (Ply. *Hipparch.* 228b). Further, there is good reason to doubt that more than one regular assembly meeting per prytany was held before the fourth century; this will be argued fully in chapter 2.

[141] Eupolis fr. 291, cited in Edmonds 1957-61: I. 416-7.

[142] Woodhead 1967: 134 also located the origin of *isêgoria* in the Council of 500, but held that this was due to the new supremacy of the assembly which the Council led, and in which experienced councillors whose office rotated annually would frequently speak. Pseudo-Xenophon's statement that in Athens there is *isêgoria* between slaves and freemen and between metics and townsmen (*Ath. Pol.* 1.12) is, in its inclusion of non-citizens, no evidence of a general right to political speech and may be sarcastic. The term is too rare to suggest it became a 'democratic' slogan, *contra* Hansen 1989: 24; I have addressed all instances I have found.

[143] Ostwald 1973: 278, 280-1. Elsewhere its referents are technical.

[144] The date, Ostwald 1973: 277.

the cities' (5.92α.1).[145] There was thus a plurality of cities at the end of the sixth century whose form of government could be described as isocratic, and Athens could be ranked amongst them. But if, as Ostwald showed, one should understand *isokratia* here to refer at once to Sparta, Corinth, and Athens post-*tyrannos*, the only thing all three have in common which contrasts with tyranny is that government was in the hands of a ruling council.[146]

Ostwald argued that *isokratia* indicated a balance of bipolar power structures within the three states evidenced: between the Corinthian *probouloi* and council, the Spartan *gerousia* and *damos*, and the Council of 500 and assembly at Athens.[147] For this institutional parallel to be sustained, however, the Corinthian demos would have no voice and the later Spartan *rhetra* which could annul the vote of the *damos* (Plut. *Lyc*. 6.4) should not exist. But if I am right, *isokratia* may be defined as the equality of power manifested in the rule of a state by a council, and the rating of Corinth, Athens and Sparta as isocratic signifies that membership of these councils was not due solely to birthright or familial relations.[148]

[Plutarch] *Mor*. 827b holds that just as a skilled musician will make use of every

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[145] Ostwald 1973: 283 noted that this is the only extant passage in which the noun occurs in a political context. How and Wells 1912: II. 51 implausibly suggested that the Corinthians coined the term '*isokratia*' to avoid mention of *dêmokratiai* before the Spartans.

[146] Ostwald 1973: 283-5. Sparta, Plut. *Lyc*. 5.6-7; Corinth, Nicolaus of Damascus fr. 60 (*FGrH* 2A.90), cf. Ostwald 1973: 284; Athens, Hdt. 6.131.1, discussed below.

[147] Ostwald 1973: 284-7. He concluded that *isokratia* 'describes a form of government which embodies the bicameral principle of a council which deliberates and formulates policies and an assembly (or a larger representative council) which validates them, or, as A. Andrewes has put it, "constitutional government on the Spartan model, the probouleutic system of council and assembly"'. This couples every possible combination of the institutions encountered in his discussion, and is consequently meaningless.

[148] Birthright, e.g. Homer *Il*. 2.53 with Ehrenberg 1969: 59-69; but office was open in Sparta (54) and Corinth (Ostwald 1973: 284). Familial relations centrally determined political office-holding under Peisistratos (Thuc. 6.54.6), although Herman 1987: 151 n.91 pointed out that Thucydides' expression includes both relatives and friends and translates as 'one of their own men'. But the contrast with an *isokratia* is obvious.

instrument harmoniously, 'so will a skilled statesman successfully manage an *oligarchia* of the Laconian and Lycurgan kind, if he brings into harmony with himself men who are alike in power and honour (*isokratês kai homotimous*) by exerting gentle pressure upon them'. Here there is to be *isokratia* among those who form a part of an oligarchic elite, and Ostwald reasonably argued that 'the adjective [refers] to an equality of political influence, on the basis of which the statesman can organise his oligarchy ... in a way that will preserve it from corruption'.[149] Although this is not directly instructive as to what *isokratia* means in respect of a state so designated, it accords with the definition advanced above, that an equality of power pertains among those who comprise the ruling council.

Lastly, Herodotus says that other than in their funeral customs,[150] the Issedonians are a just people; he adds that women and men have *isokratês* with the men' (4.26.2). How and Wells thought this probably meant that both men and women had to hunt,[151] but this is unlikely as Herodotus speaks directly of men and women in relation to hunting elsewhere (1.37.2; 4.114.3). Ostwald took it to indicate that 'men and women enjoyed ... the same political rights ... and [that Herodotus] believed this to contribute to a political equilibrium which he characterises by the adjective *dikaioi*'.[152] However, it is not clear that to Herodotus, Issedonian *isokratia* of gender contributed to the justice of its society; the clause seems rather to be added for its contrast with Greek ways. It is Ostwald who has supplied the concept of 'political rights' but, as he recognised, 'the workings of Issedonian society' are unknown and there is little basis to conclude that Issedonian men and women were full civic

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[149] Ostwald 1973: 282.

[150] For the Greek horror of such cannibalistic practices compare 3.38.3-4.

[151] How and Wells 1912: I. 312.

[152] Ostwald 1973: 281.

partners, as it were, in all matters. While any suggestion must be speculative, it would not be inconsistent with the definition offered here to surmise that membership of an Issedonian council incorporated both women and men, but there is no warrant to go further.

Ostwald suggested that the apparently rapid 'eclipse' of the term '*isokratia*' from political vocabulary was probably due to the fact that it was the differences between *oligarchiai* and *dêmokratiai* rather than their similarities which 'came to be the salient fact of the Greek political experience',[153] and this seems correct.[154]

This discussion of *iso*-compounds has reached the following conclusions:

(1) *isonomia* indicates an equal eligibility to hold office among those who comprise the citizen body, in contradistinction to tyranny;

(2) *isêgoria* indicates the equality of speech which exists among otherwise unequal members of a political council; and

(3) *isokratia* indicates the rule of a state by a council whose membership is not determined solely by birth.

It remains to clarify the early meaning of *dêmokratia*,[155] but there is a sparsity of evidence. The earliest surviving Athenian decree, ML 14 of perhaps ca 506,[156] regulating a

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[153] Ostwald 1973: 289.

[154] Sealey 1973: 294 noted the polarisation which appears in a decree of ca 403/2 (*Hesp*. 40 [1971] 280-301) to aid 'the sons of "those of the Athenians who died a violent death in the *oligarchia* when they came to the aid of the *dêmokratia*"' (ll. 4-6). But I do not accept his view that 'oligarchy' is missing from a list of constitutional types in Xen. *Mem*. 4.6.12 which includes aristocracy and plutocracy because it was 'too dirty a word' at that time. My analysis suggests that oligarchy should by that time be understood to be included in these two forms; and Pl. *Rep*. defines oligarchy as a regime based on property assessment (550c, 551b).

[155] Sealey 1973: 267-8 observed that by the second half of the fifth century the terms '*oligarchia*' and '*dêmokratia*' had become a 'stock contrast' between Greek cities.

[156] Meiggs and Lewis 1969: 27 wrote that its letter-forms could place it between ca 520

cleruchy on Salamis, employs the formula '*edochsen toi dêmoi*', which suggests public ratification.[157] It is accepted, however, that 'no firm procedural inference should be drawn from so isolated an example of this early date'.[158] Ehrenberg placed great weight upon Aeschylus' *Suppliants*, since dated to probably 463,[159] as providing the 'earliest picture ... of the working of a Greek democracy'.[160] The play, however, says nothing that enables a distinction to be made between public ratification in *oligarchiai* and *dêmokratiai* of the early fifth century.[161] The analysis of the early use of '*dêmokratia*' therefore rests heavily on its Herodotean context.

Herodotus relates that when Aristagoras made his own city isonomous, 'he then did likewise in the rest of Ionia', deposing Ionian tyrants so that the cities would aid his own revolt against Persia (5.37.2). In other words, Aristagoras rendered the Ionian cities isonomous. Having deposed the tyrants, Aristagoras instructed the cities to establish generals (5.38.2). That is, the cities have gone from tyranny to isonomy under military command. The Ionians were then subdued by Persia (6.32) and tyranny was evidently restored, for in 492 the Persian general Mardonius 'deposed all the Ionian tyrants and set up *dêmokratias*'

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and 480; they thought that it most probably dates between 508/7 and 506.

[157] Compare Aesch. *Suppl.* 601, 'the demos have resolved by vote', *dêmose dedoktai panlelê psephismata*.

[158] Henry 1977: 2; so too Meiggs and Lewis 1969: 27. The next earliest surviving decree, the Hecatompedon inscription *IG* I[3] 4 of 485/4, regulating religious worship, employs the same formula. Henry cautioned against using the Themistocles decree ML 23 as evidence that the formula 'resolved by the Council and people' was valid in 480, its ostensible date (3 n.8); otherwise, that formula first appears in I[3] 5, dated perhaps ca 475-450 (2).

[159] *OCD* s.v. 'Aeschylus'. Ehrenberg dated this play in the 490s (1950: 517).

[160] Ehrenberg 1950: 516-7. The closest this play comes to attesting the word '*dêmokratia* ' is l. 604, where the chorus ask, 'in what way did the ruling hand of the demos (*dêmou kratousa cheir*, i.e. the vote, cf. 601, 942-3) prevail?'.

[161] The relationship between drama and Athenian politics is discussed in chapter 5.

(6.43.3).[162] It is doubtful that he felt much direct concern for Ionian internal politics. Given that his object was to assist the Persian invasion of Europe (6.43.4), it is likely that he acted in a similar fashion to Aristagoras and that his Ionian *dêmokratiai* were also under a military command, now obedient to Persia. There is insufficient information, however, to determine whether the *isonomia* of Aristagoras was the same thing as the *dêmokratia* of Mardonius. It is therefore necessary to fall back on Herodotus' only other use of the word.[163]

Herodotus relates that Cleisthenes introduced 'the tribes and the *dêmokratia*' at Athens (6.131.1). This is considered as one action both by Herodotus and *A.P.*, who says that Cleisthenes 'divided the population into ten tribes, ... then established a Council of 500.... At the same time he divided the whole country into thirty parts composed of demes' (21.2-4).[164] Kinzl held that the first element in '*dêmokratia*' ('demos') does not indicate 'the people' so much as 'the demes, the village community', and means that Cleisthenes instituted 'the rule of the demes',[165] and it is, I contend, the deme-based structure of the political council which distinguishes *isonomia* from *dêmokratia*. If this is right, Cleisthenes in 508/7 fulfilled his promise to introduce *isonomia* when he established his deme- and *trittys*-based Council of 500. It is worth stressing that on my analysis *dêmokratia* concerns the ruling offices of a state and has nothing to do with participatory democracy.

This in turn sheds light on Mardonius' establishment of *dêmokratiai* in Ionia. The Ionians had earlier revolted against their tyrants on the promise of isonomy by Aristagoras. It

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[162] The date, Hammond 1986: 208.

[163] Herodotus' use of the verb '*dêmokrateesthai*' at 4.137.2 and 6.43.3 was discussed above, pp. 38-9 and 41 n.119.

[164] So too Ostwald 1973: 286, that the tribal restructuring was 'synonymous with the establishment of democracy'.

[165] Kinzl 1978: 324.

had long been evident to their own rulers that the Ionians preferred the rule of the people to tyranny, and that the tyrants were preserved only by Persian support (4.137). After the revolt was crushed the tyrants were reinstated, but the stability of the cities under tyranny could no longer be guaranteed. It was in the interests of Persia that Ionia did not again revolt during the Persian push into Europe. Mardonius therefore acted in the interests of Persia in instituting *dêmokratiai* in Ionia, thereby making Persian hegemony tolerable. In so doing, he would have instituted some type of deme- or district-based council structure, at least one precedent for which existed in the Athens of Cleisthenes. In the smaller Ionian states, however, a regionally structured council should logically have been far simpler to implement.

In this chapter I have argued that Attic synoecism did not take place until the end of the sixth century, and that the extent of Solon's political activity has been overrated. I further contended that the equalitarian political terminology of Ancient Greek does not imply the existence of a mass participatory democracy, and that the assembly was not a dominant institution in the archaic era. In the following chapter, I will suggest that there is reason to doubt that Cleisthenic Attica was structured in accordance with principles of mass political participation.

CHAPTER 2

THE CLEISTHENIC STATE

This chapter will examine the mechanics of the Cleisthenic *dêmokratia* from its foundation to the overthrow of the Areopagus by Ephialtes and Pericles in 462. The view taken here will entail a radical departure from conventional presentations of this period of Athenian history by giving political primacy to the boule. The rationale for this departure is that the attribution of the introduction of '*dêmokratia*' to Cleisthenes is well-attested.[1] It follows that whatever Cleisthenes did constituted *dêmokratia*, regardless that it may not reflect what most scholars have in mind. His *politeia* could also be seen as aristocratic: Plutarch *Cim.* 15.2 notes that after the overthrow of the Areopagus in 462, Cimon sought to win favour by advocating a return to the 'aristocracy of the time of Cleisthenes', and *A.P.* 29.3 states that the oligarchy of 411 looked to the laws of Cleisthenes as the basis for a new constitution. The indications thus are that Cleisthenes did not found a direct democracy.[2]

This investigation will therefore proceed from an examination of the inauguration of the Cleisthenic state to the structure and roles of the boule, assembly, Areopagus, and courts in the political fabric of the early fifth century. In doing so, it will defend *A.P.*'s statements that the Areopagus became the dominant force in public life after the Persian Wars (23.1, 25.1) against a prevalent scepticism which - unsurprisingly - finds that testimony hard to

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[1] Hdt. 6.131.1. Kinzl 1978: 312 n.16 observed that in the 390s Cleisthenes shared the credit for establishing *dêmokratia* with the elder Alcibiades. In the 350s Cleisthenes receives sole credit, but then too so does Solon. There is thus a long gap between the credit accorded by Herodotus and this. But a general attribution to Cleisthenes is clear.

[2] De Laix 1973: 22 wrote that 'to the aristoi of the fifth century ... the governmental system devised by Cleisthenes did not appear overly democratic'. In Plut. *Per*. 3.2 it is described as a *politeia* 'best tempered for the promotion of harmony and safety'.

reconcile with the orthodox image of a thriving direct democracy in which the assembly was in full control of all aspects of state policy from the time of Cleisthenes onwards.[3]

According to *A.P.* 21.2-5, Cleisthenes

[2] 'distributed all the citizens through ten tribes instead of the old four, wanting to mix them up so that more men should have a share in the running of the *politeia*. ... [3] Next he made the boule a body of five hundred ..., fifty from each tribe .... [4] He divided the land of Attica by demes into thirty parts - ten parts in the city region, ten in the coast, and ten inland - and he called these parts 'thirds', and allotted three to each tribe in such a way that each tribe should have a share in all the regions. He made the men living in each deme fellow-demesmen of one another, so that they should not use their patronymics and make it obvious who were the new citizens but should be named after their demes .... [5] He instituted demarchs, with the same responsibilities as the old *naukraroi*, for he made the demes take the place of the *naukrariai*'.[4]

As Kenyon observed in 1891, 'it is not at first sight evident why a mere redistribution of the population ... should give more persons a share in the franchise', and as Sandys saw, 'the text as it stands makes no mention of [new citizens]' in section two, 'though it

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[3] Rhodes 1981a: 287 supposed that 'most probably the tradition of a period of Areopag-ite supremacy arose later to explain why Ephialtes had to attack the Areopagus to bring in a fuller democracy'. Murray 1980: 257 described the Athenian government as being from Cleisthenes onwards as a 'direct non-representational mass assembly'. Ehrenberg 1973: 90-1 went so far as to claim that 'everything [Cleisthenes] wanted to carry out had to be confirmed by the assembly, so that his reforms were at the same time the first example of democratic methods'.

[4] Trans. Rhodes 1984, with Greek terms restored. Vernant 1983: 220 suggested that Cleisthenes' tribal reorganization was inspired, not by his grandfather's divisive tribal restructuring at Sicyon (as held by Hdt. 5.67-8), but by 'certain aspects of Lycurgus' rhetra [Plut. *Lyc.* 6.1-2] with its local divisions and its *obai* that provided the framework for the army of equals'. One can do little more with this hypothesis than point out that it is purely conjectural. The influence of the 'Paris school' has been massive, but its work should be treated with caution. Meier 1993: 201 wrote that 'studies undertaken by the school of Vernant ... are above all concerned with establishing evidence of the deeper structures of Greek thinking .... Much of their work is too schematic, with scant regard for the history of the times'.

incidentally names the *neopolitai* at the end of [section four]'.[5] The increased share in the *politeia* that men are given at 21.2 has been taken to indicate the introduction of a 'broadened franchise' which embraced the *neopolitai* mentioned at 21.4.[6] This view is based on the statement in Arist. *Pol*. 1275b37, that Cleisthenes enrolled 'many *xenoi* and *douloi metikoi* in the tribes'. However, *A.P.* 13.5 holds that there was a revision of the citizenship roles soon after the expulsion of the tyrants, directed against people of 'impure descent', which renders Aristotle's statement problematic.[7] In any event, none of these passages says anything about the institutional mechanisms by which Cleisthenes might have increased the number who had 'a share in the running of the *politieia*'.

The focal point of *A.P.* 21 is not the composition of the citizen body but the structure of its bouleutic representation.[8] It should be noted that procedurally, 'within each tribal contingent [bouleutic] seats were allocated to individual demes in proportion to their size'.[9] There were one hundred and thirty-nine demes (the extant village communities, of varying size) in classical Attica, and Hdt. 5.69.2 shows that Cleisthenes assigned them to the phylai

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[5] Kenyon 1891b: 37 n.3; Sandys 1912: 82n.

[6] Kenyon 1891b: 37.

[7] Rhodes suggested that Cleisthenes re-enrolled those who had recently been struck off (1981a: 188, 255-6), and saw 21.2 as referring only to the increased involvement of extant citizens (250). Fritz and Kapp noted that there is no definite evidence to show that Cleisthenes enrolled 'many slaves and foreigners' in his tribes, and suggested that 'such a policy would have been at variance with the character of his constitutional' activities, 'and might have obstructed his political aims' (1950: 90 n.47).

[8] I note Rhodes' observation that 'what *A.P.* says [in 21.2] could be translated either "so that more should have a share in the running of the state" or "so that more should be members of the citizen body"' (1981a: 250), but note that he too takes the statement in the former sense. As Sandys saw (1912: 82n.), the *neopolitai* are mentioned only incidentally.

[9] Rhodes 1981a: 251.

in ten groups.[10] According to Hignett, 'the number of demes included in a trittys varied with the population of the demes, and a trittys might even be composed of a large single deme'.[11] (It is thus possible that the *trittys*-groups may have been the means by which the different numbers of men in the demes were initially organized into equal pools for subsequent distribution among the new tribes.) Hignett's accompanying view, that the *trittyes* were in themselves of little importance, is therefore reasonable given that bouleutic quotas were calculated from the deme population on a proportional basis.[12]

It has been suggested that the Cleisthenic redistribution was not random, but advantaged particular interests. The most extreme theory is of a Cleisthenic gerrymander: Sealey argued that Cleisthenes gave his own clan, the Alkmaionidai, a dominant position in at least three of the ten new tribes, and held that because Cleisthenes' activities had gained him ascendancy over Isagoras, 'any theory which does not allow them a partisan character is mistaken'.[13] This does not allow for the possibility, argued in Chapter 1, that Cleisthenes won a broad allegiance by pledging *isonomia*. Further, Ostwald reasonably argued that because each tribe contained an even mixture of men from across Attica by virtue of its *trittys* structure, this would act 'against any one family dominating a given tribe and exploiting it politically to further its own interest'.[14]

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[10] So Traill 1975: 76, 97.

[11] Hignett 1952: 137.

[12] Hignett 1952: 137. Ostwald 1992: 315 thought that the *trittyes* acquired property and cults with a view to social cohesion; Whitehead 1986: wrote that the purpose of the *trittyes*, other than as a means of linking demes with tribes, 'remains obscure'.

[13] Sealey 1987: 122. Stanton 1984: 39-41 thought that the Alkmaionidai stood to benefit from both the redistribution and from the votes of newly-enfranchised citizens who would have supported their benefactors.

[14] Ostwald 1988: 316.

Contrary to Sealey's assertion, Cleisthenes may have actively broken up older power centres in order to redistribute political influence evenly within the new structure. Ostwald noted that Brauron, 'home of the Peisistratids, was given the deme-name Philaidae after the name of a *genos* known to have been hostile to them', and that two formerly Peisistratid districts were attached to different *trittyes*. Cleisthenes may have done some similar reshuffling to break up the power-base of Isagoras.[15] Because bouleutic representation was by deme rather than *trittys*, there is no reason to doubt the statement of *A.P.* 21.4 that the *trittyes* were assigned to the tribes by lot. It is therefore plausible that there may have been a Cleisthenic breaking of political influences with no concomitant enhancement of his own family's position. This receives additional support from the fact that the resulting structure was perceived as egalitarian and retained for the duration of the classical era.[16]

Ostwald saw as difficult the mechanics of enrolling everyone in each deme and of assigning demes to *trittyes*,[17] but his opinion appears to be based on modern notions of formal enrolment and citizenship. If, as shall be argued, the primary object of Cleisthenes' program was military rather than civic, there would seem no need to assume any change in respect of enrolment as the demes were the old naucraries.[18] Whitehead considered that it was 'not impossible that [bouleutic] quotas represented hoplite numbers rather than total

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[15] Ostwald 1988: 310, 313, 315; cf. Rhodes 1981a: 257-8.

[16] It was successfully augmented to twelve tribes in 307/6, and to thirteen in 223/2 (Traill 1975: 56).

[17] Ostwald 1988: 318.

[18] Jordan 1975: 12, that 'the chief function of the naukraroi was the collection and safekeeping of taxation money', and that in Anecd. Bekk. I. 283.20 *naukraroi* are officials who 'equip the ships, serve as trierarchs, and are subordinate to the polemarch'. Given this last, the military purpose seems primary; Rhodes 1981a: 151 noted that 'by etymology *naukraros* should mean "ship-chief"'. As *A.P.* 21.5 has Cleisthenes replace naucraries by demes and gives the demarchs the same function as the *naukraroi*, it follows that a military

population'.[19] Demarchs might initially have simply stated the numbers of those available for military service under the heading of the new demotic. As Hignett observed, 'it was necessary to make sure that the tribes would remain approximately equal in future'.[20] Variations in deme strength would have been accurately reflected in the proportional allocation of bouleutic seats among each of the tribes.[21]

Patterson argued in respect of *A.P.* 42.1-2 that 'it is not justifiable to assume that the system of deme-scrutiny, registration, [and] review by the Boule ... emerged full-blown from the head of Cleisthenes. Rather, it would probably have developed during the course of the fifth century ...'.[22] There were no centralized lists of all citizens.[23] According to Rhodes, from the time of Cleisthenes ephebes underwent a scrutiny by their demes, and 'the names of those accepted as citizens were placed on the [deme's] *lêxiarchikon grammateion*', but these documents are first securely attested in the third quarter of the fifth century and appear to exclude thetes.[24] The nature of lists kept by demes is problematic: Whitehead connected the *lêxis* with a legal capacity to inherit land, and held that they constituted a record of deme enrolment,[25] but Osborne argued that deme records were not public lists of demesmen or

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purpose was central.

[19] Whitehead 1986: 23 n.79.

[20] Hignett 1952: 137; each tribe supplied 'a regiment of infantry to the Athenian army'.

[21] See Whitehead 1986: 22-3; bouleutic quotas by deme are given in Appendix 2.

[22] Patterson 1981: 27. There is no evidence for the 'possible appeal to a *dikastêrion*' which her phrasing implied could be made against the boule's decision, though at least in the fourth century those wrongly held by the demesmen to be not *eleuthêros* could appeal (so Harrison 1968-71: II. 206).

[23] Whitehead 1986: 97.

[24] Rhodes 1972a: 173; Whitehead 1986: 35 n.130.

[25] Whitehead 1986: 35, 130.

citizens, but 'mark out those listed as different, normally as worthy of a peculiar honour or dishonour'.[26] There may have been different sorts of lists, and at different times.[27] In any event, *lêxiarchikon grammateion* were used for military mobilization (ML 23.29-30) and for the collection of hoplite levies (*IG* I^3 138.6);[28] a military association is clear. Personal witness, not written evidence, was required by courts as testimony to deme membership even in the fourth century.[29]

The introduction of demotics rather than patronymics is explained by *A.P.* 21.4 as intended to mask the parentage of new citizens. Although demotics were made hereditary, early inscriptional evidence indicates that the use of patronymics without demotic continued freely. It is only much later in the fifth century that the tripartite formulation recording name-patronymic-demotic becomes common.[30] Forrest took the equality of all members of a deme after Cleisthenes for granted, and held that elected deme officials replaced the leading families of the districts, notwithstanding his view (at odds with *A.P.* 21.5) that 'in the early years the demarch was the [old] phratry leader with a different title'.[31] Yet it is far from clear

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[26] Osborne 1985a: 73. In seeking to demonstrate a deme-based egalitarianism, he held that the demarchs themselves were often persons of moderate wealth (84), but the evidence is limited to 40 men in the fourth century (down to 300 B.C.) and says nothing about our period.

[27] Another form of list appears at [Dem.] 44.35, discussed by Whitehead 1986: 104.

[28] Frost 1984: 284 (mobilization); Whitehead 1986: 35 n.130 (collection of levies).

[29] Whitehead 1986: 68.

[30] Whitehead 1986: 71-2, 'The habit of using demotics took root very slowly, even in official documents'; habitual usage may have begun after Pericles' citizenship law of 451/0, but may 'equally' have been 'the outcome of the reenactment of the Periklean legislation in 403/2'. As Davies 1992b: 293 put it, 'to judge from the use of demotics the degree to which men (especially those of aristocratic pretensions) identified with their deme varied'.

[31] Forrest 1966: 195-6. '*Demarchos*' means 'ruler over the demos' (Ehrenberg 1950: 523 n.24).

that the demes, in most cases single villages,[32] were transformed from traditional communities into centres of egalitarianism. The retention of local prominence may be suspected: Whitehead thought that the demarchs may have acted as local justices in the first half of the fifth century, and held that even in the fourth century it was 'improbable that the appointment [of demarchs] was made by simple sortition amongst the whole body of demesmen in any deme'.[33]

The question must be put as to whether Cleisthenes' new tribes mixed social as well as geographical space. It does not automatically follow that they did. Morris observed that despite a general spread of the polis and its concept of citizenship across Greece from around the eighth century, Attica was unusual in that 'about 700 the very idea of citizenry was defeated', and that while Athens had begun to develop as a polis system, it 'reverted to a pre-political relationship within the community'.[34] Burial evidence indicates that social distinctions were maintained between the various strata of the population of Attica from before the time of Solon to around that of Cleisthenes. This would seem to support the view advanced in Chapter 1, that Solon did not inaugurate an equalitarian society.[35] Morris' study showed marked changes in funery customs beginning from ca 550, and further quite dramatic changes in the late sixth century with the institution of 'citizen cemeteries',[36] in which he

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[32] Osborne 1985a: 42.

[33] Whitehead 1986: 37 (justices); 139 (against sortition): ' certain basic aptitudes - not least literacy - were essential ...'.

[34] Morris 1987: 2-3, 206. I am using Morris against his own general thesis.

[35] It is worth noting the unique Agora cemetery which came into use in the mid-sixth century and was abandoned ca 500; 'burial in the Agora was generally reserved for the great heroes or the founders of new cities in Archaic and Classical Greece' (Morris 1987: 68). Could this indicate a foundation cult associated with the ruling house, the Peisistratidai?

[36] Morris 1987: 8; 134.

claims that distinctions of status between burial groups were generally dispensed with.[37] (Morris' dating evidence is from red-figure pottery, which may on his own evidence mean that his link with Cleisthenes in 510 is too rigid and could be dated a little earlier.[38]) Even if Morris' view was undisputed,[39] it does not follow that it reflects egalitarian social practices: he also showed that the 'citizen cemetery' pattern was used in Corinth 'throughout the eighth to the sixth centuries',[40] which renders it fully compatible with a dynastic society.

Vernant held that Cleisthenes 'was prompted by the ideal of an egalitarian city in which all the citizens were on the same level and would occupy symmetrical and reversible positions in relation to one common central point'.[41] This simply restates the orthodox belief that all positions of authority within the new state were at least in intention accessible to all citizens, perhaps with a minimum qualifying age. But even if property class restrictions are disregarded, such an equalitarian intention in the mind of Cleisthenes may still be described as impossible: Sallares has pointed out that Attic and other Greek societies were structured on an age class basis, the principal characteristics of which concerned 'the distribution and rotation of power'. He noted that 'an age class system need not be democratic in the sense of

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[37] Morris 1987: 93; his hypothesis is that exclusionary burial practices had been based on rank, the 'hierarchal ordering ... into positions of superordination and subordination'.

[38] Morris 1987: 134 ('Phase 8', ca 525-500; his table p. 11 dated Early Red Figure to ca 525-500). Although the change could thereby be dated perhaps as early as 525, he was quick to equate it with 'Cleisthenes' reforms' (8).

[39] It was bluntly rejected by Sakellariou 1989: 495, who wrote that 'the greatest part of the evidence taken into account by Ian Morris consists of dispersed and partial information for cemeteries or plots of tombs insufficiently excavated and studied', and that the identification of the polis-state with its citizens, as used by Morris, is wrong.

[40] Morris 1987: 185-6.

[41] Vernant 1983: 228.

one man, one vote. It may theoretically assign power to men, say, over the age of sixty'.[42]

Even in the fourth century access to certain offices was based on age qualifications (*A.P.*

42.2, 53.4, 56.3 *fin.*, 63.2), and service based on age could be regarded as obligatory (so 53.5,

arbitrators at age sixty).[43] The Cleisthenic state, although united, was not egalitarian.

Against the view of a levelling of statuses, it should be noted that *A.P.* records that

Cleisthenes 'left the clans, phratries and priesthoods each to retain their traditional

privileges', and he retained the census classes which determined eligibility for office (21.6,

26.2). There is evidence that 'sub-groups' of cult-fraternities developed within demes, 'for

reasons not at all clear'.[44] Throughout the fifth century, 'the aristocratic *genê* could retain

their social position within the phratries',[45] and both institutions 'upheld privilege and

inequality'.[46] Phratry membership was maintained along with deme membership, and 'even

well into the fourth century the procedures of admission to a phratry continued to co-exist

with, and to influence, deme decisions on admitting members to the deme register'.[47] Burkert

noted that after the tribal restructuring, the priesthoods of individual gods were retained by

the noble families who had traditionally held them.[48] In sum, it is far from evident that

Cleisthenes set out to establish an egalitarian participatory society, or that his success in

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[42] Sallares 1991: 180-1.

[43] On all this, Sallares 1991: 175-8; he noted that *A.P.* 53.4 recognizes forty-two ages classes, from eighteen to sixty; 53.7 records that these were used to conscript for military expeditions.

[44] Davies 1992b: 293.

[45] Hignett 1952: 145.

[46] Osborne 1985a: 74.

[47] Davies 1992b: 293. On deme registers, see above, pp. 61-2.

[48] Burkert 1992: 245-6.

bringing the demos into his *hetaireia* (Hdt. 5.66) presupposes any such intention.[49]

I turn now to the political institutions of the Cleisthenic state. The boule was the central coordinating body. It is generally accepted that councillors were selected annually by lot from citizens over thirty and could serve a maximum of two non-consecutive terms.[50] In this way, it is held, more than half and perhaps as many as seventy percent of the citizen body would probably have served at least once on the boule.[51] Through rotation of office, many men would attain a deep insight into the running of the state, and this experience would be invaluable to them in their attendance at the assembly and in the performance of their duties as officials on any of Athens' various committees or in their role as jurors.[52] It is also generally accepted that the Council was both subservient and ancillary to the (now pan-Attic) popular assembly.[53] Sinclair observed that the details of the boule's 'supervisory and coordinating role in the implementation of the assembly's decisions' are best known from the 320s.[54] I will argue that the orthodox view of the role of the boule as ancilla to the assembly, sketched above, is almost entirely a product of that very late fourth-century evidence and is untrue for the fifth century.

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[49] Peisistratos was also *dêmotikos*, *A.P.* 16.8.

[50] So e.g. Stockton 1990: 84-5; Sinclair 1988: 66.

[51] Osborne 1985a: 91 n.56; Roberts 1994: 28 thought that 'it is likely that most Athenian voters by the time they died had held political office of some kind at least once, if not several times'. Rhodes 1980 is devoted to vindicating the feasibility of single-term bouleutic rotation against disputed sets of population figures.

[52] Sinclair 1988: 66-8. Rhodes 1981a: 696 held that 'in any particular year, though all office-holders will have been new to their current post, most will in previous years have acquired experience of public service in similar posts'.

[53] Rhodes 1972a:17 contended that before 462 the activity of the Council was 'limited to *probouleusis*, the preparation of business for the ecclesia', though it gradually embraced other functions.

[54] Sinclair 1988: 74.

Care must be exercised in drawing conclusions about the extent of participation in the boule. The number of potential council positions from 508/7 to 322/1 is 186 years times 500 *bouleutes*, a theoretical total of 93,000 men; small wonder the eulogies to Athenian civic consciousness. As Sinclair pointed out, however, the total number of *bouleutai* known to 322 are not enough to fill a single boule.[55] It is asking a great deal to accept both without corroboration and in the face of indications to the contrary that thousands of otherwise unknown persons served on the boule from 508/7 onwards. Rhodes has listed men serving twice on the boule. Of thirty-two known cases from the fourth century before 322, eleven men appear five years or more apart in their terms of office; another nine figure at least ten years apart, three span thirty years, and one Timandrus figures twice over almost forty years.[56] This suggests the long-term prominence of particular men in Athenian political life.[57]

Rhodes observed that there is 'no direct evidence for the method of appointment [of councillors] before 412, or for any change of method'. He held from ML 40 (453/2?) that while *bouleutai* were 'possibly' elected under Cleisthenes, the use of the lot 'can hardly be later that the 450s'.[58] This decree imposes on Erythrai a council (expressly subservient to Athens, ll. 22-4), comprised of one hundred and twenty Erythraians selected by lot (ll. 8-9),

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[55] Sinclair 1988: 91 n.61.

[56] Rhodes 1972a: 242-3; 1980: 197-201; 1981b: 101-2. One is 29, not 30, years apart.

[57] Given the small amount of evidence available, this suspicion is not, I believe, refuted by Whitehead's statement that the 'abundant evidence of the prytany catalogs ... shows the names of councillors ... listed with such a degree of consistency that the normal quota of the five hundred places to be filled annually by each deme can be readily established in all but a handful of instances' (1986: 266). There is not sufficient evidence to show *who* served how often, and the evidence is all from the fourth century. In the circumstances, that there is any surviving proof of second terms is remarkable; Rhodes' first presentation of the evidence (1972a, Table B) had located only 17 of the 32 cases now known.

[58] Rhodes 1972a: 7. Osborne 1985a: 81 stated that 'the manner in which the demes selected their *bouleutai* is not known'.

and is invariably held to indicate that 'a democratic council is to be installed [at Erythrai] on the Athenian model'.[59] Yet as Welwei stressed, although the text presupposes the existence of a council in each polis, there is no mention of the institution of a democracy.[60] It provides no basis to parallel the state structures of Athens and Erythrai,[61] nor to rule out the direct election of Athenian councillors before the first attestation of their selection by lot in 412 (Thuc. 8.66.1).[62] Indeed, for those who hold that the regulations for Erythrai reflect the structure of the Athenian Council, there should be no obstacle to a view that Athenian and Erythraian *bouleutai* served multiple terms: the only restriction on service which is attested by this decree is that '(No one) shall be a member of the Boule [twice] within four years' (l. 12).[63]

Rotation of office was common in oligarchies,[64] and does not of itself express a democratic principle.[65] It was but one characteristic feature of Greek social organization and

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[59] Meiggs and Lewis 1969: 91.

[60] Welwei 1986: 181.

[61] Welwei 1986 argued that '"demos" and "plethos" in the terminology of popular decrees [of the mid-fifth century] did not serve as a description of specifically democratic systems in the sense of later constitutional typology' (177), and that there is no basis to hold that Athens 'routinely impose[d] its own political systems on rebellious confederates', including at Erythrai, in the mid-fifth century (191).

[62] De Laix 1973: 151 observed that there is 'no statement in any ancient sources mentioning *klerosis ek prokriton* as the selection process for the boule at any time in its history'; this is all that can be ruled out at this stage. Isocrates 7.22 holds that in the time of 'Solon and Cleisthenes', offices were not filled by lot but 'by selecting the best and ablest for each function of the state'. Those who reject election do so against his evidence.

[63] Trans. Fornara 1983b, no. 71; Meiggs and Lewis acknowledged that 'it seems that the Erythraian was only debarred from being a member twice within four years' (1969: 91-2).

[64] Hignett 1952: 227.

[65] Contra e.g. Held 1987: 20, who read Arist. *Pol*. 1317b2, 20 as indicating that rotation of office is intrinsically democratic.

is not in itself indicative of a 'democratic' development. Sinclair held that the practice of rotation of officials 'made it difficult for men from aristocratic families to retain their pre-eminence',[66] but such a view presupposes that those selected challenged rather than willingly accepted aristocratic leadership, and is a questionable proposition. Councillors were not paid before the mid-fifth century, and participation by the poor can be ruled out before that time.[67] Doubt may also be expressed as to the extent of rotation of office: Osborne noted that 'prominent political figures manage to be *bouleutai* in times of crisis with suspicious frequency'. Certainly in later times bouleutic service 'necessitated virtually permanent residence in Athens', and 'there is some evidence that the members of the *boule* were not a random sample, socially, of the whole *dêmos*'.[68]

The belief that a citizen could not serve on the Council more than twice in a lifetime is derived from Demosthenes and *A.P.*.[69] In Dem. 24.150 (ca 353), a clause of the heliastic oath is cited, which includes a vow that the same man 'will not hold the same office twice, or two offices in the same year'. This clearly did not obtain to the boule, as there are no fewer than thirty-two instances of men, many of them otherwise known, serving as *bouleutes* twice in the fourth century.[70] *A.P.* 62.3 says that 'a man may hold the military offices several times, but none of the others, except that he may serve on the Council twice'. The text indicates that

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[66] Sinclair 1988: 77.

[67] Hignett 1952: 143. Ostwald 1988: 322 conceded that 'probability favours the view that the Council functioned without the thetes for the first decades after Cleisthenes'.

[68] Osborne 1985a: 81.

[69] Sinclair 1988: 66 n.82, listing *A.P.* 62.3 and (cautiously, it appears) Dem. 24.149 (actually Dem. 24.150).

[70] Rhodes 1972a: Table B (17 cases); 1980: 197-201 (13 cases); 1981b: 101-2 (another 2 instances); the latter two studies additionally list men serving twice down to A.D. 1. Rhodes 1981a: 697 noted two apparent instances of simultaneous office-holding.

such service was restricted to twice in a lifetime, but it must be considered when this restriction was probably introduced.

Rhodes' studies of men attested to have served twice on the boule were based on the reasonable assumption that 'the proposer of a decree is assumed to be a member of the boule in the case of a decree of the boule or a probouleumatic decree of the boule and demos'.[71] Despite the sparsity of detail, it would seem that Themistocles, proposer of decrees in 481, 479, and 477, might meet these criteria.[72] It is therefore possible that he may have been a *bouleutes* three times in the early fifth century. But certainly in the fourth century, one Autoboulos served thrice before 335,[73] and the hypothesis of a maximum of two bouleutic terms at any time before the late fourth century should be rejected on this evidence. In sum, before 462 it appears consistent with the evidence to believe that *bouleutes* were elite, directly elected, and could serve multiple, even consecutive, terms.[74]

It is constantly suggested that the Athenians, if at first hesitant, rose to the occasion provided by their democracy to speak in the assembly, such that during and after the time of Pericles it comprised a considerable number of skilled speakers and thousands of politically astute and critical listeners. Thus, in the period immediately after the activity of Cleisthenes, 'it is doubtful that the common people would or would wish to propose new legislation. They would be likely to leave that to the members of rich or noble families, who had long

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[71] Rhodes 1981b: 101.

[72] Plut. *Them*. 11.1 (and possibly also 6.3); Thuc. 1.90.3; Diod. 11.43.3. I have used the dates given by Develin 1989, index of persons no. 2901.

[73] See Develin 1989, no. 503 (Autoboulos son of Autosophos of Sypalettos).

[74] Sandys 1912: 17 observed that a the belief that a citizen could not be a councillor two years in succession was originated by Boeckh but is purely conjectural; De Laix 1973: 148 and n.20 specifically noted that there is no historical evidence for it, but this did not prevent him from sharing it.

experience in running the country and continued to occupy the magistracies responsible for the implementation of ... policies'.[75] There was a period of transition during which 'the introduction of local political machinery ... provided a means by which the citizens could gain political interest and experience on a domestic level and by which the supremacy of the aristocrats in local matters could in due course be challenged'.[76] The demand for skill in speaking increased, and 'higher education [came] to Athens with the arrival of the sophists in the third and fourth quarters of the fifth century, in order to meet the demands of a flourishing democracy for excellence in speaking in Council, Assembly and the jury courts'.[77] How much weight can be placed on this view of the assembly?

Rhodes accepted that meetings of the boule under Cleisthenes 'need not have been frequent'.[78] Given that all scholars accept that at no period could the assembly initiate measures without probouleusis (the prior presentation of a matter for discussion by the boule),[79] it is worth considering how often the assembly might have met in this period. Only two assemblies were held on fixed days: that on the eleventh of the first prytany, and that following the Great Dionysia.[80] According to Rhodes, 'an increase in the number of ordinary meetings in the year from ten to forty may have taken place towards the end of the fifth century, but payment for attendance was not introduced until after 403'. He suggested that 'the Peloponnesian War and Cleon's courting of the people provide as likely an occasion as

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[75] Ostwald 1988: 323.

[76] Rhodes 1981a: 256; cf. Roberts 1994: 27, 'participation in deme affairs would serve to educate Athenians in the daily workings of democracy'.

[77] Ostwald and Lynch 1994: 592.

[78] Rhodes 1972a: 209.

[79] I have encountered no exceptions in the scholarly work of this century.

[80] Hansen 1987b: 31.

any for an increase in the number of regular assemblies'.[81] That is, in the age of Pericles it is doubtful that the assembly met more than ten times per year (except in crises), and far from certain that it met this often.

Hansen was more sceptical, and suggested that the Athenians 'in the second half of the fifth century and perhaps in the first half of the fourth century as well, held no more than ten obligatory *ekklêsiai* in a year, i.e. one *ekklêsia kyria* every prytany'. Before 353/2 there were no more than three regular assemblies per prytany; four are attested in a prytany in 347/6 in conformity with *A.P.* 43.3.[82] He added, it is true, a qualifying remark that 'other meetings, which may have been frequent, were optional', but in other work published in the same year he strongly defended the case that 'the Athenians had a rule limiting the number of *ekklêsiai* per prytany and that, occasionally, they broke the rule and held an extra meeting' (my emphasis).[83] His evidence supports the latter position, namely, that extraordinary meetings occurred only in exceptional circumstances (and sometimes not even then).[84] Between 508/7 and 353/2, therefore, there is good reason to doubt that more than one regular assembly per prytany was convoked.

There is no conclusive evidence that any decree was formulated in the assembly at any time throughout the classical era.[85] Scholars have therefore been forced to postulate

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[81] Rhodes 1972a: 213, 227.

[82] Hansen 1987b: 22-3.

[83] Hansen 1987a: 37, defending his first discussion of the frequency of assembly meetings (Hansen 1977) against Harris 1986.

[84] So Thuc. 2.22.1 (Pericles refuses to call an assembly); Dem. 19.154 (of 343 - he could not force the despatch of envoys as Athens 'had got to the end of the regular assemblies and there were no meetings left'). For an extraordinary meeting, Aeschin. 2.72.

[85] De Laix 1973: 192.

practices by which 'genuine debates in the assembly'[86] may plausibly have occurred in such a way as to make the assembly the dominant political organ by the mid-fifth century, if not earlier. The case relies upon three convergent lines of argument: that literary texts often mention the decisions of assemblies but rarely mention the activities of the Council; that inscriptional formulae used to record the enactment of decrees suggest a decisive role for the assembly; and that 'riders', which have the appearance of addenda to decrees, indicate the modification of a decree in the assembly.[87]

It bears stressing that literary texts frequently speak only of 'the Athenians', and it is moderns who supply the understanding, 'the assembly'. Yet the phrase, 'the Athenians', may often be equally taken to indicate the policy or program of the boule.[88] Again, a fourth-century speech, Dem. 59.88, says that 'the Athenian demos ... has supreme authority over all things in the state, and it is in its power to do whatever it pleases'. Hansen's comment bears emphasis, that here '*ho dêmos ho Athênaiôn* does not denote the Athenian ekklesia (as maintained by several scholars) but the Athenian people without explicit reference to any particular body of government'.[89] Only when a text unambiguously shows that a decision was taken in an assembly can one be certain that an assembly decision is meant. Even then,

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[86] Rhodes' phrase, 1972a: 63.

[87] It is worth noting that what appears as a rider may rather be a separate decree from a separate occasion. ML 31, which Rhodes 1972a: 278 claimed contains a rider 'of real substance' and so demonstrated the assembly in action, is in two parts: ll.1-54 from the prytany of Leontis or Aiantis (3), and ll.54ff from that of Aigeis (54-5).

[88] For example, Thuc. 1.90.3-91.4 records the advice of Themistocles to the Athenians in respect of fortifying the city against the wishes of Sparta, and the actions of the Athenians in responding to his advice, building the walls, and detaining Spartan envoys while construction proceeded. Yet one learns from Diod. 11.39.4-5 that both Themistocles' initial advice, and his later instructions to detain the Spartans, were confined to the boule and the archons; they were not business for 'the Athenians' in general.

[89] Hansen 1987b: 97.

all such decisions were dependent upon prior probouleusis: Rhodes acknowledged in a footnote that in the extant evidence 'there is no undoubted instance of an open probouleumata', that is, a proposal upon which the assembly could decide as it saw fit.[90]

The probouleutic role of the Council of 500 is well documented.[91] Yet where the boule is mentioned by the sources, surprisingly often it is presented as a final authority. Andocides 1.15 implies, in mentioning its role as *autokrator* in 415 as an aside, that there was nothing startling in its wielding such power. De Laix pointed out that a number of sources present the fifth-century boule in action with no indication of a probouleutic dimension.[92] Heralds and envoys were always brought before the boule, and did not necessarily appear before the assembly.[93] Diod. 11.42 notes that despite its fear of tyranny, the assembly accepted in 477 that the boule should act as it thought best in respect of a secret proposal by Themistocles (for developing Piraeus) without making its decision public. De Laix observed that Diod. 11.39.5 'records a secret meeting of the boule in 478/7, at which Themistocles explained his plan to procrastinate at Sparta while the Athenians finished their city walls', and that 'such secret meetings of the boule were later common'.[94] To be sure, the sources often mention fifth-century assemblies, but it must be borne in mind that in all or nearly all cases they concern the marshalling of support for military action, the acceptance or

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[90] Rhodes 1972a: 63 n.4.

[91] In particular, by De Laix 1973.

[92] De Laix 1973: 28, citing *IG* I^2 91.9 (=I^3 52) which refers to a *bole autokrator*; Plut. *Cim.* 17.4, where the boule refused to let the generals receive Cimon; *SEG* X, 64b (=*IG* I^3 136) which empowers the boule to administer a cult of Bendis; Diod. 13.2.6 has the boule determining strategy for the Sicilian campaign; and Thuc. 8.66.1 (although the boule was intimidated by oligarchs in 411).

[93] Rhodes 1972a: 43 and nn. 3-4.

[94] De Laix 1973: 26.

rejection of alliances, or the passage of honours, and in all cases probouleusis applied.[95]

Much weight has been given to inscriptional evidence as attesting a dominant role for the assembly. (It must be noted that there is evidence of only some ten state decrees or dedications before ca 460,[96] and consequently much of the discussion necessarily concerns evidence from after that date.) Veyne pointed out that in antiquity 'an inscription possessed a dignity equal to that of a book. ... What were engraved were not "documents" ... but monuments intended to be read by posterity'. The purpose behind the act of inscription is thus vital: 'it was not a matter of course for a decree to be engraved.... Nine times out of ten, the decree is honorific and the engraving of it constitutes an extra honour. ... The official engraving is a 'witness' to the merits of the [honourand] and to public gratitude'.[97] This understanding is worth considering in relation to official texts, and stands to radically alter the perception of Attic decrees.[98]

Rhodes claimed as a generalization that probouleumae were sometimes revised in the assembly, and cited Tod 144 (362/1) as a decree in which the preamble to the alliance proposal 'cannot have been written until the matter came before the assembly'.[99] Yet that text rather indicates that the allies first introduced a resolution to the boule, upon which a probouleuma was formulated (l. 13ff), and that second, after this, Periandros proposed the

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[95] De Laix 1973: 193-4.

[96] Davies 1992b: 63.

[97] Veyne 1990: 127-8 and n.173. He emphasized that 'it was ... no less honorific to enable people to read that a benefactor had been crowned than it was to crown him' (128). Most people read aloud, and this, he argued, was the point of the epitaph on many tombs, "Traveller, stop and read": 'reading aloud, in a low voice, gave new life to the epitaph, and it was aloud that the reader spoke the farewell which the epitaph asked of him' (128 n.172).

[98] De Laix 1973: 194 wrote that the assembly 'more than shouldered its own share of passing honorific decrees, thus relieving the boule of much tedious work'.

[99] Rhodes 1972: 8.

vow for a sacrifice and procession (ll. 5-12). There is hence one set of resolutions capable of being ratified together by the assembly. What appears as an 'addenda' has been placed out of sequence to honour Periandros, whose contribution of festivities is thereby given greater status than the alliance which had made it possible.

Three enactment formulae were used in Athenian public decrees:

(A) *edoxen tôi dêmôi* ('resolved by the demos'). This is found in the earliest Attic decrees ML 14 (late sixth century) and *IG* I³ 4 (485/4), and is found again from 403/2 onwards. Yet Rhodes also listed some forty surviving decrees utilizing this formula from the period 321/0-300.[100] Formula (A) thus both predates and postdates the 'classical democracy' of 462-322, which suggests that is not necessarily indicative of a democratic politics.

(B) *edoxen têi boulêi kai tôi dêmôi* ('resolved by the boule and the demos'). This is standard 'from *c.* 469-458 (462/1?) to 405/4',[101] but if *IG* I³ 5 or ML 31 (in which this formula occurs) might date before 462, it would have come into use during the period of Areopagite supremacy. The change in prescript formula does not demonstrate that the assembly was predominant, and there is no case in which this formula can be shown to refer to a decree which originated in the assembly.[102] If anything, it suggests the increased prominence of the boule within the state by contrast with the more general formula (A), and would be compatible with the displacement of the Areopagus in 462.

(C) *edoxen têi boulêi* ('resolved by the boule'). Rhodes saw this as 'the proper formula for a decree of the boule alone'.[103] If the orthodox view of a strictly probouleutic

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[100] Rhodes 1972a, Table D.

[101] Rhodes 1972a: 64.

[102] De Laix 1973: 107.

[103] Rhodes 1972a: 64.

boule is correct, there should be no instance of formula (C). As there are some (few) instances of it, an explanation must be found, and several suggestions have been made: (i) that any such decrees were 'subsidiary' to those of the assembly;[104] (ii) that the formula was wrongly inscribed;[105] and (iii) that the assembly must have ratified such decrees although its activity is unacknowledged.[106] There is, however, a far simpler explanation: that decrees of the boule are precisely what they purport to be.

Rhodes held that a process of assembly ratification took place in cases where a rider appears to the effect that *ta men alla kathaper têi boulêi* ('and otherwise as resolved by the boule').[107] Yet these 'riders' might not attest that an amendment was made in the assembly. As written, they indicate only that one named man has amended a decision. They are, I suggest, purely honorific: the words of *ho deina* (who may in fact have been a *bouleutes*) have benefited the state and made him honoured among the people, and for this *ho deina* has been duly immortalized on marble.[108] In some cases, the original mover was also responsible

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[104] So Rhodes 1972a: 87.

[105] Henry 1977: 16 held that Tod 103 must have been drafted 'with the wrong enactment formula', as it was 'inconceivable that the people delegated such authority to the boule'. In a similar manner, Rhodes 1972a: 82-3 thought that a number of early fourth century proxeny decrees inscribed as decrees of the boule reflected decisions 'which would not normally be delegated by the ecclesia'.

[106] So Tod (1948: 17) on Tod 103. According to Sinclair 1988: 100, lines 17-20 of this decree show that the assembly 'directed' the boule to select a group of envoys. The prescript demonstrates that this was a bouleutic probouleuma, which suggests that all of this 'direction' could have taken place within the boule itself.

[107] In Rhodes 1972a, Tables C-L list enactment formulae for all known decrees down past the classical period. All instances of enactment formula (C) are qualified by the comment that 'the assembly should ratify'.

[108] Rhodes 1972a: 80 observed from inscriptional evidence that 'from early in the third century the ratification of honorific probouleumata took up more and more of the assembly's time'. I suggest that this is merely an extension of earlier practice.

for what appears as a rider,[109] and was thereby honoured twice. My suggestion that enactment formulae are themselves primarily honorific follows the similar suspicion footnoted by Michael Walbank, albeit in respect of purely honorific decrees, in a discussion of the dating of fifth-century inscriptions.[110]

The literary and epigraphic evidence concerning assembly debates does not require the institutional primacy of the assembly over the Council at any point in the fifth century. Except in extraordinary circumstances, it did not meet more than ten times per year throughout this time, and it is possible that in the period of the Cleisthenic state it may have had only two regular annual meetings, those at the start of the year and after the Dionysia. Literary sources inadvertently privilege the position of the assembly to modern eyes by mostly omitting mention of the ubiquitous process of probouleusis. The publication formulae of Attic decrees constituted an honour in themselves; indeed, an honour in which the boule of the Periclean era stands in first place. They do not indicate a predominant role for the assembly and, if anything, imply the primacy of the boule over the crucial period 462-404. As the sophists did not arrive until the second half of the fifth century, discussion of their activities will be reserved to Chapter 4.

The third institution is the Areopagus, and it will be argued against a widely shared modern view that this council was intensively involved in political affairs under the Cleisthenic state.[111] The early history and functions of the Areopagus lie outside the purview

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[109] Rhodes 1972a: Table J, section 1.

[110] Walbank 1974: 168 n.15: 'It may not have been normal practice to inscribe secular documents upon stone before ... the late 460s. Even after this date, a great many public documents may not have been committed to stone; for instance, I believe that the publication-formula found so often in honorific decrees is itself an honour ...'.

[111] F.J. Frost, for example, contended that because 'no ancient author seems to be able to explain exactly what powers were taken from the Areopagus on 462 ... no real constitutional

of this thesis.[112] R.W. Wallace noted that there is no testimony to its activity between Peisistratos' appearance before it in the mid-sixth century (*A.P.* 16.8) and ca 480.[113] The number of its membership is disputed. After Solon it was composed of all former archons (Plut. *Sol.* 19.1). It is generally held from this that the nine principal archons joined the Areopagus at the end of each year and that a new group of nine men (at least thirty years of age) succeeded them in the central state offices. In this way the Areopagites could have numbered, in Wallace's estimate, between ca 175 and 200 men.[114]

The above view of its size is unnecessary; the only ancient testimony gives the number of the Areopagitae as either 31 or 51.[115] Forrest and Stockton argued that there is no reason to believe that the archons did not hold multiple archonships, and that it is not plausible that they were always new men in their thirties. They suggested that it is more likely that 'the eponymous archon in particular had generally if not always held an earlier "junior" archonship and had hence sat for some years previously as a member of the Areopagus'. Nor is it likely that the archons were always youngish men: as they pointed out,

revision was involved' in its overthrow. He further held that 'institutional change within the constitution itself ... was minimal between the era of Cleisthenes and that of Cleon', and that the activity of Ephialtes and Pericles in 462 was of little consequence (1976: 66 and n.2).

[112] Wallace 1985 argued that before Solon the Areopagus was 'only a site for [homicide] trials'; 'it was not yet a council and had no broad governmental or managerial powers' (47); Solon constituted it as a council, but from that time until 480 its 'only attested activity' was as a homicide court (72). He thereby invested much in his rejection of *A.P.* 3.6, 4.4 and 8.4 which gave it both existence as a council before Solon and the oversight of 'the greater part of community life', as did Plut. *Sol.* 19.2-3, which Wallace discounted (40ff) in favour of the other writers which Plutarch had rejected at 19.2.

[113] Wallace 1985: 72.

[114] Wallace 1985: 14-6, 97. Plut. *Per.* 9.3 records that four types of archons - eponymous, *basileus*, *polemarch*, and *thesmothetai* - passed into the Areopagus 'if they properly acquitted themselves'.

[115] Schol. Aesch. *Eum.* 743 (for 31); Philochorus *FGrH* 328 F 20b (for 51).

Isagoras was most unlikely to have been Cleisthenes' principal opponent from 510 to 508 had he been a young unknown before his archonship in 508.[116] They emphasized that Lysias 7.22 provides strong evidence that the archons were Areopagites during as well as after their archonships.[117] The only archonship which was clearly not recurrent was that of the eponymous archon; given multiple archonships across the other positions, the low number of Areopagites given by the historical sources may be plausible.[118]

Several sources testify to the rise of the Areopagitae to political prominence in the years after 480. First, according to *A.P.* 23.1, up to that time 'there had been a gradual development and increase in the city and in the *dêmokratia*. After the Persian Wars, the Areopagus council recovered its strength and managed [*dioikein*] the city. It acquired its *hêgemonia* not by any formal decision but by being responsible for the battle of Salamis'. *A.P.* presents the hegemony of the council as absolute: Wallace observed that 'there are no particles in 23.1 to limit the Areopagos' competence'.[119] *A.P.* then relates that 'for about seventeen years after the Persian Wars the *politeia* remained with the Areopagitae as *prostatai*' (25.1). Similarly, Arist. *Pol.* 1304a20-1 remarks that 'the Areopagus, as a result of

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[116] Forrest and Stockton 1987: 236-7; they also saw that Hipparchos was important enough to have led Cleisthenes into formulating a law on ostracism years before Hipparchos' archonship in 496/5, and noted 'the "all-star cast" of the archon-list of the 520s'.

[117] Forrest and Stockton 1987: 238. They wrote that the Greek might seem '*prima facie* ambiguous' but that it should be taken in its natural sense as saying 'the nine archons or some other members of the Areopagos'. Wallace relegated the evidence from Lysias to a footnote which did not acknowledge the possibility of the above rendition (also used in the Loeb text), and asserted that *allous* meant 'besides' (= other than) the Areopagites (1985: 94 and n.3). The 1989 printing of his book bears two copyright dates : 1985 and 1989. He did not acknowledge the existence of Forrest and Stockton's article in the 1989 reprint.

[118] Despite their advocacy of multiple archonships, Forrest and Stockton themselves thought a possible size of 'at most 150 to 200 members' was likely (1987: 238); they did not there address the issue of numbers directly.

[119] Wallace 1985: 40.

the reputation it acquired during the Persian Wars, was held to have made the *politeia* more strict'.[120] It bears stressing, however, that there was no constitutional conflict between the increased power of the Areopagus and the designation of the *politeia* as a *dêmokratia*.[121]

There are two other important sources. First, Isocrates 7.51-2 holds that while the Areopagus 'was in control [*epistatousês*], ... there was *hêsuchia* at home, and peace with all men. For the Athenians offered themselves as trustworthy to the Hellenes and as a source of fear to the barbarians, for they had saved [*sesôkotes êsan*] the Hellenes and ... severely punished [*dikên têlikautên eilêphotes (êsan)*] the barbarians ...'. Wallace argued that the passage shows that Isocrates 'marked the end of this period by the [changes] of 462/1, and that the periphrastic pluperfects in 7.52, in reference to the Persian Wars, suggest he was thinking specifically of an Areopagite period that occurred between those two events'. He reasonably held that this inference was further supported by the statement at 7.80, that 'the Hellenes felt such confidence in those who governed the city in those times that most of them place themselves under the power of Athens'.[122]

Secondly, a unique decree formula of the early fifth century mentions the 'boule' alone and plausibly indicates the supremacy of the Areopagus. Meritt suggested that the publication formula should be restored *[edochsen tei en Areioi pagoi b]olei*, writing that '... the Boule was named alone, without the Demos. In the development of the Athenian

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[120] One might also adduce Heraclides Lembus (fr. 7 Dilts), not discussed by Wallace 1985: 'Themistocles and Aristeides. And the Areopagus council had many powers'.

[121] As Wallace 1985: 84 observed, 'it is often claimed that the Areopagos must have been an active force for conservative politics. The only contemporary evidence used to support this is supplied by certain political cases which [he] argued were unrelated to the Areopagos Council, and by the passage of Ephialtes' reforms while Kimon and an army of hoplites were away in the Peloponnese'.

[122] Wallace 1985: 78.

constitution this could have happened only after the victory of Salamis when the Council of the Areopagus enjoyed its greatest prestige, and, according to Aristotle [*A.P.* 23.1], "managed the state"'.[123] These sources corroborate the testimony of *A.P.* and Aristotle that the Areopagus was the dominant political institution for some years after the Persian Wars.

There is evidence which suggests that over the period 508/7-462, the archons remained immensely powerful figures.[124] It has been held that the Areopagus fell in prestige after the introduction of the lot for the selection of archons in 487,[125] but as Stockton noted, there is 'no mention of any variation in [the archons'] powers or functions'.[126] One might suspect that at least before 487 they came all but exclusively from the nobility. The only apparent exception is Themistocles,[127] but he too belonged to the liturgical class,[128] and was, according to Hignett, 'probably the head of the Lykomidai'.[129] Themistocles was eponymous archon in 493/2 (during which year he initiated the fortification of Piraeus, Thuc 1.93.3); *strategos* (490/89, 483/2, 481/0, 480/79); *epimeletes* both of revenues and of the water supply in this period; state envoy (479/8); *pylagoras* (478/7), and proposer of decrees in 481,

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[123] Meritt 1967: 74-5.

[124] Hignett 1952: 153 concurred for the period 508/7-487, after which he joined those who thought the archonship weakened by the use of the lot.

[125] Rhodes 1972a: 210. The source for the use of the lot here is *A.P.* 22.5.

[126] Stockton 1990: 31.

[127] Plut. *Them*. 1; Lacey 1968: 20 and n.15.

[128] Davies 1971: 212ff; at xx, xxii-iii he defined the basic criterion for membership of the Athenian upper class as 'evidence of performance of the military and festival liturgies of the state', writing that 'the inference from a man's performance of a liturgy to the relative pre-eminence of his economic position at the time is [generally] safe'.

[129] Hignett 1952: 183. Of all Athenian officials between 501/0 and 480/79, only archons and some strategoi are known. Only four fifth-century councillors are known before the time of the Peloponnesian War (Develin 1989: 54-114; *bouleutai* are listed for 479/8, 457/6, 446/5, and 434/3).

479 and 477.[130] Given the scanty nature of our sources, the number of attested positions and the evident extent of his influence render the proposition that in the early fifth century public offices were of minor weight and subject to personnel rotation on equalitarian grounds highly questionable.

Because of his eponymous archonship, Themistocles was a member of the Areopagus throughout the years 492-462,[131] that is, during all his known activity. As argued above, it is likely that he had held lesser archonships before the eponymous archonship, perhaps the highest possible public honour.[132] Whether or not that was so, it is worth emphasizing that *A.P.* speaks of the Areopagitae of the early period more often as powerful individuals than as the collective body, 'the Areopagus council'.[133] This may explain why Ephialtes, before he made his public attack on the Areopagus, removed many of its members by attacking their 'management' (*A.P.* 25.2). Rhodes commented that 'it is hard to see why individual Areopagites should be prosecuted for their part in the official activities of the Areopagus'.[134] The activity of Themistocles suggests that the archons may have acted in various matters with a considerable degree of autonomy.[135] If his activities are at all indicative of those of

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[130] Develin 1989, index of persons, no. 2901.

[131] *A.P.* 25.3 attests his membership in 462.

[132] On the honour of giving one's name to the year, Veyne 1990: 136.

[133] As 'the Areopagus council', 4.4, 16.8, 41.2; as both 'the Areopagus council' and as 'the Areopagites', 35.2; as 'the council of the Areopagites', 3.6; as 'the Areopagites', 8.4, 25.1, 25.4, 27.1. (Plut. *Mor.* 805d holds that the Areopagus as a body was 'oppressive and oligarchical' prior to Ephialtes' actions against it.)

[134] Rhodes 1981a: 313. (It is even harder to see how Ephialtes could have attacked 'many' (*polloi*) of its members with much effect if it numbered 150-200 or more; for ca 50 members, as per the sources, pp. 79-80 above.)

[135] Plutarch may provide further support for the view that individual as much as collective action by Areopagites had been a bone of contention in his statement that 'Ephialtes was inexorable at exacting accounts from those who had wronged the demos' (*Per.* 10.8). Cf. also

other prominent men, there is reason to doubt the implication of Wallace that Areopagitae were essentially homicide judges,[136] and to further question that Attica was run as a direct democracy in the period of the Cleisthenic state.

According to *A.P.* 25.1, although the *politeia* from 480 'remained essentially the same under the leadership of the Areopagus, it was slowly degenerating'. Arist. *Pol.* 1304a22-4 tells a similar story: over time, 'the seafaring mass, through being the cause of victory at Salamis, strengthened the *dêmokratia*'. To both writers, therefore, the grip which the Areopagitae held on Athens weakened over time. The view which these sources present is compatible with other historical evidence for this period: although it has often been held that 'Athenian democracy' is to be associated with an increased political power of the thetes,[137] there was little scope for the greatly increased power of the 'seafaring mass' before Aristeides' organization of the Delian League in 477.[138] In any event, there is no necessary connection between naval strength and *dêmokratia*: as Sinclair observed, 'Corinth, which developed naval power in the seventh and sixth centuries, remained under oligarchic government until a short-lived takeover by Argos (392-386)'.[139]

Themistocles' alleged fear of trial for collaboration with Persia, notwithstanding that it would have been held before his fellow Areopagites, *A.P.* 25.3.

[136] This must follow if, as Wallace held, the function of the Areopagus was effectively confined to that of a homicide court between Solon (594) and 480 (1985: 72, cf. 208).

[137] Hignett, for example, wrote that 'as the safety and welfare of the state depended to an ever greater extent on their exertions, it was natural that they should demand the lion's share of the government' (1952: 193). Murray 1980: 266 held that the fleet built with silver found at Larium in 483 'shifted the military epicentre away from the hoplite class to the people as a whole'.

[138] cf. Rhodes 1981a: 309 on *A.P.* 25.1; the date, Meiggs 1972: 42-3. There was little in the way of a navy before 483 (Thuc. 1.14.3; Plut. *Them.* 4.1; cf. Hdt. 7.144.1). As Rhodes 1992a: 35 noted, the formation of the League also initially depended upon its other states' willingness and capacity.

[139] Sinclair 1988: 12.

A.P. records that Ephialtes held 'a reputation for incorruptibility and loyalty to the *politeia*', and that he 'took away from the [Areopagus] the accretions which gave it its guardianship of the *politeia*' (25.1-2).[140] In respect of its purview in this period, the powers upon which scholars have concentrated are those concerning *eisangeliai* (political impeachment), *euthynai* (the rendering of accounts by office-holders), and *dokimasiai* (scrutiny of archons prior to their entering office). However, scholars have differed over the attribution of these powers to the Areopagus between 508/7 and 462. There is a general agreement that the Areopagus heard *eisangeliai*,[141] but no agreement as to its having had powers of *euthynai*.[142] Wallace observed that there is no evidence to show when the *dokimasia* of archons was introduced, nor before which council it was conducted.[143] Notwithstanding some uncertainty about the precise extent of its powers before 462, there is agreement that after Ephialtes, although its scope was restricted, it retained jurisdiction in matters of homicide, arson, and some religious matters.[144] Aeschylus praised its guardianship of the laws in 458 (*Eum.* 704-6), and it was historically given the guardianship of the laws after the overthrow of the Thirty in 403 (Andoc. 1.84).[145] That is to say, the Areopagus

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[140] cf. Plut. *Mor.* 805d, '... some men by curtailing the power of an oppressive and oligarchical boule, as Ephialtes did at Athens ...'. This further indicates that the Areopagus had been dominant; it must refer to the boule of the Areopagus, as Ephialtes took powers from that boule and enhanced the power of the boule of 500 (*A.P.* 25.2).

[141] Wallace 1985: 76.

[142] That it did hear *euthynai*, Sinclair 1988: 78; that it did not, Wallace 1985: 80.

[143] Wallace 1985: 67. Hignett opined that *dokimasiai* were conducted by the Council of 500 before 462.

[144] Rhodes 1972a: 202. Wallace 1985: 109ff details its various responsibilities in the remainder of the classical period.

[145] Wallace disputed that at Aesch. *Eum.* 706, '*phrourêma gês*' referred to any broader legal competence than that of a homicide court; he wrote that 'if Aeschylus were making a specific political argument, it would have to be clear' (1985: 91); this is asking a lot of a

retained a significant role in Athenian society after 462.

If Wallace's view that the Areopagus was essentially a homicide court before 480[146] is accepted, one would have to concede that - regardless of what powers were removed in 462 - its purview had actually increased in the second half of the fifth century over its extent prior to 480. But there is a further problem: the continued prominence of the Areopagus continued, albeit modified in scope, after the introduction of what Plutarch *Cim*. 15.2 labelled 'unmitigated (*akratos*) *dêmokratia*'. Yet both *A.P.* (41.2) and Aristotle (*Pol*. 1274a9-11) avow that the Athenian *politeia* came ever more under the control of the demos down to their own time. Does Plutarch attest the inauguration of a fully developed direct democracy after 462 against the fourth-century authors? Supplementary evidence may provide the basis for an alternative explanation. In what follows it will be again suggested that to Plutarch as well as other ancient writers, '*dêmokratia*' refers to 'the rule of the demos' as constituted in the boule, and not to a direct democracy.

After his prosecution of individual Areopagitae, Ephialtes, in concert with Themistocles, 'attacked the Areopagus at a meeting of the Council of 500, and then in the assembly in the same way, and persisted until they had taken away its power'. As a result, 'he took away from the Areopagus all the accretions which gave it its guardianship of the *politeia*, giving some to the Council of 500, some to the demos and the courts' (*A.P.* 25.2, 4). Keaney observed that this passage does not permit one to say that 'specific kinds of functions were exclusively assigned to one, nor can we say that judicial functions were exclusive to the

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dramatic metaphor.

[146] Wallace 1985: 208-9 held in summary that although the Areopagus did after Solon have 'authority over matters in addition to homicide', between that time and 480 'there is no evidence that the Areopagus fulfilled the role that Solon had intended for it'. This in turn suggested that it had 'failed to use its broader political powers' (cf. 72ff).

courts'.[147] Nevertheless, it may contain the key to the events of 462.

To Plutarch, the Cleisthenic state was well-regulated.[148] According to Rhodes, before 462 the presidency of both boule and assembly was probably held by the archons.[149] It was argued above that these were powerful individuals in this period. Plut. *Arist*. 22.1 records that Aristeides, apparently ca 478, 'saw that the Athenians desired to receive a *dêmokratia*, ... and introduced a decree that the administration of the city should be open to all citizens and that the archons be chosen from among all Athenians'.[150] To Plutarch, there was a difference between the form of the state as instituted by Cleisthenes, and that later form which the Athenians desired and which Plutarch regarded - in the form in which it eventuated - as 'unmitigated'. It is worth noting in this context that the archonship was not opened to the third property class until 457/6 (*A.P.* 26.2); any consequences specifically of Aristeides' motion cannot be dated before that time. Neither did Aristeides suggest that the state should be placed under the direction of the assembly; his remarks concern the ruling offices only.

It was suggested above that the assembly was unlikely to have regularly met more than ten times per year at any point in the fifth century, and that under the Cleisthenic state it may only have met twice per year. Further, it was argued that the Areopagus dominated the

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[147] Keaney 1992: 47. With many others, Keaney privileged the role of the demos by altering the order of *A.P.*'s list so as to place the demos before the council. Elsewhere he was dogmatic about the need to keep to *A.P.*'s word order - e.g. 50 n.3; 51 n.6.

[148] Plut. *Arist*. 2.1, Cleisthenes had 'set the state in order after the expulsion of the tyrants'; *Cim*. 15.1, the '*aristokratia* of the time of Cleisthenes'; *Per*. 3.1, Cleisthenes 'established a *politeia* best tempered for the promotion of harmony and safety'.

[149] Rhodes 1972a: 21 n.4. For the Ephialtic introduction of prytanes, 16-19.

[150] Rhodes 1992b: 64 described this statement as 'clearly fictitious'. On the other hand, the name 'Demokrates' is attested for a man born ca 470 (Hansen 1986: 35-6); this is the earliest known approximation to the word '*dêmokratia*'. Yet if this man was the older lover of Alcibiades of Plut. *Alcib*. 3.1 (Hansen 35 thought it probable) it might provide further reason to doubt that *dêmokratia* should be seen as inherently opposed to the elite.

state after 480, and that it was comprised of powerful individuals acting with a high degree of autonomy. There is no basis to claim from the names on the fifth-century archon-list that there was any drop in the quality of the men selected as archons after 487/6;[151] as Cawkwell pointed out, in 458 Aeschylus' Athena described the Areopagitae as 'the best of my citizens' (*Eum*. 487), and it is probable that the office was 'competed for by the best rather than by unproved young men'.[152]

The lacuna in the evidence for the conduct of Athenian politics between 508/7 and 480 is customarily filled by according primacy to a citizens' assembly. I rather posit that politics in this era was controlled by the Council of 500. Scholars have seized upon the existence of two councils to imply a rivalry between them prior to the period of Areopagite predominance,[153] but this belief is unnecessary. It was proposed, in conformity with the available evidence, that the archons of this period were elite, directly elected, and served multiple terms. It was noted that they probably presided over both the boule and assembly. Some may have been both *bouleutes* and Areopagites,[154] the latter as members of a small and elite council that met as it saw fit. There are no grounds to postulate a rivalry between the boule and the Areopagus as a body before 480; even then, it was the sway which the Areopagitae came to subsequently exercise *as individuals* (*A.P.* 25.1, 4; 27.1; Diod. 11.77.6) which led Ephialtes - incorruptible and loyal to the *politeia* (*A.P.* 25.1) - to deprive the

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[151] Cawkwell 1988: 4, *contra* Rhodes 1972a: 210. The pre-Clesithenic use of the lot for the selection of archons was rejected by Hignett 1952: 228, 230.

[152] Cawkwell 1988: 6.

[153] Above, 81 n.121.

[154] In addition to Themistocles' decrees noted above (70 n.72), as an Areopagite he addressed the boule along with Ephialtes in 462, in the move against that council (*A.P.* 25.4).

Areopagus as a body of its power.[155] When he did so, he removed the grip which Athens'

elite had exercised over its principal Cleisthenic institution, the tribally-based and primarily

military council which administered the state from its institution in 508/7,[156] probably with

the direct participation of and under the leadership of the Areopagitae who, in this analysis,

had previously exercised supreme power as a coalition of individuals within Athens and its

surrounding districts prior to Attic unification.[157]

Plutarch's description of the *politeia* after 462 as an 'unmitigated *dêmokratia*' (*Cim.*

15.2)[158] might well indicate the untempered rule of the Council of 500. With the change of

its presidency from the archons to tribal prytanes, and through its conduct of *eisangeliai*,

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[155] Cawkwell 1988: 7, 'Ephialtes was not attacking a half-dead survival. It was as authoritative as ever both corporately and individually, ... fulfilling functions which had a large influence on the character of the city. That was why Ephialtes attacked'.

[156] Pindar's *Pythian* 2.86-8 of ca 468 sings that 'in every constitution the straight-tongued man excels; in a tyranny, and when a city is ruled by the turbulent army (*stratos*), and when it is ruled by the wise'. Sealey 1987: 97 held that this is the earliest attested remark which shows theorizing about forms of government. Yet the forms of rule given here seem no more than descriptive, and again suggest that the alternative to tyrannical or elite rule was rule by a primarily military council rather than by a citizen's civic assembly. The extensive festive and social roles which the tribes came to play might be seen as outgrowths of their unifying military structure. Davies noted the interconnected web of functions which the tribes and demes had come to serve by the mid-fifth century; worth highlighting are the tribal roles of 'brigading units for the army; mobilization mechanisms for the navy; ... [and selecting] the ten generals' (1992b: 294).

[157] Above, p. 17. This may be the origin of *probouloi* (Arist. *Pol.* 1299b36ff). As Thomsen put it, 'in the decades after 508/7 political leadership continued in practice to be a privilege of members of the nobility, [who] did not only make use of their family and genos connections as well as of marriage alliances, but also based their influence on the support of various ... *heraireiai* of well-to-do Athenians' (1972: 122). The Cleisthenic program was implemented with the full accord of a still powerful aristocracy, devoid by wealth, status, and tradition of any 'democratic' intent.

[158] Further to this, 'the *polloi* ... confounded the order of the *politeia* and the customs of their fathers which they had formerly observed ...'. The Greek conception of '*politeia*' seems to have embraced the description of customary ways of living as well as constitutional matters; see Athenaeus 463e, and the various *politeiai* in Dilts 1971.

dokimasiai, and *euthynai* from 462,[159] the boule became largely autonomous. It also remained the dominant political organ: when *A.P.* recorded the redistribution of the accumulated powers of the Areopagus, the boule was given first place, followed by, collectively and separately, the demos and courts.[160] It was not a three-way split. The boule's new status might be inferred from its prominence in the prescripts of the state decrees and dedications which proliferated from ca 460 onwards.[161] With the subsequent widening of the archonship in 457/6 (which also implies a wider selection of *bouleutai*), the state came further under the influence of those less than *kalos*.

The device of ostracism, not exclusive to Athens,[162] demonstrates - as many have observed - a significant popular voice. Yet it simultaneously attests the regulation of the state and its processes by the boule. Although instituted by Cleisthenes, it was not used for some twenty years.[163] *A.P.* records that it was first employed in 488/7 against Hipparchus and used for three consecutive years to ostracize those described as 'the friends of the tyrants'. It was next employed against Xanthippos and Aristeides in 484 and 482 respectively (22.3-8). On the approach of the Persians in 481/0, all the ostracized were recalled (22.8). Hipparchus and Aristeides were Areopagites,[164] and Xanthippos would hold the eponymous archonship in 479/8. Because Xanthippos and Aristeides are also described as 'leaders of the demos'

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[159] Starr 1990: 25 stressed that after 462 these powers 'lay with the Boule, *not* the assembly, certainly in the first instance'. Ostwald 1986: 62 concurred.

[160] *A.P.* 25.2, '*men tois pentakosious ta de tô dêmô kai tois dikastêriois*'.

[161] Davies 1978: 63 termed it a 'flood' of decrees.

[162] Thomsen 1972: 11-2.

[163] Thomsen 1972: 57-9, summarized 114. No ostraka have been found to suggest any earlier use (108). Banishment was for ten years - Rhodes 1994b: 88.

[164] Hipparchus, archon 496/5; Aristeides, archon 489/8.

(22.8), however, it is difficult to accept that ostracism represented a popular means of assailing the aristocracy.[165] An ostracism was conducted in the Agora; voting was by tribes under the supervision of the boule and the archons,[166] and constituted a formal procedure held under the auspices of the central organ of the Cleisthenic state.

The final matter to be considered here is the legal system. Considerable importance has been attached to the court structure which scholars have envisaged as having been established in the years immediately after 462. Ostwald wrote that the jurisdiction of magistrates had given way by the mid-fifth century at the latest to 'the most far-reaching popular control of the administration of justice the world has ever known', and which involved - it is held - the division of the original court, the heliaia, into several courts served by an annual panel of 6000 jurors.[167] On the other hand, Stockton argued that 'there is little or no force or evidence to sustain the view that Ephialtes extended the overall competence of popular jurisdiction in legal matters in general'.[168] What then can be said about the reallocation of power to large popular courts between 462 and ca 450?

Other than the Areopagus, the heliaia was the only court before 462.[169] Plutarch records that in 462, 'the *polloi* ... under the lead of Ephialtes ... made themselves masters of

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[165] Against Murray 1980: 265, who suggested a 'random element' in the use of ostracism, 'the sheer pleasure of the people in exercising their power to harm the aristocracy they had once feared'.

[166] Vanderpool 1970: 3-4; Brenne 1994: 20; and *A.P.* 43.6.

[167] Ostwald 1986: 68-9, 76.

[168] Stockton 1990: 47. Hignett argued that ML 31 (469-450?) 'strongly suggests' that magistrates had, as late as the mid-fifth century, power to make a real judgment rather that to make only initial inquiries before 'automatic ephesis' to a court (1952: 146), but the date range for this inscription is too wide for it to be useful here.

[169] Ostwald 1986: 76. Hignett 1952: 217 n.5 noted that 'there is no need to infer from the use of the plural *dikastêria* in *A.P.* 25.2 that their creation was prior to Ephialtes' reforms'.

the courts' (*Cim*. 15.2), and this has been taken to indicate the inauguration of an extensive and powerful popular legal system shortly after that time. Ostwald, for example, claimed that 'the *dikastêria* are mentioned most prominently as the beneficiaries of the powers of which Ephialtes deprived the Areopagus', and cited *A.P*. 25.2, Plut. *Cim*. 15.2 and *Per*. 9.5 as evidence.[170] None of these sources permits this conclusion: Ostwald noticed earlier in his book that *A.P*.'s text does not allocate those powers predominantly to the courts: they are given first to the boule, and secondly to the demos and courts.[171] *Cim*. 15.2 indicates only that the *polloi* made themselves masters of such courts as there were; it says nothing about their extent. There is no evidence of any kind for more than two courts in Athens before 425/4,[172] and there is no archaeological evidence for a large law-court, let alone several law-courts, in the mid-fifth century.[173] The third source, *Per*. 9.5, says nothing at all about how the powers of the Areopagus were reallocated.

The evidence for an annual panel of 6000 jurors operating in the mid-fifth century consists solely of Ar. *Wasps* (produced in 422) and *A.P*. 24.3.[174] In *Wasps*, the character Bdelycleon says to his father, who is obsessively driven to jury service, 'think of the *dikastai*

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[170] Ostwald 1986: 70 and n.279. Rhodes 1992b: 76 with 82 also dated the growth of the courts and the introduction of jury pay 'shortly after Ephialtes' reform'.

[171] Ostwald 1986: 49.

[172] Ostwald 1986: 75.

[173] Hansen 1982: 25-7; this did not prevent him from accepting that 'the heliaia' was probably constructed ca 460 (22 n.57). The earliest archaeological evidence for what might be a law court in fact dates to ca 400 (25). On the curious lack of evidence for mid-century courts, and for the conviction that there should be some (derived from Aristophanes), cf. Wycherley 1978: 53ff.

[174] Ostwald 1986: 68 n.267. Hignett 1952: 216 held that *IG* I^2 84.20 (421/0) 'proves that in the fifth century 600 [jurors] were chosen from each of the ten tribes'. This is wrong: the text (now I^3 82.18) says, in a decree concerned with the organization of the Hephaistia, only that 'jurors will be chosen from the tribes'; it says nothing about numbers.

- only 6000 of you as yet' (661-2). Exaggeration is a central Aristophanic technique, and this comment is little basis upon which to postulate the existence of a legal structure providing employment for a goodly number of persons and operating between 150 and 200 days of the year.[175] If it was to be so taken, it would need to be shown that the line refers to a situation demonstrably before the substantial imperial expansion which occurred ca 425.[176] Similarly, the reference to 6000 *dikastai* in *A.P.* 24.3 cannot in this view refer to events in the time of Aristeides: Frisch observed that it must date later, 'just as pay to the army and naval forces and the allowances for the councillors and other officials also belong in a later time; the war mentioned probably was the Peloponnesian War, which indeed took place long after Aristeides' time'.[177]

The belief in a panel of 6000 jurors in the mid-fifth century also requires that these persons were either in the city long before the unprecedented large scale movement of people into Athens at the start of the Peloponnesian War,[178] and thus were urban, with no overriding work obligations,[179] or that they would leave their farms - that is, their livelihoods in a

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[175] For the number of court days, Hansen 1979: 246.

[176] This thesis follows the view of imperial expansion propounded by Harold Mattingly and which will be detailed in Chapter 3. It will be argued that the Athenian empire was little developed before the late 430s. It will follow from this (in Chapter 4) that a widespread belief in numerous boards of officials sustained by the wealth of a mid-century empire is problematic. Regardless of the view of empire which is taken, however, reference to a comedy of 422 does not permit belief in huge courts forty years earlier.

[177] Frisch 1942: 193.

[178] Thucydides provides sound reason to reject attempts to read an early date into *A.P.* 24.1 (that the Athenians accepted Aristeides' advice to move to the city) due to the difficulties which such a move caused the Athenians in 431. Walker 1995: 196 n.17 observed that 'Thucydides refers to the move Pericles forces upon them as an *anastasis* (2.14.2) or a *metastasis* (2.16.1). These words are normally used of mass deportations from a people's native land'.

[179] Markle's argument that in the late fifth century, 'at the sacrifice of about half their [daily] wages artisans could leave their work and participate in jury service at pay that would

predominantly agricultural society - in large numbers on the off-chance of being empanelled on any particular day. Ostwald conceded that 'there is no explicit evidence that *dikastêria* panels were established in order to cope with the onerous new tasks Ephialtes imposed upon the *dêmos*', yet at the same time he adduced no evidence to demonstrate any significant increase in the power of the demos before ca 430.[180] It is worth reemphasizing that on the view taken here, the assembly met regularly no more than ten times per year in this era.

There is a further problem. *A.P.* 27.3 holds that Pericles introduced jury pay to counteract the influence of Cimon's wealth. As has been observed, if it is taken literally, Cimon would have been present in Athens when Pericles introduced jury pay after he became *prostates tou dêmou*; this would be 'the brief period between 452 and 450'.[181] It follows that the beginnings of an extensive popular court system should not be envisaged before the mid-fifth century. For this reason, discussion of its possible extent in the Periclean era will be reserved to Chapter 4.

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still enable them to provide themselves and their families with the necessities of life' (1985: 275) is both illogical and dependent upon the *triôbolon* (not raised from two obols before the 420s - 265 n.1) compared with the lowest estimates of grain prices and average food consumption rates in the literature (cf. 279 n.29). Nevertheless, Markle argued well that a frequently encountered belief, derived from Aristophanes, that juries were composed largely of poor citizens and that jury pay constituted in effect a form of ancient welfare payment, runs against the evidence: 'when the sources use the Greek words which we translate as "poor," they refer to people who had little or no leisure'; the poor are *hoi penêtes* and *hoi aporoi*, those without much property. These are not the unemployed and destitute (the *ptôchoi*), 'best translated as "beggars." ... It was the lack of leisure which characterized the poor' (266-71). It will be suggested in Chapter 5 that the well-developed court system belongs largely in the fourth century, and that the view of jurors as moderately well-off, reflected in the fourth-century orators (Markle, 266) is more realistic.

[180] Ostwald 1986: 75 (new tasks); 66 (no increase over extant powers; probouleusis applied; the assembly's recall of a general is first attested after the outbreak of the Peloponnesian War - 63 n. 247; the other evidence is equally late).

[181] Podes 1994: 101 and n.40. Podes then rejected his own evidence on the grounds that *A.P.*'s passage was 'elsewhere problematic', and argued for the introduction of jury pay very early in the 450s (105).

This discussion of Athenian political institutions down to 462 has suggested that Cleisthenes' *politeia* was a 'bouleutic' rather than a 'democratic' regime. Aristotle wrote that 'even the power of the boule is overturned in those sorts of *dêmokratiai* in which the demos themselves meet and transact all business. This is usually the result when those coming to the assembly are either well off or get pay; for as they have leisure they can collect together frequently and decide all things themselves' (Arist. *Pol.* 1299b38-1300a3; cf. 1317b28ff). This thesis has accepted the argument that there were no more than ten regular assembly meetings per year throughout the fifth and into the first quarter of the fourth centuries. In any event assembly pay was not introduced before 403/2, and was initially only one obol.[182] It follows that the conditions under which Aristotle observed that the assembly could dominate the politics of the state did not exist for the greatest part of the fifth century, let alone its first half.

Between 462 and ca 450 there is little basis, literary, epigraphic, or archaeological, upon which to ground the belief in an extensive court and jury system. The boule ran state politics in the early years of the fifth century, probably in conjunction with leading members of the old archaic elites, and largely in its own right to at least ca 450, after a period of Areopagite dominance between ca 480 and 462. The institution of a boule which was open to membership from the citizen body is, I contend, what was indicated by the first use of the term *dêmokratia*. Having said that, this was a great leap forward in the development of populist institutions. The following chapter will question the extent of the Athenian empire before the late 430s. This will provide further ground from which to reconsider the political structures and practices of the Periclean era, discussion of which will be resumed in Chapter 4.

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[182] Rhodes 1972a: 184.

CHAPTER 3

DEMOCRACY AND EMPIRE

Claims for the efficiency and dynamism of Athenian democracy as a political system place considerable weight on fifth-century Athens' ability to build and maintain an extensive naval empire.[1] Any assessment of the nature and extent of that empire principally rests, in addition to the narrative of Thucydides, on three primary documents: the Egesta decree *IG* I[3] 11, the Pseudo-Xenophontic *Constitution of the Athenians*, and *A.P.* 24. The dates of the first two of these texts are contentious. The Egesta decree is critical to epigraphical discussion. It is orthodox to place it in the mid-fifth century,[2] a dating which does not disrupt the picture of the Athenian empire presented by the editors of the Athenian Tribute List inscriptions. Pseudo-Xenophon is most frequently held to depict a thriving empire under or shortly after Pericles, and *A.P.* 24 has been taken to confirm the picture of an early and extensive empire. This chapter re-examines each of these documents in turn, and argues that the picture of empire which has been built around them is tenuous.

The Egesta decree employs three-barred sigma and both tailed and tailless rho. It has been held as axiomatic that three-barred sigma was not used in Attic public inscriptions after 446 and that tailed rho was not used after 438/7.[3] The *terminus post quem* for three-barred sigma rests upon the absence of this letter-form in any (then) securely dated decree after that time; but conversely it has been appealed to since to insist on the pre-445 dating

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[1] The claims are reflected in the intertwining of the themes of democracy and empire in much of that commentary which takes an adulatory position towards direct democracy, and centres on the incorporation of the thetes into politics. Finley 1985a: 87 asserted bluntly that 'the full democratic system of the second half of the fifth century would not have been introduced had there been no Athenian empire'; to Fornara and Samons 1991: 73, imperial revenue was a 'mandatory' explanation for a vast mid-century jury system.

[2] Meiggs 1972: 100-1.

[3] Meiggs 1966: 93.

of all Attic public inscriptions containing three-barred sigma.[4] Information derived from a variety of inscriptional texts employing three-barred sigma, including the Athenian Tribute Lists from which our picture of the Athenian empire is in large part reconstructed, is consequently assigned to a date which some see as unduly early when judged by other historical criteria. If, as will be argued, the Egesta decree dates to 418/7, this new epigraphical *terminus post quem* permits texts employing three-barred sigma or tailed rho to be downdated within new limits in accordance with non-epigraphical historical criteria.

The date of the Egesta decree is dependent upon the restoration of the archon's name in line 3, of which only the two final letters - omega, nu, of stoichoi 37 and 38 - are beyond question. Contested letter-traces occupy stoichoi 35 and 36. Before stoichos 35 surface wear has erased any clues whatsoever to the archon's name.[5] There is unanimity that there are only two possible candidates: Habron (458/7) and Antiphon (418/7).[6] Plausible historical contexts have been presented for either date,[7] and consequently the dating hinges on epigraphical considerations alone. According to Pritchett, wear to the

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[4] As noted by Chambers et al. 1990: 55.

[5] Henry 1992: 138 confirms that nothing can be read in or before stoichos 34 either on the stone or in squeeze evidence. Meritt 1977: 444 and n.22 with fig. 6 conceded this for the stone but claimed that despite the washing of a museum numeral from the surface, paint had left traces of 'deeper color' in what he took 'to be the bottom part of the left stroke of alpha in the upper curve of the middle 6 of 266 and a somewhat darker shading (barely perceptible) also where the right stroke of alpha must have been'. I can find no sign of any such trace in his photograph. The accompanying claim for a right trace is wrong - the bottom right of the stoichos is well clear of any of the painted numerals, as is readily apparent in his figs. 2 and 3, and must lead the whole claim to be rejected. Chambers and E. Erxleben re-examined squeeze evidence cited by Meritt but could find no trace of any part of a letter in stoichos 34 (Chambers et al. 1990: 39).

[6] Meritt 1977: 437; Chambers 1992/3: 26.

[7] Meiggs and Lewis 1969: 81 (Habron); Mattingly 1963: 267-8, 270 (Antiphon).

stone had 'obliterated the name beyond recovery',[8] but this view rested principally on his conviction that the vertical trace in stoichos 35 is a scratch rather than a mason's stroke. It will be argued that there is good reason to reject this conclusion.

The surviving text contains three-barred sigma exclusively but ten tailed rhos and two tailless rhos.[9] Chambers has reasonably held that because the quantity of extant epigraphic evidence is still relatively slight the orthodox epigraphical dogma should not be regarded as prohibitive of potentially later datings.[10] Because consent over the reading of the archon's name is far from unanimous and because if our decree does belong to 418/7 it will disprove the earlier *terminus post quem*, that dogma must be suspended in any examination of the decree.

Recent attention has focused upon claims by Chambers that three new investigative approaches - letter measurement, photographic enhancement, and laser photography - can positively resolve the dispute over letter-traces in stoichoi 35 and 36 in favour of Antiphon. Chambers first argued, in support of iota in stoichos 35, that 'measurements of the space between letters within a given line' based on groups of four letters beginning with 'a clear iota' and similarly on groups of four letters beginning with 'a broad letter' could lend determinative weight to the reading of the contested letters. Against this, Henry stated that 'although ... on balance the combinations of letters of the one group occupy more space than the combinations of the other, there is in fact little difference between certain combinations in the two groups'; that 'the stone is not cut with complete regularity'; and

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[8] Pritchett 1955: 59.

[9] Chambers et al. 1990: 41.

[10] Chambers et al. 1990: 57.

that the measurements do not compel a reading of iota over beta in stoichos 35.[11]

In a restatement of his position, Chambers argued that it was not important that the letters had precise vertical alignment but that 'the critical factor ... is the space allocated [to each group of letters] horizontally, that is, within a given line'. Henry has since re-asserted that 'vagaries in vertical alignment must of necessity create irregularities of *horizontal* spacing', and that because three groups of letters on the preserved surface do not conform to the norms of Chambers' measurements that study has failed to produce compelling evidence for either beta or iota.[12] Against this, Chambers holds that because Henry has not shown 'a group of four letters beginning with a "broad" letter that matches the smaller space occupied by our "iota plus three" in ΙΦΟΝ', he has not successfully countered Chambers' argument based on measurements.[13] In summary, it seems that the evidence, while favouring iota over beta on the basis of letter-group measurements, has not proved compelling for all scholars because of irregularities in letter spacing and severe surface wear to this text. I therefore rely on other considerations for the argument advanced in this discussion.

Chambers' second claim was that photographic enhancement could shed light on the identity of both disputed letters. He and his colleagues published plates from which they read iota and phi. This reading was disputed by Henry, who observed that 'what the camera records and the image processor refines is simply what is now "visible"; ... we are now driven to making ... subjective assessments of the enhanced images the computer has

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[11] Chambers et al. 1990: 41 and Appendix II, and again in Chambers 1993: 173; Henry 1992: 141-2.

[12] Chambers 1992/3: 30; Henry 1995: 239.

[13] Chambers, in correspondence of 3 March 1995; so too in Chambers 1993: 173.

produced for us'.[14] That is, the enhanced photographs are not in themselves more compelling than previous unenhanced images or the accumulated testimony of disputed observations of the stone.

Lastly, Chambers claimed that a laser beam directed through the stone showed 'a clearly rounded shape in stoichos 36 that could not be rho and can be interpreted as phi', and that this was readily verifiable from his accompanying plates. Yet this claim is subject to question due to the potential of the technique to 'reveal' as markings what may in fact be sub-surface flaws and also to the element of subjectivity still required in interpretation of the resultant laser-generated photographic images, as Henry has stated.[15] The plates do not compel a reading of phi in stoichos 36, which has emerged as the current *metaichmion* of this dispute. One can only conclude that the evidence here, while telling strongly against rho, cannot be made to positively support phi, and that consequently there are no grounds for reading any dotted letter in this stoichos.

Concentration on this letter-trace has shifted attention away from stoichos 35; but I suggest that the present stalemate may in fact be objectively resolved by a renewed consideration of the accumulated evidence concerning that vertical marking. It is most important to determine what this trace is or is not: should it be iota, Antiphon is guaranteed; conversely, beta guarantees Habron, irrespective of the ability to certainly determine the subsequent letter in stoichos 36.[16] Pritchett thought it 'deeper than the incised letters and

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[14] Chambers et al. 1990: color plates A and B (the enhanced photographs are also reproduced in black and white in Chambers 1992/3, plate I); Henry 1992: 142.

[15] Chambers et al. 1990: 43 and plates II and III; in Chambers 1993:171 he held that these plates 'speak for themselves' in showing iota, phi from Antiphon. Henry 1992: 145.

[16] Chambers 1992/3: 27. Epameinon (429/8) is ruled out by the rounded traces in stoichos 36 which are incompatible with nu - Mattingly 1963: 269.

surely a scratch'; but although the surface is worn in the neighbouring stoichoi, there are verticals of equal depth in the rho and final epsilon of EPXE following.[17] The depth of the vertical therefore gives no reason to doubt that it is a deliberate mason's stroke. Scrutiny of photographic evidence additionally indicates that the vertical is a cutting of even width from top to bottom.[18]

Chambers wrote that the stroke 'is of precisely the same length as the other clear iotas on the stone'. While one must agree with Henry that 'precisely' is an overstatement given 'the difficulty of precise measurements of letters at any point on this extremely worn surface',[19] it is nevertheless clear that our vertical is of a length consistent with that of many other inscribed verticals. It has been held that it seems to extend too high to be a letter,[20] and this in fact seems the principal reason for some refusing to accept the mark as a mason's stroke. However, the stroke is centred vertically within its stoichos. To verify this, I drew on a copy of the text a pair of parallel horizontal lines, between lines 14 and 15 and between lines 15 and 16, where the horizontal alignment of the letters is clear. I then drew further lines parallel with these, between lines 2 and 3 and between lines 3 and 4 of our document. The position of the letters on the vertical plane is revealed by their placement between these horizontal lines. The trace in stoichos 35 is equidistant from these lines and

[17] Pritchett 1955: 59. Mattingly inspected the stone again in January 1995 with this question in mind and wrote, in correspondence of 22 March 1995, that our vertical appeared to be 'no deeper cut than the two verticals [here] instanced - indeed no different from many other vertical strokes in the rest of the text'.

[18] Chambers et al. 1990, color plates B1 and 2. At first glance one may gain an impression that the vertical stroke seems to taper downwards; but the bottom of the stroke may be seen to extend below the paper fold which cuts across *ZPE*'s color plate B2, and to be of the same width as the more distinct upper portion of the stroke.

[19] Chambers et al. 1990: 43; Henry 1992: 143.

[20] Henry 1992: 143 (from correspondence with P.J. Rhodes).

is clearly consonant with the alignment of the other remaining letters in line 3. One must therefore concur with Wick[21] that the mark 'is of proper height, direction and position to be a normal vertical stroke of a letter'.

There are, in Chambers' words, 'a couple of small diagonal marks, slanting down to the right, near the top of the vertical', and a further problem has been stated by Henry: how are we 'to differentiate between the vertical stroke and the other traces descending to the right from the top of this stroke? Why is the former to be retained as a genuine letter trace and the latter to be disregarded?'.[22]

Meritt held that these marks formed the upper half of an angular beta, a letter-form which Meiggs could not observe on this stone in his seminal article on epigraphical dating.[23] Chambers wrote that the marks are 'the result of damage to the stone and are not part of the enclosed sections of a beta: the only preserved betas ... are carved with rounded loops, with which these small diagonal marks are incompatible'. In an examination of the stone in the wake of Wick, J.M. Balcer stated that the marks next to the vertical are 'clearly scratches' and that 'Meritt's beta will not hold'. Bradeen and McGregor observed that the marking here is 'very light, ... a mere scratch', which does not support the existence of any chiselled stroke even given surface deterioration.[24] Scrutiny of the photographic evidence shows that the markings join neither each other nor the vertical but comprise two small and

[21] Wick 1975: 187.

[22] Chambers et al. 1990: 43; Henry 1995: 238.

[23] Meritt 1977: 443 with figures 3 and 6 (he has drawn in an angular beta on his figure 2); Meiggs 1966: 94, Table 2: our text is no. 15.

[24] Chambers et al. 1990: 43-4; Balcer, cited by Wick 1981: 121; Bradeen and McGregor 1973: 76.

distinctly separate pittings which are not consistent with a continuous chiselled cutting;[25] nor does their shallowness allow that they are residual pits left by a chisel after a surface channel was inscribed. Although there may be some subjectivity involved in the distinction between a mark and a scratch, it is evident that there is good reason to deny that these marks are associated with our vertical. Certainly we do not have an angular beta; and neither are the marks consistent with the rounded lobes of the other two betas on the stone.

It may be concluded at this point that it is not possible for proponents of Habron to confirm a reading of beta, and that in reading Habron both beta and rho - that is, all of the evidence for reading Habron - must be supplied. Furthermore, if all that I have said concerning the vertical stroke is correct, then the accumulated testimony requires that it be acknowledged as iota. Because the subsequent letter in stoichos 36 cannot be determined, the stone may be read -]I[.]ON (restored, ΑΝΤ]Ι[Φ]ON), and accordingly dated to 418/7.

It has been objected that Thucydides does not mention any recent alliance between Athens and Egesta in his discussion of the Egestaian embassy of 416/5, and therefore the Egesta decree could not belong to 418/7 as such a recent exchange of oaths would not have been overlooked in the account;[26] in other words, the Egestaians would have appealed directly to such an alliance and not to some more distant arrangement. However, Thucydides states that although the Athenians aimed to conquer Sicily, they wished to make it appear as though they were sending help to their kinsmen and newly acquired allies (6.6.1). We should then see Egesta as among these (unspecified) recent allies on the basis of

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[25] Most clearly in Chambers' black and white photograph, 1992/3 plate I; but the marks also show as distinct pittings in the unenhanced plates of Chambers et al. 1990, color plates A1 and B1, and in the latex squeeze of Pritchett 1955, plate 33A.

[26] e.g. Meiggs and Lewis 1969: 81. As Chambers 1993: 174 observed, those who would date the Egesta decree to the year of Habron also need to explain why the Egestaians do not appeal to an alliance document.

the Egesta decree, and indeed at 6.6.2-3 'it is clear that the offer of money specifically comes from [the Egestaians] as allies' of Athens.[27]

Hornblower observed that Thucydides often does not tell us what we otherwise know from inscriptions; it is we who think that he should have mentioned the historical facts which known inscriptions imply.[28] Here, the Egestaians are appealing to parallel circumstances, not (or not as recorded) to a particular treaty. In 427 the Athenians had designs on Sicily, as well as an interest in preventing grain shipments to the Peloponnese, and had sent a fleet to aid Leontini on the pretext of kinship (3.86.3). Thucydides' point is the duplicitous nature of Athenian assistance, in both case masking its Western ambitions behind its ostensible 'obligations'. The Egestaians presumably knew of the Athenian ambitions as they spent some time in Athens endeavouring to persuade the Athenians to render aid (6.6.3). They therefore remind the Athenians (6.6.2) of the 'fighting-on-the-same-side which occurred' in the time of Laches,[29] that is, of the Athenian interests and plans which had underpinned their sending of a fleet to the aid of Leontini. They do so because they are well aware of the difficulty and expense of sending a fleet such a distance.

Because the Egestaians appeal to parallel circumstances (of only a decade earlier), rather than to the text of a diplomatic instrument or alliance, the grounds for the above objection do not hold, and the Egesta decree may be seen to be not at all incompatible with Thucydides' account. Chambers noted that to date the Egesta decree to 418/7 fits well with the historical context 'between Athens' first forward moves in Sicily in 427 (Thuc. 3.86 and 88) and the tragic decision to intervene in Syracuse', and Smart earlier argued that a dating

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[27] Mattingly, in correspondence of 12 May 1995.

[28] Hornblower 1987: 91.

[29] So Dover, in Gomme et al. 1945-81: IV. 221.

of 418/7 'would fit admirably into what we know of the internal political situation at Athens between 421 and 415'.[30] The late dating is therefore consistent both with the narrative in Thucydides 6.6 and with the known development of Athenian foreign policy.

If the above argument is valid, dating the Egesta decree to 418/7 permits reconsideration of the dates assigned to other texts on epigraphical grounds. Mattingly has identified four texts which together, in association with other evidence, shape the picture of the growth of the Athenian empire. These are the Standards (or 'Coinage') decree ML 45, which enforced the use of Athenian coins, weights and measures by Athens' allies and the reconstruction of which incorporates fragments of a copy from Kos employing three-barred sigma, and the Kleinias decree ML 46 which established official collectors of tribute and which employs four-barred sigma but has been associated with Alcibiades' father, who died ca 447. Mattingly dated both these decrees to 425/4. Two proxeny grants, *IG* I[3] 27 and 19, which employ three-barred sigma are conventially dated to the early 440s but otherwise suit the historical circumstances of the mid-420s.[31]

Mattingly has across several papers combined these texts, on the basis of his re-datings, with other epigraphical documents to sketch a picture of the growth of Athenian empire which is compatible with Thucydides[32] but which is a radical departure from the orthodox view. No longer do we see an extensive empire administered under the Periclean

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[30] Chambers et al. 1990: 55; Smart 1972: 138.

[31] Mattingly 1992: 136-8; cf. 1961: passim (Standards, Kleinias); 1963: 263-5 (proxenies).

[32] ca 440 Athens was willing to relinquish territory to the Peloponnesians; growth to empire was slow over the Pentecontaetia, which is equally notable for the growth of Athens' domestic power; in 432 its naval power still rested on mercenaries, and the fostering of revolt among its allies continued to be an available Peloponnesian tactical option (Thuc. 1.115.2, 118.2, 121.3, 122.1).

state: 'none of the inscriptional evidence for fully organized Athenian imperialism can be dated before 431';[33] 'there is no longer any evidence that the Confederacy had been turned into an Empire by the early 440s. ... The transition from Confederacy to Empire was gradually achieved in the period from the eve of the Samian War' (ca 441). This vindicated Thucydides' distinction between the imperial attitudes of Pericles and his successors: Pericles 'preferred diplomacy and propaganda to open constraint'.[34]

Mattingly cited Thucydides' observations that Pericles had referred at the outbreak of the Peloponnesian War to the empire as a kind of tyranny, and that to Kleon in 427 this was a self-evident truth (2.63.2; 3.37.2).[35] But the development was recent: when Pericles tells the Athenians in 430 that their empire has become a tyranny, he is telling them something new.[36] The Standards decree (as dated to 425/4) 'forms part of the new commercial imperialism which is closely linked with the name of Kleon. This developed logically from the last phase of Periclean policy, which the imminence of war and pressure at home gradually diverted from its true ends. ... As late as 433 B.C. Perikles was still conciliatory for all his frank recognition of the realities of empire. ... His successors had no such inhibitions. They inherited an Empire, not a League, and what was exceptional with

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[33] Mattingly 1966: 212-3.

[34] Mattingly 1963: 271-2; 1961: 188.

[35] Mattingly 1961: 187-8.

[36] cf. 2.62.1, 'I also lay before you the following advantage, which you yourselves do not appear ever yet to have thought of as belonging to you, respecting the greatness of your empire, and which I never urged in my former speeches' (trans. Dale). Kallet-Marx 1993: 22 stressed that Thucydides' assessment that the war would be the greatest war (1.1) was based on 'the conditions at the beginning of the war rather than its results'. These conditions were the result of preparations which had not begun before 432 (1.125.2; 2.7-8.1), regardless that the accumulation of reserved funds had begun early (2.13.3).

Perikles became their main creed'.[37] Athenian imperialism is thus in Mattingly's analysis 'a relatively late development. ... By the late 430s the change to Empire was virtually complete and Athens moved inexorably into confrontation with its foes within and without'.[38]

Of significance to the scholarly reconstruction of the development of the Athenian empire is Mattingly's continued advocacy of Gomme's dating of Pseudo-Xenophon to 415/4.[39] The latest date that most are willing to accept for the text is 424. Although this date can be readily reconciled with the late consolidation of empire propounded by Mattingly[40] via his redating of the Kleinias, Standards, and other[41] decrees of 425/4, the bulk of scholarly opinion on Pseudo-Xenophon holds that the control of the sea and the social conditions he depicts came into being at least during Pericles' later years, if not earlier.[42] If

[37] Mattingly 1961: 187-8.

[38] Mattingly 1992: 138.

[39] Mattingly 1961: 176; 1966, n.41. In correspondence of 18 March 1996 Mattingly wrote that he had not changed his 'adherence to a 415/4 dating for Pseudo-Xenophon' and that he was 'just now preparing a detailed defence of it for publication'. In a seminar paper of February 1995 (= Mattingly 1995b) on which the renewed defence will be based, he affirmed that 'there is really nothing against so late a date' and placed the document specifically between summer 415 and autumn 413, strongly favouring 414 (MS, p. 4).

[40] Mattingly, in correspondence of 18 March 1996: a date of 'either 424 or 414 [for Pseudo-Xenophon] would square with the late view of the empire'.

[41] Mattingly 1961 linked these with the Reassessment decree *ATL* 2.A9, the Kleonymos decree *ATL* 2.D8 which established boards of tribute collectors in the allied cities, *SEG* xii.26 which arranged for special fast tribute-collection ships, the second coinage measure *SEG* x.87 on the efficient running of the Laureion mines, all of which he dated to 425/4; he also placed the Miletos decree *ATL* 2.D11, the Kolophon decree *ATL* 2.D15, the Hermione treaty *SEG* x.15, and others, after 427. All these were placed in the mid-fifth century by the orthodoxy. Mattingly's picture is of a very late consolidation of empire under Pericles' successors which led to the 'final grim logic of the fate dealt out to ... Torone and Skione' (188 and n.171).

[42] Ostwald 1986: 182 n.23, 'With the majority of modern scholars I believe that the treatise must have been composed before Brasidas' expedition of 424 B.C. and after the

Mattingly's date is correct, there is substantially greater reason to reject the orthodox reconstruction of imperial development.

I will argue, however, that both Mattingly and the scholarly consensus on the date of Pseudo-Xenophon are wrong, and that the text should be dated between 375 and 371; that is, some time after the battle of Naxos (376), during the early phase of the Second Athenian League, and before the collapse of Sparta's hegemony on land at the battle of Leuctra (371/0). If this is right, there remains little obstacle to Mattingly's view of the late-fifth century transition from confederacy to empire.[43] Moreover, the text is generally seen as reflecting something of the flavour of Athenian democracy at a point in the third quarter of the fifth century regardless that it is written from a position hostile to *dêmokratia*, and scholarship has enthusiastically reconciled its description of Athenian life with the Periclean encomium of Thuc. 2.37-41.[44] Yet if [Xen.] should be dated to the fourth century, then - in conjunction with other evidence - a radically different picture might emerge, not just of the Athenian empire, but of daily political life at the zenith of the classical era.

Debate about its date has continued inconclusively since Roscher[45] argued that the

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outbreak of the Peloponnesian War. There can be little doubt that the conditions it reflects are those prevailing in the years immediately preceding as well as immediately following the death of Pericles'.

[43] Mattingly wrote, in correspondence of 18 March 1996, that even at his advocated date of 415/4 for Pseudo-Xenophon, there was 'no problem about the picture of a tightly controlled Empire' which he presented: 'Even at the "consensual" 424 dating I would not find too much difficulty on this score. After all the major imperial measures on tribute, currency, etc. had been carried through. But on my view of the Empire certainly any *pre-war* dating of the pamphlet seems out of court'.

[44] e.g. Rhodes 1992b: 84; Ostwald 1986: 82; Roberts 1994: 52.

[45] Roscher 1842: 529. A fourth-century date was readily accepted by early nineteenth-century scholars (Gomme 1940: 231). Thus Mitford [1794-1810] 1838: VI. 146 cited [Xen.] as a reference for Athens' condition after the battle of Mantinea. Roscher was writing principally against the consideration of fourth century dates by earlier scholars; the

latest possible date could be 424, the year of Brasidas' long march recorded by Thucydides

(4.78). With some few exceptions scholars have been divided between an early date ca 440,

which would make it the earliest extant prose document, and a 'late' date ca 430-424.[46] A

date in the 440s cannot explain [Xen.] 2.16, that the Athenians put their property on islands

while trusting in the rule of the sea. Ste. Croix noted that there was never occasion for this

before 431,[47] and it is clear from Thucydides that the accompanying move from the

countryside to the city was both very difficult for them and unprecedented (2.14.1, 16.1-2).

A date in the 420s cannot explain the comment of 2.14 that the farmers and the

wealthy shrink before[48] the enemy while the people live without fear. Gomme, followed by

Sealey, noted that this is 'contradicted by everything we know' of the period of the

Archidamian War (431-421). Sealey went on to suggest that [Xen.] was 'maybe unrealistic

in linking *geôrgountes* with *plousioi* here'.[49] Yet there is no apparent reason why [Xen.]

should have recorded such inaccurate information in what appears to be not (as some have

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range he noted varies from 425 (Schneider) to the Macedonian era (the 'amazing opinion' of Bernhardt). Roscher was responsible for the 'definitive' redating of [Xen.] from fourth to fifth century, and indirectly raised the question of a date prior to the 420s (536). He dismissed Fuchs' date of ca 371 because of Fuch's assumption of Xenophontic authorship, which Roscher firmly rejected (527; 536). Roscher himself discussed the possibility of composition during or after the battle of Naxos, but rejected it on the grounds that (a) all decisive battles from 405 through into the Macedonian era were land battles (529); (b) he had doubts about an Athenian 'reblossoming' in respect of legal impositions within the Second Athenian League, and (c) the slight references to tribute (530). I deal with these matters below.

[46] For this principal division, Sealey 1973: 258. For ca 440 see e.g. Sealey 259; Bowersock 1968: 465. Sealey later hedged his bets, with composition 'probably between about 443 and 424' (1987: 133). Frisch is 'before ... 432' (1942: 62). For 431 - 424, Moore 1983: 20; Forrest 1970: 108.

[47] Ste. Croix 1972: 309.

[48] For *hyperchontai* as 'shrink before', Frisch 1942: 267. I can make nothing of Bowersock's translation, 'curry favour', for any period.

[49] Gomme 1940: 216; Sealey 1973: 254.

held) a propagandist pamphlet, but a straightforward descriptive document.[50]

A late fifth-century date is incompatible with 2.14, that the demos have little to lose from land invasion and so live without fear, as throughout the war the bulk of the Athenians were fighting to secure their lands. If the Hephaestia festival (3.4) was not established until 420,[51] this would constitute a *terminus ante quem* for Pseudo-Xenophon. Attempts to date [Xen.] very late in the fifth century[52] are also racked with problems. The treatise cannot fall within the Peace of Nicias (421-413). Its wording suggests a war context (2.1; 2.16; 3.2), and the use of the definite article at 2.1 indicates a present state of war.[53] After 413 it is hard to see how fifth-century Athens could make any claim to be ruler of the sea, the centerpoint of the text. No date thus far proposed has proved compelling, and a complete reconsideration of the text is in order.

With respect to the person of Pseudo-Xenophon, the arguments which have been advanced as to his being Athenian rest on the use of the first person in three sections. The first follows a clear statement at 1.11 that 'they' (the Athenians) let the slaves live well at Athens, and that 'they' do this with good reason. A contrast is then drawn between 'my' slave and 'your' slave in Lacedaemon, which is in turn compared with Athenian practices. 'We' is used to distinguish those practices in which the author participates with the practices of 'you' in Sparta (1.12). (This contrast is also applied to the metics.) Given these

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[50] Fuks noted that the view that [Xen.] is 'a political polemic was first proposed in 1884 ... with arguments that were not at all cogent'; it was later provisionally adopted by Meyer but has since found broad acceptance (1953: 35); in respect of this, note the widespread use of the unhelpful sobriquet 'Old Oligarch' for its author.

[51] So Burkert 1992: 260, on *IG* I^3 82 (421/0), although others argue that this text concerns the reorganization rather than the foundation of the festival.

[52] Gomme 1940: 245 (420-415); Fuks 1954: 32 (to 411); Smart 1977: 250 n.12 (405).

[53] Frisch 1942: 52-4. This is disputed only by those seeking to date the text to a time of

statements, nothing can be drawn from this passage other than a likelihood that the document was intended for a reader in or from Sparta. The uses of the first and second person do not require that [Xen.] be identified as an Athenian.

At 2.11 the author refers to his ('my') ships, whose materials come from various places. 2.12 then indicates - within a single sentence - that 'we' are in competition[54] and that 'they', the Athenians, will forbid the competition the free use of the sea. Presumably he is connected in some way with Athenian shipping, but this says nothing at all about his origins. (Similarly, there is no need to assume that permanent residency in Athens is implied, particularly given 2.20, which considers in the abstract why one might choose to live in a democracy or oligarchy.) The use of 'they' here clearly distinguishes him from the Athenians who rule the sea which he and his ships ply. Elsewhere in the text all references to the Athenians are to what 'they' do. It can be concluded that any argument to the effect that the author is Athenian is unfounded. It has been well-established[55] that there is nothing in the content or style of the text which suggests any link with the works of Xenophon. On the question of authorship, therefore, I follow the judgement of Demetrius of Magnesia (D.L. 2.57) that attribution to Xenophon is incorrect. The following discussion of the text is constructed in the form of a running commentary on those sections which bear on its dating.

1.11. The slaves live in luxury and some in considerable magnificence. Dem. 3.24-5 stresses that the famous men of the period following the Persian wars through that of the Periclean building program had houses no more magnificent than their neighbours.

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peace.

[54] I follow Frisch, commentary. Bowersock 1968 translated 'enemies' but Liddell and Scott give this as a secondary meaning to rivalling, literally 'wrestling against'. When [Xen.] wishes to say 'enemies' he uses *polemious* (e.g. 2.14, 15).

[55] Bowersock 1968: 461.

Thucydides explicitly noted that the people of his own day dressed simply, and that the rich led a life that was 'as much as possible like the life of the ordinary people' (1.6.4). The sense of luxury conveyed by [Xen.] 1.11 (and reinforced at 2.7) is inappropriate for this period.

'It is necessary ... to be slaves to the slaves ...'. The two extracts taken together suggest that some slaves have risen to a position of wealth, and that in some way the Athenians are in effect enslaved to their slaves who have, of necessity, been freed. No fifth-century example appears to meet these criteria: the unique instance of Nicias paying one talent for a mining overseer (Xen. *Mem*. 2.5.2) carries no suggestion that the man could in any way lord it over Athenian citizens. The silver mines were themselves based on slave labour.[56] The criteria are well met, however, by the example of the manumitted slave Pasion, 'one of the notable figures in the business world of Athens in the early part of the fourth century', who died in 370/69 after leaving his bank and shield factory to his own freed slave Phormio.[57]

1.11 also mentions *plousioi douloi*, rich slaves. The impression of a multiplicity of wealthy slaves living in luxury is not remotely consistent with the cramming of Athens with people coming in from the country after 431 and building even on cursed ground (Thuc. 2.17.1-3). But it is consistent with fourth century evidence: the ex-slave Phormio's services to the state were evidently numerous, munificent, and well-attested. The relevant text refers in addition to Socrates 'the well-known banker, also set free by his masters'; the plaintiff in that case was himself the son of a freed slave and of enormous wealth (36.28, 38, 56-7).

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[56] Isager and Hansen 1975: 103-4, but they seem over-generous on conditions if their comments are intended to include mining - see French 1964: 78 for child labour; Xen. *Ways and Means* 4.14, 25 (turnover), 4.22 (aged slaves).

[57] Murray 1936: 319, 321.

1.13. The demos has 'destroyed' (*kataluein*) the athletes (*gymnazomenois*) and the practitioners of *mousikê*. Forrest noted that there is no record of an attack on *gymnastike* or *mousikê* in the 420s.[58] Ar. *Clouds* (416, 1002) suggests that gymnasia were flourishing ca 423. The *plêthos* are in favour of gymnasia ca 417 according to [Andoc.] 4.39, but cf. 4.22 where the youth who should be at the gymnasia are said to waste their time in the courts. Gymnastic was said to be 'generally regarded' as part of an education in excellence in Plato *Cleitophon* 407c, set in the late fifth century. Pseudo-Xenophon states that the situation was not so in the time he was writing. Isocrates provides supporting evidence ca 355, contrasting the good example of the Athenians' forefathers (who compelled those of sufficient means to devote themselves to gymnastic amongst other things) with the situation of his own time, where the youth waste their time 'gambling and with flute-girls and other bad company' (7.45, 48). Xenophon in *Ways and Means* (4.51-2, ca 355) deplored the standard of physical training and lamented that the youth take more pains under the superintendents of the torch races (presumably for honours and rewards) than they do in the gymnasia. While no certain account can be given of either fifth- or fourth-century usage of gymnasia by the demos, there seems a trend from a culture of *aretê* to a culture of enjoyment with the passage from fifth to fourth centuries.

1.14 relates to a period in which the Athenians lay information against their allies. Marr observed that the use of '*sykophantein*' in this broad sense of 'any kind of malicious prosecution' would be 'surprising' in an early work. It appears to have been coined in comedy somewhere in the period 433-425. It is first attested in 425 (in Ar. *Ach.*), and the first known usage 'explicitly between *sykophantia* and the treatment of allies occurs in [Ar.

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[58] Forrest 1970: 109.

Birds] 1410ff (414 B.C.)'.[59] But there is in Isocrates' diatribe against sycophants of 354/3 explicit reference to the laying of information against the allies as a current Athenian practice (15.318), precisely as given by Pseudo-Xenophon.

The period in question is a time of alliances in which the Athenians act against the *chrêstoi*, good people, in the allied cities. They do this because they realize that the ruler (Athens) is necessarily hated by the ruled (the cities). That is, the passage is concerned with the relation of Athens to its allies, and not to positions of ruler and ruled within the cities themselves. If the wealthy and strong dominate in the cities,[60] the rule of Athens will not last long, for the cities could unite against that rule - given by [Xen.] as the rule of the sea - by forming allegiances perhaps with other significant powers and with the proviso of 2.2, that being divided by the sea they cannot unite into a single unit in the fashion of land powers. But if the wealthy and strong do not dominate in the cities, the cities will not oppose the rule of Athens, because it will be in the self-interest of the people of the cities to be ruled by Athens rather than by e.g. Sparta, Thebes, or Persia.

With the charter of the Second Athenian League the Athenians recovered the goodwill of the Greeks and won many cities over to their side (Diod. 15.29.8-30.2). Yet by ca 355 Isocrates could reflect on a state of affairs which had persisted for some time, in which Athens does 'violence to its allies and extorts money from them', treating them 'no better than the Thebans treat the Boeotians' (8.46, 115). This situation had in fact developed slowly from 375/4 when the cities in general (though Diodorus' narrative concern is with the Peloponnesian cities in particular) fell into great disturbances and *stasis*

[59] Marr 1983: 49 n.9.

[60] I follow Frisch 1942, commentary, in rejecting Heinrich's emendation of *ischuroi* to *chrêstoi* (which was followed by Bowersock) as unnecessary. Frisch rendered the phrase as 'the ... powerful come into power'.

(violent faction), and in which the peoples in newly established *dêmokratiai* exiled and killed many of their good citizens, confiscating their property. In this situation, through 374/3, the Athenians supported those in the *dêmokratiai* among the cities (15.40.1ff, 45.1). This exactly reflects the state of affairs described by [Xen.] 1.14.

Simultaneously, the maintenance of links between the 'good people' (*chrêstoi*) of Athens and the various cities facilitated their mutual salvation if they were expelled. The elite links of Alcibiades are perhaps the most famous example, but these linkages persisted right through the classical period. 'The upper classes ... [displayed] more solidarity with their own kind outside their communities than they did with the lower classes inside them', and increasingly put the interests of individual cities at odds with those of their elite strata.[61] [Xen.] is simply descriptive: to some extent, the actions of the *chr_stoi* at Athens work against the interests and intentions of the demos at Athens.

1.15: Some right-thinking person would maintain that Athens' strength consists of the allies' ongoing ability to pay money, as they do; but those currying favour and position with the people think it would be better for the Athenians to leave the allies with nothing and unable to plot defection, that is, to return to the sort of iron rule Athens enforced over its allies in the fifth century. We know, however, that the *chrêstoi* of Athens are in practice often able to protect their opposite numbers in the allied cities (1.14).

1.16, 'they compel the allies to sail to Athens for judicial proceedings'. In 362 Athens dictated to Ceos that lawsuits there involving Athenians were to be tried at Athens. These requirements conform to the text of [Xen.] and there is no indication that this was not in conformity with existing practices.[62] A fragmentary inscription from Naxos refers to

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[61] Herman 1987: 159-60.

[62] See Tod 142.73-5 regarding private suits and public indictments against Athenians for

Athens apparently as an 'appellate city'; this becomes more secure proof of Athens' juridical impositions if Cargill's argument that Naxos may not have been a League member is correct,[63] and again suggests the compatibility of [Xen.] with events of this period.

1.17: state duty of one percent in the Peiraeus. Andoc. 1.133 mentions a two percent duty, and it has been supposed that this indicates an increase in that same tax[64] but there is no evidence either way. The tax mentioned in Andocides does not preclude that the tax in [Xen.] is a fourth-century Piraeus tax.

1.19-20. The observation on sea-training is consistent with that of Procles in 369, that most of the Athenians gain their livelihood from the sea and consequently gain experience for naval operations from the pursuit of private business (Xen. *Hell*. 7.1.4). One cannot determine whether [Xen.] is referring to fifth- or to fourth-century practices on the basis of this section.

2.1: they consider that their hoplites are stronger even on land than such of their allies who pay tribute (*phoros*); they are in a position to apply force to their allies if they determine to do so. Not all of their allies pay tribute though some of them do: here we are not dealing with the fifth-century empire in which tribute was exacted from all allies, but with the situation which applied after the founding of the Second Athenian League (378/7)

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amounts over one mina, which was not a great amount in relative terms: one thirtieth of a 'reasonable dowry' in the fourth century (Pl. *Ep*. 13, 361e). Debate on this decree has centred on the extent to which it may impinge on Ceos' autonomy (cf. Cargill 1981: 140). I am interested solely in this evidence of legal imposition. Cargill argues that Ceos rejoined the League on the same terms as the existing allies who had never defected (140); therefore it is reasonable to expect a precedent for cases being heard at Athens. If they did not rejoin on the same terms, then there is a demonstrated infringement of their autonomy, *contra* Cargill.

[63] Cargill 1981: 137, re. *IG* II[2] 404. The decree is undated, but is ca 375 (135 and n.13).

[64] Frisch 1942: 227.

in which the decree of Aristoteles listed alliances made on the basis that tribute was not paid (Tod 123.23). But it was also a period in which Athens maintained some alliances which were not covered by the decree of Aristoteles and in which tribute was paid, and Tod 151 [357 B.C.] refers to tributary Thracian cities and appears to demand the payment and continuance of lapsed tribute. However, the indication by the decree of Aristoteles that tribute was not paid by League members does not indicate that money was not paid by these allied cities to Athens. *Phoros*, tribute, as something exacted, was re-named *syntaxis*, contribution, quite possibly around the same time as the institution of the League.[65] Theopompos explicitly states that the *syntaxis* paid by League allies was *phoros* under a different name.[66] By 356 the term 'contributions' could be understood as something exacted, as tribute had been under the fifth-century empire (Tod 156.11-7).

Members of the League were expected to make contributions: Busolt supposed that the *syntaxis* was imposed by the hegemon, though Cargill, following Ehrenberg, had an 'inability' to believe this and argued that there must have been at least initially allied participation in establishing the various members' contributions.[67] The certain point, however, is that funds were needed and obtained. These matters add further weight to the reading of 1.15 above: there is a tension between the notions of contribution and exaction, with the self-interest of the people inclining towards the latter.

Cargill noted that the synedrion was involved in the disbursement of *syntaxis* funds,

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[65] Harpocration *Lexicon* s.v. *syntaxeis*, dated perhaps 378/7 (Harding 1985: 52); cf. also Plut. *Sol*. 15.3. The terms *phoros* and *syntaxeis* are used jointly at Isoc. 12.116 of ca 342, with reference to earlier times. Austin 1994: 552 noted that 'payments by the allies for military purposes are first attested in 373 ([Dem.] 49.49) and may have started then'.

[66] *FGrH* 115 F 98; cf. Plut. *Sol*. 16.3, that the Athenians used auspicious names for unpleasant things, and (amongst other examples) called '*phoros*' '*syntaxis*'.

[67] Cargill 1981: 124-5.

but that collection appears to have been done by the (non-paying) hegemon. Such cases of conflict as are known were 'generally associated with the process of collection'.[68] Originally the Athenians appointed the allies' *synedrioi*, and one presumes that this would not have worked in any way to its own disadvantage. Recruitment of League members continued to ca 374,[69] so we are entitled to expect some determination of both the direction of growth and the conditions (and also compulsions) of membership by the hegemon during this time.[70]

There seems to be some willingness on the part of Athens to become harder on its allies as time went on. Isocrates in *Peace*, ca 355, suggests that alliances have been forced, that allies have been compelled to pay contributions and send representatives to Athens, and that the hegemony given willingly in 378 has for a 'long time' been treated with contempt (8.21, 29, 30). Paros' attempt to defect as early as 373/2 was prevented.[71] Athens held further possessions - which did not count as allies - and appears to have had other allies 'of non-league type' over at least 377-373.[72] Isocrates spoke in 355 of two classes of allies: those who aid willingly, and those who pay *syntaxis* and obey Athens' commands (7.2). When [Xen.] speaks of tribute he is simply speaking bluntly.

The position of Athens as hegemon of a synedrion of allied cities further illuminates an earlier remark, that 'sitting at home they manage the affairs of the allied cities' (1.16).

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[68] Cargill 1981: 125 and n. 28; 127.

[69] Cargill 1981: 112, cf. 113; 102. Although Athens now stopped adding League members it did continue to make other alliances (83).

[70] Compulsion was not solely driven by the hegemon: small cities had little choice but to follow the direction of their larger neighbours. See e.g. Xen *Hell*. 5.2.15.

[71] Cargill 1981: 163.

[72] Cargill 1981: 36-7.

This was possible because the synedrion was based at Athens, and provides a point of contrast with the fifth-century empire in which Athens had actively to go out and enforce its rule on the cities. Lastly, the very phrasing 'such of the allies as pay tribute' suggests that a minority of Athens' allies was involved. It does not indicate that most of the allies pay tribute - as under the fifth-century empire - but of a situation where many of the allies do not pay tribute, and thus of the early phase of the Second Athenian League.

2.2. Those now in power are *thalassokrats*, rulers of the sea. This is most frequently rendered in the text as *tôn archontôn tês thalattês*, and applies to the period under investigation: following the battle of Naxos in 376 the Athenians could resume the importation of corn which had earlier been prevented by the Spartan fleet (Xen. *Hell*. 6.3.20). Diodorus recorded that by 375/4 the Spartans and the Athenians who had constantly been rivals for the hegemony now yielded one to another, the one being judged worthy to rule on land, the other on the sea (*thalattan archês*, 15.38.4). The Athenians retained the rule of the sea and still laid claim to it in 370/69 (Diod. 15.60.1). That is, the Athenians were the undisputed rulers of the sea throughout the period 375-371 to which I argue Pseudo-Xenophon should be dated.

2.5, a land power can march only a few days from its own territory. This section has been used to support a *terminus post quem* of 424, the year of Brasidas' long march (ca 150 km) recorded in Thucydides 4.78. This belief is completely unnecessary. It presupposes that the document is a fifth-century piece and relies solely on a convenient but not compelling example. Another - and longer - march is attested in 399 (Xen. *Hell*. 3.1.8, 10), and both centuries were periods of continuous military activity. More importantly, the assumption of a latest date based on the feasibility of any particular long march is a misreading on the passage, which is rather concerned with the conditions of such a march. In order to

undertake such a march, one must go through the country of friends or else fight and win, because provisions can only be carried for a few days. It is simply a practical observation.[73]

2.7. Stress on luxuries from Sicily, the Pontus, and the Peloponnese in particular seems most out of place during the period of the Peloponnesian War. While the Old Comic Hermippus provides a 'catalogue' of trade items both real and ludicrous (fr. 63), Middle Comedy (404 onwards) is most liberally peppered with references to luxuries from all over the place.[74] Fourth-century trade routes, confirmed by red-figure pottery finds, led to all places listed in 2.7.[75]

2.8. The Athenians use a mixture of Greek and foreign dialects, customs, and types of dress. This strongly suggests a period after the Peloponnesian War with respect to dress (see comments on 1.11 above). A mingling of foreign ways would still seem to have been viewed as unusual at the time of Euripides' *Bacchae* in 405, although a colony of Thracian Bendis-worshippers was well-established in the Peireus by this time.[76] Acceptance of foreign ways, dress, and customs would however appear to be substantially more widespread into the fourth century (thus Isoc. 7.29). This may have to do with the increasing employment of Greek mercenaries by foreign powers over this time (cf. e.g. Diod. 15.41.1).

2.9. Here I dispute Kirchhoff's emendation, followed by Bowersock, that it is impossible for each of the poor to set up shrines, *histasthai hiera*, from it being impossible for them to (afford to) slaughter animals at shrines, *ktasthai hiera*. The following sentence

[73] So Ste. Croix 1972: 309.

[74] See Edmonds 1957-61: I. 304-7 (Hermippus); II, e.g. Eubulus, frs. 15, 90, etc.; Ephippius frs. 8, 13, etc.; Antiphanes fr. 52; Mnesimachus fr. 4., etc.

[75] Isager and Hansen 1975: 61-2 and map p. 221.

shows that this section is concerned with the provision of sacrificial meat to the people. It has nothing to do with the raising of shrines, but refers to the acquisition of benefits by the people at public expense. Thus, the meaning of the two sentences together is - quite clearly and logically - 'while the people realize that it is impossible for each of the poor to do these things, they have discovered how to benefit from them; for the city provides them and the people enjoy them'.

2.10. Some of the wealthy have private gymnasia, baths, and dressing-rooms; but the people have built for their own use many *palaistrai*, dressing-rooms, and public baths. There is a division of some kind between the athletic practices of the wealthy conducted in gymnasia and those of the people conducted in *palaistrai*. The gymnasium housed the elite sport of boxing; the palaistra was used for the more popular wrestling and pankration.[77] Pseudo-Xenophon has described two different facilities each with baths and dressing-rooms: the private gymnasia and the public *palaistrai*. Clearly he did not have in mind the three public gymnasia well-established in the fifth-century, the Academy (presented to the city by Cimon, cf. Plut. *Cim*. 13.8), Cynosarges, and Lyceum. There is nothing which suggests that the building program of the mid or late fifth century catered for facilities of public sport or entertainment; it was rather concerned with religious and military edifices.[78] Frisch noted that there is nowhere else any mention of public baths in a fifth-century context.[79] Socrates' comments at Pl. *Lysias* 204a also suggest that *palaistrai* were not common even in the late fifth century. Read in conjunction with 1.13 above, it would seem

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[76] Kitto 1961: 373 (novelty); Parke 1977: 149 (Bendis).

[77] Harris 1964: 102 (re. Plut. *Mor*. 638d); 108-9. On *palaistria*, cf. 146, citing Vitruvius.

[78] Thompson 1976: 27.

[79] Frisch 1942: 258.

that fourth-century practices are being referred to by [Xen.] and that there was an increasing provision of public facilities and usage of them by the demos from the fifth to the fourth centuries.

2.14: The farmers and the wealthy shrink before the enemy because they do not live on an island, and they are therefore vulnerable to a land assault. The demos, a group here distinct from the farmers and the wealthy, will not suffer loss to their lands. Because they live without fear of such loss, they refuse to shrink before the enemy. While there is nothing in this section that compels identification with the Peloponnesian War,[80] it is certainly applicable to the period 375-371 throughout which there was a large urban population without agricultural roots[81] - precisely the situation described by Pseudo-Xenophon.

2.15. If there were *stasis*, violent faction, the people en masse could be betrayed by a few bringing in a land army (as happened for example at Athens in 404, when the Thirty took power with the backing of the Spartans). But were they islanders this would not be possible, because the power of Athens lies in the common people ('the *penêtes* and *dêmos pleôn* who man the ships and give it its strength', 1.2), and Athens is in command of the sea. The section is predicated on the rule of the sea, which is in the hands of the common people. Elsewhere, however, an island could be betrayed by a few bringing in troops from elsewhere, because it would not have the command of the sea necessary to prevent this.

2.16. 'They place their property on islands while trusting in the naval empire, and

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[80] Stockton 1990: 143 rejected the 'superficially plausible' view that country-dwellers were more likely to oppose war as they had more to lose from land devastation. He noted that these constituted a majority of the citizen body and were thus a majority of those who voted for war.

[81] Comprised especially of naval workers and mercenaries - cf. Isoc. 8.50 (sharing birthright with all); 12.116 (types of persons, from the fifth century onwards). Gomme 1933: 47, speaking of the fourth century, noted 'a considerable floating population'.

suffer their land to be ravaged'. This strategy was inaugurated in 431, from which time land in Euboea in particular became essential to Athens' food supply, down to 411 when all of it bar Oreus revolted from Athenian rule. That is, for twenty years Euboea (and other islands) were major suppliers of Athens' foodstuffs, and indeed came to be of greater importance than the land of Attica itself.[82] However, the situation as described by [Xen.] cannot have occurred before the Spartan occupation of Decelea in 413,[83] as at 2.14 the text is at odds with events during the time of the Spartan land invasions between 431 and 425, the only other fifth-century period after the Persian Wars when Attica's lands were ravaged; yet after 413 Athens was no longer ruler of the sea. Attica was ravaged, however, in 378/7 by Sphodrias, who led Spartan troops as far as Thria (about 14 km from Athens) then withdrew, seizing cattle and looting houses on his retreat (Plut. *Agesil.* 25.5; Xen. *Hell.* 5.4.20). Thebes maintained a claim to Oropus throughout this period, finally seizing it in 366/5 (Diod. 15.76.1). Athens' defensive system was 'far from complete' in the mid 370s, and real fear of land invasion persisted.[84]

All of Euboea - with the exception of Hestiaea - revolted from Spartan rule in 395, allying itself with Athens after the formation of the Council of Corinth. While the Euboean cities became autonomous with the Peace of Antalcidas in 387/6, in 378/7 with the exception of Hestiaia they eagerly joined the Second Athenian League. The Athenians sent a force to protect the Euboean cities and to subdue Hestiaea, which they garrisoned (Diod.

[82] Thuc. 2.14.1; 7.28.1. When Euboea revolted in 411 it caused 'the very greatest panic' that Athens had ever known, for it 'had been more useful to them than Attica itself', 8.96.1-2. Euboea appears to be well in use in 422, if one can judge by Ar. *Wasps* 715.

[83] Fortification of Decelea, Thuc. 7.19.1-2; ramifications 8.95.1.

[84] Ober 1985: Oropia, 213; inadequate defence, 214. Ober there argues that construction of fortifications was 'probably well under way' by then; but note that fear of land invasion was still strong to at least 371.

14.82.3; 15.30.1-2, 4; Xen. *Hell*. 5.1.31-2). In 370/69, shortly after the period with which I

am concerned, 'Euboeans from all the cities' accompanied a Theban-led attack against

Sparta; but in 358 strife between the Euboean cities led some to summon aid from Thebes,

the others from Athens (Xen. *Hell*. 6.5.23f; Diod. 15.85.2, 6; 87.3; 16.7.2). The pattern is of

a substantial Athenian influence over the Euboean cities for much of the time. If Athens

relied heavily for its substance on Euboea and the islands down through 375-371 - as it had

over twenty years during the Peloponnesian War - the conditions of [Xen.] 2.16 with

respect to this period would be fulfilled. Attica was threatened by land-power invasion

throughout this time; and the Euboean cities (excepting Hestiaea) were loyal to Athens for a

full twenty years down to 375 - when the Athenians became again rulers of the sea[85] - and

beyond it down towards 363. I see no reason to believe that the vital strategic lesson learned

during the Peloponnesian War would have been forgotten. Against Treu, who took this

section as 'complete proof' that [Xen.] was written during the Archidamian War,[86] the

above fourth-century scenario is fully compatible with Pseudo-Xenophon's text.

2.18: they do not permit the demos to be ill-spoken of in comedy, but they permit

comic attacks on private persons, knowing that the ones so treated generally are of wealth,

high birth, or influence. This section has been taken to imply that [Xen.] wrote before 424,

when Aristophanes used the character of Demos in his *Knights*.[87] Platonius noted, however,

that the aim of the Old Comedy generally was to satirize the demos, jurymen, and

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[85] Diodorus gives the Athenians the hegemony of the Greeks in 377/6 (15.29.7), as does Eusebius *Chronika* (cf. Harding 1985: 4).

[86] Treu 1967, col. 1954.

[87] Noted by Frisch 1942: 280, but he observed that 'however much we twist Demus' appearance on the stage, there is no proof to be found in it' for dating the text.

generals.[88] In Middle Comedy a change took place in the subject matter, principally now to attacks on the tales of the poets. In this period Aristophanes toned down his 'customary raillery' for fear of the consequences;[89] that is, he conformed to the new demands of Middle Comedy, which are consistent with [Xen.] 2.18.

3.2 provides linguistic evidence of a fourth-century composition date in its use of *tina* as neuter plural. Frisch cited Kallenberg as demonstrating that 'the form otherwise in the fifth century is always *atta*'. (The use of 'otherwise' here reflects the assumption that [Xen.] is a fifth-century work.) However, *tina* did exist as neuter plural in Attic of the fourth century.[90] The lack of attention that this anomaly has received is curious given that Frisch devoted a whole chapter to conceptual relationships between [Xen.] and the sophists - which in fact fails to establish more than that [Xen.] did not pre-date them, given that there was widespread knowledge of the rudiments in the late fifth century (Pl. *Apology* 26d).

3.4. Four hundred trierarchs are appointed every year: this is one of the very few specific pieces of information given by the text, but it is of little help. A single trierarch per

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[88] Platonius, *Classification of Comedies*, in Edmonds 1957-61: I. 19. Note that the Greek word 'demos' of the MS, as a subject of the satire, was unacceptable to modern scholarship and was emended to 'demagogues'. This emendation is totally unwarranted: Platonius is perfectly clear. Both Platonius and Tzetzes (p. 313) make it apparent that attacks were free-ranging in Old Comedy, which ran right through the 440s, and provide further evidence against an early dating of Ps-Xen. Treu observed that the ban on comic ridicule applied from 440/39 to 438/7 (schol. Ar. *Ach*. 67) was not a general ban on comedy, and found [Xen.] 2.18 of no use in determining a fifth-century date (1967, cols. 1955-6).

[89] Platonius, in Edmonds 1957-61: I. 19. Tzetzes (p. 313) observed that comic attacks continued, if covertly, into Middle Comedy 'till the Athenians ceased to allow even these'. The fading of political comment in Middle Comedy is well-known, and the fact that Aristophanes toned down his 'raillery' suggests that the change was earlier rather than later, and certainly predated the time of our text of *Plutus* ca 382 B.C.

[90] Frisch 1942: 296.

ship was the rule in the fifth century.[91] Forrest described four hundred trierarchies as an 'impossibly high figure' for 431 or earlier.[92] Proponents of a fifth century date are forced to speculate that [Xen.] has mistakenly given a figure some hundred trierarchs higher than feasible, yet there is no textual reason for such an assumption. Davies took [Xen.]'s figure to be 'the size of the trierarchical class in the 420s', but he admitted 'a margin of uncertainty' and observed that 'throughout the fifth and fourth centuries the size of the class which performed the military liturgies was always of the order of 200 - 400' except for a time after 357.[93] While Athens' fleet was drastically reduced from its fifth-century level across the first third of the fourth century, Cawkwell observed that 'the trierarchic system seems to have remained virtually unchanged between 415 and 362'.[94] It follows that nothing conclusive can be drawn from [Xen.] about the size of a trierarchical class per se at any particular point. Athens' dockyards held just over one hundred hulls in mid-376, of which twenty-nine were built in the preceding two years.[95] The figure in [Xen.] has been much discussed, and while it is evidently wrong for all proposed datings, there is no warrant for emendation to place it in the fifth as opposed to the fourth century.

3.5. Assessments of tribute generally occur every four years; to collect - I emphasize again - from such of the allies as pay it (2.1). It is not surprising that we hear little of this: the Athenians in this period were at great pains to stress their non-imperial intentions

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[91] Sealey 1973: 257. One could also note in respect of shipping that pentekontarchoi, mentioned at Ps.-Xen. 1.2, are first found in 405/4; the assumption that they existed earlier is based solely on the fifth-century dating of Ps-Xen; thus Develin 1989: 6.

[92] Forrest 1970: 113.

[93] Davies 1981: 17, 19.

[94] Cawkwell 1984: 335, 338.

[95] Sinclair 1978: 50-1.

insofar as their non-tributary allies were concerned, hence the stress on the non-tributary alliances of 378/7.[96] Still, we know from both Isocrates and inscriptional evidence (see 2.1 above) that some tributary alliances were maintained simultaneously, and it will be these to which this comment refers.

3.10 occurs in a paragraph comprising 3.10 and 3.11. The latter section is illustrative of the argument advanced at 3.10. The first section describes what the Athenians do with respect to cities in *stasis*; the second, the consequences when they have varied from this practice. In cities in *stasis*, the Athenians take the side of the worthless (*cheirous*) people. If they preferred the *beltistoi*, the citizens of good repute, they would not be supporting those who think as they do. Here, states of mind are opposed, not economic or 'class' interests: 'in no city are the *beltistoi* well disposed to the demos, but in each city it is the *kakistoi*, worst persons, who are [so disposed]'. The *kakistoi* are persons of influence who are capable of being *eunous*, well-minded, towards the demos; and they are likewise not the demos themselves. [Xen.] is making a moral judgement of what constitutes a person of good repute and a worst person. This judgement is a valid part of the world-view under discussion.[97]

In both Athens and the cities the mass of the people prefer those influential persons who indulge them. The Athenians prefer those akin to themselves for practical, not

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[96] Thus Tod 123.24; 124.24. Regarding tributary cities, I have been unable to find any information about assessment in the fourth century, nor anything which suggests that four yearly assessment is unfeasible for such cities. I therefore take it as likely that past patterns were followed, and that [Xen.] now supplies us with confirmation. There seems no conflict between the early imperial intentions of Thrasyboulos (cf. Marshall 1905: 7 and n.4; 10) noted by Cargill 1981: 189, and the non-imperial nature of the Second Athenian League; much changed over the intervening nine years.

[97] See. Eurip. *Medea* 465 where Jason is *pagkakiste*. Note also Cleon in Thuc. 4.21.3; popular and influential; then the judgement of his character in *A.P.* 28.3.

ideological reasons. It will also be to the self-interest of the mass of the people in the cities to fall in with the Athenian hegemony as Athens will support their self-interest against any anti-Athenian interests from their erstwhile ruling circles. Throughout Greece at this time (ca 374) many states were in confusion because of unaccustomed or unintelligible forms of constitution and a state of general anarchy prevailed. In this situation the Spartans supported those who aimed at establishing oligarchies, while the Athenians supported those who clung to *dêmokratia*, to the disregard of the truce agreed upon in 375/4 (Diod. 15.38.2, 45.1-2). Thus in Zakynthos, racked with *stasis*, those disposed to the demos called in the Athenians, and those who had earlier held control during the domination of the Spartans called in Sparta. In 373/2 an identical situation developed during *stasis* in Corcyra.[98] These incidents describe precisely the state of affairs given in [Xen.] 3.10.

In these examples the consequences of *stasis* were partial exile of the populations, the besieging of the cities and looting of the countryside by external forces, hunger, the enslavement of captured citizens, and at Corcyra, the slaughter of well over 200 persons.[99] Afterwards, Zakynthos was made signatory to the alliance of the Second Athenian League, probably in 374, and their defection to Athens appears to have led to the renewal of war between Athens and Sparta.[100] Small wonder Pseudo-Xenophon's condemnation.

[98] Diod. 15.45.2-4 (Zakynthos); 15.46.1-3, 47.4-5 (Corcyra). Corcyra made a non-League alliance with Athens between 374 and 371. (Cargill 1981: 109-10).

[99] cf. Diod. 15.47.6 and Xen. *Hell*. 6.2.6, 8, 15, 25. The number killed at Zakynthos is not given.

[100] Cf Cargill 1981: 65 (re. Tod 123.131-134), where he shows that events at Zakynthos in particular were the probable cause of renewal of hostilities. Note also Diod. 15.45.4, that the Spartan ambassadors 'saw that the demos [of Athens] inclined toward the exiles' from Zakynthos - here are close shades of [Xen.] 2.10.

Paros defected from the league 'probably in 373/2';[101] the founding members had been colonists of the Athenians. Given the demonstrated acts of violence (above) committed by the Athenians in this period, the significance of an Athenian decree on suppression of the revolt, that no-one be expelled from houses or property and that no violence be done, is suggestive of an exceptional rather than an habitual mildness. The Athenians were anxious to preserve the League and consequently made proclamation of their (unusual) leniency, precisely because they were dealing with a League member. In any event, there is no necessity to assume that any such defection had occurred before [Xen.] *Ath. Pol.* was written. Were more details known, it might be possible to date the text even more narrowly, perhaps between 375 and 373; but without such certainty I would not wish to push the argument that far.

3.11 is illustrative of the adverse consequences for the Athenians when they have preferred the citizens of good repute to the worst people in a city in *stasis*, and is the section of the work which has aroused the greatest controversy. It mentions incidents in Boeotia, Miletus, and the Peloponnese. One has no impression from the text that all three need be recent events; certainly they do not compel a conclusion of 440s composition, as the lengthy controversy between proponents of the 440s and 420s demonstrates. Neither do they provide any compelling evidence against any particular later date, whether of the 420s or 370s. No previous interpretation has been able to pinpoint the first two incidents; but it is generally agreed that the last refers to the Third Messenian War of ca 464/3.[102] The brevity

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[101] Cargill 1981: 163-4, with discussion of *SV* 268, the decree mentioned here. Under the terms of the League charter, the alliance was permanent and states were not able to secede - Cargill 162.

[102] Boeotia: Bowersock 1968: 505 n.1 guessed a period between 456 - 446. Conflict in Miletus is known only from Ps.-Xen. and from "epigraphic indications" (Sealey 1953: 259). Third Messenian War, Bowersock ibid.; the date, Gomme et al. 1945-81: I. 404.

of these historical references has tantalized commentators: I suggest that this brevity is due simply to the fact of these being such significant events that [Xen.] did not think explanation was necessary; the first reference may in fact be recent to the composition of the text.

The story of the liberation of Thebes in 379 was one of the most renowned tales of the ancient world.[103] It was conducted by men of the foremost families of Thebes (Plut. *Pel.* 8.2; Diod. 15.25.1) with the assistance of Athenian troops: at first a border force under two Athenian generals (Xen. *Hell.* 5.4.9), and perhaps a second larger force (Diod. 15.26.1-2).[104] Thebes at the time of its 'liberation' was in violent *stasis*. Many of the Thebans in fact ran to support the garrison of Spartans and others (Plut. *Pel.* 12.3). When the defenders of the Theban acropolis withdrew, the party of the 'liberators' violated a sworn truce, seized those whom they recognized as their enemies, and killed them and their children (Xen. *Hell.* 5.4.12). The situation matches that at [Xen.] 3.10.

Pseudo-Xenophon next noted that within a short time the people in Boeotia were 'made subject'. It has been assumed that this statement refers to the subjection of cities by Athens, but there is no indication of this in the text. In this, as in the other cases, [Xen.] is entirely non-specific: his references will be obvious to his reader. Here he is rather referring to the subjection of the Boeotian cities by Thebes. Following the failure of the Spartans at Thebes the Boeotians, fearing a strong Spartan attack, formed an alliance during 377 (Diod. 15.28.1); by 376 the Thebans had marched against and gained control of its neighbouring

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[103] Plut. *Pel.* 10.4; 13.3; Plut. *Comparison of Pelopidas and Marcellus* 1.3; Xen. *Hell* 5.4.1.

[104] There is confusion over this last passage: perhaps the second force was to 'outstrip the Spartans' in a possible threat to the borders of Attica, rather than to go to Thebes itself. The 'full force' which the Athenians continued to assemble may not have been sent at all - Xenophon does not mention it.

Boeotian cities and 'subdued' them (Xen. *Hell*. 5.4.62; 6.1.1). Thebes further consolidated its grip on the cities down past 372/1 and was not admitted by the Greeks to the general peace of that year (Diod. 15.50.4). The consequence of Athens' aid to the citizens of good repute was to create a military rival for its own hegemony. By 375/4 Sparta and Athens 'yielded to one another, the one being judged worthy to rule on land, the other on the sea', and they both sought to sever the Boeotian cities from the Theban confederation (Diod. 15.38.4).

Regarding Miletus, no certainty has been established by any commentator, although it is generally thought to refer to now-obscure events ca 446/5-444/3.[105] At first this may appear to lack any importance in either historical legacy or in impact on the Greek world generally: certainly none has been established in the literature. However, its significance may lie rather in the relationship of the event to the author and his origins. I earlier stressed the textual evidence for the non-Attic origins of Pseudo-Xenophon: I suggest that he is Milesian, and has utilized an illustrative example from his own history. This would additionally explain why he might refer to contributions bluntly as *phoros*.

The third instance is that of Sparta and Messenia. The significance of this example lies in its function as illustrative of '*beltistoi*' and '*cheirous*'. The two peoples are contrasted here - rather than groups within them - as representative of the two positions. Thus the reading of the text is, when the Athenians preferred the *beltistoi*, that is, the Lacedaemonians, to the *cheirous* (the Messenians), within a short time the Lacedaemonians were making war on the Athenians to the ensuing detriment of the latter.

The story of Sparta and Messenia was another of the renowned events of the ancient world, and its mention should cause little surprise. When Diodorus recounted the history of

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[105] Bowersock 1966: 36-7.

Messenia, its significance lay in the number of times it had been captured and razed. In his account, the Lacedaemonians had been at war with the Messenians since the time of the heroes; the last war between them was the Third Messenian War, especially noteworthy as it occurred at the time of a great earthquake which had almost destroyed Sparta (Diod. 15.66.2-6; cf. Ar. *Lys*. 1140-4).

Sparta appealed to Athens for aid, and Cimon - who was favoured by the Spartans (Plut. *Cim*. 16.1-2) - led a large army there. Plutarch makes clear what is not evident from Thucydides and Diodorus: Cimon's force did assist the Spartans against the Messenians, returned home, and were called in a second time (17.1-2). On this second occasion the Spartans became concerned at the Athenians' boldness and sent them back, which was the cause of the first open quarrel between them, and led to the greatest ever war among the Greeks (Thuc. 1.23.1, cf. 1.102; Diod. 11.64.3). After the Peloponnesian War the Spartans drove the Messenians from Naupactus, where Athens had resettled them ca 456-455,[106] in an act of hostility provoked by the rejection of Athenian aid (Paus. 10.38.5). Here again the Athenians have helped the *beltistoi* to their own disadvantage, for Sparta rose to cause Athens its greatest defeat; and, directly paralleling the narrative of Thebes above, had it not been for the assistance of Athens, the Lacedaemonians would have been decimated (Plut. *Cim*. 16.8). But what is significant at the time of writing, however, is that the Athenians are rulers of the sea.

In summary, I contend that the case for fourth-century composition is more compelling than any advanced for the fifth. Although some uncertainty will inevitably remain due to the lack of incontestable corroborative evidence, nothing in the text is incompatible with a dating to the period 375-371, while there are severe difficulties with all

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[106] The date: Gomme et al. 1945-81: I. 304.

proposed fifth-century dates. Linguistic evidence from section 3.2 makes it all but impossible that [Xen.] is a fifth-century text, and other evidence directly supports a dating to the early period of the Second Athenian League. It follows that the text has no relevance to the fifth-century Athenian empire, and may no longer provide an obstacle to the reconstruction of empire along the lines suggested by Mattingly. Further, its character-ization of Athenian life represents the *dêmokratia* of the fourth century, and has more in common with the characterizations of Plato's *Republic* than with Thucydides' Periclean encomium. Lowered dates for the Egesta decree and Pseudo-Xenophon together suggest that a reconceptualization of both the development of the Athenian empire and of the 'Periclean democracy' which is held to have directed that development is required.

The third text which bears crucially on modern reconstructions of the development of the Athenian empire is *A.P.* 24. It is generally held that, along with the preliminary statements at 23.2ff, *A.P.* relates Aristeides' 'organization of the Delian League, the conversion of the League into an empire, and the maintenance of large numbers of citizens on the revenue from the empire' in the mid-fifth century.[107] This orthodox reading is quite reckless. Chapter 24 is a summary survey of events which occur over a considerable time-span. It embraces two matters: the statesmanship of Aristeides, first discussed in the preceding chapter, and the livelihood of the Athenians which that statesmanship made possible. Each requires independent consideration.

Aristeides is introduced at 23.3 as being 'famous as a statesman and the most upright man of his time'. *A.P.* then lists instances of his statesmanlike acts, subdivided into those concerning external and those concerning internal affairs (23.4-5). In respect of foreign affairs, he instigated the defection of the Ionians from the alliance with Sparta,

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[107] Rhodes 1981a: 283; cf. e.g. Ostwald 1986: 68 with n.267; 73-4.

determined the first assessment of tribute for the Delian League, and administered the binding oath of friendship between the Ionians and Athens. These actions show him to have been the principal founder of the Delian League, a coalition of states which at first gladly accepted Athenian hegemony (cf. Plut. *Arist*. 23.4, 24.1-2) as well they might, given that the League's original purpose was the plunder of Persian territory.[108]

A.P. 24 turns to illustrate the consequences of Aristeides' advice for the Athenians, namely, that the many came to obtain their livelihood through the transformation of hegemony into empire. That this is the purpose of the chapter is additionally indicated by the summary sentence at 25.1. That is, sections 24.1-25.1 concern the livelihood of the Athenians and constitute a self-contained digression within *A.P.*'s constitutional narrative.[109]

At 24.1 *A.P.* relates that 'when the Athenian state was growing in confidence and the accumulation of much wealth', Aristeides advised the Athenians to 'seize the hegemony and to give up their residence in the countryside to come to live in the city'. Aristeides' rationale is that 'they would all have their livelihood there, some by participating in military expeditions, some by doing garrison service, and still others by participating in public affairs. In this way they would keep hold of the hegemony'. This forward-looking advice of Aristeides is consistent with *A.P.*'s conception of Aristeides' influence on the process of constitutional change as presented in chapter 41. Section 41.2 treats as one constitutional form the period 'marked out by Aristeides and brought to completion by Ephialtes when he

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[108] Sealey 1966: 239-41, cf. 253.

[109] The summary sentence linking the chapters of *A.P.*'s text is a feature of his ring-composition technique, discussed by Keaney 1992: 72ff. But Keaney was wrong to see at 24.1-2 two compositional units linked by the transition from hegemony to empire (82); livelihood, not imperialism, is the subject of the chapter.

overthrew the Areopagus' down to the overthrow of the *dêmokratia* in 411. It was under this constitution that 'the greatest mistakes were made by the city under the guidance of the demagogues because of its control of the sea'. That is, to *A.P.* the influence of Aristeides extended from his actions in foreign affairs ca 478/7 to the imperialism which ultimately resulted in the Sicilian expedition.

24.2 relates the process by which this influence became manifest: in following Aristeides' advice, the Athenians 'placed themselves in control of the empire (*arch_*), and got into the habit of treating their allies more despotically, with the exception of Chios, Lesbos and Samos. These three they used as guards of the empire, and they left their constitutions untouched and allowed them to rule over whatever subject cities they had'. In one sentence, therefore, *A.P.* covers the transition from hegemony to empire.[110] It was this transition which 'made it possible for the many to live comfortably as Aristeides had proposed', the subject of the chapter (24.3). *A.P.* then details what this entailed:[111]

> 'from the tributes (*phoroi*), the internal levies, and the allies, more than 20,000 persons were maintained. For there were 6,000 *dikastai*, 1,600 bowmen, 1,200 cavalry, 500 Councillors, 500 dock-guards plus fifty guards on the Acropolis, about 700 officials at home and about 700 abroad. In addition, when later they went to war, there were 2,500 hoplites, 20 guard-ships, and other ships carrying the tribute, that is, 2000 [crew-] men chosen by lot. Finally, there were the Prytaneion, the orphans and the jail-keepers. All these received maintenance from the state'.

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[110] So e.g. Rhodes 1981a: 286. Fritz and Kapp 1950: n. 67 observed that *A.P.* describes 'a development which reached its completion only several decades after the death of Aristeides'.

[111] As per the papyrus; cf. Kenyon 1891b, Rhodes 1984, against Fritz and Kapp 1950.

These details have taxed the ingenuity of all students of *A.P.* to date,[112] but the difficulties they appear to present may not be insuperable.

Chapter 24 has long been regarded as 'one of the least sound chapters' in the text, 'discredited by [*A.P.*'s] anachronistic compression, apparently into the years 479-462, of economic measures that are known to have been taken later'.[113] Not until the transference of the Delian League treasury from Delos to Athens in 454 was Athens' 'rule over many men' established (Plut. *Arist*. 25.2-3).[114] Even at this date it seems that the referent is the entrenchment of hegemony rather than the consolidation of empire; the establishment of empire per se is conspicuous by its absence from the *Comparison* in which Plutarch reviews Aristeides' military achievements (5.1-2; cf. 1.2). The Athenians did not move into the city in large numbers before 431 (Thuc. 2.16.1), and Kallet-Marx noted that 'not until the Peloponnesian War are state pay and the hiring of mercenaries to any significant extent attested'.[115] Rhodes observed that 'if [*A.P.*'s] text is right, *ton polemon* without qualification must mean the Peloponnesian War';[116] the 'ships carrying the tribute' mentioned afterwards should then be those observed by Thucydides early in the war or the larger group organized by decree in 425/4 if Mattingly's date is correct.[117] Athenian rule of the sea (*tês thalattês archên*) is particularly associated with the rise of the demagogues by

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[112] cf. Rhodes 1981a: 300ff.

[113] Day and Chambers 1962: 34 with discussion.

[114] If Plutarch is correct, Aristeides also urged the moving of the League treasury to Athens; it may then follow that the time of his advice to the Athenians to seize the hegemony and move to the city, given 'when the state was growing in confidence and much wealth' (*A.P.* 24.1), should also be dated to 454 and not earlier.

[115] Kallet-Marx 1993: 10.

[116] Rhodes 1981a: 305.

[117] Thuc. 2.69.1-2; 3.191.1; *IG* I^3 60.12 (=*SEG* xii.26), with Mattingly 1961: 156.

A.P. (41.2), whom he elsewhere identifies as Cleon and his successors (28.3-4) and so with the era of the Peloponnesian War.

Day and Chambers conceded that 'left in context, and confronted with none of the [in their view] contradictory evidence, the argument running through *A.P.* 23-25 seems cogent' in the augmentation of the Athenian demos as the final consequence of Aristeides' actions.[118] The problems they and others find with *A.P.*'s narrative diminish when chapter 24 is viewed as concerned with the transformation of Athenian livelihood over the period from 478 down into the 420s concomitant with the growth of Athenian power. That growth had its origins in Aristeides' inception of the Delian League and culminated in the empire which ruled its allies 'like a tyrant' during the Peloponnesian War.

With this reconceptualization of *A.P.* 24 in mind, it is no longer necessary to attempt to account for the extraordinary numbers of officials and other details presented at 24.3 in a mid-fifth century context for which there is no corroborative testimony. A late imperial context for the Athenian domination recorded by *A.P.* at 41.2 is consistent with both the impression of a very late transition from hegemony to empire found in Thucydides[119] and with Mattingly's unorthodox epigraphy. The figures given at *A.P.* 24.3 for the period before 'the war' remain problematic, but the material surveyed here strongly suggests that they may apply as late as 433; even in 432 the strength of the Athenian navy lay principally in hired foreign sailors (Thuc. 1.121.3, 143.1).[120]

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[118] Day and Chambers 1962: 125.

[119] Above, 105 and n.32; 106 and n.36.

[120] I return to the 6000 *dikastai* in Chapter 4; following Rhodes 1981a on the other figures, 1,600 bowmen and 1,200 cavalry are recorded in 431 by Thucydides (2.13.8); the dock and Acropolis guards are otherwise unknown; 700 domestic officials are plausible to some (p. 305 with addenda); 700 officials abroad are doubted by Rhodes, but might we allow *proxenoi*? On the subsequent figures, 'when they went to war', Thuc. 2.13 gives

In the conventional view of Athens' political achievements, a picture of an expansive mid-fifth century participatory democracy has been often intertwined with a belief in an extensive mid-century naval empire.[121] This chapter has reappraised the key historical texts which define the extent of that empire, and provided reason to question the view that the livelihood of large numbers of Athenian citizens was derived from empire in the mid-fifth century. In the following chapter I will advance further evidence which casts doubt on the extent of the courts, boards of officials, and other forms of citizen participation in politics during the Periclean era. It will be more strongly suggested that the 'mass direct democracy' of this period is to a great degree a legacy of the nineteenth-century historical imagination.

13,000 hoplites in 431. Rhodes found a suggestion that *A.P.*'s 6,000 hoplites were a pre-war force plausible, in which case the figure of 6,000 should apply as late as 432 when both sides put themselves on a war footing (above, 106 n.36). Moves towards a consolidation of Athenian hegemony over its allies had not begun before the late 460s (Thuc. 1.75.4, with the revolt of Thasos and Sparta's suspicion of Athens after the siege of Ithome, both in 464 [Gomme et al. 1945-81: I. 402-3]). The crisis council at Sparta in 432 was provoked by relatively recent 'causes of war', namely the encroachment of Athens upon Sparta's allies (Thuc. 1.118.2, cf. 1.86.1-3 where, in an apparently recent turn, there is 'no longer delay' in Athens' ill-treatment of Sparta's allies). The development of the Athenian empire per se lies well outside the purview of this thesis; suffice to say that if the argument advanced here is cogent, the picture of its development advanced in Meiggs' *Athenian Empire* will have to be reappraised, and Mattingly's work would to my mind be the most promising starting-point.

[121] In addition to the work cited above (96 n.1), an enthusiastic presentation appears in Meier 1993: 24-5; for evidence of the longevity of the view in reputable scholarship, see (before the recovery of *A.P.*) Peter 1882: 36 - Athens 'makes herself the first Hellenic naval power .... With regard to home affairs, the last bounds, which confined the democracy, are gradually removed, and thus the whole nation in all its members is raised to the freest and most active participation in public life'.

CHAPTER 4

THE PERICLEAN *DÊMOKRATIA*

The dominant or orthodox view of mid-fifth century Athenian politics has been centrally built around the depiction of Athens contained in Thucydides' Periclean Funeral Oration (2.35ff). This has in turn been taken to articulate an ideal of democracy that has much in common with modern liberalism.[1] According to A.H.M. Jones' highly respected *Athenian Democracy*, for example, 'Athenian democrats ... believed that every citizen should be allowed to live his own life in his own way within the broad limits laid down by the law'.[2] The importance of this sentence to the present thesis cannot be overstated: it directly replicates the image of Athenian democracy which was articulated by the English historian George Grote in the middle of the nineteenth century,[3] and it is against that liberalist picture of Athens that this thesis has been written.

This chapter will build from the work of Chapters 2 and 3 in an endeavour to show that the orthodox view is deeply problematic. It will review the principal claims for the

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[1] Jones 1957: 42 saw the Periclean Oration as the 'most instructive' source for the ideals of Athenian democracy. To Hansen, 'a study of the démocratic political ideals shows a striking similarity between Athenian democratic values and the liberal democratic values of the 19th and 20th centuries' (1992: 27). Ehrenberg wrote of the Funeral Oration that 'it is an idealizing, though in a deep sense truthful, picture of everything Athens stood for, or at least was to stand for in minds such as Pericles' and Thucydides' own' (1973: 270). In earlier work, he wrote that 'we need only think of the Funeral Speech, and we shall understand that democracy had found its ideal in its own conception, in the people's rule. ... It is an ideal, and was therefore never attained; but that does not justify anyone in doubting its intrinsic truth and the right of such a community to be regarded as a true democracy' (1950: 536). That is, *dêmokratia* as presented in *a particular interpretation* of the Periclean Oration is important, because the community which it depicts, although it never existed, expresses ideals of democracy to which moderns can respond. For the orthodoxy, see now the recently revised *Cambridge Ancient History*.

[2] Jones 1957: 61.

[3] Grote 1888: V. 72.

extent of democratic participation in the Periclean era, and contest much of the evidence which has been advanced to support them. As under the Cleisthenic state, institutional primacy will be accorded to the boule. It will then study the major constitutional changes which occurred between the failure of the Sicilian expedition in 413 and the oligarchy of the Thirty in 404/3 by means of a narration of events as they affected political institutions and structures. The purpose of this chapter is to support the testimony of the ancient sources that the fourth rather than the fifth century was the period of the most developed or 'extreme' *dêmokratia*.

It is generally held that in the mid-fifth century there was an extraordinary level of interest and participation in politics. For example, Finley enthused that Pericles' proposals 'were submitted to the assembly week in and week out, alternate views were before them ...'.[4] The opinion that there was an annual panel of 6000 jurors has already been noted.[5] To Rhodes, the archonships had by the mid-century declined 'to routine offices, concerned largely with festivals and the machinery of justice'. The boule prepared business for the assembly, and 'came to act as supervisor of the state's administration'. Government was truly in the hands of the demos. State offices 'were so numerous that unless most of [the] citizens had been willing to exercise their rights the mechanism of government would have ground to a halt'. These high levels of participation were made possible by a pool of some 45,000 male citizens aged over thirty and drawn from the highest three property classes.[6] How much weight can be given to this composite picture of Athens?

According to Rhodes, the Periclean assembly was the 'sovereign' ruling body. He

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[4] Finley 1985a: 24.

[5] Above, 91-4.

[6] Rhodes 1992b: 80, 83, 85, 87.

implied that it met forty times per year, against his own acknowledgment that there need not have been more than one regular assembly per prytany before the end of the century.[7] Similarly, Hansen held that the assembly was 'probably ... sovereign' in the age of Pericles: 'as far as we know all laws and all important decrees could be transformed by the demos in the ekklesia; and the ekklesia could be transformed into a law court where major political trials were heard directly by the demos'. This claim for sovereignty was made in the face of his own vigorous argument that there were no more than ten regular assemblies per year in the Periclean era.[8] Both scholars thereby propounded a view of a sovereign assembly despite their recognition that it may have met fairly infrequently.[9]

Rhodes held that 'any citizen present could speak in the debate, or put forward an amendment to a proposal already before the Assembly, or make a new proposal himself [on a matter put to the assembly by probouleusis]'.[10] It is not impossible that *ho boulomenos* may have spoken at a public assembly.[11] There is some evidence, however, to discourage the

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[7] Rhodes 1992b: 77 (sovereign); 79 (assemblies increased from one to four per prytany 'between Ephialtes' reforms and the end of the fifth century', with much eulogy for the Periclean era); but see 1972a: 227 (not necessarily before the end of the century).

[8] Hansen 1987b: 94 (sovereignty); 22 (assembly frequency). On p. 123 he described Periclean Athens as a 'radical democracy'. Both Rhodes (1992b: 92) and Jones (1957: 72) held that the Periclean *dêmokratia* was what Aristotle had called 'extreme democracy'.

[9] Rhodes 1972a: 219 stated that in this period the assembly did not meet 'sufficiently frequently for the demos to be able to rule directly instead of through the boule'.

[10] Rhodes 1992b: 77-8.

[11] Isocrates 12.248 (ca 342) held that 'some chance person' may light upon the right course of action and be thought to give the best advice. Cf. Plato's *Protagoras*, with a dramatic date in the late 430s, which says that the Athenians allow advice from everyone on civic matters (319d; cf. 324d). This may attest only that the offering of counsel was not monopolised by a select group, as it was in more rigidly oligarchic or dynastic states. It does not mean that anyone and everyone could, would or should offer advice, as is clear from Xen. *Mem.* 3.6.5ff. Some scholars have been tempted to see the Platonic Protagoras as an egalitarian. According to Roberts, for example, 'Protagoras' contention that all individuals partake in the *politikê technê* serves ... as one of the few theoretical arguments in favour of democracy in

view that non-elite persons spoke at assemblies in this period. Before the 420s, political and military leadership was largely identical,[12] and popular leaders appear to have been 'drawn from the noble families until the death of Pericles in 429'.[13] Further, Ober's observation about the background of speakers, albeit based on fourth-century sources, merits notice:

> '... analysis of individuals active in deme affairs, especially the demarchs, has shown that there is no link between local political activity and "national" political activity; indeed, the two spheres of activity appear to have been mutually exclusive. None of the known rhetors can be demonstrated to have been actively involved in the public life of his home village either before or after beginning his political career'.[14]

The division suggests that known rhetors were either bred to a public life or possessed the necessary wealth to pay for rhetorical training, but the latter is in turn also problematic.

Ostwald and Lynch contended that the sophists came to Athens 'in the third and fourth quarters of the fifth century, in order to meet the demands of a flourishing democracy for excellence in public speaking in Council, Assembly and the jury courts'.[15] The claim requires some qualification. As Ostwald showed elsewhere, the sophists who professed to teach the political arts arrived late: Protagoras first visited Athens only ca 433, Gorgias in

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general and Athenian democracy in particular that survive from classical times' (1994: 41). To Ehrenberg, Protagoras 'believed in the equality of men as created by nature' (1973: 347). Yet in the Greek world-view nature never did create all men equal (Arist. *Pol*. 1254b20ff). What Thucydides admired in Pericles were Homeric qualities: he was 'first in speech and action' (1.139.4). Such elite men were what Protagoras professed to be able to develop (Pl. *Prot*. 319a).

[12] Sinclair 1988: 137. Ehrenberg 1973: 242 observed that many of the generals of the 430s 'were re-elected several times without showing any distinction' and wrote that 'it is obvious that the elections were somehow directed'.

[13] Lacey 1968: 20; he excepted Themistocles, but against this see Hignett 1952: 183.

[14] Ober 1989: 116.

[15] Ostwald and Lynch 1994: 592.

427, and Thrasymachus of Chalcedon is attested as a teacher of rhetoric in 427.[16] They arrived, that is, about the time of Athens' imperial expansion, and not before. Secondly, Ostwald wrote that 'from the 430s on, the sophists in particular became the butt of what Athenian xenophobia then existed' due to 'the conviction that the intellectual training they administered undermined the authority of religion'.[17] When they did come, then, they were not necessarily welcome.

The sophists commanded enormous fees for instruction. Ostwald and Lynch acknowledged that 'Isocrates' ten minae were regarded as normal; Protagoras and Gorgias demanded some one hundred minae'.[18] By way of contrast, skilled workers were paid one drachma per day for the construction of the Erechtheum in 409.[19] It follows that the rhetorical education often held to have benefited the 'average Athenian' in his public role from the mid-fifth century onwards did not exist for most men for three decades after the 'Ephialtic revolution', and was then the province of the very wealthy.[20]

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[16] Ostwald 1992: 341, 344, 348. Kerferd 1981: 17 favourably cited Bury's view that 'the institutions of a Greek democratic city presupposed in the average citizen the faculty of speaking in public'. Nineteenth-century scholarship continues to shape today's thought.

[17] Ostwald 1992: 367-8. Ehrenberg 1973: 251 dated the decree of Diopeithes, condemning atheism (Plut. *Per*. 32.3), to either 433/2 or 432/1.

[18] Ostwald and Lynch 1994: 596 n.18, directly contradicting their assertion that Isocrates' charges were 'moderate' (596).

[19] Sinclair 1988: 30. Pl. *Ep*. 13 regarded thirty minae as 'a reasonable dowry' (361e).

[20] The contradiction between image and reality is conceded in the margins of scholarship. While Hansen, for example, referred on the one hand to the 'ordinary active citizen who ... occasionally addressed the decision-making assemblies', he accepted that an assembly address 'required natural eloquence or training that was beyond the reach of the ordinary citizen' (1987b: 58, 62). Sinclair 1988: 193-4 recognised that a poor family 'could not afford ... even the fees charges by less distinguished men'; he subsequently held that formal education was not necessary for effective speaking, and suggested that 'a countryman might intervene all the more effectively because he rarely did so or because he spoke simply and directly', citing Eur. *Or*. 917-22. This play dates to 508 and is of little value as evidence for the mid century due to the substantial social changes in post-Periclean Athens detailed

How powerful was the assembly? Certainly in the fourth century a procedure known as *procheirotonia*, 'pre-voting', existed by which the assembly voted on bouleutic proposals without debate or discussion.[21] Dem. 24.11 shows that *procheirotonia* applied before a debate of the type that Rhodes categorized as having an open probouleuma (i.e., one designed to be debated).[22] It follows that *procheirotonia* applied in practically all cases, and that *A.P.* 43.6 does show, as he implies, that it was the rule rather than the exception. Rhodes held as a generalization from Thuc. 1.44.1 that 'some important decisions ... were spread over two days, so that the people should hear the arguments on the first day and return to vote on the second'.[23] Yet what the text says is that 'the matter was discussed at two assemblies'; there is no evidence for Rhodes' procedural conclusion.

De Laix collected twelve fifth-century sources which mention the demos alone as making important decisions and do not mention the role of the boule. Of these, five concern decisions on war, four concern the ratification of alliances, two concern the treatment of allies, and one concerns the evacuation of Attica in the face of the Persians.[24] All these matters involve a vote for substantial military commitment, but they do not constitute evidence of civic decision-making by the demos either before or during the Periclean era.

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below; in any event, the speech was ineffective, and Orestes was condemned to death. I discuss dramatic texts in Chapter 5.

[21] Hansen 1983: 124 stated that 'the only explanation to be found in any source is Harpocration's statement [s.v. *procheirotonia*] that the *procheirotonia* was a vote whether a *probouleuma* should be ratified right away in the form it was presented by the *boule*, or submitted to a debate before the final vote was taken'.

[22] Rhodes 1972a: 58ff, discussed by Hansen 1983: 126.

[23] Rhodes 1992b: 79.

[24] De Laix 1973: 29. War: Thuc. 1.31; 1.139; 4.118; Diod. 12.39.5; Plut. *Them.* 4; alliance, Thuc. 1.44; 5.44-5; Plut. *Nic.* 10; *Alc.* 14; allies, Thuc. 3.36; Xen. *Hell.* 2.11; evacuation, Hdt. 7.142.

There are four cases which suggest a trial by assembly before and including 406. The first two are embezzlement cases against Phidias (438/7) and the *hellênotamiai* (440/39?), the second are the political trials of Alcibiades (415) and the Arginusae generals (406) in the period of the demagogues and under the stresses of the Peloponnesian War.[25] It would be imprudent to postulate that the embezzlement cases indicate a standard fifth-century practice of trial by assembly; the boule and the courts are the locus of all other fifth-century legal action.[26] Although information may have made public at an assembly,[27] there is nothing to indicate that this could constitute more than a demand for trial. Against Hansen's advocacy of a strong judicial role for the assembly, Ostwald wrote that Hansen 'goes beyond the ancient evidence in assuming that most cases were tried before the Assembly and in his discussion of specific cases too often merely assumes trial before the Assembly'.[28] Finally, De Laix observed that 'never is there conclusive evidence for completely independent action by the demos in the legislative sphere'.[29]

Finley gave primacy to the assembly in respect of military decisions, writing that 'the week-by-week conduct of a war, for example, had to go before the assembly week-by-week'.[30] This is simply wrong. Lewis noted that the *strategoi* had engaged in prepatory work for the attack on Megara in 424 and appear to have operated on plans not revealed in the assembly; he held it 'safe to say that most operations' were originated by the generals

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[25] For the cases and dates, Ostwald 1986: 65-6.

[26] Ostwald 1986: 62-6.

[27] Ostwald 1986: 66 n.252.

[28] Ostwald 1986: 53 n.201.

[29] De Laix 1973: 192.

[30] Finley 1985a: 59.

without assembly involvement.[31] Rhodes argued that Thuc. 6.8-26, relating the equipping of the Sicilian expedition in 415, showed that the demos 'decided major questions of strategy'.[32] Again, this is not true: all the assembly does is vote, in a passion (6.24.3), in favour of Nicias' exaggerated list of supplies and for full powers for the generals (6.26.1). It does not debate or decide strategic issues.[33]

Rhodes held that two late fifth-century decrees, ML 78c.10-12 (415) and 85.36-8 (409), show that the demos 'reserved for itself the right to make any necessary additions and corrections' to matters already determined.[34] Yet ML 78c does not require that the assembly directs the boule or the issue at hand. It indicates only that a further matter will be put to a vote at the appropriate time. When that time came, a probouleuma would be drawn up, as in all other cases, and voted upon. Meiggs and Lewis saw fragment (c) as belonging with (b), which they read as probouleutic and as *not* originating in the assembly.[35] ML 85.14, 36-8 honours Diokles for his proposal that *if* it is decided that some honorands are to receive further benefits, the standard procedures shall apply, and the boule shall bring a probouleuma before the people. This is not as fatuous as it may at first appear: Veyne noted that it was honorific to give as well as to receive honours;[36] to this day, we know that Diokles was a magnanimous man.

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[31] Lewis 1992: 381, citing Thuc. 2.79.2; 4.54.3, 68.5, 66.3, 76.2 (secret work); 3.91 with Gomme et al. 1945-81: IV. 156 n.1 (plans not divulged to assembly); 3.51.2; 4.66.3, 89 (individual generals credited with plans).

[32] Rhodes 1972a: 114.

[33] Another example: ML 46.37-8 provides for referral of matters of tribute from the boule to the heliaia; they do not go before the assembly.

[34] Rhodes 1972a: 82.

[35] Meiggs and Lewis 1969: 240.

[36] Veyne 1990: 127-8.

Expressions to the effect that 'the boule shall do such and such' clearly indicate courses of action to be taken, but it may be that they directed activity across bouleutic prytanys, or that there is some similar explanation. It is at least worth considering whether there may be another rationale than that they indicate the direction of the boule by the assembly. To look further at ML 85, lines 23-5 might be held to indicate that five *bouleutes* should be elected to perform a task. I would argue, however, that those to be elected are themselves to be honoured: first, by their election, secondly, by their 'task' of conferring benefits, and thirdly, by the public thanks they will inevitably receive afterwards. There is, therefore, good reason not to presume that this, or similar inscriptions, records the delegation of tasks to bouleutic underlings.[37]

Welwei observed that after the Ephialtic changes, nobility and demos 'did not stand in confrontation with one another as closed political groups'.[38] Plutarch in fact records that it

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[37] Rhodes also argued that ML 44.14ff (dated ca 427 by Mattingly) showed that the demos directed the boule's activity, and 'may' have ended by 'requiring' the boule to submit proposals to the demos (1972a: 122 with nn.4, 5). From another perspective, the three *bouleutes* are about to work with the famous architect Kallikrates, an honour rather than a 'duty'. There seem to be two separate, if related, motions on this text, with the same formula (*ho deina eipe*), not one motion and a subsequent 'rider'. Both movers of the adopted courses of action are honoured by the inscription. ML 69.42-4 (425/4) is another text which might appear to direct the activity of the boule. It records that the people shall decree what the tribute assessors shall say to various cities. Yet there is no reason to doubt that, when the time comes, they will do so on the basis of a probouleuma. Rhodes 1972a: 82 noted that, certainly in the fourth century, and probably also in the fifth, inscriptional evidence attests that matters were often decreed to be left to the discretion of the boule, citing *SEG* x 84.39-40 (424/3) concerning Potamodorus and Eurytion, and the Bendis decree (ca 430) *SEG* x 64a.36. All the inscriptional evidence advanced by Hignett 1952: 238-40 for the belief that the boule may be held to have been under the sway of the assembly postdates 429 with two possible exceptions, *IG* I³ 35 and 52 (= I² 24 and 91 respectively), but these have also been dated to the 420s by Mattingly. Following the interpretive schema which has been proposed here, these too might be suspected to have served an honorific rather than a 'directive' purpose.

[38] Welwei 1986: 177.

was after Cimon's death, in 449,[39] that the aristocrats put forward Thucydides to oppose Pericles; the ambition of these men cut a gash in the state which had hitherto lain beneath the surface (*Per*. 11.1-3). There was thus no open rift in the state before the 440s. This is important, for it shows that the 'unmitigated *dêmokratia*' into which the state was thrown by Ephialtes' actions in 462 (Plut. *Cim*. 15.2) took place without any noticeable rift between the Athenian people. Lewis observed that 'even at Athens it is distinctly difficult to find anything approaching class struggle before 404'.[40] These points lend support to the interpretation of *A.P.* 25.1-2 advanced in this thesis, that the Ephialtic *dêmokratia* was not concerned with the enhancement of the role of the assembly but with the ending of the domination of the Areopagitae over the political conduct of the state.

It was argued in Chapter 2 that it was consistent with the historical evidence to hold that between 508/7 and 462 *bouleutes* were elite, directly elected, and could serve multiple and consecutive terms. It was further suggested that the opening up of the archonship to the third property class in 457/6 implied the wider selection of *bouleutai*.[41] Again, Rhodes noted that 'there is no undisputed evidence that prytanies existed before Ephialtes', but that 'the division into prytanies ... must have been made by Ephialtes if it had not been made before'.[42] It was suggested that the 'unmitigated *dêmokratia*' lamented by Plutarch (*Cim*. 15.2) indicated the reassertion of the authority of the boule over the regulation of the state by

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[39] The date, Hignett 1952: 199.

[40] Lewis 1992: 384; for a contrary view, Ste Croix 1981 passim. *A.P.* 26.1 holds that the *epieikeis*, the fair or moderate men, both of the demos and of the well-off, were depleted in war; this would suggest that scholars should not use 'demos' and 'lower class' interchangeably. Lewis also noted (384) that there is no formal statement to the effect that the Athenian empire 'had been systematically favourable to the lower classes and to democracy' until Isoc. Paneg. 4.105-6 of 380.

[41] Above: 68, 70, 90.

the Areopagitae. This would be consistent with the introduction of the prytany system in 462, intended to remove the supervision of the boule and assembly from the control of powerful Athenian individuals. Regardless of the widening of the property classification for state offices, however, there is no evidence for the use of the lot in bouleutic selection until after the Sicilian expedition of 413.[43] Although there is no certain evidence that bouleutic terms of office became annual after 462, it would be consistent with the implementation of the other dramatic changes to associate this also with the introduction of 'unmitigated *dêmokratia*'. This still says nothing about the capacity for repeated office-holding, and the testimony concerning Autoboulos indicates that *bouleutes* could hold bouleutic office more than twice until at least as late as 335.[44]

There is good reason to believe that the boule remained the pre-eminent organ of government until at least 413. To recapitulate: no scholar has been able to locate any certain evidence to show that any policy originated in the assembly. Second, probouleusis applied to all matters put to assemblies throughout the classical period; if the evidence of Harpocration can be accepted for this period, *procheirotonia* also applied. Third, it does not appear that assemblies debated civic issues in the Periclean era; it appears that they ratified proposals put by elite speakers by voting for or against them. Fourth, what they ratified would appear to be decisions concerning war and alliance, the prosecution of which depended upon their support for the generals and the cause, and honours of various kinds, mostly to their leading men. Fifth, the assembly did not have more than one regular meeting per prytany throughout the Periclean era, and therefore could not rule in its own right. Further, it is far from certain

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[42] Rhodes 1972a: 17, 213.

[43] This is discussed in detail below, pp. 168-9.

[44] Above, 70.

that it met that often: Thuc. 2.22.1 relates that during a Spartan invasion of Attica in 431, Pericles, necessarily in conjunction with the boule, called neither an assembly nor a special meeting of the people, as he could see the Athenians were led astray by their anger. In sum, the evidence suggests that the Periclean demos did not assemble of its own volition, did not devise civil or military policies, and was not the central organ of government.

Plutarch commenced his review of Pericles' political activity with the programmatic statement, 'Thucydides describes the *politeia* of Pericles as rather aristocratic - "in name a *dêmokratia*, but in fact rule by its first man." But many others say that the demos was first led on by him ..., becoming luxurious and wanton .... Let us therefore examine in detail the reason for this change in him [from demagogue to leader]' (*Per*. 9.1). From when does this change date? It was due to his introduction of public pay that Pericles was held by several sources to have led the demos astray, and it was noted above that if *A.P.* 27.3 is right, this should be dated to 452-450.[45] It was as an ambitious populist that he was opposed by Thucydides from 449 (*Per*. 11.1-3). Pericles thus played the demagogue in the mid-fifth century and wielded great influence, but he was not yet established as a reputable leader. Plut. *Per*. 18.2 records the failure of Pericles' opposition to Tolmides' advocacy of Athenian intervention in Boeotia in 447. It was this opposition which, in the aftermath, brought him great reputation for his discretion and patriotism (18.3). Yet regardless of this and of his earlier attested activities,[46] he had not yet established the authority he was later to wield. It was only after the ostracism of Thucydides in 443 that the rift in the state was healed, and that Pericles no longer needed to court popular favour (15.1).

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[45] On the detrimental effects of pay cf. *A.P.* 27.4; Pl. *Gorg*. 515e; Arist. *Pol*. 1274a5-9; on the date of its introduction, see above, p. 94.

[46] Conveniently summarized in *OCD*, s.v. 'Pericles'.

Thucydides remarks at 2.59.2 that after the second invasion of Attica (for forty days at the end of 430), the Athenians found fault with Pericles and wanted to come to terms with Sparta; 'indeed, they sent ambassadors to them, but did not succeed in their object'. Gomme wrote of this that

> 'perhaps nothing makes more clear the reality of democracy in Athens, of the *control of policy* by the ekklesia, than this incident: the ekklesia rejects the advice of its most powerful statesman and most persuasive orator, but the latter remains in office, subordinate to the people's will, till the people choose to get rid of him. The latter action equally well shows the ekklesia's control of the executive'.[47]

From another perspective, however, the dispatch of ambassadors could equally have been arranged by the boule, within whose province this activity fell.[48] The passage does not prove that the assembly controlled the 'executive'. It is an assumption by moderns that the assembly was involved in this business, and it may be wrong. Further, Gomme's position is much too severe. Opposition to Pericles' policy may equally well have originated in the boule; in any event, if the question of the dispatch of ambassadors did go before an assembly, probouleusis will have applied. Lastly, Gomme did not address the sequel: seeing that the Athenians were still angry, and after the ambassadors had proved unsuccessful, Pericles 'called an assembly (for he was still general), wishing to hearten them', and did succeed in persuading them in favour of his war policy (Thuc. 2.59.3, 65.2).[49] One may therefore disagree with Gomme that this passage demonstrates control over the state by the assembly.

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[47] Gomme et al. 1945-81: II. 166.

[48] See Rhodes 1972a: 43.

[49] Notwithstanding that they fined him; for they soon reinstated him as general and put 'everything' into his hands (2.65.3-4).

The influence of Aristophanic comedy on the reconstruction of the Athenian legal system has been remarkably strong. In addition to providing 'evidence' of a panel of 6000 jurors, it has supplied eager scholars with 'evidence' of the number of courts,[50] the number of days that they sat,[51] the means of allocation of jurors among them,[52] and the poverty of the average juror which fuelled his attendance.[53] Yet there is reason to tread with care: Davies cautioned that the orthodox picture of a large fifth-century retail market is derived principally from Aristophanes, but that there is 'notably little fifth-century evidence' of market buildings to support it.[54] Some review of the matter is warranted.

Wycherley held that 'the democratic courts were a dominant element in Athenian life in [this] period, and one might have expected to find buildings especially designed and handsomely constructed in keeping with their dignity, but in fact arrangements remained simple and even makeshift'.[55] There is no archaeological evidence for a plurality of law-courts in this era; the belief that courts 'met in stoas and other buildings not designed for the purpose or in an unroofed enclosure' has been derived from Aristophanes (*Wasps* 1107-9).[56] In *Wasps*, the chorus sings that the Athenians swarm together: 'some sit where the archon

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[50] For example, Hignett 1952: 219 and n.2 argued from *Wasps* (119-20, 1108-9) that there were at least five courts operating by 422.

[51] Hignett 1952: 219 accepted from *Wasps* 661ff that the courts sat for at least 'the greater part of the year'.

[52] Harrison 1968-71: II. 45-6 and 239-41; cf. Sealey 1987: 59 and nn. 14-6.

[53] Jones 1957: 55, 'in the juries the poor no doubt predominated'.

[54] Davies 1992b: 302.

[55] Wycherley 1992b: 212; cf. 1978: 53-4.

[56] The quotation, Wycherley 1992a: 195. In 1957: 147 he observed that *Wasps* is the only evidence for fifth century courts other than the heliaia and the court of the Eleven. For the lack of any certain archaeological evidence for any court building before ca 400, Thompson and Wycherley 1972: 59.

[tries cases], some with the Eleven, some in the Odeion, some by the walls'. The context is that the jurors live off tribute (1100), and there is little basis to take these references to courts - assuming for the moment that they can be taken literally in a play which pillories the litigiousness of the Athenians - to apply before the consolidation of empire.

According to Hignett, 'Aristophanes calculated that on average the dikasts were actively employed in the courts for 300 days of each year'. While professing to allow for exaggeration, he held that 'jurymen must have been prepared to neglect their normal occupations for the greater part of the year'.[57] This 'calculation' actually comes from a scholiast to *Wasps* 663, who Hansen held to be 'undoubtedly right in his explanation that Bdelycleon arrives at the sum of 150 talents by assuming that 3 obols are paid out to 6000 jurors on 300 court days'.[58] This may be so, but it furnishes no support for any of these figures. From a study of the calendar, Hansen showed that if the courts were not convened on assembly, festival, or unlucky days, the courts could not have sat for more than 200 days per year. Conversely, he argued that because four fourth-century epigraphical references attest a court meeting on a monthly festival day, there must have been no other 'free' days in the week, and therefore the courts must have sat for at least 150 days per year.[59] This is a highly contentious and inconclusive postulation. It also ignores Hesychius, who records that 'lawsuit months were those in which cases at law were tried',[60] and shows that courts did not sit throughout the year.

The only 'evidence' for the means of allocation of jurors between courts in the fifth

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[57] Hignett 1952: 219 and n.4, citing *Wasps* 661ff.

[58] Hansen 1979: 243.

[59] Hansen 1979: 245-6.

[60] Hesych. *Lexicon*, s.v. '*dikasimoi mênes*', cited in Edmonds 1957-61: II. 25.

century is derived from Ar. *Wasps* 303-6 and 1107-9.[61] In the first passage, a boy wonders what the family will eat 'if the archon declares that the court won't sit'. It is worth noting that the reference is in the singular. Since the heliaia was presided over by the thesmothetai,[62] it may be that this is the court which is meant. The second passage, already cited, says that the jurors swarm to the courts. Yet neither passage says anything about the means of allocating jurors; that hypothesis has resulted solely from an unsupported conviction that because the jurors were swarming to the courts, their panels must have been allocated in advance (and on an annual basis).[63]

The belief that juries were predominantly composed of the poor is derived (other than from Aristophanes) from *A.P.* 27.4, which says that 'some people allege that it was as a result of [the institution of pay for judges] that the courts deteriorated, since it was always the ordinary people (*hoi tuchontes*) rather than the better sort who were eager to be picked for jury service'. All that can be said from this is that to some writers the introduction of pay, for jurors in such courts as there were, started a trend towards the expectation of pay for public service. There are no grounds to date these consequences to the mid-fifth century. It bears stressing that the introduction of jury pay says nothing about the size of the courts. Scholars seem frequently to have assumed that the existence of one supports the extent of the other, and to have assumed a role for the courts from the mid-fifth century for which there is no corroborative evidence.[64]

What is securely known of the mid-century legal system? Before 462 there were two

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[61] Harrison 1968-71: II. 239-40.

[62] Wycherley 1957: 146. Hignett 1952: 219 took it to indicate still another court.

[63] See Harrison 1968-71: II. 239-40.

[64] Ober 1989: 8, for example, argued that jury pay 'effectively established the masses as

courts, the Areopagus (for homicide), and the heliaia which could in *A.P.*'s day be composed of up to 1500 jurors (68.1).[65] The Odeion was completed by 443 and was used as a court on some occasions in the fourth century,[66] so the Aristophanic reference probably does show that it was used in the fifth, although it does not permit guesses about its size or frequency of operation. The heliaia and the Odeion - if the latter was used as a court before 429 - may constitute the full extent of the Periclean courts which operated with empanelled jurors and, as noted, they met only on 'lawsuit months'.[67] Nothing can be gleaned from Aristophanes' reference to 'the walls'; he may be joking that litigious Athenians were ubiquitous: at least in the early years of the war, Athens was so crowded that people were living 'in the towers along the walls' (Thuc. 2.17.3). Courts were attended by crowds of spectators;[68] perhaps it is these as well as jurors *per se* that Aristophanes has in mind.

A law of 453/2 created ('again') thirty deme-judges (*A.P.* 26.3). These seem to have remained in existence as circuit judges until after the overthrow of the Thirty at the end of the fifth century, after which they were stationed in Athens and heard cases involving less than ten drachmas (more than a week's pay for a hoplite[69]) or where arbitrators had been unable to obtain a resolution (*A.P.* 53.1-3).[70] There is a reference to a polemarch's court in

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the legal judges of all citizens' behaviour' from at least the 440s.

[65] Above, 91; cf. Wycherley 1957: 145-6.

[66] Pickard-Cambridge 1946: 1 n.1 (date); [Dem.] 59.52-4; cf. Wycherley 1957: 147.

[67] Rhodes 1972a: 205 n.1 doubted that Philochorus (*FGrH* 328 F 64b) was right to credit Ephialtes with the creation of a board of *nomophylakes*.

[68] Wycherley 1957: 146 for references; he noted that 'in the orators the usual phrase is "standing around outside"'.

[69] For military pay of 1 dr. per day in 424 and 415, Thuc. 3.17.4 and 6.31.3.

[70] Hignett 1952: 219.

ML 31.9-10 (460-450?), but Meiggs and Lewis noted that the emphasis on the role of the magistrate probably indicates a polemarch's tribunal in which he gave judgment himself, rather than a court.[71] Lastly, there was the Parabyston attested by Harpocration, but he explicitly states that it was the Eleven who tried cases there.[72]

There are several indications that the expansion of the court system took place only in the 420s. In the first place, Aristophanes' lack of substantial concern with the jurors in earlier plays suggests that he has found a relatively recent target. *Wasps* was produced in 422; the tightening of tribute collection around 425/4, discussed in Chapter 3, would fit well with Aristophanes' comic references to the jurors seeking to live off its fruits in giving a new emphasis to the courts around this time. Secondly, if ML 69.16 is to be restored to read '1000 *dikastai*', the decree indicates the establishment of a new and large court in 425/4.[73] It was probably in this same year that Cleon raised the rate of jury pay from two to three obols.[74] Third, Hignett noted that it was only in the last two decades of the century that court speeches began to be published,[75] which suggests a stronger interest in forensic matters. Finally, Marr noted that the rise of legal sycophants dates from the 420s.[76] The evidence combines to suggest a substantial development of the courts in the period after the death of Pericles.

It is a commonplace that there were a vast number of officials employed from the

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[71] Meiggs and Lewis 1969: 68; they date it 469-450. Hignett 1952: 397 argued well that it should be dated to the 'early fifties'.

[72] s.v. *Parabyston*, 'in which the Eleven tried cases'.

[73] Cf. Ostwald 1986: 75 (ML 69 = *IG* I^3 71).

[74] So Ostwald 1986: 223.

[75] Hignett 1952: 3.

[76] Marr 1983, n.9.

public purse by the mid-fifth century; to cite the recently revised *Cambridge Ancient History* once more, 'unless most of these citizens had been willing to exercise their rights the mechanism of government would have ground to a halt'.[77] This conception rests principally upon *A.P.* 24.3

> 'In accordance with Aristeides' proposal, they provided ample maintenance for the many, so that from the tributes, the internal levies and the allies, more than 20,000 persons were maintained. For there were 6,000 jurors; 1,600 bowmen, 1,200 cavalry; the Council of 500; 500 dock-guards and 50 guards on the Acropolis; about 700 officials at home and about 700 abroad. In addition, when later they went to war, there were 2,500 hoplites, 20 guard-ships, and other ships carrying the tribute, that is 2,000 [crew-] men appointed by lot. Finally, there were the Prytaneion, the orphans and the jail-keepers. All these received maintenance from the state'.

There are grounds for caution in addition to the points made about this passage in Chapter 3.[78] Finley noted that regular pay for public office is not attested for any other Greek city.[79] It may be that the 1,400 domestic and external officials were not paid throughout the year, regardless that they held an annual office. Of the above categories of men, neither the jurors nor the military forces utilized 'when they went to war' received payment throughout the year. *A.P.* refers to those who received public money; he does not state that it was perennial.

Further, if Kallet-Marx is right that the 'money-collecting ships' attested by Thucydides between the years 430/29-424 are performing extraordinary collections, distinct

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[77] Rhodes 1992b: 87; Davies 1992b: 295 dated 'the advent of large-scale public pay' to the 460s and 450s; cf. Hignett 1952: 223, under the 'radical democracy', 'the new boards [of officials] were so numerous that the duties assigned to each could be restricted in range and carefully defined'.

[78] Above, 136-7.

[79] Finley 1985a: 86; he held that Athenians received extensive payments from public funds.

from a regular tribute,[80] there is reason to associate *A.P.*'s reference to tribute, taxes and

allies[81] with a time in which tribute was distinct from other moneys gained from the allies,

and so possibly with these years of extraordinary collection rather than in the mid century.

Lastly, even when the empire had broadly developed - which, as argued, was not until the

late 430s - there were not boards of Athenian officials in every subject city. Meritt pointed

out that the Decree of Klearchos shows that 'provision is there made for enforcement by

local officials in those cities where no Athenian archons were in residence'.[82] There is thus

reason to concur with Frisch that the passage relates, not to events in the time of Aristeides,

but with the era of the Peloponnesian War.[83]

To be sure, there is a plurality of officials, both individuals and boards, attested for

the fifth century,[84] but there seems little to compel the view that most of the citizens spent

most of the year in activity connected in some way with official state business. Such boards

of officials as there were appear in most cases to have been supervised directly by the

boule.[85] Rhodes accepted from literary evidence that 'it seems fair to conclude ... that the

boule was regarded as generally responsible for the financial well-being of Athens'.[86] The

idea that the affairs of Athens were in the hands of an active and politically conscious

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[80] Kallet-Marx 1993: 136-7, re. Thuc. 2.69.1, 3.19.1, 4.50.1, 4.75.1.

[81] To Rhodes 1981a: 300, the list 'reads oddly', but there may be a reason for it.

[82] Meritt et al. 1949-53: III. 145.

[83] Frisch 1942: 193; cf. above, 137, that *A.P.* 24.3 covers events from ca 478-420.

[84] For the various of civil and religious officials, Develin 1989: 7-22. A number of these are attested only in the fourth or the late fourth century.

[85] Rhodes 1972a: 123 (re. I^2 84.38-9, the boule seems fully responsible), 124 (re. ML 44.5-8, it supervises the *poletai*), 125 (it appears to have supervised the *epistatai*). His 'clearer evidence' from the fourth century for the popular election of *epistatai* (125) is dependent upon inscriptional restoration. The secretary of the boule was a *bouleutes* until 368/7 (135).

citizenry has a certain appeal, but this review of the evidence as it impinges upon the central political institutions has suggested that there is reason to doubt that such a view can be sustained for the politics of the Periclean era.[87]

The idea that most citizens were politically active is ubiquitous. Hansen, for example, contended that 'it must have been the work of metics, slaves and women that enabled so many Athenian citizens to have spare time left for participation in politics and to realize the democratic ideal, i.e. that all citizens participated part-time in politics and received political pay as compensation'.[88] Metics worked to support themselves and paid a metic tax for the privilege of being able to live in Attica;[89] it is not at all clear how their labour, performed in their own interests, would make any difference to the ability of Athenian citizens to participate in politics.

Sinclair held that 'somewhat more than half of the Athenians owned a slave or slaves', and, although he accepted that slavery 'did not relieve most Athenians of the need to work with their own hands', he continued to insist that slavery 'gave most citizens sufficient leisure to participate in public life'.[90] Davies held that 'agricultural slavery ... gave peasants the leisure to exercise their political rights', but at the same time he calculated that 'an average slave cost the equivalent of seven month's wages for a skilled man'.[91] It would seem doubtful from this that hoplite farmers could generate sufficient wealth to own even one

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[86] Rhodes 1972a: 89.

[87] It will be argued in Chapter 5 that this conception properly belongs to the fourth century.

[88] Hansen 1987b: 123.

[89] *OCD* s.v. 'metics'; in turn they were paid for military service.

[90] Sinclair 1988: 199.

[91] Davies 1978: 101-2. Sinclair 1988: 199 noted that the median price of slaves has been calculated at 157 drachmas in 414; hoplites were paid 1 dr. per day in 415 (Thuc. 6.31.3).

slave, for a man would have to generate the purchase price of a slave in disposable wealth over and above what he and his family had to generate to support themselves.

Did the work of women permit the citizen to lead a public life? Sinclair suggested that it did, but in the same book he also recognised that 'most farmers probably had to work their land themselves, assisted by their family, by slaves, or, at harvest times, also by their neighbours or by hired help'.[92] This would suggest that the leisured who were available for political participation were relatively well to do. The neighbours mentioned here were most likely farmers themselves, and could probably do little to directly help each other during seasonal harvests, at least until their own crops were gathered. Aristotle wrote that 'those without wealth, not having any slaves, are obliged to use their women and children as servants' (*Pol*. 1323a5-6; cf. 1252b12). Both women and men work in the fields in contemporary Greece and in other agricultural societies, and it is asking a great deal to accept that most Athenian citizens lived a life in which the wives managed the household and slaves worked the fields in order that the men could exercise their civic rights.[93] In sum, there is reason to doubt the view that there was such a massive degree of political participation under Pericles as is conventionally held. But there is also reason to suspect that civic participation increased after the death of Pericles, as *A.P.* states.

According to *A.P.*, it was under the constitution introduced by Ephialtes that 'the greatest mistakes were made by the nation under the influence of the demagogues and for the sake of the rule of the sea' (41.3). But because *A.P.* regarded the *politeia* from 462 to 411 as one constitutional period, it must be considered from when he held that these mistakes

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[92] Sinclair 1988: 196, 198. 'For those citizens who did have sufficient leisure and those for whom state pay made participation possible ... the work of women was a critical factor in providing the opportunity to share in the life of the polis' (196).

[93] Xenophon's 'gentleman-farmer' is extremely wealthy (*Oec*. 11.19).

occurred. At 27.1-2 he records how the *politeia* 'became more populist':

> 'Pericles took away some of the powers of the Areopagites and above all turned the polis in the direction of naval power, so that the many grew confident and increasingly attracted to themselves complete control of the *politeia*. ... During the [Peloponnesian] war the demos was shut up in the city, grew accustomed to earning stipends on campaign, and - partly intentionally, partly not - chose to administer public affairs themselves'.

The text indicates that it was not before the outbreak of the Peloponnesian War that the demos acquired control over public affairs. Similarly, Thucydides records that 'under Pericles the state was wisely led and firmly guarded', and, although it was called a *dêmokratia*, it was in fact a government administered by the first man. By contrast, Pericles' successors '*even offered the conduct of affairs* to the whims of the people' (2.65.5, 9-10). Both sources concur that the conduct of affairs was not offered to the whims of the people under Pericles. Moreover, Saxonhouse has stressed that 'nothing in Pericles' speech suggests that *dêmokratia* entails power in the hands of "the whole people." It is, rather, "*administration* [with] respect not to a few, but to the multitude' (emphasis added).[94] That is, Thucydides' text neither attests nor implies that the Athens of his day was a participatory democracy.

It is further worth noting that, as Sealey emphasized, Pericles' words can be read as critical of rather than as praise for the *politeia*: 'Perikles cannot disclaim the name *dêmokratia* for the Athenian constitution, to which it has stuck, but he insists that the constitution has great merits in spite of its name'.[95] Scholars frequently translate the word 'demos' as 'democracy', assuming the existence of a direct democracy, and implying that

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[94] Saxonhouse 1993: 487.

[95] Sealey 1987: 102.

that is a good thing.[96] But there may be other connotations. Burkert, for example, observed that there was 'a move to accord worship to Demos by the mid-fifth century'.[97] This says nothing about what the worship signified: because of the extensive acceptance of a particular image of Athenian politics, it is easy to construe it as indicative of worship of 'the people' and so for a participatory democracy; but it may be no less easy to think of it as indicating adulation for Athens' large and relatively open council structure.

There are several indications, in addition to the evidence for the late development of the courts discussed above, that it was only after the death of Pericles that Athenian politics became significantly populist. Kallet-Marx has argued from Thucydides that Pericles' financial acumen was accurate, and that a period of poor financial management commenced after Pericles' death under the demagogues.[98] It is worth testing whether these matters coincide. Thucydides relates that Pericles' successors 'offered even the conduct of affairs to the whims of the demos' (2.65.10). Two other sources detail what that involved. *A.P.* records that 'while Pericles was *prostates tou dêmou* the *politeia* was not in too bad a state, but after his death it became much worse'. Cleon succeeded Pericles as the champion of the demos; it was he 'who more than anyone else corrupted the demos by his wild impulses', and after him there was 'an unending succession of demagogues whose chief desire [was] ... to gratify the masses, looking only to considerations of the moment' (*A.P.* 28.1, 3-4). More than influence over affairs, some form of pandering is implied.

This is confirmed by Plutarch, who relates that it was after the death of Pericles that

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[96] See e.g. Warner's translation of *Thucydides*, passim.

[97] Burkert 1992: 260. Parrhasius painted a picture of the Athenian demos, Sen. Contrav. 10.5.34; Pliny HN 35.69.

[98] Kallet-Marx 1993: 117-9, cf.150.

the demagogues gradually increased Athens' revenues from 600 to 1300 talents, 'not so much because of the length and fortunes of the war but because they themselves led the demos off into the distribution of public moneys for spectacular entertainments, and for the erection of images and sanctuaries' (*Arist*. 24.5).[99] The poor financial management does seem to have an explanation over and above the costs of the war which Pericles had accurately estimated, provided that the Athenians heeded his advice. They did not do so: under his successors, they adopted poor measures, both with respect to the war 'and in other things which seemed to have nothing to do with the war, through their love of honour and private gain' (Thuc. 2.65.7). By 424 Aristophanes could portray Cleon in *Knight* as a slave in the house of Demos, lording it over his fellow slaves, the generals Nicias and Demosthenes. Possibly in the same year as his *Wasps* (422), Eupolis' *Cities* laments that the Athenians now 'choose for generals men who of old would not be fit for wine-inspectorship'.[100] These sources testify to Thucydides' estimate of Athens' affairs.

To this point, I have argued that the institutions of mid-fifth century government were not in the hands of the people as conventionally understood. The state was run by the boule, and the further development of populist institutions came later, with the consolidation of imperial rule under the demagogues after Pericles' death.[101] The argument has aimed to contest the view of 'Athenian democracy' typified by Stockton, that its 'broad shape' 'remained the same from the middle of the fifth century to the final quarter of the fourth'.[102] With this in mind, I turn to the major constitutional changes towards the end of the century.

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[99] Isoc. 8.75 also speaks of the significant change in the leadership of the Athenian state as the time of Hyperbolus and Cleophon, and so after the death of Pericles.

[100] In Athenaeus 452ab; the date, Edmonds 1957-61: I. 387.

[101] On the empire, Chapter 3 above, following the work of Mattingly.

After news of the failure of the Sicilian expedition reached Athens in 413 and the city was in a state of panic, ten *probouloi* were elected.[103] *Probouloi* are described by Aristotle as a check on the council, and this body existed down to and supported the establishment of the 400 in 411 (*Pol*. 1299b36f; *Rhet*. 1419a28). Although Gomme et al. noted that Ar. *Them*. 808-9 'speaks of the councillors of 413/2 handing their functions over to others', they held that 'it is not clear how the functions of the two authorities were distributed'.[104] Rhodes held that their appointment 'was presumably of indefinite duration',[105] so the same men may have remained *probouloi* from late 413 until the 400 were established. It seems from Aristotle's explanation (*Pol*. 1298b27ff) that the probouletic function of the Council was usurped by the *probouloi*, notwithstanding that he explains the function of *probouloi* in the context of remarks on oligarchies.[106] This would place the

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[102] Stockton 1990: 52.

[103] Thuc. 8.1.3; cf. Fritz and Kapp 1950: n.87.

[104] Gomme et al. 1945-81: V. 6, cf. 188. Stockton 1990: 146 contended that the *probouloi* 'must have superseded the prytaneis on the steering committee of the boule'.

[105] Rhodes 1981a: 373.

[106] De Laix 1973: 32 claimed that *probouloi* acted 'in concert with the boule and not independently in devising measures', based solely on Ar. *Lys*. 1011-2 (*phrasô*, 'advise'). This ignores the authority implied by these lines; elsewhere, at 421-2, the *proboulos* is to take money for oars from the treasury, and at 980-1012 he is the sole contact for a Spartan herald who has come to address the 'gerousia or prytaneis' (cf. Rhodes 1972a: 217). Although De Laix allowed that *probouloi* may have controlled critical state functions (33 and n.105), he maintained that they were a 'sub-committee' and 'standing steering committee' of the boule (which sits ill with their independent appointment), and denied that there was 'any basis' for the belief that they held 'a veto power at any time'. He dismissed as 'confused' an inconvenient statement (Bekker, *Anecdota Graeca* I.298) that the *probouloi* 'convened the boule and the demos', recommending emendation to replace '*probouloi*' with '*proedroi*' by parallel with other lexicographers, which would 'obviate any need to infer probouleutic or convening powers for the probouloi on the basis of the *Anecdota* passage' (32 and nn.100-1, 104). He argued that Arist. *Pol*. 1298b27ff, adduced above, was concerned solely with oligarchies (69), but the institution of *probouloi* per se is defined at *Pol*. 1299b31, 35 as 'not democratic' but 'necessarily oligarchic'; cf. 1323a8.

probouloi in control of the assembly. Consequently I suggest that the orthodox image of an assembly-driven state should be suspended from late 413. It was probably also about this time that the boule lost some of its financial functions to a newly created board of *poristai* ('Providers') which may have continued in operation to 405.[107] That is, from late 413 to the establishment of the 400 in 411, Athenian politics was conducted under the close oversight of a body of ten *probouloi*, though its constitutional structure remained unchanged.

The overthrow of the *dêmokratia* by the 400 occurred in the following way. Alcibiades, still exiled from Athens, had been for some time intriguing with the Spartans, but they grew distrustful of him. He fled to Tissaphernes, hoping that his perceived influence there might lead to his recall to Athens. His assurances that Tissaphernes and the Persian King would support an oligarchic Athens against Sparta induced the principal Athenian naval and army figures at Samos to seek his return by suppressing the Athenian *dêmokratia*. The plan spread from Samos to Athens, where it won over the 'most powerful' of the Athenians. Active support for the overthrow of the constitution was sought from 'the clubs that already existed in Athens for mutual aid in lawsuits and elections'. Despite initial hostility, the idea was accepted by an assembly at which 'the many' (*hoi polloi*, *A.P.* 29.1) were persuaded that it was their best hope and Peisander, the principal advocate, departed to negotiate with the Persians and Alcibiades. In the interim, a body of thirty men were chosen to draw up proposals for the salvation of the country (*A.P.* 29.1-4; Thuc. 8.45-48.3, 53-54.4, cf. Ps.-Lys. 20.16). I thus identify the assembly of *A.P.* 29.1-4 with that of Thuc. 8.53f.[108]

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[107] Stockton 1990: 146.

[108] Concerning the various assemblies discussed here, I equate *A.P.* 29.1-4 with Thuc. 8.53f; *A.P.* 29.5-30.1 with Thuc. 8.67.1; and *A.P.* 32.1 with Thuc. 8.67.2 at Colonus, *contra* Rhodes 1981a: 364-5. Rhodes observed that the identification of the assemblies had 'occasioned difficulty'; since, however, 'it is clear that *A.P.* must have used Thucydides' account' (1981a: 363), the difficulties ought not to be insurmountable. I base my view on a

It was during Peisander's absence that a definite program for a severely restricted citizen body of five thousand was made public (Thuc. 8.65.3; *A.P.* 29.5). *A.P.* 29.5 in conjunction with 30.1 confirms that such a body was advocated by the leaders of the 400 both prior to and at the beginning of their rule. The proposed body was a far more select group than the hoplites, and comprised 'those best qualified to serve with wealth and their persons' (Thuc. 8.65.3); 'those most able to carry out liturgies with their persons and property' (*A.P.* 29.5). Nevertheless, this body was never formally constituted as an empowered group (Thuc. 8.65.3, 92.11; *A.P.* 32.3) and therefore its constitutional agenda (*A.P.* 30.2-6) is historically irrelevant. Harris wrongly claimed that [Lys.] 20.13-4 shows that the formal selection of the five thousand took place, although he owned that *A.P.* 32.3 does read that they were never actually chosen during the rule of the 400.[109] This is confirmed by the observation of Thuc. 8.93.2, that the 400 later promised to make the evidently unknown names of the five thousand public. It follows that *A.P.* 32.3 means no more than that the five

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rejection of the orthodox subdivision of *A.P.* 29 into parts 1-3 and 4-5. Section 29.2-3 says that a committee of thirty men should be elected; 29.4 says what that body did when elected. Sections 29.1-4 together record the assembly at which Pythodorus' motion was put and the consequences of that motion.

Section 29.5 relates what the committee subsequently did: 'after this', that is, after the events related previously, 'they laid down the following principles', which include the proposal for a ruling body of five thousand; and while 30.1 records that these proposals were ratified, it implies that they were ratified by an already restricted group ('When [they] had been ratified, the five thousand elected from their own number...'). Together 29.5-30.1 record the assembly which took place upon Peisander's return to Athens. Hignett's point, that news of the breakdown in the negotiations with Persia would have reached Athens during the three months before his return (1952: 363-4) is no obstacle: by that time Athenian negotiations with Sparta rather than Persia had become the central issue. Persia had become less significant over that same time, letting the Greeks fight a war of attrition against each other and avoiding involvement itself (Thuc. 8.46, 70.2, 82.3-83.3, 87.4).

A.P. (32.1) and Thucydides (8.67.2 with 8.69.1) both record the ratification at the Colonus meeting of the decision to displace the Council with the 400.

[109] Harris 1990: 262-3. [Lys.] 20 refers to a list drawn up under the 400 - see 20.16.

thousand as a collectively titled body was what was chosen 'in name only'.[110]

Action was taken when Peisander returned (Thuc. 8.63.3). The Athenians had meanwhile been cowed by proponents of oligarchy, who had committed several murders, and the assembly and Council took no decisions or heard no speakers that did not come from the oligarchical interest. In an atmosphere of intense distrust, Peisander and his associates summoned an assembly which instituted a body of ten men with full powers, who were to draw up proposals for the best possible form of government (*A.P.* 29.5-30.1; Thuc. 8.67.1).[111] This meeting was followed later by the assembly at Colonus[112] which ratified the abolition of the *dêmokratia* and instituted a body of 400 to replace the Council and assume full powers (*A.P.* 32.1; Thuc. 8.67.2). On 'the day in question' (clearly not the same day as the assembly), the 400 with some hundred and twenty armed partisans entered the council chamber and expelled its members, paying them out for the remaining month of their office. When the rest of the citizens kept quiet, the 400 took up places in the council chamber (Thuc. 8.66-9, cf. Lys. 12.65; *A.P.* 32.1).

Harris argued from *A.P.* 30.1 and 32.1 and against Thucydides that the transfer of

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[110] Notwithstanding this, it does appear that the second assembly (*A.P.* 29.5; Thuc. 8.67.1) was composed of a more restricted group of citizens; this is implied by 30.1: 'When the proposals had been ratified, the five thousand elected from their own number...'.

[111] The body of thirty men elected before Peisander's voyage to Persia was a different group to the body of ten instigated by him on his return. *A.P.*'s body of thirty (29.2) were not appointed with full powers and their work was the compilation of general proposals for the salvation of the state, amongst which was most likely a restricted citizen body of five thousand. Thucydides' body of ten (8.67.1) were appointed with supreme powers specifically to draft proposals for the best possible constitution; they advocated rule by the 400 with full powers. The power of this later body of ten reflects the more desperate state of affairs which had evolved in Peisander's absence. I would suspect from Arist. *Rhet.* 1419a28f that they largely coincided with the *probouloi*.

[112] Also comprised of a restricted group, as the sequel shows.

power to the 400 was orderly and lawful.[113] The claim depends upon his belief that because 'the *plêthos*' ratified the changes the transition was essentially democratic. He recognized *A.P.*'s silence on the atmosphere of crisis and intimidation in which the people were prepared to entertain an oligarchical constitution, but discounted that aspect of the historical context as a determinative factor.[114] Thucydides, by contrast, expounds the context in some detail, making it clear that the initial persuasion of the demos had succeeded only because they maintained the belief that the constitutional change would not be permanent (8.54.1).[115] Although subsequent substantive political decisions appear to have been ratified by a restricted citizen body,[116] the expulsion of the Council of 500 by the 400 was what constituted the overthrow of *dêmokratia*.

Thucydides twice refers to the expelled council of 412/1 as the one 'chosen by lot' (8.66.1, 69.4). As this epithet was not applied to the council before this time by any source, I contend that this was the first council ever chosen by lot and that all previous Athenian councils since Cleisthenes had been chosen by election. I note that *A.P.* 32.1 records that the 'council selected by lot' for the following year (411/0) would have shortly entered office but for the coup. The eventual restoration of *dêmokratia* occurred late in 411/0.[117] A third piece of evidence, a decree from the first prytany of 410/9,[118] refers to its own date as being 'the first sitting of the Council chosen by lot' (Andoc. 1.96). Hignett took the wording of the

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[113] Harris 1990: 267-8.

[114] Harris 1990: 269-70.

[115] Rhodes 1981a: 405 also found no reason to dispute Thucydides' account.

[116] Above, 167, nn. 110-2.

[117] Andrewes 1992b: 484.

[118] Hignett 1952: 372.

decree to intend a distinction between that council and the previous council elected under the 5000.[119] This seems right: the decree could well have been regarded as inaugural given both that the first selection of the council by lot had occurred only once, two years previously, and had not completed its term; and that there had been considerable intervening conflict. In sum, for three consecutive years different sources appear to remark on the novelty of the use of the lot in selecting the Council of 500, and the practice is therefore likely to have commenced in the wake of the failure of the Sicilian expedition and under the supervision of the *probouloi*.

Little is known of the laws enacted by the 400, although under it the board of generals was empowered to hear denunciations and to make arrests. (These powers were the prerogative of the fourth-century Council down to 375.)[120] Concomitant with the institution of the 400 an investigation was proposed into the possible utility of the 'ancestral laws' (*patrioi nomoi*) of Cleisthenes. As *A.P.* 29.3 put it, the implication was that the constitution of Cleisthenes was not populist (*dêmotikê*) but similar to that of Solon. Nevertheless, Stroud observed that 'there is no evidence that the [400, once empowered] showed any further interest in the ancestral laws of Athens'.[121]

It was at the time of the rule of the 400 that an advocacy of a *patrios politeia* program first arose.[122] According to Fuks, the term *patrios politeia* was not applied to

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[119] Hignett 1952: 378. Rhodes 1972a: 217 wrote that under the 5000, 'the size of the boule ... reverted to five hundred', although Harris 1990: 264 claimed without evidence that it continued to comprise four hundred members.

[120] Hansen 1976a: 28, 31-2.

[121] Stroud 1968: 21.

[122] The call for an investigation of the *patrioi nomoi* at *A.P.* 29.3 is generally equated with a call for a return to a *patrios politeia* - Fuks 1953: 33; Rhodes 1981a: 376-7. But since *A.P.* and Thucydides (8.76.6) do not specifically mention a *patrios politeia* program in their

Athens' constitution before 411, and advocacy of it was concentrated over the years 411-404/3.[123] The term appears in a fragment of Thrasymachus in relation to events of 411, and states that although the *patrios politeia* was then a cause of contention, it was actually 'the possession which all citizens hold most in common', and its nature could be found out from the elder generation who had witnessed it.[124] This requires that it pertained to a lived but not immediate past; such a generational understanding would be consistent with the text of Plutarch where (if Fuk's interpretation is correct) the actions of Ephialtes 'are regarded as a change of the "ancestral constitution"'.[125] To Thrasymachus, therefore, the term implied a unified polity and might well have designated the Areopagite state before 462 but, as Fuks accepted, it is not identifiable with any particular political arrangement.[126]

Fuks showed that the terms '*patrios politeia*' and '*dêmokratia*' were not interchangeable,[127] and his own suggestion[128] that the term denoted 'democracy as it stood' for the democrats of 411 is consequently problematic. While it remains uncertain what the term did mean, the significant rift in Athenian internal politics developed from the dispute between Pericles and Themistocles which had introduced a division between those now named 'the many' and 'the few' (Plut. *Per.* 11.3). The 'elder men' to whom Thrasymachus refers could

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discussion of events in 411, only *patrioi nomoi*, I confine my discussion to the Thrasymachus fragment.

[123] Fuks 1953: 103.

[124] D.H. *Dem.* 3 (= *DK* 85 B1); the date, Finley [1971] 1986: 36.

[125] Fuks 1953: 8 (*ta tês politeias kosmon ta te patria nomima*, Plut. *Cim.* 15.1).

[126] Fuks 1953: 105. Later in the century, a *patrios politeia* program was distinct from that advocated by proponents of *dêmokratia* and *oligarchia* (*A.P.* 34.3).

[127] Fuks 1953: 47, concerning D.H. *Lys.* 34.

[128] Fuks 1953: vi.

have recalled events both before that rift (ca 450) and before 462; in either case, reference to a time well before the Peloponnesian War seems required by in his statement.

Walters denied that any conception of a *patrios politeia* was possible before the codification of Athenian law at the very end of the fifth century, which 'set the necessary preconditions of a historical perspective on past *politeiai*'. Before that time 'the notion of a written and concrete *politeia* defining the structure of the state was not possible', and the *patrios politeia* program was a hoax of fourth-century writers.[129] This is wrong: Willets showed that the Cretan Law-code of Gortyn dates to the first half of the fifth century and contains survivals of earlier codification. He further noted that 'legal codification has a prehistory which antedates the use of public records on stone'.[130] The search at Athens for the laws of Cleisthenes and the removal of laws concerning the Areopagus from the Acropolis (*A.P.* 29.2, 35.2), both events of 411, attest that laws existed which could be identified with different constitutional conditions. Walters' boast that 'one may search the pages of Grote's *History of Greece* in vain' for any mention of a *patrios politeia* program is less than helpful; it continues to replicate a fundamentally mid-nineteenth century image of Athens despite the recovery of *A.P.*.[131]

The 400 were deprived of their power 'by the demos' (*A.P.* 34.1).[132] The evident reason for discontent with the 400 is that they had repeatedly failed to obtain better conditions for peace from Sparta (Thuc. 8.71, 91.1; cf. Diod. 13.36.2-3). Delegates from the

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[129] Walters 1976: 131, 135.

[130] Willets 1967: 8.

[131] Walters 1976: 134. As Kenyon 1891b: xvi cautioned, 'so many eminently reasonable theories and conjectures are scattered to the winds by this ... addition to the ancient testimonials'; cf. McCoy 1975: 131-3, who rightly held that 'unless we can prove differently, what [*A.P.*] says ought to be taken seriously'.

400 were sent to Samos where the Athenian navy was temporarily based. Alcibiades told them that he had no objection to the government being in the hands of five thousand, but he demanded the end of the 400 and the reinstatement of the Council of 500. A majority of those comprising the 400 had become discontented with it, and when they heard of Alcibiades' involvement they organized into an increasingly open opposition, ostensibly to push for the institution of the 5000 but also, as they doubted that their regime would survive, to ingratiate themselves again in the eyes of the people (Thuc. 8.86.6, 89.2-4, 92.2f). Notwithstanding this change of heart by some, the 400 did not cede power but were forced out by a military opposition.

The regime of the 5000 which succeeded that of the 400 doubtless owed its ideological impetus to the earlier proposed body of five thousand which was never implemented. The hoplites from Piraeus held an assembly at which it was decided to march to the city, apparently to demand the publication of the names of the 5000, but at the Anakeion shrine[133] they were persuaded to disband until a later date. At that time, however, the city was thrown into 'the very greatest panic that had ever been known there' by the fall of Euboea to the Peloponnesians, which induced the Athenians to call 'the first of a number of assemblies. This met in the Pnyx where they used to meet before' (Thuc. 8.93, 96-97.1). Thucydides' phrase suggests that this was only the second assembly of any kind since that at Colonus which had instituted the 400 some four months earlier (as *A.P.* 33.2 confirms).

At this meeting 'the 400 were deposed and it was voted that power should be handed over to "the 5000", who were to include all who could provide themselves with a hoplite's equipment' (Thuc. 8.97.1). This may imply that there were less than five thousand at the

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[132] The sentence must refer to the 400, not the 5000 - Fritz and Kapp 1950: n.117.

[133] Southeast of the Agora - Wycherley 1978: 97.

meeting; certainly the idea that they should be drawn from the wealthier part of the citizenry, evidenced in the proposal for a ruling body of five thousand of several months earlier, is absent. The figure of five thousand has been thought low in regard to those who could supply their own equipment,[134] but this misses the point that these men comprised those of the hoplites prepared for armed confrontation with the 400 and their supporters. Those who individually opposed the 400 had been exiled, killed, or intimidated into acquiescence, making its overthrow difficult and dangerous ([Lys.] 20.8-9). It follows that only a determined show of force could have been effective against them. Reference to another list, of nine thousand men,[135] is irrelevant here as that list concerns an initial roll for the proposed body of five thousand which was drawn up under the 400 ([Lys.] 20.13, cf. 20.16).

Rhodes referred to the 5000 as an 'intermediate regime',[136] but this requires careful qualification. It is not to be associated with an 'oligarchical' constitution: to those who shared the outlook of the 400, rule by 5000 was tantamount to rule by the demos (Thuc. 8.92.11). On the other hand, there is nothing democratic about it. The hoplites who opposed the 400 were not in favour of a *dêmokratia*: Harris has ably argued that when the hoplites called for the 5000 to rule instead of the 400, what they feared would come into power was the demos.[137] The restricted citizen body of 5000 appears rather to reflect a specific form of constitutional arrangement, recognized elsewhere, in which political power was vested in the hoplite body (cf. especially Arist. *Pol*. 1297b1ff).[138]

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[134] Rhodes 1981a: 384.

[135] e.g. by Ostwald 1986: 398.

[136] Rhodes 1981a: 383.

[137] Harris 1990: 277-8, 280.

[138] This appears to be overlooked by commentators, who seem more concerned with exposing 'inconsistencies' in the ancient descriptions of constitutional forms (here Mulgan

After the 5000 were empowered, subsequent assemblies 'appointed *nomothetai* and other steps were taken for the drawing up of a constitution' (Thuc. 8.97.2). Harris claimed that the constitution given at *A.P.* 30.2-6 'purports to be [and was] the actual constitution put into practice after the downfall of the Four Hundred',[139] but this is not so. Not only are the two bodies, the earlier proposed five thousand and the later historical 5000, distinctively different in composition, as noted above, but it is clear from the above passage of Thucydides that a new constitution was not drawn up before the 5000 had come to power, only after which were *nomothetai* appointed to that end.[140]

Thucydides describes the 5000 as 'a reasonable and moderate blending of the few and the many', and says of the early period of this new regime that 'for the first time, at least in my life, the Athenians appear to have been well-governed' (Thuc. 8.97.2).[141] *A.P.* 33 notes that pay for office was abolished, and concurs that 'the Athenians seem to have been well-governed at this time when, in a time of war, government was in the hands of those able to serve with full equipment'. Gomme et al., *Commentary*, held that Thucydides' praise was most probably earned by Athens because of its military recovery: 'the contribution of the citizens at home was to have appointed the right men and allowed them to conduct their operations without interference'.[142] I concur with their basis for Thucydides' praise, but there is room to doubt that the 5000 were installed with the mass assent of the Athenian demos: the Pnyx meeting more likely comprised, as did the earlier meeting of the hoplites

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1977: 76f) which rather appear to stem principally from modern concentration on the polarization of 'democracy' and 'oligarchy' to the neglect of other *politeiai*.

[139] Harris 1990: 244, 258.

[140] cf. Rhodes 1972b: 118 and n.25.

[141] Trans. Finley 1972: 620 n.10.

[142] Gomme et al. 1945-81: V. 334. I speak of the authorship collectively.

from Piraeus, those capable of and prepared for armed confrontation with the 400 and their supporters. This interpretation would be consistent with the fact that the purpose of the 'subsequent assemblies' mentioned at Thuc. 8.97.2 was the formal entrenchment of a constitution premised on a restricted citizen body.[143]

It is most likely a consequence of their enthusiasm for 'the great days of Periklean democracy' that Gomme et al. seem piqued by Thucydides' high praise of the 5000. They suggest that he should be taken to mean that the 'initial period of this regime was *one of the periods* when the affairs of Athens were conducted best' (my emphasis), in vindication of the orthodox conception of the Periclean era, but elsewhere in their commentary it is clear that to Gomme et al., Thucydides does intend unqualified preference for the 5000 over all other Athenian regimes that he experienced.[144]

The rule of the 5000 lasted less than ten months; it came to an end towards the end of June 410, a few weeks after the Athenian naval victory at Kyzikos.[145] Hignett held that their overthrow was due to a general recovery of confidence by the demos after that victory.[146] Certainly military confidence was regained: the restored *dêmokratia* led by Cleophon refused a Spartan offer of peace for the exchange of Pylos and Decelia in summer 410.[147] At the same time, the victory had temporarily restored Athenian Aegean supremacy

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[143] Rhodes 1972b: 117-8 (cf. 127) argued similarly that the constitution of the 5000 was probably based on a hoplite assembly from which *thetes* were excluded.

[144] Gomme et al. 1945-81: V. 339, 338.

[145] Hignett 1952: 280; Gomme et al. 1945-81: V. 333 gave the length of the regime as 'at most nine months'.

[146] Hignett 1952: 280; so also Andrewes 1992b: 483-4.

[147] Ehrenberg 1973: 322 with n.102.

and eased its financial crisis:[148] the Athenians established a customs house in the Black Sea and imposed a ten percent tax on all ships going through the Bosphoros (Xen. *Hell.* 1.1.22). The first payment of the *diobelia* introduced by Cleophon was made in the third prytany of 410/9,[149] but there is no direct testimony that paid offices were immediately reintroduced.[150]

Rhodes held that the silence of the sources suggests that the transition from the 5000 to *dêmokratia* was 'comparatively smooth', but allowed that the truncation of Thucydides' narrative might be 'partly responsible for this silence'.[151] The restoration of *dêmokratia* occurred just before the end of the archon year 411/0, but despite the fact that the old archon and *hellenotamiai* finished the remaining weeks of their term,[152] the reinstated *dêmokratia* had features which differed significantly from the *dêmokratia* before 411 and indicate a major radicalization. The decree of Demophantes (in Andoc. 1.96-8) imposed a general oath to kill anyone attempting to overthrow the *dêmokratia*. Hignett plausibly thought it modelled on the oaths sworn by the Athenians in Samos at the time of the 400 (Thuc. 8.75.2).[153] Furthermore, soldiers who had remained in the city under the 400 were forbidden to speak in the assembly or serve on the Council from the restoration until the decree of Patrocleides in

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[148] Stockton 1990: 154; cf. Hignett 1952: 280.

[149] ML 84.11ff shows that the *diobelia* was paid once in the third, fourth and fifth prytanys of 410/9, and twice in the seventh; the amounts fluctuated widely, between one and some eight talents. Ostwald 1986: 424 noted that its purpose is not known, but claimed that it was probably a daily distribution. This must be wrong; on the basis of even ten thousand citizens, that would be in excess of a talent per day.

[150] Underhill 1900: 314-5 plausibly held that 'as the revenue continued to improve, the old system of payment for all offices little by little came once more into force'. He saw it as complete by 405, from an alleged Aristophanian complaint about jury expenses in *Frogs*; but the cited passages (141f, 1466f) are devoid of any reference to judicial matters.

[151] Rhodes 1972b: 126 and n.91.

[152] Ostwald 1986: 420; cf. Meiggs and Lewis 1969: 258; Gomme et al. 1945-81: V. 196.

[153] Hignett 1952: 280; the Demophantes decree is from the first prytany of 410/9.

405 (Andoc. 1.75-6).[154]

There are several indications that an unprecedented regulation of the boule by the assembly began at this time. With the restoration, a law prescribed that seats in the bouleuterion be assigned to the councillors by lot, presumably to prevent the formation of visible blocks of councillors.[155] A law regulating the activity of the boule (*IG* I³ 105) is also dated to 410/9.[156] Although the text is severely worn, it is accepted that it gave the assembly power 'to inflict heavy fines, to declare war and conclude peace, to impose the death penalty, and to have the final say in a number of other matters'.[157] Ostwald argued that the decree was a 'republication' of restrictions on the power of the boule from the period 501/0 - 462/1,[158] but there is no compelling evidence for this.[159] It would be more logical to read the

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[154] It would therefore seem that this restriction did not apply under the 5000; Ostwald 1986: 422 remarked on its divisive nature. Underhill 1900: 316 wrote that over these years, 'the prosecutions against those implicated in the conspiracy of the Four Hundred, which had been suffered to lapse after the punishment of the worst offenders, seem to have been revived, and to have gone on ... until the Amnesty of Patrocleides'.

[155] Philochorus *FGrH* 328 F 140; cf. Ostwald 1986: 418, who also suggested that it 'may have been part of a comprehensive law concerning the powers of the Council' (419).

[156] I³ 105 = I² 114. Hignett 1952: 13 took this text to indicate that constitutional laws in general were under review in 410.

[157] Ostwald 1986: 419.

[158] Ostwald 1986: 32, 38, noting that this view is generally shared. But for the very poor condition of the stone and the problems of interpretation, see Rhodes 1972a: 183 and n.7, 184; cf. esp. 196 and nn. 3, 5. Yet concerning Rhodes' discussion of two apparent instances of the boule transferring cases in which it was a hostile party to the demos (182), neither the trial of Cleophon nor that of the generals demonstrate that the boule could not condemn per se; both have the smell of 'show trials' about them.

[159] The case relies on a coincidental similarity between the 'archaic' phrase *aneu to demo to Athenaion plethuontos* ('without a full meeting of the Athenian people', otherwise unique) and two archaic inscriptions from Olympia. Ostwald 1986: 32 n.120 followed Lewis 1967: 132, who held that the stone 'was carved by a careful man transcribing a damaged original', but this does not show that any such stone existed. Rhodes 1981a: 198 found Lewis' explanation unconvincing. Ostwald 1988: 330 owned that the stipulation of a popular

text as asserting the authority of the demos - or perhaps, of the military - against the restrictions on citizenship which had applied in the preceding fourteen months, bearing in mind the comment dated to 411 under the 400, that no more than five thousand Athenians had ever assembled (Thuc. 8.72.1). At some time in the last decade (perhaps 407/6) the bouleutic calendar was brought into line with the lunar, archontic calendar.[160] The purpose of this change is unknown, but collectively the changes to the boule suggest that it was over the period 410-404 and no earlier that it may have lost a significant portion of its authority to an increasingly vociferous assembly.

It was probably in what proved to be the last four months of the regime of the 5000 that a revision of the laws was begun, which was continued under the same principal *anagrapheus*, Nicomachus, by the restored *dêmokratia*.[161] Ostwald suggested that the 'uncertain future' of the regime 'may have become obvious', necessitating 'provisions for a more permanent constitution',[162] but there is no evidence of instability in the regime before the battle of Kyzikos. In any event, a process of revision was maintained by the *dêmokratia* from 410 until the oligarchy of the Thirty in 404/3.[163] (Where Ostwald saw a board of *syngrapheis* active from 411, albeit with 'interruptions', Stroud doubted that a board rather

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vote before the imposition of a death penalty suits the events of 410 'but makes no sense for any other period in Athenian history, earlier or later'. Wade-Gery's enthusiastic publication of the stone as 'The Charter of the Democracy' (1932/3: 113) presumes what is far from certain; Ostwald 1986: 419 followed him in detecting a new bouleutic oath in lines 27-8 which he held important, but Rhodes 1981a: 196 showed that this is an uncertain reading and any such conclusion is unwarranted.

[160] Rhodes 1972a: 224.

[161] Ostwald 1986: 407, based on Lys. 30.2, which he reasonably held suggests the appointment of Nicomachus as an *anagrapheis* for four months was intended 'only for the remainder of the archon year'.

[162] Ostwald 1986: 408.

[163] Dow 1960: 271.

than one official was appointed as *syngrapheis*.[164]) Dow demonstrated from Lysias 30 and inscriptional evidence that Nicomachus' activity as *anagraphaeis* embraced both secular and sacred law'.[165] It follows from the above evidence that a significant transformation appears to have taken place in the political structure of Athens over the period 410/9-405/4, such that the relationship between Council and assembly was radically redefined.

In 406 a new fleet was built. Manned by 'all age groups and classes', it rescued Conon who was blockaded in Mytilene, and then defeated the Pelopponesian fleet near Arginusae.[166] Naval losses at Arginusae led to the trial in assembly of the commanding generals for failing to rescue survivors due to a subsequent storm. The proposal for a vote for capital punishment had been introduced by the Council and was evidently contrary to the laws; Xenophon records that when some attempted to oppose its motion for this reason, the mass of the assembly cried out that it was a terrible thing if the demos could not do what it wanted, and threatened those who opposed the proposal with the same capital charge (*Hell.* 1.7.4-13). The Council appears, at least here, to have fallen under the sway of the assembly, and, as Ehrenberg put it, 'democracy had degenerated into mob rule'.[167]

At least three thousand Athenian sailors were executed after their capture at Aigiospotami in 405,[168] which subsequently reduced Athenian opposition to Sparta. By November 405 Lysander blockaded Piraeus, and began to send all Athenian prisoners and

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[164] Ostwald 1986: 406; Stroud 1968: 27-8.

[165] Dow 1960: 271.

[166] Ehrenberg 1973: 327.

[167] Ehrenberg 1973: 328. While Stockton 1990: 158 apologized for the 'excesses' of the demos here, Roberts 1982: 162 wrote harshly that the generals 'did not exercise sufficient presence of mind in a crisis which ought to have been foreseen by experienced commanders'.

[168] Plut. *Lys*. 13.1; Paus. 9.32.9 gives four thousand.

cleruchs back to Athens to increase the demand on its resources.[169] Athens surrendered in 404 on Sparta's terms. It is attested that the boule met secretly in 405/4 (Lys. 13.21). Rhodes held that it was corrupt and oligarchically inclined,[170] presumably because many of its members served later under the oligarchy of the Thirty in 404/3 (Lys. 13.20). But secret meetings of the boule are otherwise attested,[171] and the boule's action might also be seen as a reasonable attempt to save Athens from annihilation.

After Athens' surrender to Sparta, the Thirty were installed by the assembly under pressure from Lysander. In total its rule lasted some ten months, of which the last eight were harsh.[172] The Thirty were allegedly appointed either to codify the ancestral laws (*patrioi nomoi*) as the basis for a new constitution (Xen. *Hell*. 2.3.2) or to implement a return to ancestral constitution (*patrios politeia*, *A.P.* 34.3, cf. 35.2, Diod. 14.3.2).[173] In any event, the regime did neither. The first two months of its rule was mild, although it appointed members of the Council of 500 and other officials 'as it saw fit' (Xen. *Hell*. 2.3.11).

There may have been an initial select group of one thousand from whom its officials were chosen (*A.P.* 35.1). As Kenyon saw, although this body is mentioned nowhere else, the

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[169] Hammond 1986: 417.

[170] Rhodes 1972a: 165.

[171] Ste.Croix 1963: 114, 115 and n.1.

[172] Xen. *Hell*. 2.4.21, cf. Hignett 1952: 383.

[173] Fuks 1953: 58 rejected (as did Hignett 1952: 285) that an ancestral constitution had been a condition of peace as it is unmentioned in other sources that deal in detail with the treaty, but this seems to miss the point. Lysander and Spartan troops were at the assembly in Piraeus at which Lysander forced the Athenians to accept the resolution appointing the Thirty - Hignett 287 and nn.3-7. It is therefore at least plausible that this brief was given to the Thirty at this time, regardless that it is not mentioned in connection with the treaty sworn earlier; Rhodes 1981a: 428 found it plausible.

text does not require emendation.[174] He thought that the one thousand may possibly have been a figure to which the papyrus' later group of two thousand (at 36.1) were an addition, although he doubted that this was so as an otherwise known body of three thousand are mentioned immediately afterwards (36.2). Rhodes inclined towards a proposed deletion which would render the one thousand as *prokritoi*,[175] but there is no other evidence to support that proposal. The possibility that there was an initial group of some one thousand partisans should therefore remain open. With respect to the composition of an initial core of support, most of the boule of 405/4 were reappointed in 404/3 by the Thirty[176] and - at least in the early period - they readily did its bidding (Xen. *Hell*. 2.3.2). According to Lys. 13.74, the Thirty and their boule had all been 'members of' - in other words, supporters of - the earlier regime of the 400.

Fuks noted that the powers of the Areopagus appear to have been restored, as the regime abolished the laws restricting its purview which had been set up by Ephialtes and Archestratus.[177] The Thirty engaged three hundred 'whip-bearers' as attendants (*A.P.* 35.1). Under the Thirty the boule was often used as a court; although the Thirty presided over its judicial sessions, a structure of bouleutic tribal prytanies seems to have been retained.[178] They abolished 'those of Solon's laws which were disputed', and put known sycophants on trial for their lives. It is insufficiently emphasized that to this point, despite their lack of action on recodifying the laws, the regime won great favour with the Athenians in general

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[174] Kenyon 1891a: 93n; 96n; cf. 1891b: 66 and note.

[175] Rhodes 1981a: 438.

[176] Lys. 13.20, accepted by Rhodes 1972a: 5 n.5.

[177] *A.P.* 35.2; Fuks 1953: 22.

[178] Rhodes 1972a: 30 with addenda.

(*A.P.* 35.3; Xen. *Hell*. 2.3.12).[179]

Plutarch records that the Pnyx was remodelled under the Thirty (*Them*. 19.4). This has been frequently doubted, for no more substantial reason than the association of the Pnyx with a radical democratic politics. Hansen, for example, held that the statement if correct should indicate no more than that the Thirty closed the Pnyx for rebuilding, but Thompson observed that 'the date provided by the ceramic evidence would readily permit a connection with the Thirty', and defended it against modern sceptics.[180] The Pnyx was above all a military assembly place, and the Thirty still needed to assemble and address the army. To date Pnyx Stage II to the period of the Thirty accords both with the rationale given by Plutarch (above), that it was reconstructed to look inland, away from empire, and with the Spartan ephors' directive that the Athenians were in future to keep to their own land (Plut. *Lys*. 14.4, cf. Xen. *Hell*. 2.2.20).

Problems surfaced when the Thirty began to see their rule as an ongoing proposition, and conducted extensive political killings and property confiscations.[181] They were eventually displaced by a restricted citizen body of three thousand which they themselves had established (*A.P.* 37-8.3), their rule having lasted some ten months.[182] These three thousand elected two successive boards of ten, the first of which closely followed the

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[179] Sandys 1912: 142 noted that Diodorus 'is the first writer who calls them *hoi tr. tyrannoi*' (14.2.4).

[180] Hansen 1987b: 12-3 (he dated the reconstruction ca 400); Thompson 1982: 139-40.

[181] There are chronological discrepancies between the two principle accounts, *A.P.* 35ff and Xen. *Hell*. 2.2.20ff, tabulated by Rhodes 1981a: 416-9. I follow Ostwald's defence of *A.P.*'s chronology against the more orthodox use of Xenophon, and accept his assessment that *A.P.*'s account 'seems to correspond more closely to historical reality' (484).

[182] The regime lasted from September 404 to May 403 - Ostwald 1986: 468, 490. It is not my purpose to reiterate the details of the resistance to the Thirty or the relationships between the persons involved; this is ably presented by Ostwald (484-96). I am interested only in the

policies of the earlier Thirty and included at least two of its senior adherents, and a second which, consisting of men of 'the highest reputation', was appointed when it became clear that the people en masse had taken the side of the men at Piraeus and Munichia; *A.P.* comments that in this way the basis for a reconciliation was laid while the city was in control of the second board of ten appointed by the three thousand (*A.P.* 38.3-4). The period under the two boards of ten lasted some five months, to October 403.[183]

In this chapter, I have aimed to demonstrate that there is sufficient evidence to support the ancient testimony in the view that over its successive constitutional changes, the Athenians did 'continually add to the power of the demos', and that the demos, through a series of distinct steps, moved incrementally towards the point where they 'made themselves masters of everything and [came to] administer everything through decrees of the assembly and decisions of the courts, in which they hold the power' (*A.P.* 41.2). Yet on this argument, the demos had not yet reached the position of power which *A.P.* accords it to have eventually attained. It is for this reason, I suggest, that *A.P.* lists the eleventh *politeia* as a distinct political structure in its own right. It came into being, as he says, 'after the return of the exiles from Phyle and the Piraeus, *from which date* it continued to exist until it reached its present form, all the time adding to its grasp of arbitrary power for the people'. Further evidence in support of this reading will be presented in the following chapter. While this view is not compatible with an orthodoxy which sees a direct democracy from the time of

overbracing shifts by which *dêmokratia* was again restored.

[183] On these events and dating, and a defence which vindicates *A.P.*'s second board of ten against sceptics, Ostwald 1986: 490-6. Although the Athenians later referred to 404/3 as a year without an archon, Pythodorus having been appointed archon by the Thirty (Xen. *Hell.* 2.3.1; Lys. 7.9 is exceptional), some still rued their passing. A posthumous memorial to Critias, one of its central figures, showed by personification Oligarchy setting a torch to *Dêmokratia* with the inscription, 'This is a memorial to good (*agathos*) men who for a short time kept the accursed demos of Athens from its hubris' (schol. Aesch. 1.39).

Cleisthenes which flowered most strongly in the Periclean era, it is, I contend, fully

compatible with the presentation of the sources given above, read from a position which

takes *A.P.* to provide a generally reliable political history.[184]

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[184] On historiography generally, Gomme et al. 1945-81: V. 337-8 is worth noting: 'Very few of those who appear in [Thucydides'] *History* are accorded so many lines of high praise as are given to Antiphon [orchestrator of the 400] at 68.1-2, and next to him among the persons of this drama is Phrynichos.... Yet Thucydides did not follow their line, but speaks his approval of the Five Thousand, who executed Antiphon and condemned Phrynichos posthumously: the independence of his judgement is nowhere more clearly attested'. There is much to be said for a Thucydidean impartiality but it is rarely attained, and many deny that it is possible - cf. e.g. Woodman 1988: 5. Woodman's major substantive objection against Thucydides' veracity is based upon perceived errors in the narrative of the plague (37-8), and he contended generally that classical historiography is 'primarily a rhetorical genre' and should be treated as literature rather than history (197). Against Woodman's dismissal of Thucydides on the plague, see the vindication by Sallares 1991: 244-58, esp. 253 *fin*; in vindication of Thucydides' historiography, see Fornara 1983a, esp. 106-7. I accept, following Fornara, that Woodman might (and does) legitimately assail much Roman historiography as subordinating fact to purpose, but not so the earlier Greek historiographers of pre-Roman imperial times.

CHAPTER 5

A REAPPRAISAL OF ATHENIAN POLITICS

This chapter concludes the first part of this thesis. It argues that the *politeia* which was established in 403/2 was in certain crucial respects fundamentally different from the *dêmokratia* which preceded the oligarchy. There were important changes to its political institutions which, although they did not alter the nature of the constitution as a *dêmokratia*, significantly affected its internal structure. The analysis of these changes aims to vindi-cate the statements of Aristotle and *A.P.* to the effect that the 'extreme' form of *dêmokratia* was a fourth- rather than a fifth-century development.[1] It will also cast some doubt on its efficacy as a political system. Lastly, the chapter reviews the evidence for a strongly promoted conviction that fifth-century Athenian drama may be held to reflect a democratic ethos, and contends that the texts are open to an alternative interpretation which is consistent with the view of Athenian politics which has been advanced in this thesis.

It is common for scholars to speak of a 'restoration of democracy' after the overthrow of the Thirty,[2] and high praise has been given to the reconciliation amongst the Athenians which followed that latter regime. Ostwald, for example, wrote that 'the nexus of events that ended the war between Athens and the Lacedaemonians and at the same time terminated the hostilities between the oligarchical remnant in the city and its opponents in the Piraeus constitutes one of the most inspiring episodes in Athenian history, if not even in human history'.[3] Yet the years 403-401 are marked both by a severe political hiatus and by

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[1] Arist. *Pol*. 1274a9-11, cf. 1292a4-7; *A.P.* 41.2.

[2] So e.g. Hignett 1952: 297; Harding 1988 (in the title of his article).

[3] Ostwald 1986: 497. It similarly inspired Aelius Aristeides (I. 253-4).

significant institutional changes. These render the concept of a constitutional 'restoration' problematic to the extent that it implies the resumption of political processes which applied before 404. It should be stressed that while *A.P.* 41.2 speaks of the re-establishment of *dêmokratia* ('again', *palin*) after the overthrow of the 400, his words do not attest a further restoration of that same *dêmokratia* after the later Thirty. He simply lists an eleventh and different *politeia* as following that of 'the Thirty and the Ten'.[4] There may be good reason for this.

Plato records that in the aftermath of the Thirty, 'it was not surprising that ... excessive vengeance [was] meted out to political enemies; and yet those who returned did show considerable forbearance' (*Ep.* 7, 325b).[5] Forbearance, however, is not harmony, and Plato's comment is accordingly worded. It was after some initial friction, therefore, that many of the supporters of the Thirty moved to Eleusis in 403 under an amnesty engineered by the Spartan general Pausanias, and Eleusis was subsequently considered independent of Athens (*A.P.* 38.4, 39.2ff, 40.4).[6] The principal reason the Athenians did not violate the amnesty was not that internal concord had been regained, but the desire to avoid further Spartan intervention.[7] The key event which facilitated the later reconciliation between the two centres would seem to have been the reduction of the time allowed for supporters of *hoi ex asteos* to move to Eleusis (*A.P.* 40.1). This action forced those who still remained in Athens to reintegrate, and laid the basis for the later formal reconciliation of 401/0, effected

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[4] See the second interpretation of the text given by Rhodes' commentary: *A.P.* presents the *politeia* of 403 as 'the last distinctly new constitution' (1981a: 488).

[5] I accept Platonic authorship (see Bluck 1949). Regardless that this is disputed, scholars accept that the letter is a fourth-century document, and I use it as evidence on that basis.

[6] Cf. Stockton 1990: 161-2.

[7] So Strauss 1986: 4. The depth and intended permanency of this division is shown by the sale of properties at Eleusis to the 'settlers' from Athens (*A.P.* 39.5).

by the pleas of 'friends and relatives'. This, however, did not take place before the Athenians, learning that those at Eleusis were building a mercenary army, 'marched out against them in full force and put their generals to death when they had come to a conference' (Xen. *Hell*. 2.4.43). Even after the reconciliation, 'the Athenian body politic remained divided into two distinct camps designated *hoi ex asteos ...* and *hoi ek Peiraeos*',[8] and tensions between the tendencies were recorded as late as 382.[9] The reconstitution of

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[8] Kounas 1969: 26.

[9] Strauss 1986: 3. The description of these two groups as 'oligarchic' and 'democratic' is potentially misleading. As Strauss put it, 'one should speak for example of an oligarchic tendency but not an oligarchic party' (17). Although it is true that 'the men of the city' bitterly opposed the structure of the late fifth-century *dêmokratia* (Xen. *Hell*. 2.3.24-6), Kounas 1969: 28-9 argued that both before and after the fall of the Thirty, the two groups are best seen as rivals for power in the city, not as parties with particular constitutional objectives. The statement of Critias, that they should get rid of those who opposed the oligarchy (Xen. *Hell*. 2.3.25) seems to support this view; he does not advocate 'oligarchy' as a system of government, but advocates an oligarchy to ensure continued Spartan friendship. Hignett noted that men formerly associated with the Thirty were later admitted to positions of leadership under the restored regime (1952: 297). Division arose between at least two of those 'democrats' who had been central leaders at Phyle: soon after the restoration Archinus successfully prosecuted his erstwhile comrade Thrasybulus for the illegality of the latter's proposal to grant citizenship to slaves who had helped them against the 30 (Strauss 1986: 89; cf. *A.P.* 40.2). While the pre- 404 oligarchic tendency can be broadly described as representative of landed wealth, it did not represent a united interest. Kounas identified at least three distinct groups within it. The point at issue between them was constantly whether to end the war on terms demanded by Sparta, namely the imposition of an oligarchic constitution (1969: 31, 34-5). On terminology, cf. Rhodes 1978.
     Factional allegiances, alliances and rifts form an important part of the background against which the institutional structures of fourth-century politics should be understood (Strauss 1986: 24, 27-8). But Strauss' use of a particular anthropological understanding, that factions revolved around a key figure and dissolved upon his death, retirement, or forced withdrawal from political life (3), ignores both attested succession to influential positions, and that ritualized friendship networks often continued to maintain a web of influence when a key figure dropped out (Herman 1987: 153; cf. Littman 1990 passim). Prominent men appear to have worked together for mutual advancement with no necessary regard for the egalitarian civic ethos that some have envisaged for Athens. So, for example, there was ongoing reciprocal aid between Alcibiades and Thrasybulus over the years 411 to 404 despite Thrasybulus' execution of Alcbibiades' cousin in 409 (Strauss 1986: 92-3 and n.15). Archinus' career led him back and forth across the political fence that moderns have constructed between 'oligarchs' and 'democrats' (Strauss, 97), as did that of Theramenes, who was centrally involved in the establishment and then the over-throw of both the 400 and the Thirty (Xen. *Hell*. 2.3.30-2; cf. Ostwald 1992: 346).

Athenian *dêmokratia* thus commenced in 403/2 while Attica contained two armed centres and Eleusis constituted in effect a separate state.

In Athens itself, a provisional board of Twenty was elected to rule until a new code of laws had been authorized, until which the laws of Solon and Drakon were to be in force (Andoc. 1.81). Ostwald saw the period of its interim authority as brief;[10] it is clear from Andocides that it lasted only until a new Council was chosen (by lot), and five hundred *nomothetai* were chosen by the demes. It was then found that under the laws in force, citizens could be found liable for past events in breach of the amnesty, and it was determined to 'review all the laws to decide which of them needed to have fresh clauses added to them to cover the eventualities not foreseen before 404/3'.[11] The full legal review, together with the decision to adopt the Ionic alphabet from 403 for all official business,[12] furnishes evidence of a distinct radicalization.

The relationship between the Council and the assembly suggests that the boule remained the dominant political institution at least in the first quarter of the fourth century. Ober asserted that the idea that the Council ruled Athens was 'fundamentally erroneous', and was rendered impossible by its annual turnover of personnel.[13] Such a view accords more

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[10] Ostwald 1986: 500, 514. Nicomachus' second term as law-scribe (*anagrapheus*) lasted from 403/2 to 400/399 (Lys. 30.2-4), and it would be plausible to date the commencement of his reappointment under the Twenty. Ostwald dated his appointment 'probably' about the time of the appointment of the nomothetai (1986: 512), that is, after the board of Twenty had given way to the new Council. Yet Andoc. 1.81 implies that a need for new laws was felt immediately.

[11] As MacDowell 1962: 194 put it. For the decree of Teisamenos and its context, Andoc. 1.82-9. The view followed here has been that of MacDowell, that 'the revision ordered by [this decree was] a kind of appendix or coda to the revision which had taken place in 410-04, not a completely fresh revision' (195).

[12] Suidas, cited in Hignett 1952: 18 n.1.

[13] Ober 1989: 21. Sinclair 1988: 105 thought that Aristotle's classification of the boule as the supreme state office and as that which 'rules over the multitude' (*Pol*. 1322b12-18)

stability of policy to a fluctuating group of assembly attendees than to an annual coordinating body. It also ignores the attested authority of the boule: as De Laix observed, in the restoration and revision of the laws the role of the boule was central.[14] Secret meetings on important matters are known to have been conducted by the boule, and both it and the Areopagus 'could and did exclude non-members from their meetings'.[15] Even where a meeting began with spectators present, the boule could at any time expel bystanders and restrict its discussion to its current personnel,[16] and [Dem.] 25.23 (328-324?) indicates that this was the normal rather than an exceptional practice. Still in the second half of the fourth century, the boule could be made *autokrator* for specific business in which it acted without any assembly ratification (Dem. 19.154).

When Hansen stated that in the fourth century 'all decisions on foreign policy were still made by the people in assembly',[17] he was simply wrong. De Laix noted numerous instances of the fourth-century boule receiving oaths for treaties and alliances which attest its power in foreign affairs.[18] As has already been noted, foreign heralds and envoys always appeared first before and sometimes appeared only before the boule and not the assembly.[19]

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should not be read to imply that the boule had supremacy over the 'sovereign demos', and based his objection on the fact that councillors had to render account at the end of their term.

[14] De Laix 1973: 84. Again, Dem. 24.47-8 shows that ca 353/2 new laws were to be presented first to the boule, then to the assembly.

[15] Ste. Croix 1963: 115 n.1; the quotation, Rhodes 1972a: 42; cf. Sinclair 1988: 87.

[16] De Laix 1973: 83.

[17] Hansen 1987b: 95.

[18] De Laix 1973: 79. Hignett noted that although *strategoi* could propose a motion in the boule, a private citizen could not (1952: 243, 245).

[19] Rhodes 1972a: 43.

Foreign affairs were always (for obvious reasons) the subject of decree, never of *nomoi*:[20] no state could have instituted *nomoi* to manage contingencies of foreign policy. All matters subject to such decrees would be formulated by the boule even if they were subsequently put before an assembly. Having said that, however, the prescript formula '*edoxsen têi boulêi*' in the alliance with Eretria (Tod 103) and in honours for Dionysios (Tod 108), both of 394/3, suggests that at least at the beginning of the fourth century these matters had fallen within the purview of the boule alone.[21]

Nevertheless, alterations to the regulation and operation of the boule punctuated the fourth century, and Hansen argued from *A.P.* (41.2, 45.1) and other evidence that its powers were progressively reduced.[22] The method of selection for the presiding officials of the boule and assembly was altered at some point between 403/2 and 379/8 such that by 378/7 the presidency of the boule and assembly had been transferred from the fifty men in prytany to a board of nine *proedroi*; the change may therefore have commenced with the reinstitution of *dêmokratia*.[23] A further change came ca 368-362 when the secretary of the boule began to be chosen by lot as an annual office from citizens outside the boule, rather than from among the councillors in each prytany.[24] With this last change, one might suspect some weakening in the authority of the boule within the state.

Although *A.P.* 41.2 records that by the time of his writing 'even the juridical functions of the boule [had] passed into the hands of the people', the boule maintained some

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[20] Rhodes 1972a: 1985 addenda to p. 49.

[21] *Contra* Rhodes 1972a: 84.

[22] Hansen 1976a: 31. However, his evidence says nothing about the precise jurisdiction of the boule in or prior to the early fourth century.

[23] Hansen 1987b: 90 argued that this change should probably be thought effective from 403/2; Rhodes 1972a: 218 held that it did not take place before 399.

juridical powers and continued to hear some matters in the first half of the fourth century.[25]

[Dem.] 47.43 shows that the boule could impose fines of up to 500 drachmae. It ordered an execution without trial in 403/2 (*A.P.* 40.2), and is attested to have had this power ca 386 (Lys. 22.2); it also passed a death sentence on an alien in 362 (Tod 142.37-41). The restriction of the boule's power to execute, imprison or fine Athenian citizens evidenced by *A.P.* 45.1 might therefore date after 368.[26] Around the same time, perhaps in 370/69,[27] the determination of the bouleutic contest for the best prytany of the year was shifted from the boule to the assembly; this may imply that the boule became a less powerful and more ceremonial office, but even so, in 361 the boule could disregard a demand by the assembly to expel one of its members (Aeschin. 1.110-2). (This last reference seems suggestive of a sharp rise in the voice of the assembly.)

Despite a widely held and deeply cherished conviction that the institutions of Athens were both in theory and practice established and operated on equalitarian principles, scholars are forced to concede that the evidence strongly favours the conclusion that bouleutes came largely from the propertied and liturgical classes,[28] and that power in the boule lay with the

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[24] Hansen 1987b: 90 n.573.

[25] De Laix 1973: 72. *Endeixis* (denunciation) and *apagoge* (arrest of a supposed offender by the one prosecuting) were both matters brought before the fourth-century boule (Hansen 1976a: 31).

[26] *A.P.* continues to speak of processes as they were in his own day; Winkler 1990: 30-1 noted, for example, that the military training described earlier in chapter 42 did not exist in that form prior to 355/4. It follows that one cannot read back into the fifth or even the early fourth century any of the powers or restrictions on powers that *A.P.* 42ff evidences as belonging to 'the present order of the *politeia*' where there is no corroborative testimony, unless such a reading is clearly demarcated as tentative.

[27] Rhodes 1972a: 23 (with n.3 for the date).

[28] Sinclair 1988: 107.

wealthy.[29] The order of distribution of sacrificial meats also reflects a hierarchy of privilege which favoured prominent officials.[30] By 361/0 the boule had come to expect to be honoured for its year's service as a matter of course by the crowning of all 500 members (Aesch. 1.112), and the great importance of *philotimia* in Athenian society cannot be overlooked.[31] It must be said that none of this sort of evidence of social hierarchy appears to cause any surprise for societies other than classical Athens.[32]

Aristotle observed that 'the power of the boule is overturned in those sorts of *dêmokratiai* in which the people themselves meet and transact all business. This is usually

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[29] Osborne 1985a: 68.

[30] Rhodes 1972a: 134.

[31] See Hansen 1987b: 115 and n.735 on bouleutic honours. The goal of political action was always at least as much the accretion of honour as the pursuit of policy objectives, and possibly more so. An emphasis on a love of honour, linked closely with the goal of the political life by Aristotle *NE* 1095b22-3, is attested throughout the classical era (see Davies 1978: 126-8). Strauss 1986: 31 argued that Athenian, like modern, politicians 'wanted power, wanted ... "to do the greatest things in the polis"', but in doing so he equated the greatest things (*megista prattei*, citing Ar. *Eccl.* 104) with the actions of the most powerful men (*megiston men dunamenoi*, citing Isoc. 18.23, 'Thrasybulus and Anytus are the most powerful men in the polis'). To my mind this confuses a modern understanding of power as a means to act in society, and therefore an objective in its own right, with the ancient notion of honour which the doing of the greatest things brings (on which see Craig 1994: 39). The analysis of the present Victorian State Premier, Mr Jeff Kennett, in Melbourne's major daily newspaper, *The Age*, illustrated the contrast in stating that 'Power is important to him, not in itself but for what he can do with it' (9 December 1995, 'Extra' 1). Plato's Socrates in fact distinguished between power and honour in the next source which Strauss cited in support of his claim (*Alcib.* I, 105a-b), and 'power', in the sense used by Strauss, is closer to what the Greeks criticized as the arbitrary rule of a *tyrannis* than a means to honour within the polis.

[32] See e.g. Sahlins 1972 on the economic roles of 'big-men' in a great variety of societies, with cases given in Appendix B, pp. 246-63. The origins of euergetism (benefaction in return for public honour) lie in the liturgies and distributions of classical Greece - Veyne 1990: 10, 71-2, 90. See too the political structures of the South African Bantu; at least up to the earlier years of this century they had a highly developed system of council, courts and assembly, public officials, an age class system, extensive public participation and assembly ratification of major matters - in short, many features that might profitably be compared with Athenian structures (Schapera 1956; see e.g. 43-5, 57, 65). Yet no-one has (yet) suggested that Bantu society was a direct democracy.

the result when those coming to the assembly are either well off or get pay' (*Pol*. 1299b38ff). This latter situation did not exist at Athens before 403/2, and a review of the changes to the other principal fourth-century institutions might help to explain how the orthodox view of extensive public participation in political life across the whole classical era arose.

In or soon after 403/2, a one-obol payment for assembly attendance was introduced for the first time, as 'the prytanes had tried many things to induce the people to attend for the sake of the ratification of proposals' (*A.P.* 41.3). Even with one assembly per prytany,[33] citizens might well have stayed away given the persecution of identifiable political protagonists which had occurred under the later period of the Thirty and the first board of Ten (*A.P.* 35.4; 38.2). Assembly pay was inaugurated by Agyrrhios, who was a *bouleutes* in 403/2,[34] so it is possible that it might have commenced in that year.[35] The payment was 'afterwards' raised to two obols by another man, and then to three, again by Agyrrhios (*A.P.* 41.3). It is accepted on the basis of Ar. *Eccl.* (289ff; 392) that this last rise had occurred by 390.[36] Aristophanes savagely derided the *triôbolon*,[37] and it is therefore possible that what was begun as an incentive to healing the wounds from the Peloponnesian War and the subsequent oligarchy may have relatively rapidly degenerated into something of a distribution exercise.[38]

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[33] It bears repeating that this thesis follows Hansen's argument (1987b: 22) that the assembly had only one regular meeting per prytany before ca 350.

[34] *A.P.* 41.3 with Tod 97.1. (Rhodes 1972a: 135 held that the *grammateus* in each prytany of this era was a *bouleutes*.) Agyrrhios was from the liturgical class and quite prominent - see Develin 1989, index of persons, no. 44.

[35] Hignett's contention (1952: 397) that assembly pay was not introduced until 395 has not found favour.

[36] Rhodes 1981a: 493 (*Eccl.* was produced between 393 and 390).

[37] Ar. *Eccl.* 183-9, 205-7, 310-5, 380-92, 778-9; *Plut*. 171, 176.

[38] The introduction of payment also illustrates the essential role of the boule in organizing

It is worth emphasizing that *A.P.* does not say that attendance was sought for the debate of proposals: a procedure known as *prokheirotonia*, 'pre-voting', existed by which the assembly voted on bouleutic proposals without debate or discussion,[39] and even in assemblies where it is possible to ascertain that a process of debate did take place (or where at least alternative views were put to a vote), Hansen has argued from the organization of voting that probably only one decree was ratified per assembly meeting.[40] Ratification (*epikyrôsis*, *A.P.* 41.3), not participatory democracy, would appear to have been the order of the day. In any event, as De Laix has emphasized, probouleusis was maintained after the reconstitution of *dêmokratia*; the demos would never initiate action in its own right.[41]

Certainly pay must have abetted assembly attendance, or the idea would have been abandoned. But who and how many it drew, at what times of the century, and how they interacted, are all matters that need to be reviewed before it is possible to assess claims to the effect that Athenian politics predominantly lay in the capable hands of a sovereign assembly meeting forty times per year. Ober thought that 'the very poor, due to their need, may have been somewhat overrepresented' at assembly meetings due to the introduction of pay.[42] There is, however, reason to doubt the validity of this (often encountered) belief.

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the assembly. Mossé 1973: 17 took the introduction of pay to indicate that political interest had declined at the end of the fifth century. This both presupposes a certain level of interest and activity earlier in the century, and ignores the evidence, detailed below, that the frequency of and attendance at assemblies increased during the course of the fourth century.

[39] Sinclair 1988: 100.

[40] Hansen 1987b: 16.

[41] De Laix 1973: 192-3. In addition to *AP* 45.4, *graphe paranomoi* of 403/2, 356/5, and 333/2 attest that throughout the fourth century no matters could be placed on the assembly agenda without a probouleuma (Hansen 1987b: 35, citing Plut. *Mor*. 835F-36A with P.Oxy. 1800 fr. 6-7; Dem. 22.5 and Dem. 25 *hypoth*). Cf. Dem. 19.185.

[42] Ober 1989: 137; one might wonder what this means for his theory of active citizenship in the fifth century.

Starr observed that the average Athenian was a farmer, and 'could scarcely have taken off forty days in the year for regular [assembly] attendance', even when attendance was paid.[43] Stockton held, logically, that 'there must have been a higher proportionate turn-out from those who lived within reasonable walking-distance from the Pnyx'.[44] Was the assembly attended mostly by better-off urban citizens? In Xenophon's list of attendees there is no mention of the unemployed or destitute.[45] As was noted in the previous chapter, those whom Pericles held were not debarred from public service due to *penia* (Thuc. 2.37.1) were not those reduced to poverty or beggary, but 'those with little leisure who had to work full-time to support themselves and their dependents'.[46] Sinclair wrote that 'for much of the fourth century at least, those who were liable for eisphora usually attended the assembly in significant numbers'.[47] Since the early nineteenth century, much has been made of the fact that the assembly did not vindictively seek to exploit the rich; it is just possible that the explanation might lie in these hints as to its composition. If the assembly was not dominated by the poor, assembly pay might in its early days be seen more as an incentive, or an indulgence for those who already possessed some leisure, rather than as a compensation for wages lost in the pursuit of civic responsibility.

In 353/2 there were three assembly meetings per prytany (Dem. 24.20-3, 25); the

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[43] Starr 1990: 37.

[44] Stockton 1990: 84.

[45] *Mem.* 3.7.6; for Solon's law against idleness, Plut. *Sol.* 22.3; and cf. *Per.* 12.5.

[46] Markle 1985: 266ff; cf. above, 93 and n.179.

[47] Sinclair 1988: 127. *Eisphora* was originally 'an extraordinary war tax voted by the ... assembly according to need; from 347/6 it was (also) an ordinary tax of 10 talents a year. It was paid ... on the basis of a property census' (Hansen 1987b: 212). Davies noted that a series of inscriptions ca 380 show that 'a body called the Thousand ... functioned as a panel of eisphora-payers until it was replaced by the symmory system of 378/7' (1971: xxvi). This is further evidence of significant restructuring around the end of the first quarter of the fourth

program reflected in *A.P.* 43.3 of four meetings per prytany is attested by 347/6.[48] From this and from Thuc. 2.22.1, Hansen held that there was probably no more than one regular assembly per prytany at any time down to the mid-fourth century.[49] Certainly it bears stressing that the frequently encountered generalization that the Athenian assembly met forty times per year[50] is *not* valid before 353/2, and makes nonsense of much of the unqualified eulogy which has been applied to Periclean Athens. Prior to and during the first half of the fourth century, Rhodes accepted that at no time were meetings of the assembly 'sufficiently frequent for the demos to be able to rule directly instead of through the boule'.[51]

Hansen has estimated the capacity of the Pnyx[52] for each of its three stages based on a minimum space requirement of 0.4 square meters per person for a large meeting. Pnyx Stage I, which he now dates from ca 460 rather than from around the beginning of the fifth century, could hold a maximum of 6000 persons. Pnyx Stage II, which, as already noted, ancient testimony holds to have been remodelled in 404 under the Thirty, could hold slightly more; some 6500 citizens. Its capacity was not enlarged again until Stage III, perhaps ca 345,

century.

[48] Hansen 1987b: 23.

[49] Hansen wished to allow for other, optional meetings in the first half of the fourth century, 'which may have been frequent' (1987b: 22). He gave no evidence for this belief. He also suggested that an assembly running over two days should count as two assemblies, but elsewhere in the same book he counted a double meeting as one as it had the same agenda (1987b: 32; see 29 and nn. 193, 198).

[50] A generalization of which Hansen himself (1992: 24) is guilty, in an article which lauds 'Athenian democracy' from the time of Cleisthenes.

[51] Rhodes 1972a: 219. As De Laix 1973: 191 put it, 'Athenian democracy remained firmly based upon the reality of direction by the few with the consent of the many. The corner toward "popular" government was never turned'.

[52] For fourth-century meetings twice per year at the theatre of Dionysos, and for an attested meeting at the Piraeus theatre, see Hansen 1987b: 14.

which permitted up to 13,800 persons to attend.[53] The archaeological evidence, together with more frequent regular meetings, indicates an increased assembly attendance in the later years of the fourth century precisely where one would expect it, in the 'great age' of oratory.

Hansen argued that a widespread view that a normal assembly attendance was some 2,000-3,000 persons was too low, and that 6,000 should be regarded as normal. He based this on the fact that three fourth-century laws, including one concerning the passage of citizenship decrees, required a quorum of 6,000 citizens. Because such decrees were frequent, the argument goes, the numbers must have been regularly there to pass them.[54] The evidence for such a quorum, however, does not predate 368.[55] As with the changes to the organization of the boule noted above, it may apply only in and after the second quarter of the fourth century. Rhodes accepted on the basis of the same body of evidence that fourth-century assembly attendance was 'low except in times of crisis' as a proportion of the citizen body.[56]

Only ca 376 was a special fund created to manage the expenses of the assembly;[57] it

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[53] Hansen 1976b: 131 dated Pnyx I from ca 500; in 1987b: 12 he lowered its date to ca 460 based on H.A. Thomson's downdating of the Old Bouleuterion and the Stoa Basileus together with *IG* I^3 1010. He held there that before Pnyx I, assemblies were held in the Agora, but the evidence concerns the time of Solon and Peisistratos and does not preclude that Pnyx I dates from Cleisthenes. The question must be, does the downdating of other buildings and a *horos* require the downdating of Pnyx I? I think the matter must remain open; it might be that the Old Bouleuterion attests only the status of the boule after Ephialtes. At 1987b: 14 Hansen held that Pnyx III could date ca 338-326 as part of Lykourgos' building program, but could 'equally' date some ten years earlier under Euboulos. For 13,800 persons, p. 17; an increase on the 13,400 persons he estimated in 1976b: 130-1.

[54] Hansen 1987b: 15-7; cf. 1976b: 128-30.

[55] The evidence, Hansen 1987b: 15-6 (three fourth-century laws: Dem. 24.45; 24.59, cf. Andoc. 1.87 (353/2); [Dem.] 59.89-90 (ca 340); the first attested quorum of 6000 occurs in 368 (16).

[56] Rhodes 1972a: 79.

[57] Rhodes 1972a: 101 and n.3.

may be, therefore, that relatively extensive assembly pay did not much predate the second quarter of the fourth century. It has been held that pay was given only to 'the first so many to arrive',[58] yet this seems to conflict with the rationale for its initial introduction. Others have seen it as a major part of the Athenian budget.[59] Hansen, for example, estimated an expenditure of 45-50 talents per year based on a regular turnout of 6,000 citizens in the late fourth century. The estimate is problematic: why limit - as he does - attendance to 6,000 in a Pnyx built to hold 13,800? If Pnyx III was filled forty times per year, 92 talents would be required to fund the assembly, roughly double Hansen's figure.[60] Perhaps attendance was actually as low then as Hansen suggests, relative to the available assembly space in the late fourth century. Either way, proponents of a massive participatory democracy have much more to explain if their case is to be plausible.

While only around four percent of citizens belonged to the liturgical class, more than a quarter of decree proposers from 355-322 are known to belong to this category.[61] This suggests the existence of a pyramid of influence and ability. Was it self-serving? De Laix observed that in the fourth century *politeumenoi* (leading orators) with strong commercial ties appear to have displaced men of aristocratic descent as Athens' effective ruling elite.

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[58] Rhodes 1981a: 492; he is more insistent upon this in 1979/80: 307.

[59] By *A.P.*'s day, when there were four assemblies per prytany, those who attended the assembly were paid more than bouleutes. Assembly pay was six obols for a standard meeting and nine for the principal meeting; by contrast, bouleutes received five obols per Council meeting (62.2). Bouleutic pay is first attested in 411 (Thuc. 8.69.4). Hansen noted a reference to an allowance of 1 dr and 4 obols in *Prooem* 53.4 Dem., but held it 'far from certain' that it could be connected with mid-century assembly pay (1987b: 47 n.317). It might also be worth asking whether rises in assembly pay might not have benefited their proponents through a rise in status or influence.

[60] Hansen 1987b: 47. He calculated 45-50 talents from *A.P.* 62.2; I have substituted 13,800 persons for his 6,000, and on this basis the figures yield 13,800 times 30 times 1 dr., plus 13,800 times 10 times 1.5 dr. = 552,000 dr., = 92 talents.

[61] Hansen 1987b: 65.

Further, there is evidence that these men 'reflect[ed] close ties with the commercial class in the political policies they advanced'.[62] As Paul Veyne put it, 'in the minds of everyone the Assembly, in which all citizens were equal, was in fact a hierarchy determined by wealth and liturgies'. This emerges, he held, most clearly in Dem. 18.171, in which Demosthenes presents himself as one 'who served his city by virtue of both his gifts as a political orator and his fortune. The mass of ordinary citizens would then fall, *de facto*, under an obligation to the notables', who found their reward in public honours.[63] Also entrusted with large sums in the pursuit of public duties, it is not surprising that there was no shortage of misappropriation and corruption.[64]

Hansen saw the principal business of the fourth-century assembly as the determination of foreign policy,[65] but it is evident that its jurisdiction here was highly circumscribed. A forensic speech of 343 complains that foreign policy could only be discussed if a probouleutic assembly was convoked at the time prescribed by law (Dem. 19.185). That is, the evidence indicates both that the province of the assembly remained restricted, and that - no matter the importance of events - ad hoc assemblies did not occur. More important to this thesis, Hansen noted that the scope of the fourth-century assembly in determining domestic policy, and also the scope if assembly decrees themselves, was quite limited.[66]

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[62] De Laix 1973: 191. Hansen 1987b: 64-5 also noted that while few fourth-century political leaders were of noble descent, most were wealthy.

[63] Veyne 1990: 91-2. Hansen 1987b: 115 noted the frequency of disputes between political leaders over the award of public honours to rivals.

[64] See e.g. Hansen 1987b: 69; Aeschin. 3.23 implies the claim of a 'gift' was common.

[65] Hansen 1987b: 34.

[66] Hansen 1987b: 95, 116; he wrote that it was 'almost turned into an administrative body that made individual decisions on the lines laid down by the laws' (95). One might be

How sober was the assembly? As De Laix put it, 'our sources, especially in the fourth century, are full of references to the boisterousness of rude individuals and the organized disruptive tactics of various political claques'.[67] By 346/5 the assembly was disorderly enough to necessitate that front seats were reserved for members of one tribe by law, who then became responsible for enforcing order (Aeschin. 1.33). By 330 behaviour in the assembly had degenerated further to the point where rhetors themselves disregarded the necessity of order in the conduct of public meetings (Aeschin. 3.4; Dem. 25.9), and Aeschines declared that it was 'the universal habit of speaking to please' that had brought the city to its present poor condition (3.127). That is, in the age of the orators, the standard of conduct at the assembly appears to have varied inversely to the frequency of meetings, numbers in attendance, and level of remuneration. Even the Periclean assembly had been seen as often disorderly by Aelius Aristeides, in a work which was written specif-ically to praise the role of oratory in classical Greece (III. 15). There is, therefore, some reason to question eulogistic presentations of its moderation and rationality.

There is evidence of an increase in citizen participation in other spheres in the fourth over the fifth century. It is the later period which appears more accurately to justify the view of a relatively high level of participation in magistracies and boards of officials. To be sure, there were a variety of boards of officials in the fifth century. But twenty-nine categories of officials are attested in the fourth century only,[68] and of these, six are attested only in its

tempted to accept this at face value, but that would be wrong: it remains the case that 'the great majority of preserved decrees concern grants of honours or citizenship' (114). In terms of actually ratifying important matters of policy, there is little evidence of assembly activity. To cite Hansen again, 'the number of decrees relating to finance is surprisingly small' (116). Around 355 the judicial powers of the assembly ceased, and *eisangelia* initiated in the assembly were heard in the courts (99).

[67] De Laix 1973: 181; cf. 83. See for example Dem. 2.29 (of 349).

[68] Develin 1989: 7-16.

second half.[69] Rhodes note that 'various additional secretaries are first attested in the third quarter of the century; ... we do not know what the duties of the additional secretaries were, but it does seem that the secretarial department was expanding'. It was also in the fourth century that the Old Bouleuterion 'came to be used as a central records office, a thing which Athens seems not to have had in the fifth century'.[70]

Participation, however, should not be automatically equated with egalitarianism, and there is reason to doubt that officials were *ho boulomenos*, motivated by an ethic of public service. Stockton observed the 'growing tendency [in the fourth century] to elect men with special qualifications to act as secretaries or treasurers of particular boards or funds', but denied any conflict with Athens' 'democratic' ethos as the positions were 'always filled by the vote of the ecclesia'.[71] There is no basis for the equalitarian aspect of this assumption. Most offices were probably unpaid;[72] further, magistrates responded with largess to those who appointed them, and often expected a gold crown - both a symbolic and a tangible honour - for their services.[73] It is clear that officials benefited from their appointment; *A.P.* 62.1 attests that the demes 'sold' deme offices. It is most likely because magistracies cost the magistrate that vacancies on boards of officials are inscriptionally attested.[74] The fourth century evidence makes it simply impossible to accept that offices in the earlier Periclean era 'were so numerous that unless most of [the] citizens had been willing to exercise their rights

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[69] Develin 1989: 7-16: an *exetastes* of mercenaries, 348/7; administrators, 336/5 onwards; treasurer of rigging, 326/5; treasurer of dedication, 335/4; treasurer of tribes, 341/0; treasurers of the two goddesses, 329/8; dates are uncertain for several categories.

[70] Rhodes 1979/80: 308.

[71] Stockton 1990: 107.

[72] So Hansen 1987b: 114.

[73] Veyne 1990: 92-3 (largess); Hansen 1987b: 115 (crowns).

[74] Hansen 1987b: 114 n.732. One would require realizable wealth to hold office.

the mechanism of government would have broken down'.[75]

Hansen has vigorously promoted the view that in the fourth century the courts, rather than the boule or assembly, became the dominant political institution. One point may be underscored: 'the sources regularly adduced in support of the sovereignty of the ekklesia in fact support the opposite view, i.e. that the ekklesia was *not* sovereign'.[76] Yet a large fourth-century court system is attested, and jury pay remained static at three obols from the 420s to the end of the classical era.[77] It is in this sphere that one might profitably seek evidence of an expansion of the extent of public remuneration for service.

A revision of Athenian law commenced in 403, and was regarded as a return to an 'ancestral constitution'. Henceforward, only such laws as were written were to be recognised by Athenian courts (Andoc. 1.83, 87). The decision to abandon a tradition of 'unwritten law', a conception first attested ca 442 in Sophocles' *Antigone*,[78] and certainly held in respect in 431 (Thuc. 2.37.3), thus constituted a new form of legalistic mentality. The fact that the ratified lawcode was put under the guardianship of the Areopagus suggests that it was intended to constitute a fixed body of law (Andoc. 1.84).[79] If that was the case, it failed

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[75] So Rhodes 1992b: 87. This idea seems heavily indebted to Headlam's *Election by Lot at Athens*, for reasons that will become clear in Chapter 8.

[76] Hansen 1987b: 95.

[77] Rhodes 1979: 317.

[78] Gagarin 1986: 55 n.13. Sinclair 1988: 49 wrote that 'while the Athenians attached great importance to the fact that they had written laws, they were also conscious of the force of "unwritten law." In [Athens], conventions and moral and social values continued to be very powerful forces, notwithstanding the challenge to many traditional values in the second half of the fifth century arising partly ... from the pressures of life in Athens during the Peloponnesian War'.

[79] Sealey 1987: 37-8 noted the 'remarkable' prominence given to sacred law in the 403/2 revision, and suggested that there was some kind of religious fundamentalism at work, particularly in view of the impiety trials of Socrates and Andocides shortly afterwards. As he noted, there seems an emphasis on continuity despite the radical change: 'in the fourth

spectacularly. Although no new *nomoi* are known until 375, many *psephismata* are known from the first quarter of the fourth century.[80] By ca 353 an annual revision of the law code had become an obligatory matter for consideration in the first and third assemblies of the first prytany (Dem. 24.20-1, 25). The law-code was thus in flux throughout the century; the result was a hopelessly confused body law (Isoc. 12.144), which the Athenians attempted unsuccessfully to navigate by an ongoing stream of ad-hoc and contradictory *psephismata*. Not only to Aristotle but to the fourth-century orators generally it was 'characteristic of an extreme democracy that it allowed *psephismata* to prevail over the *nomoi*'.[81] This aptly describes what happened, and further attests that it is the fourth century that Aristotle had in mind when he speaks of 'extreme *dêmokratia*'.

The big winners were those who served on juries. It is not clear whether this should include the 500 *nomothetai* appointed by the demes ca 403 to scrutinize revised laws put forward by a second (smaller) group appointed by the boule (Andoc. 1.83-4).[82] In any event, there is ample evidence of an expansion of court facilities and of more highly structured legal

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century the Athenians continued to believe that their laws were the laws of Solon and ... Drakon' (135). Ostwald saw the Athenians as moving towards the sovereign-ty of law: 'written guidelines were needed to give the law precedence over the uncontrolled sovereignty of the people' (1986: 411).

[80] Rhodes 1979: 306.

[81] Rhodes 1972a: 49.

[82] So Andocides implies. Ostwald saw the work of the *nomothetai* as deriving from the earlier officials who were appointed under the 5000 in 411 (Thuc. 8.97.2) and supposed some continuity (1986: 405), but there is no evidence that those first attested were a large group, and they are otherwise unheard of. If there was continuity, it would be more logical to see it in the group elected by the boule (and so, one might assume, were *bouleutes*). Ostwald supposed that this group was appointed later, after the 500 *nomothetai* had been at work for 'several weeks or even months' (514), but this is not what the decree in Andocides says. It says that the elected *nomothetai* shall inscribe laws which shall be handed over within the month; before they are handed over, they shall be scrutinized by the boule and the 500 *nomothetai* appointed by the demes. That is, the elected *nomothetai* do the work, and the deme-appointees do the scrutinizing.

processes in the fourth century (prior to which, as has been noted, the only 'evidence' for which comes from Aristophanes).[83] The largest building planned as a court, the Square Peristyle (which was in fact not completed), was begun about the beginning of the last quarter of the century.[84] *Kleroteria* for the allotment of jurors may be dated from the first decade of the century.[85] Mossé has noted that an increasing number of lawsuits was characteristic of the fourth century,[86] and the double dokimasia of the fourth century (*A.P.* 55.2, Dem. 20.90) attest the increased jurisdiction of the courts. At least by ca 353/2 the assembly and courts could not be convened on the same day (Dem. 24.80). An increased emphasis was placed upon written evidence over oral witness from ca 370,[87] and, due to the downdating of the Antiphonic *Tetralogies* to probably the last quarter of the fifth century,[88] the era of elaborate forensic speeches is most likely not to have commenced much earlier than the end of that quarter.

The above examination of the state of Athenian law after 403 provides the context within which the functioning of the legal system must be understood. Sinclair held that in the fourth century it was common to have five hundred jurors to hear one case, and saw the juries because of 'their size and the use of the lot in their selection' as representing 'a cross-section of the sovereign people'.[89] Even so, all was not well. The faults of the ancient courts

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[83] For court buildings, see Thompson and Wycherley 1972: 56-61. For speculations concerning the allocation of jurors in fifth-century courts, derived from Aristophanes, see Harrison 1968-71: II. 45-6; 239-41. For fourth-century legalism, Rhodes 1979/80: 315ff.

[84] Thompson and Wycherley 1972: 61.

[85] Rhodes 1979/80: 319.

[86] Mossé 1973: 23.

[87] Rhodes 1979/80: 315.

[88] Carawan 1993: 267-8, 'sometime in the half century from Lysias I to Plato's *Laws*'.

[89] Sinclair 1988: 70, 106.

as regards modern conceptions of a fair trial have been long known,[90] even if it is no longer fashionable to point them out. Further, Athenian juries were not bodies which sat in solemn deliberation - as Grote, for example, depicted them - but a noisy gaggle of often partisan commentators. Their attested interruptions frequently tried the patience of the orators whose job it was to sway their views in favour of particular clients without the benefit of a law of precedent.[91] Small wonder the appeals against disruption written into Plato's *Apology* (17c, 20e, 26b, 29c).

Finally, there is reason to suspect some bias against wealth among the moderately well off who composed the body of jurors but who, it must be remembered, were paid as day-workers and could scarcely claim that service was an honour.[92] In sum, there is good reason to endorse the view of Hansen to the effect that considerable power was invested in popular courts of the fourth century which functioned with a high degree of autonomy from other institutions of government, and formed a significant element of (at least urban) political life.[93] In sum, this discussion of the central fourth-century political institutions has endorsed and supported the view of the fourth-century writers than theirs was the era of 'extreme *dêmokratia*'. I turn now to Attic drama.

There is a long-standing view that Athenian politics and drama were intertwined by reason that the audience for each was largely identical, and could be conceived of as a

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[90] See [Mitchell] 1826: 345, 350ff; and recently, Millet 1990: 178-9 on Arist. *Rhet.* 1375a24-6.

[91] Grote 1888: IV. 481; Millet 1990: 179 noted the 'noisy howling' of Athenian juries; cf. Sinclair 1988: 207.

[92] Their status, Markle 1985: 266. Sinclair 1988: 133 accepted that fourth-century courts may have been overly keen to convict and fine the rich (cf. Arist. *Pol.* 1320a5-17).

[93] In addition to work already cited, see Hansen 1978, that the courts were independent in operation from the assembly and not under its direction.

'collective actor'.[94] In a similar vein, it has been claimed that classical drama reflected democratic civic values.[95] Some recent work has gone further, and attempted to link the dramatic festivals of fifth-century Athens with the deliberate inculcation of an ancient democratic political ethos, in effect treating classical theatre as an adjunct to civics. Christian Meier, for example, contended that 'Attic democracy was as dependent upon tragedy as upon its councils and assemblies' for its success as a political system.[96] If these claims are correct, it would follow that the classical theatre should be seen as an integral part of Athenian political culture, and be given as much prominence in discussions of the nature of Athenian politics as its council, assembly, and jury system.

While there was a continuing evolution in Attic drama from its inception to the end

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[94] Here, Macintyre 1981: 129-30, a text built upon but removed from classical debate. Ober and Strauss 1990: 238 wrote that 'the responses of Athenian citizens as jurors and Assemblymen were inevitably influenced by the fact of their having been members of theatrical audiences, and vice versa', and held that 'Athenian political culture was created in part in the theatre of Dionysos, theatrical culture on the Pnyx' (270); cf. Longo 1990: 13, 18, that the dramatic audience largely coincided with the civic community and that choruses both tragic and comic should consequently be seen as representative of its shared attitudes and outlook.

All claims to the effect that 'in a Greek polis no citizen can be said to have been a private person' (Ehrenberg [1943] 1951: 26) should be reassessed in the light of Carter 1986, who discerned a rise of *apragmosyn_* (political quietism) from the mid-440s (69) among members of both the rich and the peasantry (51, 187). Carter argued that *apragmosynê* became in the fourth century an active principle of the philosophical (contemplative) life (191). This is at odds with Arist. *EE* 1214a12-14, which indicates that *theôria* is not necessarily divorced from action. The major oversight in Carter's thesis is that he nowhere discussed Thuc. 1.6.4, that it is characteristic of the modern taste for the rich to live simply; this passage suggests that Carter may have underrated the activity of those he regarded as elite quietists; but his view of peasantry remains important.

[95] So e.g. Carey 1994: 69, 'For the density of political allusion [in Old Comedy] a politicized mass audience was required: political comedy required the radical democracy'. (But against the view that Aristophanes wrote 'political tracts', Jones 1957: 144 n.2.)

[96] Meier 1993: 219; cf. Euben 1990, that tragedy helped to supply a store 'of political wisdom. In this sense it was a significant source of democratic political education' (55).

of the classical era,[97] it is worth remembering that the first state-organized tragic performance took place ca 535-533 under Peisistratos.[98] For at least its initial twenty-five years, then, from its inauguration to the expulsion of Hippias, it seems safe to claim that although the genre most likely did transmit a political message, it was devoid of any democratic intent. The structure of the greatest dramatic festival, the Greater Dionysia, as it existed in the second half of the fifth century, has been concisely described by Winkler and Zeitlin: 'The audience watched three tragedies and a satyr-play each day for three successive days. On other days of the same [five-day] festival they watched five comedies and twenty choral hymns (dithyrambs) to Dionysos'.[99] I will suggest, however, that there is reason to doubt the proposition that there was in this festival any necessary connection between dramatic performance and a 'democratic' politicization of classical audiences.

While any view of the relationship between play and audience in the context of this festival will be subject to the challenge that no interpretation is certain, questions of audience size, structure and composition can be more securely resolved. These are equally fundamental if the claim that the theatre played an integral part in the formation or maintenance of a democratic civic identity is to be meaningfully appraised. It may be that the fifth-century audience was much smaller and more elite than is generally thought, and that the transmission of heroic and elite, rather than 'democratic', values was primary. I will therefore discuss first, the seating capacity of the theatre; secondly, the seating of the audience within the auditorium; and lastly, the composition and status of the audience. From that point it will be possible to more fully discuss the key claims which have been made for a

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[97] Green 1994: 47, 49.

[98] *OCD*, s.v. 'Thespis'.

[99] Winkler and Zeitlin 1990: 4 and n. 3.

democratic interpretation of Greek tragedy.

Pickard-Cambridge regarded the figure of thirty thousand spectators given in Plato's *Symposium* (175e), which he took Plato to have applied to the late-fifth century theatre of Dionysos, as a 'great exaggeration', but was inclined to think that 'many may have stood' outside the seating area. He calculated a maximum seated capacity of seventeen thousand persons in the fourth-century theatre at an allowance of sixteen inches per person, but owned that fourteen thousand was generally thought a more reliable figure.[100] Yet while it is conceivable that a great crowd may have stood to watch some famous actor perform in a particular play, as Plato implies, it is implausible that some half of thirty thousand persons stood elbow to elbow outside the seating area all day at a five-day festival in either century. It is therefore an important question as to how many persons the theatre seated.

Substantial reconstruction of the theatre of Dionysos was undertaken, probably in stages, throughout the whole of the second half of the fifth century.[101] The significant part of the reconstruction for present purposes is that which occurred after the building of the Odeum, which was completed ca 443. The work undertaken at this time defined the shape and capacity of the auditorium as it was used in the heyday of the *dêmokratia*. The orchestra was moved northward, towards the Acropolis, and the auditorium was re-banked with a steeper slope.[102] Its seats were predominantly comprised of wooden benches and were

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[100] Pickard-Cambridge 1946: 141 with n.2. Ehrenberg 1951: 28 saw some validity in a figure of 13,000, but stated that the MSS readings are difficult (n.3). It may be relevant that Athenaeus 217ab holds in dispute with Plato that Agathon's victory occurred in 417/6 at the Lenaea. Given that that festival was celebrated in its own sanctuary (*OCD* s.v. 'Lenaea'), Plato's figure should not be associated with the theatre of Dionysos in any way.

[101] Pickard-Cambridge 1946: 17, 135.

[102] Pickard-Cambridge 1946: 15, 265.

probably permanent.[103] Travlos noted that 'no certain trace of the fifth-century theatre exists',[104] and it is consequently necessary to work back from what is known of the fourth-century auditorium to estimate its smaller fifth-century capacity.

The stone seats of the fourth-century theatre are one Greek foot (about thirteen inches) deep and the same in height. As spectators brought their own cushions, Pickard-Cambridge allowed a total seat height of fifteen inches, which he described as 'somewhat cramping for a long day's sitting'.[105] The seats have a recess behind them to accommodate the feet of the spectator to the rear. The front of each seat thus has a slight overhang which permits 'more rows of seats into the available space than could have been placed there if each seat had had a perpendicular front'. It has been calculated that the construction of overhang seating permitted seventy-eight rows of seats to be built in the stone theatre, rather than sixty-nine which would otherwise have been the maximum possible.[106] It is therefore reasonable to take sixty-nine rows of seats, a reduction of approximately eleven and a half percent, to be the most that the fifth-century theatre could have contained if it occupied the same ground-space as its fourth-century descendant.

Pickard-Cambridge's seating allowance of sixteen inches per person was based on the allocation of armless seating in a London theatre.[107] This seating is sold for performances which would very rarely exceed two and a half hours' duration, and as such is a wholly

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[103] Pickard-Cambridge 1946: 19 (benches); 1968: 269 (permanency). There are several references to benches in the fifth-century auditorium (Csapo and Slater 1994: 80 cite Ar. *Thes*. 390-7 and schol. 395; Crat. *PCG* F 360; Poll. 4.122), which indicate that spectators sat rather than stood, and that they sat on benches and not on the ground.

[104] Travlos 1971: 537.

[105] Pickard-Cambridge 1946: 140; cf. 1968: 272.

[106] Dörpfeld (no reference) cited by Pickard-Cambridge 1946: 140.

[107] Pickard-Cambridge 1946: 140-1 and n.1. This privileges the London theatre allowance

unreliable guide to minimal seating requirements for an all-day, outdoor spectacle. Stadium seating, on the other hand, is sold to this end, and seating information from one of Australia's most popular stadium venues casts doubt on the validity of Pickard-Cambridge's estimate of seating capacity. Reserved seating on wooden bench seats for all-day events at the Melbourne Cricket Ground is sold at an allowance of eighteen inches per person. This is uncomfortably crowded, and in identically constructed but non-reserved seating areas, people will not squeeze up to that extent. The non-reserved sections consequently accommodate only about three-quarters of that number.[108]

There is reason to doubt that seated Athenian spectators were jammed together. Some allowance should be made for extra elbow-room for aristocrats like Alcibiades, state and cult officials (including the Council of 500 and, apparently, their attendants), and visiting envoys and dignitaries, all these being attested categories of spectators.[109] *Prohedria* or honorific front-row seating was given to 'certain priests, ... the archons, and (at least in the course of time) ... the generals'.[110] (A further category of spectator which seems to have been overlooked by all commentary is members of the Areopagus council.) A realistic seating

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of 16" over the London County Council requirement of 18" given in the same note.

[108] This information about MCG seating was obtained from its ticket office.

[109] Pickard-Cambridge 1968: 268-9. 'Whenever Alcibiades as choregus led the procession into the theatre in his purple cloak' (Athenaeus 534c), it seems fairly certain that he did not end up squeezed into a sixteen-inch space. Bouleutic seating is inscriptionally attested and confirmed by literary references (Pickard-Cambridge 1946: 135, cf. 20). Ehrenberg 1951: 27 accepted the presence of some 'few hundreds' of foreign allies, ambassadors and metics. It is undisputed that boys and *ephêboi* sat in the audience (Pickard-Cambridge 1968: 263; Winkler 1990: 38). One should probably number the families of skilled tragic and comic actors in the audience as 'theatrical involvement tended to run in families over two to three generations' (Green 1994: 13), although this would not amount to a large number of persons. In the fourth century, another five hundred places might have been reserved for the *nomophylakes* (Philochorus *FGrH* 328 F 64b; cf. Csapo and Slater 1995: 289, 298.

[110] Pickard-Cambridge 1968: 268.

allowance for an all-day spectacle would therefore be more like two feet per person or close to it. For the purpose of argument I shall use twenty-two inches per person as a working figure.

According to Pickard-Cambridge, the fourth-century auditorium held a maximum of seventeen thousand persons at sixteen inches per head,[111] calculation from which yields 272,000 inches of seating. This, divided by twenty-two inches per person, permits only 12,364 seated patrons. Now, the seating capacity of the earlier Periclean auditorium was argued to be eleven and a half percent smaller that the stone auditorium, given that it occupied the same ground-space. When this percentage is deducted from the realistic fourth-century audience figure given above, there would be approximately 10,940 seating places in the fifth-century theatre. This is still an impressive figure, but it is substantially lower than that envisaged by most scholars.[112] It would also be compatible with Meier's statement that given the acoustics even of the fourth-century theatre, 'the plays can have been properly comprehensible for ten thousand spectators at most'.[113]

In fact, however, the indications are that the fifth-century auditorium occupied substantially less space than did the later stone theatre. A public road some 15 feet wide crossed the fifth-century theatre about forty-six and a half feet above the level of the Lycurgan orchestra. The seating area which was constructed above what now became a passageway across the auditorium belongs to the fourth century and was not a part of the

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[111] Pickard-Cambridge 1946: 140.

[112] At the cramped seating allowance of eighteen inches per head, as per Pickard-Cambridge's London County Council regulations and MCG reserved seating, 15,111 persons could be seated in the fourth-century theatre, and 13,367 in that of the fifth century given the same ground-space.

[113] Meier 1993: 59. Pickard-Cambridge observed that 'there is plenty of evidence for the noisiness of Athenian audiences' (1968: 272f), which sits ill with the kind of dedicated and serious listening which Meier envisaged.

fifth-centry theatre.[114] Travlos' plan of the probable shape of the fifth-century theatre postulated a total of nineteen rows of seats, in a projected auditorium radius of approximately sixteen metres. His accompanying plan of the fourth-century auditorium shows thirty-six rows of seats in what has become a substantially enlarged lower auditorium with a radius of approximately twenty-nine metres.[115] The lower seating area of the fourth-century theatre alone thus held no more than half of the total fourth-century audience.

In other words, if Travlos' plans are to be taken as a reliable guide to the extent of the fifth-century auditorium, its seated capacity could not possibly be more than a third of the total fourth-century capacity. It would follow that the Periclean auditorium possibly seated a maximum of some 3,700 persons. This is a radical proposition, but I have seen no challenge to Travlos' projections, and therefore contend that the postulation is in line with the current archaeological evidence. It is not to deny that more may have stood some-where outside the seating area, or watched from the Acropolis.[116] But it is to question that many more than 3,700 persons were fully paid and seated fifth-century patrons.

It is further necessary to determine the audience's seating pattern, composition and status before it is possible to suggest anything about the possible inculcation of a democratic ethos. According to Winkler, the audience at the Dionysia were 'seated in tribal order, one tribe per [seating] wedge, which was evidently the seating arrangement for the Athenian Assembly when it met on the Pnyx'. Yet in the first place, tribal seating in the assembly is far from certain. As Goldhill recognized, it should not be held as more than a possibility.[117]

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[114] Pickard-Cambridge 1946: 138-9.

[115] Travlos 1971: 540 fig. 677.II; 541 fig. 678 (reproduced in Wycherley 1978: 208-9).

[116] See the view of the theatre from the Acropolis in Wycherley 1978: 214, plate 62, and of the top of the Acropolis wall from the orchestra in Travlos 1971: 544, plate 681.

[117] Winkler 1990: 22. He qualified his argument by claiming that it 'does not require that

Secondly, the fourth-century theatre comprised thirteen seating wedges, although the Athenians maintained a ten-tribe division until 308/7.[118] Because of this difficulty, Winkler suggested that the central wedge was allocated to the boule and ephebes and that 'the two outermost wedges were assigned to noncitizens, perhaps citizen-wives'.[119] He further claimed that 'lead theatre tickets' from the early fourth century are marked with tribal names, and cited Pickard-Cambridge for reference. In the relevant discussion, however, Pickard-Cambridge rejected that most of the evidence adduced by earlier scholars did constitute theatre tickets, and in fact expressly doubted that any of it did.[120] In any event, as Pickard-Cambridge there noted, this says nothing about seating arrangements in the fifth century. Further, Travlos' plan of the possible shape of the fifth-century auditorium postulated nine seating wedges; that is, one less than the number of tribes.[121] If Travlos' projection is held to be plausible it furnishes further reason to doubt the view that the Athenians were seated in a tribal order.

To this point, I have suggested that only some 3,700 Athenians may have held a seat

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all citizens always sat in the wedge assigned to their tribe' (40 n.59). The suggestion that seating was by tribal order was discussed by Pickard-Cambridge 1968: 270, who cautioned that the limited fourth-century evidence does not permit anything to be inferred about seating arrangements in either the early fourth- or the earlier fifth-century theatre. Against tribal seating, see Hansen 1977b: 135-6, with Goldhill 1994: 364 n.46 reviewing the debate.

[118] Travlos 1971: 541, fig. 678. For the tribal division, Traill 1975: 56.

[119] Winkler 1990: 39; but cf. Pickard-Cambridge 1968: 270, who argued only that the boule were seated centrally. The outer wedge argument, derived from Alexis fr. 41, was rejected by Podlecki 1990: 40 as the context and implications of the fragment are uncertain.

[120] Winkler 1990: 39; Pickard-Cambridge 1968: 270, 271 with n.6.

[121] Travlos 1971: 540 fig. 677.II. Although the reconstruction is based on little evidence, this nine-wedge division has passed without notice by all I have encountered who have discussed the possibility of tribal seating since Travlos' publication. Cleisthenes was choregus of a play for the Erechtheid and Aegeid tribes (*C.I.A.* 4.1.2, 337a, cited in Edmonds 1957-61: I. 73), which would suggest that one should not be too hasty to insist on the very early establishment of a tribal choregic structure.

in the fifth-century auditorium. It is now necessary to review the composition of this audience. A minimum of 1,200 persons were required for the performance of dithyramb, tragedy and comedy during the Dionysia.[122] Did they also comprise a part of the audience at times when they were not performing? It would be logical, given that the structure was one of inter-tribal competition, to think that they did. The dithyrambic competition was contested between choruses of fifty, one each of boys and men, from each of the ten tribes, who thereby formed a principal focus for events. This may additionally help to explain the emphasis on men (to the neglect of women) in comic exchanges.

It is an important question whether women, who did not participate in magistracies, council, courts or assemblies, nevertheless occupied space in the fifth-century theatre. As Goldhill observed, this is 'most passionately debated': if the audience 'represents democracy' (a proposition which Goldhill endorsed), and if 'citizen women did ... sit in the theatre, watch plays, be watched, walk home - much modern writing on the role of women in the *oikos* and *polis* would need a new emphasis'.[123] It has become commonplace to deny that women had any substantive existence in the discourse of Athenian political life,[124] yet there are a number of sources, collected by Podlecki, which have been held to support the view that women did occupy seats in the classical auditorium.[125] I will argue that this is plausible.

Goldhill disputed that any of the evidence adduced by Podlecki compelled the view

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[122] Green 1994: 9-10.

[123] Goldhill 1994: 347, 368.

[124] See Roberts 1994: 276, 283-4 for a summary of contemporary views.

[125] Podlecki 1990. Csapo and Slater 1995: 286 held that 'the testimony of ancient authors shows clearly that women (and boys) were present in the audience. The contrary argument rests mainly upon the comic poets' habit of addressing the audience as "gentlemen." This fails to distinguish physical from ideological exclusion'.

that women did attend the theatre.[126] He argued cogently that most of the items do not explicitly refer to women being present in the tragic or comic theatre. But he did not address five sources which provide strongly suggestive evidence for the presence of women. These are (1) *Vita Aesch*. 9, that 'in the performance of *Eumenides* ... children fainted and miscarriages occurred'; (2) Athenaeus 534c, that 'whenever as choregus Alcibiades led the procession into the theatre in his purple cloak, he was the object of admiration of not only the men but the women'; (3) Alciphron *Ep*. 2.3.10, that he had won ivy-crowns at the Dionysia while his mistress, 'seated in the theatre, looks on'; (4) Plut. *Phoc*. 19, that an actor's posturing over the lack of attendants for his role as a queen would be 'the corruption of our women', whereas Pocion's wife goes out with only one maid; and (5) schol. Ar. *Eccl*. 22, that one Phyromachos mentioned in the play had 'introduced legislation assigning separate seats to women and men and separating prostitutes from free women'.[127] (Women's theatre seats are inscriptionally attested in the Roman period.[128]) It is true that all these are late sources, and that they are not proof positive for the presence of women at the Dionysia. But they are certainly suggestive, and at least permit the conclusion that the presence of women at the Dionysia cannot be definitively ruled out. Given this possibility, the number of adult male citizens envisaged to be in the audience may have to be further reduced.

One might also wonder about the status of the audience. At least the bulk of the audience had to pay for its own seats. Although theoric or festival distributions are held by

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[126] Goldhill claimed neutrality in the debate, but admitted a 'slant' to his views (1994: 368), which were in turn shaped by his belief that to be in the audience at the Dionysia was to participate 'in a fundamental *political* act' of the Athenian democracy (352).

[127] The first four are collected in Podlecki 1990 as group F; schol. *Eccl*. is adduced and accepted by Csapo and Slater 1994: 300 no. 155, but regarded as unreliable (without contrary evidence) by Pickard-Cambridge 1968: 265. I contest Goldhill's rejection of Ar. *Peace* 963-6 (1994: 348) as dependent upon modern beliefs about ancient sensibilities.

[128] Pickard-Cambridge 1968: 265.

some late sources to have been made by Pericles, Rhodes observed the 'striking lack of contemporary confirmation' and argued against the existence of any theoric distribution before the 350s.[129] If the stories of Pericles are true, they attest no more than the buying of personal influence by Pericles, and are not evidence of a distribution of theoric monies by the state. Further, there was no connection between Kleophon's diobelia (*Ath. Pol.* 28.3) and the theatre.[130] In any event, such a distribution would not have solved the problem of access to the theatre: as Csapo and Slater pointed out, 'the number of male citizens alone was at least twice the [fourth-century] theatre's seating capacity'.[131] Theatre seats were sold by lessees who contracted to care for the theatre.[132] It is possible, then, that access to seats in the fifth-century theatre was both limited in quantity and limited to those who paid their own way.

Lastly, Green observed that 'despite the time of the year chosen, when there was little to be done in the fields, there also had to be enough surplus of people in the family economy to have some stay behind to look after the property or the animals while others took the equivalent of a week at a time to attend the theatre'.[133] In sum, against a widespread enthusiasm for an extraordinary level of cultivation achieved by the average Athenian in the fifth century, it is possible to see its Dionysia as primarily an affair for an urban elite, perhaps also with a military emphasis.[134]

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[129] Rhodes 1981a: 514.

[130] Pickard-Cambridge 1968: 266-7.

[131] Csapo and Slater 1995: 288.

[132] Pickard-Cambridge 1968: 266, cf. 267. Csapo and Slater 1995: 288 adduced *IG* II^2 1176+ of ca 324/3, which attests the leasing of the theatre in Piraeus, stipulates the price of seats, and prescribes free admission to those granted *prohedria*.

[133] Green 1994: 15. Along with this might be noted the expense of accommodation and food in a city already extremely crowded after the outbreak of the Peloponnesian war.

[134] Winkler 1990 argued that the dramatic choruses were 'an aesthetically elevated version of close-order drill' (22), and that the Dionysia was above all an event focussed on the

Meier observed that 'theatre productions and competitions are also recorded as early as the fifth century in Piraeus, Eleusis and a series of other communities in Attica'. He argued from Hdt. 6.21.2, in which the Athenians banned the acting of Phrynichus' *Fall of Miletus* (ca 492), that 'it was a regular, or at least occasional, practice to transfer the plays to various local theatres' such that 'a far greater number got to see the tragedies than the capacity of the theatre [of Dionysos]'.[135] Apart from the fact that there is a very great difference between a 'regular' and an 'occasional' practice, Meier relied entirely upon Herodotus for the hypothesis that plays had a wide local circulation throughout most of the fifth century. This is a weight which that statement cannot bear. Neither can it be assumed that Athenian plays were intended for a specifically Athenian audience; according to a scholiast on Eurip. *Andromache* 445, that play was never performed in Athens. In any event, local theatres were also leased to contractors who, one might suspect, were primarily concerned with putting paying patrons on seats.[136]

In this thesis I have argued, in accord with a suggestion of Hansen, that 'contrary to the accepted view, ... democratic interest increased in the fourth century',[137] a view compatible with the development of the Athenian constitution as given in *A.P.* 41.2. But this 'democratic interest' seems confined to overtly political participation, in Council, courts and assemblies. It was not accompanied by a broad and uplifting cultural advance in the fourth

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eph_boi, young men in military training (37). I have no objection to this interpretation, but it is worth noting Ehrenberg's observation that the *ephêbeia* or military training of the young men was a common and traditional feature of Greek states (1973: 97); it follows that peculiarly democratic connotations should not be read into it.

[135] Meier 1993: 61.

[136] On leasing the theatre at Piraeus, Csapo and Slater 1995: 288-9; Whitehead 1986: 222 n.271.

[137] Hansen 1976b: 132, in respect of the great expansion of the capacity of the Pnyx in the fourth century.

century, the best-attested period of the Athenian *dêmokratia*. Green observed that in this period, 'there was no longer any interest in ... plays which, like those of Aeschylus, Sophocles and earlier Euripides, were concerned with the large questions' which have been taken by scholars as central to the construction of the classical drama and to its related political discourse.[138]

I turn now to the claims which have been made in favour of a connection between classical theatre and a democratic politics as they relate to the textual evidence of the plays. Ober and Strauss suggested that 'in some cases the ideological background revealed by political rhetoric 'will elucidate the meaning of dramatic texts' and that 'the rhetoric of politics in tragedy is largely the rhetoric of contemporary democratic Athens'.[139] The view that Attic drama and comedy sought to impart democratic social values to an Attic audience is problematical. In the first place, it is at odds with the biography of some of the leading playwrights. The *Vita Aesch*. records that Aeschylus in his old age moved to Gela in Sicily, ruled by the tyrant Hieron, and was honoured by producing his *Persians* there. Sophocles was a state treasurer in 424/3 and was probably a general at some point;[140] he was also a *probouleutes* ca 413-11, and one of those who supported the establishment of the oligarchy of the 400 in 411 (Arist. *Rhet*. 1419a25). Ehrenberg saw in Euripides' *Iphigenia in Aulis* a 'frequently expressed contempt for the ... common folk in the army', a 'reflection of the depraved democracy of those years [before 405]'.[141] Critias, one of the oligarchy of the Thirty of 404 was another noted playwright; 'in later days it was uncertain whether certain

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[138] Green 1994: 49-50, in respect of what was written for fourth-century audiences.

[139] Ober and Strauss 1990: 240, 246.

[140] Green 1994: 13.

[141] Ehrenberg 1973: 360-1.

plays were the work of Euripides or of Critias'.[142] Aristophanes was a close associate of the circle which included Socrates and Critias (Pl. *Symp.*). There is no biographical reason to conclude that the great dramatists were egalitarians.

Secondly, it is possible that the extant dramatic texts might be read to support a heroic and elite set of values rather than a political egalitarianism. As stated above, any argument about how the preserved dramas may be interpreted will be subject to question. Yet if it is plausible that the theatrical audience of the Periclean era was primarily an urban elite (and of mixed gender), there are grounds to question whether endeavours to demonstrate the existence of a democratic ethos in the texts of the plays might not also be misfounded. It is worth initially noting Connor's observation that 'the actions on which Greek tragedy focuses normally involve some disordering of the proper relationships among *philoi* .... Most frequently, ... the circle within which Greek tragedy takes place is the family and a few close associates - not the *polis*'.[143] In other words, it cannot be taken for granted that tragedy is above all a 'political art', as Meier put it;[144] it operates at a kind of interface between personal and public relationships, either of which may be primary at a particular time.

The principal structuring theme of many of these plays is *xenia* (guest-friendship) and its betrayal, a constant theme of the tragedians but one sorely neglected by modern commentators.[145] Such betrayal was the cause of the Trojan War which in turn gave rise to

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[142] *OCD* s.v. 'Critias'; and s.v. 'Agathon', who moved to Archelaus' court.

[143] Connor 1971: 51.

[144] Meier 1993: 101 (and in the title of his book).

[145] For passages which show the centrality of *xenia* obligations and their betrayal, rejection, or problematic status in Greek tragedy, see Aesch. *Suppl.* 917-20, cf. 400-1; Eur. *Hecuba* 7, 714, 1216, 1247-8, *Iph. Tauris* 1021, *Rhesus* 841 and *Cyclops* passim.

the events explored in Aeschylus' *Oresteia* (*Ag*. 61-2). Another theme explored at length in

tragedy is *stasis* (violent faction) in a city. This could involve rivalry amongst a heroic elite

or contest for rule within members of a ruling house.[146] Drama forms an important source for

Greek attitudes to *stasis*. Little was recorded about it by the narrative historians as it was not

regarded as a subject-matter for history.[147] (Much evidence of ancient internal political

discord may therefore have been lost from the historical record.) If tragedy was intended to

reflect unambiguously on contemporary politics, one might expect to see some reference to

contemporary state structures. Yet the body of preserved tragedy is devoid of references to

oligarchy, the principal contemporary political alternative to *dêmokratia*.[148]

The tragedies are set in an archaic heroic universe, and the values they portray and

endorse are often diametrically opposed to egalitarian sentiments.[149] The use of the term

'tyrant' by the classical dramatists had no necessary pejorative force. It could be used by

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[146] Aesch. *Seven Against Thebes* 631-8; Eur. *Phoen. Women* 520-3.

[147] Fornara 1983a: 63-4. In Euripides' *Heracles*, the reference to Lycus as an upstart refers to his coming to power by slaying the hereditary ruler when the land was riven by *stasis* (33, 543); as a Euboean outsider with many allies (33, 589) one might suspect that he married into a dominant faction and brought with him considerable strategic advantages.

[148] See Italie, *Index Aeschyleus*, Allen and Italie, *Concordance to Euripides* and Ellendt, *Lexicon Sophocleum*; the term '*oligarchia*' does not occur in any play or fragment.

[149] In Eur. *Hecuba*, Hecuba, speaking of Odysseus, describes as *acharistos* those that seek honour (*tim_*) as *demagogoi*, and says with evident contempt that he sought to please the many (*pollois pros charin*, 254-7); cf. *Iph. Aul.* 526-7. In *Iph. Aul.*, both Menelaus and Clytemnestra have little time for the *ochlos* (517, 1357). In *Orestes* Menelaus holds that the demos 'in their emotions are much like children, subject to the same tantrums and fits of fury' (696-7, cf. 772) though defended at 773 when they have good leaders). Orestes is judged by the *ochlos* of Argos (870ff); one good man, a farmer, spoke in his favour, and the *chrestoi* seemed convinced; yet *ho kakos* swayed the *plethos* for a death sentence (920, 930). It is worth noting that the Dionysia was open to non-Attic competitors; Pratinus of Philius (who introduced the satyr-play to Athens) carried off the first prize over Athenian playwrights ca 499-496, and at one time Ion of Chios carried off a double victory in tragedy and dithyramb (Ostwald 1992: 324).

tragic characters by way of a favourable reference to their own positions of authority.[150] It is also frequently used in a favourable sense by one character to or of another who occupies a position of rule.[151] Terms designating rule (e.g. *basileus*, *anax*, *koiranos*), in contexts which are clearly not pejorative, are often used interchangeably with the term '*tyrannos*'.[152] Where there is a consistent aversion to a tyrant's rule, it is generally a product of a distinction between Greek and foreign rule, such that Greek sole rulers (*basileus*, *monarchos*, *tyrannos* or other) respect the rule of law, whereas foreign rulers wield an arbitrary and inconsistent power (and so too in Hdt. 7.104.4).[153]

Some plays have been singled out as illustrating that the ancient playwrights represented characters or principles in a way which expressed an empathy with equalitarian sentiments. The claims which have been perhaps most explicit and influential are those of Ehrenberg, who held that Aesch. *Suppl*. provided the 'earliest picture ... of the working of a Greek democracy', and Meier, who held that Soph. *Ajax* and *Antigone* were above all concerned with exploring the relationship between people and leaders in the heyday of Athenian democracy.[154] Do the texts support these interpretations?

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[150] Soph. *OT* 541, 588, cf. 592-3, *Ajax* 1350; Eur. *Medea* 348, 1298, *Heracleidae* 423-4, *Phoen. Women* 483, 523, *Rhesus* 165, *Bacchae* 43.

[151] Soph. *OT* 128, 408, 513, 697, 873; Eur. *Medea* 308, *Heracleidae* 111, *Hecuba* 366, *Suppl*. 1189, *Heracles* 65, 474, *Iph. Tauris* 741, 1020, *Rhesus* 166.

[152] Soph. *Antigone* 1056-7; Eur. *Heracleidae* 111, 112, 181, *Electra* 710, 760, 877, *Helen* 505, 511, 516, 786-7, 1036, *Heracles* 809.

[153] This distinction is exemplified in Eur. *Medea*, in which Jason is tyrant of Iolchus, a Greek land distinguished from others (*barbaroi*) in that law rather than 'delight in force' governs life (140, 536-8); cf. Eur. *Suppl*. 313 with 429-34. I do not seek to hide from Soph. *OT* 873-4 in which the chorus charge that tyrannical rule is marked by *hubris* (or similar passages), but to point out that contextual reading is always necessary, and that a blanket view that the tragedians were opposed to tyranny is unsustainable.

[154] Ehrenberg 1950: 516-7; he argued that Pelasgus, *basileus* and founder of Argos (*Suppl*. 251), was 'powerless without the sanction of the people'; 'the struggle is between two

In Aeschylus' *Suppliants*, Pelasgus, *basileus* of Argos, says that he will not shelter Egyptian refugees until he has spoken with the *astoi*. Although he is ruler, he would never act alone, without the *demos*; to do so would be to act as a tyrant (369-71, 398-9). (It will be jointly the decision of Pelasgus [*prostates*] and the *astoi* which will grant refuge, 963-5). Pelasgus appeals to persuasion (*peithô*) and fortune (*tuchê*) to aid his speech to the *demos*: he will assemble the *leôs* and dispose them to give shelter (517-23). Liddell and Scott show that '*leôs*' may be translated as 'the army'. Pelasgus could be seen to be assembling the army to persuade them that sheltering the suppliants is worth going to war over (see 342). When the suppliants ask what the demos has resolved by vote of hands (604, cf. 601), they are asking what was resolved by the army. The terms 'demos', '*astoi*', '*leôs*', and 'army' may be read interchangeably and pertain to military action.[155] The text does not encourage the view that Aeschylus was illustrating or promoting the function of a general deliberative assembly within Greek *dêmokratiai*.

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different forms of government. Pelasgus again and again puts the Polis and the will of the people first' (518, 520). Although the closest Aeschylus got to a terminology of popular rule was *d_mon kratousa cheir* ('the people's ruling hand', *Suppl.* 604), Ehrenberg equated the phrase with *dêmokratia* and demanded, 'can it mean anything else?' (522).

To Meier 1993, in *Ajax* 'the Greek army at Troy comes broadly to represent the city of Athens. The armaments tribunal uses the terminology of the Athenian courts and various terms denoting leadership and authority are taken from contemporary life' (179; one wonders where else they could have come from); 'more than anything, it seems likely that [*Ajax*] would have prompted discussions ... about the relationships between the leaders and the people in Athens' (184). He held that *Antigone* 'tells us more about the political nature of Greek tragedy than most other plays', noting that 'these days, especially, it is seen as a drama of revolt against the state' (194). It is worth quoting his belief that, if the Greek classical ideal 'seems to us more like a dream than anything else, we should none the less assume that the dream came close to reality at that time' (212).

[155] Similarly, in Eur. *Hecuba*, the Achaians determined in full and in common (*plêthei xunodô*), swayed by the honey-tongued and demos-pleasing (*dêmocharistês*) Odysseus, that Hecuba's daughter Polyxena should be killed to please Achilles' ghost (106 with 133). That decision was taken by vote (*psêphos*) and represented the decision of the army (*dokô ... stratos*, 118-9). In Eur. *Suppl.*, Theseus could enforce his will on the *plêthos ast_n*, but wins favour (*eumeneia*) through persuasion (350-5). To Walker 1995: 147, 155f, Theseus was 'highly undemocratic' at the start of the play, but somehow changed his mind.

There is scant textual support for Meier's claim that the political terminology of Sophocles' *Ajax* reflects contemporary Athenian life. On the contrary, the context and its terminology seem singularly heroic. It is the elders who hold sway over the army (732); the kingly circle (*tyrannikos kyklos*, 749) comprises the Atreidai and their close associates. Decisions on all matters rest with these military commanders (1049-50). Ajax's *atimia* (426-7) is Homeric (*Il.* 1.171). Of all the Sophoclean plays, *Ajax* seems to me to have least reference to Sophocles' day. His *Antigone* contrasts arbitrary with traditional law (382, 1113). Creon, variously described as *stratêgos*, *tyrannos*, *basileus* and *tagos*, has breached custom in refusing to permit the burial of one of two dead brothers (21-30). There is what might be described as an exchange of political views between Creon, who holds that custom delivers the polis into the hands of its ruler, and his son, Haemon, who holds that no polis is the property of a single man (737-8). But given Haemon's princeship, it might be doubted that a defence of broad political rights is to be understood. It would be consistent with the text to see Haemon as propounding the wisdom of tradition, and indeed the culminative act in the play is Creon's realization - too late - of the necessity of respect for traditional ways and for the rule of customary law (1113).

If one were to single out a play to illustrate a claim that tragedy might have promoted or reinforced equalitarian sentiments, the best candidate, in my view, would be Euripides' *Suppliants*.[156] In it, Theseus observes that there are three divisions within a people: the rich (useless, always craving more), the poor (ridden with envy, guiled by the tongues of the base whose champions shoot at those of substance), and the middle, who save cities by guarding the communal order (238-45). In his opinion, 'the power that keeps cities together is the

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[156] Walker 1995: 164 held that this play portrays king Theseus in his most radical form; he saw it as mounting a strong defence of democratic values. Collard 1975: I. 24 observed that this play has been primarily discussed 'for its "political" content'.

preservation of the law' (312-3). Theseus is the ruler of a free city in which both rich and poor have a stake.[157] His people have an equal vote (*iso-psêphos*), and are lords (*dêmos d'anassei*) in annual succession (351-3, 403-8). The historical basis of this succession was progression through an age class system.[158] These two passages are conventionally linked by scholars as evidence that Euripides is making a direct reference to contemporary Athens.[159] Yet the text does not say that all of the people have an equal vote in all matters. The statement that the demos have an equal vote is made in contrast with a structure of sole rule, a contrast strikingly underlined by the phrase '*dêmos monarchos*' at 352-3. The second passage, stating that the demos are lords in succession, implies reference to *archai* and boule only. This rotation was a general characteristic of Greek administration.[160] It does not require the postulation of an assembly-driven democracy. From my reading of the tragedians I see no reason to concur with the view that classical tragedy should be thought to reflect egalitarian civic values.

It has been argued that Old Comedy conveyed a democratic ethos.[161] Aristophanes' caustic caricatures are generally taken as an exaggerated but fundamentally realistic

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[157] Theseus is ruler (164, 255), despite his statement that the polis is not ruled by one man but is a free city in which the demos are lords in succession (405-6). See the controversial lines 349-50, that he could enforce his will if he chose. The passage prompts recall of the story of Aristagoras' 'pretence' of rendering Miletus isonomous (Hdt. 5.37.2).

[158] Sallares 1991: 179, 'Aristotle explained [the origin of] the principles of the distribution and rotation of power ... which characterized the *polis* .... He stated that nature, by making every man young and then old, had provided a basis whereby each and every member of the *polis* could be ruled and then rule - *archomenos kai archôn*' (*Pol.* 1259b1-17). On the classical Athenian age class system, cf. 176 and n.210, 182.

[159] Collard (commentary) 1975: II. 198-9; 218, 'a clear reference to the Athenian system of elective annual magistracies and council'. Euben 1990: 55 generalizes this idea.

[160] Hignett 1952: 227; it applied in both *oligarchiai* and *dêmokratiai*.

[161] Henderson 1990: 296, 313; Carey 1994: 69.

representation of everyday social life in the late fifth and early fourth centuries.[162] Yet

Aristophanes berated the *dêmokratia* for its failings with no less vigour than Isocrates. He

pilloried its demagogues, assemblies, courts, moral relativism and political chaos in a

prolonged assault spanning nearly half a century. It would be an impossible task to attempt to

refute those who would insist that the comedies espouse or reflect democratic sentiments.

One can only point out that such a reading is not necessary, and that the plays can equally be

read as a defence of the standards of the *kaloi k'agathoi*, and as ridiculing rather than

advancing equalitarian principles.[163]

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[162] Most magisterially by Ehrenberg's *People of Aristophanes*, which aimed 'to give a historical and sociological account of Athenian life based on and illustrated by ... Old Attic Comedy' (1951: 1).

[163] *Knights* 134 begins the long assault on Cleon. The demos is led by the nose and taken in by whatever the glib offer its scatter-brain (1113-4, cf. 191-2); in *Wasps* the *plêthos* are the dupes of crooks (666f); *Lys*. assails the demos' foolish decisions (511-4, 517-20). In *Frogs* the ambiguous praise of making slaves into citizens at 693-6 is overthrown by a staunch defence of the place of the *kaloi k'agathoi* at 718-33; cf. 783, that - as on earth - there are few good men in Hades (cf. 1454-6). The populist (*dêmotikos*) style of Euripides (951) furnished one of Aristophanes' longest-running targets. (There is no fuel in this for a 'democratic' reading of Euripides - Peisistratos was also regarded as *dêmotikos*, *A.P.* 16.8.) Effeminate youths address the assembly best (*Eccl*. 112); the Athenians vote rashly in haste, and then ignore the decrees they have passed (*Thesm*. 798).

In *Ach*. the assembly is late to start, badly run, and full of sharpsters (28ff); in *Knights*, the character Demos is of singularly low, stupid and inconstant character (42, 50-1, 76, 164-7, 219), puts private gain ahead of the state's interest (1350-2), and is pilloried mercilessly throughout (cf. 1111-4). *Wasps* portrays the assembly as sheep (31-3); *Lys*. derides contemporary *psephismata* (703f); *Thesm*. arguably portrays the assembly as women (with the implicit derogation that might have involved at Athens, just as Persians were portrayed as women on vases [but for caution here, Boardman 1982: 27]; cf. Lys. 2.5) rather than presenting a comic view of a praiseworthy male assembly.

Ach. attacks a new legalism in the courts (679ff), which are dominated by the worst of men (*andrôn ponerôn*, 699; cf. *Eccl*. 570 on witnessing and informing); new populist laws function against the best interests of the state (*Thesm*. 944-5, 1055). Paid jurors are represented as the phratry of the triobelia (*Knights* 255) and their self-interest is lampooned mercilessly (*Clouds* 864-5; *Wasps* 88, 688), as is their judgment (*Wasps* 587) and poor character (*Peace* 349f). It would be no loss if the courts were turned into dining-halls (*Eccl*. 676, 681f) for they are little more than a means to that end anyway (*Wasps* 303-11).

On the effect of tributes on the social fabric, *Knights* 305-6, ridiculed further at 657-63, 698ff); against the pretended worth of rhetors, *Clouds* 100; irrational tunnel-vision, *Wasps* 488-92; increasing power of the courts, *Wasps* 589, and collusion for archonships,

The view of Athenian political history which has been presented in the first part of this thesis differs on many points from the orthodox presentation most concisely and authoritatively found in the *Cambridge Ancient History*,[164] but most importantly in its conception of the nature and significance of public participation in the Periclean era. To this point, I have begged a fundamental question: how is it possible to advance an interpretation of the texts and material evidence from the ancient world which differs so radically from the orthodox view, yet which has been at every step constructed from a continuous dialogue with some of the best of modern scholarship? The answer, I believe, lies within the history of classical scholarship itself. In the second part of this thesis, I aim to demonstrate that the orthodox interpretation of Athenian politics is centrally indebted to a discourse of romantic Hellenism which flowered most richly in England during the first half on the nineteenth century. The view of Periclean Athens which was universally accepted by the later years of that century would be maintained in all essentials through and past the recovery of the long-lost Aristotelian *Athênaiôn Politeia*. Under the weight of intensive scholarly criticism, that much-studied text would become to a considerable degree but a palimpsest for a liberalist vindication of Periclean democracy.

Lys. 577-8. The worst of men prosper best (*Plut*. 30-1, 89-90). For ruthless condemnation of assembly pay, *Eccl*. 183-9, 205-7, 310-15, 380-92, 778-9; *Plut*. 171, 176.

For a concisely stated and diametrically opposed reading, see Henderson 1990: 309. He acknowledged that Aristophanes satirizes popular ineptitude, but saw comedy as empathizing with its targets rather than mocking them unabashedly.

[164] See especially Rhodes 1994a: 565-8, 571-2.

CHAPTER 6

THE RISE OF ENGLISH HELLENISM

This chapter traces the rise of English interest in ancient Greece from the beginning of the eighteenth century to the Victorian era, in order to demarcate it from other strands of eighteenth- and nineteenth-century Hellenism, and to establish the basis from which to argue that it was politically significant. From around 1740 onwards, English Hellenism was discernably tinged with a romanticized conception of the past. At first aesthetic and antiquitarian, it was fuelled as much by chance discoveries and fashions as by intellectual deliberation, and paid scant regard to the politics of ancient Greece. In the later eighteenth century, however, increasing radical concern with civil liberties drew conservative attention to the instability of democratic politics that was reflected in the records of the ancient world, and classical Athens became a focus of debate concerning the prospects for modern political reform. By the early nineteenth century a nexus of historical parallels was - rightly or wrongly - readily drawn between Athens and England; these came to provide the basis of a pervasive and deliberately fostered cultural identification in the early Victorian era. It became the task of liberal scholarship to vindicate the historical Athens from the charges of wilful disorder levelled against it, but the 'Athens' which was vindicated was an unhistorical reconstruction which owed much to the romanticized enthusiasm of classically-minded writers and to the still-fragmentary state of knowledge of the ancient world.

Some shift in European attention towards Greece was evident by the late seventeenth century, abetted principally by the establishment of trading relations between Western

Europe and the Ottoman Empire,[1] well before any interest in the political structures of Greek antiquity. Organized though sporadic excavation at Herculaneum began in 1738 and at Pompeii in 1748. Although it is true that the excavations stirred European antiquitarian curiosity, the most substantial progress was made only after 1806 under Joseph Bonaparte and Joachim Murat.[2] In the eighteenth century attention was principally directed towards monumental and temple architecture and sculpture. Other than impressions gleaned from literature, little was known of ancient domestic life before the publication of William Gell's *Pompeiana* (1817-32).[3] A marked shift in English interest from Rome to Greece began around the mid-eighteenth century and predated detailed knowledge of Greece itself. Clearly visible in the work of prominent Graecophile 'Hermes' Harris, it was bolstered centrally by the works of Wood and Le Roy, whose publications pre-empted those of Stuart and Revett. However, the idea that from the early eighteenth century Western thought began to concern itself with 'the Greeks' generally is too simple: marked divisions must be placed not only between different (and broadly national) schools of reception but also between Homeric, classical and Hellenistic Greece and between modern perceptions of the various ancient states, particularly Attica and Lacedaemonia.

To draw out these distinctions it is necessary to treat briefly the reception of ancient Greece by America and France, which differed markedly from that in England, and by Germany, whose influence would deeply impact upon English scholarship in the nineteenth

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[1] Constantine 1984: 3, 10.

[2] Mau 1902: 26-9 concisely summarizes the history of the eighteenth- and nineteenth-century excavations.

[3] Jenkyns 1980: 82. Discoveries at Herculaneum were first published in 1755; publication of explorations at nearby Paestum began in the 1760s, but its Doric temple style did not find favour - Buxton 1978: 4-5.

century.[4] While it has been held that the two Revolutions derived much of their rhetoric 'from the democratic tradition of ancient Greece',[5] it was rather to republican Rome as described by Polybius, and to some extent Sparta and Carthage, but not to Athens, that Americans looked for instruction in the revolutionary era.[6] They were at pains to avoid terminological associations with ancient 'democracy' and to separate the frequent conflation of the terms 'democracy' and 'republic'; the image of Athens which they held remained that of a turbulent, strife-ridden order.[7] Interest in classical political models, at its height during the constitutional debates of 1787-8, largely subsided after ratification of the constitution in 1789.[8] Although there is a vocabulary of 'Jeffersonian democracy' abetted by Jefferson's 1816 assertion that Americans were self-consciously democrats, in that same year he held that since the advent of representative democracy, antiquity had no further political lessons for moderns.[9] Jefferson's thought provides no conceptual link between ancient *dêmokratia* and American politics; his advocacy of 'democracy' refers exclusively to modern representative structures. He also enthused over the early Roman dictator Cincinnatus who aimed to keep both people and senate in order (Livy 3.26ff, cf. 3.19) and, despite his well-attested love of Greek and Roman authors, proposed as early as 1779 that the ancient

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[4] On scholarship in this period, Manuel 1959: 9-10 noted that 'as a general rule the French, English and Dutch thinkers constituted one intellectual world, from which the Italians and the Germans tended to be excluded. The waves of influence in the eighteenth century moved eastward across the Rhine and southward across the Alps. [German] ideas were for the most part without recognition in England and France until the current was tumultuously reversed in the succeeding centuries'.

[5] Constantine 1984: 213.

[6] Reinhold 1984: 97 (and n.19), 101; cf. 253 for the image of Sparta.

[7] Bailyn 1967: 282 and n.50 (terminology); Roberts 1994: 181 (image).

[8] Reinhold 1984: 102 and 174; withering interest, 108.

[9] Jefferson, cited by Roberts 1994: 186, with Reinhold 1984: 108.

languages be dropped at college in favour of science.[10]

At no point did America experience a strong philhellenism commensurable with that of England or Europe. Pronounced American interest in Greece does not predate its earliest travellers there (from 1806) and, despite some flurry of attention in the first phase of the Greek War of Independence (from 1821-4), the influence of American Hellenism was largely confined to the widespread use of Greek Revival architecture over the period 1825-55.[11] Against a view prevalent earlier this century, recent work has shown that the American Greek Revival style did not claim democratic political connotations.[12] America had a negligible interest in Greek archaeological sites or antiquities before the third quarter of the nineteenth century and did not readily draw parallels between Athens and American democratic ideals before the late twentieth century.[13]

Like America, revolutionary France was trying to create a republican order, not a democracy, and it maintained a distinction between those terms; indeed, the word 'démocrat' (indicating something one could be) did not exist in French before 1789, and even by 1791 neither it nor the favourable use of 'démocratie' had achieved currency in France.[14] Although the French could identify classical Athens as 'un état démocratique' at least as early as

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[10] Reinhold 1984: 99, 124. Jefferson's aesthetics were Roman - Hamlin 1944: 17-8, 64.

[11] Pappas 1985: 120-1; Reinhold 1984: 216, 218.

[12] Against Hamlin 1944: 89, see Kennedy 1989: 19, 29-31, 185-9.

[13] Reinhold 1984: 265-6 (interest). For e.g. W. Ebenstein et al. 1967: 3, 'The meaning of democracy was defined by Abraham Lincoln as "government of the people, by the people, for the people"'; that is, they regarded 'American democracy' as constituted solely within an American political discourse.

[14] Palmer 1953: 205-6, 213; cf. *Dictionnaire Universel* (Anon 1771): *démocratie* is a form of (s.v.) *république* in which the people have 'l'autorité souveraine'.

1734,[15] they paid little attention to it before the end of the eighteenth century. In focussing on Athens rather than Sparta, Pauw's *Dissertations on the Greeks* (1787) and Barthélemy's *Anacharsis* (1788), were exceptional works for their time. Pauw praised Athens over Sparta because of its arts and sciences, the perfection of which invited consideration of its form of government.[16] The illustrious lawgiver Solon had 'formed in reality a mixed constitution' and the period most praised by Pauw is that from Solon to 478; classical Athens was subject to the 'great disease' of 'fits of laocracy' (domination by the lower class), an anomaly in a people 'naturally inclined towards order and legislation'.[17] Pauw's writing was motivated by his opposition to hereditary rank, authority and privilege in France but this, as his translator observed, was a very different situation to that in England, whose parliament the French of that era greatly admired.[18]

Barthélemy's *Anacharsis* is a densely annotated novel which constituted 'a brilliant summation of all the knowledge [then] available in Europe ... concerning ancient Greece'.[19] It presented Athens as 'essentially democratic' from the time of Theseus and gave reasonably high praise to the Solonian 'democracy'. Athens was ruined by its imperial and commercial expansion over the period 462-431 and shattered by the Peloponnesian War.[20] Claiming to follow Aristotle in identifying a 'republic' as the ideal form of government (as opposed to its corrupt form, 'democracy'), and praising Aristotle's conception of the mixed constitution as

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[15] Dacier 1734: II. 205 (= Plut. *Per*. 4.4).

[16] Pauw 1793: I. 1, 5, 7.

[17] Pauw 1793: II. 1, 8, 114-5, 120.

[18] Pauw 1793: e.g. I. 175, II. 5; translator, I.v; cf. Texte 1899: 99, 257.

[19] Stern 1940: 14.

[20] Barthélemy 1793-4: I. 31, 180-2 (Solon); 436, 440-2 (decline).

the best form in practice,[21] Barthélemy professed neither a democratic nor unqualifiedly anti-democratic intent. The self-evident reason for the work's appeal was not politics but its traveller's interest in Athenian customs and achievements, the subject of volumes II-VII.

To the extent that the French looked to antiquity for political inspiration, they looked to the Rome of Livy's early republic and (to a lesser degree) to Sparta, both of which evinced principally a simple, virtuous, and disciplined life.[22] Although the revolutionary generation received a limited, Rome-centred, classical education at school, the political idealization of Roman and Spartan antiquity was uncommon before 1789.[23] With the possibility of republican change, it flourished briefly if ambivalently under the Constituent Assembly and re-appeared with more intensity under the National Convention; but by 1795 'with the death of the leading Girondists and Jacobins, few devoted admirers of antiquity remained'.[24] It was Levesque's *Studies in Ancient History* (1811) and particularly Constant's *Spirit of Conquest and Usurpation* (1814) that made Athenian democracy a focus of study, but for Levesque the Solonian period was that of Athens' greatest achievement (as it had been for Barthélemy), while Periclean Athens was regarded as tumultuous and inferior.[25]

Constant's interest in the Greeks began in the 1780s during his period of education at the University of Edinburgh; by 1814 he had managed to convince himself of the 'utterly modern character' of the Athenians of Pericles' day in parallel with his contemporary

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[21] Barthélemy 1793-4: V. 263 with VII. 316, 318.

[22] Bolgar 1979: 13.

[23] Parker 1937: 16-7, 70.

[24] Parker 1937: 71, 95-6, 120, 124; the quotation, 178. For Laconomaniacs Robespierre and Saint-Just, 165-6, 169-70.

[25] Loreaux and Vidal-Naquet 1979: 191, 208; Levesque cited 205.

Frenchmen.[26] In 1819 he rejected that Rome and Sparta were emulable as model states, and praised classical Athens as the most active trading republic of ancient Greece, although he disapproved of its slave economy. He based his views of Athens principally on Pauw's *Dissertations*.[27] Although he held that Athens was the ancient state which had most closely resembled those of his day, his praise for the liberty of its citizens, fostered by its trading practices, was circumscribed by his antipathy to the impositions of collective sovereignty.[28] His claim is rather for civil in addition to political liberty under a representative political system, and it was only with Duruy's Greek history (1851) that Athens came generally to be favourably regarded as a successful moderate trading democracy.[29]

Winckelmann, the founder both of a specifically German classicism and of its avowedly Hellenist spirit,[30] held that his real life began from the time of his arrival in Rome in 1755. He maintained his enthusiasm for things Grecian at fever pitch, writing in 1759 of his passion to travel to Greece, 'I wouldn't mind losing my balls [Klöße] for such a chance'.[31] Like Grote, who would do equally much for Hellenist enthusiasm in the nineteenth century, he did not make the journey despite several opportunities, but 'what he said on Greek art, having seen very little of it, went ineradicably into the European consciousness'.[32]

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[26] Fontana, in Constant 1988: 15 with Schermerhorn 1924: 41; Athenian parallel, Constant 1988: 103 n.3.

[27] Constant 1988: 315, Fontana's note a.

[28] Constant 1988: 312, 315, 321.

[29] Constant 1988: 324-5; Loreaux and Vidal-Naquet 1979: 200-1.

[30] Nisbet 1985: 24, cf. 2, with Jenkyns 1992: 27.

[31] Constantine 1984: 96, 121.

[32] Constantine 1984: 96, 101; the quotation, 104. 'Until the late eighteenth century [most

He is best known for his *Thoughts on the Imitation of the Painting and Sculpture of the Greeks* (1755) and *History of Ancient Art* (1764), the latter of which profoundly affected the European reception of Greek art.[33] Two of his claims bear on this discussion: that Roman art was derivative of and inferior to that of Greece, and that the precondition of the latter's greatness had been the liberty of the Greeks.[34] In the later eighteenth century the image of ancient Greece became increasingly important in a context of a German search for national identity that would enable it to resist cultural and political domination by France.[35] Turning from the legacy of Rome also constituted a turning away from the principal literary cultural model of France,[36] and in Winckelmann's *History* the 'liberty of the Greeks' was indicative of the existence of states free from external cultural domination. Nowhere in the *Thoughts* and associated essays does he refer to civil liberties or advance democratic sentiments.[37] Similarly, although his *History* centrally lauded the arts of Periclean Athens, he also praised those of Sparta and elsewhere, viewed many of the early Greek tyrants positively as defenders of their states' freedom, and discovered another 'epoch of the highest refinement in

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classical Greek art] was only known from Roman copies ... or from [ancient] descriptions', Irwin 1972: 11.

[33] Pfeiffer 1976: 170.

[34] Winckelmann 1765: 3, 9.

[35] Bolgar 1979: 10.

[36] Irwin 1972: 24-5.

[37] In the Thoughts, the oft-quoted emphasis on liberty does not refer to politics at all, but to the public shedding of clothes - Winckelmann 1765: 9; cf. 117-8 (*Objections*), where he is unconcerned with Athenian internal politics while discussing the trial of the generals in 406. What the English made of Fuseli's rendering, 'Art claims liberty' (9), however, may have been more than Winckelmann intended. For a scholarly translation of the passage, Nisbet 1985: 35, where Fuseli's phrase does not appear.

art' under Alexander the Great.[38]

Winckelmann is simply naively faithful to his sources. Much-quoted for his praise of the Laocoön, in this he followed Pliny, yet elsewhere identified the greatest single work as Phidias' statue of Zeus at Elis.[39] Diodorus and Pliny told him that the Periclean era was the zenith of Greek art, but he also followed Pliny in locating a high period of painting in the fourth century; the renewed flourishing of art under Alexander he derived from Plutarch.[40] The idea that 'the independence of Greece [was] the most prominent of the causes, originating in its constitution and government, of its superiority in art' stems from Herodotus, and the generalization is not specific to Athens or to democracy: when he identified the Periclean 'Republik' as the greatest period of art, he apologised for the use of that political reference.[41]

Similarly, the substantial praise of Athens contained in Herder's *History of Mankind* (1784-91, English translation 1800), is not, contra Roberts, praise of its democracy in the footsteps of Winckelmann but highly qualified praise of its artistic legacy which, despite its splendour, reflected but the youthful bloom of humanity.[42] For Herder, public decisions based on oratory bore inevitably evil consequences which Solon had foreseen and tried to prevent, and 'the political institutions of the Greeks ... promoted the arts not so much because they were republics as because these republics employed the artists on grand works', a

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[38] Winckelmann 1880: IV. 181, 189, 191, 225.

[39] Winckelmann 1880: IV. 198, 228.

[40] Winckelmann 1880: IV. 190, 216, 225.

[41] Winckelmann 1880: IV. 179, see 182-3; 191, 'if I may so express myself'.

[42] Roberts 1994: 210-1; Herder 1968: 178, 201.

consequence of the pursuit of popular favour by demagogic leaders.[43]

It is hard to overstate the Grecian enthusiasm of many Germans of the later eighteenth and early nineteenth centuries. Schiller in 1784, for example, described his encounter with a collection of Attic plaster casts at Mannheim as 'walking among the heroes and the Graces and worshipping romantic deities as [the Greeks] do'.[44] This deeply romanticized interest would bolster English romantic enthusiasm for Greece from the late eighteenth century. But the early nineteenth century also saw the development of a 'scientific' approach to the classics emphasising contextual study and source-criticism, producing expositions which 'systematically destroyed' the earlier romanticized picture of Greece 'by the power of the factual'.[45] This detailed scholarship, the great superiority of which was recognized in England by at least 1809, would find an enthusiastic readership. It remains nevertheless true that German scholarship did not impact broadly on English approaches to the classics before the translation of Niebuhr's Roman History in 1828-32.[46]

While the romanticized approach to the Greeks faded in Germany after 1830,[47] seminal works by Boeckh (*Public Economy of Athens*, 1817) and Müller (*Historical Antiquities of the Dorian Race*, 1820-4) were translated by the English liberal parliamentarian G.C. Lewis[48] who would later praise Grote's history. Where Boeckh and

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[43] Herder 1968: 100, 183 (the quotation); cf. 184, 191, 194.

[44] Cited by Constantine 1984: 106; other eulogies appear in Nisbet 1985. For the development of German viewpoints, Wohlleben 1992: 170, 181-2, 185.

[45] Wohlleben 1992: 197.

[46] Grafton 1992: 232 (superiority); impact, Arnold 1830-35: I. xi-xii; Turner 1981: 84.

[47] Wohlleben 1992: 200.

[48] In 1828 and 1830 respectively, the latter with future Whig parliamentarian H. Tufnell. Lewis also translated Müller's *Literature of Ancient Greece* in 1840-2.

Müller both gave primacy to the reconstruction of Greek cultural themes, Hermann's rival school exclusively privileged textual reconstruction and criticism.[49] It would seem that scholarly German antipathy to liberalization, found in both schools,[50] could be readily disregarded by English Graecophiles: while the scholarship carried to Britain, the social attitudes did not automatically follow. By the mid-nineteenth century, however, Greek studies had become the focus of liberal German concern as the core of middle-class education (Bildung) in Humboldt's reformed universities.[51]

The reception of Greece in England was qualitatively different from that in America and Europe in both the eighteenth and nineteenth centuries. It built on an extant neo-classicism based primarily in Latin literature, but the Greece which was gradually unveiled from the early eighteenth century was tinged with a romantic Hellenism which saw the past not as matter for replication but as a source of a modern aesthetics.[52] Although English Hellenism had an independent origin from that on the Continent and the influences of Winckelmann and Barthélemy are relatively late,[53] the distinction may be illustrated concisely from Winckelmann's *Instructions for the Connoisseur* (1759), which derided the

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[49] Grafton 1992: 237.

[50] Roberts 1994: 239.

[51] Grafton 1992: 234. Momigliano 1966: 66 noted that German liberals would use Grote's *History* for political propaganda. Curtius' Greek history [1857-67] shows that the Germans themselves made free play with aspects of the ancient texts. Curtius put words into Ephialtes' mouth at the time of the overthrow of the Areopagus which seem rather to reflect Curtius' Germany and for which there is no authority in the sources: 'It was, [Ephialtes] averred, intolerable that a college of aged individuals, incapable of understanding the times and their claims, should from a perverse spirit of caste oppose all salutary and necessary reforms' (1868-73: II. 381).

[52] Ogilvie 1964: 82; Stern 1940: 4-5, 7. Shaftesbury's influence (*Characteristicks* 1711, *Design* 1712) was instrumental here - Kruft 1994: 236; cf. Buxton 1978: 8-9.

[53] Stern 1940: 16. The English enthusiasm for Greece over Rome evinced by Harris and by Stuart and Revett predates similar Continental views.

'slavish crawling ... after a certain model; whereas reasonable imitation just takes the hint, in order to work by itself'.[54]

The roots of English romantic Hellenism expanded from around 1730 with (1) the development of a scientific archaeology stemming essentially from collectors' rivalries (initiated by the Earl of Arundel's acquisitions in the early seventeenth century) and from subsequent concern about the worth of their purchases, (2) the growth of a Hellenized aesthetics in English literary and artistic culture, and (3) the vogue of the eighteenth-century travellers' tale.[55]

The first substantial expedition to detail the monuments of Athens was that of Stuart and Revett (1751-3). Their 1749 and subsequent expedition proposals were apparently motivated as much by financial as antiquitarian interests[56] and attracted support from Sir James Grey in Venice and, while in Athens, from James Dawkins.[57] Publication of the first volume of their *Antiquities of Athens* (1762) was assisted by the Society of Dilettanti, essentially a group of aristocratic profligates and collectors with antiquitarian tastes, who also abetted the issue of their subsequent work.[58] With the publication of Wood's *Ruins of Palmyra* (1753) and *Ruins of Balbec* (1757), Le Roy's *Ruins of Athens* (1758, English translation 1759) and Stuart and Revett, interest in formerly little-known Greek architecture was strong, and a work by Robert Adam of 1763 noted an admiration in Britain for Greek and Roman architecture of sufficient strength 'to make it necessary for every architect to

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[54] Winckelmann 1765: 256. He may have taken this sentiment from Junius, *De Pictura Veterum* (1637), who in any case took it from Quintillian 10.2.4ff - Junius 1991: lxxv; 32.

[55] Stern 1940: 11.

[56] Kruft 1994: 209 with Wiebenson 1969: 16-7 and proposals in Appendix I.

[57] Wiebenson 1969: 7 with Constantine 1984: 69.

[58] Webb 1982: 236-7; Stuart and Revett 1762-94: II. iii.

study and imitate the ancient manner'.[59] The Dilettanti then sponsored Richard Chandler's expedition of 1764-6 to explore and describe classical sites; his resultant books constituted a 'firm first step' in the detailed knowledge of Greece.[60]

The objectives of description and collection were interwoven, and printed private collector's catalogues contributed to the systematization of archaeological interest in Greek antiquity, although the distinction between Greek and Roman art and architecture remained unclear into the third quarter of the eighteenth century.[61] Whereas Chandler expressed concern that antiquities should be removed to England for preservation, Winckelmann had already lamented in 1756 that pillars from Delian Apollo's temple were but 'now the ornaments of English gardens'.[62] As a Grecian vogue gripped England firmly from the mid-1790s, the collector's drive which would culminate in the transportation of the Elgin Marbles intensified, and so too in parallel did the determination to fully document the surviving remains of Greek antiquity: 'Those who come after me shall have nothing to glean', wrote English scholar John Tweddle in 1799; 'Not only every temple, but every stone and every inscription shall be copied with the most scrupulous fidelity'.[63]

Stern located precursive strains of an aesthetic Hellenism in English verse from 1735 onwards which contained 'the same elements which appear in the hellenic poems of Byron, Shelley, and Keats', although it is obvious that they do not appear with the same passion,

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[59] For Wood, Wiebenson 1969: 36, 38; for Le Roy, Kruft 1994: 210; Adam, *Ruins ... at Spalatra*, cited by Stern 1940: 35. Stuart and Revett's first volume, however, was received with disappointment - Lawrence 1938/9: 131.

[60] Constantine 1984: 188; 199.

[61] Stern 1940: 17 and n.1, 38 and n.49; Steegman 1936: 136.

[62] Constantine 1984: 196, cf. 206-7; Winckelmann 1765: 162.

[63] Cited in Tsigakou 1981: 21.

intensity or sense of urgency.[64] By contrast, English eighteenth-century novelists emphasized contemporary relevance and realism, and disregarded or were hostile to classical literary precedents.[65] Pope's translation of the *Iliad* (1715-20) was popular, and Blackwell's *Enquiry into Homer* (1735) drew considerable attention to the heroic era. Robert Wood travelled to Greece in 1742-43 and 1749; in 1767 he published his *Essay on Homer* which, translated, met with great enthusiasm in Germany, and which centrally advocated intimacy with the physical setting of the epics to enhance their appreciation.[66] However, the classical period was little discussed before the late eighteenth century and, when it was, Athens 'appeared for the most part to her disadvantage as the city responsible for the judicial murder of Socrates'.[67]

From the mid-1790s Greece became markedly more accessible (although it never entered the circuit of the Grand Tour), and travellers' confirmations of the geographical accuracy of Homer led to subsequent interest in the epics for the purpose of comparison with Biblical times.[68] Indeed, its perceived scriptural relevance continued to provide the principal justification for the study of pagan antiquity through past the mid-nineteenth century in Britain and was the reason given by the Glaswegian publishers for the issue of their first annotated edition of Rollin's *Ancient History* in 1855.[69]

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[64] Stern 1940: 118. These poets are discussed below.

[65] Webb 1982: 10.

[66] Constantine 1984: 3, 66, 74.

[67] Bolgar 1979: 14.

[68] Accessibility, Kennedy 1989: 168; circuit, Buxton 1978: 9; Homer, Turner 1989: 70. The era of the Tour was roughly 1713 - 1793, and centred on Paris and Italy - Black 1985: [vii] and 5.

[69] Rollin 1855: I. ii; caution against the tendency of an excessive admiration of antiquity to paganize the mind, xiii.

But travellers' reports intermingled with travellers' tales: while Scrofani critically noted in 1799 that Barthélemy 'travelled' via the literature in his study, Scrofani's voyage to Greece was impelled by precisely the same object as that which drove Barthélemy's thirty-year labour of love - the rediscovery, almost, if possible the re-living, of antiquity.[70] In a similar spirit, the majority of travellers and artists who journeyed to Greece in the late eighteenth and the beginning of the nineteenth centuries went with preconceived expectations which they generally felt successful in fulfilling.[71]

While the strands of archaeological, aesthetic and travellers' interests became progressively intertwined, political consideration of the Greeks was slow to surface. James Harris was an unusually early enthusiast of Athens whose vigorous denunciation of Rome for Greece has to my knowledge gone unnoticed. In his *Hermes* (1751),[72] the achievements of the Greek states 'while they maintained their liberty' were lauded as those of 'the most heroic confederacy that ever existed' and which in a short space had come to show for all time 'to what perfection the species might ascend'. This 'golden period' is identified as that between the end of the Persian wars and the advent of Alexander the Great. By the time of his (posthumous) *Philological Enquiries* (1781), however, for Harris the 'golden age' had shifted centrally to Athens in the period of its fifth-century empire.[73] In both cases the 'liberty' of the Greeks refers to their freedom from external control and not to their internal politics.

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[70] Scrofani cited in Tsigakou 1981: 9; Barthélemy composed from 1757-88 (1793-4: I. xviii).

[71] Tsigakou 1981: 26-9; cf. Kruft 1994: 214-5.

[72] Probyn 1991: for its circulation and translation 141-2, and great impact 177. Against Rome, Harris 1751: 411-5.

[73] Harris 1751: 417 and note; 1803: III. 262, 264.

Harris' dismissal of Eastern monarchies as offering their subjects no conception of liberty and of possessing a politics concerned solely with who should be their subjects' absolute master[74] serves to highlight a strong eighteenth-century conviction that England was already a free country which was not in need of further Whig nor Radical political change. In an identical vein, Stuart and Revett's praise for the 'liberty' of the Greeks intended liberty from Persian control and was not democratic in sentiment. Their work was dedicated to George III, king of a 'free' people; to them, the Athenian 'Demos' as a representational image portrayed simply the collective Athenian people 'just as ... Britannia is understood to represent the state of Britain'.[75]

Rollin's *Ancient History* (completed 1730, 2nd ed. 1734-8, English translation 1738) contained the first narrative history of Greece, although it devoted little space to Greek political institutions and paid as lengthy attention to Philip, Alexander, and his successors as to the classical period. It retained its popularity into the nineteenth century, although its treatment of Greece was scholastically superseded by that of Mitford (1784-1810). Earlier British treatments of Greece had consistently favoured Sparta over Athens,[76] and if anything Mitford went some way to redress the balance.

Mitford's was also the first Greek history to make Athenian democracy the focus of detailed attention. While many have noticed the assault on his work by Macaulay and Grote in the 1820s, little attention has been given to the praise doled out to Mitford by the Whiggish *Edinburgh Review* in 1808 in spite of its regretting his hostility to democracy and

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[74] Harris 1751: 409.

[75] Stuart and Revett 1762-94: I. dedication; II (1787). 36.

[76] Roberts 1994: 236 erred in implying that 'the British preference for Athens over Sparta was evident well before the appearance of Mitford's volumes' in the general view of Greece - see Turner 1981: 189; 197.

partiality to Philip. The reviewer noted the 'public favour' won by Mitford's earlier volumes and began and ended with praise for his trustworthiness and detail.[77] Mitford's object in writing, according to his brother, was to caution Englishmen of the dangers he saw in the idealization of antiquity by writers in France and America who simultaneously professed enthusiasm for theories of the equal rights of man, overlooking that 'the largest portion [of the Grecian people] were slaves', whereas the institutions of England were those which served to preserve the liberties of a free people.[78] It was thus Mitford who primarily and most influentially made Athens a focus of English political debate.

Mitford is easily castigated as anti-democratic, but it is worth noting that for him Athens reached its period of perfection under Pericles; simultaneously, however, it was Pericles who gave most head to the people. Although Pericles had the skill to control the demos, his power nevertheless rested on its favour and he was 'obliged to allow what a better constitution would have put under restraint'. After his death there remained no-one able to control the assembly, and Athens became subject to the capriciousness of its people, with attendant instability and inevitable paralysis.[79] Mitford's work remained standard until Thirlwall's history was published in the second quarter of the nineteenth century. Its lengthy treatment overshadowed the shorter work of Gillies which appeared in 1786.

While Gillies denounced 'the incurable evils inherent in every form of republican policy',[80] it should be noted that although his work is not littered with contemporary references in the manner of Mitford, it probably owes its inspiration to Gillies' reflections on

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[77] [Brougham] 1808: 478; 491 with 517 (democracy); 495ff (Philip). Roberts 1994: 234 excessively stresses Brougham's criticism of Mitford's adversity to democratical sentiment.

[78] Lord Redesdale, in Mitford 1838: I. xix-xxi.

[79] Mitford 1838: II. 288, 292, 294 (Pericles); I. 253 with III. 59, 61 (decline).

America to which he drew attention in his earlier *Orations of Lysias and Isocrates* (1778).[81] Nevertheless Benjamin Constant published his partial French translation of Gillies' history in 1787,[82] which indicates that it did not outrage extant liberal sentiments. Gillies had spent 'several past years' to 1789 writing his comparison of Frederick of Prussia and Philip of Macedon, providing every reason to trust his statement that the history was largely written 'many years' before 1786 and was completed for publication due to the incomplete scope and issue of other available treatments.[83] Gillies praised the Homeric over the Solonian era, and the latter over that of Pericles and his successors which had led to the ruin of Greece.[84] He argued that the Greeks could not separate the power of government from the liberty of the subject, 'a line which forms the only solid basis of an uniform, consistent, and rational freedom'.[85] With the radicalising of English attitudes to domestic political reform over the second half of the eighteenth century, Greek history stood to become a platform for debate over its feasibility. From the early nineteenth century the sides would take up their positions in relation to the image of Athenian democracy established most soundly by Mitford but reinforced by Gillies, who were centrally responsible for late fifth- and fourth-century Athens coming to provide an exemplar of the inevitable collapse of extreme democracy.[86]

The rise of interest in the Greeks occurred in the context of the displacement of Rome

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[80] Gillies 1786: dedication.

[81] Momigliano 1966: 58-9 and n.6.

[82] Constant 1988: 15 n.a.

[83] Gillies 1789: 2; 1786: I. vii.

[84] Gillies 1786: I. 454, 457 n.10, 465-70.

[85] Gillies 1786: II. 88.

[86] Momigliano 1966: 58; Turner 1981: 194, 263.

as a model of and a focus of debate over the nature of political change. When eighteenth-century politicians and scholars discussed these possibilities, debate took place largely via the Roman model of the mixed constitution,[87] but 'as domestic political radicals became more nearly democratic in their demands, Greek history with its narrative of turbulent democracies became a more useful polemical device for defending the status quo'.[88] Accordingly, Turner's suggestion seems right, that the fact that Athens was little mentioned by eighteenth-century radicals indicates that it did not provide an ideal for the type of political change which was sought: the first favourable (though fleeting) mention of Athenian democracy as a political order by any writer was that by the expatriate Englishman Thomas Paine in the second part of his *Rights of Man* (1792).[89] The early English interest in Greek antiquity must thus be seen as a bedrock of later developments, but not as a shaping force.

The last decade of the eighteenth century embraced a marked increase in English attention to Greece in the cultural sphere.[90] While English taste did not broadly give way to Grecian from Roman influence before 1790, when it did so the turn was rapid. By 1794 'gusto greco', boosted by the third and influential volume of Stuart and Revett, was firmly established.[91] Jenkyns noted that 'the first part of the [nineteenth] century is the great epoch

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[87] In Jenkyns' summary, 'there were legitimate parallels to be drawn between the middle and later Roman republic and the structures of British representative government in the seventeenth and eighteenth centuries, specifically in its mixed constitution and in the filling of offices by popular election in which the governing classes did have to solicit the voter's favour', 1992: 5; cf. the extract from the *Monthly Review* 1764 cited in Turner 1986: 578 and discussion.

[88] Turner 1986: 587.

[89] Turner 1981: 191; Rawson 1969: 353; Foot and Kramnick 1987: 281 (text).

[90] Turner 1981: 61.

[91] Steegman 1936: 139; Constantine 1984: 4; Buxton 1978: 86.

of Grecian taste in literature, architecture, furniture, and even in dress'.[92] By 1813 it could be said that Greece had become a desirable traveller's goal, and depictions of it remained heavily idealized at least up to the time of the War of Independence.[93] British architectural interest in Greece proper was incidentally furthered by the Napoleonic wars, which limited access to Italy,[94] and Greek influences inspired the neo-classicism which dominated English architecture between 1800 - 1830.[95]

In this phase, however, and despite its breadth, English Hellenism remained superficial: between 1790 and 1820 in English letters, diaries and novels 'there is no sign of an Hellenic spirit permeating and transforming the conventional attitudes and morality inherited from the eighteenth century'.[96] Yet over this same period a powerful fusion took place between English Hellenism and English romanticism[97] which would bear unintended political fruit in the early Victorian era. While at the end of the eighteenth century Athens was not taken seriously as an exemplar of a viable system of politics, in the nineteenth it was to function as a model for the disaffected: 'for agnostics and atheists, Hellas was the supreme example of a non-Christian society that had reached the highest degree of human civilization; for radicals Athens was the state that had come closest to political perfection'.[98]

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[92] Jenkyns 1980: 15.

[93] Early nineteenth-century artistic depictions of Greece overwhelmingly disregarded accurate portrayal for evocative works recalling a distant golden age - Tsigakou 1981: 26, 29-30.

[94] Salmon 1990: 208.

[95] Crook 1989: 46-47, 56.

[96] Ogilvie 1964: 82.

[97] Steegman 1936: 141.

[98] Turner 1981: xii; the quotation, Jenkyns 1980: 14.

According to Francis and Morrow, nineteenth-century English popular politics did not possess an intellectual superstructure. Despite the high reputation of Bentham's writings this century, recent work indicates that these, as distinct from Benthamite Radical views, had little impact on political sentiments in his own day. The favourable view of Bentham's role as an influence on English reformist thought has resulted from the search for a key proto-democratic thinker, there being 'no one else upon whom the twentieth-century expounders of democratic theory could call when attempting to establish an intellectual pedigree for democracy'.[99]

Given that the tradition of political theory cannot provide any such figure and cannot demonstrate the existence of a coherent reformist intellectual superstructure, this thesis posits that there evolved instead a broad cultural substructure which produced a widely shared consensus on the importance of the Greeks. This, underpinned with a highly romanticized and eulogistic view of ancient life, made possible the later reappraisal and revaluation of Athenian *dêmokratia*. It is, I suggest, the pervasive yet indeterminate character[100] of mid-Victorian Hellenism which may paradoxically explain its neglect as an influence on Victorian political reform. As Turner put it, 'during the nineteenth century the perception of a close relationship between the political history of ancient Athens and Great Britain had emerged as almost an unquestioned assumption for numerous British intellectuals'.[101] This identification was abetted by the influence of German romantic Hellenism, which deeply affected English views of Greece during the first two decades of the nineteenth century.

It would seem to be Herder who first contended that daily assembly deliberations

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[99] Francis and Morrow 1994: 49-50.

[100] Jenkyns 1980: 16.

[101] Turner 1981: 188.

'opened even the ears of the unruly mob, and gave them that enlightened mind [and] propensity to political conversation' which inaugurated subsequent eulogies of the virtues of mass political participation.[102] Herder's most highly regarded contribution to thought was his stress on the unique character of each historical epoch, a view which became widely accepted not only in Germany but by nineteenth-century European thought in general.[103] It was Herder's enthusiasm for the 'primitive world' generally which provided the bridge between scholarship and romanticized historiography.[104] The principal influences on German attitudes to Greece in the first quarter of the nineteenth century did not come from academic scholarship, however, but were rather the heavily romanticized writings of Goethe, Schiller and Schlegel,[105] who followed in Herder's wake.

Goethe devoted his *Winckelmann* (1805) to the man who lived 'entirely in the spirit of antiquity'.[106] While Goethe himself waxed lyrical over the Greeks, he had little to say about ancient politics. Schiller primarily praised the Athens of Solon; his significant contribution lay in the fusion of a classically-inspired aesthetics with a philosophy of history.[107] Although both drew inspiration from the art and culture of Athens, neither enthused over ancient *dêmokratia*. Schlegel's lectures on drama, translated in 1815, most influentially introduced the English to Greek tragedy,[108] but Schlegel saw nothing populist in

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[102] Herder [1784-91] 1968: 194; see Roberts 1994: 211.

[103] Wohlleben 1992: 185, cf. Bernal 1987: 206, 305.

[104] Wilamowitz 1982: 107; cf. Bernal 1987: 215, 226.

[105] Wohlleben 1992: 179-80, 185.

[106] Goethe, in Nisbet 1985: 238.

[107] Roberts 1994: 212 (Solon); Wohlleben 1992: 185 (fusion).

[108] Jenkyns 1980: 87.

its content. Guided by the connoisseurship of the 'immortal Winckelmann', he looked down on the 'democracy' of comic poetry and placed the sublimity of tragedy 'beyond the comprehension of the multitude', a reading diametrically opposed to that dominant today.[109] The perspective of German Hellenism established by these writers culminated in the work of Hegel.[110] Overall, the Germans concurred that in Athens the individual

had historically most attained personal and social wholeness.[111] This view influenced and underscored the German historical scholarship[112] which reassured their fellow Hellenists across the Channel that their faith in the glory of Greece was well founded.

The English view of the Greeks accommodated a variety of political persuasions.[113] Byron, probably the most prominent of English Hellenists, was avowedly hostile to democracy.[114] His aristocratic companion, Shelley, while maintaining a long and passionate advocacy of Greek independence, urging rebellion in Ireland, and (in an anonymous pamphlet of 1817) advocating English political reform to ensure the effective representation of interests, was not so convinced of the immediate merits of popular government. In his *Philosophical View of Reform* (1819) he wrote that any 'sudden attempt at universal suffrage would produce an immature attempt at a republic' such that it would be better to alter nothing.[115] Nevertheless he maintained a reformist spirit, and associated his vision of ancient

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[109] Schlegel 1815: 48, 148, 528. Compare e.g. Euben 1990.

[110] Wohlleben 1992: 185.

[111] Roberts 1994: 220.

[112] Wilamowitz 1982: 92; cf. Grafton 1992: 240.

[113] As Buxton 1978: 169 saw but did not elaborate.

[114] Marchand 1973-84: VIII. 107.

[115] Ingpen and Peck 1965: IX. 267 (Greece); VIII. 279, 288 (Ireland); VI. 66 (1817); VII. 43 (1819).

with his object of modern freedom.[116] On the other hand, Keats' Grecian references enthusiastically laud its gods and festivals but have little to say about its political institutions or structure. While reference to classical Athens was becoming increasingly prominent in English culture, and Athens was generally held to have permitted a considerable degree of civic freedom, it was as yet unvindicated as having possessed a credible political system.

Harold Perkin highlighted two important changes in the English social structure of the early nineteenth century. First, the period saw the abdication of aristocratic responsib-ility in the deliberate dismantling of structures of paternal protection which had justified social hierarchy. This resulted in the disaffection of the middle strata, which ceased to see the aristocracy as representative of the whole community. Secondly, the emergence of class division, an 'organized antagonism with a nationwide appeal to all members of one broad social level', which had been checked by patriotism to the end of the Napoleonic Wars, became manifest over the period 1816-20.[117] Together with the rising influence of middle ranking and Dissenting interests, (long allied with Whig sentiments[118]), this would increase domestic pressure for political reform for reasons unconnected with the ideological legacy of the French Revolution or with English reactions to it.[119]

The literary periodical was the principal form of communication among the educated English middle class in the first half of the nineteenth century.[120] The 'great triumvirate'

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[116] Mary Shelley, in Hutchinson 1934: 345, 481-2.

[117] Perkin 1969: 184, 192, 208-9.

[118] Perkin 1969: 347-8.

[119] Lincoln 1938: 254, cf. 268-9.

[120] Dennis 1987: 1-2, cf. 4. But while Dennis suggested that newspapers were of 'comparatively minor importance' until late in the century, Lord Stanley wrote in 1851 that 'quarterlies are well nigh superseded by the growing influence of the daily and weekly press, which draws off the ablest writers' (Vincent 1978: 57).

were the *Edinburgh Review* (established 1802), the *Quarterly Review* (1809) and the *Westminster Review* (1824).[121] From about 1820 a substantial polarization occurred in English interpretations of Athens which was reflected in differing responses to Mitford's history, and was principally fought out between the Tory *Quarterly* and Bentham's Radical *Westminster*. Criticism of Mitford was provoked more by his conservative reflections on English politics than by the accuracy of his Greek historical material, and resulted from the enhanced possibilities of domestic political reform.[122]

Mitford's presentation of Athens had remained generally undisputed until a hostile appraisal appeared in the *Quarterly* in 1821. Its author, William Haygarth, dismissed Rollin, Gillies and Mitford in turn as little more than chroniclers of events. Although Mitford had unravelled 'the intricate web of Grecian politics' he was 'singularly deficient' as an historian and his style was 'obscure, inharmonious and ungrammatical'.[123] Haygarth called for a new 'philosophical' history of Greece which discussed the 'depth of its minds and intellects', the 'rise, progress and perfection of the arts', and (among other things) the condition of women and the lower classes.[124] This article has gone seemingly unnoticed, yet it is seminal both in its critique of Mitford and in its call not only for a new history of Greece, but for a new approach to the writing of history in general.

An intense debate over political history was provoked by a subsequent article in the *Quarterly* in 1822. The centrality of oratory to Athenian politics was long recognized. Thomas Mitchell's 'Panegyrical Oratory of Greece' assailed classical rhetors who 'regarded

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[121] Houghton 1966-89: III. 528.

[122] Turner 1981: 206.

[123] [Haygarth] 1821: 154-5, cf. 168.

[124] [Haygarth] 1821: 157, 171-3.

the pomp and prodigality of *words* without any close attention to the truth or reality of *things'*. It excoriated the sway of political oratory, centring critique on 'that wretched sophist' Gorgias.[125] Despite high praise for the Thucydidean speeches of Pericles, it singled out Plato's *Menexenus* to provide a contrast with them and to condemn funerary and political oratory in toto as sophistic deception.[126]

Macaulay penned three articles on Greece for *Knight's Quarterly* in 1824, two of which may be regarded as an indirect response to the *Quarterly*. His 'Athenian Revels', a theatrical dialogue, abounds with zest for the life of classical Athens as it appeared to Macaulay's mind. (Fourteen of his thirty-two explanatory notes are drawn from Aristophanes.) It is set in 415, and reflects the belief that assemblies were a frequent occurrence at which any citizen could speak. Its sole political comment is a lament by the aged Callidemus that politics, dignified in his youth, had 'degenerated into a trade'.[127]

His subsequent 'Athenian Orators' opined that 'in general intelligence, the Athenian populace far surpassed the lower orders of any community that has ever existed'.[128] Macaulay located the great era of oratory in the forensic speeches of the fourth century and held that in Athens, 'in turbulent times, under a constitution purely democratic, ... oratory received such encouragement as it has never since obtained'.[129] His conception of its daily life is relevant to the evolving view of Athens: we encounter Phidias, Socrates, and a rhapsodist within minutes. The assembly is to meet: 'Pericles is mounting the stand. Then for

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[125] [Mitchell] 1822: 383, 387.

[126] [Mitchell] 1822: 392, 399-403.

[127] Macaulay 1824a: 585-6. These articles were published anonymously.

[128] Macaulay 1824b: 664-6.

[129] Macaulay 1824b: 670, 664.

a play of Sophocles; and away to sup with Aspasia. I know of no modern university which has so excellent a system of education'.[130] The view that the intense and extensive civic involvement thought to have existed amongst the Greeks constituted in itself an ideal education would become increasingly entrenched in the conception of ancient civic life .[131]

Macaulay's third contribution was a review of Mitford's history. It commented on the 'great and increasing popularity' of Mitford, took issue with his 'perfect hatred' of democracy, and contended that 'the happiest state of society is that in which supreme power resides in the whole body of a well-informed people'.[132] Athens, which had 'produced within a hundred and fifty years the greatest public men that ever existed', was central to that conception, and Macaulay eulogized the Athenian society and character which had been responsible for that achievement.[133] Roberts suggested that 'though it was Macaulay's ostensible wish to withdraw Athens from the debate over government raging in contemporary Britain, his true goal appears to have been to purloin the Athenian example for the reformers'.[134] This seems correct: Macaulay was unequivocal that although direct democracy was 'perhaps an unattainable' ideal, 'he alone deserves the name of a great statesman whose principle it is to extend the power of the people in proportion to their knowledge, and to give them every facility for obtaining such a degree of knowledge as may render it safe to trust them with absolute power'.[135] This sentiment would underpin the

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[130] Macaulay 1824b: 666.

[131] See Thirlwall 1835-44: IV. 214.

[132] Macaulay 1824c: 683, 687, 689.

[133] Macaulay 1824c: 690, 692-3.

[134] Roberts 1994: 237.

[135] Macaulay 1824c: 689.

seriousness of purpose attached to educational reform in the Victorian era.

A direct response to the *Quarterly* was published by the *Westminster* in January 1825. In it, Hogg attacked Mitford's 'ill-spelled and worse written' history and lambasted the *Quarterly*, whose 'every alternate number' had 'assailed ... those whom the assailants themselves term "the most extraordinary people which the world ever saw"'. What was at stake in the relevance of the image of Athens to English politics was becoming more defined: 'the inveterate habit of doing without a king, [and] perfect freedom of discussion'.[136] A second piece identified the principal tactics of conservative critiques of Athens: 'One is by exaggerations concerning the Sophists; another ... is by asserting that the female character was in a degraded state at Athens, and must always be so under a popular government; and a third, by striving to diminish the glory that surrounds the memory of Socrates'. Hogg described a series of citations drawn from the *Quarterly* as 'insane rant', and dismissed Mitford's 'love of tyrants and ... hatred of liberty [which] ought to supply a fund of diversion' as simply monotonous and fatiguing.[137]

Mitchell fired back in the *Quarterly*. He opened by stating that Englishmen were frequently told 'for purposes not very obscure' that in Athens all measures were carried by the assembly.[138] The ideological link between Athenian democracy and the goals of English reformers was clearly acknowledged by both writers. He then detailed the disorder, partisanship, inattentiveness, rhetorical sophistry, perjury and corruption of the Athenian courts.[139] Athens had become sufficiently important that texts pertaining to its political

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[136] [Hogg] 1825a: 233-4.

[137] [Hogg] 1825b: 237, 242, 251.

[138] [Mitchell] 1826: 332-3.

[139] [Mitchell] 1826: cf. especially 350-4.

structure had begun to be subject to detailed examination specifically to determine their utility to contemporary political debate. But Mitchell wrote more in loathing than in fear of democracy: 'Democracy is to us', he charged, 'only as an antiquated dowager, whose best days have long gone by'.[140] Political parallelism between Athens and England was not yet consolidated, and could still be dismissed by the conservative voice.

This state of affairs was challenged by George Grote's discussion of Greek history published one month later in the *Westminster*, some four-fifths of which is reserved for an assault on Mitford. Grote conceded nothing to Mitford's critique of Athens and took him to task as a poor historian in addition to castigating his political sentiments. He observed the 'large space which the literature of Greece occupies in ... education' and the 'certainty that a Greek history [would] be more universally read than almost any other history' by his contemporaries, notwithstanding that the attention then paid to Greek literature was 'more apparent than real' and concentrated on linguistic mastery rather than the study of social phenomena.[141]

Grote contended that 'democracies were by far the best among all the Grecian governments', and that this had been primarily due to the 'publicity and constant discussion of all matters relating to the general interest' which 'were the great stimulating causes of Grecian eminence'.[142] He rejected that the assembly was fickle or inconstant. While owning that it may have on occasion sanctioned acts of 'prodigious folly and atrocity', such events were rare in a body 'constantly and habitually convoked, and accustomed to the universal and unreserved discussion of all political topics'. Oratory had been the 'foremost engine' of

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[140] [Mitchell] 1826: 356.

[141] [Grote] 1826: 270, 280, 331.

[142] [Grote] 1826: 278-9; cf. 293.

Athenian political power: 'Measures which are canvassed ... in the public assembly are sure to become the subject of ... all private meetings', with a concomitant demand for knowledge concerning all aspects of society.[143]

He rejected the idea that dissension arose because of the 'quarrelsome temper of the people'. He argued from Aristotle that they had lived harmoniously together, and defended the legal system against its attested deficiencies, holding that apologetic passages in most forensic texts demonstrated the reluctance with which recourse was had by citizens to the courts.[144] Where Paine had given Athenian democracy but fleeting praise, Grote was the first to determinedly declare that 'it is to democracy alone ... that we owe that unparalleled brilliancy and diversity of individual talent which constitutes the charm and glory of Grecian history.[145] His presentation most strongly promulgated what would become the conception of the Athenians dominant in Victorian England, transformed from the collectivist social beings hailed by the German writers[146] into rational individuals possessed of a utilitarian ethos and a powerful sense of social responsibility.

This survey of the journal debate over Athens concludes with Austin's response to Mitchell, also published in the *Westminster*. Austin argued that good government could only be obtained when those 'to whom the power of governing is delegated are effectively and frequently ... checked by ... the whole community'. Athens exemplified such popular control and had hence become a focal point of contemporary debate.[147] Standards of scholarship had

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[143] [Grote] 1826: 295 (folly); 275 (oratory).

[144] [Grote] 1826: 296; 298-301.

[145] [Grote] 1826: 280.

[146] e.g. by Goethe, in Nisbet 1985: 237-8; Schlegel 1846: 48-9; Hegel 1956: 261.

[147] [Austin] 1827: 227-8.

by now become an issue for both sides. Austin regretted 'that the comic poets are continually cited as serious authorities' - an enduring fault[148] - and attacked Mitchell's reading and interpretation of Attic texts.

Austin set out to argue that the Athenian courts were not, as charged, 'numerous, poor, ignorant, careless and impassioned', and that the Athenian orators were not specious sophists.[149] Finding insufficient evidence in the sources for his defence of Athens, Austin misconstrued some of the passages cited by Mitchell to explain away the evident problems which the ancient testimony posed to a consistent conception of justice, and employed numerous irrelevant modern parallels and considerable quantities of sarcasm against his opponent's case.[150] His retort to Mitchell's charge that democracy was an 'antiquated dowager' was that it was in the prime of youth in America.[151]

The journal debate over Athens simultaneously records both the consolidation of the emerging Radical reconstruction of Athenian political history and more definite stances towards English political reform. By 1831 the *Quarterly* could readily (and unfavourably) parallel Pericles and Grey.[152] As Turner observed, nineteenth-century English discussion of Athens was driven less by antiquitarian interest than from 'a firm conviction that what they said about Greece would have an impact on contemporary political, religious, philosophical, and moral discourses'.[153] In consequence of this debate, Mitford's work, though still the most

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[148] [Austin] 1827: 229; cf. Halliwell 1993: 328ff.

[149] [Austin] 1827: 246-7.

[150] See e.g. [Austin] 1827: 243, 239-41, 258-65.

[151] [Austin] 1827: 267.

[152] [Williams] 1831: 453.

[153] Turner 1981: 7, cf. 263.

detailed Greek history available, had by the late 1820s come to be generally viewed as a deficient and reactionary presentation. Concomitantly, English attention to classical Athens had broadened and intensified, and it was accepted as axiomatic by both sides that of all previous societies, Athens had most fully realized human potential.[154] Having willingly conceded this much, the conservatives began to find themselves awkwardly placed in their opposition to the extension of the franchise.

Crook argued that America had been the focal point of English debate on democracy in the first half of the nineteenth century, but the decade 1820-30 which he identified as that in which the image of American democracy was most fiercely contested is also that in which the principal antagonists - Tories and Radicals - took up the definite stances towards Athenian democracy which they would carry into the mid-Victorian era.[155] As with the contest over classical Greece, the Whigs shied from admiration of American democratic institutions, and debate was fought across the Whig centre without securing its commitment to either side.[156] Crook noted that the Whigs 'were particularly impressed by the built-in checks and balances of the American [system, but] they preferred to explain American

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[154] [Hogg] 1825a: 233. The third group, the Whigs, had little to say about Greece in the *Edinburgh* throughout this period. They seemed to accept a classical education as a matter of course; [Sandford] 1821: 302-3 praised its teaching at Oxford while holding that there was more to be done, although [Williams] 1828: 418-9 was 'decidedly of the opinion' that Greek drama was given far more time and attention than it deserved. Political discussion for or against Athenian democracy is absent from the *Edinburgh*, although by 1831 Williams was writing for the *Quarterly* and did not neglect the topic.

[155] Crook 1965: vx; 1 (focus); 78; 99 (contest). The Tories consistently opposed American political institutions from at least 1819 due to their opposition to English democratization (84, 99); the Radicals for their part (and with little real knowledge of America) could find no fault with it (27).

[156] Crook 1965: 70. The principal polarization was between Tories and Radicals in the mid-1820s - Stanley (later Lord Derby) 1824-5, cited by Crook 95 with n.3.

stability in terms of these Whig, rather than of democratic, principles'.[157] With the passage of the 1832 Reform Act and the attainment of the middle-class franchise, both Whigs and Radicals abandoned their interest in American political exemplars, and only 'the Chartists and Ultra-Radicals [maintained] a zealous and undiscriminating regard for ... democracy in the new world'.[158]

As more was learned about America, particularly with the translation of Toqueville's work from 1835, it was harder to sustain idealizations, and America became generally perceived as a reasonably efficient, broadly middle-class, but culturally stultifying place.[159] Athens, however, could continue to offer what America could not: high culture in a democratic state.

While the conservatives might have shaped the way Athenian democracy was to be addressed and re-examined, the radicals can fairly be said to have invented as much as they reappraised. As Grote himself explicitly owned, 'Perhaps there never was any history which admitted to so great an extent the manifestation of partialities as the Grecian. The scantiness of the original documents makes it necessary for the historian to draw extensive inferences from single facts, and to supply the connecting links of various facts from his own conjectures ...'.[160] In this matter, the conservatives would not have a monopoly.

English education had long focussed on Latin grammar, language and literature;[161] when it shifted its emphasis strongly to the Greeks after 1820, it did not embrace radical

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[157] Crook 1965: 142.

[158] Crook 1965: 74 (favour); 52 and 77 (abandonment); 53 (Chartists).

[159] Crook 1965: 33, 166-7.

[160] [Grote] 1826: 307.

[161] Clarke 1959: preface.

aims.[162] Yet what was taught as a classical education was itself subject to ideological contestation, as is evident from the above analysis of periodical literature. In the early Victorian era it would be the new emphasis given to Athens in English education that would render conservative outlooks particularly vulnerable to Radical critique.

It was Thomas Arnold, Head of Rugby from 1828 to 1842, who refashioned the English public school as it would be popularized in Hughes' *Tom Brown's School Days* (1857).[163] Arnold 'aimed to create Christian gentlemen through the study of the classics.'[164] His belief that 'the history of Greece and of Rome is not an idle inquiry about remote ages and forgotten institutions, but a living picture of things present, fitted not so much for the curiosity of the scholar as for the instruction of the statesman and the citizen', was widely shared in the early Victorian era.[165] With the exception of Eton and Winchester, the Grammar schools reoriented the study of classics from Rome to Greece largely due to the impetus of Rugby.[166] The study of Rome declined in status; Turner noted that 'not a single new or distinguished British history of the Roman republic appeared during the first half of the nineteenth century'.[167] The increasing emphasis on classics in the schools was paralleled by their growing prominence in the universities.[168] With the raising of linguistic standards for

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[162] Ogilvie 1964: 86-7.

[163] For the validity of this comparison, see Stanley 1903: 330, 336.

[164] Bowen 1989: 170.

[165] Arnold [1830]-35: III. xxii; cf. Ogilvie 1964: 95; Roberts 1994: 230.

[166] Ogilvie 1964: 98-100. While Latin came to be displaced by Greek studies in the major English schools during the 1830s, no such displacement occurred in the nineteenth-century German curriculum - Grafton 1992: 234.

[167] Turner 1986: 588.

[168] Ancient history was added to the syllabus at Oxford in 1830 and at Cambridge in 1851 - Jenkyns 1980: 61.

university admission, Greek 'became the mark of membership in an elite which had once been indifferent to the refinements of scholarship' and which would place the offspring of part of the middle class on a cultural par with the aristocracy.[169] The combined influence of public school and university attention to Greece entrenched its prominence in the culture of the upper middle and upper classes, and in the eyes of those who accorded them status.

Arnold is the great Victorian Thucydidean. As he saw it, 'the period to which the work of Thucydides refers belongs properly to modern and not to ancient history.... The state of Greece from Pericles to Alexander ... affords a political lesson perhaps more applicable to our own times ... than any other portion of history which can be named anterior to the eighteenth century'.[170] As Turner described Arnold's political outlook, 'despite his youthful flirtation with Jacobin ideals and his later moderate political liberalism, Arnold was a more or less traditional Tory in the 1820s so far as issues of political authority were concerned'.[171] It is the later liberal sentiments that underpin his edition of Thucydides (1830-5) which are of concern here. Against Hansen's statement that Grote was the historian who 'rediscovered' Cleisthenes as the originator of democracy, the credit is actually due to Arnold.[172]

Jenkyns noted that those who saw the reflection of Thucydides' Athens in England ca 1820 were inclined 'to develop a bleak pessimism' from his presentations of conflict between the few and the many.[173] In Victorian hands, however, the focal point of Thucydides' text would become the Periclean Funeral Oration, and the interpretations of that

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[169] Grafton 1992: 235.

[170] Arnold [1830]-35: III. xviii-xix.

[171] Turner 1986: 588.

[172] Hansen 1994: 26; Arnold [1830]-35: I. 668.

[173] Jenkyns 1980: 62.

oration suggest that those fears became displaced by a reconstruction of Athenian life in which the early Victorian view of Periclean Athens, which would culminate in the masterful presentation by Grote, was re-interpreted in line with a eulogistic view of the sentiments expressed by Thucydides' Pericles.

Hobbes, who translated Thucydides in 1627, held that Athens had been effectively a monarchy under Pericles (cf. Thuc. 2.65.9). He rendered Pericles' description of its government as one which is called a democracy 'because in the administration it hath respect not to a few but to the multitude'. As Saxonhouse observed, it is clear both in the Greek and in Hobbes' version that nothing suggests that power lies in the hands of the people; the text refers to governance only.[174] Yet this is not the view which would be conveyed by the new elite education. Arnold's Greek *Thucydides* contains a marginal English summary of events for its students' benefit. The summary of the Periclean funeral oration from Book 2.37-41 is as follows: under Pericles the Athenians will

'[37] develop those internal principles of their polity to which their greatness alike in peace and war was to be ascribed. Those principles are, freedom, equality of rights, and a liberal spirit: no privileged castes engross all honours, no degraded ones are deprived of the benefits of equal laws; no intolerance requires that every one's manners and habits should be conformed to its own model. Yet liberty is not licence: and they who fear no tyranny, and are subject to no arbitrary restraint, are deeply influenced by the fear of the laws, and submit willingly to the restraint of the principles of justice and generosity. [38] Their life is humanized by joyous and social festivals, and by the elegance and taste which surround them in the embellishment of their private houses. [39] ... And yet experience has shown that the gay and happy citizens of Athens will brave danger as fearlessly as the stiff and disciplined Lacedaemonians .... [40] Further, Athens has united literature and philosophy with the highest martial heroism. She considers no citizen too ignorant to have an opinion

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[174] Saxonhouse 1993: 487.1-2.

> on public matters; she allows none to abstain from public and political duties.... [41] ... The power and protection of Athens are felt in every land; and the fears or gratitude of mankind are the noblest evidence of her greatness'.[175]

Arnold's marginal summary is a liberal rendition of Pericles' sentiments which would be taught to three decades of elite youth in the period between the two Reform Acts. It countenanced an enlightened and lawful liberty wedded to the rule of a grateful empire - the parallel with Britain is obvious - and Arnold's note to section 40 reassured his students that 'the conduct of the British infantry at Minden did not seem to favour the notion that philosophy and literature in a nation was injurious to its military spirit'.

Manifold associations were drawn between early Victorian England and classical Athens. A familiarity with classical culture was assumed by most Victorian novelists and popular speakers, and Turner noted that the Victorians generally held interests in Greek religion, mythology and philosophy.[176] The obsession with, and a belief in the replicability of, the lessons of classical Athenian political life directly entered into the early Victorian political structure. Henry Warbuton, who was to have sponsored the Radical parliamentary push for the secret ballot before Grote took on this responsibility after his election to Parliament in 1832, sought information from Grote in 1831 on whether voting by beans had been used at Athens and elsewhere, and whether it was discussed by Aristotle.[177]

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[175] Arnold [1830]-35: I. 269-82.

[176] Jenkyns 1980: 113 (novelists); Young 1977: 52n., that the speeches of leading figures including Bright, Gladstone and Disraeli 'imply a considerable body of literary culture common to the speaker and at least a great part of his audience'; Turner 1989: 76. Ogilvie 1964: 106-7 lists a string of parallels, essentially of the 'two small maritime nations' defeating greater powers and of cultural glories attained under democracies of restricted membership.

[177] Mrs. Grote 1873: 76. Crook 1965: 41 privileged Warburton's interest in the success of the ballot in America over its initial classical context, and ignored his associated curiosity about its fate in Italy.

Arnold's influence had done equally much to promote the study of Plato as of Thucydides in schools, and Plato's advocacy of strict social planning found particular favour with the Benthamite Radicals and notably with J.S. Mill.[178] Christie termed the era 'the age of committees', and Ogilvie held that the Victorian enthusiasm for committee decision was derived from the writings of Thucydides and Plato under Benthamite inspiration as being 'the only system compatible both with democracy and efficiency ... on which the educated served'.[179] The influence of Plato and Thucydides permeated beyond the exigencies of graduation: 'in every walk of life we find men reading the two great classics during the half-century that begins in 1830', as attested in private letters and memoirs. As Ogilvie put it, the Victorians conflated the historical Athens of Thucydides and Aristophanes with the ideal republic of Plato to produce an imaginary Athens against which to measure themselves.[180]

Perkin suggested that the First Reform Act was passed in a context of 'the loss of confidence and division of the aristocracy in the face of the united middle and working classes'.[181] They were united, however, only in the qualified sense of their opposition to aristocratic rule. While in 1831-2 'it was the middle and lower sections of the citizens who promoted and worked ... for the Liberal cause',[182] it is also true that 'middle-class institutions would accept working-class support only on their own terms, and without abandoning any

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[178] Ogilvie 1964: 99, 109.

[179] Christie 1927: 236 with Ogilvie 1964: 110.

[180] Ogilvie 1964: 103-4, 107. He noted (129) that 'almost all the leading [Victorian] scholars devoted a major part of their working lives to the understanding either of Thucydides or Plato'.

[181] Perkin 1969: 217.

[182] Mrs. Grote 1873: 77.

part of their ideal'.[183] After 1832 the middle class became the dominant force in English society, and sought to stabilize its relations with its superiors and inferiors.

As Perkin cogently stated, 'the key to the rise of a viable class society was the institutionalization of the middle class and ... the imposition of its ideal upon the other classes'.[184] Classical Athens, viewed as a place where despite differences of wealth there was no stratification amongst the citizens,[185] was to furnish that ideal. One of its chief appeals was precisely the attestation of a viable class society in an imperial context; a broadly middle-class society in which, with some historical inaccuracy, the role of the *kaloi k'agathoi* was confined to setting the direction of taste, the middle classes supplied the bulk of the educated democratic citizenry, the *thetes* powered the imperial fleet, and the somewhat distasteful business of shopkeeping and small production was left to the *metikoi* of the lower-middle classes.

After the First Reform Act (1832) the dominance of middle-class opinion in English society was increasingly manifest, although the social prestige of the aristocracy was retained, attested primarily in middle-class Victorian snobbery.[186] While the image of Greece promoted in Victorian England was claimed to represent 'an allegedly universal human experience, ... the moral and social values of genteel upper-class English society set the parameters of that prescriptive experience'.[187] To the populist writer Lord Lytton, just as English nobles were 'often found in the popular ranks, so in the Grecian states many of the

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[183] Perkin 1969: 371.

[184] Perkin 1969: 365.

[185] Arnold [1830]-35: I. 668-9.

[186] So at least Christie 1927: 64, 105, 108.

[187] Turner 1981: 51.

Eupatrids headed the democratic party'.[188] Although the composition of Cabinet remained almost exclusively aristocratic between 1832 and 1874, middle-class rule was secured until the subsequent enlargement of the electorate in 1867.[189] Its authority is most visibly attested by the extensive use of Royal Commissions; more than one hundred had been established by 1849.[190] In a contemporary context of dispute over the level of franchise ratings, the new Greek history of Connop Thirlwall (1835-44) could reassure its readers on the authority of Aristotle that when the timocratic standard 'was placed within reach of the middling class, the form of government was commonly termed a *polity*, and was considered as one of the best tempered and most durable modifications of democracy'.[191]

The belief that democracy per se was ultimately desirable but that its realization was dependent upon the initial inculcation of a minimum standard of education, encountered above in Macaulay, would become standard in the strand of cautious reformist thought evinced most strongly by J.S.Mill.[192] In turn, according to Roberts, 'the chief catalyst responsible for rehabilitating the Athenians' was the belief of English liberalism that 'education would make a broadened franchise workable' and the conviction that this had been historically accomplished in Athens.[193] From 1833 'the government increasingly accepted responsibility for funding and regulating popular schooling' in the face of growing

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[188] Lytton 1837: 145-6.

[189] Christie 1927: 114-7 (Cabinet); 64, cf. 194 (rule).

[190] Briggs 1959: 275.

[191] Briggs 1959: 263-4; Thirlwall 1835-44: I. 401.

[192] Garforth 1980: 50-2.

[193] Roberts 1994: 254-5.

middle-class demand for secondary and university education.[194] Young observed that the public schools and universities would be the principle agents in the readjustment of middle-class values in the 1850s,[195] and Turner noted further that the emphasis within the educational curriculum on Greek language, literature and history 'prepared an audience within the political and social elites of Britain who could appreciate and respond to these studies', precisely because the Greeks were used to discuss issues remote from ancient history.[196]

The inculcation of a Grecian frame of mind is perhaps most amusingly shown in the Victorian obsession with rowing. Rowing was an inconsequential pastime before the 1830s. By the late 1830s most of the public schools had instituted boat clubs, and by 1842 a boat procession had become the high-point of Cambridge Commemoration Week. For the advocates of school rowing 'the appeal ... was unquestionably that the oarsmen re-enacted the special skill of the Athenians'.[197] After mastering that skill, they would be better suited to command an expanding naval empire. Yet the connection, although comic today, is not superficial: in the absence of experiential precedents Thucydides was readily taken as a guide to the practice of imperial statesmanship, and at least in India British administrators turned directly to his pages for instruction.[198]

The lower middle class encompassed clerks, shopkeepers, and the higher ranks of the

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[194] Bowen 1989: 171.

[195] Young 1977: 97.

[196] Turner 1981: 447.

[197] Ogilvie 1964: 116-7.

[198] Ogilvie 1964: 117-9 with evidence.

artisans.[199] Concomitant with a demographic expansion in population (and consequent demand for the redistribution of parliamentary seats), the church, bar, services, and the Commons were increasingly filled with the middle-class products of Arnold's influence.[200] To G.M. Young, it was these Arnoldians emerging in the 1840s who would look down on the 'disgusting rise of shopkeeping',[201] that is, on the rising prominence of the lower-middle class. All four classes of Athenian society could be envisaged in the composition of early Victorian England; by extension of the analogy, the slaves of the working classes would count for little indeed.

Towards the mid-Victorian period a continual deepening of English Hellenism accompanied the extension and expansion of middle class rule. Having secured the upper hand, the question remained as to what extent those still outside the pale of the constitution should obtain the franchise. A considerable degree of scepticism remained attached to the concept of democracy: Grote would observe in 1848 that the term still jarred with the majority of Englishmen.[202] The Athens on which attention was focused remained open to different claims and interpretations respecting its credibility. What the Victorians now required was an objective study which would more impartially weigh the various pieces of evidence brought forth in contesting presentations, in the periodicals and elsewhere, and provide a secure and allegedly neutral basis for rational assessment.

Lord Lytton issued the first two volumes of a projected four-part Greek history in 1837. Turner suggested that in it Lytton had attempted to remove Athens from contemporary

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[199] Christie 1927: 70.

[200] Christie 1927: 158, 233.

[201] Young 1977: 82.

[202] Grote 1888: III. 396 (= ch. 31, first published in his fifth volume).

political debate.[203] Yet, in parallel with an argument that Roberts made concerning Macaulay's writing on Greece, I suggest that Lytton, too, succumbed to the political lure of Athens despite his explicit denial that meaningful parallels were possible because of its small size, slavery and absence of representation. Against Mitford, Lytton held that it was rather to 'the capricious and unsatisfactory election of the council we may safely impute many of the inconsistencies and changes which that historian attributes entirely to the more popular assembly'.[204]

Lytton's belief that 'in all states in which the people and the aristocracy are represented, the great blow to the aristocratic senate is given, less by altering its own constitution than by infusing new elements of democracy into the popular assembly',[205] carries implications for the composition of the Commons. Without the twin vents of modern commonwealths (the press and a representative assembly), it was the power which the people attained after the innovations of Aristides and Ephialtes that had raised Athens to glory but which, with the vice its empire created, would eventually bring it down.[206] Yet 'if the people had not been tempted and even driven to assemble in large masses, the business of the state would have been jobbed away by active minorities, and the life of a democracy been lost'.[207] He noted the great frequency with which Greek politics had been 'pressed into the service of heated political partisans', though he seems to have exempted both his own work and that of

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[203] Turner 1981: 210.

[204] Roberts 1994: 237 (Macaulay 'purloined' Athens); Lytton 1837: 147, 191.

[205] Lytton 1837: 420-1.

[206] Lytton 1837: 488-9, cf. 493.

[207] Lytton 1837: 491; and on reformist nobles, above, p. 265.

the 'distinguished scholar' Thirlwall from this charge.[208] Ostensibly objective, Lytton's history, though cautiously reformist, implies satisfaction with the state of English politics in the period after the First Reform Act.

It was the publication of the first volume of Thirlwall's Greek history which led Lytton to relinquish his plans to complete his own work. Thirlwall himself claimed to distinguish the meaning attributed by the Greeks to democracy from that 'sometimes confounded with it by writers who have treated Greek history as a vehicle for conveying their views on modern politics'.[209] This by no means exempted the Athenians from the moral evaluation of their political structures, for democracy bore some 'pernicious consequences. The administration of the commonwealth came to be regarded ... as a property in which each was entitled to an equal share. ... In proportion as the popular assembly [or equally the large courts increased their hold on power], the character of their proceedings became more and more subject to the influence of the lower class of its citizens, which constituted a permanent majority'.[210]

According to Thirlwall, Cleisthenes' constitution introduced a new spirit exempt from any control 'save that of the wealth and personal qualities in the old nobility', and brought the democracy more or less to its full political development, the subsequent changes to the Areopagus having 'probably been much exaggerated through the heat of the contest which they excited at the time'.[211] Over the course of the Peloponnesian War 'the poorer class began to preponderate'. While 'the poorest Athenian' had superior means of raising his

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[208] Lytton 1837: xi-xii.

[209] Lytton 1837: xi; Thirlwall 1835-44: I. 408.

[210] Thirlwall 1835-44: I. 410-11.

[211] Thirlwall 1835-44: III. 75; IV. 212.

taste, understanding and knowledge of public affairs than that of 'the great mass of persons in the middle class among ourselves', Thirlwall saw a reverse side to the Athens of the Periclean funeral oration 'which the orator did not wish to exhibit',[212] and suspected assembly pay of attracting 'precisely the persons whose presence was least desirable'.[213] The Athenians emerge from Thirlwall hands - the fullest English treatment then available - with a political structure still problematic and contradictory. What is clear, however, is that its treatment of Athenian democracy implicitly addresses many of the concerns debated in contemporary England, and demonstrates just how manifold and complex the factors involved in discussion of democratization were.

Ogilvie has concisely summarized the pervasive influence of Athens: 'Scratch a Victorian and you will find an Athenian underneath, or at least what the Victorians beguiled by Thucydides and Plato would have liked an Athenian to be. The characteristic elements of nineteenth-century England - liberal education, committee administration, the Public School system, imperialism - were all the result of various combinations of historical circumstances, but the particular forms which they took were consciously moulded by the tendency of educated Englishmen to view themselves and their country in the mirror of ancient Athens'.[214] Where Thirlwall had displaced Mitford as the scholarly source of information about ancient Greece, Grote would provide the capstone of an extant Victorian Hellenism by rigorously 'documenting' the historical viability of Athenian democracy. This in turn, it will be argued, would significantly influence English attitudes to political reform.

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[212] Thirlwall 1835-44: IV. 214; III. 133.

[213] Thirlwall 1835-44: I. 410.

[214] Ogilvie 1964: 121.

CHAPTER 7

HELLENISM AND POLITICAL REFORM

This chapter examines Grote's representation of Athenian history in the context of his political outlook. The popular and academic enthusiasm with which Grote's *History of Greece* was received will be demonstrated through a study of the responses of the leading periodicals and the universities. It will be further suggested that the writings of John Stuart Mill may be used to illustrate the depth of the political and cultural impact of Grote's depiction of Athens. I shall argue that Grote's reconstruction of an essentially liberalist Athens was an important factor in rendering the attitudes of the Victorian upper and upper-middle classes more favourable towards the prospect of a broadening of the English franchise. The enthusiastic welcome of Grote's reconceptualization of Athenian democracy, by a society in which Greek classics had come to form the core of elite education, had the indirect effect of inducing its parliamentary representatives to consider a change which would otherwise have been unthinkable for them. This ideological receptivity was not evident in the decade after of the First Reform Act, but was a product of the dominance of middle-class ideals which had become established across English society from the early 1840s and within which Grote's history was to find a central place.

The view taken here will challenge one aspect of the standard discussions of the Second Reform Act by F.B. Smith and Maurice Cowling, in that both suggest that because the majority of parliamentary members had been long opposed to any broadening of the franchise, the 1867 Reform Act somehow eventuated despite the wishes of parliamentarians

and party leaders.[1] There was a series of reform bills and reform advocacy in the Commons

from 1851.[2] When reform eventually came, it still constituted a 'leap in the dark', but the

landing was padded, I suggest, by the historical reassurance that democracy had proved itself

viable in ancient Greece.

In a parliamentary campaign notice of October 1832 Grote had declared his advocacy

of the 'extension of education universally throughout the people', secret balloting and

triennial elections; he remained vocal in these causes for many years, both throughout his

parliamentary career and after his retirement from office in 1841.[3] He was a politically

conscious and committed writer, and reviewers of his history would accord him singular

merit as an historian of political phenomena because he wrote from extensive experience in

political affairs.[4] Turner wrote that 'Grote remained in the sixties what he had been in the

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[1] Smith 1966: 229, 'The Reform Bill of 1867 survived because a majority of members dared not throw it out. They did not want it, ... but they passed it'; cf. 234, 'Every important division which destroyed the Bill of 1866 and shaped its successor was decided by an unpredictable floating vote composed of these individuals entering one lobby or the other according to their whim or muddled understanding of the question'; Cowling 1967: 59, 'Wherever one looks in the parliamentary debates on the Reform bill of 1867, one finds no general advocacy of a democratic franchise, electoral districts or equality between the worth of one vote and another'.

[2] Smith 1966: 29-30, cf. 31-49 passim.

[3] Grote, along with other liberal reformers, placed great emphasis on education, He was involved not only in the establishment of the (mainly Dissenting) University College in London from 1825 to 1827, but also supported for over twenty years the Literary and Scientific Institution for the education of city workers in London, which he had helped to establish in 1825 (Clarke 1962: 150). John Lambton, the Earl of Durham, congratulating Grote in December 1832 on his election to the Commons, hoped that 'owing to [his] exertions in Parliament, we shall see something more from the Reform Bill than the mere removal of ancient abuses'. It was Durham who had insisted on legislation introducing a secret ballot being inserted into the original draft of the 1832 Reform Bill, although it was later omitted (Mrs. Grote 1873: 71, 73-4, 76).

[4] [Lewis] 1850: 122; [Smith] 1856: 61; cf. [Freeman] 1856: 141, who praised the usefulness of Grote's work 'for the political thinker, who regards Grecian history chiefly for its practical bearing'.

thirties - a radical theoretical democrat and a moderately strong political egalitarian'.[5] Like many idealists, however, Grote remained safely distant from those he thought to better: Mrs Grote had said that he could not 'exchange a word with a common vulgar man without disgust'.[6]

Grote did not voice his lifelong republican sentiments as a universalized ideal, but maintained that 'no system of government [could transcend] the personal character of the people, or ... supersede the necessity of individual virtue and vigour'.[7] At no point did he hold that the working classes were 'more enlightened in their political ideals, and more fit to be entrusted with the exercise of political power than the upper and middle classes'.[8] By 1868, while continuing to profess republicanism in the wake of the Second Reform Act, he had decided that 'republican institutions formed [in practice] no more effectual safeguard against the abuse of power than monarchy'; this turn of view marked the complete withdrawal of his interest from contemporary political life.[9]

Grote's studies in Greek history continued throughout his parliamentary and other

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[5] Turner 1981: 401.

[6] Cited in Clarke 1962: 40.

[7] Grote 1888: III. 398.

[8] [Smith?] 1873: 135.

[9] Mrs Grote 1873: 314. When ballot reform was raised in parliament in February 1868, Grote was disinterested in the debate over an issue to which he had devoted many years. He held that since the expansion of the electorate the value of the ballot had shrunk and that he did not think it would impact on elections as party interests had become predominant. He had 'come to perceive that the choice between one man and another, among the English people, signifies less than [he] used formerly to think it did. ... Every particular class pursuing its own [rather than the general interest], the result is, a universal struggle for the advantages accruing from *party* supremacy. The English mind is of one pattern .... I believe, therefore, that the actual composition of Parliament represents with tolerable fidelity the British people. And it will never be better than it is ...' (ibid). Grote had raised the ballot question in parliament every year from 1835-9 - Clarke 1962: 52.

activities and reinforced his belief in the possibility of contemporary democratic reform. With the publication of his history, he would present mid-Victorian England with an Athens that reflected much of its own attitudes. But it would also convey the belief that a democratic structure of government could constitute a viable political system. As Turner put it, Grote would 'delineate ... in the Greek experience the successful application of political ideals that he had previously urged upon his own nation'.[10] Throughout and after the years of its first publication (1846-56), the history was perceived as providing insight directly relevant to contemporary social thought: one writer commenced a review of Grote's fifth and sixth volumes by proclaiming that the *Edinburgh* turned once more to Grote's work 'with a full consciousness of the importance ... of the subject', which was thereby held self-evident to its readership.[11]   What was at stake in Grote's revisionist history was the acceptance that democracy had at one time constituted a successful form of government,[12] and in implanting this view he will be seen to have been extraordinarily successful.[13]

Grote was intensively studying Greek mythology by late 1822 and had by then

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[10] Turner 1981: 219.

[11] [Lewis] 1850: 119. In a subsequent article, Lewis thought that 'till the latest chapters of the world's history shall have been written, the annals of Greece will furnish the most stirring and touching associations within the range of human feeling, and the potent leaven of Greek intellect will be found working in the most distant ramifications of science and speculation' ([Lewis] 1851: 290).

[12] In a notice of vols. III and IV in June 1847, J.S. Mill wrote that 'among the many valuable lessons which are likely to result to the world from this history when completed, it is already obvious that one will be the triumphant vindication of the Athenian Democracy' (Mill 1965-91: XXIV. 1088). To [Lewis] 1851: 309, Grote was 'the first who can be said to have written the social and political history of Athens'.

[13] [Lewis] 1851: 317 held in a review of Grote that the Athenians had 'advanced steadily and equably from the rule of an exclusive oligarchy to the establishment of the most complete democracy; reaping from each great change the inestimable blessing of a constitution which - in a degree never surpassed - inspired the citizens collectively with an attachment to the institutions of their country, that rose to the height of an enthusiastic

resolved to expand his efforts to write a new Greek history. This ambition was intermixed with other business, and between 1829 and the early 1840s he made little further progress.[14] His first two published volumes concerned Greek mythology,[15] but one might doubt Clarke's view that it was Grote's study of Grecian legends that led him to divide myth from history. As Clarke noted, his work may be 'considered the most distinguished example of Benthamite historiography', and the separation of those spheres should rather be located in James Mill's methodological axiom that historical judgment should be based strictly on 'matters of statement' (verifiable facts) and 'matters of evidence' (the assessment of their significance in the process of the production of an historical account).[16]

The separation of mythological from historical Greece was intended to be rigid, and Grote expressed regret that in publishing the volumes on mythology, he had been unable to produce any of the 'real history' at the same time.[17] Yet the implications of these volumes were far from neutral: Turner observed that Grote 'would defend Greek democratic

passion'.

[14] Momigliano 1966: 60 and n.12; Clarke 1962: 33-5, cf. 73; Mrs Grote 1873: 152-3; Grote 1888: I. iii.

[15] Grote's is a two-part work, divided between 'Legendary Greece' (original vols. I and II) and 'Historical Greece' (III-XII). He was the first to draw 'this clear and well-defined line between legendary and historical Greece' ([Smith] 1856: 75).

[16] James Mill [1817] 1848: I. xv-xvi; cf. similarly Grote on methodology, 1888: I. vi-vii. [J.S. Mill] 1846: 347-8 suggested that Grote's sceptical view of Greek mythology was 'essentially the doctrine of Niebuhr', but owned that Grote's 'canons of evidence and belief' were 'rather implicitly assumed than directly stated' by Niebuhr. Clarke 1962: 105-7 seems right to attribute the influence to James Mill: Mrs Grote wrote that Grote's 1826 article for the *Westminster*, discussed in the previous chapter, 'produced a remarkable effect upon the scholar world' and was highly praised by Niebuhr (1873: 51), which would imply that Grote did not take his approach from extant published scholarship.

[17] Mrs. Grote 1873: 160; cf. [Lewis] 1851: 292, that Grote was 'the first historian who has uncompromisingly applied the principle, that no [analysis] of this kind can ever give a particle of historical evidence to a mythical narrative'; so similarly [Freeman] 1856: 145.

structures from their alleged frailties by blaming instead the survival of a religious frame of mind in the citizens of the democracy'.[18]

Around 1847, the time of the publication of his first volumes on historical Greece, Grote thought to see a resemblance in dissension between the Swiss cantons and the ancient Greek *poleis*, and undertook a trip to Switzerland to investigate its politics.[19] It must have been with some relief that he enabled himself to conclude that the principal cause of some eight years of Swiss dissension was not inadequacies in populist politics, but the 'struggle for ascendancy between the Catholic church and the political power'.[20] Henry Maine observed that although the primary aim of Grote's history had been to rebut the belief that popular governments were unstable political structures, Grote had condemned a provision of Lucerne that all laws passed by the Legislative Council were to be submitted to vote throughout the canton,[21] so condemning in practice what he admired in theory. In a subsequent letter to De Toqueville in December, Grote wrote that the Diet was 'right to turn the Jesuits out of all Switzerland';[22] as in Greece, Swiss democracy would doubtless function more smoothly without certain religious survivals.[23]

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[18] Turner 1981: 94.

[19] Grote [1847] 1876: ix; Mrs Grote 1873: 175. Vols. III and IV of the history were published in April 1847; Grote went to Switzerland in July (Clarke 1962: 77-8).

[20] Grote 1876: 138. Grote enthusiastically paralleled Swiss rifle-meets with 'the ancient Greek festival games' in 'keeping alive the national sympathies and supplying the defects of a very loose political union. Abundance of speeches on the political topics of the day are usually delivered by various orators at these meetings, which are largely frequented by the most ardent Liberal politicians from all the Cantons' (77); cf. 1888: II. 154-6.

[21] Maine [1883] 1976: 60-1; cf. Grote 1876: 37-9.

[22] Grote 1876: 166.

[23] Mrs Grote recorded that later, in Paris in 1849, Grote found himself 'unwontenly excited' at 'actually living under a Republic, ... although he could not help entertaining serious misgivings as to the stability of "the concern"' (1873: 191).

O.F. Christie wrote of England that for the thirty-five years after the First Reform Act, 'the middle classes were to have a preponderant voting power, and to make their standards respected politically and socially, in art, religion, and literature, and in the Court itself'.[24] The imposition of the middle-class ideal on other classes, which Perkin held to be essential to the realization of the viable class society that mid-Victorian England became, captured 'at least the public *personae* of the party leaders, and came to be institutionalized in the parties themselves, ultimately ... in the Liberal party'.[25] In the construction of this ideal, admiration for Athens was pervasive and profound,[26] and the ground for Grote was well-prepared.

G.M. Young observed the 'new type issuing from the Universities and public schools' in the 1840s, whom he termed the 'Arnoldians', and saw as 'disposed to bring everything in the state of England to the text of Isaiah and Thucydides'. He noted elsewhere that it was these institutions which were the principal agents in the readjustment of middle-class values in the 1850s.[27] It was in precisely this period, and with the full weight of its impact on precisely this readership, that Grote radically transformed the perception of Athenian politics in a culture already profoundly Hellenophilic.

The focus of Grote's history was above all the rise and fall of Athenian democracy as he thought it to have been, as was remarked by contemporary reviewers.[28] The story of

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[24] Christie 1927: 64.

[25] Perkin 1969: 380; 376.

[26] Without Hellenism, 'English Liberalism would have lost its chief source and most enduring influence', Livingstone 1941: 9.

[27] Young 1977: 82, 97.

[28] [Stanley] 1850a: 384, 398; [Freeman] 1856: 142; cf. Grote's prefatory praise of Grecian (= Athenian) politics, and the termination of his history with the 'extinction of Grecian political freedom' by the defeat of Athens (1888: I. ix; X. 418).

Athens begins with the mythical structures which would be mastered by reason, comes to its zenith under Pericles, is compromised by the Socratic rationality which was paradoxically its product, and ends with the fall of Athens to Macedon in 322 - regardless, as Jenkyns noted, that Greek culture and scientific achievement reached its greatest spread in the Hellenistic period.[29] Although Grote would opine in 1848 that democracy was 'unpalatable to most modern readers', Clarke observed that by the 1840s there had been 'some change in feeling', regardless that Grote's 'advocacy of Greek democracy must still have seemed to many readers bold and paradoxical'.[30]

Where Thirlwall's history had 'failed, or refused, to vindicate democracy', as Turner put it, Grote's strong vindication of Athenian politics could later be described by Wilamowitz as 'political pamphleteering'.[31] In the years during which Thirlwall wrote the bulk of his history, working-class radicalism escalated.[32] While Thirlwall constructed a fundamentally middle-class image of Athens, he held that the assembly and courts became increasingly subject to the numerical 'influence of the lower class of citizens, [and] established the ascendancy of a faction which ... no more represented the whole state than [did oligarchy]'.[33] His work thereby contained an implicit caution in respect of franchise reform.

Grote's history was also timely. The years of its production saw the consolidation of middle-class rule. They were marked by the end of Chartist radicalism in 1848 and the

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[29] Jenkyns 1980: 74.

[30] Grote (1848) 1888: III. 396; Clarke 1962: 113.

[31] Turner 1981: 212; Wilamowitz-Moellendorff 1982: 153.

[32] Perkin 1969: 389; by contrast, Palmerston praised England's class harmony in 1850 (cited by Perkin, 408).

[33] Thirlwall 1835-44: I. 401, 411.

embourgeoisification of the 'labour aristocracy' of skilled tradesmen, who emerged as a recognizable force after ca 1851. These factors indicated the feasibility of harmonious political reform, but the uncertain mechanics of reform proposals consistently frustrated Radical reform advocacy. As F.B. Smith put the problem, 'how could the exclusive electorate be widened sufficiently to include [skilled tradesmen] while still preserving the balance of the classes and the rule of the educated?'.[34] One of the incidental advantages of Grote's reconceptualization of Athenian democracy would be to demonstrate that historically, a greatly widened franchise did not pose a threat to vested economic interests.[35]

Grote's transformation of Athens was abetted by his frequent use of terminology derived from the parliamentary language of the House of Commons, as Smith observed in the *Quarterly*.[36] But it was, I suggest, primarily accomplished through Grote's modelling his overall conception of Athens on the eulogistic picture given by Pericles in the funeral oration presented by Thucydides (2.35-46).[37] I contend that this parallel had consequences for English politics which have not been given sufficient weight.

In an effulgent passage which is essentially a glorified rewriting of that oration, Grote characterized the populace of Periclean Athens as follows:

'The national temper was indulgent in a high degree to all the varieties of positive impulses: the peculiar promptings in every individual bosom were allowed to manifest themselves and bear fruit, without being suppressed by external opinion or

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[34] Smith 1966: 8.

[35] Mill wrote in 1850 that Grote had shown of Athens that 'nowhere in Greece were life and property so secure against every kind of legal or illegal violence', Mill 1965-91: XXV. 1161.

[36] [Smith] 1856: 73-4.

[37] Grote was fully aware of his selective modelling, holding that one must look to the Periclean oration or Nicias' exhortations for the true spirit of democracy (1888: III. 396).

trained into forced conformity with some assumed standard: antipathies against any of them formed no part of the habitual morality of the citizen. While much of the generating causes of human hatred was thus rendered inoperative, and while society was rendered more comfortable, more instructive, and more stimulating — all its germs of productive fruitful genius, so rare everywhere, found in such an atmosphere the maximum of encouragement. Within the limits of the law, assuredly as faithfully observed at Athens as anywhere in Greece, individual impulse, taste, and even eccentricity, were accepted with indulgence, instead of being a mark as elsewhere for the intolerance of neighbours or of the public'.[38]

The passage recalls the marginal summary of that oration in Thomas Arnold's edition of Thucydides, cited in the previous chapter. Yet Grote's presentation, only a part of which is given above, follows an extensive citation from the oration itself (Thuc. 2.37-42.2), and combines text and interpretation in a single eulogy to Athenian greatness. Its strength lies in that it cannot readily be faulted as inaccurate history, for it is built directly upon Thucydides himself.

Grote was under no illusions as to the weight he gave to this encomium: 'it serves to correct an assertion ... that the ancient societies sacrificed the individual to the state, and that only in modern times has individual agency been left free to the proper extent. This ... is pointedly untrue of Athenian democracy...'.[39] But Grote went much further than issuing the Athenians with a liberal English ethos. As Turner concisely put it, 'Grote vindicated democratic Athens by arguing that it had achieved the kind of stability and constitutional morality that the British liberal state enjoyed in the mid-Victorian age. To make his case, Grote ... in effect portrayed Athenian political history as an evolution from an absolutist state

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[38] Grote 1888: V. 72; cf. 74, that the main features of this ideal 'were drawn from the fellow-citizens of the speaker'.

[39] Grote 1888: V. 71.

to parliamentary democracy'.[40]

Grote's history won acceptance - despite contemporary questioning of his Radical politics - because of his avowed methodology, his extensive knowledge of the ancient sources, and his deep acquaintance with rigorous though unsynthesized contemporary German scholarship.[41] Smith of the *Quarterly* was centrally won by the 'impartiality' of Grote's presentation:

> '[His] love of truth and justice rises superior to every other consideration. He summons into court all the witnesses whose testimony is important to the point under review - examines and cross-examines them with untiring patience - and argues and re-argues the case with an assiduity and conscientiousness which plainly show that his only desire is to arrive at the reals facts of the case. Hence the reader always has the opportunity of correcting Mr. Grote's judgment by the evidence which he himself adduces, and can never complain that he has been misled by a false representation of events. This impartiality is accompanied by a just appreciation of the value of historical evidence. Mr. Grote applies to ancient times the same rules respecting the value of testimony which have long since been recognized by historians of modern events; and simple as this principle seems to be, his adoption of it has already introduced a new method of investigating the history of antiquity'.[42]

At the same time, however, Smith enthused over Grote's 'endeavouring to think and feel as the Greeks thought and felt, and ... [to regard] events from a Grecian point of view' as a central key to his ability to explain events which had resisted earlier historians.[43] One may recall Grote's explicit statement of 1826, that 'the scantiness of the original documents

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[40] Turner 1981: 216.

[41] So [Milman] 1846: 113-4, who held it remarkable that German scholarship, while producing the most advanced studies on single aspects of Greece, had produced no full overview; similarly, [Lewis] 1851: 289-90, with high praise for Grote.

[42] [Smith] 1856: 72; cf. the almost identical appraisal of [Freeman] 1856: 143.

[43] [Smith] 1856: 62; so too [Mill] 1846: 361, reviewing Grote's vols. I and II.

makes it necessary for the historian to draw extensive inferences from single facts, and to supply the connecting links of various facts from his own conjectures'.

Grote presented his matters of statement in a web of interpretation which gave the Victorians the Athens they wanted to see: an Athens which in many respects reflected their own social ideals. The most crucial aspect of this revisionist history was his presentation of Athens as 'almost a mirror image of the [newly] stable, liberal mid-Victorian polity', and it was his 'transformation of the character of the Athenian Assembly [which] in large measure accounted for the profound sense of intimacy that later writers perceived between Athens and Britain'.[44] Paradoxically, it seems that it was the very success of Grote's endeavour to reconstruct a viable Athenian democracy through his portrayal of 'Athenian politicians in a modern, stable parliamentary guise', that also permitted his work to be read as a 'vindication of the mid-Victorian political system'.[45]

E.A. Freeman's comment, that 'to his character as historian of Greece, [Grote] very needlessly adds the quite distinct functions of a commentator on Thucydides',[46] shows that contemporaries were fully aware of the different nature of matters of statement and matters of evidence. It was Grote's skill at handling matters of evidence that permitted his highly selective appraisal and use of Thucydides.[47] Smith held of Grote that 'no writer with whom

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[44] Turner 1981: 228-9.

[45] Turner 1981: 448, cf. 213, that after Grote, Englishmen saw in the Athenians a 'reflection of their own best selves'.

[46] [Freeman] 1856: 144.

[47] See [Smith] 1856: 67-8 on Grote's enthusiasm for Athenian tolerance, drawn from Pericles; then 69-70, that Grote's examination of Athenian courts led him to 'probably the ablest defence of trial by jury in the English language'; then note Grote's reversal of Thucydides' estimation of Nicias and Cleon (91, 95-6). Grote won Smith completely. [Lewis] 1851: 320 also praised Grote's 'very instructive parallel ... between the dikasteries and the modern jury system'.

we are acquainted, with the sole exception of Thucydides, penetrates more deeply into the inward life of a people, and analyses more carefully the political, social, and moral significance of each event'.[48] Yet as the classicist Richard Shilleto asked at the time, when we read Grote on Thucydides, are we reading Thucydides or Grote?[49]

Mrs Grote wrote that Grote had been pleased with the review of his history in the *Quarterly* by William Smith, with whom he subsequently began a friendship that lasted until Grote's death. Smith authored what became the standard school history of Greece, and gladly confessed his indebtedness to Grote on most points.[50] His review concisely summarized the opus, and highlighted what was most novel in Grote's reconstruction of Athens, that Grecian city which alone had produced men 'who could think, speak and act with equal efficiency'.[51] He admitted his own dislike for modern democracy, and noted that 'one of [Grote's] main objects in writing his history, was to clear the Athenian people from the many calumnies that have been heaped upon them by later historians'. The mission was successful: Smith thought it 'impossible for any one to deny, after reading Mr. Grote's work, that the great ends for which government is instituted were more completely attained at Athens than in any other Grecian state'.[52] This was extraordinary praise from the periodical which had most severely censured Athens throughout the 1820s.

Roberts noted that while Grote emphasized the importance of Cleisthenes as

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[48] [Smith] 1856: 65; he praised Grote's frequent use of modern analogies (68).

[49] Shilleto's much-abused *Thucydides or Grote?* (1851), dismissed by [Freeman] 1856: 144 n. as vulgar and impertinent. Shilleto attacked Grote's 'unsoundness of scholarship and his rashness in obtruding it' (24), and defended Thucydides' veracity as a source.

[50] Mrs Grote 1873: 231; Smith [1854] 1865: vi.

[51] [Smith] 1856: 101.

[52] [Smith] 1856: 82.

'pivotal' in the development of Athens, he was not the first to do so.[53] In the context of the English reception of the Greeks, Thirlwall was here certainly precursive, although a contemporary reviewer stressed that 'the full import and significance' of Cleisthenes was explained 'for the first time' by Grote.[54] Turner stated that what struck contemporary readers most powerfully about Grote's vindication of Athens was his defence of Cleon, but this is too strong. The comment is drawn directly from the *North British Review*,[55] but it unfairly stresses what was not to Grote's reviewers in general an especial focus of critique. It was rather a point to which Freeman himself, although generally captivated by Grote, took great exception, and described as 'thoroughly misleading'.[56] Stanley in the *Quarterly* raised it as a relatively minor point of contention in his generally enthusiastic review. Conington wrote less passionately in the *Edinburgh* that Grote's 'rehabilitation' of Cleon had shown that universally, 'political characters must be judged by their principles as well as by their actions'.[57]

It rather seems that to Grote's contemporaries, the most surprising element of his view of the ancient world was his treatment of the sophists, but that this was to a

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[53] Roberts 1994: 241 and n.48, also listing Niebuhr (1811) and Hermann (1831).

[54] On Cleisthenes, [Smith] 1856: 84. Thirlwall had held that after Cleisthenes, the 'commonality ... was no longer subject to the slightest control from any influence, save that of wealth and personal qualities, in the old nobility' (1835-44: II. 75). [Freeman] 1856: 141 regarded Thirlwall as still indispensable for serious historical study. Mitford, Thirlwall, and Grote continued to be collectively esteemed for the successive advances they had made in the English study of Greece, regardless that Mitford's work had fallen into disuse ([Stanley] 1850a: 384).

[55] Turner 1981: 228; [Freeman] 1856: 165.

[56] [Freeman] 1856: 163; for his lavish praise of Grote, see esp. 141-2.

[57] [Stanley] 1850a: 398; [Conington] 1851: 222. But here too Grote's view was foreshadowed by Thirlwall (1835-44: IV. 215), who wrote that 'it is probable that [the demagogues] were not in general so despicable as ... we are apt to consider them. Many of them indeed were engaged in trade.' Indeed.

considerable degree upstaged by enthusiasm for his reconsideration of Socrates in what would win renown as his 'famous' sixty-seventh chapter. In a notice of Grote's seventh and eighth volumes of March 1850, J.S. Mill wrote that 'among Mr. Grote's views of Grecian history, the most startling by its apparent novelty will be, we think, his defence of the Sophists'. Lewis held that 'many ... readers will probably think that in defending the Sophists, he has undertaken a bolder task than ... taking the part of Cleon'. This view was echoed by Smith's remark, that Grote's treatment of the sophists constituted a 'very remarkable chapter' which was 'followed by another of equal value and importance upon Socrates'. Stanley in the *Quarterly* devoted almost the full space of his second review of Grote to superlative-laden praise of Grote's treatment of Socrates and to the philosopher himself, and held that that chapter would be 'hailed as the masterpiece of his work'.[58]

Turner's suggestion, that 'Victorian readers missed the radical thrust of *A History of Greece* just as Victorian voters had earlier spurned Grote's radical political program',[59] is highly contentious. Reviews of Grote's work demonstrate that the underlying object of Grote's radical representation of Athenian democracy was not lost on his contemporaries. In the *Quarterly*, Stanley remarked on Grote's 'strong political bias' and Smith observed his 'deeply cherished' political convictions, while Freeman in the *North British Review* admired him as the 'zealous and fervent champion of the parent state of justice and liberty'.[60] If the English seem to us now to have missed his thrust, that is rather testimony to his success in

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[58] Mill 1965-91: XXV. 1162 (*Spectator*); [Lewis] 1851: 324, cf. 325 (*British Quarterly Review*); [Smith] 1856: 92-3. Grote's remarks on the sophists and on Socrates were foreshadowed briefly in his forty-sixth chapter of 1848 (= 1888: IV. 482-5); [Stanley] 1850b: 42.

[59] Turner 1981: 233-4.

[60] [Stanley] 1850a: 386; [Smith] 1856: 72; [Freeman] 1856: 142.

the incorporation of his new image of Athens into the modern discourse of democracy. Grote's Periclean vision cast aside the earlier caution of Thirlwall, who had judiciously observed that there was a reverse picture 'with some very different features, which [Pericles] did not wish to exhibit, but which [Thucydides] displays in the events of his history'.[61]

Oxford and Cambridge were reformed in the wake of a Royal commission established in 1850, and Clarke wrote that the publication of Grote's work 'coincided with an increased interest in ancient history which resulted from the new schemes of classical studies introduced in the middle of the century. At Oxford, history formed an important part of the new "Greats" instituted in 1850, and at Cambridge the same period saw the addition of a paper on history to the classical Tripos'.[62] Despite its blatant Radical orientation, the scholarship of Grote's history had well established it as the standard authority in English universities by the time its eighth volume appeared in 1850, and contemporary adulation (both academic and general) deepened as the remainder of the work appeared in stages to 1856.[63] Grote himself was awarded an honorary doctorate by Oxford in 1853 and by Cambridge in 1861.[64] Mrs Grote noted in a visit to Oxford in 1863 that the history had made a most favourable impact on Oxford undergraduates, as had the work of J.S. Mill, and Clarke observed that 'the dons might criticize Grote, as they criticized Mill, but they used him and the undergraduates read him'.[65]

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[61] Thirlwall 1835-44: III. 133.

[62] Clarke 1962: 170; for the Commission, Garforth 1980: 162-3.

[63] [Stanley] 1850a: 384; Mrs. Grote 1873: 225. Clarke 1962: 170 stated that Grote's 'became the standard text book for Greek history, and in the latter part of the century every serious classical student would have read at least part of it'; cf. 125 for its broad public acclaim.

[64] Clarke 1962: 96.

[65] Mrs Grote 1873: 268 (she referred specifically to Mill's contribution to 'Mental

In a series of Oxford essays published in 1857, W.Y. Sellar published the essay on Thucydides which would be said to have made his name.[66] It attests not only the deep sway of Thucydides over the Victorian mind, but the influence of Grote on the reading of Thucydides. To Sellar, Thucydides is 'remarkable for his accuracy, truthfulness, and critical powers of sifting historical evidence'. 'He has no sympathy with ... the legendary', and 'regards political instruction as the true object of the historian'.[67] The shades of emphasis display Thucydides as a curiously Benthamite historiographer. While Sellar thought it 'perhaps impossible to determine to any considerable extent what are [Thucydides'] ethical and political doctrines and sympathies', this was no obstacle to his work being 'peculiarly interesting and important from the ethical and political reflection which it contains'.[68] That is, particular ethical lessons may be drawn on behalf of Thucydides from what his interpreters nevertheless held to be a generally morally neutral and objective narrative.

Sellar affirmed the view which was first advanced by Grote, that the Periclean oration 'gives full answer to the notion that intensity of political life was incompatible with a high development of the individual. ... The utmost freedom, and the most widely-diffused feelings of hearty citizenship, were in Athens the conditions that gave rise to personal eminence and greatness'.[69] Grote's view had been noted earlier by Smith in his review of the

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Philosophy', which should indicate the *Logic* of 1843 rather than the *Political Economy* of 1848); Clarke 1962: 170.

[66] So Ogilvie 1964: 128.

[67] Sellar 1857: 283, 286-7; cf. Freeman 1886: 117, 'history is the science of man in his character as a political being'.

[68] Sellar 1857: 301; 283.

[69] Sellar 1857: 313.

history, and accepted in full and uncritically.[70] It is worth observing that to Grote, and to those inspired by him, the conception is exclusive to the Periclean period.[71]

In Turner's summary, Grote 'redirect[ed] the course of the fledgling British study of Greek religion, history, and philosophy for over fifty years'.[72] The favourable impact of Grote's history has been well-canvassed,[73] and it is the consistent high praise from the *Quarterly* which best indicates the breadth of the success which Grote's new vision of Athens had achieved.[74] Worth highlighting, however, is the claim by E.A. Freeman, then professor of modern history at Oxford, that by virtue of daily civic participation the 'average Athenian citizen was, in political intelligence, above the average English member of parliament'. The context for this assertion was a review of Grote's *History* originally published in the *North British Review* in 1856, and republished in modified form in a volume of Freeman's *Historical Essays*. Yet the statement does not appear in the original version of Freeman's review. It was inserted into the republished version by way of a further eulogy to Athens.[75] Freeman thought that his sentence should favourably remind one of a similar statement by Macaulay earlier in the century; he thus had no difficulty in maintaining an older romantic liberalist view of Athens through past his reading of Grote, with which he

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[70] [Smith] 1856: 67; compare Grote 1888: V. 71.

[71] Grote 1888: V: 74.

[72] Turner 1981: 85; cf. Roberts 1994: 12.

[73] Turner 1981: 234-5, 244-6; Roberts 1994: 246-8; cf. Jenkyns 1980: 165. Grote's European impact may be illustrated in a remark by the Frenchman Victor Duruy, that his own Greek history of 1851 which praised Athens over Sparta had earned him academic chastisement, but that his views had 'attained respectability' by the time of his 1856 second edition because of Grote's work (cited by Roberts, 12 with n.13).

[74] [Milman] 1846; [Stanley] 1850a, 1850b; [Smith] 1856. Mrs Grote noted that Smith was himself a product of Grote's University College - 1873: 231 and note.

[75] Freeman 1889: 162; compare with [Freeman] 1856: 170-1.

clearly found it compatible. For all its professed rigour of method, Grote's study did not really depart from nor disrupt the heavily romanticized discourse of Athenian democracy inherited from the 1820s. Nor should it have, for Grote's enthusiasm for and defence of 'Athenian democracy' was itself the product of that era and its conceptualizations. In turn, these were what his opus managed to reinforce and indeed to legitimize.

The reviews and Grote's academic recognition together confirmed the Victorians in the belief that their identification with Greece was well-founded and supported by the latest detailed and extensive scholarship. Grote's history was thus the capstone of an illusion that would last in its strongest form until the impact of new archaeological discoveries and ideals of scientific objectivity in the final quarter of the century.[76] But before that time the triumph of Periclean democracy was taught as historical fact to a full generation of England's elite, over the seventeen years from 1850 to the Second Reform Act. It thus stood to legitimate middle and upper class faith in the viability of domestic political reform.

Roberts contended that 'belief in the identification of Victorian Britain with Periclean Athens did not necessarily imply enthusiasm for either', and emphasized that many English writers continued in their hostility to democracy to the end of the century.[77] Yet while this is assuredly true,[78] the evidence she adduced specifically in respect of the English conception of Athens is wholly misleading and consisted of one essay in the *Quarterly* from 1831, predating even Thirlwall. Of it, she wrote that 'the author's dislike for democracy is not surprising in view of the journal in which his essay appeared'.[79] As I have shown,

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[76] Clarke 1962: 127.

[77] Roberts 1994: 252.

[78] See e.g. *Westminster and Foreign Quarterly Review*, Anon. 1877: 305-6 and passim. (The author of this article is not identified in Houghton's *Wellesley Index*.)

however, the *Quarterly* was won over by Grote on the appearance of his historical volumes, as was England generally, and on this point Roberts' condemnation is unwarranted.

In order to substantiate the claim that the force of Grote's conception of Athens on the Victorian consciousness was not trivial but substantial and profound, its influence will be traced on John Stuart Mill. According to Francis and Morrow, the writings of Mill and of Walter Bagehot contained 'the most popular and systematic accounts of a mid-Victorian state theory'.[80] Bagehot remained consistently opposed to the extension of the franchise,[81] and so will not be considered here. However, I will argue that Grote's vindication of Athenian democracy constitutes a neglected factor in the shift in Mill's attitude to contemporary democratization. Mill, having subsequently decided that the modern world was not bound by insuperable difficulties in respect of state size, slavery, or the subjection of women, came to endorse the mechanics of the system of proportional representation devised by Thomas Hare. Influenced by Grote's Athens, Mill would in effect seek to move towards the recreation of conditions under which democracy could find a second lease of life. Mill provides an ideal foil against which to measure Grote's influence, regardless of their longstanding personal relationship. He retained a staunchly independent mind, was himself steeped in the classics from an early age, and did not hesitate to offer what he considered fair criticism in his reviews of Grote's work.[82]

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[79] Roberts 1994: 253.

[80] Francis and Morrow 1994: 234.

[81] Bagehot held that an expanded franchise would give determinative influence to persons too uneducated to properly use it; he described the Second Reform Act as 'mischievous and monstrous' (St. John-Stevas 1965-86: V. 73; 69). Cf. Himmelfarb 1968: 384-5 on Bagehot's changed attitude to mass education, from negative to positive, after the passage of the Act.

[82] See e.g. [Mill] 1846: 364-5, 367, where he refused to follow some of Grote's points; in [Mill] 1853: 443 he stated that the sections of Grote's work he had discussed had been

In the late 1830s a deep rift had occurred between Mrs Grote and Mill because of

Mill's attachment to Harriet Taylor, later his wife. This in turn led to an estrangement

between Mill and Grote. Clarke wrote that by 1845 Grote had 'resumed his old intimacy'

with Mill, but that 'as long as his wife lived Mill would still have nothing to do with Mrs

Grote', and that it was only 'the death of Harriet Mill in 1859 [which] opened the way to a

complete reconciliation'.[83] During the years of their marriage (1851-8), however, Mill and

Harriet largely shut themselves off from others and collaborated on what they seem to have

regarded as a distinct body of joint work.[84] Mill's relationship with Grote thus prospered

during the years when the bulk of the history of Greece was written. It lapsed during Mill's

marriage, and Mill returned to the issue of political reform (and to the circle of the Grotes)

shortly after Harriet's death.[85] There is in all this a biographical as well as an intellectual

reason to look at the possibility of a Grotian influence on Mill's political outlook.   Despite

Mill's late description of himself as a democrat, Francis and Morrow held that 'running

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chosen according to his 'own estimate of their importance, rather than according to their
fitness to display the merits of the book'.

[83] Clarke 1962: 67-8, 87-8.

[84] For a brief biographical summary, Garforth 1980: 198-9; he there noted Himmelfarb's
view that the work of this period, and especially *On Liberty*, constituted a body of writing
which could be regarded as jointly produced and distinct from Mill's work before and
afterwards. Garforth did not accept this, and argued that Himmelfarb's 'two Mills are not
strangers to each other but one and the same person seen from different aspects', yet he too
saw 'two modes of thinking' held in what he described as 'a creative tension' (200). In a
letter to Harriet of January 1854 Mill implies that he did see their work as distinctive,
projecting that with some two years' collaboration it would constitute 'a sort of mental
pemican, which thinkers, when there are any after us, may nourish themselves with and then
dilute for other people' (Mill 1965-91: XIV. 141-2).

[85] Mill 1989: 192, that it was after his wife's death that 'the political circumstances of the
times' induced him to publish *Thoughts on Parliamentary Reform* (1859). The tract itself
had been written by 1854 (Robson in Mill 1965-91: XVIII. lxxxv), and therefore it does not
indicate that there was such a sudden shift in Mill's views on some matters towards the
opinions he expressed in *Representative Government* (1861) as its later publication date

through all Mill's major political writings is his opposition to democracy', and they rejected the argument of L.B. Zimmer that Mill should be seen as a democrat within the context of the democratic discourse of his day.[86] Their view was based on Mill's support for plural voting, on a select list of Mill's major works, and on the opinion that Mill's later writings were not seen by Mill as replacing his earlier beliefs but were rather a series of discrete writings on various topics.[87]

Mill's support for plural voting in favour of the tertiary-educated undoubtedly expresses his well-attested concern that a majority opinion was potentially tyrannous. Yet it must be considered in relation to his longstanding hopes for, and active promotion of, the extension of education precisely in order to create a population capable of exercising democratic responsibility.[88] Late in his life, acknowledging that plural voting based on education had won no favour, Mill admitted that there might be 'possibly conclusive objections' to that plan, which he regretted that he had never discussed with Harriet. He further considered that such a scheme might in any event not be necessary to ensure the health of a democracy.[89] In view of this late reconsideration, I do not accept that Mill should be described as consistently anti-democratic in consequence of his (admittedly long-standing) advocacy of plural voting based on educational qualifications.

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might otherwise suggest.

[86] Mill 1989: 227; Francis and Morrow 1994: 154-5, 239 n.22; Zimmer 1976: 14.

[87] Francis and Morrow 1994: 139-41; they held that *On Liberty* was 'the last of Mill's major political works' (139).

[88] Garforth 1980: 11.

[89] Mill 1989: 192 (written after 1869 - see Robson's introduction, 19). Mill's proviso was that there should be a 'systematic National Education by which the various grades of politically valuable acquirement may be accurately defined and authenticated', though it is not clear what this would mean in practice.

Among Mill's central works must be counted both the *Representative Government* and *Autobiography*. Francis and Morrow stated that the *Logic*, *Political Economy*, and *On Liberty* were what the Victorians chiefly regarded as Mill's 'enormously important contribution to knowledge'. Yet this seems to underrate the success of *Representative Government*, and it is, I suggest, too restrictive in terms of Mill's own expressed views of his development.[90] In the *Autobiography* Mill reviewed the relation of his works to one another, and avowed that *Representative Government* did indicate a substantial change in his views. Specifically in respect of democracy, he wrote that after his reading of De Tocqueville he had 'very gradually' shifted his ideals from 'pure democracy, as commonly understood by its partisans, to the modified form of it' expressed in *Representative Government*. The *Representative Government* should consequently be taken to reflect his mature position.[91]

However slowly it may have shifted, however, the change in Mill's attitude towards democracy was substantial. Crook noted that in 1835 J.A. Roebuck had assailed the Platonic elitism which Mill had advocated in his review of Tocqueville's first volume on America of that year, in which a select group of the wisest and ablest should govern for the good of the majority.[92] By contrast, Mill explained in his *Autobiography* that 'after giving full weight to all that appeared to me well grounded in the arguments against democracy, I unhesitatingly decided in its favour, while recommending that it should be accomplished by such

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[90] Francis and Morrow 1994: 239. *Representative Government* had two editions in 1861 and a third ('Library') edition in 1865, the year which also saw the first 'Popular' edition (Robson in Mill 1965-91: XIX. 373).

[91] Mill 1989: 149. A change of attitude is also suggested by some of Mill's amendments to republished versions of earlier writings. Amongst other alterations, Mill rephrased 'Radicals' as 'Democrats' in a paper he republished in 1859 (Robson's observation, in Mill 1965-91: XVIII. lxxvii).

[92] Crook 1965: 55.

institutions as were consistent with its principles and calculated to ward off its inconveniences: one of the chief of these being Proportional Representation'.[93] It needs to be considered what might account for the great change in Mill's views which subsequently led him to support 'by vote and by speech every amendment in 1866 and 1867 which would have and which did increase the electoral franchise'.[94]

On the surface, it would be easy to locate the cause of the shift in Mill's reading of Thomas Hare's *Treatise on the Election of Representatives* (1859) which Mill commended to his readers in *Representative Government*, along with a subsequent pamphlet by Henry Fawcett, *Mr. Hare's Reform Bill Simplified and Explained* (1860). Indeed, Mill expressly wrote in his *Autobiography* that it was Hare's book which had inspired him 'with new and more sanguine hopes respecting the prospects of human society'.[95] But there are several indications that Hare's system represented to Mill above all a practicable way to put into practice a reform measure, the sentiment for which had matured prior to 1859.[96] These indications conform with his own statement, cited above, that there was a gradual shift in his

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[93] Mill 1989: 227. The quotation comes from the last chapter, written after Mill's retirement from parliament and covering his parliamentary years 1865-8 (cf. Robson's introduction, 19-20). It is thus a text of vital importance for understanding Mill's intentions throughout the period of the reform bills of 1866-7.

[94] Zimmer 1976: 11. It is in this context of Mill's altered intellectual position concerning reform that the importance of Zimmer's study of Mill's attitudes and actions during the parliamentary reform debates of 1866 and 1867 must be appreciated, and in that context Zimmer seems correct to have held that Mill is to be regarded as an advocate of democratic reform within the parameters of the Radical position of these years (14), contra Francis and Morrow.

[95] Mill 1972: 263; 1989: 193.

[96] Mill could be said to imply as much in *Representative Government*, in his holding that 'real equality of representation is not obtained unless any set of electors amounting to the average number of a constituency ... have the power of combining with one another to return a representative. This degree of perfection in representation appeared impracticable until [Hare's scheme] had proved its possibility' (1972: 261).

views from the time of his acquaintance with De Tocqueville's work in 1835.

Such a gradual shift is also compatible with a distinction between that part of Mill's work which resulted from his collaboration with Harriet Mill and which has been described as constituting to some extent a vindication of their life together,[97] and a more general and longer view of the issue of political reform mediated by reflection on the shifting political environment of mid-Victorian Britain. I suggest that the alteration in Mill's views towards political reform, notwithstanding that he dated the shift from his reading of De Tocqueville, are also indebted to a reconsideration of the possibility of a viable democratic structure under the influence of Grote's reconstruction of classical Athens. Mill had maintained an elitist conception of politics for many years, but he too was persuaded that Periclean Athens had given its citizens the life that Grote depicted.

Mill was an industrious promoter of Grote's *History*, penning seven enthusiastic notices and reviews between 1846 and 1853 as the work progressively appeared.[98] He also republished an expanded version of his 1853 review in his *Dissertations and Discussions* (1867), which indicates that he wished to preserve it before the public eye as an important part of his writings. In a notice of Grote's fifth and sixth volumes of 1849, he admired Pericles as 'a thorough democrat in principle and conduct', and described the Athenians as 'the greatest people who have yet appeared on this planet'. In a second notice published only one week later, Mill cited at length from Grote's eulogy to Athens (in which 'the peculiar promptings in every individual bosom were allowed to manifest themselves and bear fruit')

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[97] In Garforth's concise summary of Himmelfarb's position, *On Liberty* was 'a defence of themselves and the life they had chosen, and a protest, mostly against the conventions which (supposedly) threatened their unique individuality, partly, perhaps, against the mortality which threatened their physical, emotional, and intellectual coexistence' (1980: 199).

[98] *Spectator* April 1846; *Edinburgh Review* October 1846; *Spectator* June 1847, 3 March and 10 March 1849, March 1850; *Edinburgh Review* October 1853.

quoted earlier in this chapter. Of it he wrote that 'there have been few things lately written more worthy of being meditated on than this striking paragraph'.[99] Grote's history confirmed for Mill that Athens had been all and more than Mill could have imagined when, in his youth, his father had cautioned him to guard against Mitford's 'Tory prejudices' when reading the only substantial Greek history then available.[100]

Mill's statement in the *Edinburgh Review*, that 'the battle of Marathon, even as an event in English history, is more important than the battle of Hastings', has been often quoted, but seems to be regarded as little more than a rhetorical curiosity.[101] It is perhaps forgotten that the reviews were published anonymously, and carried as much weight as the authority of the periodical could command; in the case of the *Edinburgh*, this was substantial.[102] Mill expressed overbracing political sentiments in classical terms throughout his work.[103] As with many Victorian writers, it is beyond question that classical referents formed a substantial part of the background against which his thought was framed. But the

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[99] Mill 1965-91: XXV. 1123, 1131.

[100] Mill 1989: 32. In a notice of Grote's third and fourth volumes in the *Spectator* in 1847, Mill wrote that 'agreeing, as we have done, with the fullest conviction, grounded on much study and examination, in our author's principal conclusions on this most interesting subject, we were not ourselves fully aware of the able strength of the case which could be made out in support of his and our opinion' (Mill 1965-91: XXIV. 1088). In a subsequent notice of the fifth and sixth volumes in 1849, he held that Grote's view of the 'Athenian Many will afford to readers who only know Athens and Greece through the medium of writers like Mitford, some faint idea of how much they have to unlearn' (XXV. 1125).

[101] [Mill] 1846: 343; equally amusing - yet equally serious - is his lambasting of the Spartans as the 'hereditary Tories and conservatives of Greece' (374).

[102] Houghton et al. 1966-89: I. xviii, 'there is no doubt that once a periodical has established itself as a voice of authority , ... an anonymous article carries a force which it could not possibly attain, except in very special cases, if it were signed'.

[103] Even in *Political Economy* we find that 'modern nations will have to learn the lesson that the well-being of a people must exist by means of justice and self-government, the d*ikaiosunê* and *sophrosunê* of the individual citizen' (section 4.7.2).

parallels appear to run much deeper than would incidental cross-references. They suggest a consistent and strong identification between Mill's political goals for modern Britain and what had been historically accomplished - if one believed Grote - in Periclean Athens.

To Mill no less than to Thomas Arnold, Athens offered lessons applicable to contemporary politics. In 1840, Mill wrote that 'the newspapers and the railroads are solving the problem of bringing the democracy of England to vote, like that of Athens, simultaneously in one *agora*',[104] associating the modern press with the ancient Pnyx. One is reminded of Grote's early emphasis on the 'publicity and constant discussion of all matters relating to the general interest' which had been the daily norm in Athens.[105] In his 1853 review of Grote, Mill directly paralleled Grote's outlook by maintaining that Athens had possessed the democratic characteristic 'far more practically important than even the political franchise; it was a government of boundless publicity and freedom of speech'.[106] Grote's scholarship had succeeded in demonstrating that what mattered most in Mill's ambitions for human society had been brilliantly accomplished in the Periclean era.

Mill's association of Athens and England seems to have strengthened further in the years after 1859, when his association with the Grotes was renewed after Harriet's death. In *Representative Government*, three central and contentious issues - proportional representation, the secret ballot, and the role of a parliamentary opposition - are analysed through a dialogue between nineteenth-century politics and the politics of classical Athens. According to Mill, the greatest benefit of Hare's system is that it would ensure that at least a few first-rate minds would find a place in government. It thereby redressed the difficulty that

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[104] Mill 1965-91: XVIII. 165.

[105] [Grote] 1826: 278.

[106] [Mill] 1853: 439.

any system of representation risks excluding the counsel of those whose advice might be critical. Under any other system, one might well fear that 'the Themistocles or Demosthenes, whose counsels would have saved the nation, might be unable during his whole life ever to obtain a seat'.[107] Where under the American system the best minds are excluded from government, under Hare's scheme of proportional representation, although many of the representatives might be of average capacity, 'modern democracy would have its occasional Pericles, and its habitual group of superior and guiding minds'.[108]

Although to Mill the ballot had been conducive 'to the Eunomia by which Athens was distinguished among the ancient commonwealths', it was unnecessary in modern Britain as 'the power of coercing voters had declined and is declining'.[109] Mill's opinion constitutes in effect a reconsideration of Grote's view.[110] Notwithstanding that he rejected the necessity for secret balloting, his ambitions for English politics may be seen here to have again been mediated through a reflection upon the political practices of ancient Greece.[111]

Most important, however, is Mill's view of the role of opposition. He praised the 'great social function of Antagonism', which the best brains of the modern parliamentary 'Assembly' would provide, as essential to democracy if it was to avoid degeneracy and

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[107] Mill 1972: 267.

[108] Mill 1972: 278; 269.

[109] Mill 1972: 301.

[110] In a note to Alexander Bain of early 1859, Mill wrote that he feared Grote would not like his forthcoming *Thoughts on Parliamentary Reform* 'on account of the ballot, if not on other points'; in a subsequent note, he wrote that 'Grote knows that I now differ with him on the ballot, and we have discussed it together, without effect on either' (Mill 1965-91: XV. 592).

[111] Acton noted that Hare had cited Grote on the solemnity with which the Greeks had regarded the vote in his *Treatise* on representation (Mill 1972: 433 n.35). Hare's comment also illustrates the pervasive nature of the classical vision.

decay.[112] The construction of Mill's view of the centrality of opposition parallels Grote's vindication of the role of Cleon and the demagogues in Athenian politics. According to Mill, the demagogues were 'as [Grote] observes, essentially opposition speakers. The conduct of affairs was habitually in the hands of the rich and great ... on whose mismanagement there would have been hardly any check but for the demagogues and their hostile criticism'.[113] It follows that Cleon in his role as opposition speaker is in effect elevated to the status of Demosthenes, and forms one of the body of superior minds essential to the functioning of democracy.[114] It is worth noting that Liberal parliamentarian George Cornewall Lewis also held that 'in forming an estimate of the position and character of Cleon, Mr. Grote, with much ingenuity and truth, regards him as analogous to the "leader of the opposition"'.[115] It follows that he too could identify the role of parliamentary opposition with that of Grote's Cleon.

H.B. Acton observed that in *Representative Government*, Mill had placed great importance upon the active role which the citizen should play in public affairs, and emphasized that it was Athens as Grote had portrayed it which had provided Mill with the

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[112] Mill 1972: 267.

[113] This statement was not part of his 1853 review, but was taken from his 1850 notice of Grote in the *Spectator* and inserted in the republished version in *Dissertations and Discussions* (Mill 1965-91: XI. 331, see note n-n; for the 1850 text, XXV. 1160). For Mill's earlier (1849) endorsement of Grote's view of Cleon's role in opposition, XXV. 1127.

[114] Mill 1972 held that the employment of Cleon in an active military role was exceptional (269); his usefulness was strictly domestic. Although in his discussion of pay for parliamentary members Mill held that pay would attract persons incessantly pandering for office, and that 'the auction between Cleon and the sausage-seller in Aristophanes is a fair caricature of what would always be going on' (311), this in no way constitutes a lowering of the fundamental importance of Cleon's role in opposition.

[115] [Lewis] 1851: 324. Lewis was an accomplished classicist and had earlier translated or co-translated three works by German classical scholars A. Boeckh and K.O. Müller.

foundation for this conception of the ideal civic life.[116] Francis and Morrow wrote that for

Mill, participation and self-restraint had become paramount for the effective working of

representative institutions; 'without the social values of active citizenship ... representative

government would be of little value'.[117] These observations indicate a still greater depth to

Mill's intellectual identification with Athenian politics than do the three practical matters

from *Representative Government* discussed above. They strongly suggest that Grote's

conceptualization of daily life in ancient Greece was a fundamental influence on Mill's

mature understanding of citizenship.

In his 1853 review of Grote's history, Mill contended that 'in political and social

organisation, the moderns ... have a more unqualified superiority over the Greeks. They have

succeeded in making free institutions possible in large territories; and they have learned to

live without slaves. The importance of these discoveries ... hardly admits of being

overrated'.[118] As Turner observed, Mill 'rooted Athenian slavery in the economic and social

conditions of the time and separated it from the democratic political structure'.[119] With the

removal of these primary obstacles to progress, along with any rationale for the other 'great

blot, the domestic and social condition of women',[120] there remained no inherent structural

objections to the possibility of a modern democracy.[121] What was lacking was any

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[116] Acton, in Mill 1972: xxvi; he also observed that 'Mill's appreciation for the civic responsibilities of Athenian citizens in [*Representative Government*] is markedly different from the reference to "what is considered to be the public weal" in [*On Liberty*]' (xxvii).

[117] Francis and Morrow 1994: 236.

[118] [Mill] 1853: 429.

[119] Turner 1981: 247.

[120] [Mill] 1853: 429.

[121] Mill moved and spoke in the Commons in 1867 in favour of extending the franchise to women, and Smith wrote that another of his speeches presupposed that 'workingmen would

mechanism for the implementation of an adequate system of representation,[122] but with the publication of Hare's system, true democracy was institutionally viable for a modern state.

It might be thought surprising that Mill could be charged with so close an identification between England and Athens, yet I suggest that there is a sufficient basis for the claim to be worth serious consideration.[123] Jenkyns has produced a great deal of evidence to show the general breadth and depth of the Victorian identification with Athens, but perhaps the most memorable is his demonstration that Ruskin, the eminent cultural critic, believed literally in Apollo and the Muses.[124] Equally striking is Turner's demonstration that Gladstone 'discern[ed] in the politics of the Homeric age of transition the wisdom of the Peelite policy' of slow caution in respect of franchise reform.[125] Although neither of these scholars postulated a direct ideological connection between Victorian Hellenism and Victorian political reform, their work, and that of others, has provided good reason to suspect such a connection.[126]

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actually enter the House of Commons' (Smith 1966: 24, 204).

[122] So Mill 1972: 261.

[123] Mill maintained a view of the direct relevance of the classics throughout his life. In his inaugural address as Rector of the University of St. Andrewes in 1867, the year of the Second Reform Act, he avowed that the 'ancient historians, orators, philosophers, and even dramatists, are replete with remarks and maxims of singular good sense and penetration, applicable both to political and private life' (Mill 1965-91: XXI. 229).

[124] Jenkyns 1980: 182. Jenkyns wrote that 'we react with incredulity'; he seems to think that most people don't believe in Apollo and the Muses...

[125] Turner 1981: 237.

[126] Richard Livingstone, in an address to the Classical Association in 1941, 'doubt[ed] if anyone realizes how important an influence Hellenism had on nineteenth-century England', for 'while Hellenism only affected an élite ... it was a very important élite. For, with certain exceptions, it was the educated classes of the country'. He also noted that 'of the eighteen [English] Prime Ministers between 1837 and 1937 ten were good classical scholars' (Livingstone 1941: 8).

As was noted in the introduction to this thesis,[127] there is no clear explanation or consensus as to why franchise reform took place at the time and in the way that it did. Even if it be held that some extension of the electorate was seen to have become inevitable,[128] a fundamental problem remains: why was it that the upper and middle classes were prepared to contemplate an extension of the franchise such that reform would go beyond the inclusion of the respectable part of the middle classes? While it is true that a great part of the reform debate was concerned with determining a franchise rating that would in practice include the middle and lower-middle but exclude the lower classes,[129] this does not explain why the proposals for setting a rating level contemplated progressively lower figures.

Although Gladstone, in a speech of May 1864, 'venture[d] to say that every man who is not presumably incapacitated by some consideration of personal unfitness or of political danger is morally entitled to come within the pale of the Constitution, [provided that this did not lead to] sudden or violent, or excessive, or intoxicating change',[130] Cowling observed that 'wherever one looks in the parliamentary debates on the Reform bill of 1867, one finds no general advocacy of a democratic franchise, electoral districts or equality between the worth of one vote and another', and that 'there is no sign in late 1866 or early 1867 of extensive sympathy for working-class political rights'.[131] Smith held that Gladstone's claim

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[127] Above, 6 and n.10.

[128] So Cowling 1967: 26. Christie 1927: 158 held it 'obvious ... that the rapid increase in population must ... lead to a demand for a redistribution of seats'.

[129] Smith 1966: 13, 'the difficulty was to discover the exact cottage rating level above which the occupant could be assumed to possess [minimum requisite social] virtues'.

[130] Cited, including modifications, from Smith 1966: 27.

[131] Cowling 1967: 59, 334.

'made exact calculations [of franchise-worthiness] irrelevant',[132] but himself adduced ample evidence to demonstrate that the determination of a franchise rating remained central to debate on the bills by all groupings in the Commons in both 1866 and 1867.

Certainly the consent of the upper classes was a critical factor: Perkin plausibly held that 'at no point ... can it be said that the pressure of middle-class votes alone forced the aristocracy to yield a specifically middle-class reform', and Smith observed that although there was a Tory majority in the house of Lords, 'Derby was able to lead nearly all the active Tory peers and several of the Whigs to aquiesce' in an extensive reform measure.[133] It bears re-emphasizing that although the Second Reform Bill was brought in by the conservatives, it was not a measure which stood to benefit them in any way. Smith examined the lengthy party discussions of the mechanics of reform proposals and the concern of the parties of the likely impact of an altered franchise on members' seats, but noted that the 'precise social composition of the potential, or even existing, electorate' was unknown until 1866. Indeed, such statistics as could be collected for use by Disraeli as late as February 1867 were quite imprecise; yet even these, so far as they went, indicated that household suffrage would disadvantage the conservatives considerably.[134]

It has been suggested that there was a conservative trust in the deference of the working class which abetted the passage of reform legislation. Smith wrote that 'the acceptance of Reform by the country gentlemen reflected their underlying confidence in the submissiveness of the workingmen - a confidence founded on the economic and social

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[132] Smith 1966: 27.

[133] Perkin 1969: 315; Smith 1966: 211-2.

[134] For the wrangling over the Redistribution Bill of 1866 and the concern of the parties over effect of the various proposals on members' seats, Smith 1966: 91-7; cf. 46 (composition); 151-3 (statistics).

stability of the previous eighteen years'.[135] Yet as Tholfsen saw, 'any substantial extension of the franchise would lead to a major shift in the balance of power between the classes, associated by the upper and industrialist strata with an inevitability of attacks on property'.[136] With intense debate over the question of household suffrage from February 1867,[137] this was precisely what was at issue. There was no necessity for Disraeli to accept Hodgkinson's May amendment to the Bill,[138] which proposed to abolish compounding in parliamentary boroughs,[139] resulting in a vastly greater enfranchisement.[140] A theory of deference does not seem to adequately explain the acquiescence of the upper classes in the significant social transformation constituted by the Bill of 1867.

Cowling wrote that 'the conception of natural leadership, and a belief that it would survive any alteration of electoral arrangements that was in sight, was a factor which helped a great part of the House of Commons to accept Disraeli's bill'.[141] Yet despite the relative

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[135] Smith 1966: 230.

[136] Tholfsen 1973: 183.

[137] Smith 1966: 151.

[138] Cowling 1967: 283, that neither Gladstone nor Bright had expected Disraeli to accept it, and that 'it would probably have been resisted by the House of Commons if he had insisted on its rejection'.

[139] 'The compound householder was the tenant whose landlord paid his rates in bulk on his behalf, and whose rate therefore was smaller than that levied on householders who paid their rates direct'. Before Hodgkinson's amendment, 'no compound householder would have been enfranchised by the bill. A compounder could obtain a vote only by opting out of composition and paying the higher rate he would have paid, if his rates had not been paid on his behalf by composition' (Cowling 1967: 235-6).

[140] Lord Stanley commented that in accepting the amendment, Disraeli had acted 'rather imprudently' as the matter 'was not considered in cabinet' and thought that it 'may give trouble hereafter' - diary entry, 17 May 1867, in Vincent 1978: 309.

[141] Cowling 1967: 58.

class stability of English society from the late 1840s,[142] it was clear to the House that the passage of the Bill would result in a major shift of interests. In these circumstances, it seems that there should have been little basis to assume that an extant natural leadership would remain unchallenged. Neither does the history of Radical speeches both inside and outside the parliament, between the first Reform Act of 1832 and the intense debate over reform from the 1850s, in itself seem to provide adequate reason to believe that a natural and conservative leadership would continue to be followed.[143]

According to Perkin, by 1867 the 'labour aristocracy' of skilled tradesmen, who represented only 'a small and highly-privileged fraction ... of all industrial wage-earners' had by their commitment to middle-class ideals 'shown themselves more orthodox than the orthodox liberalism of their day, and admirably fitted for admission within the pale of the constitution'. Yet as he recognized, 'at bottom the mid-Victorian unions' *raison d'être* was the struggle for income, and for that reason they could not escape their role as class institutions engaged in permanent and inevitable class conflict'.[144] The rise of organized labour provides a structural reason to doubt the adequacy of theories of natural leadership and deference by way of explanation for the acceptance of substantial political reform by the upper strata, even given the years of class harmony prior to 1867. What they ended in passing was an Act transformed by a series of increasingly radical amendments to a

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[142] Perkin 1969: 342.

[143] Change was also reflected within the Commons itself; in the years after 1832, office remained the province of aristocrats, but in the period towards the passage of the Second Reform Act, 'office was also beginning to be shared by the men of the middle classes' (Christie 1927: 64). Christie further noted that 'every Reformer was over-anxious to insist on the brainlessness of the nobility and gentry' (85).

[144] Perkin 1969: 394, 402, 406.

conservatively drafted Bill.[145]

Against a suggestion by Smith that Parliament was disturbed by the possibility of social violence if the franchise was not extended,[146] the upper and middle classes together did not feel threatened by or impelled to grant a broadened franchise in consequence of popular agitation.[147] In the period of the most continuous discussion of reform, 1866 and 1867, radical agitation was all but non-existent,[148] and in March 1867 Lord Stanley held that the conservatives were 'bound in consistency not to go so far as to effect a real transfer of power to the working class, which would be equally opposed to our interests and ideas'.[149] The explanation for the conservative introduction of and acquiescence in an extensive reform measure thus continues to be problematical. Cowling detected 'a strong strain of Conservative feeling which genuinely thought that a lowering of the franchise would be more helpful to the conservative party than *any* restrictive move',[150] yet in all areas of the

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[145] Briggs 1959: 507-8.

[146] Smith 1966: 126.

[147] 'In the 1860s and 1870s the upper and middle classes of England felt quite secure. The furnaces of revolution contained only the embers of the popular agitation of the 1840s', Francis and Morrow 1994: 266.

[148] 'The commonplace to anyone who reads the letters of advanced advocates of electoral reform is ... consciousness of weakness in the face of working-class deference, middle-class complacency, aristocratic monopoly and a Parliament and ruling class' concerned with preserving landed property - Cowling 1967: 19. The Hyde Park rioting in July 1866 was of little importance; of the first riot (23 July), Lord Stanley wrote that there was 'on the whole little mischief'; of the second (25 July), there was mischief but 'to a less extent, and done chiefly by boys'. On 27 July Cabinet discussed the potential for rioting at a forthcoming reform demonstration, but there is no further comment by Stanley about public gatherings until 6 May 1867, when he recorded that a meeting at Hyde Park 'went off quietly, without excitement, the numbers at no time great: the speeches, I am told, not much listened to' (diary entries, in Vincent 1978: 261-2, 307).

[149] Diary entry, in Vincent 1978: 293.

[150] Cowling 1967: 286.

debate there is no obvious structural basis for such a belief.

It is possible, then, that conservative acquiescence in reform may have been abetted by a belief in political harmony rooted in an ideology derived from contemporary Victorian culture rather than in an ideology of deference, the basis for which slowly eroded over the period from 1832 to the 1860s.[151] In what follows I will suggest that Grote's vindication of Athenian democracy supplied the historical foundation upon which the viability of a contemporary democratic ideology could be legitimized. The relative political stability of mid-Victorian England[152] in effect confirmed the validity of Grote's view of history: democracy had provided a stable yet vibrant political structure throughout the rise of Athens to its position as the foremost imperial power in the classical Greek world. England became the greatest power during the nineteenth century, and reached the height of its imperial success during the eighteen fifties and sixties.[153] The proclivity of the English to identify their empire with the Athenian empire depicted by Thucydides was noted in the previous chapter. The possibility that modern empire might be compatible with democracy was thereby encoded into the contemporary English world-view.[154]

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[151] Bryce 1867: 272, 'The feeling of subordination - that reverence of the lower classes for the upper ... has disappeared'.

[152] Perkin wrote that 'it is one of the ironies of history that Marx and Engels ... should have published their thesis of the inevitability of social revolution at the very moment when the bluff of the last Chartist threat of violence was called and the viable class society came of age (1969: 342).

[153] Bowle 1974: 185-6.

[154] Grafton noted that within the Oxford Greats as reorganized from the mid-century, 'the anachronistic belief that the Athenian empire could serve as a model for the British was rewarded' (1992: 235); it was Grote who now supplied the historical context for the interpretation of the development of Athenian imperialism. Grote's marginal summaries indicate that Athens' allies 'were gainers by the continuance of her empire', and that Pericles' conception of imperial Athens was of a city 'owing protection to the subject allies' (1888: IV. 489-90).

Francis and Morrow wrote that liberals Robert Lowe and J.F. Stephen made the 'two most stringent and systematic attacks on democracy' and were the 'modern opposition to a populism which they saw as an impediment to progress'.[155] It had been Lowe's *Speeches and Essays on Reform* (1867) that most clearly articulated the case against increasing the franchise, and to which G.C. Brodrick responded with an edited volume, *Essays on Reform*, in March 1867.[156] Lowe had cited the political experience of France, America, Australia, Greece, and Rome, which severally showed that the populace was 'incapable of considering policy in a rational, informed and unselfish way'.[157] He did not concentrate on the ancient world, but addressed the political experience of contemporary states.[158] Brodrick's *Essays* offered a detailed set of responses to Lowe. Guttsman noted that most of the contributors were in their twenties and thirties and that 'many were present or past Fellows of Oxford or Cambridge colleges';[159] they were thus products of a classical education heavily indebted to Grote. Of particular interest to this analysis is the essay by James Bryce which discussed the 'historical aspect' of democracy.

Bryce stated that in the years leading up to the passage of the Second Reform Act, the example of a democratic state most frequently cited by English opponents of political reform

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[155] Francis and Morrow 1994: 251, 266. It was 'their liberal faith in progress which was affronted by the thought of throwing the direction of the state into the hands of the under-educated populace who might use their new-found power to block reforms in vital areas such as education' (251).

[156] See Brodrick 1867: 3-4 for the contemporary importance of Lowe's arguments against reform.

[157] Smith 1966: 76-7.

[158] Francis and Morrow 1994: 253 noted that Lowe has been said to have drawn his opposition to democracy from his classical education via Plato and Aristotle, but that there is no support for this view in his *Speeches*.

[159] Guttsman 1967: 8.

was Athens.[160] Given this, considerable weight should be attached to his consideration of Athenian politics in the context of an advocacy of contemporary political reform. Bryce bluntly asserted that 'the differences between the circumstances of England and those of other states, ancient and modern, in which democracy has, or is supposed to have, prevailed, are such that no arguments drawn from their experience are of any value as enabling us to predict its possible results here'.[161] His essay nevertheless advanced a highly sophisticated vindication of Greek democracy.

He began his review of Athenian politics with a sharply critical portrayal of the Athenian demos, among whom 'oscillations of opinion were sudden and violent, for the people [were] susceptible from their very excess of acuteness to every transient impression', and whose sovereign assembly met every ten days 'and as much oftener as the occasion might require'. Most officials had been chosen by lot 'in order that every citizen of every degree might have a chance of sharing in the government of the state', a practice which he described as 'strange and pernicious'. A suitable parallel to the small states of ancient Greece would be found, 'not in the imperial politics of Britain, but in the contests of a vigorous municipality ... if it were emancipated from the control of the rest of England'.[162]

However, Bryce was far from condemning the experience of the ancient world: 'in Greece, the government of the few had vices greater that those of the government of the

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[160] Bryce 1867: 242. Bryce was then a Fellow of Oriel College, Oxford.

[161] Bryce 1867: 263. He dismissed Rome from consideration, holding that it 'was never, in any sense of the word, a democracy'. He held that democracy 'in its proper sense' had only been tried in Switzerland, America, and Norway, and that in 'that looser sense wherein it is taken to denote a more popular ... constitution, it has uniformly produced ... a more generally diffused happiness ... than any of the other forms of government which have in past times existed alongside of it' (255, 265).

[162] Bryce 1867: 244-7.

many, and lacked its redeeming virtues'. He enlisted Plato and Aristotle in his cause, writing that 'they denounce[ed] the government of wealth quite as earnestly as that of numbers', and he restricted the purview of their social critiques to the promotion of rule by a genuinely wise few.[163] Athens did not fall because of deficiencies in its democratic constitution, but because it could not resist the superior power of Macedon; after it fell, 'the torch of liberty was taken up by the Federal Democracy of Achaia' - one might note the symbolism - and the sequel of events 'showed that democracy, even among the vivacious Greeks, was not inconsistent with a wise and stable government'.[164] Athens' cultural achievements were quietly imported into Bryce's praise of the advantages of modern approximations to democracy. Where that term denoted a more populist constitution (namely, in America, Switzerland, and Norway), 'it has uniformly produced ... higher virtues ... and more brilliant achievements in literature and art than any of the other forms of government which have in past times existed alongside it'.[165] These claims would be difficult to sustain from the standpoint of a general mid-Victorian English opinion of the contemporary culture of those countries.[166]

Each of Bryce's points of criticism of the Greeks actually functioned as a fulcrum from which Bryce could vindicate democracy as a system by appealing to the superiority of English institutions and the character of the English people. 'We should vainly seek in Greece', he wrote, 'for any institutions comparable to those great learned professions which give so much stability to English society and English politics'; the assembly was 'not

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[163] Bryce 1867: 252-3.

[164] Bryce 1867: 255.

[165] Bryce 1867: 265.

[166] For some Tory views of American culture, see Crook 1965: 162-3. Bryce praised the Swiss 'prosperity and intelligence' (261) but produced no further comment on the cultural achievements of any of the three countries he had mentioned.

checked, like the Members of Parliament and the executive in modern times, by the sense of responsibility to others, but passing, in the heat of debate, stirred by the intoxicating sympathy of numbers, a final and irreversible decision upon questions of the gravest moment'.[167]

Despite the excitable nature of the Athenian people, 'they were faithful to their engagements [and] respected and upheld the constitution under which they lived', and the ancient 'passions of political life were habitually more intense than they can be, even on the most exciting occasions, in a country like England'.[168] It follows that at least as much could be expected from the average Englishman if he came to share in the constitution. Indeed, 'it may be argued, the corruption of English voters arises in great part from their want of interest in or conception of the nature of the functions they are called to exercise, and will diminish the more their class feels itself to have a share in the government of the country'.[169] The only historical evidence which could support these beliefs, however, was to be found in Grote's history of Athens. In a review of the reform essays in the *Quarterly*, Lowe regretted that the classical education of many of its authors lacked 'that conservative cast of thought which used to be the distinguishing mark of our great universities'.[170] The man who had done most to displace it, I suggest, was Grote. If Athens had made full citizens of the *thetes*,

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[167] Bryce 1867: 251, 244-5.

[168] Bryce 1867: 254-5.

[169] Bryce 1867: 266; the footnote refers directly to the English working classes. He determined in the end that 'the ideal of a Christian State is a Democracy; a Commonwealth in which wealth is no honour nor labour any degradation; all whose members are worthy of equal regard'. Yet 'such a Commonwealth ... is a moral and spiritual rather than a political ideal: it is a sphere out of politics altogether' (274). The vindication of Athenian democracy thus remained an essential task. In any event, 'being polytheists, the Greeks had a low conception of the divinity, and therefore a low one of humanity likewise' (263); a great deal more could be expected from a Christian culture.

how much more one could rely on the good sense of an enfranchised English working class.

The above study of the Victorian response to Grote suggests that Grote's reconceptualization of Athens constitutes an important but hitherto undervalued factor in the realization of an English democratic politics. Grote reassured the upper and upper-middle classes that democracy had once proved itself to be a viable political system in a period of glorious cultural (and, as they saw it, imperial) achievement, and so provided a more secure ideological foundation from which they could countenance the possibility of a greatly broadened franchise. The overwhelmingly positive reception of Grote's Athens was pursued in both liberalist and conservative writers for the major Victorian periodicals, on the English universities and - as an individual study - on John Stuart Mill. That investigation showed that the upper and upper-middle classes had by and large eagerly accepted the new perspective on Athens, and had incorporated it into the heart of the elite educational curriculum by 1850.

It was from a base point of some seventeen years' hegemony of the Grotian view of Athens that Disraeli and Derby together led England into its 'leap in the dark'. I have suggested that it was the Victorian image of Athenian democracy which provided the most powerful of the ideological factors that legitimized that leap. But Grote's influence would long outlast the relatively harmonious implementation of English political reform. Having made a substantial contribution towards one of the most profound revaluations of values in two thousand years, the Athens Grote built would subsist within the canons of classical studies and political theory long after the Second Reform Act, and despite considerable advances in historical knowledge.

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[170] Cited in Guttsman 1969:10.

CHAPTER 8

THE LEGACY OF VICTORIAN ATHENS

I have argued that Grote's influence was enormous, both in the reconstruction of Athenian politics and in the legitimization of a broader democratic ideology in Victorian England. This chapter traces the persistence of some important elements of his presentation of Athens into the democratic discourse of the present day. In the later years of the nineteenth century, classical studies became increasingly regarded as elite and as irrelevant to modern life. Jenkyns wrote of the mid-Victorian era that 'even more than Latin, Greek was the stamp that authenticated culture and class', and that it was the 'exclusiveness associated with the classics [which would eventually] contribute to their downfall'.[1] Yet this development was not a fault innate to the classics as a subject of study: Clarke pointed out that 'the creators of the Victorian Public School did not consciously devise an education for a governing class; they continued and adapted what had originally been the universal type of education, and because their schools were better than anything else available they attracted those who were or wished to become gentlemen'.[2] Nevertheless, where in the mid-century Classics had - I have argued - substantially abetted liberalist reforming sentiments, in the later years of the century a classical education was increasingly associated with opposition to ongoing political reform: from the 1880s, 'unthinking Tories and languid egoists seemed to be the two classes of men who clung to the ancient world'.[3]

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[1] Jenkyns 1980: 63, 65.

[2] Clarke 1959: 170.

[3] So Jenkyns 1980: 275, cf. 279. Clarke 1959: 87 pointed out that for those who were not destined for university there seemed little point in a classical education; 'the vast populations of the new industrial towns judged education solely by its usefulness'. It is worth noting that in the mid-Victorian period the classicists had en masse argued the historical viability of

Within English middle-class culture, the sense of a close identification with Athens waned for several reasons. The more eulogistic glorification of all things Athenian, which was the legacy of the eighteenth and early-nineteenth century romantics, was dampened by the realization that the classics could not provide easy solutions to contemporary problems. As Bolgar put it, 'the historical approach to the problems of life was pushed into the background by the development of techniques - economic, sociological, psychological - for controlling the present'.[4] The ethical responsibilities enjoined by thoughtful ancient writers which had bolstered the mid-Victorian sense of mission and duty were at odds with the self-congratulatory mood of late-Victorian England.[5] Further, according to Turner, during the later half but especially in the third quarter of the century, 'ideas associated with historicism, the Darwinian revolution, and anthropology undermined faith in the uniformity of human nature and the image of humankind as inherently ethical beings. At the same time, the vast quantity of new information about Greece originating in professional scholarship and archaeology dissolved the possibility, always frail at best, of a unitary concept of Greek civilization'.[6]

These developments rendered much of the historical and moral perspective of Grote's history redundant, and, with its fall, the close bond which the Victorians had built between England and Athens was broken. Lloyd-Jones noted that A.E. Houseman's

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direct democracy; in its last quarter they strongly denied that it could work in a modern state. Did the newly enfranchised fail to live up to expectations?

[4] Bolgar 1979: 26.

[5] See Ogilvie 1964: 135. Ogilvie (and others) have treated the fascinating movement known as 'Muscular Christianity' which was originated by the Anglican theologian and Platonist F.D. Maurice in the 1840s, and 'combined the rational idealism and the reforming zeal of Plato. This union of common sense in theological matters and energetic philanthropy was the hall-mark of Christian Socialism and of the Broad Church Party' (109).

inaugural lecture at Cambridge in 1911 had assailed that part of British scholarship which believed that 'the secret of the classical spirit is open to anyone who has a fervent admiration for the second-best parts of Tennyson'.[7] Clarke observed that 'it was the Greeks that the Victorians had chiefly in mind when they spoke of the value of the classics'.[8] In a sense, however, Victorian England had never seen Athens; it had seen only the Athens which Grote had reconstructed, and it is for this reason that his influence on the interpretation of Greek history would last far longer than the close of the nineteenth century.

In assessing the spread of Grote's views, consideration should initially be given to his influence within the secondary education system. Greek language and literature had overshadowed Latin in the English school curriculum from the early nineteenth century, and the education provided by the grammar schools remained dominated by the classics well into its second half.[9] The standard English school Greek history throughout the second half of the nineteenth century was William Smith's *History of Greece*. It ran to 24 editions between 1854 and 1889; its substantially revised 'new edition' first appeared in 1892.[10] Smith's original preface, of November 1853, dated the commencement of his work 'several years ago'. It must then have been composed over the period when enthusiasm for Grote's history was at its most intense, and when Grote had published all but his last volume, which narrated

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[6] Turner 1981: 17.

[7] Houseman, cited by Lloyd-Jones 1982: 185.

[8] Clarke 1959: 172.

[9] Clarke 1959: 76, 87.

[10] For the 'lower forms', Smith provided a *Smaller History of Greece* with a similar publication record, though his condensation and simplification of the narrative resulted in an awkward volume which is a trial to read.

the sequel to Athens' surrender in 322.[11]

Smith explained that his object was to provide 'as vivid a picture of the main facts of Grecian history, and of the leading characteristics of the political institutions, literature, and art of the people' as feasible. He avowed his great debt to Grote, whose work formed 'an epoch in the study of the history of Greece', and owned that he was 'in almost all cases ... compelled to adopt his conclusions, even where they were in opposition to generally received opinions'.[12] Where Schlegel in the early years of the century had seen Attic tragedy as the province of a cultivated elite, Smith thought that 'it was probably the democratic nature of the new [Cleisthenic] constitution, combined with the natural vivacity of the people, which caused Athenian literature to take that dramatic form which pre-eminently distinguishes it. The democracy demanded literature of a popular kind, the vivacity of the people a literature that made a lively impression; and both these conditions were fulfilled by the drama'.[13] Smith held that Attic comedy, roundly condemned by Schlegel, was 'a powerful vehicle for the expression of opinion; and most of the comedies of Aristophanes [and his contemporaries] turned either upon political occurrences, or upon some subject which excited the interest of the Athenian public'.[14] It was through Smith's text that much of Grote's understanding and ethos was transmitted within the public school system to the end of the century, and the acceptance of Grote's view as valid history was confirmed by the status which his opus continued to be accorded by the universities.

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[11] Grote's vols. XI, August 1853; XII, March 1856 (Clarke 1962: 80). Smith enthusiastically reviewed Grote's completed history for the *Quarterly* in June 1856.

[12] Smith 1865: [v]-vii.

[13] Schlegel [1815] 1846: 528; Smith 1865: 401. It might follow that to Smith, the English themselves are democratic and vivacious, for they delight in the ancient works.

[14] Smith 1865: 408; Schlegel [1815] 1846: 148.

Outside of the school context, there was a demand for a Greek history of considerably smaller proportions than Grote's. Roberts noted that Grote had 'served as a point of departure for numerous English histories [of Greece]', and drew particular attention to G.W. Cox's two-volume history of 1874. As she put it,

'Whereas Grote had seen in Athens what Britain could be, ... Cox saw in [Athens] what Britain actually was: if the picture painted by Pericles was substantially accurate, Cox writes,

"we shall find it difficult to avoid the conclusion that distinctions of time and place go for little indeed. All the special characteristics of the English polity─its freedom of speech, the right of the people to govern themselves, the supremacy of the ordinary courts of law over all functionaries without exception, the practical restriction of state interference to the protection of person and property, the free play given to the tastes, fancies, prejudices, and caprices of individual citizens─may be seen in equal development in the polity of Athens"'.[15]

As Roberts phrased it, Cox showed an 'embarrassingly heavy dependence' on Grote, but I suggest that this was far from a fault in Cox's work. Roberts noted that 'the prolific Reverend Cox also wrote widely on a variety of other subjects ranging from the history of the crusades to the shoeing of horses'.[16] As a populist writer he gave the public what it wanted - a lively, readable, and thoroughly Grotian short history of Greece. His volumes further attest the close identification with Periclean Athens felt by the English. It was this identification which Grote's history had made possible.

From the period around the third quarter of the nineteenth century comes some of the most imaginative English writing about Athens since Macaulay. One could read, for example, that

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[15] Roberts 1994: 249-50, citing G.W. Cox's *General History of Greece* (1874: I. 184).

[16] Roberts 1994: 250 n.86.

'Cimon was a true sailor, blunt, jovial, freehanded, who sang a capital song, and was always equally ready to drink or fight, to whose artless mind (he was ignorant of even a smattering of letters) the barrack-room life of the barbarous Spartans seemed the type of human perfectibility, and whose simple programme was summed up in the maxim, "fight the Persians." Naturally the new ideas of political progress and intellectual development had no place in his honest head'.

The author had found it 'amusing to read of this stout old salt sitting in judgment on the respective merits of Aeschylus and Sophocles'. But these citations are not comic; they are from the ninth edition of the *Encyclopedia Britannica* (1875-89), and reflect in full seriousness an authoritative view of Athenian life as it appeared to the late-Victorian mind.[17]

In the *Britannica's* Athens, 'as there were six thousand [jurymen] told off annually for duty, of whom the greater part sat daily, the disbursement from the treasury was great, while the poor and idle were encouraged to live at the public expense'. Such a view of the intense usage of the Athenian courts had been too much even for Grote, who had sourced it to Boeckh, and commented that 'Boeckh must mean that the whole 6000, or nearly the whole, were employed every day. It appears to me that this supposition greatly overstates both the number of days, and the number of men, actually employed'.[18] From another scholar came an inspired vindication of the competence of the average Athenian in his turn of office on one of Athens' numerous boards of officials, here as an inspector of the dockyards: 'a man who was not a judge of the comparative merits of two triremes could still count how many holes there were in a sail, and see whether any ropes were wanting in the

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[17] The article was written by the classicist J.G. Frazer, in vol. 18, s.v. 'Pericles'. His evidence here comes from Plut. *Cim.* 4.4 and 8.7 (Frazer 1885: 529 and n.6).

[18] Frazer 1885: 529, disregarding Plut. *Per.* 12.5 which states that the *ochlos* would not be paid for laziness and idleness. (Frazer's belief was made possible by seeing mass jury service as fundamental to the Athenian democracy.) Grote 1888: IV. 442 n.2.

rigging'.[19]

From such cavalier approaches to ancient history one might be drawn towards the heretical suspicion that leading scholars may have fabricated important elements of the vision of Athens to the disregard of contrary evidence and due caution. Yet precisely such a charge has been made and supported in another area where the cultural relevance of Greece to modern life was at stake. In a study of the wilful abuse of evidence by eminent classicists who desired to promote the modern Olympic games, David Young has demonstrated that the fabrication of key narrative elements in the history of ancient athletics were 'not isolated cases nor mere instances of sloppy scholarship. They are representative instances of a far-flung and amazingly successful deception, a kind of historical hoax, in which scholar joined hands with sportsman and administrator so as to mislead the public and influence modern sporting life'.[20] How much more might be at stake in the reconstruction of Athenian - as it informed modern - democracy?

Grote had shaped the understanding of Athenian political history upon which the most authoritative of the modern generation of classical scholars were raised, and in doing so he set the parameters within which the most important Athenian political document to be recovered would be interpreted. Historians, including Grote, had long lamented the loss of the Aristotelian *Constitution of Athens*.[21] The recovery of the largely intact 'London papyrus' of *A.P.* from Egypt in 1890 was therefore a signal event by any standard of historical

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[19] Headlam [1891] 1933: 161-2. Needless to say, ship maintenance was a complex skill, a brief outline of which may be found in Xen. *Oec*. 8.11-6.

[20] Young 1984: 14, and see at least the examples at 9-13.

[21] Grote 1888: I. v. On the question of its authorship, I follow Rhodes 1981a: 61-3 against Keaney 1992: 14 in seeing it as an Aristotelian product though not the work of Aristotle himself. Keaney allowed that 'in an ultimate sense' we cannot determine the authorship (12).

interest,[22] and stood to change the received face of Athenian political history.

In 1891, F.G. Kenyon wrote of *A.P.* that 'so many eminently reasonable theories and conjectures are scattered to the winds by this slight addition to the ancient testimonials'.[23] Yet this view was not to prevail. *A.P.*'s failure to confirm the established reconstruction of the development of the Athenian constitution, by failing to give political (as distinct from cultural) primacy to the Periclean era, would trigger perhaps the most intensive critical scrutiny ever applied to an ancient text. But to date, *A.P.*'s most crucial statement, that the Athenian constitution had become increasingly populist since the time of Solon and was most populist in his own day (41.2), is still rejected for a eulogistic vision of the Periclean *dêmokratia*.[24]

A reliable guide to the reconstruction of Athenian political history prior to the recovery of *A.P.* is to be found in Carl Peter's *Chronological Tables of Greek History*, translated from the German in 1882 in response to an increased emphasis on source evidence in the Cambridge Classical Tripos.[25] As Peter saw it, the control of the state had been substantially in the hands of an assembly comprised of all citizens since the time of Solon. Solon had instituted a council of 400 'whose decrees were partly absolute, partly preliminary

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[22] 'The re-appearance of the Aristotelian treatise on the Constitution of Athens has a considerable claim to rank as the most striking event in the history of classical literature for perhaps the last three centuries' (Kenyon 1891b: v).

[23] Kenyon 1891b: xvi.

[24] So Rhodes 1981a: 488: 'It is by no means obvious that the power of the *dêmos* did continually increase from the end of the fifth century to the time of *A.P.*'; 'Changes made later in the fourth century ... will have made the administration of the state more efficient but will not have made it more democratic as that term had been earlier understood'.

[25] Translator's preface in Peter 1882: [v]. Peter's tables were first published in 1835; the translation is from the fifth edition of 1877. Grote's impact on German views of Greece was discussed by Momigliano 1966: 65-6. Lloyd-Jones 1982: 103 wrote that Grote's influence in Europe was still strong in 1890.

decrees prepared for the final decision of the public assembly. Only citizens of the first three classes were admitted to the *boulê*, but all citizens to the *ekklêsia*. Finally a popular tribunal, the *hêliaia*, was also instituted, consisting of (so at least later) 6000 citizens'. Peter's next record of internal political matters concerned Cleisthenes, who in the wake of his contest with Isagoras had 'ranged himself with the popular party, and advanced to his exceedingly important reforms', which Peter traced as best he could from Herodotus, the lexicographers, and the *Politics* of Aristotle.[26]

After Cleisthenes had reorganized the tribes and instituted the Council of 500, the Athenians appear (from Peter's silence to the contrary) to have prospered under their two councils and dominant assembly, and to have maintained a stable polity save for the ostracism of Aristeides in 483. The signal internal events of the period 478-460 were given as the walling of Athens and Piraeus (478-7), the admission of the *thetes* to public offices on the motion of Aristeides (477), and the ostracism of Themistocles (471), followed by the stripping of the powers of the Areopagus, the enlargement of popular tribunals, and the introduction of jury pay, all dated to 460.[27] The Areopagus was seen principally to have a 'general censorship of morals' and guardianship of the laws; its jurisdiction was confined to homicide trials after 460, and 'the supervision of the state administration in general, which the Areopagus had hitherto exercised, was transferred to the seven democratic *nomophylakes*, who were now first instituted, whilst the juridical functions fell to the *heliaia*.... By this means, the last aristocratic element in the constitution was removed, and thus the fabric of Athenian democracy was brought to its completion'.[28]

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[26] Peter 1882: 28, 33.

[27] Peter 1882: 45-8.

[28] Peter 1882: 48 n.52.

Peter's meticulous documentation of the historical evidence produced in effect a catalogue of sources arranged around a generally accepted schema of Greek history. Its focus is Athens, and it centrally admires the Periclean era.[29] There is, however, a critically important source missing from the historical documentation. Arist. *Pol.* 1304a20-4 records that 'the Areopagus, as a result of the reputation it acquired during the Persian Wars, was held to have tightened the [Athenian] *politeia*; but then the seafaring mass ... made the *dêmokratia* stronger'. One may be certain that this information was not missed through oversight; Peter's tables had survived forty years' use in five German editions before their English adoption, and Germany was throughout the nineteenth century the homeland of philological rigour. One might then suspect that the detail which Aristotle recorded, and which he appears to have endorsed by his subsequent statement that 'also in Argos' the nobles (*gnôrimoi*) won repute through their role in battle, was discounted because it failed to conform with the accepted view of Athenian political history.

For a scholarly English narrative presentation of Athenian democracy as it was seen before the recovery of *A.P.* one may turn to J.W. Headlam's *Election by Lot at Athens* (1891). As a Cambridge dissertation, it had been awarded the University's Prince Consort Prize in 1890, and as a book it was massively influential.[30] It is worth noting Turner's

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[29] Notwithstanding the introduction of public pay and 'donatives' such as the *theôrikon* which 'planted the seeds of degeneration into ochlocracy', Peter 1882: 48 n.53.

[30] Macgregor's preface to the second edition noted that it had 'quickly won for itself an international reputation' (Headlam 1933: xix). Headlam continues to be favourably cited by leading scholarship despite the fact that it was written before the recovery of *A.P.*. He stated in his introduction that he had made some comments on the just-published *A.P.* in an appendix, but that his book was otherwise as already written (xv). His views entered the scholarly discourse on Athenian democracy and remain as a powerful undercurrent even where they have ceased to be directly acknowledged. His book is listed as a useful reference (amongst others) by Roberts, in her polemical defence of Athenian democracy, for its discussion of 'the purpose and results of Cleisthenes' reforms' (1994: 27 n.4).

observation that Headlam's study was not disinterested: he was one of a group of late-century writers who 'thought that English politics might be improved through the emulation of Athens', and his was the study that 'most directly criticized Victorian politics by an appeal to the Athenian experience'.[31]

Headlam argued that sortition was the primary enabling device of the ancient *dêmokratia*. The appointment of officials by lot, combined with annual rotation of office, rendered the Council 'an exact image of the ekklesia' and gave 'to nearly every Athenian citizen a seat on the council'.[32] The assembly 'of many thousands' met four times per month and was a very active body; the Council was only there 'to do the work which the assembly has not time to do, work which the assembly would do if there were not so much of it'.[33] 'Membership of the council ... gave a practical insight into all that went on in Athens, and it must have been of the very greatest importance that this practical experience was not confined to a few but that every one had an equal share in it'. Yet the assembly was primary: the Council 'was after all a body of five hundred men taken by lot; it could scarcely be that the Athenians would look to it for wisdom and advice'.[34]

In fifth-century Athens, 'the offices were numerous; all offices were collegiate, and the colleagues were seldom less than ten in number; re-election was almost unknown; accumulation of office was rare; office was without exception annual'. The development of

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[31] Turner 1981: 255-6.

[32] Headlam 1933: 49; on the basis of a population of thirty thousand citizens, he calculated that 'considerably more than half must at some period of their life have been members of the council'.

[33] Headlam 1933: 48-9.

[34] Headlam 1933: 51, 114.

this multiplicity of offices was to be dated between 508/7 and 450.[35] He held that 'when once it was decided that the Areopagus should consist of all ex-archons, and the archons should be chosen by lot from all citizens, the power and influence of the Areopagus was gone'. He explicitly stated that he had taken this understanding from Grote, and he attributed the move to Aristeides in 477.[36] The view was directly refuted by *A.P.* 23.1, that the Areopagus became the pre-eminent power in the state from 480 to 462. This did not discourage Headlam from claiming that the just-recovered *A.P.* seemed 'to confirm the view [he had] taken of the workings of the Athenian constitution'.[37]

In making that claim, Headlam knowingly falsified the understanding of Athenian history: in his appendix, he acknowledged from the information supplied by *A.P.* that 'it was not till 457 that *zeugetai* could hold [the archonship]'.[38] This necessarily demolished the view he had promulgated, that the power of the Areopagus was eroded from the time that the archons were chosen 'by lot from all citizens', which he had dated well prior to 462 and had used to explain its overthrow. He had, it is true, added a footnote to the body of his text that read 'See the Appendix for the new light lately thrown on this [matter]',[39] but this gives no indication that a pivotal point of his thesis had been expunged; nor did he acknowledge the consequences of the new information when he presented it in his appendix. Headlam concluded that 'it is no exaggeration to say that most Athenians must have spent a large part

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[35] Headlam 1933: 86, 90-1.

[36] Headlam 1933: 45-6 (Grote); 79-80, 85 (date); cf. his admiration for Grote's 'application of modern political experience to the explanation of Greek politics' (xiii).

[37] Headlam 1933: xv. In the appendix, he held that 'the fall of the Areopagus would coincide with the time when the last of [the] generation [of elected archons] had died out' (185).

[38] Headlam 1933: 185.

[39] Headlam 1933: 46 n.2.

of their life in the performance of public duties'.[40] In the opinion of both Peter and Headlam - one cautiously sceptical of *dêmokratia* from the time of Pericles onwards, the other an avowed enthusiast - the Areopagus did not undergo any augmentation of its powers after 480, and the Periclean era was that in which *dêmokratia* had bloomed most fully as a political system. I shall now discuss the challenge to these beliefs which should have been presented by the recovered text of *A.P.*.

The manuscript was edited by the scholar and papyrologist F.G. Kenyon, and his annotated Greek text was published by the British Museum in January 1891. (Kenyon followed this with his own English translation in July.[41]) His second edition of the Greek text of February 1891, used here, was a reprint of the first; its 'only corrections are in places where the actual reading was wrongly given in the first edition' and it did not incorporate any new readings of the papyrus.[42] That is, the text is as Kenyon first read it, and his introductory comments are his first published view of its contents. Of it, he wrote that 'so many assumptions which have confidently been made on the strength of the previously existing evidence are now shown to be unfounded'.[43] This opinion, however, was hotly contested: Macan wrote in the *Journal of Hellenic Studies* that 'it is impossible to admit that "the traditional views of the chief crises in [Athenian] history have been modified" to the extent which [Kenyon] implies, or require further modification forthwith to any such extent'. He

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[40] Headlam 1933: 172. Headlam extended his analysis of the political implications of the lot to its religious use, and held that in general, 'with the exception of the hereditary offices, all religious officials whose duties were continuous were chosen by lot, while those who were appointed only to perform a single act on one day in the year, or one day in four years were elected by the people'. This would have helped to break down the power of the old aristocracy, whose influence had 'depended upon their religious privileges' (171).

[41] For the edition dates, Sandys 1912: lxxx-i.

[42] Editorial note, *The Academy*, 7 March 1891: 235.

held that '*prima facie* Thucydides should be a better authority for the lives and actions of Themistocles and Perikles than any author in the last quarter of the fourth century could be', and sharply questioned *A.P.*'s veracity as a historical source.[44]

In reviewing Kenyon's revised Greek text of 1892, Richards wrote that 'between the two texts ... there can be no comparison'. In addition to errors in reading the manuscript, 'there were many corrupt or imperfect passages which needed not merely a good knowledge of Greek, but some amount of real insight, ingenuity and occasionally learning to restore'.[45] The basis of such 'insight' and 'ingenuity' from Richards' point of view could only be a thorough scholarly knowledge of the extant sources and of the accepted view of Athenian political history. Given that this paradigm was liberalist, it would not be unreasonable to suspect that the interpretation of *A.P.* might have tended to favour the view of Athens upon which that generation of scholars had been reared, and which was in turn centrally indebted to Grote's reconstruction of Athens.[46] It is therefore necessary to pursue the presentation of what are here the two central matters - the role of the Areopagus after the Persian Wars and the nature of politics in the Periclean era - as they unfold in Kenyon's analysis.

Kenyon presented in his introduction a narrative of Athenian political history which incorporated the new information supplied by *A.P..* (Again, it must be stressed that before the recovery of the papyrus, there was no acknowledgment of a resurgence of Areopagite

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[43] Kenyon 1891a: xix.

[44] Macan 1891: 23, 35; cf. 39, A.P.'s '*methods* are not unquestionable, his *sources* not exhaustive, the *points of view* not always unprejudiced, the *text* not all genuine'. I have argued in Part I of this thesis that *A.P.* does provide a reasonably reliable guide to Athenian political history.

[45] Richards 1892: 319.

[46] Grote continued to play a role in that outlook; for example, in Sandy's commentary on *A.P.* there are more indexed references to Grote than to any other modern scholar. Sandys

power after the Persian Wars.) Kenyon wrote in part as follows:

> "The first notable result of the [Persian] war was a revival of the power of the Areopagus. ... for several years it was once again the centre of the administration. Under its superintendence, as [*A.P.*] testifies, all went well. ... [But in 462, with] the fall of the Areopagus the last check on the autocratic rule of the democracy was removed, and from this moment [*A.P.*] dates the deterioration of the tone of Athenian politics. ... [Pericles] was ... in truth only the first of the demagogues to whom Athens ultimately owed her ruin. ... [W]hen the Peloponnesian invasions drove all the inhabitants of Attica within the walls of the capital, and everyone was receiving pay either as juror or as soldier or as magistrate, the control of the state fell into the hands of the least capable ... section of the democracy'.[47]

A.P. thereby supported the Plutarchian censure of Pericles, and Kenyon accepted this along with the revolutionary confirmation of a period of Areopagite supremacy. This in no way precluded Kenyon from according cultural primacy to the Periclean era.

Yet underneath the apparent openness of Kenyon to consider the new document at face value lurked the interpretive voice of Grote. It mattered not that the Areopagus was now attested to have dominated the state after the Persian Wars. Its authority and dignity, shown by references to it in the tragedians and elsewhere,[48] had long been stripped from it by the Grotian reconstruction of Athenian democracy. According to Kenyon,

> 'the Areopagus was for some time after the Persian Wars composed largely of men who had won their archonship by direct election, and who probably in most cases belonged to the higher classes of society. All the traditions of the body were opposed to the rapid march of democracy, and it could only hold its own by evidence of pre-

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(1893, 2nd edn. 1912) was the standard English commentary before Rhodes 1981a.

[47] Kenyon 1891a: xxxvi, xxxix-xl.

[48] See Aesch. *Eum.*, esp. 483-9; Eur. *Orestes* 1650-2; Soph. *OC* 947-8; Lys. 12.69; for its province ca 403/2, Andoc. 1.84; for its repute in later times, Aelius Aristeides I. 385. Wallace 1985: 127 additionally noted [Lys.] 6.14, Lyk.1.12, and four others.

eminent capacity for government. But in this respect a change was coming over it. The degradation of the office of archon by the introduction of the lot in the elections told upon the character of the Areopagus. Instead of being a council of the élite of the aristocracy it was becoming little more than a glorified vestry. It was not likely that the growing democracy, conscious of its strength in its own assembly, would always submit to the supervision of a body composed of second-class magistrates selected by the hazard of the lot, whose prestige and considerable powers were generally directed to the retarding of its growth and development'.[49]

There is no evidence for the belief that the character of the Areopagus was weakened by the use of the lot in any ancient source. As I have shown, it stems from Grote, and as Wallace in fact noted in his study of the venerable council, 'among all sources, ancient and modern, only Grote makes unfavourable comments about the Areopagus'.[50] In the interpretation perhaps most widely promulgated by G.W. Forrest's *Emergence of Greek Democracy*, Grote's view has been modified to take into account the fact that between 487 and the overthrow of the Areopagus, the use of the lot in the selection of archons was confined to members of the first two census classes. According to Forrest, those who held the archonship after 487 were 'little more than a random cross-section of the aristocracy'. The introduction of the lot was indicative of a shift of attitude against the worthiness of the Areopagus: by 462, it 'must have lost much of its real character', and 'with the slightest push [it] disappeared as a political force for the rest of the century'.[51] This idea should have been rejected in the face of evidence extant before *A.P.*'s recovery which universally attested the regard in which the Areopagus continued to be held after its political functions were

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[49] Kenyon 1891a: xxxvii-iii.

[50] Wallace 1985: 127 n.122. Wallace appears sympathetic to Grote.

[51] Forrest 1966: 210-12.

removed.[52]

The second long-cherished belief which should have disappeared in the light of *A.P.*, and which owed its most brilliant exposition to Grote, was that the *dêmokratia* was most 'democratic' in the Periclean era. There was ample evidence against this idea in Aristotle's *Politics*. Aristotle lists several variants of *dêmokratia*, the last to arise being that in which 'all share in the regime on account of the pre-eminence of the multitude, and all participate and engage in politics, as even the poor are able to be at leisure through receiving pay', in which he includes assembly pay (1293a1-5, 9; cf. 1317b34-6). These conditions applied in Athens only after 403. It is in this most recent form of *dêmokratia* that 'the multitude has authority rather than the laws'; Aristotle distinguished this from earlier forms of *dêmokratia* 'in which all citizens have a part in offices but law rules' and in which the assembly is convoked only when necessary (1292a2-12, b27-30). It is in this last and worst form of *dêmokratia* that demagogues 'are responsible for decrees having authority rather than the laws, because they bring everything before the people' (1292a24-5). These passages pertain most strongly to the fourth-century *politeia*, and Aristotle's testimony concerning the development of *dêmokratia* towards that point (*Pol.* 1247a7-11) was confirmed by *A.P.* 41.2. But the possibility that the period of Athens' most celebrated cultural achievements (the fifth century) was not the time of its most 'democratic' political practices (the fourth century) was, I suggest, too terrible a prospect for scholars to contemplate.

The conflation of fourth- with fifth-century Athens dates from the beginning of modern writing about classical Greece. It can be seen in the *Archaeologica Graeca* of John Potter (1697), reprinted in many editions until its displacement by Mitford's history at the end of the eighteenth century. According to Potter,

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[52] Above, 328 n.48.

'Aristeides ... repealed Solon's law, by which the *thêtes*, or lowest Order of People, were made incapable of bearing any office in the Government. And after him Pericles, having lessened the Power of the Areopagites, brought in a confused Ochlocracy, whereby the Populace, and basest of the Rabble, obtained as great a share in the Government, as Persons of the highest Birth and Quality'.[53]

After the oligarchy of 404, the Athenians were 're-established in the peaceable enjoyment of their Lands and Fortunes'. With the defeat of the Thebans, however, there was no rival to Athens, and the Athenians, 'being glutted with too much prosperity, gave themselves over to Idleness and Luxury'.[54] To Potter, the government of Athens was in the hands of citizens from all classes from the time of Aristeides. In Mitford's history (1794-1810),

'the laws of Solon had gone far to level distinctions of birth: all Athenian citizens were thought sufficiently noble to execute the highest offices in the commonwealth, the priesthood only accepted; for civil offices a qualification by property was however still required. This restraint was now totally done away with [by Aristeides]'.[55]

To Mitford, Solon's Athens was a much more radical polity than that which Potter had seen. At the urging of Aristeides, Athens became, 'within a very few years, ... the head of an empire, [and] exhibited a new and singular phenomenon in politics, a sovereign people'.[56] To both writers, Athenian politics was entirely driven by an assembly composed of all classes (and in which the lowest class predominated) from shortly after the Persian Wars until its fall to Macedon in 322, with the exception of the oligarchies at the end of the fifth

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[53] Potter 1764: I. 16. Although Potter saw the Areopagitae as individuals, he did not envisage a Cleisthenic or a subsequent Areopagite state. Cleisthenes' activity was unnoticed as a factor in Athenian political transformations until Thomas Arnold recognized 'the revolution of Cleisthenes' in 1835 (Arnold [1830]-35: III. 666).

[54] Potter 1764: I. 18, 19.

[55] Mitford 1838: II. 47-8.

[56] Mitford 1838: II. 74.

century.

It was because of this conception of Athens that there was no difficulty in combining the picture of Athens obtained from Thucydides' Periclean Oration with the remarks from Aristotle's *Politics*, Plutarch, and other sources, to produce a composite picture of 'Athenian democracy' that spanned a hundred and fifty years, notwithstanding that the 'ochlocracy' degenerated further over the course of the fourth century. It was already an 'extreme democracy' by the time of Pericles; what deteriorated was its tone, not its constitutional structure. Grote revalued the politics of Periclean Athens, but he did not separate the constitutional structure of the Periclean *dêmokratia* from the substantially different *politeia* of the fourth century. This could have been done on the basis of Aristotle but, as I have shown, it was not done. The explanation lies, I suspect, in the conception of Athens which had long been accepted universally and within which the historical outlook of the young Grote himself was initially shaped. But when *A.P.*, which fully and directly articulated the shifts in the Athenian constitution, was rediscovered, scholars held its testimony to be little short of impossible. Essentially, the idea that Athenian democracy had been perfected by 462 at the latest was so universally accepted that the Grotian paradigm overrode the objective reading of the newly recovered primary text. Grote had prevailed, and his eulogistic vision of the Periclean *dêmokratia* - rooted, as it had been, in an ingenious interpretation of Thucydides' Periclean funeral oration - was undisputed.

A.P.'s testimony that there was a period of Areopagite ascendancy was dismissed by G.T. Griffith in 1966 as a fabrication stemming from 'Athenian politicians of the right or centre'.[57] This blunt rejection is echoed again in the second edition of the *Cambridge Ancient History*, in which Rhodes has written that 'there is no reason why the Areopagus

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[57] Griffith 1966: 126.

should have been more powerful in the 470s than it had been in the 480s, and probably the tradition of a period of Areopagite supremacy was built up later ... to explain why [Ephialtes'] reform should have been necessary'.[58] Similarly, *A.P.'* testimony that the *dêmokratia* developed further towards his own day, and was necessarily more 'extreme' than that of Pericles, did not win favour. In order for the idea that Periclean Athens was an 'extreme' *dêmokratia* to persist, however, it was necessary for scholars to harmonize Aristotle's account of the last stage of democratic constitutional development with the image of Athens of the Periclean Oration. The result is the ongoing replication of an unhistorical composite picture of Athens which ignores the evidence of constitutional change within the Athenian *dêmokratia* and, in essence, reproduces a view of Athens that has advanced little on that expounded by Grote in the mid-nineteenth century.[59]

One last example of the depth of the Grotian view on nineteenth-century scholarship is warranted. Turner has discussed the great divergence of opinion between Grote and Jowett over the interpretation of Plato.[60] One might expect that their difference of view may have

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[58] Rhodes 1992b: 65.

[59] To cite Stockton, the 'broad shape' of Athenian democracy 'remained the same from the middle of the fifth century to the final quarter of the fourth' (1990: 52). David Held's widely used *Models of Democracy* (1987, with numerous reprints) presents a 'model' of Athenian democratic political organization which exemplifies the conflation of Periclean with Aristotelian Athens. According to Held, 'the ideals and aims of Athenian democracy are strikingly recounted' in the Periclean Oration; he cited the Warner translation, which informs us that power 'is in the hands of the whole people'. I deal with this below. He then built from the speech the ethical basis of a model of democratic participatory politics, by means of a lengthy extract from Arist. *Pol.* 1317a40-1318a2, from which he argued that 'for the democrat, liberty and equality are ... inextricably linked' (Held 1987: 16-20). After some further, orthodox, discussion of Athenian politics, Held contended that 'from the ancient world, it is the heritage of the Greek classical tradition, and of the model of the Athenian democracy in particular, that it is especially important to come to terms with in the history of democratic thought and practice' (35).

[60] Turner 1981: 384-401 (Grote); and his 'major rival' (400), Jowett, 415-32. Grote's Plato appeared in 1865; Jowett's dialogues and commentaries in 1871.

extended to the general interpretation of Athenian political history, given that so much of

Plato's corpus touches on the nature of *dêmokratia*. Yet, in Jowett's English *Thucydides*

(1881), his translation of Pericles' description of *dêmokratia* (2.37.1) continues to echo the

interpretation which Grote had made prevalent. In Jowett's rendition, Pericles says of

Athens, 'It is true that we are called a democracy, for the administration is in the hands of the

many and not of the few'.[61] Jowett's marginal summary of the contents of Thuc. 2.37 attest

the Grotian sentiments of his interpretation:

> 'Our government is a democracy, but we honour men of merit, whether rich or poor.
> Our public life is free from exclusiveness, our private from suspicion; yet we revere
> alike the injunctions of law and custom'.[62]

Jowett's translation, in placing the administration in the hands of the multitude, is not

literal. As Saxonhouse emphasized, there is nothing in the Greek to encourage the view that

Pericles' speech 'entails [that power is] in the hands "of the whole people"'. It is rather an

administration *with respect to* the multitude.[63] Yet such a translation, and what it implies

about the nature of the Periclean *dêmokratia,* did not prevail, even in a scholar of such ability

as Jowett.[64] The literally accurate understanding of Athenian history had long ceased to

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[61] Jowett 1881: I. 117.

[62] Jowett 1881: I. 117-8.

[63] Saxonhouse 1993: 487 (her point was made in support of Hobbes' rendition).

[64] What Pericles said to the Athenians had been long available on the nineteenth-century book market in the version of Henry Dale, a former student of Thomas Arnold (Dale 1856: I. iv). Dale's translation was first published in two parts (1849 and 1851), and issued in the widely available Bohn's Classical Library series. In Dale's literal version, Pericles observes that 'in name, from its not being administered for the benefit of the few, but of the many, it is called a democracy' (I. 112). Compare Sealey 1987: 101: 'Admittedly, since our constitution is administered not for a few but for the majority, it is called *demokratia*'; he saw that Pericles 'insists that the constitution has great merit in spite of its name (102). Clarke 1959: 126 implied (but did not explicitly state) that the profusion of literal translations in the mid-nineteenth century was due to the demand for accurate cribs for study; this is confirmed by

matter. All that mattered was the usefulness of Athens for Victorian intellectual life, and of that Jowett had been as convinced as anyone in that century.[65] It is not surprising to learn that Jowett held Grote in great respect. Mrs Grote recorded that Jowett had been their guest in September 1862 (with Robert Lowe and William Smith), and that Jowett had entertained the Grotes at his Oxford college, Balliol, in 1863; Clarke noted that along with Lowe and J.S. Mill, Jowett had been one of the pallbearers at Grote's funeral.[66] The battle over the legitimacy of Grote's interpretation of Athenian political history had been over well before his final volume had appeared.

Some adjustment to Grote's vision of Greece had begun by the early 1890s under the impact of more recent work but, as will be seen, the interpretive paradigm remained essentially the same. Marinden's preface to the 1897 'revised edition' of Smith's *Smaller History of Greece* declared that despite its 'remarkable and continued success', the march of scholarship had rendered 'many parts of it antiquated', and his revision was particularly

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the translator's preface to the Bohn edition of Aeschylus, which says that the translation 'has been undertaken with the view of presenting the classical student with a close and literal version of Aeschylus, and of furnishing the general reader with a faithful copy of the author's thoughts and words' despite a loss of poetic grace (Buckley 1849: iii). Buckley's text is heavily annotated with references to the Greek text and contemporary philological issues. It is abundantly clear that the promulgation of inaccurate and misleading renditions, both then and now, cannot be blamed on inadequate scholarship or oversight.

[65] Clarke wrote that for Jowett, 'the function of the scholar was to bring Greek ideas into contact with the modern world, and the purpose of university education was to produce not scholars or researchers but statesmen and men of the world' (1959: 103). Turner held that Jowett's 'two careers' of 'university reformer and liberal theologian' and 'master of Balliol College and the major translator and interpreter of Plato' were 'intimately related', and commented that 'Jowett introduced Plato as a philosopher whose thought could sustain traditional moral values and inculcate a new sense of secular duty among the educated classes of the nation' (414-5).

[66] Mrs Grote 1873: 260, 267; Clarke 1962: 101.

indebted to the 'larger complete histories' of Curtius, Holm, Abbott, and Oman.[67] Yet of these, the two German works - which commanded the greatest respect - were themselves heavily indebted to Grote.[68] Curtius' study had been completed, and that of Holm conceived, before *A.P.*'s recovery, and they broadly reinforced the extant paradigm with which, in any event, *A.P.* had been rendered compatible. The liberalist interpretation of and highest praise for Periclean *dêmokratia* as a period of democratic government was never called into question. The influence of Grote, certainly in England, remained powerful: as late as 1889, E.A. Freeman had feared that if Curtius 'should displace Grote in the hands of English students, ... I believe that the result would be full of evil ... for historical truth'.[69]

I shall argue that Freeman had little to fear. Grote had shaped a discourse which took on an independent life, and which would be replicated in the twentieth century as it had been in the nineteenth, in popular histories, school texts, and academic work. It found, for similar reasons, similar things to admire in the legacy of Athens. It continues to thrive, not only within Classics, but within a significant body of political theory which challenges the worth of representative democracy itself by appeal to what I have suggested is a thoroughly unhistorical and eulogistic view of Athens which owes its ultimate origin to the English Hellenism of the 1820s.

The Grotian idealization of Athens was perpetuated in roseate form through books aimed at a popular market, such as T.G. Tucker's *Life in Ancient Athens* (1907). Tucker was

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[67] Marinden, in Smith 1897: [v].

[68] Roberts 1994: 251. The texts: E. Curtius, *History of Greece* 1857-67, English translation 1868-73; A. Holm, *History of Greece* 1886-94, English translation 1900.

[69] Freeman 1889: ix; he evidently saw no reason to qualify his remark in this, the third edition. Lloyd-Jones 1982: 103 affirmed that Grote's influence was still strong in 1890 both in England and in Europe.

then Professor of Classical Philology at the University of Melbourne.[70] He held that his book incorporated 'the results of all due study of the latest research, as well as the conclusions of many years of professional intimacy with Athenian antiquity'; the period he aimed to describe was that between ca 440 and 330.[71] Of prime importance here are his concluding remarks:

> 'It should by this time have been brought sufficiently home that the Athenian of the classical time was peculiarly "modern." ... Despite all the differences of detail in his form of government and administration, his political situation at this period bore no small resemblance to that *to which we are coming* [my emphasis]. So far as parties existed, they correspond very much to our "Labour Party" and its opponents'.[72]

There can be absolutely no doubt that Tucker identified Periclean Athens with his ambit-ions for contemporary democratic politics as closely as had J.S. Mill.[73] An increase in historical knowledge did not dent the enthusiasm of classically-inspired reformers for what remained a

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[70] Tucker was born in England in 1859 and graduated from Cambridge; he was appointed to the University of Melbourne in 1886 (biographical note, Tucker 1928: 236).

[71] Tucker 1907: v, 5. In classical Athens as it appeared to Tucker's mind, the assembly met four times a month and regularly comprised 'five or six thousand men [of all classes and occupations], with an equal right to speak and to be heard, and possibly with equal ability as thinkers and orators' (35, 165); public offices were numerous, annual, and allocated by lot (163); the lawcourts were constantly busy (169). It was 'a great blot ... that the position of women had retrograded since the days of Homer'; women were excluded from most interaction with men, largely in consequence of the 'extremely democratic [public] life of the male Athenian' (51, 90, 101). The typical citizen 'is the adult male who enjoys the leisure to dispose of his day according to his own choice' and has one or two slaves, but between masters and slaves 'mutual confidence and even affection' grew (43, 67, 78). As to the poorer class, 'we may believe that the Athenian working man enjoyed a diet which was at least as wholesome and plentiful as the diet of the ordinary English or Scottish labourer' (98). There is much praise for Athenian festivals, especially the Dionysia, and its art, which possessed a 'fine and noble simplicity' (148f, 186). The 'great blot' recalls the words of J.S. Mill, and the art, Winckelmann.

[72] Tucker 1907: 205.

[73] It should cause no surprise that Tucker listed Grote's history among the 'standard works' to which readers might refer (1907: vi); it is the only multi-volume history listed.

fundamentally Grotian Athens.[74] Tucker's general outlook is representative of that of many

other scholars who have written for a general readership throughout this century. For an early

example, an English translation of Philip Myers' *Ancient History* was published in 1904.

Myers wrote of Periclean Athens that 'never before in the history of the world had a people

enjoyed such unrestricted political liberty as did the citizens of Athens at this time, and never

before were any people, through so intimate a knowledge of public affairs, so well fitted to

take part in the administration of government'.[75]

Perhaps the most successful general book on Greek history to be published this

century is H.D.F. Kitto's *The Greeks*. In Kitto's opinion, the Periclean Funeral Oration

'gives no doubt an idealized picture of Athens, but for all that it is a substantially true

picture, and in any case the ideals of a people are an important part of what they are'.[76]

Similar remarks can be found in many other works; in this way, the Periclean speech

continues to furnish the dominant image of Athens. Also of great significance in the

construction of the prevalent image of Athens are, I believe, the introductory comments

found in practically every edition of the Greek tragedies and of Aristophanes which

contextualize them in the fifth-century 'Athenian democracy' so as to portray Athens as an

assembly-driven state in the Periclean era.

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[74] So, for example, Gilbert Murray wrote that he had 'tried to combine an enthusiasm for poetry and Greek scholarship with an almost equal enthusiasm for radical politics and social reform' (cited by Lloyd-Jones 1982: 199). Lloyd-Jones wrote that Murray's *Euripides and his Age* (1913) and his very popular translations of Euripides gave the world an ancient poet whose outlook had much in common with that of George Bernard Shaw, who was a close friend of Murray from 1899 onwards (207-8).

[75] Myers 1904: 211. Myers was a distinguished German classicist.

[76] Kitto 1951: 124. *The Greeks* was reprinted thirty times to 1978 and many times since, but republication details are no longer supplied. It is currently in stock, and Penguin assure me that it will continue to be so.

Smith's Greek history was displaced in the schools from 1900 by that of J.B. Bury. Bury's *History of Greece* has remained, through four editions and a revision, the most influential introduction to Greek history across the English-speaking world for most of this century.[77] As Clarke phrased it, it was 'the work of a man who had a good deal of the spirit of Grote, though modified by the ideal of scientific objectivity which dominated the historical studies of the later nineteenth-century'.[78] I have suggested that there is reason to question the extent to which ideals of objectivity were permitted to disrupt the image of Athenian democracy which was inherited from Grote. It is worth noting, therefore, that there is no mention of a rise in Areopagite power after the Persian Wars anywhere in Bury's text. Bury's view of Athenian political history under Pericles continues to reflect the Grotian paradigm.[79]

Other publications have reinforced that perspective. In 1928 the Victorian Education Department (Australia) produced a set of School Readers which remained in use into the 1950s. The Year Eight Reader included a passage from the Periclean oration comprised of extracts from Thuc. 2.36-9. In it, Pericles - as translated by G.T. Tucker, encountered above - holds that 'Because our government belongs to the many and not to the few, it bears the name of a "democracy"'. An appended note informs its readers that 'more than one writer

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[77] Clarke 1962: 127 described it as 'the standard short history'. The publication record of what is now Bury and Meiggs to 1980 shows: 1st edition 1900, reprinted eight times; 2nd edition 1913, reprinted twelve times; 3rd edition 1951, reprinted ten times; 4th edition 1975, reprinted twice, and reprinted again thrice from 1978 with further revisions and corrections.

[78] Clarke 1962: 127.

[79] Bury and Meiggs 1975: Pericles led Athens in a 'lofty' imperialism which aimed to make it 'the queen of Hellas' (226); 'the institutions of a Greek democratic city presupposed in the average citizen the faculty of speaking in public' (241); the sophists provided 'the higher education for her youth which the practical conditions of her democracy demanded' (242).

has found it interesting to compare the influences making for the development of the people
of Southern Australia with those that produced the Golden Age of Athens',[80] and the effect
of the parallel is to create a feeling of admiration for the Periclean ideal, as it was
reconstructed by Grote.

Maurice Kelly's Australian Year 11 and 12 text *View from Olympus* (1964, 2nd. edn.
1986) discussed Athens in 'the height of its glory' under Pericles.[81] In this period,

> 'all citizens attended the assembly. A large proportion of them would at some time
> hold public offices, at least in the council, if they were not chosen for any more
> specialised office. This public life engrossed more and more of the energy of the
> citizen, who had progressively abandoned the agricultural pursuits of his ancestors. ...
> There was little inducement for the Athenian to stay at home, and indeed he did
> spend a great deal of his time out of doors [at the assembly and courts, in the market
> where philosophers held forth, or in the public gymnasia in the afternoons]. ... At
> night the citizens would return home. Even then they might go to a banquet, either at
> their own home or at that of a friend'.[82]

A similar emphasis on the active public life of the classical Athenian citizen recurs in
standard undergraduate politics texts.[83]

Within the universities, Grote's liberalist presentation of Athens had shaped the
understanding of the first of the modern generation of scholars, those who were educated in

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[80] Tucker 1928: 76.

[81] Kelly 1986: 154. Kelly was Associate Professor of Classics at the University of New
England, N.S.W., Australia.

[82] Kelly 1986: 157-8.

[83] See e.g. Maddox 1996: 73-8 (*Australian Democracy in Theory and Practice*, 3rd edn.).
According to Maddox (who is currently President of the Australasian Political Studies
Association, and an influential and - rightly - respected figure), the Periclean Oration
'managed to encapsulate what has become known as the classical theory of democracy' (78).
Dahl 1989: 20-3 is one of the few authors to stress that the common picture of Athens is
problematical.

the second half of the nineteenth century and whose work provided the canonical foundation

of Classics as a discipline in the late nineteenth and the early years of the twentieth century.

E.M. Walker wrote the chapters in the first edition of the *Cambridge Ancient History* which

concern Cleisthenic and Periclean Athens. The relevant volumes IV and V (1926 and 1927

respectively) both list Grote and Bury in their general bibliography.[84] Walker's chapters

conduct a dialogue with Grote which demonstrate that Grote remained an active interlocutor

in the English scholarly analysis of Athenian democracy.[85] Amongst other things, Walker

held that Grote had 'intended [his] comparison of the demagogue with the leader of the

opposition as a mere illustration; as an analogy that was not to be pressed'.[86] I hope to have

shown, however, that the analogy was in fact taken literally at the time; it follows that

Walker's view reflects a change in perspective from the mid-nineteenth century to his day,

rather than that it reflects the mid-century understanding of Grote. To be sure, modifications

to Grote's perspective are to be found. In general terms, however, the equation of a

democratic politics with Athens' cultural zenith persisted unquestioned. The *Cambridge

Ancient History's* first edition remained the standard academic reference on classical Athens

for all scholars working outside the immediate area of a Classical discipline until the relevant

volumes of the second edition were published over the period 1982-94. I hope to have shown

that within both editions, important elements of the Grotian perspective have survived.

Within political theory, the orthodox picture of Athenian democracy has long

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[84] Specifically, they list Grote's 1888 New Edition and Bury's 2nd edition, dated to 1922; presumably it included corrections, for the publishers dated the 2nd edition to 1913.

[85] Walker 1926 refers to Grote at 145, 153 and 163; at 153 he considered that 'one of the most memorable passages in Grote's *History of Greece* is that in which he attempts the defence of the institution [of ostracism]'; and in 1927: 107 he defended the integrity of Grote's scholarship.

[86] Walker 1927: 107.

provided meal for a general democratic discourse that has found in the Age of Pericles the historical confirmation of the possibility of a true participatory politics. Blair Campbell, in a recent article, attacked the view 'of the classical *polis* as an extended debating society, comprising a body of citizens in a political arena or "public space" ever engaged at developing some essential part of themselves by their political discussions and choices', a view which he sourced to Hannah Arendt, and noted had 'reigned virtually unchallenged [for] thirty years'.[87] What is most interesting about this is not the construction of Arendt's eulogies to the polis, but rather that, first, they remained 'unchallenged' for so long, and secondly, that they continue to be promulgated regardless of the demolition of a substantial part of their historical foundations.[88]

Christian Meier's *Political Art of Greek Tragedy* signals the extent of the entrenchment of the romanticized vision of Athenian democracy, precisely because it was translated specifically for a readership in political theory.[89] This audience depends upon on Meier's eminence for the veracity of his argument; the scholarly apparatus needed to evaluate it is given neither in the German original nor the English translation. To Meier, 'our

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[87] Campbell 1989: 189-90.

[88] Campbell pointed out for example that 'there is no straightforward evidence suggesting that Athenian democrats valued participation on developmental grounds' (1989: 200). (In saying this, he inadvertently slips into the discourse by assuming with most that such a being as an 'Athenian democrat' can be identified, which he otherwise denies.) Campbell also argued that the Athenians 'did not hold an exalted view of participation' (202) and noted that most of our conception of the nature of Athenian politics and its relationship to law have come from the fourth-century orators and not from the fifth century (213). Although Arendt's work lies outside the purview of this thesis, which concerns the central construction of rather than variant forms of Romantic Hellenism, one might note that Arendt came from the German tradition, and consider possible parallels between her perspective and that of Victor Ehrenberg.

[89] German original 1988; its 1993 English translation was issued by Anthony Giddens' sociological publishing-house, Polity Press.

notions of mankind and its destiny are informed by Greek experience'; Greece had produced whole beings such that 'its citizens were not the objects or agents, but the active subjects of the political process'.[90] A similar eulogistic view can be found in the *Origins of Democratic Thinking* by distinguished Cambridge sociologist Cynthia Farrar. According to Farrar, 'it is democracy, as conceived and lived by Athenians in the fifth century ... that offers at least the possibility of healing [our] spiritual and social fragmentation'.[91] The political philosopher and lifelong social activist Cornelius Castoriadis saw in the Athenian 'a citizen for whom philosophy and art have become ways of life', and who stands to directly inform modern political practices.[92]

It remains Athens which is most frequently instanced to attest the viability of participatory democracy,[93] and the orthodox interpretation of its politics under Pericles continues to be presented as the basis of an emulable political system. Indeed, Josiah Ober expressly held that he had written his widely-acclaimed *Mass and Elite in Democratic Athens* in order to provide 'an empirical challenge to the elitist argument that direct democracy is impossible'.[94] Roberts noted that along with Ober, the work of J. Peter Euben,

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[90] Meier 1993: 205; 158.

[91] Farrar 1988: 274.

[92] Castoriadis 1991: 123.

[93] So Hansen 1992. He wrote that 'teledemocracy' also draws inspiration from New England town meetings in early colonial America, first attested as a regular occurrence in 1632, and discussed Swiss cantonal assemblies, neither of which drew inspiration from Greece (22-4). The Swiss cantons, admired by Grote, still have their adherents, although Tocqueville discussed and dismissed their usefulness for progressive democratic debate long ago (Tocqueville 1966 738-40). As Hansen showed, it is principally Athens that proponents of enhanced levels of citizen participation in politics have in mind.

[94] Ober 1988: 17. Compare Jones 1957: 3, 'the Athenian democracy would seem to have been a perfectly designed machine for expressing and putting into effect the will of the people'.

Charles Hedrick, John Wallach, and herself, had aimed to mount a direct challenge to the view of Robert Dahl that participatory democracy is not viable in a modern state.[95] Others have supported this outlook by arguing that there are no longer technological limitations to the realization of direct democracy, and the claim has been received in some quarters with considerable enthusiasm.[96]

The challenge to liberal representative democracy presented by proponents of Athenian politics has intensified in recent years. Eminent classicist Robin Osborne, for example, recently wrote that 'one might pose it as a test of liberal political views whether or not a person favours direct democracy'.[97] One might easily be back in the days of Mill and Macaulay. If the view which this thesis has advanced concerning the nature of politics in fifth-century Athens is - for all its divergence from the orthodoxy - plausible, what should be of concern is the question as to whether it is still sensible to insist that the generally shared picture of Athens can offer a useful source of inspiration to modern democratic politics. For if the view presented here has force, it may follow that purveyors of the Athenian dream are unwittingly attempting to unseat the only form of democracy which has lasted longer than that which they profess to admire.

Arlene Saxonhouse shares my concern. She wrote of Warner's Penguin edition of Thucydides - the most widely used - that his mistranslation of the words of Pericles at Thuc. 2.37.1 so as to put the administration of the state into the hands of the multitude 'may give us

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[95] Roberts 1994: 300; see Dahl 1989, concisely stated at 301-2.

[96] Hansen 1989: 24 briefly discussed 'teledemocracy', advocates of which include noted political theorist Benjamin Barber, and who envisage electronic voting via cable television or related means.

[97] Osborne 1990: 265; he accepted there that 'there is now no technical barrier to achieving any degree of political participation that might be deemed appropriate'.

false expectations about the possibilities of a democratic life and polity. The romantic view of ancient democracy that has taken hold since the 1820s or so has hindered our ability to grasp the significance of that regime'.[98] Classical Greece has continued to provide an inspiration to many in the modern world; and indeed, there is every reason why it should, for there is much to admire in its intellectual and material legacy. But shall it be the historical Greece or the romantic vision? Can enthusiasm for Grecian culture and respect for the wisdom of some of its finest writers survive if the romantic vision is shattered? I not only think that it can, but that if the classical legacy is to persist in a culture which has rejected the wide teaching of the classics, it may best survive if it can be shown that that legacy can transcend the constraints of an unhistorical romanticism within which it was bequeathed from the greatest period of dedicated classical scholarship.

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[98] Saxonhouse 1993: 487. She did not, however, address this issue in her *Fear of Diversity* (1992).

CONCLUSION

This thesis has aimed to provide a conceptual framework from which future work can grapple with the complexities of Athenian political history without being bound by the interpretive constraints of nineteenth-century romanticism. In this ambition, however, and even in the conception of such an ambition, there are no guarantees of success. Hugh Lloyd-Jones wrote that 'it is easy enough to see where one's predecessors have failed by importing modern ideas and preconceptions; it is never possible to be sure one is not committing the same offence oneself'.[1] In accord with this sentiment, I cannot be sure that I have not devised an interpretive analysis which with hindsight might be described as simply reflecting the preoccupations of the mid-1990s. Nevertheless, I think that the thesis will have helped to further illuminate a relevant and significant issue: the problematic nature of the 'discovery' of modern democratic sentiments and ideals in the literature of the ancient world.

The first part of this thesis argued that at Athens, the primary political institution of the classical era was the boule, not a citizen's assembly, and that it is possible to legitimately interpret the ancient evidence concerning the politics of the Periclean era from a perspective which does not presuppose the existence of a direct participatory democracy. It was further contended from the testimony of *A.P.* and Aristotle that the period of the most developed or 'extreme' form of *dêmokratia* was the fourth rather than the fifth century. The thesis has sought to support and supplement their statements about the development of the Athenian constitution with other literary and historical evidence. In this way it has challenged a widely shared view of Athenian politics that was most influentially conceptualized and promulgated

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[1] Lloyd-Jones 1982: 20.

by George Grote in the mid-nineteenth century and which, it was argued, has persisted into the present day despite significant increases in the state of historical knowledge.

If the perspective offered here has force, and if the arguments put forward to support it are sound, there should be some definite consequences for the conduct of further research in this area. The study has suggested that the accepted understanding of important elements of the political vocabulary of Ancient Greek is problematic. An alternative interpretation has been advanced which does not equate the *iso-* compounds or the word '*dêmokratia*' with an assembly-driven state. If it is the case that these terms may indicate the rule of a state by a council structure, some doubt might be thrown over the frequent claims made for the extent and success of participatory democracy in the ancient world. Future work might undertake a reconsideration of the workings of other ancient *dêmokratiai* to test whether what is known of them supports or refutes the view offered here. Other work might test the validity of this terminological reconceptualization against the corpus of classical philosophical literature, and indeed, the aim of providing a more secure historical platform from which to attempt a deeper understanding of the ancient philosophers has been a prime spur to the present project.

The presentation of the constitutional development of classical Athens which is offered here stands to vindicate some of the testimony of *A.P.*, an important historical source, against frequent scepticism as to its trustworthiness as evidence. In doing so, it hopes to add further weight to the view of Charles Fornara that the ancient Greek writers did respect canons of objectivity in their writing of history. The interpretation of Athenian politics which has been advanced here is built on taking the ancient sources seriously. This is not to say that all ancient statements can be trusted: clearly there is an obligation to test them against what else is known, and to test modern scholarly interpretations back against as

broad an evidentiary base as possible. But it is to suggest that ancient testimony may be more reliable than is sometimes held, and to plead that what may at first seem inexplicable or contradictory information from the ancient world might possess its own internal consistency.

The discussion of the Egesta decree, which consists essentially of a review of what can be said about the lettering on the stone, indicates that more likely than not it is to be dated to the year of Antiphon. Because the dating of the letter-forms of this text impacts upon a wide body of inscriptional evidence which forms the basis for the interpretation of the development of the Athenian empire, future work will have to consider the possibility that a full revision of its development as propounded by Russell Meiggs is in order. The related discussion, concerning the dating of Pseudo-Xenophon, is problematical, primarily because of the question of *phoros*: if it can be shown that the understanding of tribute contained in Pseudo-Xenophon cannot apply to the fourth century, then it must, against all other argument advanced here to the contrary, be a fifth-century text. Harold Mattingly is to publish a renewed defence of Gomme's date of ca 415 for the document, and the present argument will certainly have to be reconsidered in its light. Nevertheless, such a date would still be compatible with the view of imperial and political development which has been put forward in this thesis.

The argument advanced in respect to the performance and interpretation of Attic drama is possibly the most contentious of the issues which this thesis has addressed. The view of the archaeology and audience of the theatre is extremely radical. Although the discussion of the physical aspects of the theatre seems consistent with the available archaeological evidence, it envisages a dramatic reduction of spectators numbers in the fifth-century theatre; as such, it hopes to provoke consideration of the possibility that

conventional views of large fifth-century audiences have been unrealistic. The question of audience composition, especially with regard to the presence of women in the audience, is fiercely disputed. The principal contribution made here, I believe, has been to raise the question as to whether the lack of emphasis on women in the comic sources might not result from a textual emphasis on males in a context of inter-tribal competition, rather than reflect a lack of female presence in the audience. The interpretation of the dramatic texts themselves is another matter. Certainly the argument put forward, that the texts reflect an elite rather than a 'democratic' value system, will not appeal to many; on this, as on many issues, my own views are in flux, and will doubtless alter further in response to an ongoing debate in this area.

In Part II, a considerable weight was put on the impact and consequences of Grote's *History of Greece*, itself in many ways the product of a deeply rooted and longstanding English Romantic Hellenism. It was suggested that the image of democratic Athens which Grote advanced should be seen as a hitherto neglected factor in the successful implementation of English democratic political reform. Future work in the expanding field of Cultural Studies might find in it some further argument for the influence of intangible ideological factors on processes of social change.

Secondly, it was argued that Grote's liberalist vindication of 'Athenian democracy', built around a particular interpretation of Thucydides' Periclean Funeral Oration, created an unhistorical picture of Periclean Athens which has remained enshrined as the dominant image of 'Athenian democracy'. It has survived as an orthodoxy through two editions of the *Cambridge Ancient History* and recurs in much modern political writing. In this way, it continues to powerfully influence contemporary understandings about the nature and possibilities of democratic politics. It was suggested that this was not automatically a good

thing, and that if - as this thesis has argued - the Athenian *dêmokratia* was not an assembly-driven but a bouleutic state, there is some reason to ask whether an often encountered insistence on the superiority of direct over representative democracy might not be misguided. Lastly, it was suggested that the evolution of what have been argued to be distortions in the orthodox reconstruction of Athenian political history can be traced and explained within a context of nineteenth-century democratic aspirations. If the reconstruction of Athenian politics which has been advanced here has force, it might provide some basis from which to cast doubt on the roseate view of participatory democracy which I have seen primarily as a product of the nineteenth-century historical imagination.

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IG   *Inscriptiones Graecae*. 1873-.

LSJ   Liddell, H.G. and R. Scott (1940) *A Greek - English Lexicon*. Revised by H.S. Jones. Oxford: Clarendon.

ML   Meiggs, R. and D. Lewis (1969) *A Selection of Greek Historical Inscriptions to the end of the Fifth Century B.C.*. Revised with addenda and concordances 1988. Oxford: Clarendon.

OCD Hammond, N.G.L. and H.H. Scullard edd. (1970) *The Oxford Classical Dictionary*. Oxford: Clarendon.

SEG   *Supplementum Epigraphicum Graecum*. 1923-.

Tod   Tod, M.N. (1948) *A Selection of Greek Historical Inscriptions*. Vol. II: *From 403 to 322 B.C.*. Oxford: Oxford University Press.

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